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A BILL
24-109

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To prohibit employers from firing, failing to hire, or taking other personnel actions against an individual for use of cannabis, participating in the District’s or another state’s medical cannabis program, or failure to pass an employer-required or requested cannabis drug test, unless the position is designated safety sensitive or for other enumerated reasons; to authorize enforcement of Title I by the Office of Human Rights, the Attorney General, and through a private right of action; to amend the District of Columbia Human Rights Act to clarify that employers must treat a medical cannabis program patient’s use of medical cannabis to treat a disability in the same manner as it would treat the legal use of a controlled substance; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to make conforming amendments; to amend the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996 to make conforming amendments; and to delay applicability of certain provisions until at least one year after the Mayor’s approval.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Cannabis Employment Protections Amendment Act of 2022”.

TITLE I. EMPLOYMENT PROTECTIONS FOR CANNABIS USE

Sec. 101. Definitions

- (1) “Cannabis” means marijuana.
- (2) “District government” means the government of the District of Columbia,

including:

31 (A) Any department, agency, or instrumentality of the government of the
32 District;

33 (B) Any independent agency of the District established under Part F of
34 Title IV of the District of Columbia Home Rule Act, approved December 24, 1973 (69 Stat. 699;
35 D.C. Official Code § 1-204.91 *et seq.*);

36 (C) Any agency, board, or commission established by the Mayor or the
37 Council and any other agency, public authority, or public benefit corporation which has the
38 authority to receive monies directly or indirectly from the District (other than monies received
39 from the sale of goods, the provision of services, or the loaning of funds to the District); and

40 (D) The Council.

41 (3) “Employee” means any individual employed by or seeking employment from
42 an employer and shall include unpaid interns.

43 (4) “Employer” means any person who, for compensation, employs an individual,
44 except for the employer’s parent, spouse, or children engaged in work in and about the
45 employer’s household, and any person acting in the interest of such employer, directly or
46 indirectly. The term shall include public employers, including the District government, but
47 excluding the District of Columbia court system and the federal government.

48 (5) “Marijuana” shall have the same meaning as provided in section 102(3)(A) of
49 the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981
50 (D.C. Law 4-29; D.C. Official Code § 48-901.02(3)(A)).

51 (6) “Medical cannabis program” means the District’s medical marijuana program
52 established pursuant to section 6 of the Legalization of Marijuana for Medical Treatment
53 Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.05).

54 (7) “Medical cannabis program patient” means an individual who is actively
55 registered in the District’s medical cannabis program or in the medical marijuana program or
56 medical cannabis program of the employee’s jurisdiction of residence.

57 (8) “Safety sensitive” means an employment position, as designated by the
58 employer, in which it is reasonably foreseeable that, if the employee performs the position’s
59 routine duties or tasks while under the influence of drugs or alcohol, he or she would likely cause
60 actual, immediate, and serious bodily injury or loss of life to self or others; and may include
61 positions that require or involve:

62 (A) The provision of security services, such as police, special police, and
63 security officers, or the custodianship, handling, or use of weapons, including firearms;

64 (B) Regular or frequent operation of a motor vehicle, heavy or dangerous
65 equipment, or heavy or dangerous machinery;

66 (C) Regular or frequent work on an active construction site or
67 occupational safety training;

68 (D) Regular or frequent work on or near power or gas utility lines;

69 (E) Regular or frequent handling of hazardous materials as defined in § 8-
70 1402;

71 (D) The supervision of, or the provision of routine care for, an individual
72 or individuals who are unable to care for themselves and who reside in an institutional or
73 custodial environment; or

74 (E) The administration of medications, the performance or supervision of
75 surgeries, or the provision of other medical treatment requiring professional credentials.

76 (9) "Use of cannabis" means an individual's legal consumption of marijuana
77 under section 401(a) of the District of Columbia Uniform Controlled Substances Act of 1981
78 (D.C. Official Code § 48-904.01(a)), or the Legalization of Marijuana for Medical Treatment
79 Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01 *et*
80 *seq.*)

81 Sec. 102. Employment protections.

82 (a) An employer may not refuse to hire, terminate from employment, suspend, fail to
83 promote, demote, or penalize an individual based upon:

84 (1) The individual's use of cannabis;

85 (2) The individual's status as a medical cannabis program patient; or

86 (3) The presence of cannabinoid metabolites in an individual's bodily fluids in an
87 employer-required or requested drug test without additional factors indicating impairment
88 pursuant to subsection (b)(4) of this section.

89 (b) Notwithstanding subsection (a), an employer shall not be in violation of this section
90 where the employer takes action related to the use of cannabis based on the following:

- 91 (1) The employee is in a position designated as safety sensitive;
- 92 (2) The employer’s actions are required by federal statute, federal regulations, or a
93 federal contract or funding agreement;
- 94 (3) The employee used, consumed, possessed, stored, delivered, transferred,
95 displayed, transported, sold, purchased, or grew cannabis at the employee’s place of
96 employment, while performing work for the employer, or during the employee’s hours of work,
97 unless otherwise permitted pursuant to section 211(b-1) of the Human Rights Act of 1977,
98 effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.11(b-1)) (“section
99 211(b-1) of the HRA”), or section 2062 of the District of Columbia Government Comprehensive
100 Merit Personnel Act of 1978, effective April 27, 2021 (D.C. Law 23-276; D.C. Official Code §
101 1-620.62); or
- 102 (4) Notwithstanding section 211(b-1) of the HRA or section 2062 of the District
103 of Columbia Government Comprehensive Merit Personnel Act of 1978, effective April 27, 2021
104 (D.C. Law 23-276; D.C. Official Code § 1-620.62), the employee is impaired by the use of
105 cannabis, meaning the employee manifests specific articulable symptoms while working, or
106 during the employee’s hours of work, that substantially decrease or lessen the employee’s
107 performance of the duties or tasks of the employee’s job position, or such specific articulable
108 symptoms interfere with an employer’s obligation to provide a safe and healthy workplace as
109 required by District or federal occupational safety and health law.

110 Sec. 103. Rules of Construction.

111 Nothing in this title shall be construed to:

112 (1) Require an employer to permit or accommodate the use, consumption,
113 possession, storage, delivery, transfer, display, transportation, sale, purchase, or growing of
114 cannabis at the employee’s place of employment while performing work for the employer, or
115 during the employee’s hours of work unless otherwise required pursuant to section 211(b-1) of
116 the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official
117 Code § 2-1402.11(b-1)) (“section 211(b-1) of the HRA”), or section 2062 of the District of
118 Columbia Government Comprehensive Merit Personnel Act of 1978, effective April 27, 2021
119 (D.C. Law 23-276; D.C. Official Code § 1-620.62);

120 (2) Prohibit an employer from adopting a reasonable drug-free workplace or
121 employment policy that:

122 (A) Requires post-accident or reasonable suspicion drug testing of
123 employees for cannabis or other drugs or drug testing of employees in safety sensitive positions;

124 (B) Is necessary to comply with federal law, including the Drug-Free
125 Workplace Act of 1988, or a federal contract or funding agreement, if applicable to the
126 employer;

127 (C) Prohibits the use, consumption, possession, storage, delivery, transfer,
128 display, transportation, sale, purchase, or growing of cannabis at the employee’s place of
129 employment, while performing work for the employer, or during the employee’s hours of work,

130 unless otherwise permitted pursuant to section 211(b-1) of the HRA or section 2062 of the
131 District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective April
132 27, 2021 (D.C. Law 23-276; D.C. Official Code § 1-620.62); or

133 (D) Prohibits employees from being impaired at the employee's place of
134 employment, while performing work for the employer, or during the employee's hours of work,
135 as described in section 102(b)(4); or

136 (3) Create or eliminate any common law or statutory cause of action for any
137 person against an employer for injury, loss, or liability to a third party

138 (4) Eliminate any common law or statutory cause of action otherwise available
139 under District law; or

140 (5) Create a safe harbor for an employer or to provide immunity for the employer
141 from suit.

142 Sec. 104. Notice of rights under the law.

143 (a) Employers shall provide notice to employees of employees' rights under this Title,
144 whether the employer has designated the employee's position as safety sensitive, and the
145 protocols for any testing for alcohol or drugs that the employer performs:

146 (1) Within 60 days after the applicability date of this title and on an annual basis
147 thereafter to all incumbent employees; and

148 (2) Upon hire of a new employee.

149 (b) Within 45 days after the applicability date of this section, the Office of Human Rights
150 shall publish a template for the notice required pursuant to subsection (a) of this section.

151 Sec. 105. Filing a complaint with the Office of Human Rights.

152 (a) An employee claiming employer noncompliance with section 102 may file an
153 administrative complaint with the Office of Human Rights (“OHR”) within one year after the
154 alleged act of noncompliance.

155 (b) The administrative complaint adjudication procedure shall include:

156 (1) Intake – Upon receipt of a complaint, OHR shall review the complaint for
157 jurisdiction and whether it states a claim under section 102. If OHR determines that it has
158 jurisdiction and the complaint states a claim, OHR shall docket the complaint for mediation.

159 (2) Mediation – All complaints over which OHR determines it has jurisdiction
160 and that state a claim under section 102 shall be scheduled for mediation within 45 days after the
161 docketing of the complaint. All parties shall participate in mediation in good faith.

162 (3) Request for Information – Once a case is docketed, OHR may request
163 information from both parties, including a response to the complaint from the respondent and a
164 rebuttal statement from the complainant.

165 (4)(A) Fact-Finding Hearing – If the complaint is not resolved through mediation
166 or settlement conference, within 20 days after the most recent unsuccessful resolution attempt,
167 OHR shall serve a notice on the parties scheduling a public fact-finding hearing before a hearing
168 examiner.

169 (B) The factfinding hearing shall be conducted in accordance with
170 procedures promulgated under Title I of the District of Columbia Administrative Procedure Act,
171 approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

172 (C) Following the fact-finding hearing, the hearing examiner shall submit
173 a proposed decision and order accompanied by findings of fact and conclusions of law to the
174 Director.

175 (6) Final determination and order – The Director of OHR, or his or her designee,
176 shall issue a final determination and order based on the recommendations or proposed decision
177 or order of the hearing examiner, which shall advise the parties of their rights under paragraph
178 (7) of this subsection. The Director’s final determination and order may modify or reject the
179 proposed decision of the hearing examiner or remand for more information.

180 (7) Appeals and judicial review – The non-prevailing party on a particular issue
181 may:

182 (A) Within 15 days after issuance of the final determination and order,
183 request that the Director of OHR reconsider or reopen the case; or

184 (B) Seek judicial review of the final determination and order by a court of
185 competent jurisdiction pursuant to section 110 of the District of Columbia Administrative
186 Procedure Act, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510).

187 (c) At any time before the final determination, the Director of OHR may hold a
188 settlement conference to attempt to resolve the complaint, and the parties shall participate in
189 good faith.

190 (d) If the Director of OHR finds that an employer violated section 102, the Director may
191 order the employer to do any of the following:

192 (1) Pay civil penalties as follows, of which half shall be awarded to the
193 complainant, and half shall be deposited into the General Fund of the District of Columbia:

194 (A) For employers that employ 1 to 30 employees, a fine of up to \$1,000
195 per violation;

196 (B) For employers that employ 31 to 99 employees, a fine of up to \$2,500
197 per violation;

198 (C) For employers that employ 100 or more employees, a fine of up to
199 \$5,000 per violation;

200 (2) Pay double the civil penalty described in paragraph (1) of this subsection if the
201 Director finds that the employer violated section 102 more than once in the previous year.

202 (3) Pay the complainant lost wages;

203 (4) Undergo training and provide other equitable relief necessary to:

204 (A) Undo any adverse employment action taken against the complainant in
205 violation of section 102; and

206 (B) Place the complainant in the posture or position the complainant
207 would have enjoyed had the employer not violated section 102; or

208 (5) Pay reasonable attorney's fees.

209 (e) If the Director of OHR has not issued a final determination and order after 365 days
210 after the employee filed a complaint with OHR, and the employee withdraws the complaint from
211 OHR before the Director issues a final determination and order, the employee shall be deemed to
212 have exhausted administrative remedies and may pursue a private cause of action consistent with
213 section 106.

214 Sec. 106. Private cause of action.

215 (a) An employee claiming employer noncompliance with section 102 may bring a private
216 cause of action in a court of competent jurisdiction against an employer within one year after the
217 unlawful act; provided that:

218 (1) If the employee is not a medical cannabis program patient, the employee must
219 first be deemed to have exhausted administrative remedies as provided in section 105(c); and

220 (2) If the employee is a medical cannabis program patient, the employee:

221 (A) Does not have an administrative complaint alleging the same unlawful
222 acts pending before the Office of Human Rights; or

223 (B) Has not received a final determination from the Office of Human
224 Rights on an administrative complaint alleging the same unlawful acts.

225 (b) The statute of limitations for an employee's private cause of action arising under
226 section 102 shall toll during the time that an employee's complaint is pending before the Office
227 of Human Rights.

228 (c) Upon a finding that an employer violated section 102, a court may order any relief it
229 deems appropriate, including the following:

230 (1) Civil penalties in amounts not greater than the penalties provided under
231 section 105(c)(1) and (2), of which half shall be awarded to the complainant, and half shall be
232 deposited into the General Fund of the District of Columbia;

233 (2) Payment of lost wages;

234 (3) Payment of compensatory damages;

235 (4) Equitable relief as may be appropriate; and

236 (5) Payment of reasonable attorneys' fees and costs.

237 Sec. 107. Enforcement by the Attorney General.

238 (a)(1) The Attorney General may receive complaints and conduct investigations for the
239 purposes of enforcing this title; provided that any complaints and investigations shall be limited
240 to non-governmental employers.

241 (2) In the course of conducting an investigation, the Attorney General shall have
242 the power to administer oaths and examine witnesses under oath, issue subpoenas, compel the
243 attendance of witnesses, compel the production of papers, books, accounts, records, payrolls,

244 documents, and testimony, and to take depositions and affidavits in any investigation or
245 proceeding conducted to enforce this Title.

246 (2) The Attorney General's investigation pursuant to subsection (a)(1) shall not
247 constitute the filing of a legal claim, nor toll the time for complainants to file a complaint with
248 the Office of Human Rights or a private cause of action in a court of competent jurisdiction, as
249 applicable.

250 (3) A person to whom a subpoena or notice of deposition has been issued pursuant
251 to paragraph (1) of this subsection shall have the opportunity to move to quash or modify the
252 subpoena or object to the notice of deposition in the Superior Court of the District of Columbia.
253 In case of failure of a person to comply with any subpoena lawfully issued under this section, or
254 on the refusal of a witness to testify to any matter regarding which he or she may be lawfully
255 interrogated, it shall be the duty of the Superior Court of the District of Columbia, or any judge
256 thereof, upon application by the Attorney General, to compel obedience by attachment
257 proceedings for contempt, as in the case of disobedience of the requirements of a subpoena
258 issued from the Court or a refusal to testify therein.

259 (b) The Attorney General, acting in the public interest, including the need to deter future
260 violations, may enforce this title by commencing a civil action in the name of the District of
261 Columbia in a court of competent jurisdiction on behalf of the District.

262 (c) Upon prevailing in an action initiated pursuant to this section, the Attorney General
263 shall be entitled to any combination of the following:

264 (1) Civil penalties in amounts not greater than the penalties provided under
265 section 105(c)(1) and (2), of which half shall be awarded to any aggrieved employee, and half
266 shall be deposited into the General Fund of the District of Columbia;

267 (2) The payment of restitution for lost wages, for the benefit of aggrieved
268 employees;

269 (3) Equitable relief as may be appropriate; and

270 (4) Reasonable attorneys' fees and costs, including fees and costs for any action
271 brought by the Attorney General under subsection (a)(3) of this section;

272 (d)(1) OHR may refer matters to the Office of Attorney General, which may investigate
273 bring a civil suit in pursuit of the public interest, and such referral shall not be construed to
274 violate any confidentiality provisions of OHR's investigation.

275 (2) No later than 180 days after the effective date of the Cannabis Employment
276 Protections Amendment Act of 2022, the Office of Human Rights and the Attorney General shall
277 enter into, and may update as deemed necessary, a Memorandum of Agreement ("MOA") that
278 addresses subjects such as referrals, information sharing, confidentiality, and other complaint-
279 handling processes. No provision of this Title shall be construed to limit the information sharing
280 between the Office of Human Rights and the Attorney General that the MOA may authorize, but
281 such information sharing shall conform to any confidentiality requirements in other federal or
282 District law.

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284 Sec. 108. Rulemaking authority.

285 (a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure
286 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue
287 rules to implement this title. Rules issued by the Mayor shall not be applicable to the Council.
288 The absence of rulemaking shall not delay the enforcement of this Title.

289 (b) Proposed rules promulgated pursuant to subsection (a) of this section shall be
290 submitted to Council for a 45-day period of review, excluding Saturdays, Sundays, legal
291 holidays, and days of Council recess. If the Council does not approve or disapprove the proposed
292 rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be
293 deemed to be approved.

294 **TITLE II. MEDICAL CANNABIS AND DISABILITIES**

295 Sec. 201. Section 211 of the Human Rights Act of 1977, effective December 13, 1977
296 (D.C. Law 2-38; D.C. Official Code § 2-1402.11), is amended by adding a new subsection (b-1) to
297 read as follows:

298 “(b-1)(1) Except as provided in paragraph (2) of this subsection, for the purposes of
299 subsection (a) of this section, an employer, employment agency, or labor organization shall treat a
300 qualifying patient’s use of medical marijuana to treat a disability in the same manner as it would
301 treat the legal use of a controlled substance prescribed by or taken under the supervision of a
302 licensed health care professional.

303 “(2) Paragraph (1) of this subsection shall not apply if it would require an employer,
304 employment agency, or labor organization to:

305 “(A) Commit a violation of a federal statute, regulation, contract, or funding
306 agreement;

307 “(B) Permit an employee to use medical marijuana while the employee is in
308 or assigned to a safety sensitive position; or

309 “(C) Permit the use of medical marijuana in a smokable form at a location
310 the employer, employment agency, or labor organization owns, uses, or controls.

311 “(2) For the purposes of this subsection the term:

312 “(A) “Authorized practitioner” shall have the same meaning as provided in
313 section 2(1E) of the Legalization of Marijuana for Medical Treatment Initiative of 1999,
314 effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01(1E)).

315 “(B) “Controlled substance” shall have the same meaning as provided in
316 section 102(6) of the Controlled Substances Act, approved October 27, 1970 (84 Stat. 1242; 21
317 U.S.C. § 802(6)).

318 “(C) “Medical marijuana” shall have the same meaning as provided in
319 section 2(12) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective
320 July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01(12)).

321 “(D) “Qualifying patient” means an individual who:

322 “(i) Is actively registered in the District’s medical marijuana
323 program established pursuant to section 6 of the Legalization of Marijuana for Medical
324 Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-
325 1671.05), and has received a recommendation to use medical marijuana from an authorized
326 practitioner in accordance with section 3 of the Legalization of Marijuana for Medical Treatment
327 Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-
328 1671.04); or

329 “(ii) Is registered in the medical marijuana program or medical
330 cannabis program of the employee’s jurisdiction of residence and has received a recommendation
331 to use medical marijuana from a licensed medical provider.

332 “(E) “Safety sensitive” shall have the same meaning as provided in section
333 101(8) of the Cannabis Employment Protections Amendment Act of 2022.

334 **TITLE III. CONFORMING AMENDMENTS**

335 Sec. 301. The District of Columbia Government Comprehensive Merit Personnel Act of
336 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is
337 amended as follows:

338 (a) Section 301 (D.C. Official Code § 1-603.01) is amended as follows:

339 (1) Paragraph (14B) is amended to read as follows:

340 “(14B) The term “qualifying patient” shall have the same meaning as provided in
341 section 211(b-1)(2)(D) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law
342 2-38; D.C. Official Code § 2-1402.11).”.

343 (2) Paragraph (15B) is amended to read as follows:

344 “(15B) The term “safety sensitive” shall have the same meaning as provided in
345 section 101(8) of the Cannabis Employment Protections Amendment Act of 2022.”.

346 (b) Section 2051(b) (D.C. Official Code § 1-620.11(b)) is amended by striking the phrase
347 “shall treat qualifying patients in compliance with Title XX-E” and inserting the phrase “shall
348 treat employees in compliance with the requirements of Title XX-E, section 102 of the Cannabis
349 Employment Protections Amendment Act of 2022, and section 211(b-1) of the Human Rights
350 Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.11(b-
351 1))” in its place.

352 (c) Section 2025(d) (D.C. Official Code § 1-620.25(d)) is amended by striking the phrase
353 “for employees who are qualifying patients” and inserting the phrase “and the requirements of
354 section 102 of the Cannabis Employment Protections Amendment Act of 2022, and section
355 211(b-1) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C.
356 Official Code § 2-1402.11(b-1)).”.

357 (d) Section 2032(g) (D.C. Official Code § 1-620.32(g)) is amended to read as follows:

358 “(g) Notwithstanding section 2035(a), District agencies shall comply with the
359 requirements of Title XX-E, section 102 of the Cannabis Employment Protections Amendment

360 Act of 2022, and section 211(b-1) of the Human Rights Act of 1977, effective December 13,
361 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.11(b-1)).”.

362 (e) Section 2061 (D. C. Official Code §1-620.61) is amended by adding a new paragraph
363 (2A) to read as follows:

364 “(2A) “Medical marijuana” shall have the same meaning as provided in section
365 2(12) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July
366 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.02(12)).

367 (f) Section 2062 (D.C. Official Code § 1-620.62) is amended as follows:

368 (1) Subsection (a) is repealed.

369 (2) Subsection (b) is repealed.

370 (3) Subsection (c)(3) is repealed.

371 (4) Subsection (d) is amended as follows:

372 (A) Paragraph (1) is amended to read as follows:

373 “(1) Use, consume, possess, store, deliver, transfer, display, transport, sell,
374 purchase, or grow marijuana at the employee’s place of employment, while performing work for
375 the agency, or during the employee’s hours of work; or”.

376 (B) Paragraph (2) is amended to read as follows:

377 “(2) Be impaired by the use of cannabis, meaning the employee manifests specific
378 articulable symptoms while working, or during the employee’s hours of work, that substantially
379 decrease or lessen the employee’s performance of the duties or tasks of the employee’s job

380 position, or such specific articulable symptoms interfere with an employer’s obligation to provide a
381 safe and healthy workplace as required by District or federal occupational safety and health law.

382 (4) A new subsection (d-1) is added to read as follows:

383 “(d-1)(1) Nothing in this section may be interpreted to derogate or abridge the rights
384 afforded under section 211(b-1) of the Human Rights Act of 1977, effective December 13, 1977
385 (D.C. Law 2-38; D.C. Official Code § 2-1402.11(b-1)), to a qualifying patient who uses medical
386 marijuana to treat a disability.

387 “(2) An employee’s election to pursue relief available under this act for a violation
388 of subsection (b) of this section shall not prejudice the employee’s right to pursue relief in other
389 venues for violations of other District or federal laws.

390 “(3) A reasonable accommodation or interactive process provided under subsection
391 (c) of this section may be combined with a reasonable accommodation or interactive process
392 provided pursuant to other District or federal law.”.

393 Sec. 302. Section 3(d) of the Department of Corrections Employee Mandatory Drug and
394 Alcohol Testing Act of 1996, effective September 20, 1996 (D.C. Law 11-158; D.C. Official
395 Code § 24-211.22(d)), is amended to read as follows:

396 “(d) Notwithstanding any other provision of this act, the Department shall comply with
397 the requirements of title XX-E of the District of Columbia Government Comprehensive Merit
398 Personnel Act of 1978, effective April 27, 2021 (D.C. Law 23-276; D.C. Official Code § 1-
399 620.61 *et seq.*), section 102 of the Cannabis Employment Protections Amendment Act of 2022,

400 and section 211(b-1) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law
401 2-38; D.C. Official Code § 2-1402.11(b-1)).”.

402 **TITLE IV. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE**
403 **DATE**

404 Sec. 401. Applicability.

405 (a)(1) Sections 104(b) and 108, shall apply upon inclusion of their fiscal effect in an
406 approved budget and financial plan.

407 (2) Sections 102, 103, 104(a), 105, 106, 107, Title II, and Title III shall apply
408 upon the date of inclusion of their fiscal effect in an approved budget and financial plan or 365
409 days after the Mayor approves this act, whichever is later.

410 (b) The Chief Financial Officer shall certify the date of the inclusion of the sections listed
411 in subsection (a) of this section in an approved budget and financial plan, and provide notice to
412 the Budget Director of the Council of the certification.

413 (c)(1) The Budget Director shall cause the notice of the certification to be published in
414 the District of Columbia Register.

415 (2) The date of publication of the notice of the certification shall not affect the
416 applicability of this act.

417 Sec. 402. Fiscal impact statement.

ENGROSSED ORIGINAL

418 The Council adopts the fiscal impact statement in the committee report as the fiscal
419 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
420 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

421 Sec. 403. Effective date.

422 This act shall take effect following approval by the Mayor (or in the event of veto by
423 Mayor, action by the Council to override veto), a 60-day period of congressional review as
424 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
425 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
426 Columbia Register.