



Legislation Details (With Text)

File #: 19-0446 **Version:** 0 **Name:** Banning Certain Pre-Employment Drug Screening
Type: Ordinance **Status:** Failed - End of Term
File created: 9/9/2019 **In control:** Labor Committee
On agenda: **Final action:** 12/7/2020
Enactment date: **Enactment #:**

Title: Banning Certain Pre-Employment Drug Screening
For the purpose of banning pre-employment screening tests for tetrahydrocannabinol for employment with the City of Baltimore, with certain exceptions, and providing for a special effective date.

Sponsors: Shannon Sneed, Ryan Dorsey, John T. Bullock, Bill Henry, Kristerfer Burnett, Edward Reisinger

Indexes: Banning, Drug Screening, Pre-Employment

Code sections:

Attachments: 1. 19-0446~1st Reader, 2. Fire 19-0446, 3. Rec and Parks 19-0446, 4. DOT 19-0446

Date	Ver.	Action By	Action	Result
12/7/2020	0	City Council	Failed - End of Term	
9/12/2019	0	The City Council	Refer to Dept. of Finance	
9/12/2019	0	The City Council	Refer to Dept. of Transportation	
9/12/2019	0	The City Council	Refer to Dept. of Public Works	
9/12/2019	0	The City Council	Refer to Fire Department	
9/12/2019	0	The City Council	Refer to Labor Commissioner	
9/12/2019	0	The City Council	Refer to States' Attorney's Office	
9/12/2019	0	The City Council	Refer to Dept. of Health	
9/12/2019	0	The City Council	Refer to Dept. of Human Resources	
9/12/2019	0	The City Council	Refer to City Solicitor	
9/12/2019	0	The City Council	Refer to Police Department	
9/12/2019	0	The City Council	Refer to Dept. of Recreation and Parks	
9/9/2019	0	City Council	Assigned	
9/9/2019	0	City Council	Introduced	

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

**City of Baltimore
Council Bill**

Introduced by: Councilmember Sneed

A Bill Entitled

An Ordinance concerning

Banning Certain Pre-Employment Drug Screening

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

By adding

Article 11 - Labor and Employment

Sections 19-1 to 19-4, to be under the new subtitle designation,
“Subtitle 19. Banning Pre-Employment Drug Screening”

Baltimore City Code
(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 11. Labor and Employment

Subtitle 19. Pre-Employment Drug Screening

§ 19-1. Definitions.

(a) *In general.*

In this subtitle, the following words have the meanings indicated.

(b) *Screening test.*

“Screening test” means a test of an individual’s blood, urine, hair, or saliva to detect the general presence of a controlled substance or any other drug.

(c) *Tetrahydrocannabinol.*

“Tetrahydrocannabinol” means the cannabis plant’s main psychoactive chemical compound.

§ 19-2. Scope of subtitle.

(a) *Exceptions regarding positions.*

This subtitle does not apply to individuals applying to work:

- (1) in a position with the Baltimore City Health Department;
- (2) in a position with the Baltimore City Fire Department;
- (3) in a position requiring a commercial driver’s license;
- (4) in a position in which the prospective employee is required to possess a security clearance under federal or state law;

- (5) in a position requiring the operation of a motorized vehicle or heavy machinery; or
- (6) in a position designated as a Code Enforcement Officer, as defined in City Code Article 1, subtitle 40.

(b) *Exceptions regarding other law or regulations.*

The provisions of this subtitle do not apply to pre-employment screening tests required by:

- (1) any regulation of the federal Department of Transportation that requires testing of a prospective employee in accordance with 49 CFR 40 or any regulation of the Maryland Department of Transportation;
- (2) any contract entered into between the federal government and the City of Baltimore or any grant of financial assistance from the federal government to the City of Baltimore that requires drug testing of prospective employees as a condition of receiving the contract or grant;
- (3) any federal or state statute, regulation, or order that requires drug testing of prospective employees for purposes of safety or security; or
- (4) any applicant whose prospective employment is subject to a valid collective bargaining agreement that specifically recognizes the pre-employment drug testing of applicants.

§ 19-3. Prohibition.

Except as otherwise in this subtitle, the City of Baltimore may not require a prospective employee to submit to a pre-employment screening test for the presence of tetrahydrocannabinol as a condition of employment.

§ 19-4. Rules and regulations.

(a) *In general.*

The Department of Human Resources may adopt rules and regulations to carry out this subtitle.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations adopted under this subtitle must be filed with the Department of Legislative Reference before they take effect.

(c) *Posted to the Department of Human Resources' website.*

A copy of all rules and regulations adopted under this subtitle must be posted on the Department of Human Resources' website.

Section 2. And be it further ordained, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

Section 3. And be it further ordained, That this Ordinance takes effect 1 year after the date it is enacted.