November 5, 2019

The Honorable Kelly Cassidy  
01 South Spring Street  
Stratton Office Building, Room 263-S  
Springfield, IL 62706

Help Protect Workers by Clarifying Public Act 101-0027 to Allow Employers to Establish Policies Prohibiting Cannabis Use by Employees in Certain Positions

Dear Representative Cassidy,

As national safety leaders with members and locations in Illinois, we are writing today to express that the safety, health and well-being of Illinois employees must be prioritized as you implement H.B. 1438 / Public Act 101-0027.

Research is clear that cannabis impacts your mind and body. However, as you know, there is no scientifically valid test to detect cannabis impairment. As such, it is impossible at this point in time for employers to know how long ago someone used cannabis if an employee has a positive drug test.

It is an employer’s responsibility to provide safe workplaces for their employees. Without the ability to define impairment from cannabis, employers have primary responsibility to ensure the safety of both employees and the general public.

Therefore, we ask you to clarify the existing language of H.B. 1438 / Public Act 101-0027 to ensure that jobs where cannabis use could adversely affect the safety of others can be considered differently from other jobs as you implement this new law. This includes allowing for employers to establish policies that may involve prohibiting all use of cannabis for these employees because of the inability to test for impairment.

We encourage you to prioritize safety as you work to implement H.B. 1438 / Public Act 101-0027. This includes ensuring the safety and the well-being of the over 6 million workers in the state and those who interact with them by giving safety sensitive positions unique status.\(^1\)
Thank you for your attention to this issue. If you have any questions, please contact Tara Leystra Ackerman at tara.leystra@nsc.org or 202-602-1020.

Sincerely,

American College of Occupational and Environmental Medicine*
American Industrial Hygiene Association**
National Safety Council***

*The American College of Occupational and Environmental Medicine, based in Illinois, is an international society of more than 4,500 occupational physicians and associated professionals, provides leadership to promote optimal health and safety of workers, workplaces, and environments.

**The American Industrial Hygiene Association (AIHA), represents 8,500 members nationally, including more than 250 residents of Illinois and has three Local Sections in the State.

***The National Safety Council is an Illinois-based non-profit. Its 15,000 member companies represent employees at more than 50,000 worksites, including more than 2,250 in Illinois.

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