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The Arizona Medical Marijuana Act (AMMA) has been with us since 2010, when Arizona became the 15th state to legalize medical marijuana, and the first to include a specific employment-based anti-discrimination section that protects medical marijuana cardholders. After various challenges and delays, 11 dispensaries are now open across the state, and several more expected to open within the next few weeks (source: Arizona DHS). With increased accessibility of medical marijuana, the impact of this law is becoming more and more a reality for employers. But are you ready?

While the future of medical marijuana is far from uncertain (an effort to repeal Arizona's medical marijuana law has not moved forward in the House this legislative session, but there are other bills moving forward which seek to 'close the loopholes' of the existing law - see [www.azcentral.com](http://www.azcentral.com) for an article about the bills which are moving forward), the reality is that employers who haven't yet updated policy in this area are taking a big risk.

Steps you can take now to reduce potential issues in your workplace include:

- Carefully review your drug and alcohol free workplace policies. Determine with legal counsel whether federal exemption will apply. Ensure that safety sensitive positions are clearly defined as such. Adopt or modify written drug testing policies that clearly articulate when, how, and why employees are subject to drug testing as well as your organization's approach to the use of medical marijuana.
- Remember that under the law employees may not use, possess or be "impaired" by marijuana while at work or during work hours. Train supervisors to recognize impairment, how to document appropriately and when to send employees for reasonable suspicion testing.
- Check with your Workers' Compensation benefits provider (and any other third party providers who may be impacted by this issue) and verify that you are following any recommendations they make to ensure continued compliance with their requirements.
- Review and determine your organization's policy on how to handle non-reasonable suspicion related positive drug tests where an employee declares that they are an active cardholder.
- Update your anti-discrimination policy to prohibit discrimination against employees or applicants based on their status as a cardholder.

With Arizona DHS reporting 35,641 active cardholders at the end of 2012 (source: [ADHS AMMA End of Year Report 2012](#)), and this number expected to rise as more and more dispensaries open throughout the state, it is only a matter of time before medical marijuana related issues arise in your workplace. Setting clear guidelines now not only ensures compliance with the provisions of state law, but also pro-actively communicates to employees what their responsibilities are if they qualify and choose to become a cardholder.

For more details on the rules and statutes relating to medical marijuana in Arizona see [www.azdhs.gov/medicalmarijuana/rules](http://www.azdhs.gov/medicalmarijuana/rules). This excellent resource is an ongoing partner for your organization as you weave your organization through the many questions that are likely to arise from this new human resources management topic.