



Senate Bill 439

Employment Discrimination - Fire and Rescue Public Safety Employees – Use of Medical Cannabis

MACo Position: **OPPOSE**

To: Finance Committee

Date: February 19, 2026

From: Karrington Anderson and Sarah Sample

The Maryland Association of Counties (MACo) **OPPOSES** SB 439. This bill prohibits an employer from disciplining or discharging a fire and rescue public safety employee for the use of cannabis if the employee possesses a written certification.

Counties recognize that Maryland law has evolved regarding cannabis use and that this bill attempts to balance employee protections with employer responsibilities. SB 439 includes language stating that nothing in the subsection requires an employer to violate federal law or regulations or risk the loss of a federal monetary benefit. It also states that employers may adopt policies prohibiting employees from performing their duties while impaired by cannabis and from using cannabis while on duty. However, despite these provisions, the bill raises significant legal and liability concerns for county governments that employ fire and rescue personnel.

SB 439 is codified in Title 20 of the State Government Article, Maryland's civil rights framework. By placing these provisions within the State's anti-discrimination laws, the bill creates a new protected classification and exposes counties to private rights of action. If a fire and rescue employee is disciplined or terminated following a positive cannabis test or suspected impairment, that employee could bring a civil discrimination claim. Additionally, an employee could file a charge with the Maryland Commission on Civil Rights, requiring the county to respond, investigate, and defend its employment decisions. Even when counties act in good faith to ensure public safety, they may face costly and time-consuming litigation.

In practice, there is no scientifically reliable, universally accepted test to determine real-time cannabis impairment. This leaves employers in an untenable position, attempting to determine when use occurred and whether an employee was actually impaired while performing critical public safety duties. For fire and rescue personnel, who operate emergency vehicles, respond to life-threatening situations, and make split-second decisions affecting public safety, any ambiguity surrounding impairment standards poses a substantial risk. Counties must be able to act decisively to protect the public and their workforce without fear that every personnel action will trigger discrimination claims. For these reasons, MACo respectfully requests an **UNFAVORABLE** report on SB 439.