

A Resolution to request that the CEO amend the Administrative Regulations of the County, to the extent permitted by law, to **exclude from substance detection testing** the testing of County employees and applicants for employment with the County, and the pre-screening except for public safety personnel and applicants for public safety positions, for **marijuana use**.

WHEREAS, DeKalb County's legislative agenda includes the amending state municipal court code to allow County magistrate courts, through County ordinance the ability to decriminalize simple marijuana possession, to a simply civil penalty, with a small fine, akin to a traffic violation, adopted by the Board of Commissioners in 2021; and

WHEREAS, Chapter 20, Section 20-23 of DeKalb County code requires a "Physical examination" before entering employment with the County;

WHEREAS, the current code, in section 20-7 Adoption of rules, regulations, provide that the chief executive shall adopt uniform rules and regulations pertaining to county recruitment activities, applications for examinations, etc; and

WHEREAS, the chief executive appears to have a rule and/or regulations in place regarding requirements for County employees and applicants for employment with the County to, in part, "submit to substance detection testing (alcohol and drug tests) when requested to do so by management" and further provides that any employee in violation of the County substance abuse policy shall be subject to discipline up to and including termination, apparently; and

WHEREAS, the Board of Commissioners believes that it is in the best interests of the citizens and employees of DeKalb County that the Chief Executive amend the Administrative Regulations of the County, to the extent permitted by law, to exclude from substance detection testing, the testing of County employees and applicants for employment with the County, except for public safety personnel and applicants for public safety positions, for marijuana use; and

WHEREAS, DeKalb County Government Departments are interested in attracting top tier talent, and desires to remove antiquated barriers that impede the timeliness of the hiring process, increase third party vendor costs, and negatively affect the overall candidate experience; and

WHEREAS, due to the County's current workforce requirements, there is an emergent need to take immediate action to eliminate the requirement that prospective employees who are not applying for employment in safety sensitive positions undergo a post-employment offer physical examination drug test; and

WHEREAS, the Board of Commissioners desire to ensure equity is a core principle of our Governing Authority, interested in policy changes that address systemic discrimination against communities of color which are disproportionately affected by underlying health conditions, and

WHEREAS, cities such as Washington, DC, Atlanta, GA, New York City, City of Rochester, Richmond, VA, and state legislators in Maine and Nevada have enacted legislations or regulatory rule changes to bar pre employment drug screening for cannabis;and

WHEREAS, recent studies show no evidence that cannabis users experienced higher rates of work-related injuries¹; and that legalizing medical marijuana was associated with a 19.5% reduction in the expected number of workplace fatalities among workers 25-44²; and because THC's primary metabolite, carboxy-THC, is lipid soluble, residual levels of the compound may persist in urine for weeks³ or even months post-abstinence. According to the US Department of Justice⁴, a positive urine test screen for drug metabolites “does not indicate abuse or addiction, recency, frequency, or amount of use; or impairment.”

WHEREAS, Liberalized marijuana laws are associated with greater labor participation, lower rates of absenteeism, declines in workers' compensation filings, and higher wages⁵; and

NOW, THEREFORE,

BE IT RESOLVED BY THE DEKALB COUNTY BOARD OF COMMISSIONERS:

That the County hereby requests that the Chief Executive amend the Administrative Regulations of the County, to the extent permitted by law, to exclude from substance detection testing the testing of County employees and applicants for employment with the Governing Authority, except for public safety personnel and applicants for public safety positions, for marijuana use.

BE IT FURTHER RESOLVED, that if the chief executive does not accept this resolution and makes no changes to the administrative regulations in Chapter 20, **by March 2021**, this resolution directs the County Attorney to draft legislative ordinance revisions to Chapter 20, Section 20-23, to be considered by the Board of Commissioners, to achieve the goals and directives of this resolution.

¹ [Cannabis use and work-related injuries: A cross-sectional analysis, Occupational Medicine, 2020](#)

² [Medical marijuana and workplace fatalities in the United States, International Journal of Drug Policy, 2018](#)

³ [Review of Biologic Matrices \(Urine, Blood, Hair\) as Indicators of Recent or Ongoing Cannabis Use](#)

⁴ [Bureau of Justice Statistics, A National Report, Drugs, Crime and the Justice System, 1992](#)

⁵ [Does marijuana legalization affect workplace capacity? Evidence from workers' compensation benefits, National Bureau of Economic Research, 2021](#)