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Legal Marijuana Use Still Carries Job Risk

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Puff, Puff, Pink Slip: Legal Weed Use Still Carries Job Risk

by Bill Briggs

Bill Briggs is a news reporter at Microsoft News Center. The article below contains excerpts from an article published by NBC News.

You're not being paranoid: Even in Washington and Colorado, smoking a legal joint after work could still get an employee fired.

The whirlwind firing-turned-rehiring of a tie-dye-bedecked marijuana buyer in Spokane last week—followed by an admission Friday by Seattle's City Attorney that he took pot to work—only clouded chronic confusion among many workers in the two pot-friendly states who ask if their legal-weed rights trump an employer's cannabis policies.

The answer, for now, remains utterly non-hazy: No.

Workers still can be booted—or never hired in the first place—for puffing cannabis if anti-pot rules exist in their employers' HR handbooks. So, if adults in Colorado and Washington legally consume weed after work, away from the job site or the office, they must remain mindful of the drug rules at the shops and offices where they ply their trades, according to labor-law experts in both states.

"Employers do hold all the cards. You're not guaranteed a job. If not using marijuana is in the contract, or in the terms of the job, you can get fired," said David Rheins, CEO of the Seattle-based Marijuana Business Association, considered the cannabis industry's chamber of commerce.

"A lot of employees still don't understand that, and they seem to think that the recreational or medical marijuana use gives them carte blanche to use on their own time," said Mike Parcheta, a staff attorney for the Mountain States Employers Council. The Denver-based group represents 3,500 companies. "Employers still get to enforce their drug and alcohol policies."

Clear. Sure.

Simply put: Companies can bust an employee for testing positive for pot. But that decision often is guided by the industry in which a company operates—and, more importantly, by the liability faced by certain safety-related businesses, experts say.

For example, if you work for an advertising agency, a media company, a technology company or as a waiter or busboy, anti-pot-use policies may exist on the job, but the odds are slim you'll ever get tested, Rheins said.

"Certain other industries like airline pilots and nuclear

scientists, there is of course a need to make sure you're not intoxicated. It's really industry specific," he added.

Even the employers' lobbyists acknowledge, however, an undeniable difference exists between the HR testing policies for alcohol and marijuana. A night of cocktail guzzling may not be detected by a blood test when work opens the next day. In contrast, marijuana metabolites will stay in the body for many days—but that doesn't mean the worker is impaired on the job.

"The employee population is sometimes arguing: 'Yes, I got high at a Fourth of July celebration last week. But that doesn't mean I'm still high today on July 11 when I tested positive.' There's often times a lag between consumption, its impairment and its detection," said Parcheta, of the employers council. "That is the ultimate problem in the whole scenario that we're discussing."

A case before the Colorado Supreme Court may offer more clarity to workers in that state. The argument involves Dish Network's firing of a quadriplegic medical-marijuana patient for a positive drug test, although there was no claim that the man was high at work. Dish has a zero-tolerance policy on marijuana. (Dish Network recently won the case.)

As legal arguments and social debates bubble, however, some employers in the two legal-weed states are voluntarily opting to loosen their pot policies. At the top of that list: the Seattle Police Department.

After Washington legalized recreational marijuana for adults, Seattle's top cops altered their job qualifications for pot use. Before, recruits were barred if they had consumed weed within the past five years. Now, applicants are bounced if they ingested marijuana within the prior 12 months, said Seattle police spokesman Drew Fowler.

"The belief," Fowler said, "was that our search for candidates needn't be limited by persons doing things deemed legal by our state law and its voters."



Emergency Room Visits Double for Marijuana-Using Colorado Visitors

by Maggie Fox

Maggie Fox is a Senior Health Writer at NBC News. The article below contains excerpts from an article published by NBC News.

Tourists who come to Colorado and take advantage of the state's liberal marijuana laws often end up in emergency rooms, doctors said Wednesday.

Emergency department visits involving marijuana-using visitors doubled from 2013 to 2014, the first year cannabis use was legalized in Colorado, a team of Denver-area doctors said.

"At our institution, the rate of ED visits possibly related to cannabis use among out-of-state residents doubled from 85 per 10,000 visits in 2013 to 168 per 10,000 visits in 2014, which was the first year of retail marijuana sales," wrote Dr. Andrew Monte, an emergency room toxicologist at the University of Colorado Denver in a letter to the *New England Journal of Medicine*, along with colleagues.

Rates of visits involving marijuana did not change for in-state Colorado residents, they found.

"He started to feel anxious. His heart started to race. So he came into the emergency department."

Monte said some of the cases may simply involve people who mention marijuana use to the ER staff when they're in the hospital for something else. But even accounting for that, rates are up, he said.

"We see three different groups of people that come into the department," Monte told NBC News. "The first are exacerbations of underlying medical conditions."

These could include patients with anxiety disorders or schizophrenia, which can be worsened by marijuana use, or people with heart disease who can develop complications with heavy use, Monte said.

That's not always dangerous but it could be, he said. "In a young health person with a young healthy heart, absolutely not," he said. But in people with underlying heart disease, the stress of a racing heart from eating marijuana could be fatal, Monte said.

A second group would be directly affected by the drug.

"These would be things like motor vehicle collisions when they are high or smoking," Monte said. Cyclic vomiting, which can come with heavy daily use, is another issue, Monte said.

The third group are people who smoke or eat a little too much pot and get heavily intoxicated and scared.

"People should start low and go slow and have a full understanding of what the risks are."

"Those are disproportionately due to the edibles," Monte said.

"I took care of a guy just the other night that had come in, was flying out of town, had come in to see friends, decided to drink some liquid just before going to the airport. He started to feel anxious. His heart started to race. So he came into the emergency department. So we made sure he had no heart trouble, checked the blood sugar, gave him a little bit of sedative and then sent him on to the airport."

States planning to legalize marijuana should take heed of these experiences and start education campaigns before the laws loosen up, Monte said.

"People should start low and go slow and have a full understanding of what the risks are," he said. "Nothing is 100 percent safe. You can get intoxicated by water if you drink too much of it."

Marijuana use has more than doubled in the U.S. since the beginning of the century. Legal U.S. pot sales hit a new high of \$5.4 billion in 2015. Colorado sales surpassed \$100 million last year for the first time. About 9.5 percent of U.S. adults used marijuana in 2013, up from 4.1 percent in 2001–2002.

But with more sales come more problems for users. Researchers found that nearly three of 10 marijuana users manifested a marijuana use disorder in 2012–2013. Studies suggest that using marijuana and alcohol together impairs driving more than either substance alone and that alcohol use may increase the absorption of THC, the psychoactive chemical found in marijuana.

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