

LEGALIZED MARIJUANA

LOVE IT OR LEAVE IT, IT IS HERE
TO STAY



OVERVIEW

- Quiz
- State of Weed Report
- Recreational and Medical Marijuana
- MCPC
- Options for Employers
- Summary



**BEFORE
WE BEGIN**

QUESTION 1

CBD is:

- A. Legal under federal law at this time..
- B. Many products containing CBD have not been substantiated by the FDA.
- C. Can contain illegally high levels of THC)
- D. All of the above.



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QUESTION 2

Ohio's medical s marijuana law became effective in 2016 As an employer I have to allow it.

- A. True
- B. False
- C. I am not sure
- D. Can we just talk about something else?



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QUESTION 3

I am required to allow medical marijuana in Ohio because my employees have a prescription for it.

- A. True
- B. False
- C. I just don't know!



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QUESTION 4

A well written drug & alcohol policy:

- A. Lists the drugs tested for and a permissible alcohol level.
- B. Includes a clear statement about the employer's stance on marijuana.
- C. Takes into consideration all regulatory authorities that affect it.
- D. All of the above.



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QUESTION 5

Because marijuana is legal in Ohio, it is not tested for on our company drug test.

- A. False
- B. True
- C. Can we just ignore this question?



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QUESTION 6

An employer is required to accommodate an employee's use, possession or distribution of medical marijuana.

- A. True
- B. False



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QUESTION 7

All employees have a right to know what's expected of them by their employer.

- A. False unless the company that has more than 25 employees.
- B. False in every case.
- C. True in every case..

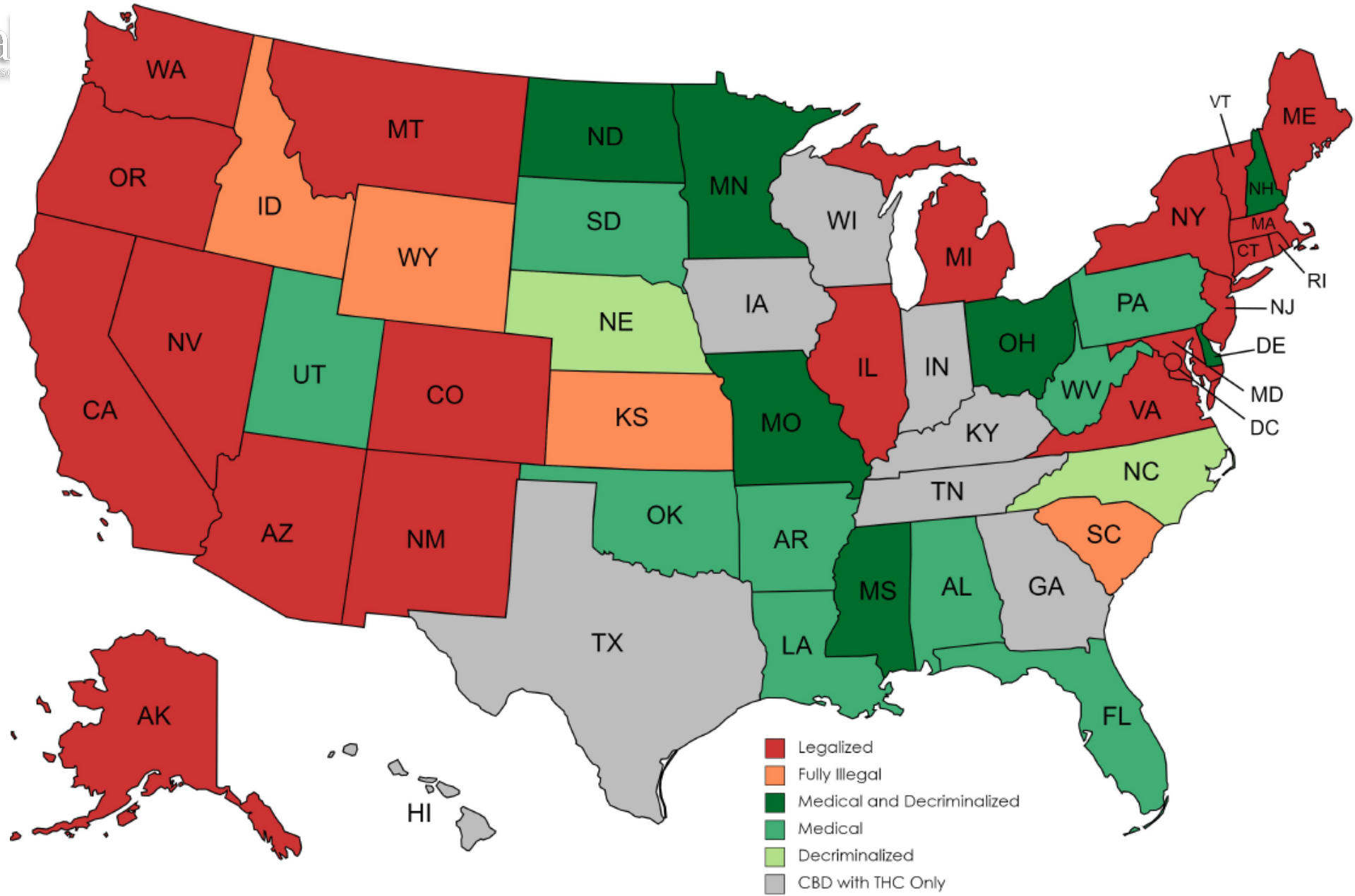


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QUESTION 8

The smart thing to do with legalized Marijuana is to regulate it like alcohol.

- A. False they are not similar.
- B. True because I think it sounds good.
- C. False The social costs related to alcohol abuse likewise exist with marijuana.
- D. True because I saw a documentary on late night TV about it.



ALLOWABLE CONDITIONS as of January 2023

- AIDS
- Alzheimer's disease
- Amyotrophic lateral sclerosis
- Cancer
- Cachexia
- Chronic traumatic encephalopathy
- Crohn's disease
- Epilepsy or another seizure disorder
- Fibromyalgia
- Glaucoma
- Hepatitis C
- Huntington's Disease
- Inflammatory bowel disease
- Multiple sclerosis
- Pain that is either chronic and severe or intractable
- Parkinson's disease
- Positive status for HIV
- Post-traumatic stress disorder
- Sickle cell anemia
- Spasticity
- Spinal cord disease or injury
- Tourette syndrome
- Traumatic brain injury
- Terminal illness
- Ulcerative colitis



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FACTS

- Marijuana is the most used psychotropic drug in the U.S. after alcohol.
- Most of the increase in use was among users **26** years or older
- In medical marijuana states less than 5% of users have life threatening conditions.
- Detection times have increased.



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FACTS

- Receptors are activated by brain chemicals that are part of our neural communication system.
- Marijuana over activates these receptors, causing coordination, difficulty thinking, problem solving memory.
- Higher THC levels may mean a greater risk for addiction if users are regularly exposed to high doses of the chemical.
- The amount of THC in marijuana has been increasing steadily over the past few decades.



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WHAT IS A SCHEDULE 1 SUBSTANCE?

- The drug has a high potential for abuse.
- The drug has no currently accepted medical treatment in the U.S.
- There is a lack of accepted safety for use of the drug under medical supervision.
- No prescriptions may be written for Schedule 1 substances.
- Heroin, Marijuana, LSD, GHB, PCP, Bath salts.
 - Schedule II - Cocaine, Oxycontin
 - Schedule III - Tylenol 3, Testosterone
 - Schedule IV - Valium, Ambien
 - Schedule V - Robitussin



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Marijuana under the Controlled Substances Act.

- Marijuana remains illegal at the federal level; however, more than 50% of states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands have legalized marijuana for medical use
- FDA researchers for clinical trials show that the benefits of the marijuana plant do not outweigh its risks.
- DEA has concluded that there is no substantial evidence that marijuana should be removed.
- Scientists are still learning about the health effects and the potential health benefits of using marijuana. CDC
- Source CDC

A photograph of an orange pill bottle lying on its side on a dark wooden surface. Several green marijuana buds are scattered around the bottle. A dark blue rectangular box with the word "MARIJUANA" in white capital letters is overlaid on the image.

MARIJUANA



WHAT IS RECREATIONAL and MEDICAL MARIJUANA?

- Nearly 52% of Americans live in a state with some type of state Marijuana Laws
- Those states have legalized marijuana for recreational and medical (medicinal) use.
- In most legalized personal use states adults 21 and older can now transport, buy or possess different amounts of marijuana.
- In medical states like Ohio, patients and caregivers can obtain and medical marijuana card from a licensed physician.

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TAKE IT TO THE LIMIT

- Medical marijuana “prescriptions” are more often called “recommendations” or “referrals” because of the federal prescription prohibition.

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JANUARY 2023 OHIO'S PROGRAM INCLUDES:

- 624,506 Recommendations
 - 326,968 Registered patients (Vet, Indigent, Terminal DX)
 - 32,633 Registered Caregivers
 - 656 Physicians
 - 136,983 lbs. of plant material
 - \$1.14 billion in product sales
- Source: The State of Ohio Board of Pharmacy



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MEDICAL MARIJUANA IMPACT ON OHIO BWC

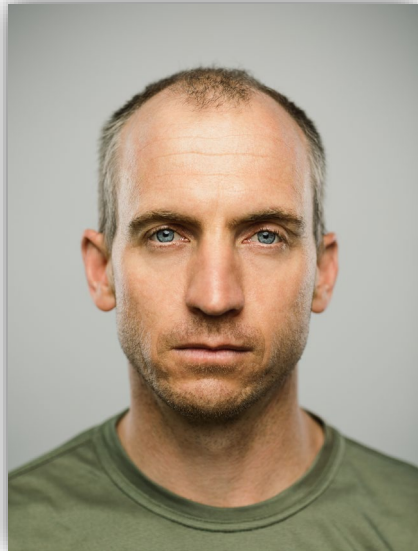
- Ohio law does not require an employer to accommodate an employee's use.
- The law does NOT prohibit an employer from refusing to hire, taking action or discharging.
- The law specifies that marijuana is covered under "Rebuttable Presumption Act (HB223)."
- Ohio law already has rules and statuses in place that limit what medicines are reimbursable.



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WHO ARE THE CARDHOLDERS?

- In states where measured, patients:
 - Have less than 5% of all patients have the life-threatening issues.
 - Over 90% use for chronic pain.
 - Average cardholder - 32-year-old male with no history of chronic illness and a history of substance abuse.



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A photograph of an orange pill bottle lying on its side on a dark wooden surface. Several green marijuana buds are scattered around the bottle. A dark blue banner with the word 'MARIJUANA' in white capital letters is overlaid on the image.

WHAT IS CBD?

- Growing interest in the marijuana chemical cannabidiol (CBD) to treat seizure disorders.
- Currently FDA-approved medications.
 - Dronabinol Nabilone/Sativex
- Less desirable to recreational users.
- Unlike THC, CBD does not cause a high. Another cause for concern is the unreliability of the purity and dosage of CBD in products. A recent study of 84 CBD products bought online showed that more than a quarter of the products contained less CBD than labeled. In addition, THC was found in 18 products. Mayo Clinic
- If you plan to use products containing CBD, talk to your doctor



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THE CURRENT USE TEST

- Marijuana use is more prevalent among men than women
- Still against Federal Law
- No current use test approved .



SUMMARY


PROS AND CONS

- Revenue for states
 - Taxes
 - \$1.14 billion
- Safety in the workplace
- Marijuana vs. prescription opioids
 - May 2023 DOT gives ok to oral fluid testing
 - Ohio-WVA
- Marijuana can relieve symptoms associated with
 - HIV
 - Cancer
 - Alzheimer's
 - PTSD
 - Seizure Disorders



SUMMARY



An elephant is standing in a living room, looking towards the camera. The room has blue walls, a blue sofa, a wooden table with a lamp, and a doorway leading to another room. The elephant is the central focus of the image.

As an
employer,
you need to
decide how
to respond to
this animal

CONSIDER THIS...

- Consult your legal team or a consulting firm that knows marijuana law in the state you reside
- Think Safety of your most valuable asset
- Consider second chance vs. termination
- Scientists are still learning about the health effects and the potential health benefits of using marijuana - CDC
- Recent use (defined as within 24 hours)
- Discuss the benefits of having an Employee Assistance Program
- Check with your Workers' Compensation provider for guidance
- Consider your company turnover in the past 24 months

SUMMARY

CONSIDER THIS...

- Are you connected with any outside sources that would require compliance?
- Liability / General Duty Clause - Legal Action
- Morale
- If you decide to make exceptions, consider the privacy of medical information you may be crossing the line.
- Consult with a safety professional
- reduction in injury rates
- Personal Use State is on the horizon.



SUMMARY

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- As an employer you need to decide how to respond.
 - Test/No Test, Outside Sources, Stand-alone, Ohio House Bill 523
 - Will you make exceptions to your program for medical marijuana?
 - Think about what your business approach will be
 - Do not base your decision on emotion, think safety
 - Finally, Identify the company's stance on marijuana



SUMMARY

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- Areas to consider in your decision:
 - Application Flow/Actual Turnover - elephant in the room
 - Outside source requirements
 - Costs of workers' compensation/other insurance costs
 - Liability (employer aware) Legal Action
 - Morale/Image/Integrity
 - Recent Use Testing
 - State laws where you have business
 - Safety



SUMMARY

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- Resource Links

- Ohio's Official Resource - The Medical Marijuana Control Program

<https://www.medicalmarijuana.ohio.gov/>

- Ohio BWC Impact

www.bwc.ohio.gov/downloads/blankpdf/MedMarijuanalmpact.pdf

- SUR Program Link

<https://info.bwc.ohio.gov/for-employers/workers-compensation-coverage/rates-and-bonuses/SUR-Overview>



SUMMARY





LET SHEAKLEY HELP NAVIGATE THIS SITUATION

Sheakley Risk & Safety Solutions

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SHEAKLEY RISK & SAFETY SOLUTIONS

DRUG-FREE SAFETY PROGRAM

- Employee Education & Supervisor Training
- Drug & Alcohol Program Management
 - Online Testing Portal
 - Random Consortium Management
- Policy Development

DEPARTMENT OF TRANSPORTATION

- Driver Qualification File Maintenance
- Authority Forms
- Drug & Alcohol Program Management
 - Online Testing Portal
 - FMCSA Clearinghouse/TPA
 - Random Consortium Management
 - Policy Development

OSHA RECORDKEEPING

- 300 Log Management
- 24-hour Online Access
- Online Reporting
- OSHA Visit/Citation Support

WORKPLACE SAFETY

- Full Suite of OSHA Trainings
- Risk Assessments
- Project Safety Inspections
- Policy Development
- Full OSHA Program Support

STAFFING

- Temporary to permanent placement of safety professionals
- Employment Gap Staffing (we can sit-in while you fill open positions)
- Capable of staffing any size project nationwide
- Short-term and long-term projects

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