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**HOUSE BILL NO. 461**

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact § 40.1-27.4 of the Code of Virginia, relating to employee protections; medicinal use of cannabis oil.*

Patrons—Helmer and Subramanyam

Referred to Committee on Commerce and Energy

**Be it enacted by the General Assembly of Virginia:**

1. That § 40.1-27.4 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-27.4. Discipline for employee's medicinal use of cannabis oil prohibited.

A. As used in this section, "cannabis:

"Cannabis oil" means the same as that term is defined in § 54.1-3408.3.

"Employee" means the same as that term is defined in § 40.1-2.

"Employer" means the same as that term is defined in § 40.1-2, except that for the purposes of this section "employer" also includes the Commonwealth, and any county, city, town, or other political subdivision thereof, and any agency of any one of them.

B. No employer shall discharge, discipline, or discriminate against an employee for such employee's lawful use of cannabis oil *under the laws of the Commonwealth* pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease pursuant to § 54.1-3408.3.

C. Notwithstanding the provisions of subsection B, nothing in this section shall (i) restrict an employer's ability to take any adverse employment action for any work impairment caused by the use of cannabis oil or to prohibit possession during work hours, (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding, or (iii) require any defense industrial base sector employer or prospective employer, as defined by the U.S. Cybersecurity and Infrastructure Security Agency, to hire or retain any applicant or employee who tests positive for tetrahydrocannabinol (THC) in excess of 50 ng/ml for a urine test or 10 pg/mg for a hair test.

INTRODUCED

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