

2024 SESSION

INTRODUCED

24103734D

SENATE BILL NO. 391

Offered January 10, 2024

Prefiled January 9, 2024

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—Pekarsky, Salim and Williams Graves

Referred to Committee on Rehabilitation and Social Services

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 "employer" does not include the Commonwealth, any of its agencies, institutions, or political subdivisions, or any other public body.

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.

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