



MEDICAL MARIJUANA IN THE WORKPLACE

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Signet Screening



Marijuana

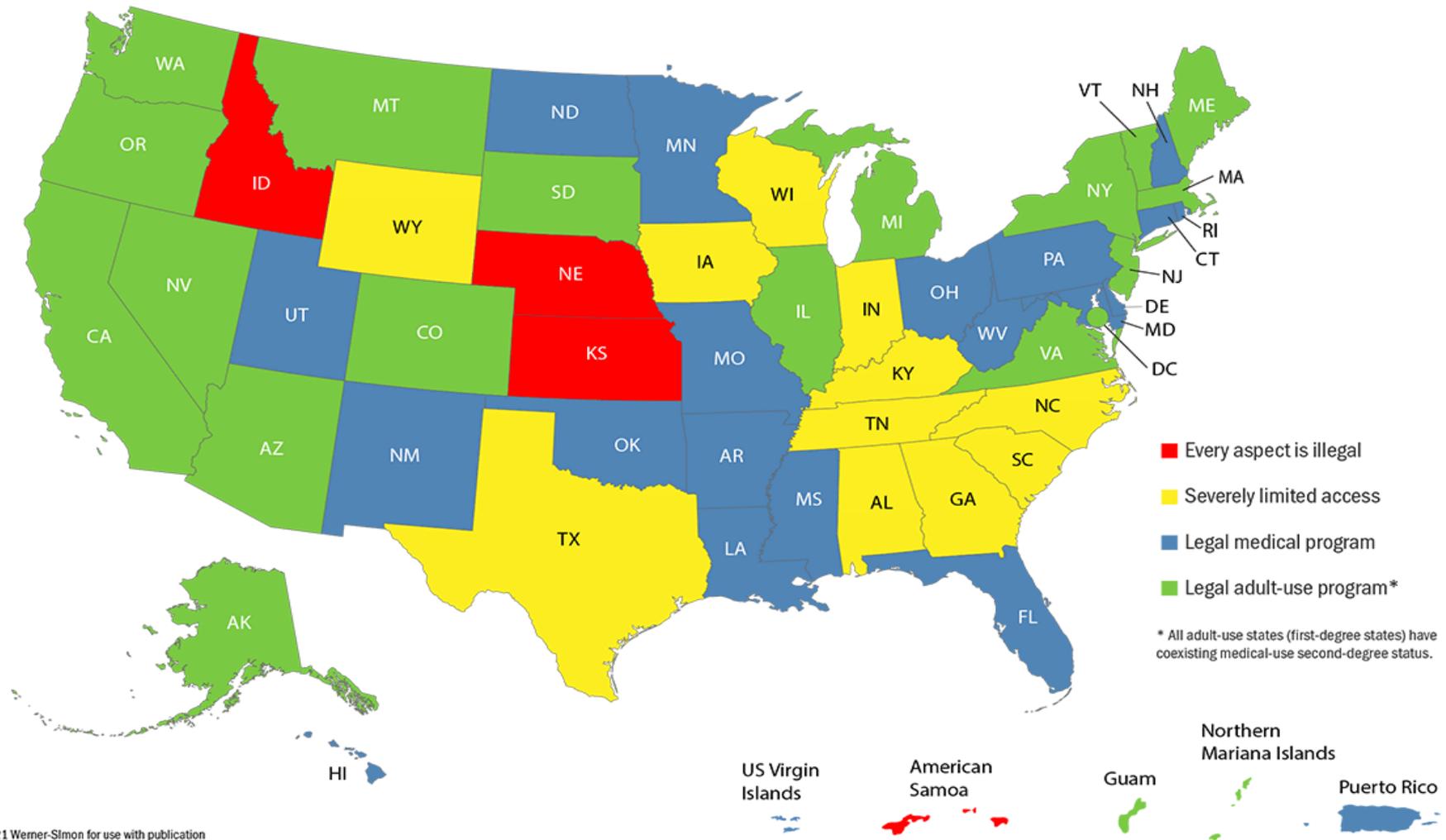
- Marijuana is the most frequently used illicit drug of abuse in the USA and worldwide
- Use is second only to Alcohol
- By a wide margin the most detected drug in workplace screenings
- CBD vs THC



April 2021 Pew Research

- 60% of Americans believe THC should be legal for Medical and Recreational
- 31% of Americans believe THC should be legal for Medical only
- 9% of Americans believe THC should not be legal

USA Legalization Degrees



SHRM April 2021 Pre Employment Screening



City Ordinances- Philadelphia, NYC, Washington DC, Atlanta

State Law – Nevada, Maine, New York, New Jersey

- Exempts Law Enforcement, CDL, health care workers
- Employers with unionized workers can test if employees agree in collective bargaining.
- "any position in which the employee could significantly impact the health or safety of other employees or members of the public."

The Colorado Supreme Court 2010

Coats v. Dish Network, L.L.C.

A quadriplegic licensed to use medical marijuana was discharged for failing a drug test

Federal Law



- Every state and local law conflicts with the federal Controlled Substances Act.

- Schedule 1 – No current medical use - high potential for abuse

Heroin, LSD, Ecstasy, Peyote and Marijuana

- Schedule 2 – Medical use allowed – High potential for abuse

Oxy, Percocet, Opium and Methamphetamine



**Legal Aspects of Medical
Marijuana in the Workplace**

DAVID NICHOLSON/GETTY IMAGES

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the relationships that count

SEBALY SHILLITO + DYER

A LEGAL PROFESSIONAL ASSOCIATION

Medical Marijuana and the Workplace

- Ohio Medical Marijuana law became effective September 6, 2016



Ohio Medical Marijuana Law

- Must be a “registered” “patient” or “caregiver” to patient (but, caregiver may possess, but not also use);
- “Possession” may not exceed a ninety-day supply;
- Must be for a “qualifying medical condition.”



Medical Marijuana (cont'd)

- “Qualifying medical condition” means listed maladies, including:
 - AIDS, Alzheimer’s, ALS, Cancer, CTE, Crohn’s Disease, Epilepsy or other seizure disorder, Fibromyalgia, Glaucoma, Hepatitis C, MS, PTSD; etc.
 - Other disease or condition added by the State Medical Board.

Medical Marijuana – (cont'd)

- Smoking or combustion of mm is prohibited.
- Vaporization of mm is permitted.
- State Medical Board may approve additional methods (except smoking or combustion).
- Any form of use considered attractive to children is prohibited.

Medical Marijuana (cont'd)

- Law “does not authorize” a registered patient to “operate a vehicle”, etc. while under the influence.
- Registered patient or caregiver status may not be grounds for denial of tenancy (unless required by federal law).
- Registered patient or caregiver status alone may not be basis for field sobriety test.



Medical Marijuana and Employment

- Ohio law says: Nothing requires employer to “permit or accommodate” use, possession, or distribution.
- Ohio law says: Nothing prohibits refusal to hire, discharge, discipline, taking of adverse action because of use, possession or distribution of mm.
- Ohio law says: May still have a drug testing, drug free and/or zero tolerance policy.
- Discharge for use of mm is “just cause” for unemployment comp. purposes if use was in violation of company program or policy regulating use.



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