Resolution supporting California State Assembly Bill No. 1256, authored by Assembly Member Bill Quirk, an anti-cannabis discrimination bill prohibiting employers from discriminating against hiring or terminating a person for testing positive for cannabis metabolites.

WHEREAS, The City of San Francisco legalized the use of cannabis in 1991 with 80% of residents on favor of Proposition P making it the leader and first U.S city to legalize marijuana; and

WHEREAS, California Proposition 215, passed on November 5, 1996, legalized medicinal cannabis use in California; however, it did not protect the rights of medicinal cannabis users in the workplace from employer discrimination; and

WHEREAS, In 2008, the California Legislature passed a measure intended to protect medicinal cannabis users from workplace discrimination, but the measure was vetoed by Governor Arnold Schwarzenegger; and

WHEREAS, In 2016, California Proposition 64, the California Marijuana Legalization Initiative, for which 57% of Californians voted “yes,” legalized recreational marijuana for persons over the age of 21; and

WHEREAS, Under current California law, employers can still require drug tests for employees, can turn an individual away based on use of cannabis, and fire or demote for the use of cannabis; and

WHEREAS, Assembly Bill No. 1256 (AB 1256) would prohibit employers from discriminating against hiring, or terminating, a person who has tested positive for having non-psychoactive cannabis metabolites in their urine, hair, or bodily fluids; and
WHEREAS, AB 1256 also allows employees who have experienced discrimination on
the basis of testing positive for non-psychoactive cannabis metabolites, to institute civil action
for damages and other relief against their employers; and

WHEREAS, There are currently twenty states with laws protecting employment rights
for medicinal cannabis uses in addition to several major cities such as: New York City,
Washington D.C, Atlanta, Rochester, and Richmond that protect recreational cannabis
consumers’ employment rights; and

WHEREAS, The use of drug tests is meant to identify employees who may be impaired
however, the tests conducted for cannabis only show the presence of nonpsychoactive
cannabis metabolites which have no correlation to impairment within the workplace; and

WHEREAS, California residents should not be punished for usage of legalized
cannabis; and

WHEREAS, Dismissing potential applicants for the use of legalized medications and
legalized recreational substances places an undue burden and barriers on individuals
attempting to seek employment; and

WHEREAS, The Covid-19 Pandemic crippled the economy never before seen and
which has caused the exponential increase of food insecurity and housing insecurity due to
job or income loss; and

WHEREAS, the most effective way to combat food insecurity, housing insecurity, and
poverty to assist as many people with job opportunities by removing unnecessary barriers to
employment; now, therefore, be it;

RESOLVED, The San Francisco Board of Supervisors urges the passage of AB 1256
and supports its enactment into law; and, be it
FURTHER RESOLVED, The San Francisco Board of Supervisors requests the Clerk of the Board to submit a copy of this Resolution to the local state legislative representatives and Governor Newsom.
Resolution supporting California State Assembly Bill No. 1256, authored by Assembly Member Bill Quirk, an anti-cannabis discrimination bill prohibiting employers from discriminating against hiring or terminating a person for testing positive for cannabis metabolites.

July 27, 2021 Board of Supervisors - ADOPTED
Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

I hereby certify that the foregoing Resolution was ADOPTED on 7/27/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board