

Recently a Safety Director at one of the larger participating companies asked if "medical-marijuana" laws impact company safety policies?

The program administrator's response follows:

The SNAP Admin Guide has language in it that effectively prohibits the use of so-called medical-marijuana. This is from the SNAP Admin Guide, which is available at the SNAP web portal [snap.drugfreebusiness.org](http://snap.drugfreebusiness.org).

**Prohibited Substances - prohibitions:** A participating employer shall strictly prohibit the illicit use, purchase, possession, sale, conveyance, distribution, or manufacture of illegal drugs, intoxicants, or controlled substances in any amount or in any manner, including having a detectable presence of illegal drugs in the body systems.

In addition, the employer shall strictly prohibit the use or being under any influence of alcohol during working hours. Prescription or nonprescription medications are not prohibited when taken in accordance with a lawful (under both federal and local laws) prescription or consistent with standard dosage recommendations. Employees in safety-sensitive jobs are responsible for notifying their supervisors when prescribed medications may interfere with their ability to do their jobs safely.

Just to clarify a point that almost no one considers when this subject comes up - No one in the United States can have a 'legal' prescription for marijuana. Such a thing simply doesn't exist. If you read the actual state law in each of the 15 or so states that have a state law governing so-called medical marijuana, each state's laws about this are very similar, and none provide for a "prescription" for marijuana - legal or otherwise. Under federal law, marijuana is illegal in all 50 states no matter what your state says.

Here's the wording in Washington State. Others are similar. "Qualifying patients with terminal or debilitating illnesses who, in the judgment of their health care professionals, may benefit from the medical use of marijuana, shall not be found guilty of a crime under state law for their possession and limited use of marijuana..."

Basically what this means is that if you have a letter signed by a doctor (in some states it is an ID card) you can use that document to avoid criminal *prosecution* if you get caught with marijuana. A prescription has nothing to do with it. In fact, in Washington State and many others you won't find the word "prescription" anywhere in the so-called "medical-marijuana" laws.

BTW, "medical marijuana" has been legal since about 1983. It's called Marinol® (contains synthetic THC) and it's a Schedule III controlled substance that any doctor can prescribe.

Some other issues that employer's must consider, since marijuana is an illegal drug:

1. Washington law (L&I) requires that employers maintain a safe workplace by prohibiting the use of alcohol and drugs
2. The federal Drug Free Workplace Act of 1988 requires that employers prohibit the use of all illegal drugs (and this includes marijuana) and take disciplinary action against employees, etc. This applies to employers receiving federal contracts or grants.
3. So-called medical-marijuana is expressly prohibited for use by transportation workers covered under federal testing regulations, e.g. commercial drivers.
4. Your liability and other insurance carriers probably have small-print that requires you to prohibit the use of illegal drugs, etc.

Your question was "do medical marijuana laws impact company safety policies?" Well, hopefully employers will take a strong position considering the information above and not tolerate the "medical marijuana excuse". And don't be fooled by those workers who say "...but I only smoke it after work." Medical researches and scientists know that serious impairment from smoking marijuana can last for 24 hours or more, well after the "high" is over.

Does marijuana, whether "medical" or not affect safety? Of course it does. I've placed some documents, all well researched with references on the DFB webpage <http://www.drugfreebusiness.org/reference>. Take a look at them. For instance, "The Drugged Driving Problem"

On the nation's highways, drugged driving now poses a danger on the scale of the better-known problem of drunk driving. In a national survey, drugs were present more than 7 times as frequently as alcohol among weekend nighttime drivers in the U.S., with 16% testing positive for drugs, compared to 2% testing at or above the legal limit for alcohol. In addition, a recent study of seriously injured drivers at the Maryland Shock Trauma Center showed that 51% of the sample tested positive for illegal drugs, compared to 34% who tested positive for alcohol. In 2009, 10.5 million people drove under the influence of drugs.

And "Why We Should Not Legalize Marijuana":

Drug-impaired driving will also increase if marijuana is legalized. Marijuana is already a significant causal factor in highway crashes, injuries and deaths. In a recent national roadside survey of weekend nighttime drivers, 8.6 percent tested positive for marijuana or its metabolites, nearly four times the percentage of drivers with a blood alcohol concentration (BAC) of .08 g/dL (2.2 percent).

Who is paying for those accidents, medical care, and disability costs? You and I are, through higher taxes and higher insurance premiums.

BTW, on 6/9/2011 the Washington State Supreme Court rejected the notion that employers are required to accommodate the use of medical-marijuana. See Jane Roe v. TeleTech Customer Care Mgmt.

<http://www.courts.wa.gov/opinions/?fa=opinions.disp&filename=837686MAJ>

So far, all state courts have also rejected workplace accommodation of medical-marijuana, including most recently in a Wal-Mart case in Michigan

[http://www.mlive.com/news/grand-rapids/index.ssf/2011/02/judge\\_upholds\\_walmarts\\_firing.html](http://www.mlive.com/news/grand-rapids/index.ssf/2011/02/judge_upholds_walmarts_firing.html)