



January 25, 2023

Dear Members of the Senate Commerce and Consumer Protection Committee:

On behalf of the Minnesota Chamber of Commerce, thank you for the opportunity to share our perspective on SF 73 (Sen. Port), legislation seeking to legalize the recreational use of marijuana. The Chamber is a statewide organization representing more than 6,300 businesses and more than half a million employees throughout Minnesota.

Legalizing recreational marijuana is not something that our members believe should be prioritized at this time. To start, it remains an illicit, controlled substance under federal law. Equally as important, there is not yet an established consensus or guidelines on a marijuana impairment standard, no contemporaneous and reliable testing method for marijuana intoxication, nor is there an ability to discern source and timing of consumption. Since countless numbers of employees in Minnesota are required to safely operate vehicles and machinery and work on sites or in facilities where there is little room for human error, this lack of an objective, independent means for determining unsafe levels of impairment is concerning.

That being said, progress can be made on this issue. While proponents of this legislation have undoubtedly spent time analyzing other state efforts, the Minnesota Chamber supports the establishment of an official state Task Force to analyze and understand the full scope of public health, safety, criminal justice, societal, workplace, taxpayer, state and economic costs and ramifications of legalizing recreational marijuana in Minnesota and for Minnesotans. This Task Force should include representation from Minnesota's non-cannabis business community and its findings must incorporate employers' perspective, including how to reconcile existing deficiencies in marijuana diagnostic standards and testing capabilities against any new obligations and liabilities that would be placed on employers due to legalization. Minnesota's recent statutory changes related to certain hemp-derived edible products containing THC has also brought further complication to an already inconsistent state and national legal regulatory framework. In light of these recent legislative developments, it is necessary to include issues relating to responsible retailing and updates to workers' compensation intoxication statutes to this work.

As the legislature continues to debate this proposal, our members believe that employers should be protected by clear provisions allowing the right to enforce company drug policies or zero-tolerance policies that maintain safety and productivity as well as manage compliance with appropriate federal drug laws. More work needs to be done to ensure employers can maintain the right to determine a drug policy that best fits their operational, safety, and culture needs rather than conform to a one-size-fits-all state mandated drug policy.

Thank you for the opportunity to share our concerns about SF73 and efforts to prematurely legalize the recreational use of marijuana in Minnesota.

Sincerely,

Lauryn Schothorst

Director, Workplace Management and Workforce Development Policy
Minnesota Chamber of Commerce