

**CITY OF BALTIMORE  
COUNCIL BILL 19-0446  
(First Reader)**

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Introduced by: Councilmembers Sneed, Dorsey, Bullock, Henry, Burnett, Reisinger  
Introduced and read first time: September 9, 2019  
Assigned to: Labor Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Department of Human Resources, Department of Transportation, Department of Public Works, Fire Department, Labor Commissioner's Office, Department of Finance, Baltimore City State's Attorney's Office, Department of Recreation and Parks, Police Department

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Banning Certain Pre-Employment Drug Screening**

3 FOR the purpose of banning pre-employment screening tests for tetrahydrocannabinol for  
4 employment with the City of Baltimore, with certain exceptions, and providing for a special  
5 effective date.

6 BY adding

7 Article 11 - Labor and Employment  
8 Sections 19-1 to 19-4, to be under the new subtitle designation,  
9 "Subtitle 19. Banning Pre-Employment Drug Screening"  
10 Baltimore City Code  
11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
13 Laws of Baltimore City read as follows:

14 **Baltimore City Code**

15 **Article 11. Labor and Employment**

16 **SUBTITLE 19. PRE-EMPLOYMENT DRUG SCREENING**

17 **§ 19-1. DEFINITIONS.**

18 (A) *IN GENERAL.*

19 IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

20 (B) *SCREENING TEST.*

21 "SCREENING TEST" MEANS A TEST OF AN INDIVIDUAL'S BLOOD, URINE, HAIR, OR SALIVA  
22 TO DETECT THE GENERAL PRESENCE OF A CONTROLLED SUBSTANCE OR ANY OTHER DRUG.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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1 (C) *TETRAHYDROCANNABINOL*.

2 "TETRAHYDROCANNABINOL" MEANS THE CANNABIS PLANT'S MAIN PSYCHOACTIVE  
3 CHEMICAL COMPOUND.

4 **§ 19-2. SCOPE OF SUBTITLE.**

5 (A) *EXCEPTIONS REGARDING POSITIONS.*

6 THIS SUBTITLE DOES NOT APPLY TO INDIVIDUALS APPLYING TO WORK:

- 7 (1) IN A POSITION WITH THE BALTIMORE CITY HEALTH DEPARTMENT;
- 8 (2) IN A POSITION WITH THE BALTIMORE CITY FIRE DEPARTMENT;
- 9 (3) IN A POSITION REQUIRING A COMMERCIAL DRIVER'S LICENSE;
- 10 (4) IN A POSITION IN WHICH THE PROSPECTIVE EMPLOYEE IS REQUIRED TO POSSESS A  
11 SECURITY CLEARANCE UNDER FEDERAL OR STATE LAW;
- 12 (5) IN A POSITION REQUIRING THE OPERATION OF A MOTORIZED VEHICLE OR HEAVY  
13 MACHINERY; OR
- 14 (6) IN A POSITION DESIGNATED AS A CODE ENFORCEMENT OFFICER, AS DEFINED IN  
15 CITY CODE ARTICLE 1, SUBTITLE 40.

16 (B) *EXCEPTIONS REGARDING OTHER LAW OR REGULATIONS.*

17 THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY TO PRE-EMPLOYMENT SCREENING TESTS  
18 REQUIRED BY:

- 19 (1) ANY REGULATION OF THE FEDERAL DEPARTMENT OF TRANSPORTATION THAT  
20 REQUIRES TESTING OF A PROSPECTIVE EMPLOYEE IN ACCORDANCE WITH 49 CFR 40  
21 OR ANY REGULATION OF THE MARYLAND DEPARTMENT OF TRANSPORTATION;
- 22 (2) ANY CONTRACT ENTERED INTO BETWEEN THE FEDERAL GOVERNMENT AND THE  
23 CITY OF BALTIMORE OR ANY GRANT OF FINANCIAL ASSISTANCE FROM THE  
24 FEDERAL GOVERNMENT TO THE CITY OF BALTIMORE THAT REQUIRES DRUG  
25 TESTING OF PROSPECTIVE EMPLOYEES AS A CONDITION OF RECEIVING THE  
26 CONTRACT OR GRANT;
- 27 (3) ANY FEDERAL OR STATE STATUTE, REGULATION, OR ORDER THAT REQUIRES DRUG  
28 TESTING OF PROSPECTIVE EMPLOYEES FOR PURPOSES OF SAFETY OR SECURITY; OR
- 29 (4) ANY APPLICANT WHOSE PROSPECTIVE EMPLOYMENT IS SUBJECT TO A VALID  
30 COLLECTIVE BARGAINING AGREEMENT THAT SPECIFICALLY RECOGNIZES THE PRE-  
31 EMPLOYMENT DRUG TESTING OF APPLICANTS.

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1    **§ 19-3. PROHIBITION.**

2           EXCEPT AS OTHERWISE IN THIS SUBTITLE, THE CITY OF BALTIMORE MAY NOT REQUIRE A  
3           PROSPECTIVE EMPLOYEE TO SUBMIT TO A PRE-EMPLOYMENT SCREENING TEST FOR THE  
4           PRESENCE OF TETRAHYDROCANNABINOL AS A CONDITION OF EMPLOYMENT.

5    **§ 19-4. RULES AND REGULATIONS.**

6           (A) *IN GENERAL.*

7           THE DEPARTMENT OF HUMAN RESOURCES MAY ADOPT RULES AND REGULATIONS TO  
8           CARRY OUT THIS SUBTITLE.

9           (B) *FILING WITH LEGISLATIVE REFERENCE.*

10          A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED  
11          WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

12          (C) *POSTED TO THE DEPARTMENT OF HUMAN RESOURCES' WEBSITE.*

13          A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE  
14          POSTED ON THE DEPARTMENT OF HUMAN RESOURCES' WEBSITE.

15          **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
16          are not law and may not be considered to have been enacted as a part of this or any prior  
17          Ordinance.

18          **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect 1 year after the  
19          date it is enacted.