

MARIJUANA + DRUG TESTING

*Impact on Employers, Claimants
+ States*



KEGLER
BROWN
HILL +
RITTER

*Presented by Tony Fiore
UWC 37th Annual National UI
Issues Conference
June 27, 2019*



The image features a dark blue background with a light blue grid pattern. A bright blue vertical light streak runs down the center, with a horizontal line extending to the left. The text 'PUBLIC HEALTH' is written in large, bold, white capital letters with a black outline, positioned in the upper half. Below it, the word 'EMERGENCY' is written in large, bold, red capital letters with a white outline, positioned in the lower half.

PUBLIC HEALTH

EMERGENCY

THE OPIOID EPIDEMIC BY THE NUMBERS



130+

People died every day from
opioid-related drug overdoses³
(estimated)



11.4 m

People misused
prescription opioids¹



47,600

People died from
overdosing on opioids²



2.1 million

People had an opioid use
disorder¹



886,000

People used heroin¹



81,000

People used heroin
for the first time¹



2 million

People misused prescription
opioids for the first time¹



15,482

Deaths attributed to
overdosing on heroin²



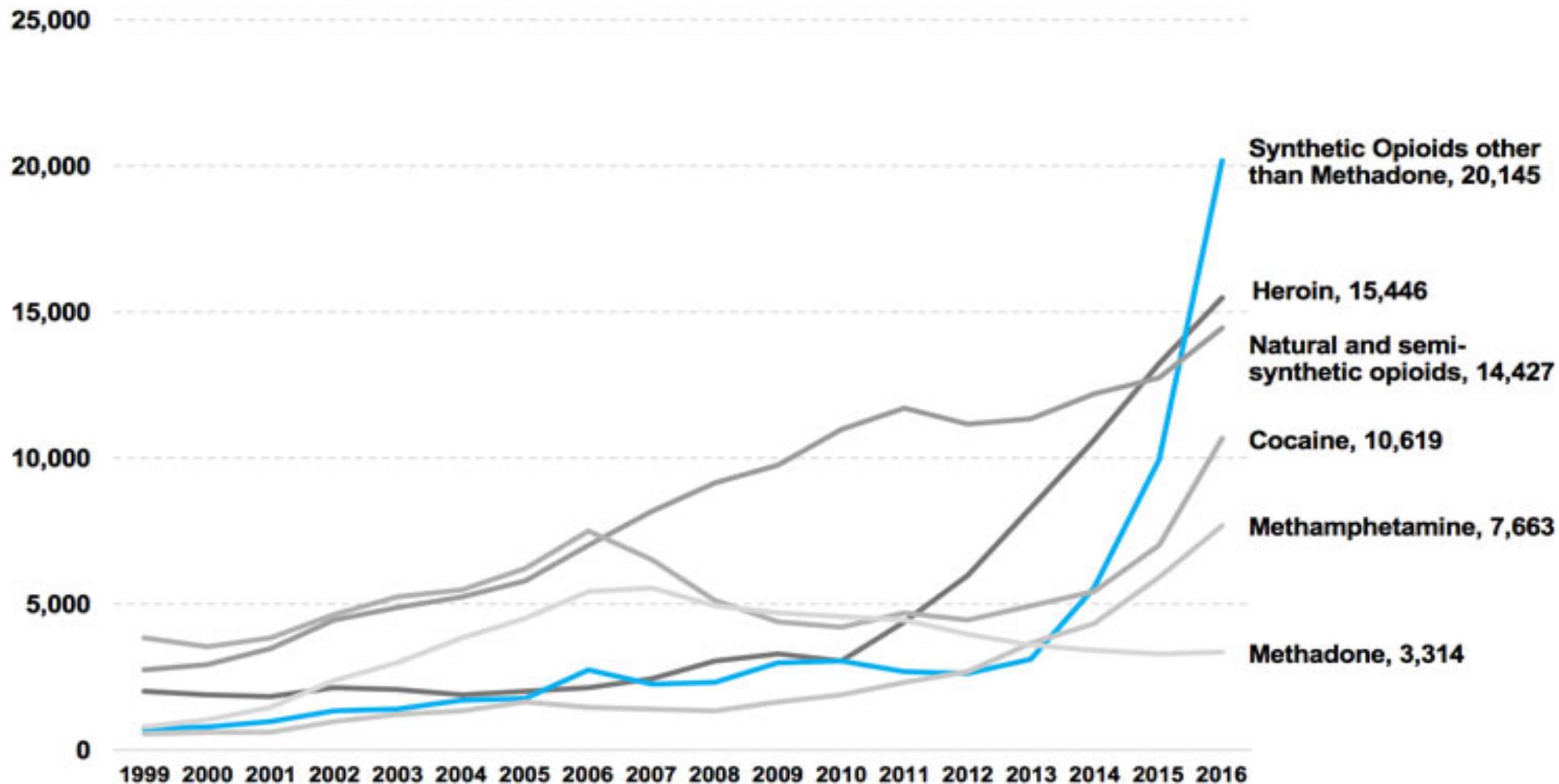
28,466

Deaths attributed to
overdosing on synthetic
opioids other than
methadone²

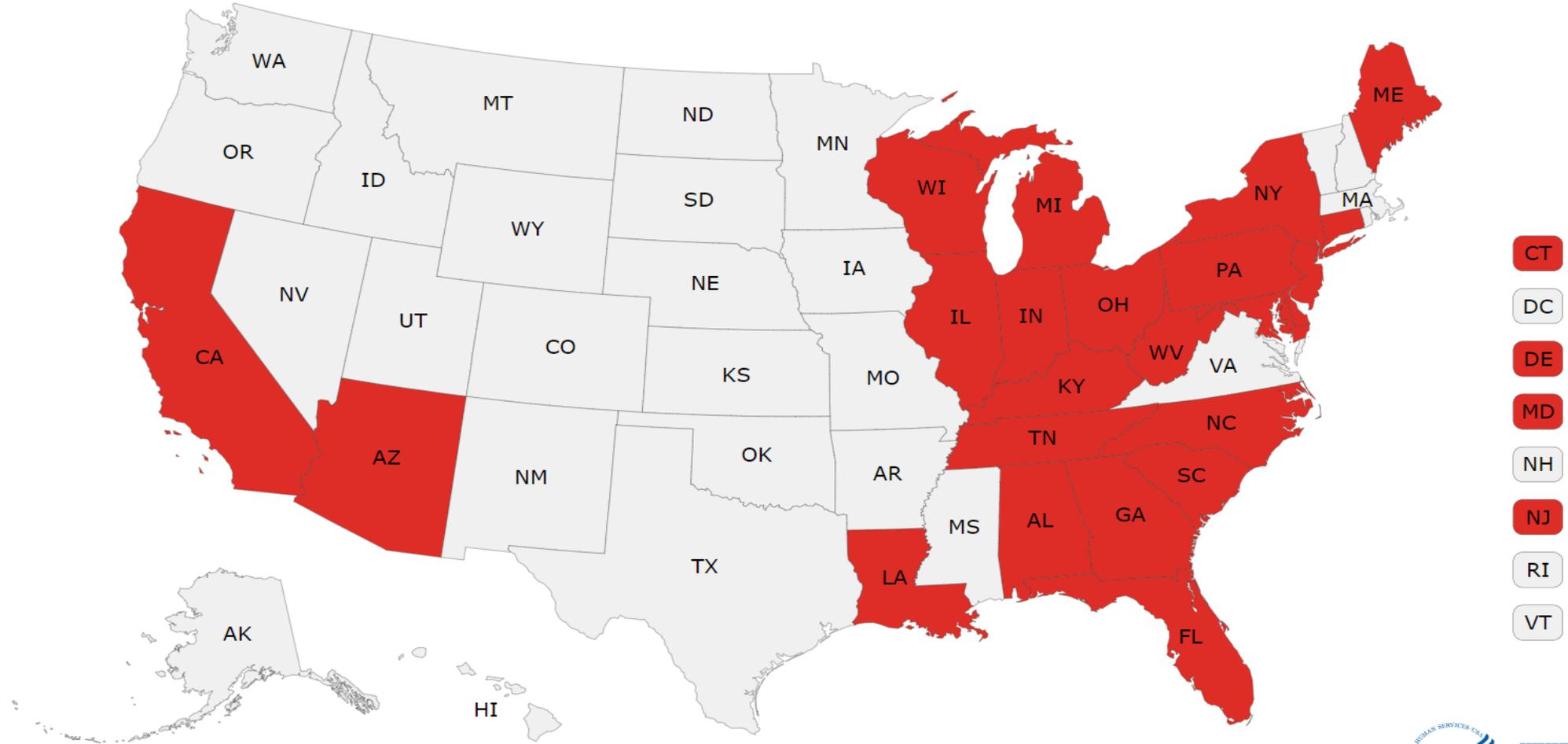
SOURCES

1. 2017 National Survey on Drug Use and Health, Mortality in the United States, 2016
2. NCHS Data Brief No. 293, December 2017
3. NCHS, National Vital Statistics System. Estimates for 2017 and 2018 are based on provisional data.

Drugs Involved in U.S. Overdose Deaths, 2000 to 2016

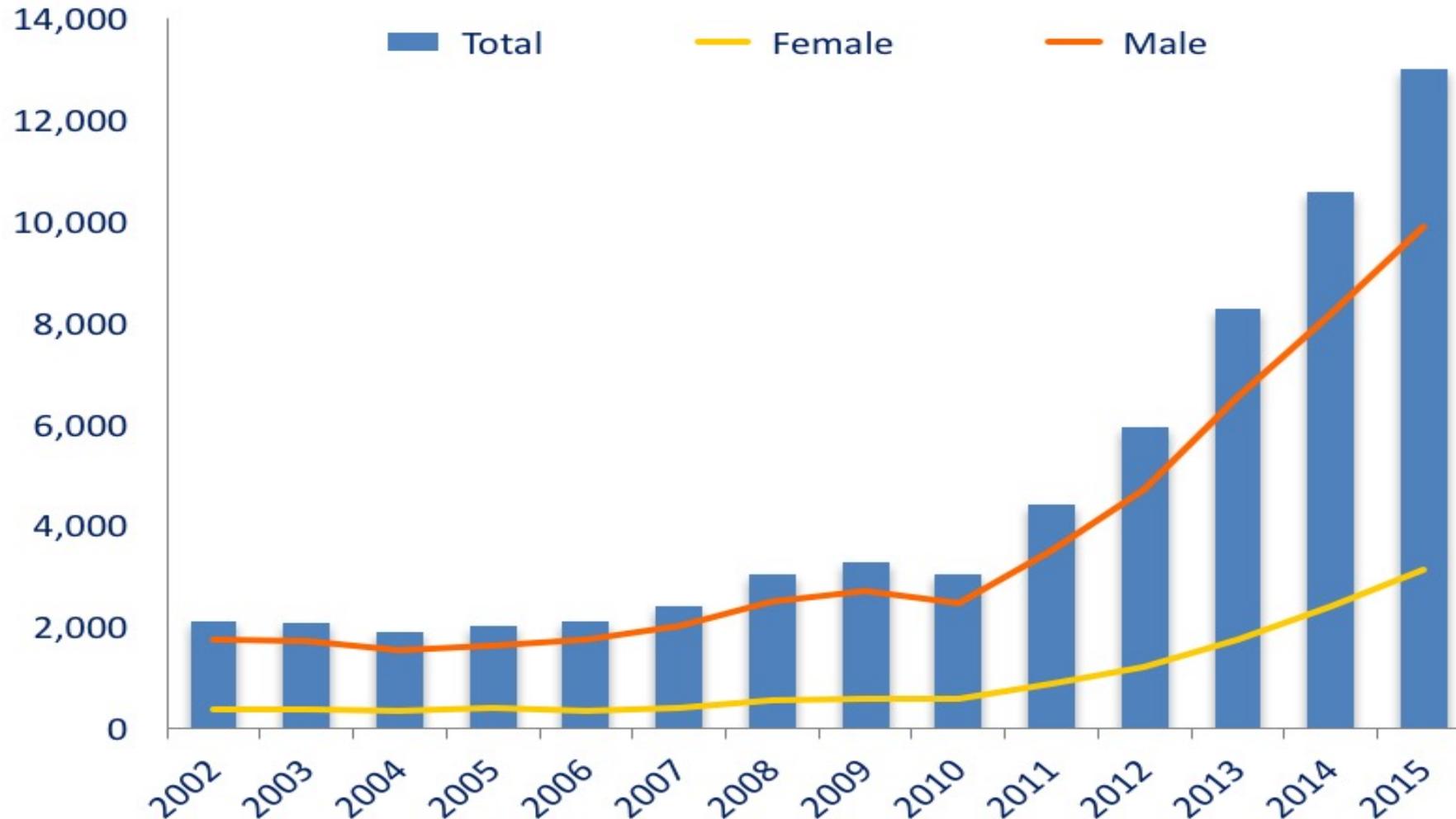


Statistically significant drug overdose death rate increase from 2016 to 2017, US States





National Overdose Deaths Number of Deaths Involving Heroin



Source: National Center for Health Statistics, CDC Wonder

Leading Causes of Death in the United States

1) Heart disease:	633,842
2) Cancer:	595,930
3) Chronic lower respiratory diseases:	155,041
4) Accidents (unintentional injuries):	146,571
5) Stroke (cerebrovascular diseases):	140,323
6) Alzheimer's disease:	110,561
7) Diabetes:	79,535
8) Drug overdoses: (52,400 in 2015):	63,000
9) Influenza and pneumonia:	57,062
10) Nephritis, nephrotic syndrome, and nephrosis:	49,959
11) Intentional self-harm (suicide):	44,193
12) Car Crashes	37,757
13) Gun deaths	36,252

Source: Centers for Disease Control (CDC)



How do we address these problems?

- + **March 19, 2018** - The Trump administration outlines an initiative to stop opioid abuse.
- + **April 9, 2018** - The US surgeon general issues an advisory recommending that Americans carry the opioid overdose-reversing drug, naloxone.
- + **May 1, 2018** - The Journal of the American Medical Association publishes a study that finds synthetic opioids like fentanyl caused about 46% of opioid deaths in 2016.
- + **June 7, 2018** - White House announces a new multimillion dollar public awareness advertising campaign to combat opioid addiction.
- + **October 24, 2018** – President signs the SUPPORT for Patients and Communities Act



**BUT WHY SHOULD
WE CARE**



Drain on state Medicaid tax dollars

- In 2010, the state's cost of treating opioid addiction through medication-assisted therapies was more than \$13 million, but by 2016 it had jumped to \$110 million.
- Statewide, the rate of dependence, abuse or overdose among those on Medicaid jumped a stunning 262 percent during that time.
- According to the latest federal figures, Ohio's drug-overdose deaths rose 39 percent — the third-largest increase among the states — between mid-2016 and mid-2017.



The Impact of Legalized Marijuana



What is Marijuana?



CANNABIS SATIVA

- ✓ An annual herbaceous flowering plant indigenous to eastern Asia but now of cosmopolitan distribution due to widespread cultivation
- ✓ It has been cultivated throughout recorded history, used as a source of industrial fiber, seed oil, food, recreation, religious and spiritual moods and medicine

CBD

non-psychoactive

THC

psychoactive (high)

TWO SPECIES OF CANNABIS ARE:

HEMP

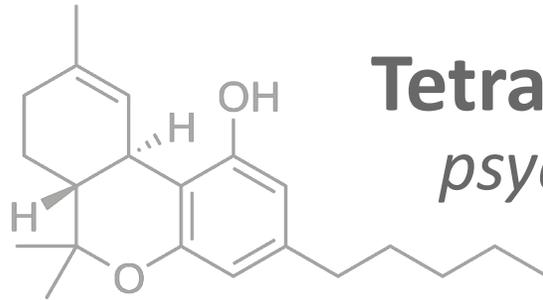
contains
0.3% THC or less

MARIJUANA

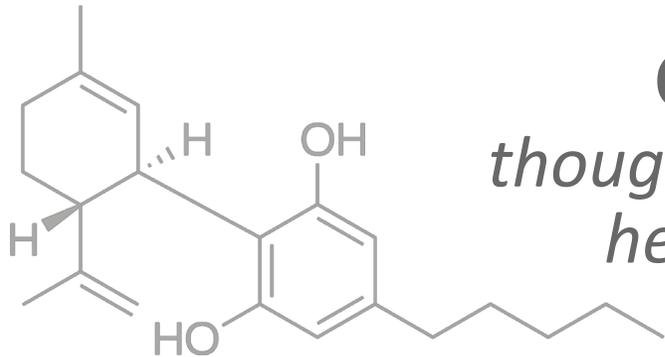
contains
15-20% THC (typically)

2

Most Dominant CANNABINOIDS



Tetrahydrocannabinol (THC) *the psychoactive effects of cannabis*



Cannabidiol (CBD)

thought to have many beneficial health effects in humans



HEMP

- ✓ Cannabis Sativa
- ✓ THC < 0.3%
- ✓ Clothing, body oil and lotions, biodegradable plastics, paper, pet food, oil for candles, lanterns, paint, biodiesel, construction materials
- ✓ CBD oil extracts

MARIJUANA

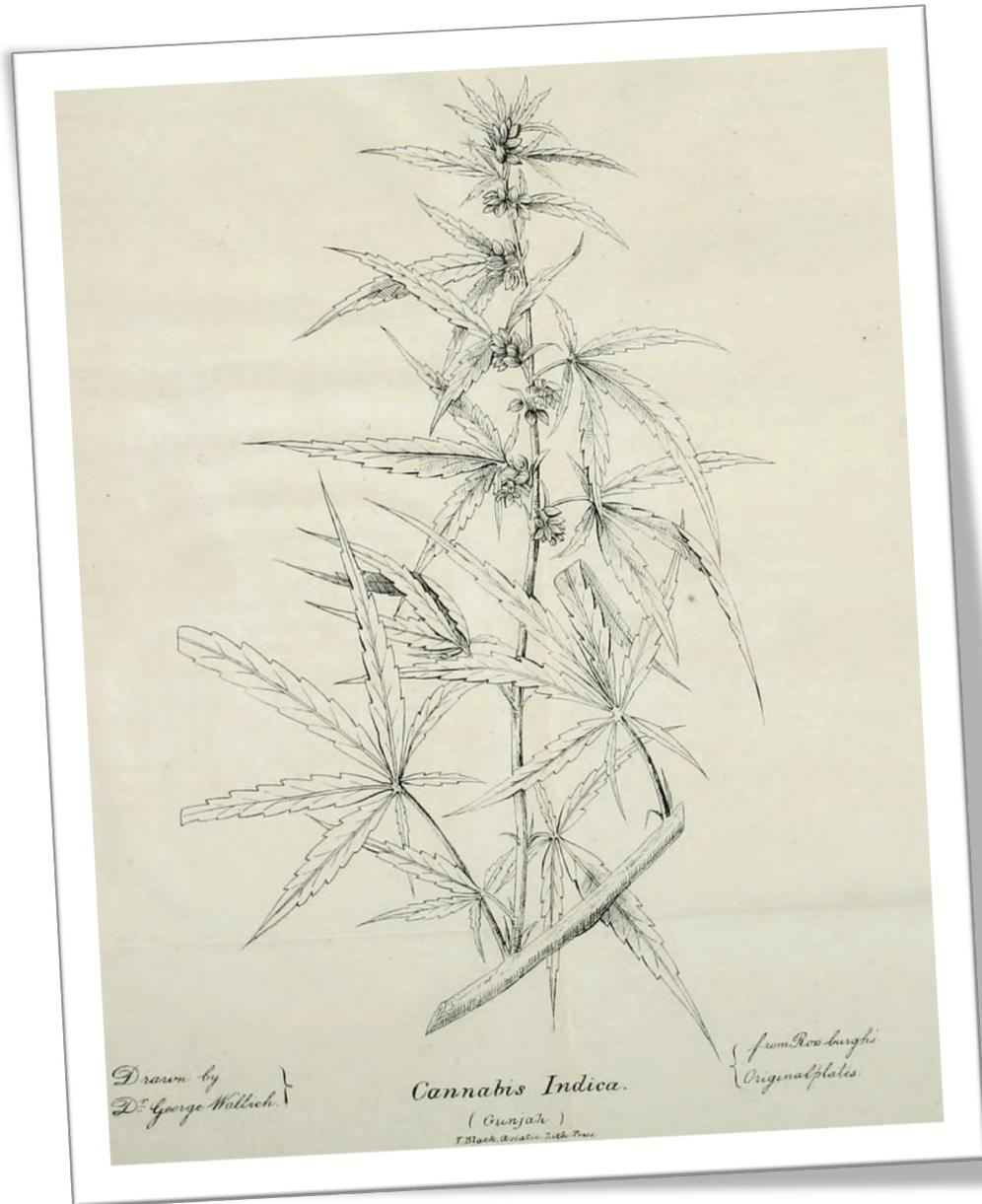
- ✓ Cannabis Sativa
- ✓ THC > 10%
- ✓ High levels of CBD
- ✓ Medicine
- ✓ Recreational

A close-up photograph of vibrant green cannabis leaves with serrated edges, filling the entire frame. The lighting is bright, highlighting the texture and veins of the leaves.

Cannabis Pre-20th Century

Cannabis Pre 20th Century

- ✓ Cannabis or marijuana use dates thousands of years
- ✓ Indigenous to Central Asia and India
- ✓ Used for rope, clothing, medicine, religious ceremonies and for its psychoactive effects
- ✓ Use spread to Persia, Middle East, Africa, Europe and the Americas



Report of the Ohio State Medical Committee on *Cannabis Indica*

BY R.R. McMEENS, M.D.

As chairman of the committee, appointed at the last session of the Ohio State Medical Society, to report upon *Cannabis Indica*, I have to say that no extended or adequate efforts have been made, either by myself or the other members of the committee, in soliciting the concurrence of the profession at large, with the view of ascertaining and collaborating the opinions entertained, or practical results observed, from the use of this remarkable and renowned exotic, and accordingly can offer but a partial and imperfect report at this time.

However, as the medicinal properties and therapeutical value of this abnegated and nearly obsolete agent has engaged much of my attention and inquiry for several years, and been somewhat frequently administered and attested by me, I feel too great an interest in the subject to allow so favorable an opportunity to pass without endeavoring to enlist a more general interest and co-operation in the further investigation of this peculiar, potent and misapprehended article.

I shall therefore only attempt to submit a brief historical sketch of the plant, with an abstract of its physiological effects, modes of preparation, therapeutical applications, reports of cases, and personal experience, derived from the very limited sources of information placed at my command, with the object of fulfilling my obligations to the Society, and adding whatever of consequence or certainty I can to the progress and perfection of the medical armamentarium.

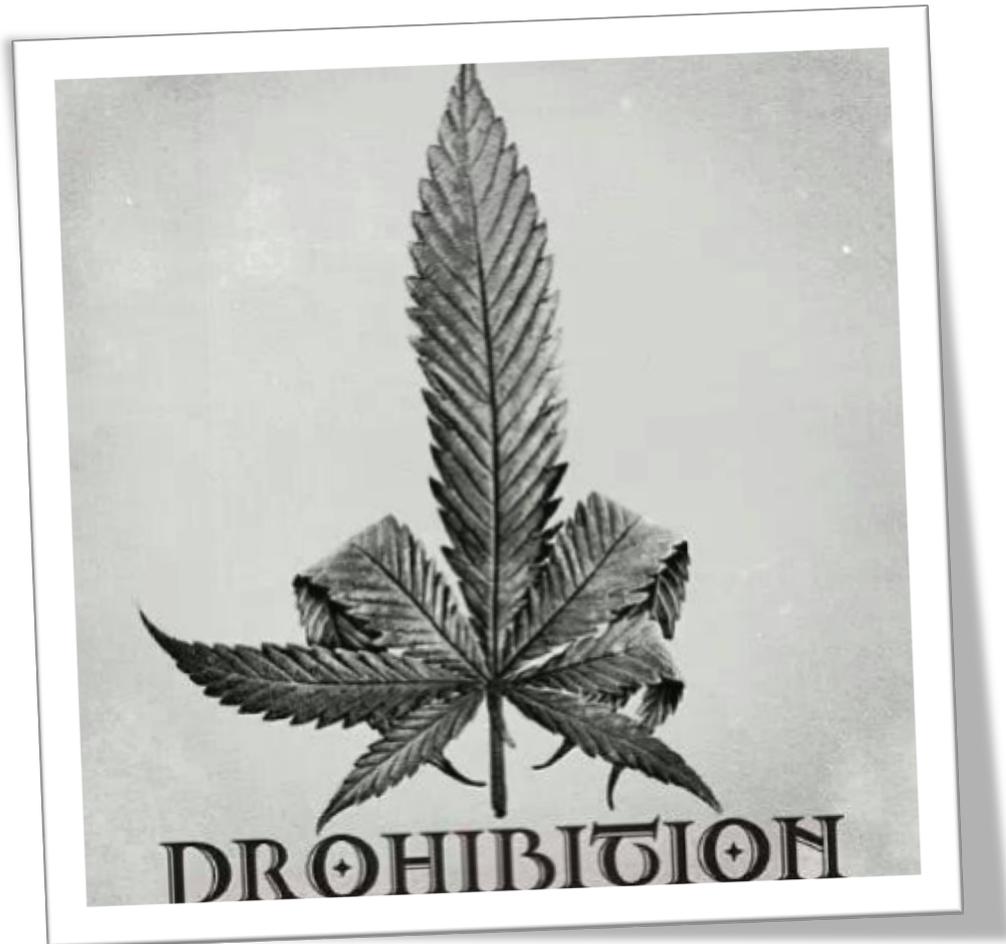
Reprinted from the *Transactions of the Fifteenth Annual Meeting of the Ohio State Medical Society at Ohio White Sulphur Springs, June 12 to 14, 1860, pp. 75-100.*

1860 Report to Ohio State Medical Committee on *Cannabis Sativa*



Chairman of Committee to
Investigate *Cannabis Sativa*, R.R.
McMeens M.D.

Cannabis Prohibition 20th Century



1906: Pure Food and Drugs Act Requires Labeling of Medicine, Including Cannabis



1911: Massachusetts Becomes First State to Outlaw Cannabis



1915-1927: 10 States Pass Marijuana Prohibition Laws



Alcohol Prohibition **1920 - 1933**



Federal Bureau of Narcotics 1930 pushed to outlaw all recreational drugs - **1937 Marihuana Tax Act**



1970 - Controlled Substances Act classified marijuana as having high potential for abuse and no accepted medical use – like heroin, LSD, peyote

A close-up photograph of vibrant green cannabis leaves with serrated edges, filling the entire frame. The lighting is bright, highlighting the texture and veins of the leaves.

Cannabis in the 21st Century



Marijuana remains illegal under federal law

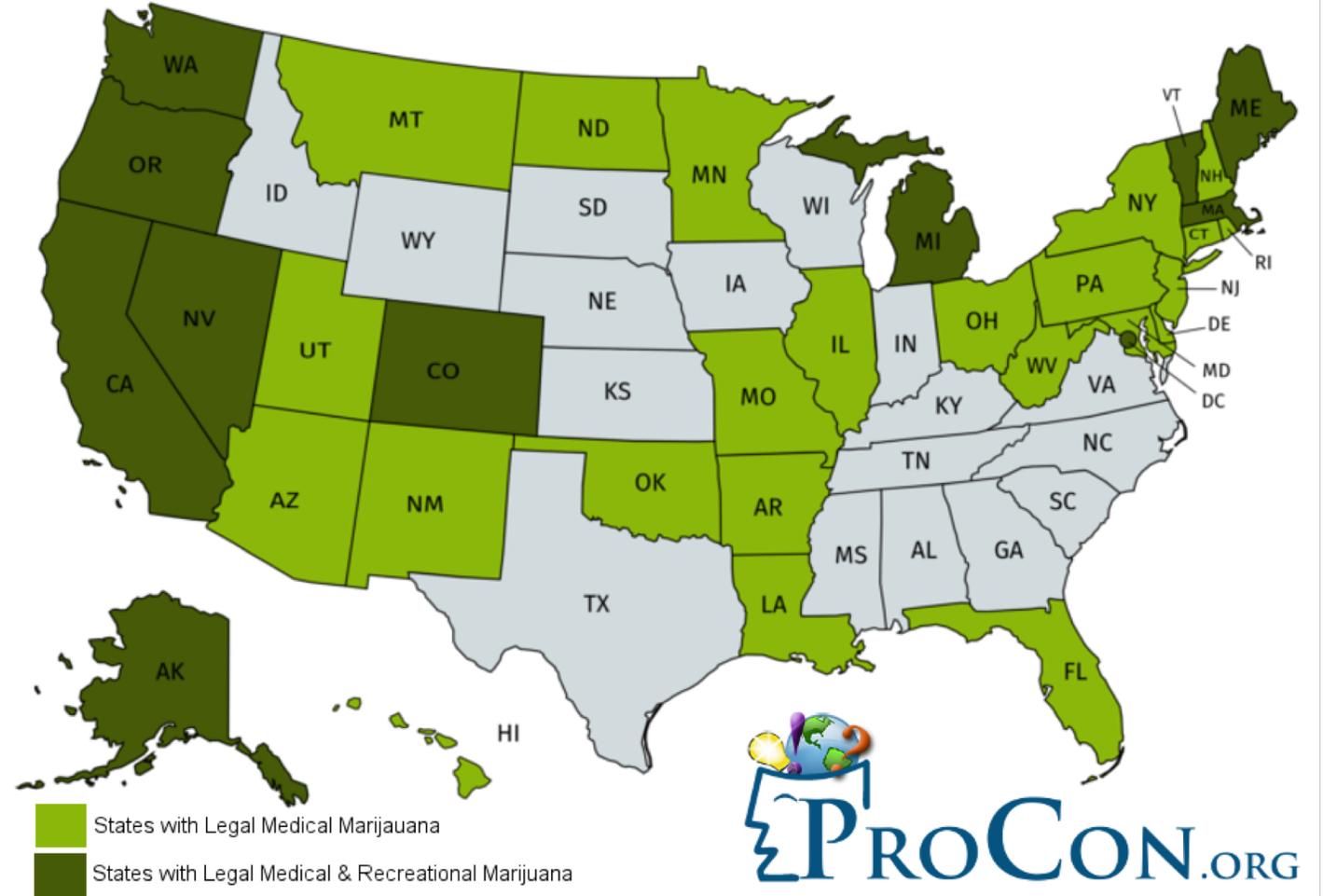


33 states + District of Columbia have legalized some form of medical marijuana as of 2018



9 of the 30 medical marijuana states have legalized the recreational use of marijuana

33 Legal Medical Marijuana States & DC 10 Legal Recreational Marijuana States & DC



SMOKING HOT INDUSTRY

In 2016, total marijuana sales in the U.S. added up to \$53 billion.

- Illegal **87%**
- Legal **13%**



SOURCE Arcview Market Research
ALEJANDRO GONZALEZ, USA TODAY



Alcohol companies
continue to buy
marijuana companies +
create cannabis
products





Constellation Brands



CANOPY GROWTH

YLLY
CORPORATION



Heineken + Molson Coors
are moving to sell cannabis-
infused drinks

Canadian Cannabis Companies Go International





More than 2 dozen countries have legalized medical marijuana



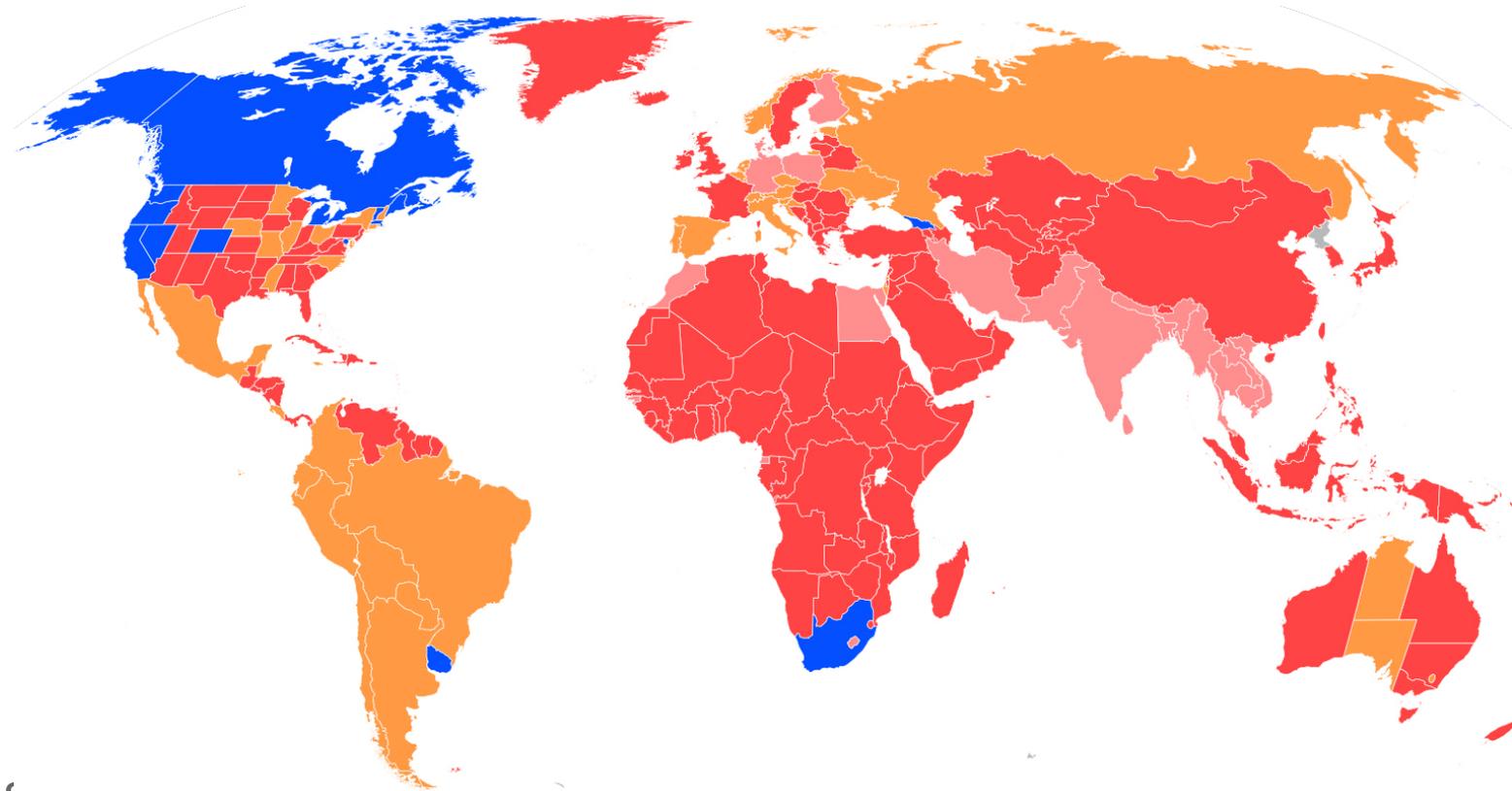
Full legislation in Uruguay with sales underway July 2019



Israel as a hub of research



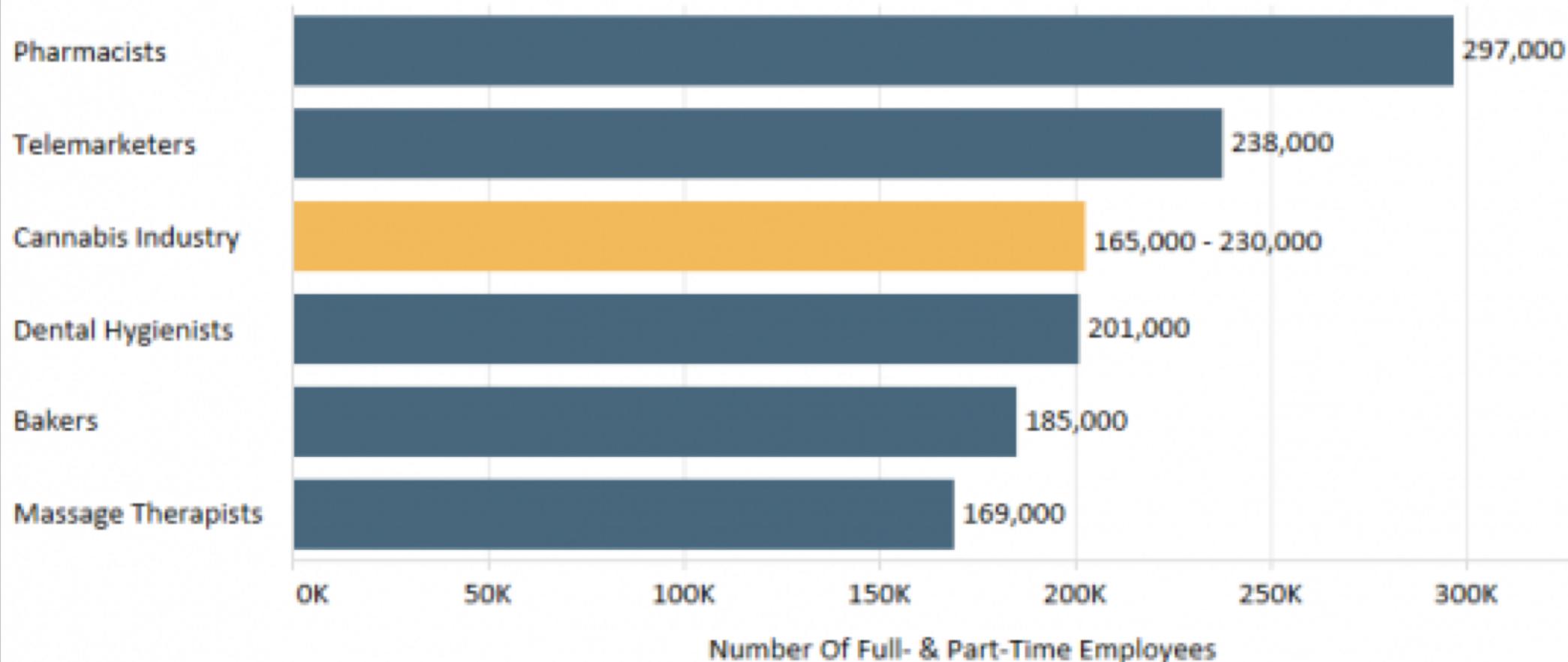
Currently full recreational use legal federally in Canada



Legal Illegal but decriminalized Illegal but often unenforced Illegal



Number Of Employees: Cannabis Industry Compared To Mainstream Professions

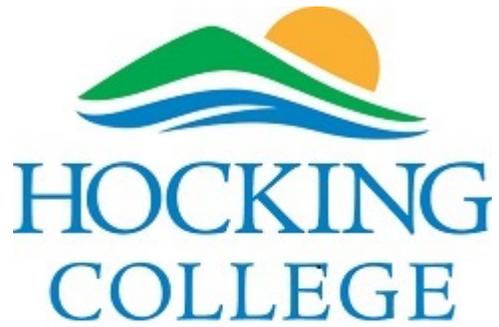


Source: Marijuana Business Daily, U.S. Bureau Of Labor Statistics Employment Projections: 2014-2024

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Cannabis Courses at U.S. Colleges



Associate of Applied Science in Laboratory Sciences Major
in Cannabis Laboratory Course of Study Course



Psychology of Cannabis course



Cannabis Science and Medicine



Medicinal Cannabis and Chronic Pain



Cannabis Research Center

FEDERAL **LEGISLATION**





THE 
ROHRBACHER -
BLUMENAUER

update

“None of the funds made available in this Act to the Department of Justice may be used to prevent any of the states from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.”

SUPPORT THE STATES ACT

Strengthening the Tenth Amendment Through Entrusting States

INTRODUCED BY



Senators Elizabeth Warren and Cory Gardner



- ✓ *addresses banking issues for companies in the marijuana business*
- ✓ *bolsters efforts to create uniform testing and regulatory standards for marijuana*
- ✓ *frees scientists to pursue research into the medical uses of marijuana*
- ✓ *Maintains prohibition on endangering human life while manufacturing a controlled substance*
- ✓ *Maintains prohibition on employing persons under age 18 in marijuana operations*
- ✓ *Prohibits distribution of marijuana at transportation safety facilities (rest areas and truck stops)*
- ✓ *Prohibits distribution or sale to persons under 21 other than for medical purposes*

A close-up photograph of Justice Sandra Day O'Connor. She has short, curly white hair and is wearing a blue top. She is looking slightly to the right of the camera with a serious expression. Her right hand is raised, with her index finger pointing upwards. A black microphone is visible in the lower right foreground. A white speech bubble with a black border is positioned on the left side of the image, containing a quote. A yellow arrow-shaped box is at the bottom left, containing citation information.

“One of federalism’s chief virtues, of course, is that it promotes innovation by allowing for the possibility that ‘a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.’”

Gonzales v. Raich, 545 U.S. 1, 42 (2005)
(O’Connor, J., dissenting)

(quoting New State Ice Co. v. Liebmann, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting))

A close-up photograph of a large pile of dried, green cannabis buds. The buds are densely packed and have a textured, crystalline appearance. They are resting on a white, slightly reflective surface. The background is out of focus, showing more of the white surface and some blurred greenery.

**FEDERAL
ILLEGALITY**

DEA Drug *Schedules*

DEA



Business Hours

Monday	9:00 AM - 5:00 PM
Tuesday	9:00 AM - 5:00 PM
Wednesday	9:00 AM - 5:00 PM
Thursday	9:00 AM - 5:00 PM
Friday	9:00 AM - 5:00 PM
Saturday	9:00 AM - 5:00 PM
Sunday	9:00 AM - 5:00 PM

VISA

<i>Description</i>	<i>Drug Examples</i>
<p>Schedule I drugs, substances, or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse. Schedule I drugs are the most dangerous drugs of all the drug schedules with potentially severe psychological or physical dependence.</p>	<p>Heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), 3,4-methylenedioxymethamphetamine (ecstasy), methaqualone, and peyote</p>
<p>Schedule II drugs, substances, or chemicals are defined as drugs with a high potential for abuse, with use potentially leading to severe psychological or physical dependence. These drugs are also considered dangerous.</p>	<p>Combination products with less than 15 milligrams of hydrocodone per dosage unit (Vicodin), cocaine, methamphetamine, methadone, hydromorphone (Dilaudid), meperidine (Demerol), oxycodone (OxyContin), fentanyl, Dexedrine, Adderall, and Ritalin</p>
<p>Schedule III drugs, substances, or chemicals are defined as drugs with a moderate to low potential for physical and psychological dependence. Schedule III drugs abuse potential is less than Schedule I and Schedule II drugs but more than Schedule IV.</p>	<p>Products containing less than 90 milligrams of codeine per dosage unit (Tylenol with codeine), ketamine, anabolic steroids, testosterone</p>
<p>Schedule IV drugs, substances, or chemicals are defined as drugs with a low potential for abuse and low risk of dependence.</p>	<p>Xanax, Soma, Darvon, Darvocet, Valium, Ativan, Talwin, Ambien, Tram</p>
<p>Schedule V drugs, substances, or chemicals are defined as drugs with lower potential for abuse than Schedule IV and consist of preparations containing limited quantities of certain narcotics. Schedule V drugs are generally used for antidiarrheal, antitussive, and analgesic purposes.</p>	<p>Cough preparations with less than 200 milligrams of codeine or per 100 milliliters (Robitussin AC), Lomotil, Motofen, Lyrica, Parepectolin</p>

THE CONTROLLED SUBSTANCES ACT



303(l)(1)(A)(i) SSA - ("controlled substance" has the meaning given such term in section 102 of the Controlled Substances Act (21 U.S.C. 802)

Factors Determinative of Control or Removal from Schedules

THE CONTROLLED SUBSTANCES ACT



1. Actual or relative potential for abuse
2. Scientific evidence of its pharmacological effect, if known
3. State of current scientific knowledge regarding the drug or other substance
4. History and current pattern of abuse
5. Scope, duration, and significance of abuse
6. What, if any, risk there is to the public health
7. Psychic or physiological dependence liability
8. Whether the substance is an immediate precursor of a substance already controlled under this subchapter.



"There's a growing trend of older Americans who are using marijuana in their retirement.

That makes sense because old people are always talking about their joints."

–Jimmy Fallon

Support for Legalizing Marijuana Continues to Edge Up

Do you think the use of marijuana should be made legal, or not?

■ % Yes, legal



GALLUP

Marijuana measures on the ballot in 2018		Outcome
State	Measures	
Colorado	Colorado Amendment X, Removes Industrial Hemp from Constitution	✔ (60.64% Yes)
Michigan	Michigan Proposal 1, Marijuana Legalization Initiative	✔ (55.89% Yes)
Missouri	Missouri Amendment 2: Medical Marijuana and Veteran Healthcare Services Initiative	✔ (65.59% Yes)
Missouri	Missouri Amendment 3: Medical Marijuana and Biomedical Research and Drug Development Institute Initiative	✘ (68.50% No)
Missouri	Missouri Proposition C: Medical Marijuana and Veterans Healthcare Services, Education, Drug Treatment, and Public Safety Initiative	✘ (56.43% No)
North Dakota	North Dakota Measure 3, Marijuana Legalization and Automatic Expungement Initiative	✘ (59.45% No)
Oklahoma	Oklahoma State Question 788: Medical Marijuana Legalization Initiative	✔ (56.86% Yes)
Utah	Utah Proposition 2: Medical Marijuana Initiative (Lawsuit pending for legislative changes made after ballot initiative passed)	✘ (52.75% Yes)



Not in my **BACKYARD**

...**THINK**
Again!



Lobbying + building coalitions to regulate marijuana like alcohol in several states that don't have the option of voter initiatives: **Connecticut, Delaware, Maryland, Minnesota, New Hampshire, Rhode Island + Vermont**



Advancing medical marijuana-related bills — **Kentucky and South Carolina** — 2020 medical marijuana ballot initiative in **Nebraska**



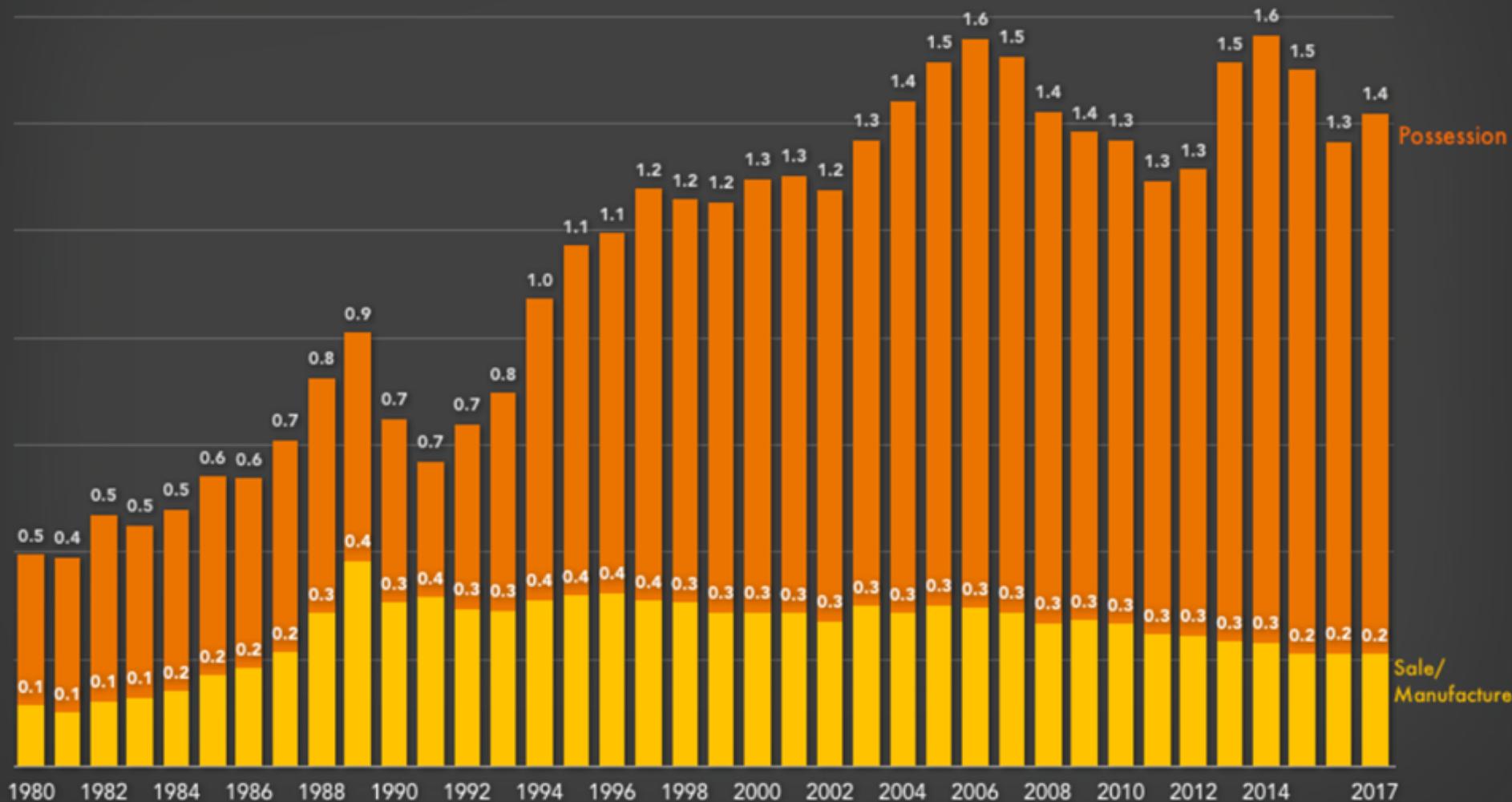
Advocating for medical marijuana-related bills in several other states, including including **Kentucky and South Carolina**, while supporting a 2018 medical marijuana ballot initiative in **Utah**.

A close-up photograph of a large pile of dried, green cannabis buds. The buds are densely packed and have a textured, crystalline appearance. They are resting on a white, slightly reflective surface. The background is blurred, showing more of the same material. The lighting is bright and even, highlighting the vibrant green color of the plant matter.

DECRIMINALIZATION

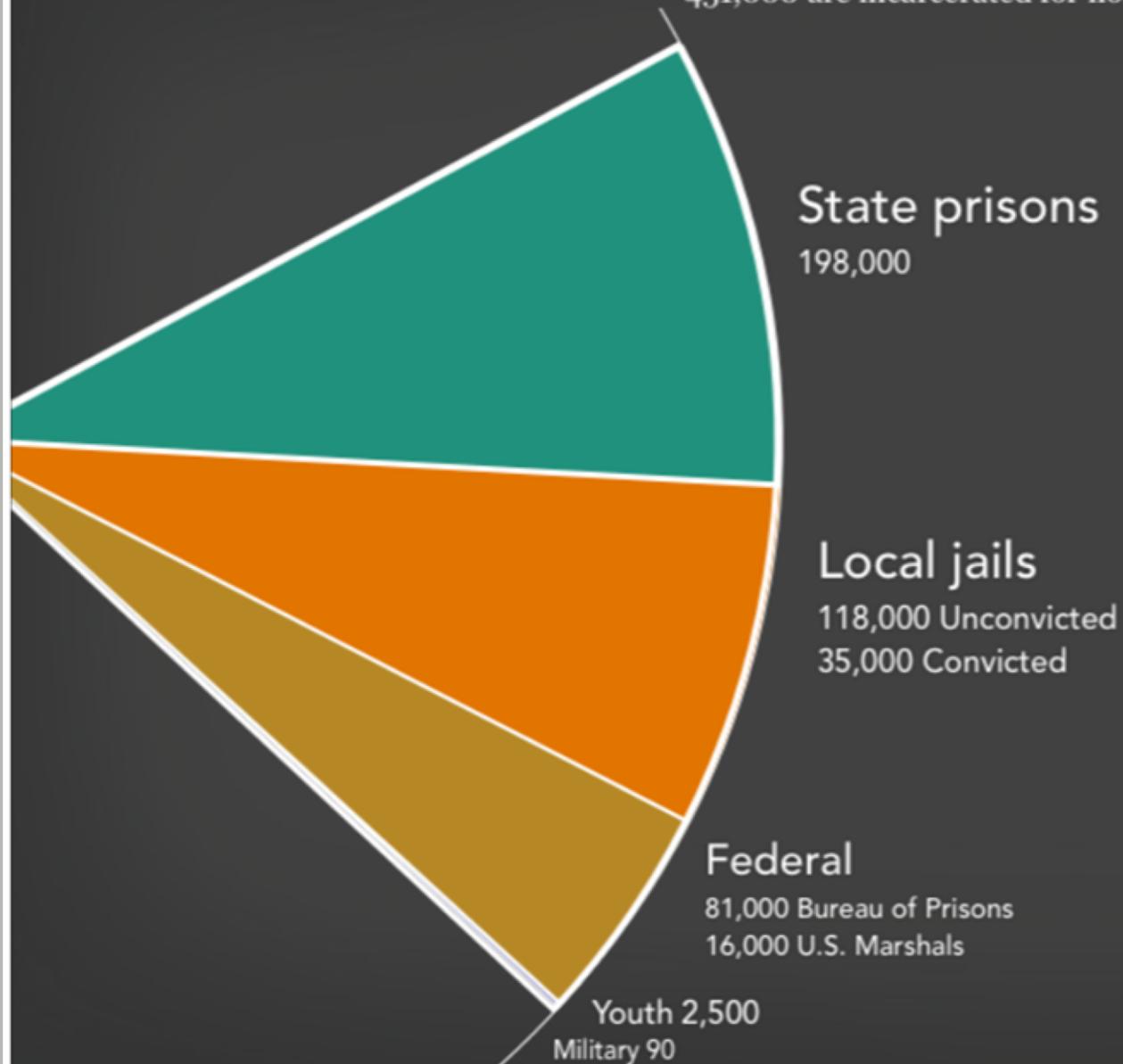
There are over 1 million drug possession arrests each year

There are 6 times as many arrests for drug possession as for drug sales.
(Arrests in millions, 1980–2017)



1 in 5 incarcerated people is locked up for a drug offense

451,000 are incarcerated for nonviolent drug offenses on any given day.





MARIJUANA IN THE **WORKPLACE**

The Medical Marijuana Act does not:

Rights of an Employer

Generally, no state:



Requires an employer to permit or accommodate an employee's use, possession, or distribution of medical marijuana (*ADA)



Prohibits an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's use, possession, or distribution of medical marijuana (*ME)



Prohibits an employer from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy

Rights of an Employer



State laws generally do not:



Interfere with any federal restrictions on employment (DOT, federal contracts, etc.)



Permit a person to commence a cause of action against an employer for refusing to hire, discharging, disciplining, discriminating, retaliating, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment related to medical marijuana



Affect the authority of the administrator of workers' compensation to grant rebates or discounts on premium rates to employers that participate in a drug-free workplace program

Ohio

**Bureau of Workers'
Compensation**

**The Ohio Bureau of
Workers' Compensation will
not pay for medical
marijuana**



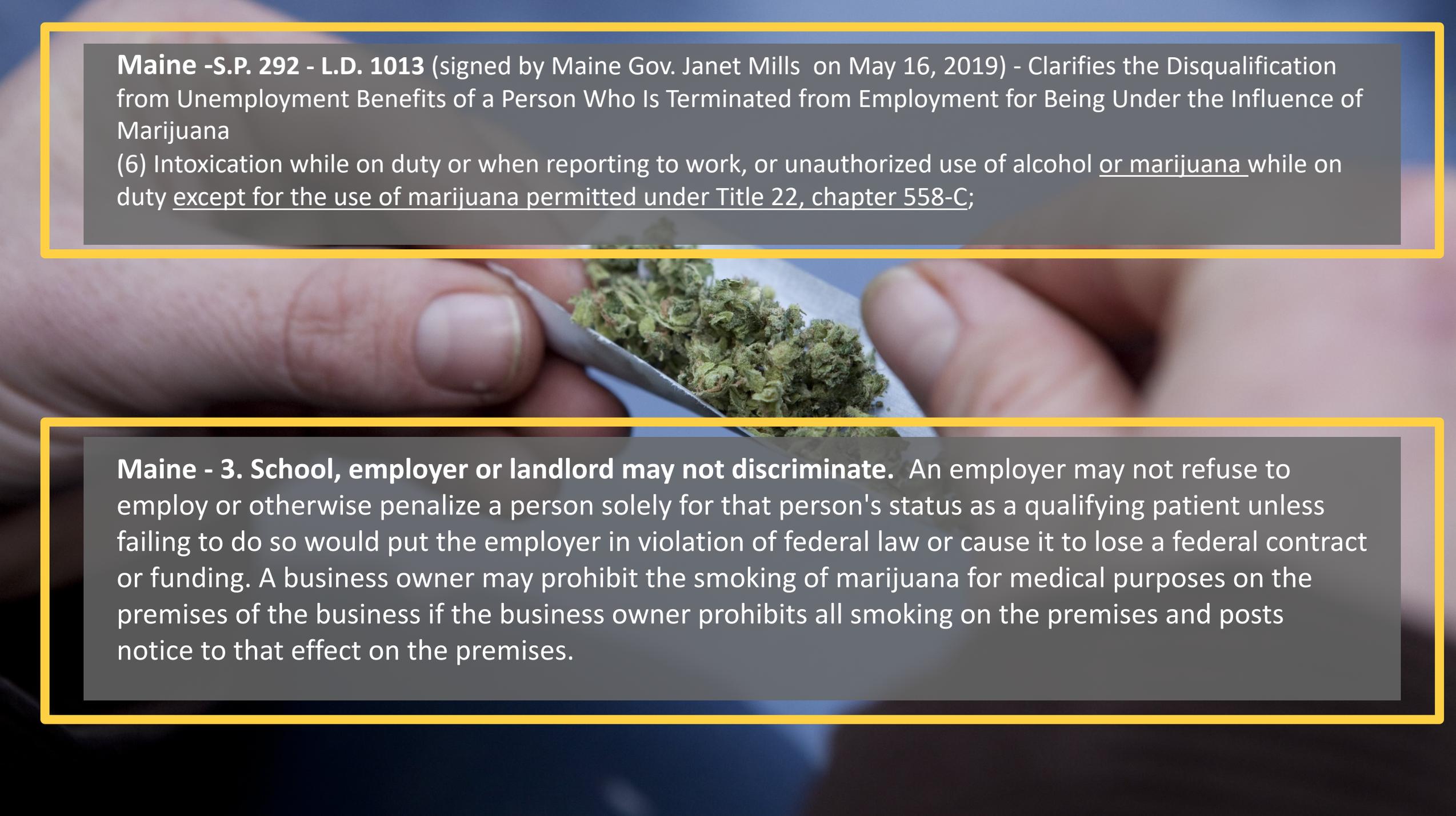
RC 4123.54



“Rebuttable presumption” retained for medical marijuana



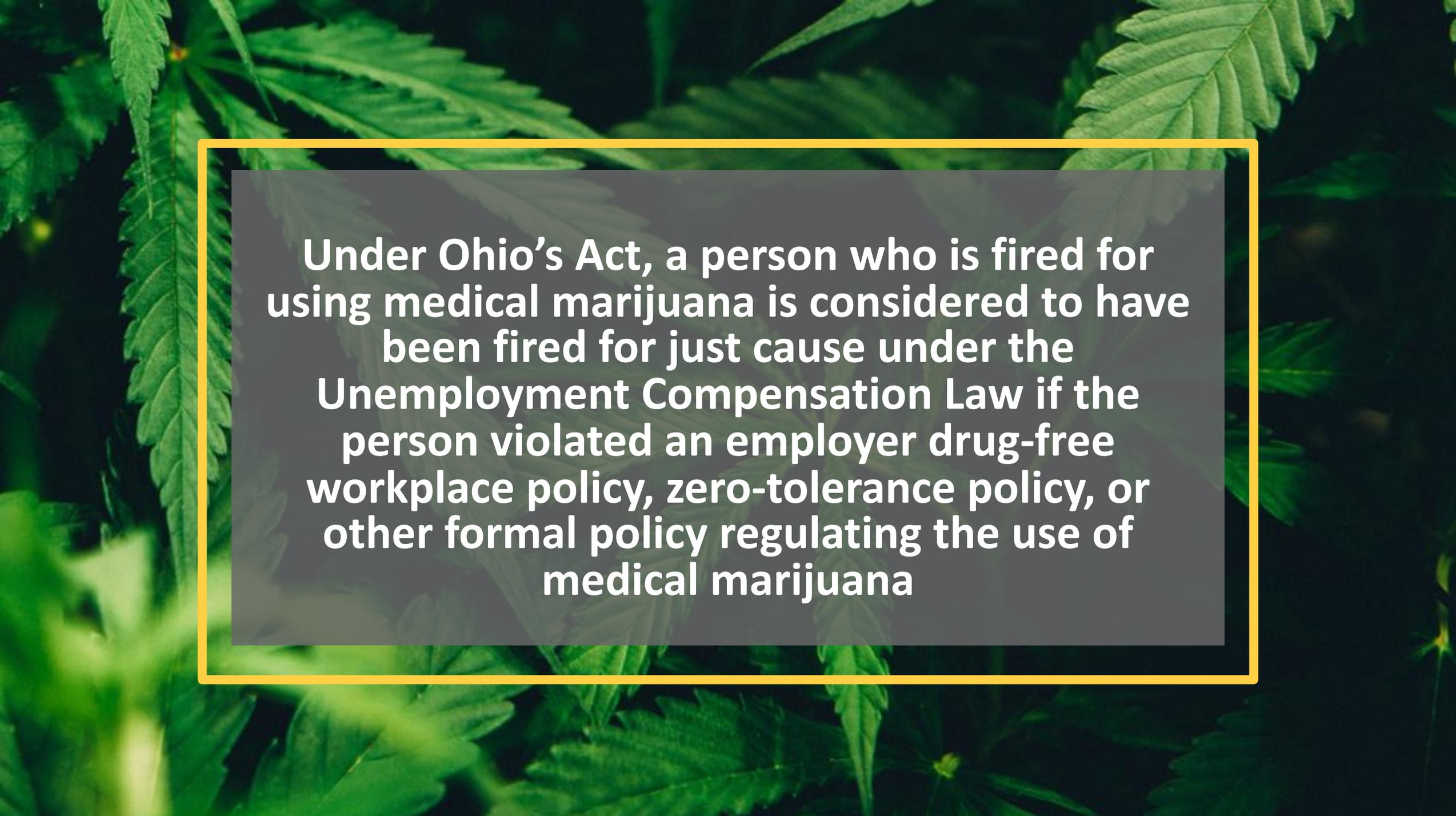
“Rebuttable presumption” arises that an employee is intoxicated and that the intoxication was the proximate cause of the injury where a qualifying chemical test shows the presence of a cannabinoids in excess of the statutory limit



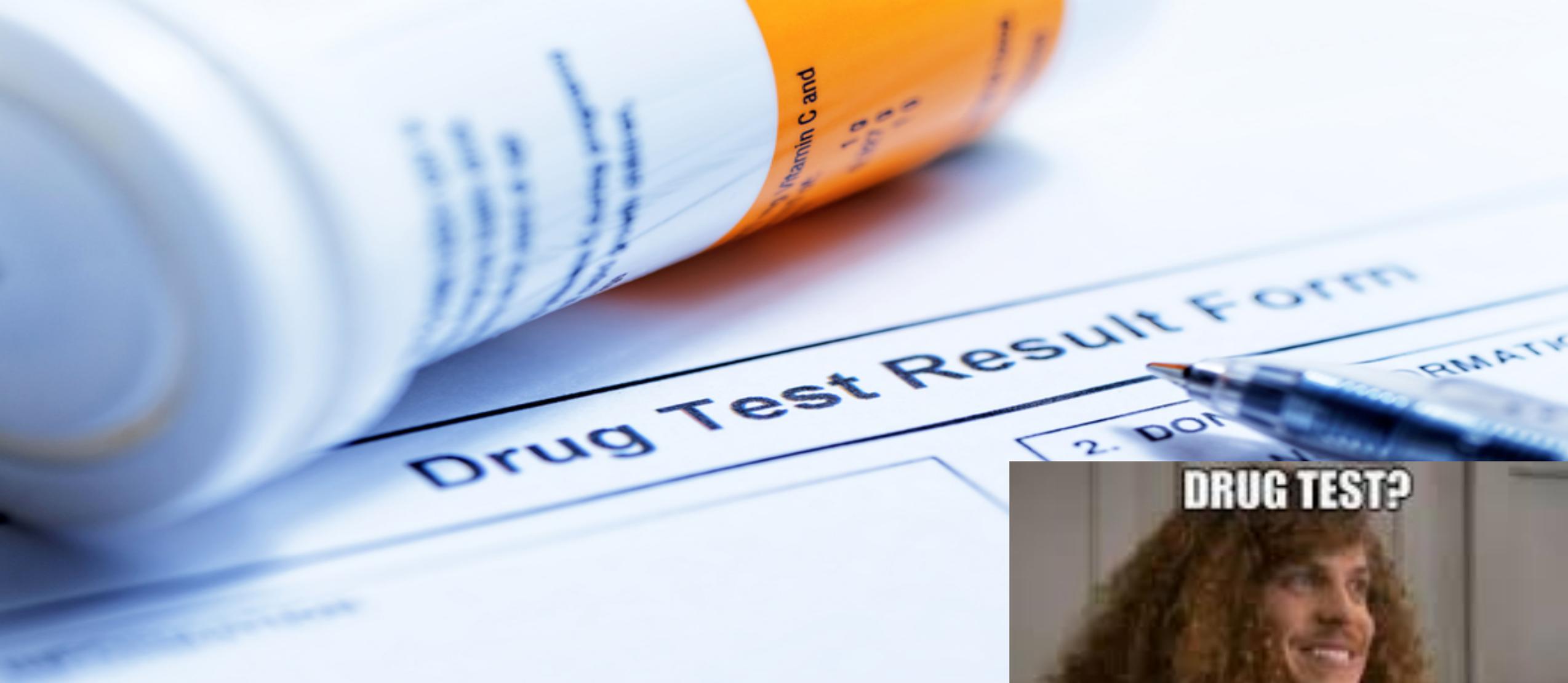
Maine -S.P. 292 - L.D. 1013 (signed by Maine Gov. Janet Mills on May 16, 2019) - Clarifies the Disqualification from Unemployment Benefits of a Person Who Is Terminated from Employment for Being Under the Influence of Marijuana

(6) Intoxication while on duty or when reporting to work, or unauthorized use of alcohol or marijuana while on duty except for the use of marijuana permitted under Title 22, chapter 558-C;

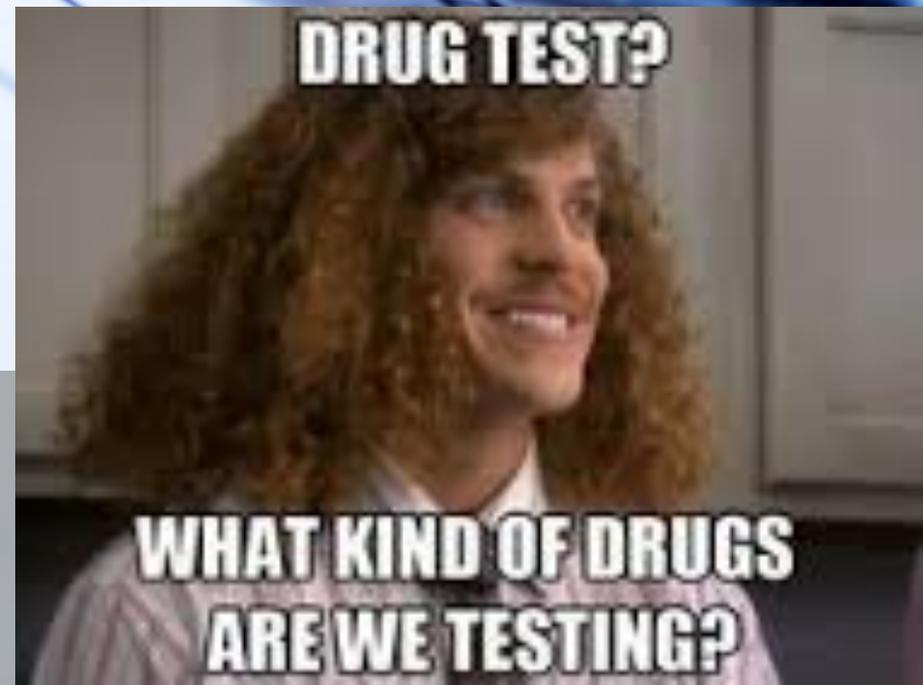
Maine - 3. School, employer or landlord may not discriminate. An employer may not refuse to employ or otherwise penalize a person solely for that person's status as a qualifying patient unless failing to do so would put the employer in violation of federal law or cause it to lose a federal contract or funding. A business owner may prohibit the smoking of marijuana for medical purposes on the premises of the business if the business owner prohibits all smoking on the premises and posts notice to that effect on the premises.

The background of the image consists of several green cannabis leaves with serrated edges, set against a dark, almost black background. The leaves are illuminated from the side, creating a strong contrast and highlighting their texture. In the center of the image, there is a semi-transparent grey rectangular box with a thin yellow border. Inside this box, white text is centered and reads: "Under Ohio's Act, a person who is fired for using medical marijuana is considered to have been fired for just cause under the Unemployment Compensation Law if the person violated an employer drug-free workplace policy, zero-tolerance policy, or other formal policy regulating the use of medical marijuana".

Under Ohio's Act, a person who is fired for using medical marijuana is considered to have been fired for just cause under the Unemployment Compensation Law if the person violated an employer drug-free workplace policy, zero-tolerance policy, or other formal policy regulating the use of medical marijuana



Drug Testing



Qualifying Chemical TEST

Issued within 32 hours
of injury

Administered after
employer had
“reasonable cause”

Specific, objective
facts +
reported use



This product has been manufactured using our 2019 updated synthetic urine formula.

Order in the next **2 hours** and select **FedEx Priority Overnight**® to receive your order by **TOMORROW**.
* Does not apply to holidays.

Sub-Solution + Practice Kit

★★★★★ [View Reviews!](#) | SKU: 2318 | [All Products](#), [Synthetic Urine](#), [Urine Testing](#), [Synthetic Urine](#), [Combo Deals](#), [Synthetic Urine](#)

~~\$145.00~~ **SALE PRICE \$115.00**

Keep calm and practice first. Purchase this combo and remove the stress from any test! Includes a Sub Solution Synthetic Urine Kit and The Practice Kit.

- 1 +

I NEED IT! BUY NOW

BUY SUB SOLUTION

This item qualifies for **FREE SHIPPING**

View our daily **SHIPPING CUTOFF TIMES**



[View Full Size](#)

MONEY BACK GUARANTEE
AVAILABLE ON SELECT PRODUCTS

[CLICK HERE TO SEE IF THIS PRODUCT IS COVERED BY A GUARANTEE](#)

UNEMPLOYMENT BENEFIT APPLICATION

Please print your response to each question. Failure to provide this information will delay processing of your application.

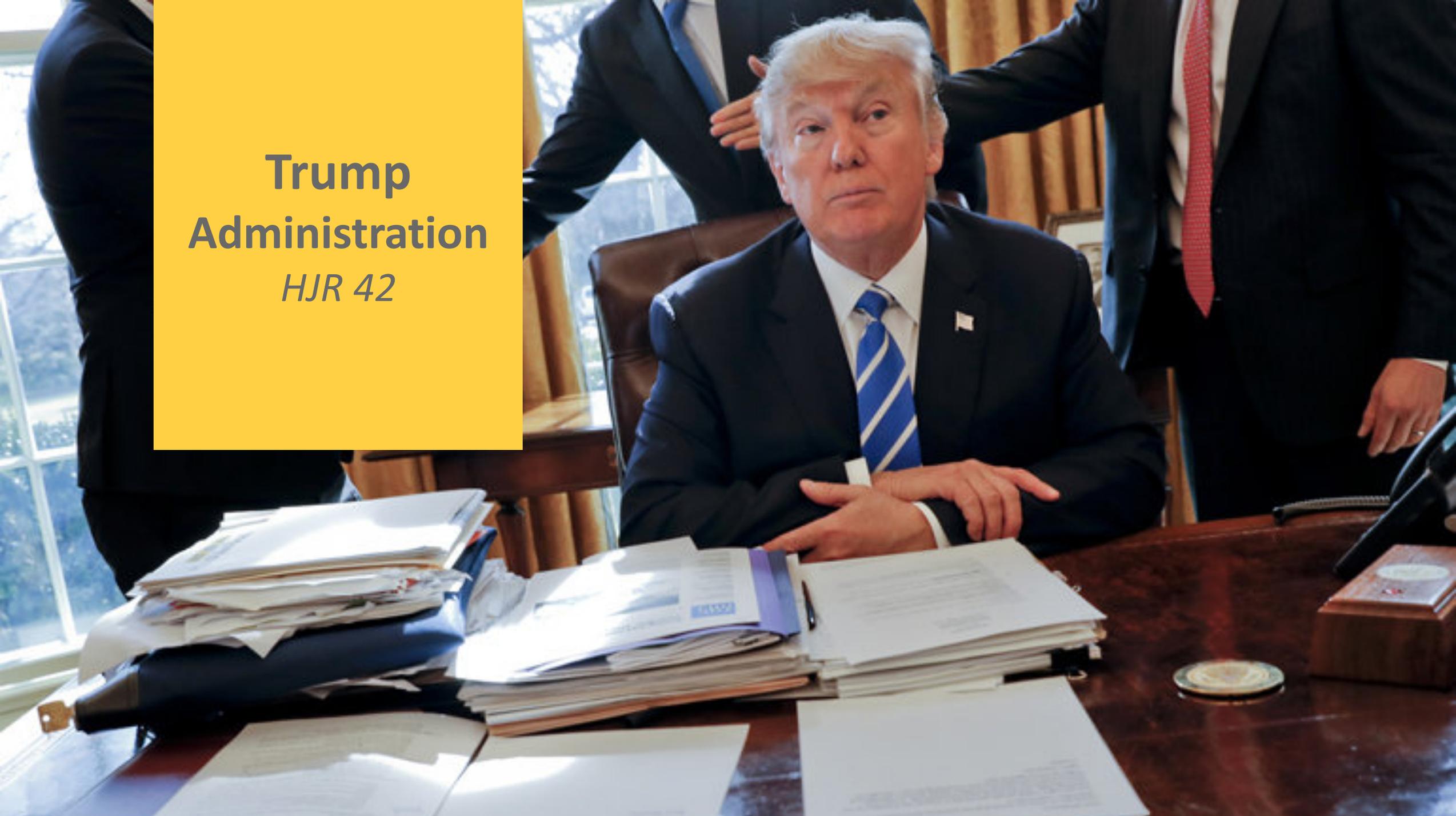
State (Required)

Phone Number

City



**Trump
Administration**
HJR 42





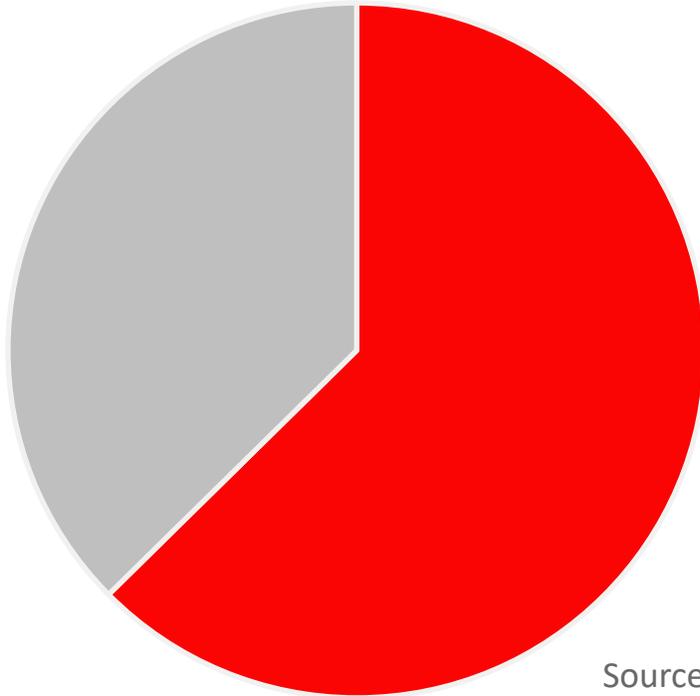
Subsection (1) to Section 303, SSA

Was terminated from employment with his/her most recent employer (state law) because of the unlawful use of controlled substances

Is an individual for whom suitable work (state law) is only available in an occupation that regularly conducts drug testing (DOL Secretary regs)

**DRUG
TESTING**

+ Workplace Issues



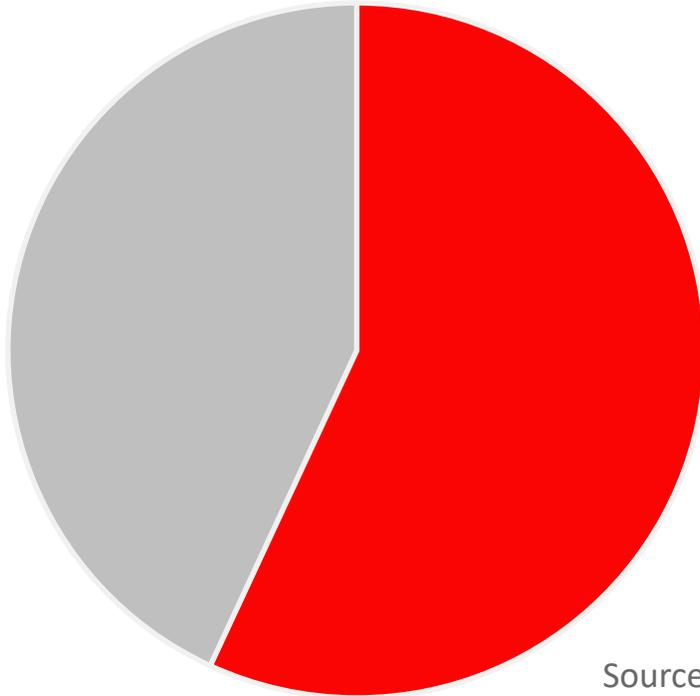
62.6%

*of all adult illegal drug users
are employed full time, as are
most binge and heavy alcohol
users*

Source: U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
Center for Behavioral Health Statistics and Quality

**DRUG
TESTING**

+ Workplace Issues



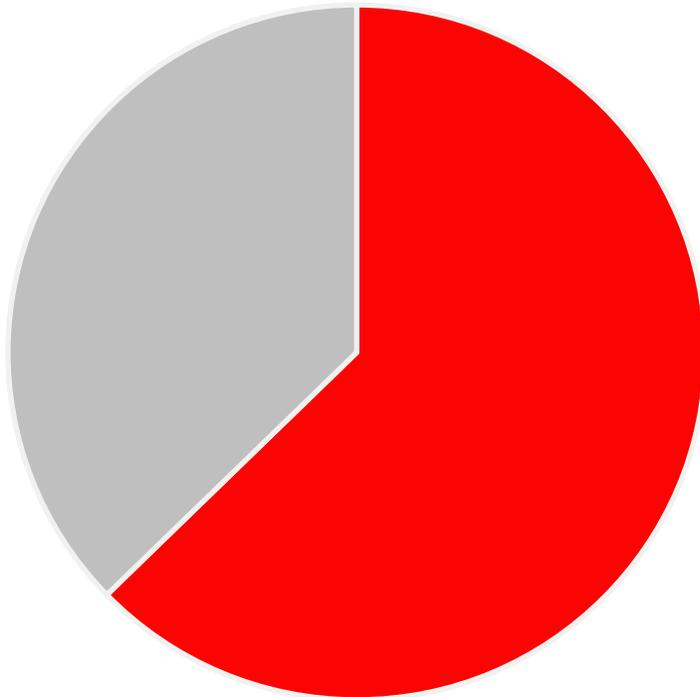
56.9%

*of all adult illegal drug users
are employed part time, as
are most binge and heavy
alcohol users*

Source: U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
Center for Behavioral Health Statistics and Quality

**DRUG
TESTING**

+ Workplace Issues



Compared with non-substance users, substance using employees are more likely to:

- ✓ *Change jobs frequently*
- ✓ *Be late/absent from work*
- ✓ *Be less productive*
- ✓ *Be involved in a workplace accident or file WC claim*

Source: U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
Center for Behavioral Health Statistics and Quality



This usually involves collecting urine samples to test for drugs such as marijuana, cocaine, amphetamines, PCP, and opiates

Ways to Drug Test Employees:

- ✓ *Pre-employment testing*
- ✓ *Random testing*
- ✓ *Reasonable suspicion/cause testing*
- ✓ *Post-accident testing*
- ✓ *Return-to-duty testing*
- ✓ *Follow-up testing*



Benefits of Drug Testing



Important experiences to share



Improvements in morale and productivity, and decreases in absenteeism, accidents, downtime, turnover, and theft



Better health status among employees and family members and decreased use of medical benefits by these same groups



Some organizations qualify for incentives, such as decreased costs for workers' compensation and other kinds of insurance



Drug Testing Resources



Local Counsel/Attorney



Substance Abuse and Mental Health Services Administration (SAMHSA), Division of Workplace Programs



U.S. Department of Labor (DOL), eLaws Drug-Free Workplace Advisor



U.S. Department of Transportation (DOT), Office of Drug & Alcohol Policy & Compliance

Resources for Drug Addiction

DrugAbuse.com	1-(877) 978-1930
Boys Town National Hotline	1 (800) 448-3000
Covenant House Teen Hotline (NineLine)	1 (800) 999-9999
National Council on Alcoholism and Drug Dependence, Inc. (NCADD)	1 (800) NCA-CALL (622-2255)
National Institute on Drug Abuse (NIDA)	1 (800) 662-HELP (4357)
Substance Abuse and Mental Health Services Administration (SAMHSA) National Helpline	1 (800) 662-HELP (4357) 1 (800) 487-4889 (TDD)
National Suicide Prevention Lifeline	1 (800) 273-TALK (8255)
The Partnership at Drugfree.org	1 (855) DRUG-FREE (378-4373)



Majority of state supreme court cases have upheld that employers are not obligated to accommodate the use of medical marijuana—even outside the workplace

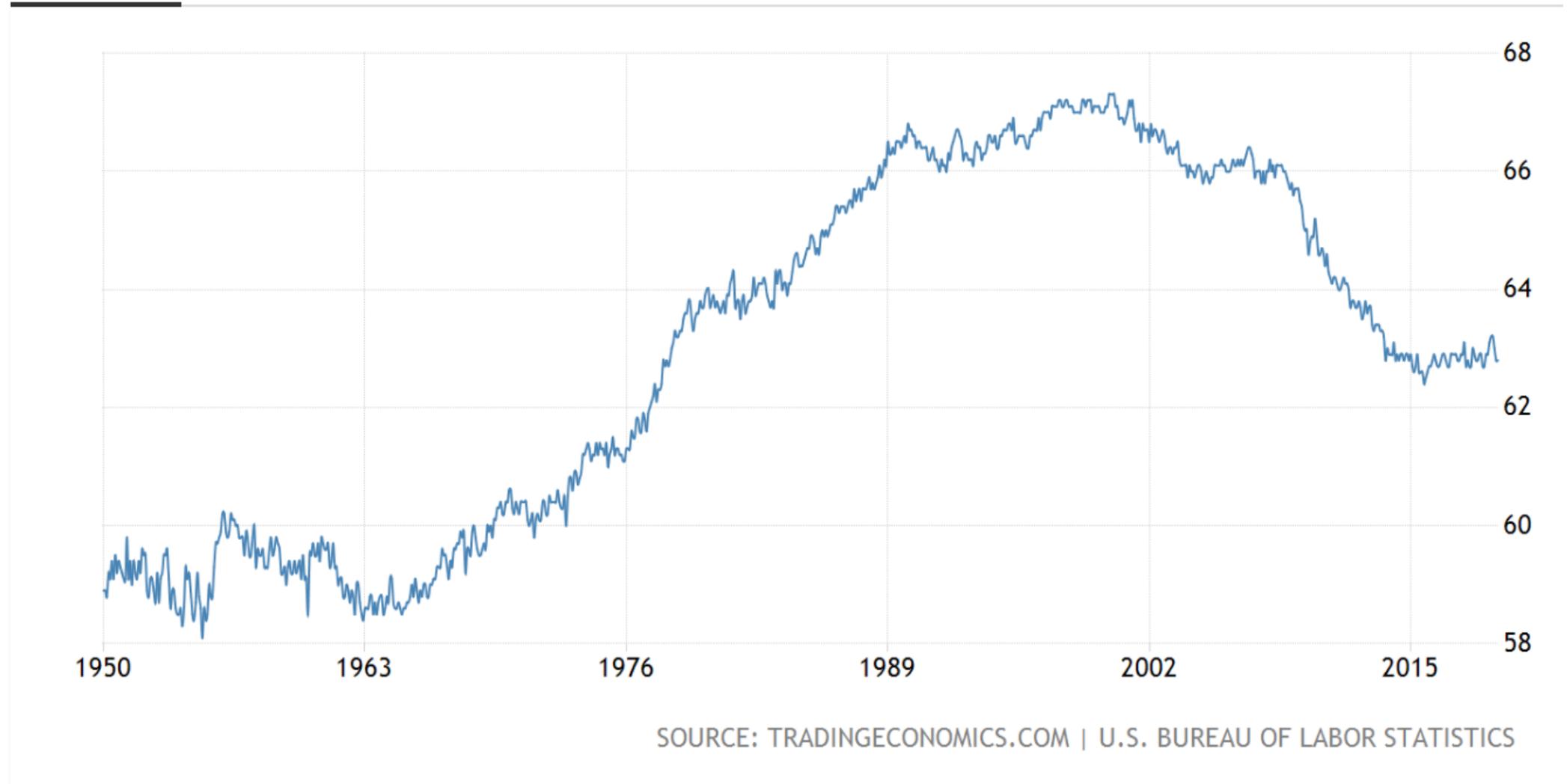
Several medical marijuana states have implicit employee protections in place, where the law mentions only on-the-job consumption or impairment as grounds for termination: Colorado, Hawaii, Michigan, Montana, New Jersey, New Mexico and Vermont

A pair of brass scales of justice is shown against a blue background. The scales are slightly out of focus, with the pans hanging from a central beam. The lighting creates highlights on the metal surfaces.

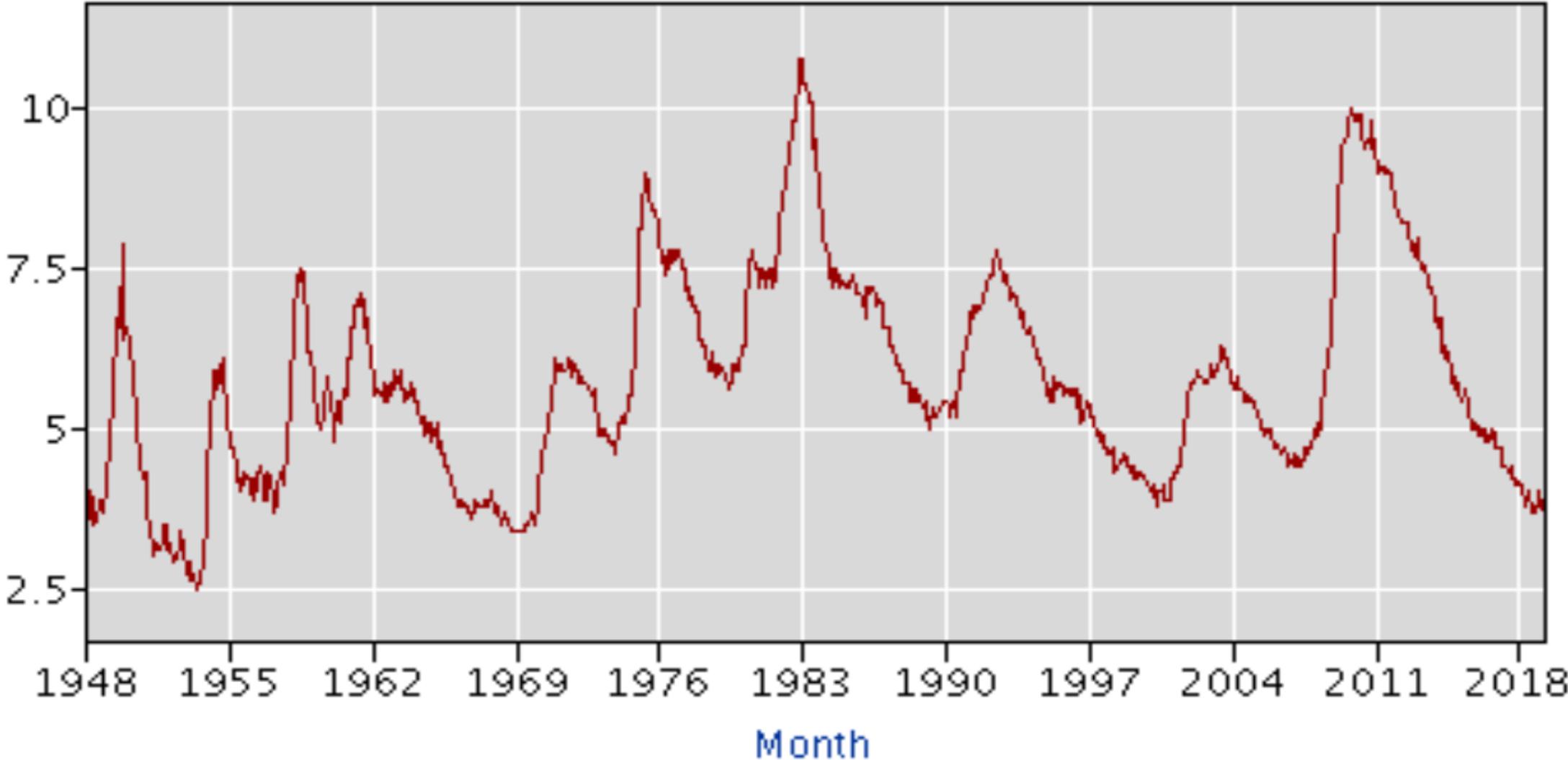
MASSACHUSETTS Supreme Judicial Court

ruled that a company that fired an employee with a legal medicinal marijuana prescription, which she used only after work, for failing a drug test could constitute discrimination against her handicap

U.S. Labor Force Participation Rates – 1950-2019



U.S. Unemployment Rate – 1948 - 2019





**Workplace Impact + Other
Considerations**

TOUGH QUESTION

Despite state laws . . . how to deal with cannabis in the workplace in light of its new business, social and political acceptance?





Company Reputation



Federal Funding

BENEFITS



Third-Party Employee Benefits

3 Action
STEPS
for Employers





Adopt policies that emphasize it is illegal to work under the influence or consume drugs at the workplace + consequences for not obeying policies



Work with a reputable drug testing company that administers random testing and complies with all state and federal regulations



Watch for law changes at the federal and state level on medical marijuana or fighting opioid addiction

A close-up photograph of a large pile of green, dried marijuana buds. The buds are densely packed and have a vibrant green color with some brownish-orange trichomes visible. They are resting on a white, slightly textured surface, possibly a table or a piece of paper. The background is out of focus, showing a light-colored wall or ceiling.

The issue that needs resolved now is...

What level of marijuana in a person's system constitutes "impairment" similar to alcohol at **0.8%**

Thank
You



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KEGLER
BROWN
HILL +
RITTER