

SafetyNewsAlert.com » Medical marijuana and safety: Questions remain

## Medical marijuana and safety: Questions remain

December 20, 2010 by Fred Hosier

Posted in: Alcohol/drugs New rules and regulations Special Report What Would You Do? What do you think?



Next year, a 16th state will enact regulations allowing use of medical marijuana. Even though these laws are becoming more prevalent, questions regarding users and workplace safety remain.

Arizona expects to have regulations allowing medical-marijuana use by late summer 2011. Voters OK'd the law in November's election.

Doug Stegemoller, president of a construction company in Phoenix, told *The Arizona Republic* he has concerns about how the new law will impact worker safety.

The law would still allow Stegemoller to fire an employee for impaired performance due to pot use, but the problem is that impairment isn't defined by law.

Unlike alcohol, there's no standard for marijuana intoxication. Tests can measure the amount in a person's system, but there are disputes about what constitutes intoxication because pot can stay in the body for weeks after use.

### Employment issues addressed, but ...

Arizona's new law allows employers to terminate or take action against employees whose use of medical weed impairs their work.

But the law also bars employers from discriminating against these users.

It doesn't necessarily help Arizona that 15 other states and Washington, D.C., have enacted similar laws already.

These other states are still struggling with many of the same issues. Resolving them often comes down to court battles.

And court cases in other states aren't the answer either, because states have separate judicial systems.

If you have a drug testing program at your company, and you're located in a state with a medical-marijuana law, what should you do? Here's some advice from legal experts:

- » Consult a lawyer
- » Review your drug-testing policies
- » Revisit employee rules about medical-marijuana use, and
- » Be prepared to deal with workers who test positive for the drug.

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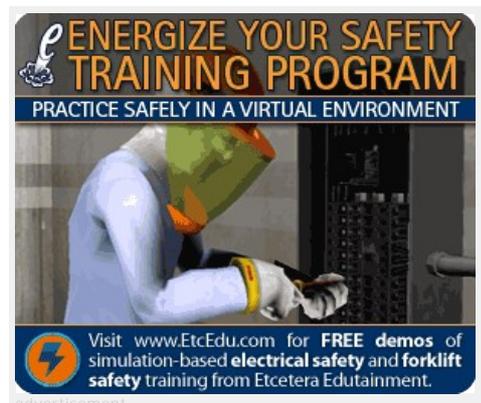
What is the most difficult part of safety training?

- jn Conducting it
- jn Developing it
- jn Getting employees to actively participate in it
- jn Getting employees to remember what they've learned
- jn Making it fresh time after time

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Click [here](#) to get a summary of medical-marijuana laws by state.

Has your company addressed this situation? Let us know what you've done and what you think about this situation in the Comments Box below.

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## 5 Responses to "Medical marijuana and safety: Questions remain"

### Kurt Hollering Says:

December 21st, 2010 at 9:47 am

Although I believe in the use of medical marijuana for debilitating medical conditions, such as AIDS, like Alcohol, there has to be rules and OSHA standards that have to be adhered to. It would not be acceptable to be drink on the assemble line, although alcohol is not illegal! I have seen to much abuse of all drugs during my life.

### jared Says:

December 21st, 2010 at 12:38 pm

Our business recently moved to a new building in a new area. Within a week of moving we got a new neighbor, a medical marijuana dispensary opened its doors. Looking in the local paper I was surprised to see pages of ads by other dispensaries in the county. Come to find out there are two more just two blocks away. I personally believe in the right to access medication. But as safety manager guidelines need to drawn up by the state in which voters have approved use. I dont see the feds nor OSHA for that matter putting forth guidelines when pot is still illegal at the federal level. It is never Ok to be intoxicated at work by any means. Although we do not have a drug policy where we do pre-employment testing, if ever we had an incident that pot surfaced as a contributing factor we would be without state guidelines of intoxication. Has anyone ever had to deal with this issue yet?

A very interesting topic for discussion, which ever side you may lean towards...

### Kurt Says:

December 21st, 2010 at 1:07 pm

As I stated before, this is something that has to be put into the policies & procedure updates. You will not have federal rulings, or state mandates, until it has been an issue in your state. At this time it is too late. If you change your P&P to state that use of any type of performance altering substance is not permissible, including alcohol, marijuana, or any prescription medication will not be tolerated. I again bring up that an employee drinking would not be tolerated, nor would someone that comes to work on vicodin even if perscribed. Word policy that use of any prescription medication needs employer's approval prior to use.

### al Says:

December 21st, 2010 at 2:20 pm

Kurt Hollering made a good point you can't drink alcohol on the assembly line and you shouldn't be allowed to smoke pot on the assembly line either. What he didn't address however was the use of alcohol or pot when you were not on the job. I agree that there will have to be some sort of standard that addresses the level of marijuana you can have in your system and not be classified as intoxicated.

### Jason Says:

December 22nd, 2010 at 10:36 am

- 1 worker dead, 4 injured after tire explodes
- Admin says she tripped and fell because high heels were required
- Safety officer refuses to testify in Upper Big Branch mine disaster
- Business owner fined for teen worker's death
- Report shows how Obama's OSHA has stepped up enforcement

### Safety News & Workplace

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- Recordkeeping
- Research on safety
- Respiratory safety
- safety incentives
- Safety training
- safety video/photo
- Safety vs. production
- Special Report
- Sponsored Content - email
- State OSHAs
- Stupid human safety tricks
- swine flu
- Teen workers
- Top-10 list
- Transportation safety
- Updated story
- Video
- Voluntary Protection Program
- Webinars
- What do you think?
- What Would You Do?
- What's Working in Safety
- whistleblower
- Who Got Fined and Why?
- Worker health
- Workers' attitudes about safety
- Workers' comp
- working in heat or cold
- workplace violence

#### Links to Helpful Safety Info

- American Industrial Hygiene Assoc
- American Society of Safety Engineers
- Chemical Safety Board
- Federal Motor Carrier Safety Administration
- Federal Register: OSHA items
- Morbidity and Mortality Weekly Report
- MSHA
- National Safety Council
- NIOSH
- NIOSH Fatality Narratives
- OSH Review Commission
- OSHA
- OSHA FAQs
- Swine flu info from CDC
- Workers' comp insider

#### Meet the Editors

Fred Hosier  
Curt Brown  
Maureen Gorman  
Pieter VanBennekom

This topic is a ticking time bomb and I hope there is a standard in place when my state (WI) decides to legalize it for medicinal needs. Surely someone who visits this site has encountered this issue before!?!?

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