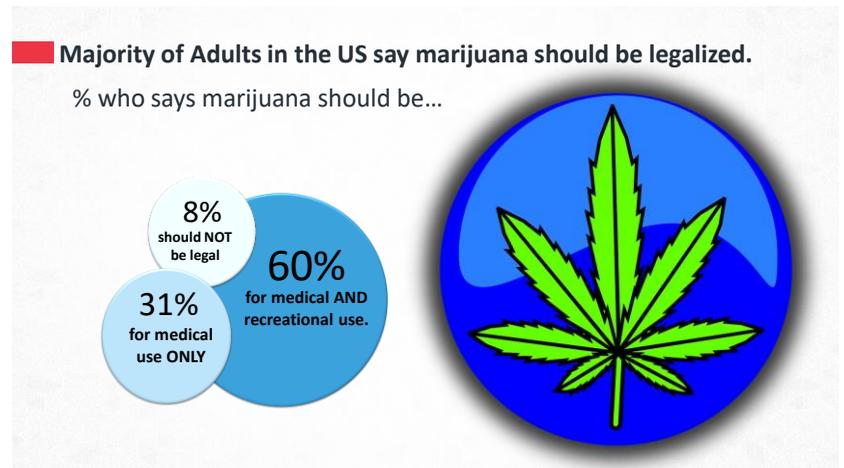


**MARIJUANA LEGALIZATION is Upon US**

**Objective:**

- Update Marijuana Laws
- What Employers can and cannot do
- Understanding CBD usage and positive test
- Identify the foundation of your Drug-Free Workplace Program



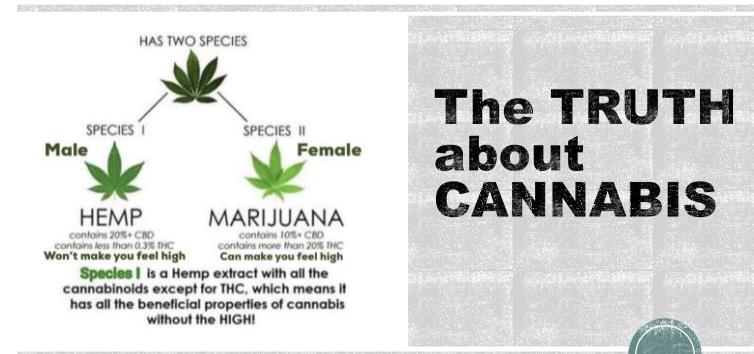
## Cannabidiol (CBD)

Hemp-derived CBD products are expected to go up from \$516.3 million in 2020 to \$2.9 billion by 2025. Hemp-derived CBD ...

**States where medical marijuana is legal witnessed a 20% drop in opioids prescriptions.**

According to a study,

- 67% of users take CBD for anxiety.
- 60% use it to tackle insomnia, and
- 52% consume CBD for joint pain and inflammation relief.
- Other reasons include depression (43%), muscle strain (35%), migraines (34%), and chronic pain (31%).



## WARNING:



7 out of 10 products tested by the FDA did not contain the amount of CBD stated on the label.



1 out of 5 contained THC greater than 0.3%



John Hopkins Medicine study of pure CBD and CBD-Dominant Cannabis showed the following:

- Pure CBD did not produce any positive drug test results
- 2 out of 6 participants tested positive after they ingested CBD-Dominant Supplements.

Marijuana continued double-digit year-over-year increases in the general U.S. workforce

Marijuana positivity increased as follows:

- 16.1 percent in urine testing
- 35.2 percent in oral fluid testing; and
- 22.5 percent in hair testing



Declined use:

- cocaine declined 18.5 percent;
- semi-synthetic opiates (hydrocodone/ hydromorphone) declined 10.8 percent;
- oxycodone group of opiates (oxycodone/oxymorphone) declined 14.7 percent; and
- benzodiazepines declined 9.3 percent

Increased use:

- Ecstasy (MDMA/MDA 3,4-Methylenedioxyamphetamine) increased by 25 percent



## Legalization is UPON US

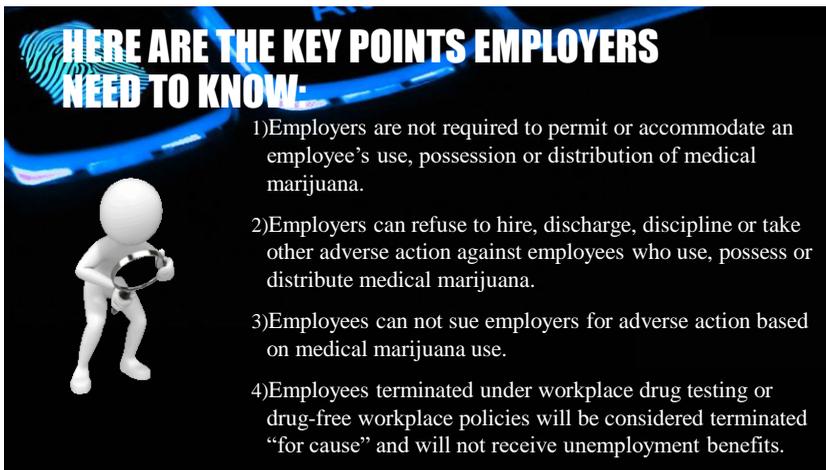
**First Marijuana Bill has been sent to Biden** designed to expand medical marijuana research (11/15/2022);

DEA, FDA, HHS, DOT passing the hot potato to other agencies.

Judiciary clears **H.R. 3617**, the MORE Act – federal legalization and protect banks that service state cannabis businesses from federal penalty.

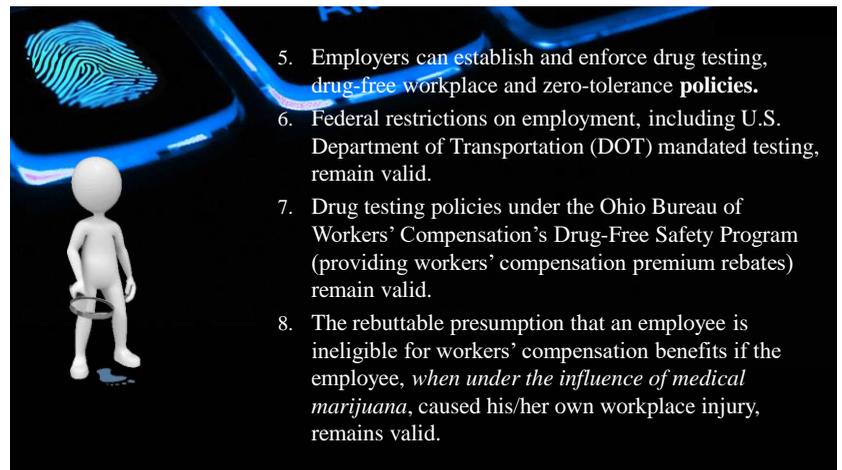
**If legalized drug testing will shift in two ways.**

- 1) how we test
- 2) impairment



## HERE ARE THE KEY POINTS EMPLOYERS NEED TO KNOW:

- 1)Employers are not required to permit or accommodate an employee's use, possession or distribution of medical marijuana.
- 2)Employers can refuse to hire, discharge, discipline or take other adverse action against employees who use, possess or distribute medical marijuana.
- 3)Employees can not sue employers for adverse action based on medical marijuana use.
- 4)Employees terminated under workplace drug testing or drug-free workplace policies will be considered terminated "for cause" and will not receive unemployment benefits.



5. Employers can establish and enforce drug testing, drug-free workplace and zero-tolerance **policies.**
6. Federal restrictions on employment, including U.S. Department of Transportation (DOT) mandated testing, remain valid.
7. Drug testing policies under the Ohio Bureau of Workers' Compensation's Drug-Free Safety Program (providing workers' compensation premium rebates) remain valid.
8. The rebuttable presumption that an employee is ineligible for workers' compensation benefits if the employee, *when under the influence of medical marijuana*, caused his/her own workplace injury, remains valid.

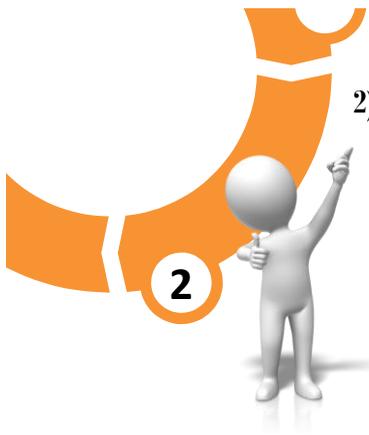


## EMPLOYER FOCUS AREA'S



- ☑ 1) **Decide your company's position on Medical Marijuana**
  - ☐ Will you allow Medical Marijuana? What's the risk?
  - ☐ Who's and what circumstances will you allow Medical Marijuana?

**Update and distribute the Drug-Free Workplace Policy**



- 2) **Specify actions that will be taken for employees that violate the policy**

- Employers **must** establish a policy that specifies the prohibit conduct

- 3) **Educate your employees about the dangers of drug and alcohol use including Medical Marijuana and the Opioid Crisis**



- 4) **Refresh Supervisor Reasonable Suspicion Training is critical to ensure compliance**

## 5) Implement Comprehensive Drug Testing Program

- strong consideration of the BWC DFSP Program
- increase random testing



### Employers need to update or adopt a strong drug-free policy. Considered the following:

#### NEXT STEPS

- ✓ Illegal Drug Use Prohibited.
- ✓ Includes Non-Prescribed Use of Prescription Medication.
- ✓ Define Impairment.
- ✓ Grounds for Testing.
- ✓ Disciplinary Consequences.
- ✓ Testing Procedure & Safeguards.

### Employers need to update or adopt a strong drug-free policy. Considered the following:

#### NEXT STEPS

- ✓ Eliminate Ambiguous Policy Language
- ✓ Classify Safety Sensitive Positions
- ✓ Reasonable Accommodation Policy.
- ✓ Confidential Records.
- ✓ Last Chance Agreement

## Questions

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**Dyann McDowell**, President, Training Consultant  
phone (844)3MARBLES ext. 1  
my cell (614) 204-6834

email: [dmcowell@trainingmarbles.com](mailto:dmcowell@trainingmarbles.com)  
[www.trainingmarbles.com](http://www.trainingmarbles.com)