

Legislation Text

File #: 200625, Version: 1

Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding a new Chapter 9-4700, to prohibit employers from requiring prospective employees to undergo testing for the presence of marijuana as a condition of employment, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

CHAPTER 9-4700. PROHIBITION ON TESTING FOR MARIJUANA AS A CONDITION FOR EMPLOYMENT

§ 9-4701. *Definitions.*

(1) "Marijuana" or "Marihuana" means all forms or varieties of the genus *Cannabis*, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

§ 9-4702. *Prohibition on pre-employment testing.*

(1) Except as otherwise provided by law, or as excepted in subsections (2) or (3) hereof, it shall be an unlawful employment practice for an employer, labor organization, employment agency or agent thereof to require a prospective employee to submit to testing for the presence of marijuana in such prospective employee's system as a condition of employment.

(2) *Exceptions.* The prohibition of this Section 9-4702(1) shall not apply to persons applying to work in the following jobs or professions:

(a) Police officer or other law enforcement positions;

(b) Any position requiring a commercial driver's license;

(c) Any position requiring the supervision or care of children, medical patients, disabled or other vulnerable individuals;

(d) Any position in which the employee could significantly impact the health or safety of other employees or members of the public, as determined by the enforcement agency and set forth in regulations pursuant to this Chapter.

(3) *The prohibition of Section 9-4702(1) shall not apply to drug testing required pursuant to:*

(a) Any federal or state statute, regulation, or order that requires drug testing of prospective employees for purposes of safety or security;

(b) Any contract between the federal government and an employer or any grant of financial assistance from the federal government to an employer that requires drug testing of prospective employees as a condition of receiving the contract or grant; or

(c) Any applicants whose prospective employer is a party to a valid collective bargaining agreement that specifically addresses the pre-employment drug testing of such applicants.

§ 9-4703. Regulations. The Enforcement Agency is authorized to promulgate regulations for the implementation and administration of this Chapter.

SECTION 2. Effective date. This Ordinance shall take effect on January 1, 2022.

Explanation:

Italics indicate new matter added.