

AMENDMENTS TO SENATE BILL NO. 3 (As amended by A05835)

Sponsor: REPRESENTATIVE BAKER

Printer's No. 889

1 Amend Bill, page 42, by inserting between lines 25 and 26
2 (A05835)

3 (a) No required coverage.--

4 Amend Bill, page 42, by inserting between lines 28 and 29
5 (A05835)

6 (b) Definition.--As used in this section, the term "insurer"
7 includes all of the following:

- 8 (1) A workers' compensation payer or insurer.
- 9 (2) A self-insured workers' compensation employer.
- 10 (3) The State Workers Insurance Fund.
- 11 (4) The Uninsured Employers Guaranty Fund.
- 12 (5) A private liability insurer or self insurer of any
13 type, including a motor vehicle, property or general
14 liability carrier.

15 Amend Bill, page 43, lines 2 through 7 (A05835), by striking
16 out "an employer's ability to discipline an" in line 2; all of
17 lines 3 through 6 and "(3) in line 7 and inserting

18 the ability of an employer to do any of the following if the
19 employer has reason to believe that being under the influence
20 of medical marijuana could cause an employee's conduct to
21 fall below the standard of care normally accepted for the
22 employee's position:

- 23 (i) Prohibit an employee from being under the
24 influence of medical marijuana in the workplace.
- 25 (ii) Prohibit an employee from working while under
26 the influence of medical marijuana.
- 27 (iii) Require employees or job applicants to
28 disclose a prescription for or use of medical marijuana.
- 29 (3) This act shall in no way limit an employer's ability
30 to discipline an employee for violating a workplace policy
31 under paragraph (2).
- 32 (4) This act shall in no way limit an employer's ability
33 to drug test employees or job applicants.

1 (5) Nothing in this act shall require an employer to
2 commit any act that would put the employer or any person
3 acting on an employer's behalf at risk of losing a Federal
4 contract or Federal funding.

5 (6) No workers' compensation benefits shall be paid for
6 an accident or injury caused by or contributed to by medical
7 marijuana use in violation of the prescribed dosage,
8 treatment regimen or workplace policy under paragraph (2)(i).

9 (7) The following shall apply to unemployment
10 compensation:

11 (i) An employer shall be granted relief from charges
12 if a former employee is granted unemployment compensation
13 benefits because the employer could not accommodate the
14 employee's lawful use of medical marijuana.

15 (ii) An employee whose separation from employment
16 was caused by any of the following shall be deemed to
17 have committed willful misconduct and, therefore, to be
18 ineligible for unemployment compensation benefits:

19 (A) Medical marijuana use which violates the
20 prescribed dosage, treatment regimen or workplace
21 policy under paragraph (2)(i).

22 (B) Refusal to submit to a test requested by an
23 employer to determine whether the employee is under
24 the influence of marijuana and, therefore, in
25 violation of paragraph (2)(i).

26 (8)