



## **Hb 22-1152, Prohibited Adverse Action by Employers**

### **Position: OPPOSED**

The National Federation of Independent Business is a not-for-profit advocacy association founded in 1943 and dedicated to preserving the right of every individual to own, operate and grow their business. The NFIB has approximately 300,000 nationally. The average member of the NFIB has fewer than nine employees and less than \$500,000 in revenue.

Colorado, like many states, prohibits employers from acting against an employee for engaging in lawful activities or using lawful products outside of the workplace.

In 2010, the Oregon Supreme Court, determined that Oregon law does not require employers to accommodate the use of medical marijuana.

On June 15, 2015, the Colorado Supreme Court, in a decision in the *Coats v. Dish Network, LLC*, case, confirmed what actions employers may take against employees in Colorado who use medical marijuana during off-duty time. The Colorado Supreme Court held that because medical marijuana use is unlawful under federal law, a Colorado employee who uses medical marijuana cannot seek protection under Colorado's Lawful Off-Duty Activities statute, and his/her employment can be terminated if the employee violates the employer's drug policies.

NFIB Colorado believes the issue of an employer's right to a drug free workplace is a settled question, affirmed by the Colorado Supreme Court 2015 ruling re: *Coats v. Dish Network*.

The Taskforce 22-1152 would establish is weighted in favor of those favoring legal remedies against employers enforcing a drug free workplace or employee discipline for violations of random drug screenings by employers.

Please vote NO on Hb 22-1152.

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