

AMENDMENTS TO SENATE BILL NO. 3 (As amended by A05835)

Sponsor: REPRESENTATIVE COX

Printer's No. 889

1 Amend Bill, page 42, line 27 (A05835), by inserting after

2 "plan"

3 or any employer or payor of workers' compensation
4 benefits including, but not limited to, insurers, self-
5 insured employers, the State Workers Insurance Fund, the
6 Uninsured Employers Guaranty Fund, the Pennsylvania Workers'
7 Compensation Security Fund, and private liability insurers or
8 self insurers of any type, including a motor vehicle,
9 property or general liability carrier,

10 Amend Bill, page 42, lines 50 and 51; page 43, lines 1

11 through 9 (A05835), by striking out all of said lines on said
12 pages and inserting

13 (2) Nothing in this act shall require an employer to
14 make any accommodation for the use of medical marijuana on
15 the property or premises of any place of employment or during
16 working time, including breaks.

17 (3) This act shall in no way limit the ability of an
18 employer to do any of the following if the employer has
19 reason to believe that being under the influence of medical
20 marijuana would cause an employee's conduct to fall below the
21 standard of care or safety normally accepted for the
22 employee's position:

23 (i) Prohibit an employee from being under the
24 influence of medical marijuana in the workplace.

25 (ii) Prohibit an employee from working while under
26 the influence of medical marijuana.

27 (iii) Requiring employees or job applicants to whom
28 a conditional employment offer has been extended to
29 disclose a prescription or recommendation for or use of
30 medical marijuana.

31 (4) This act shall in no way limit an employer's ability
32 to discipline an employee for violating a workplace policy
33 under paragraph (3) or consider a prescription or
34 recommendation for medical marijuana when making employment
35 decisions under paragraph (3).

1 (5) This act shall in no way limit an employer's ability
2 to drug test employees or job applicants or to limit the
3 right of an employer to take adverse action in response to a
4 positive drug test for medical marijuana.

5 (6) Nothing in this act shall require an employer to
6 commit any act that would put the employer or any person
7 acting on an employer's behalf in violation of Federal law or
8 at risk of losing a contract with or funding from a Federal
9 entity.

10 (7) No workers' compensation benefits shall be paid for
11 and employers shall have no liability for an injury or lost
12 wages caused by or contributed to by medical marijuana use in
13 violation of the prescribed or recommended dosage, treatment
14 regimen or workplace policy under paragraph (3).

15 (8) The following shall apply to unemployment
16 compensation:

17 (i) An employer shall be granted relief from charges
18 if a former employee is granted unemployment compensation
19 benefits because the employer could not accommodate the
20 employee's lawful use of medical marijuana.

21 (ii) An employee whose separation from employment
22 was caused by any of the following shall be deemed to
23 have committed willful misconduct and therefore is
24 ineligible for unemployment compensation benefits:

25 (A) Medical marijuana use that violates the
26 prescribed or recommended dosage, treatment regimen
27 or workplace policy under paragraph (3).

28 (B) Refusal to submit to a test requested by an
29 employer to determine whether the employee is under
30 the influence of marijuana and therefore in violation
31 of paragraph (3).