

CITY OF OAKLAND



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#LoveLife
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Date: July 8, 2021
To: Members of City Council and Members of the Public
From: Vice Mayor Kaplan
Re: **Support For Assembly Bill 1256**

Dear Colleagues on the City Council and Members of the Public,

In 1996, Proposition 215 (Compassionate Use Act) legalized the use of medicinal cannabis in California. However, in 2008, the California Supreme Court ruled that employers were not required to accommodate an employee's medicinal marijuana use irrespective of Proposition 215. Eight years later, in 2016, California voters passed Proposition 64 (Adult Use of Marijuana Act), which legalized the adult use of cannabis. Although both medicinal and adult-use cannabis is legal under California law, there are still no protections for workers who test positive for "non-psychoactive" cannabis metabolites.

Currently, the most common drug-testing programs that use urine or hair follicles are flawed because they do not detect the presence of Tetrahydrocannabinol (THC), which is the compound in cannabis that may induce psychoactive effects. Instead, these tests screen for the presence of a non-psychoactive cannabis metabolite, which can remain present in an individual's bodily fluids for weeks after cannabis use. While there is consensus that no one should ever show up impaired to a worksite, testing positive for this non-psychoactive cannabis metabolite does not indicate that the employee is impaired and has no correlation to workplace safety or productivity.

Oakland residents and applicants in the City of Oakland should not be punished for usage of legalized cannabis. Employers should only be authorized to dismiss or discipline workers from usage of legalized cannabis **when hired**, once the applicant is an **employee** subjugated to workplace policies and conditions of employment. Preventing applicants from being hired for usage of legalized medications and legalized recreational substances places barriers of entry that is discriminatory and negatively impacts applicants from underserved and disadvantaged neighborhoods in the City of Oakland and its surrounding communities.

Twenty states and several major cities currently have laws protecting employment rights for medical cannabis users and adult-use cannabis consumers' employment rights. California, a global leader in progressive ideology, still has no protections for its workers who can legally consume cannabis. If enacted, AB 1256 will prohibit employers in the state of California from discriminating against a person in hiring, termination, or any term or condition of employment on account of the fact that a drug screening test has found that person to have non-psychoactive cannabis metabolites in their urine, hair, or bodily fluids.

I ask you to join me in endorsing AB 1256 and urging the California State Legislature and Governor Gavin Newsom to support its enactment into law.

Respectfully submitted,

A handwritten signature in purple ink, appearing to read "Rebecca Kaplan".

Vice Mayor Rebecca Kaplan
Oakland City Councilmember At Large

Rules Committee
July 15, 2021