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**HOUSE BILL 2740**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Kloba, Macri, Stonier, Appleton, Fitzgibbon, Lekanoff, and Tharinger

Read first time 01/20/20. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to the employment of individuals who lawfully  
2 consume marijuana; amending RCW 69.51A.060; and adding a new section  
3 to chapter 49.44 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44  
6 RCW to read as follows:

7 Except as otherwise specifically provided by law:

8 (1) It is unlawful for any employer in this state to fail or  
9 refuse to hire a prospective employee because the prospective  
10 employee submitted to a screening test and the results of the  
11 screening test indicate the presence of marijuana.

12 (2)(a) The provisions in subsection (1) of this section do not  
13 apply if the prospective employee is applying for a position:

14 (i) As a firefighter, as defined in chapter 41.26 or 41.24 RCW;

15 (ii) As an emergency medical technician, as defined in RCW  
16 18.73.030; or

17 (iii) That requires an employee to operate a motor vehicle and  
18 for which federal or state law requires the employee to submit to  
19 screening tests;

1 (b) The provisions in this section do not apply if compliance  
2 with subsection (1) of this section would cause an employer to lose a  
3 monetary or licensing-related benefit under federal law.

4 (3) If an employer requires an employee to submit to a screening  
5 test within the first thirty days of employment, the employee may  
6 submit to an additional screening test, at his or her own expense, to  
7 rebut the results of the initial screening test. The employer shall  
8 accept and give appropriate consideration to the results of such a  
9 screening test.

10 (4) The provisions of this section do not apply:

11 (a) To the extent that they are inconsistent or otherwise in  
12 conflict with the provisions of an employment contract or collective  
13 bargaining agreement;

14 (b) To the extent that they are inconsistent or otherwise in  
15 conflict with the provisions of federal law;

16 (c) To a position of employment funded by a federal grant.

17 (5) For the purposes of this section, "screening test" means a  
18 test of a person's blood, urine, hair, or saliva to detect the  
19 general presence of a controlled substance or any other drug.

20 **Sec. 2.** RCW 69.51A.060 and 2019 c 204 s 3 are each amended to  
21 read as follows:

22 (1) It shall be a class 3 civil infraction to use or display  
23 medical marijuana in a manner or place which is open to the view of  
24 the general public.

25 (2) Nothing in this chapter establishes a right of care as a  
26 covered benefit or requires any state purchased health care as  
27 defined in RCW 41.05.011 or other health carrier or health plan as  
28 defined in Title 48 RCW to be liable for any claim for reimbursement  
29 for the medical use of marijuana. Such entities may enact coverage or  
30 noncoverage criteria or related policies for payment or nonpayment of  
31 medical marijuana in their sole discretion.

32 (3) Nothing in this chapter requires any health care professional  
33 to authorize the medical use of marijuana for a patient.

34 (4) Nothing in this chapter requires any accommodation of any on-  
35 site medical use of marijuana in any place of employment, in any  
36 youth center, in any correctional facility, or smoking marijuana in  
37 any public place or hotel or motel.

1 (5) Nothing in this chapter authorizes the possession or use of  
2 marijuana, marijuana concentrates, useable marijuana, or marijuana-  
3 infused products on federal property.

4 (6) Nothing in this chapter authorizes the use of medical  
5 marijuana by any person who is subject to the Washington code of  
6 military justice in chapter 38.38 RCW.

7 (7) Employers may establish drug-free work policies. Nothing in  
8 this chapter requires an accommodation for the medical use of  
9 marijuana if an employer (~~has~~) is required to have a drug-free  
10 workplace policy to comply with a requirement external to the  
11 employer, including to remain in compliance with a federal contract.

12 (8) No person shall be entitled to claim the protection from  
13 arrest and prosecution under RCW 69.51A.040 or the affirmative  
14 defense under RCW 69.51A.043 for engaging in the medical use of  
15 marijuana in a way that endangers the health or well-being of any  
16 person through the use of a motorized vehicle on a street, road, or  
17 highway, including violations of RCW 46.61.502 or 46.61.504, or  
18 equivalent local ordinances.

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