



California New Car Dealers Association

March 22, 2011

The Honorable Noreen Evans
Chairwoman, Senate Judiciary Committee
State Capitol – Room 4034
Sacramento, California 95814

Re: SB 129 (Leno), As Introduced – Medical Marijuana Employment Discrimination

Position: OPPOSE

Hearing: Senate Judiciary Committee, March 29, 2011

Dear Senator Evans:

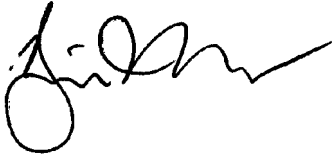
The California New Car Dealers Association (CNCDA) is a statewide trade association that represents the interests of over 1100 franchised new car and truck dealer members. CNCDA members are primarily engaged in the retail sale and leasing of new and used motor vehicles, but also engage in automotive service, repair and part sales. We are writing to oppose SB 129, which would prohibit an employer from discriminating against a person in hiring, termination, or any term or condition of employment based upon the person's status as a qualified patient or a positive drug test for marijuana. This measure is similar in intent to Proposition 19, which was rejected by the voters this past November.

The bill modifies the existing Compassionate Use Act of 1996 by weakening the statement that "nothing in this article shall require any accommodation of any medical use of marijuana on the property or premises of any place of employment or during the hours of employment." SB 129 states that an employer may not discriminate against a medical marijuana qualified patient or that a positive test for marijuana use occurs outside the time or place of employment. The only exception to this new prohibition is when an employee is in a "safety-sensitive position." As new car dealers, many dealership employees may qualify as filling "safety sensitive" positions, but until the courts weigh in and decide precisely which jobs are covered, the threat of litigation over this issue looms large. In addition, marijuana use in California is already subject to conflicting state and federal rules, making compliance difficult. Opening the doors to discrimination claims when little or no evidence of abuse exists is an invitation to lawsuit abuse and a direct disincentive to new hiring.

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In this difficult economic climate when job creation is a priority for all, imposing new restrictions on employers—particularly burdens rejected by the voters just months ago—is both ill-timed and ill-advised. Accordingly, we urge you to vote “NO” on SB 129. Should you or your staff have any questions or comments, please do not hesitate to give me a call.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Brian Maas', with a large, stylized initial 'B'.

Brian Maas
Director of Government Affairs

BWM:ef

cc: The Honorable Mark Leno
Members of the Senate Judiciary Committee
Tara Welch, Consultant, Senate Judiciary Committee
Mike Petersen, Senate Republican Caucus
Ralph Simoni, California Advocates, Inc.

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