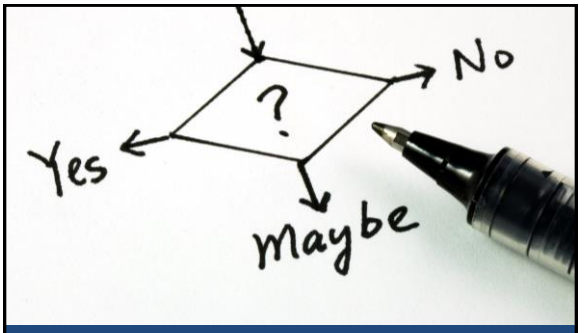

Working Partners® presents

Medical Marijuana &
Your Drug-Free Workplace Program

1

INTRODUCTION

- Consulting & Training
- Community Projects
- Risks: Harmful Use of Substances
- Operations vs. Legal
- Legal Partner: Littler

2

DISCLAIMER

- Content is meant for informational purposes only and not for the purpose of providing legal advice.
- Should not be used as a substitute for consultation with a legal professional or other competent advisor.
- Contact a licensed attorney to obtain advice with respect to any legal issue discussed in this presentation or regarding a situation specific to your business.

3

"We're in the midst of trying to change our relationship with our culture's most widely used illicit drug."

- Allison Sharer

4

3 KEY OBJECTIVES

1. Increase awareness of business issues under Ohio HB 523
2. Increase understanding of the related operational, DFWP issues for employers and employees
3. Review key decisions to be made – related to policy, operations, education & training

5

BOTTOM LINE:

Employers are not required, but are not prohibited from allowing the lawful use of marijuana as medicine

(unless prohibited by an authority).

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BASIS OF DECISION MAKING

- Get the right players at the table
- Proactive vs. Reactive
- Rational vs. Emotional

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1. LAWS & AUTHORITIES

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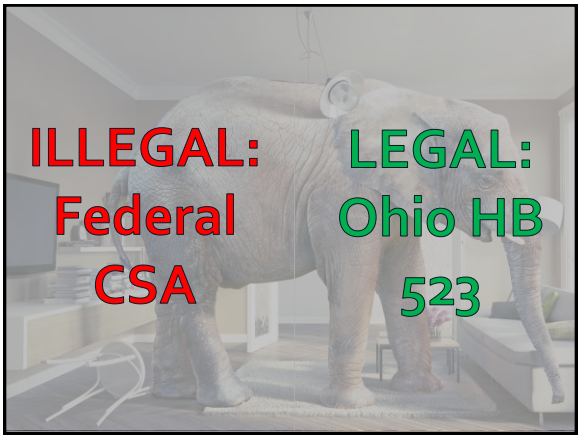

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HIERARCHY OF AUTHORITIES

Federal
- DFWP Act 1988
- DOT

State
- Marijuana Law (Ohio HB 523)
- Workers Compensation/ BWC DFSP
- Professional Licenses/Credentials
- Other DFWP-related laws

Check with legal counsel

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HIERARCHY OF AUTHORITIES

Company-Specific
- Attorney
- Union
- Insurance
- Landlord
- Clients
- And more …

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Oversight & Operation of the Law

Cultivators, processors & testing labs

Dispensaries, patient/caregiver registration, new forms of marijuana, coordinating advisory committee

Certifying physicians, qualifying conditions

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2 CHEMICALS OF INTEREST FOR MEDICAL

- THC
  - Increase appetite
  - Reduce nausea
  - Decrease pain and inflammation
- CBD
  - Decrease pain and inflammation
  - Control epileptic seizures

NEED MORE RESEARCH

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WHAT WE DO KNOW: RECOMMENDING

- Patient must provide proof of Ohio residence
- Pay $50 registration fee & renew annually (can be discounted)
- Can't operate a "vehicle under the influence"

SOURCE: OHIO HB 523

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WHAT WE DO KNOW: FORMS

- ORAL: Oil, tinctures, capsules, edible (not attractive to children)
- VAPORIZATION: oil or plant material
- TOPICAL: lotions, creams, ointments
- TRANSDERMAL: Patches

SOURCE: OHIO HB 523

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WHAT WE DO KNOW: DISPENSING

- Must be registered business with state
- Must obtain certificate (renewed biannually)
- Employees have to be licensed
- Must be 18+ years to purchase (with ID)
- Can get a single dose or up to a 90-day supply
- Must be reported to OARRS
- Up to 60 Dispensaries

SOURCE: OHIO HB 523

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WHAT WE KNOW: EMPLOYERS

- Nothing in the bill requires employer to accommodate use, possession or distribution of MM
- Nothing in the bill prohibits an employer from taking any adverse employment action … because of person's use, possession or distribution of MM
- Nothing in the bill permits a person to sue an employer for taking an adverse employment action related to medical marijuana.(*But check with your legal counsel!)*

SOURCE: OHIO HB 523

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WHAT WE KNOW: EMPLOYERS

- Nothing in the bill prohibits an employer from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy
- Nothing in the bill interferes with federal restrictions on employment (e.g., DOT)
- BWC

SOURCE: OHIO HB 523

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2. SAFETY, SECURITY & PUBLIC IMAGE

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SAFETY-SENSITIVE

Sample Safety Sensitive "Functions"

- Operating vehicle/Motorized equipment
- Handling combustible/hazardous material
- Working in a S.S. environment

Sample Safety Sensitive "Positions"

- Laborer
- Carpenter
- Outside Sales
- Mechanic
- Warehouse Worker

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SECURITY-SENSITIVE

- Payroll, finances
- Classified information
- Intellectual property
- Security
- Child/Adult Care
- Professionals -- Architects, Structural Engineers

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PUBLIC IMAGE

- Child & adult care providers
- Retail
- Alcohol/Drug Professionals
- Other forward-facing positions

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3. KNOWLEDGE & ATTITUDES ABOUT THE DRUG

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THE DRUG

- Over 400 naturally occurring chemicals
- Unique to marijuana: cannabinoids
  - Fat soluble
  - Half-life
  - Accumulates

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IMPAIRMENT ISSUES

- Cognitive vs Behavioral
- THC content
- Accumulation
- Impairment lingers

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WORKPLACE CONCERNS

- Memory
- Vision
- Perception of Time
- Attention
- Judgment
- Reflexes
- Perception of performance

MENTAL VS. PHYSICAL

26

Currently there is no objective standardized measurement for marijuana impairment.

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4. EASE OF OPERATIONS

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THERE'S NO SUCH THING AS A RX FOR MARIJUANA.

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WHAT'S MISSING?

- Dosage & administration
- Drugs interactions
- Storage directives
- Adverse reactions
- Warnings

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THINGS TO VERIFY …

- Is the card legit?
- It is being used according to doctor's recommendation?
- When is the employee going to use?
- Is he/she safe to work or do I need to adjust job duties?
- If so, for how long?
- Is there anything else they can use?

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5. WORKFORCE

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National rates (%) past mo. use

	12+ yrs.	18+	18 - 25	26 - 34	35+
2017	9.6	9.9	22.1	14.8	6.3

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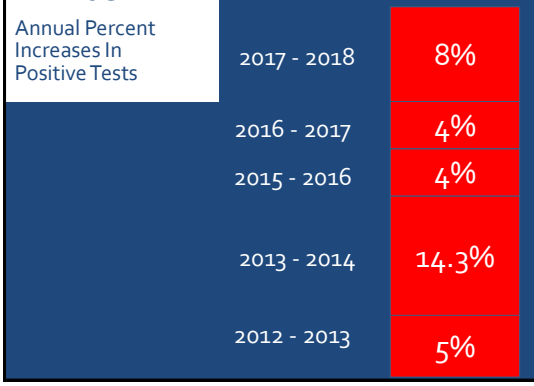
MARIJUANA

Annual Percent Increases In Positive Tests



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OTHER WORKFORCE ISSUES

- Age
- Employee Relations & Morale
- Blended Workforce
- Multi-State

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5 ACTION STEPS

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TAKE ACTION

1. Prepare to explain
2. Update Policy
3. Research & Refine Operations
4. Educate Employees
5. Train Supervisors

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RESOURCES

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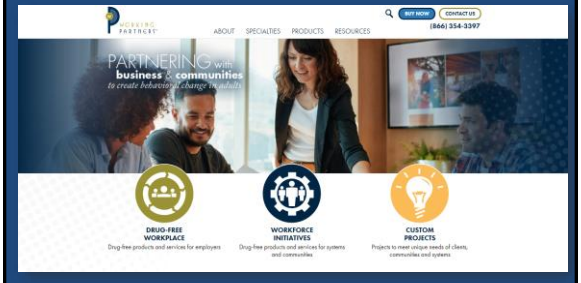

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Tools to help you move forward with your decision!

YES	1:1 Consultation
NO	Medical Marijuana Employer Toolkit
MAYBE	Operational Considerations Toolkit OR 1:1 Consultation

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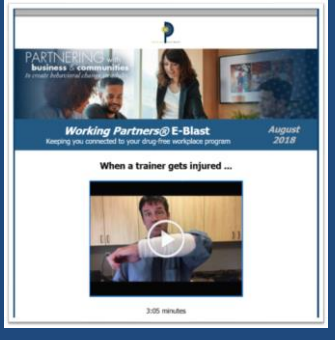
Sign up to receive monthly, drug-free workplace updates



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www.OhioChamber.com/Opioid-Toolkit

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