



MEMORANDUM

TO: Members of the Senate Health Committee
FROM: Alida Kass, Chief Counsel
SUBJECT: NJCJI's Opposition to Senate Bill 3162
DATE: December 21, 2015

The New Jersey Civil Justice Institute is a statewide, bipartisan coalition of the state's largest employers, small businesses, and leading trade associations advocating for a fair and predictable civil justice system in New Jersey. On behalf of our members, **we respectfully oppose S-3162.**

We appreciate the sponsors' concern for people who choose to manage health conditions with marijuana.

However, this bill is reminder that we are still working through the implications of the choice to decriminalize marijuana for medicinal use.

We have made policy choice to get the state out of the way of patients seeking to manage health conditions with marijuana. But having done that, the state should not now get into the business of interfering with how *employers* manage employees who might want to use marijuana.

The fact remains that there are some significant number of positions for which an employer might believe that someone using marijuana is not a suitable candidate. For such positions, the fact of a doctor's note is largely beside the point. An employer would be precluded from effective, bright-line screening for employees using marijuana with a doctor's recommendation. And would instead risk the time, expense, and uncertainty, of establishing impairment via litigation.

It is regrettable that tests are not available to accurately gauge the degree of impairment at the time of the test. But employers can only use the tests that are available to them. This bill would make policing compliance with drug-free workplace policies significantly more difficult. An employer should not have to face litigation to justify decisions to terminate employees suspected of being impaired on the job.

The New Jersey Civil Justice Institute respectfully requests a NO vote on S-3162.