

MEDICAL MARIJUANA:

A Toxicology Topic

Marijuana is now legal as a prescription painkiller in 14 states. But what if you have a drug-free-workplace policy?

When it comes to HR policies, companies in some states [find the situation to be complicated](#). But the good news is that when it comes to safety, companies' rights are more clear — at least somewhat.

Seven medical marijuana states include employee protections. Only on-the-job consumption or impairment can be grounds for termination in Colorado, Hawaii, Michigan, Montana, New Jersey, New Mexico and Vermont.

Two more states, Rhode Island and Maine, have other explicit protections for medical marijuana patients.

On the other hand, in California, the state Supreme Court has ruled that drug testing for marijuana is legal and that firing an employee for medical marijuana use, even outside the workplace, isn't discrimination.

When it comes to safety, federal regulations can come into play.

OSHA's General Duty Clause states that all employers must provide a safe work environment to employees. So if it can be shown that an employee's impairment is a danger to him or other workers, a company can suspend or fire the worker.

On top of that, the federal Department of Transportation issued new guidelines in 2009 that prohibit the use of medical marijuana for transportation workers in safety-sensitive jobs, including pilots, school bus drivers, truck drivers, subway operators, ship captains and transit security workers who are armed.

As courts rule on worker lawsuits against companies over the issue of medical marijuana, employers will receive more guidance. Until then, this is a case where it's good to get legal counsel involved before taking action.

*Article written by: Richard E. Struempler, MS, MA, NRCC,
Director of Toxicology at Doctor's Laboratory, Inc. in Valdosta, Georgia.*

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Two Metroplex Drive Suite 275 / Birmingham, Alabama 35209 / 800.245.1150
www.safetyf1rst.com