



Marijuana: Impacts on the Opioid Crisis and the Workforce

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Agenda

1 Who we are

2 Marijuana and Opioids

3 Marijuana and the Workplace

4 The marijuana lobby & employees

5 Conclusions

SAM promotes an evidence-based approach to marijuana policy that prioritizes public health

- SAM takes an evidence-based, scientific approach to marijuana policy that **rejects the false dichotomy that we must either lock up marijuana users OR legalize pot**
- **We are non-partisan**, and work with Democrats, Republicans, and independents
- **Board members and supporters include:**
 - American Society of Addiction Medicine
 - American Academy of Pediatrics
 - American Academy of Child and Adolescent Psychiatry
 - Over 30 state affiliates



Agenda

1 Who we are

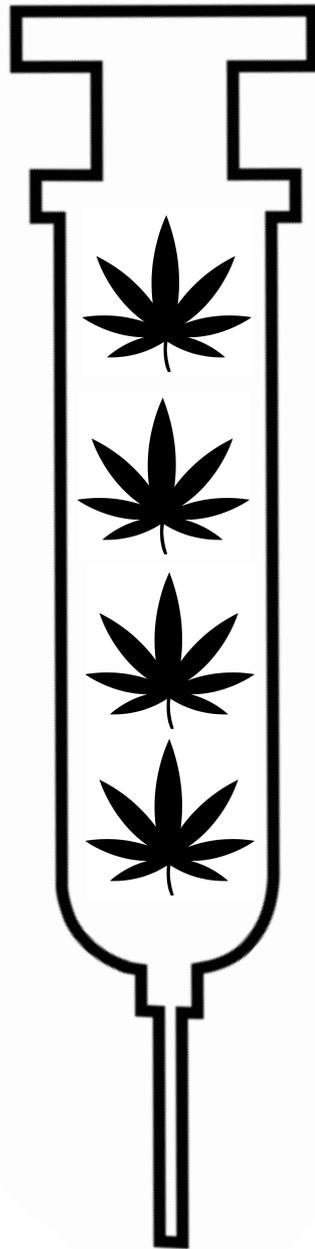
2 Marijuana and Opioids

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**Why talk
POT**



**During an
opiate
epidemic
?**

The Marijuana Industry Sees a Business Opportunity

8604
24464

CLEARCHANNEL

States that legalized marijuana had 25% fewer opioid-related deaths.

weedmaps

October 2014 Medical Cannabis Laws & Opioid Analgesic Overdose Mortality in the United States, 1999-2010, Marcus A. Bachhuber et. Al. (JAMA Intern Med.)

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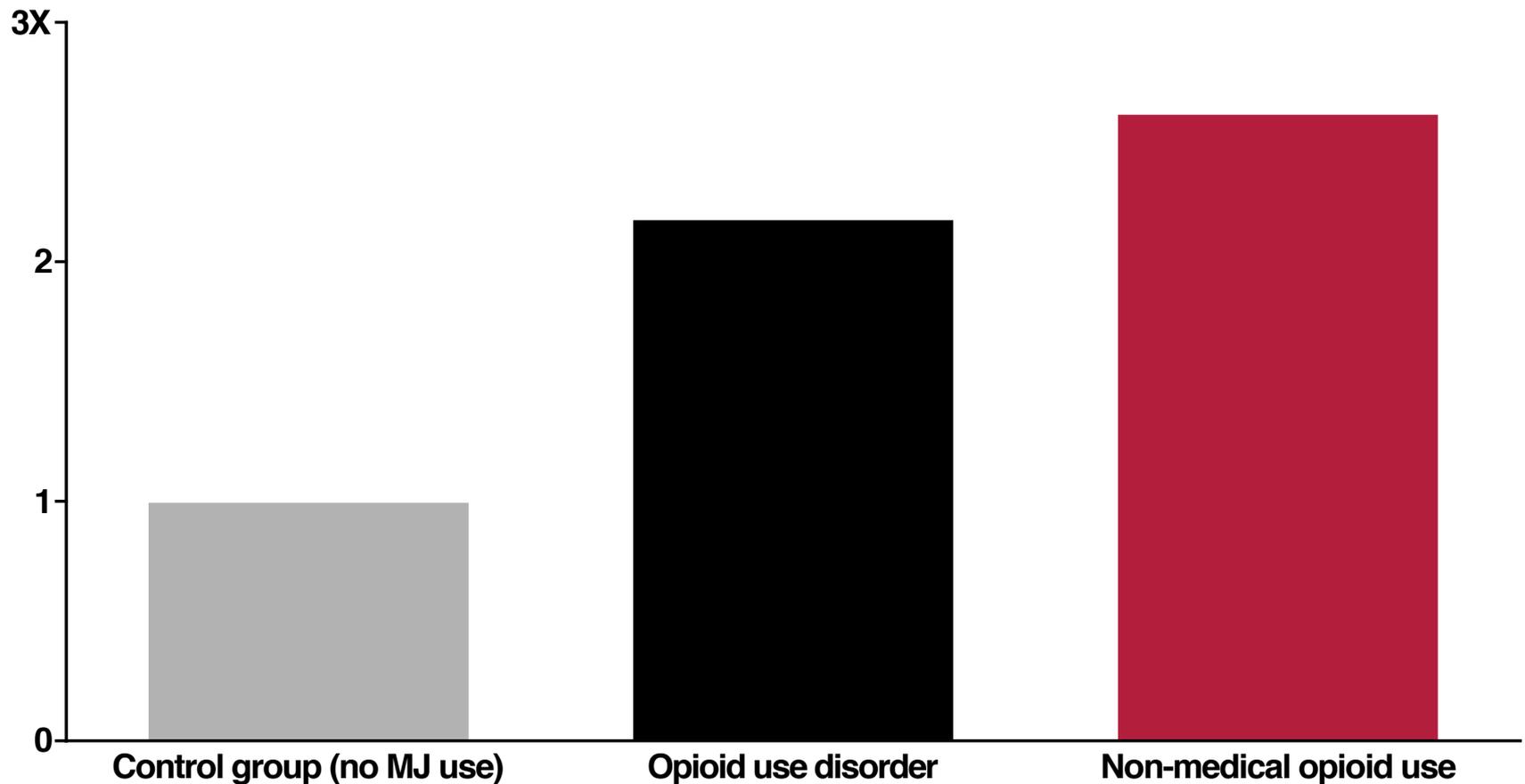
Something doesn't add up...

In the 2014 JAMA Study:

- The raw data showed that medical marijuana states had **higher** rates of opioid deaths until the authors introduced four possible reasons.
- The study lumped together highly restricted states with highly permissive states.
- The study left out critical alternative explanations, like **expanded Medication Assisted Treatment programs or expanded Naltrexone use.**

Marijuana use goes hand-in-hand with increased prescription opioid abuse

Chance of subsequent opioid abuse for marijuana users compared to control group



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Surveys keep telling us...

- 1) The pool of **reliable unskilled labor** is way too small
- 2) It's very hard to **find someone who can pass a drug screen**

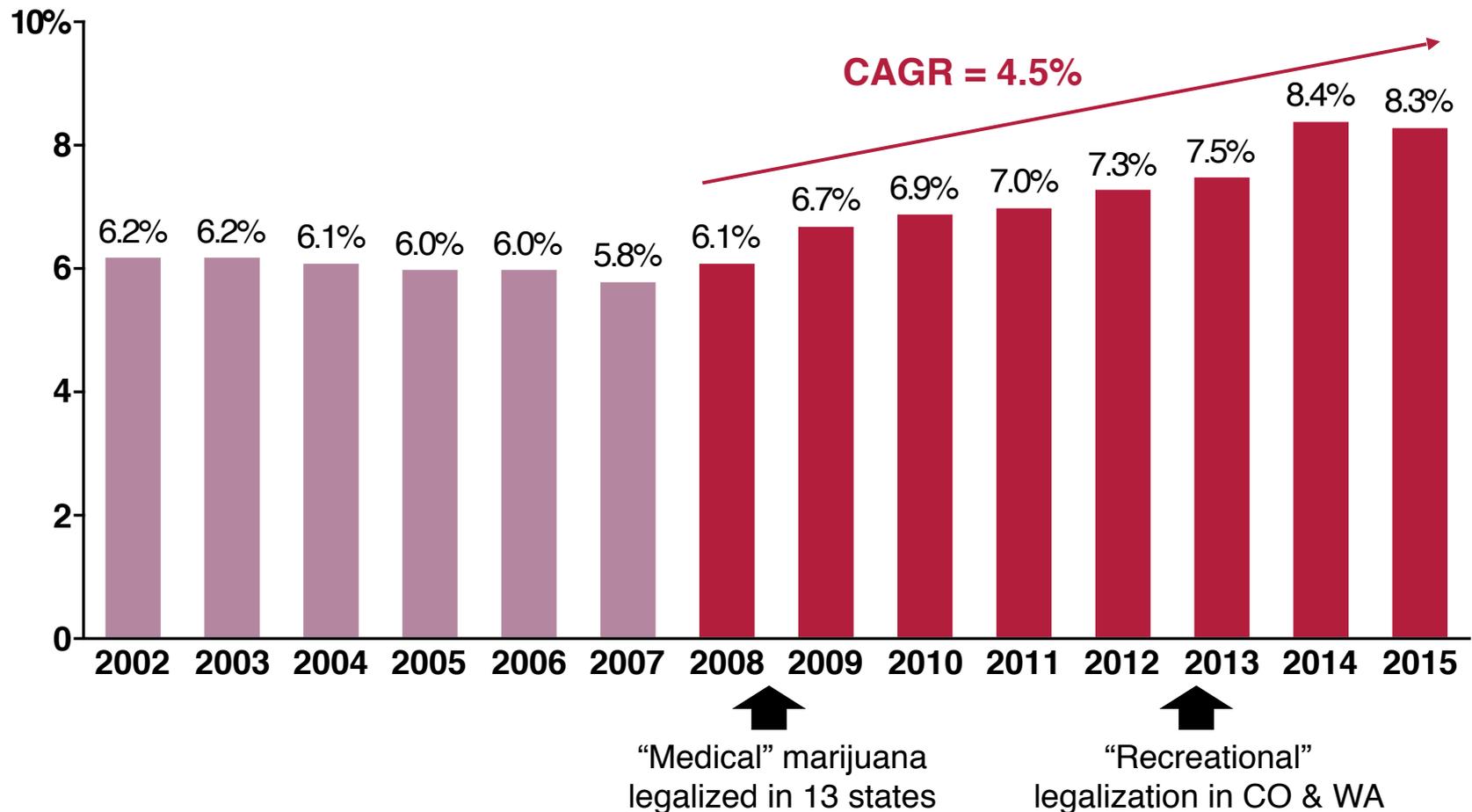
Marijuana use is forcing CO employers to hire out-of-state employees



- “Jim Johnson [construction company GE Johnson’s CEO]...said his company has encountered **so many job candidates who have failed pre-employment drug tests** because of their THC use that **it is actively recruiting construction workers from other states.**”

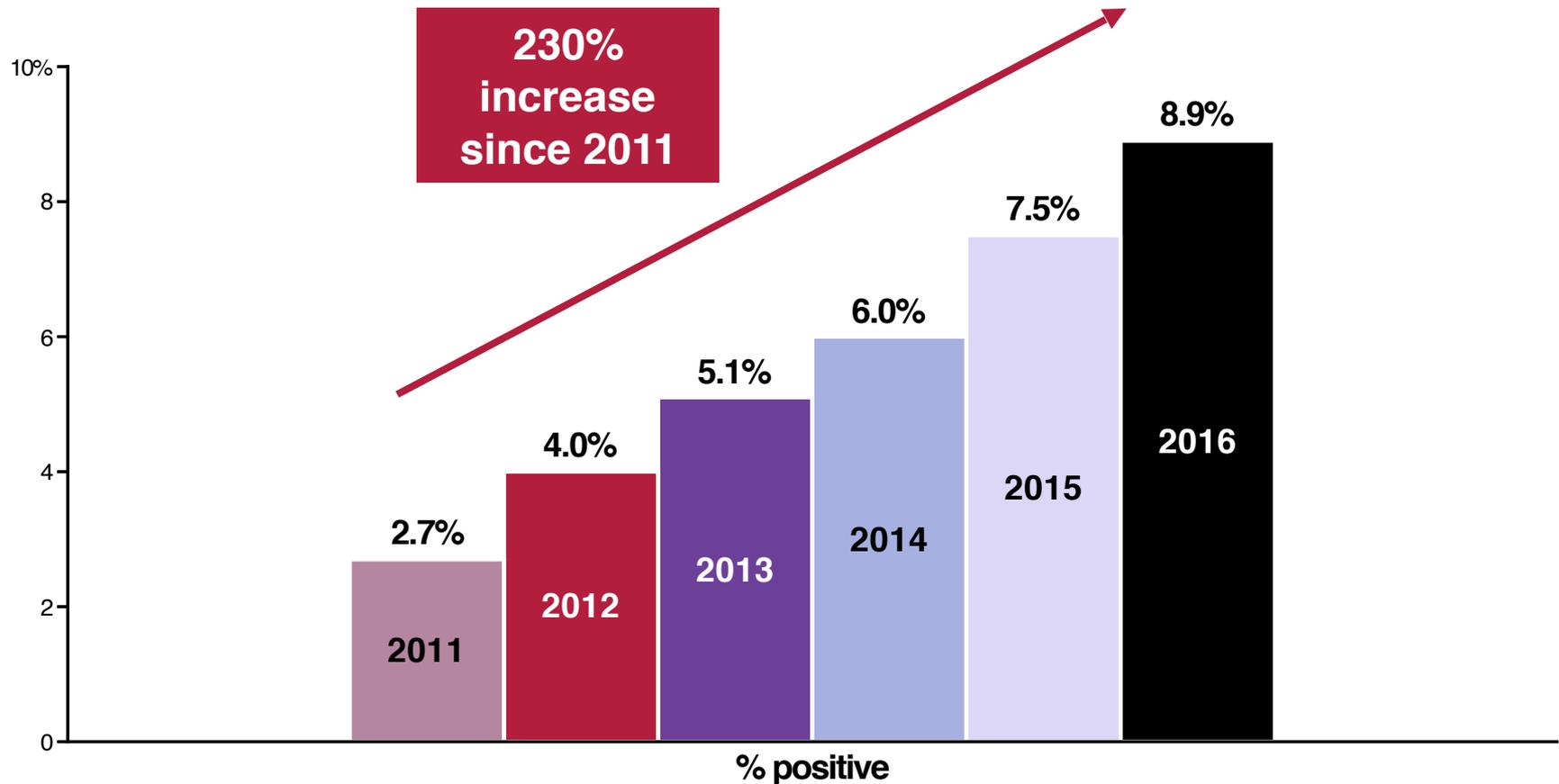
Marijuana use is rising across the board, since legalization laws became common

Percentage of population ages 12 and up who used marijuana in the past month



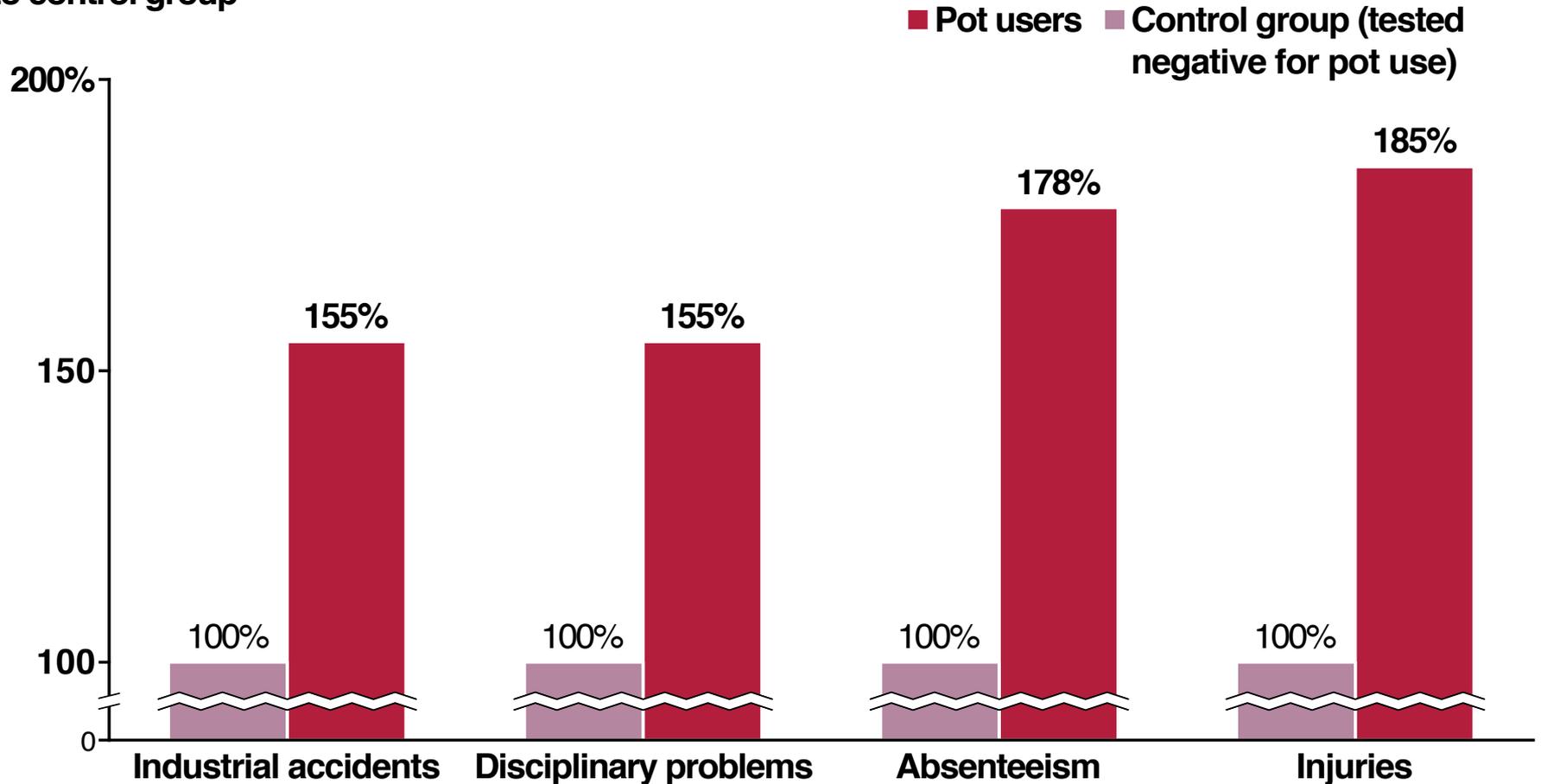
Positive workplace marijuana test rates have tripled since the year Colorado legalized recreational pot

Positivity rate, workplace marijuana tests (oral swab)



Accidents, injuries, absenteeism, and disciplinary problems among pot users all increase costs

Incidence of problem compared to control group



Even when controlling
for alcohol use, pot
users are:

40%

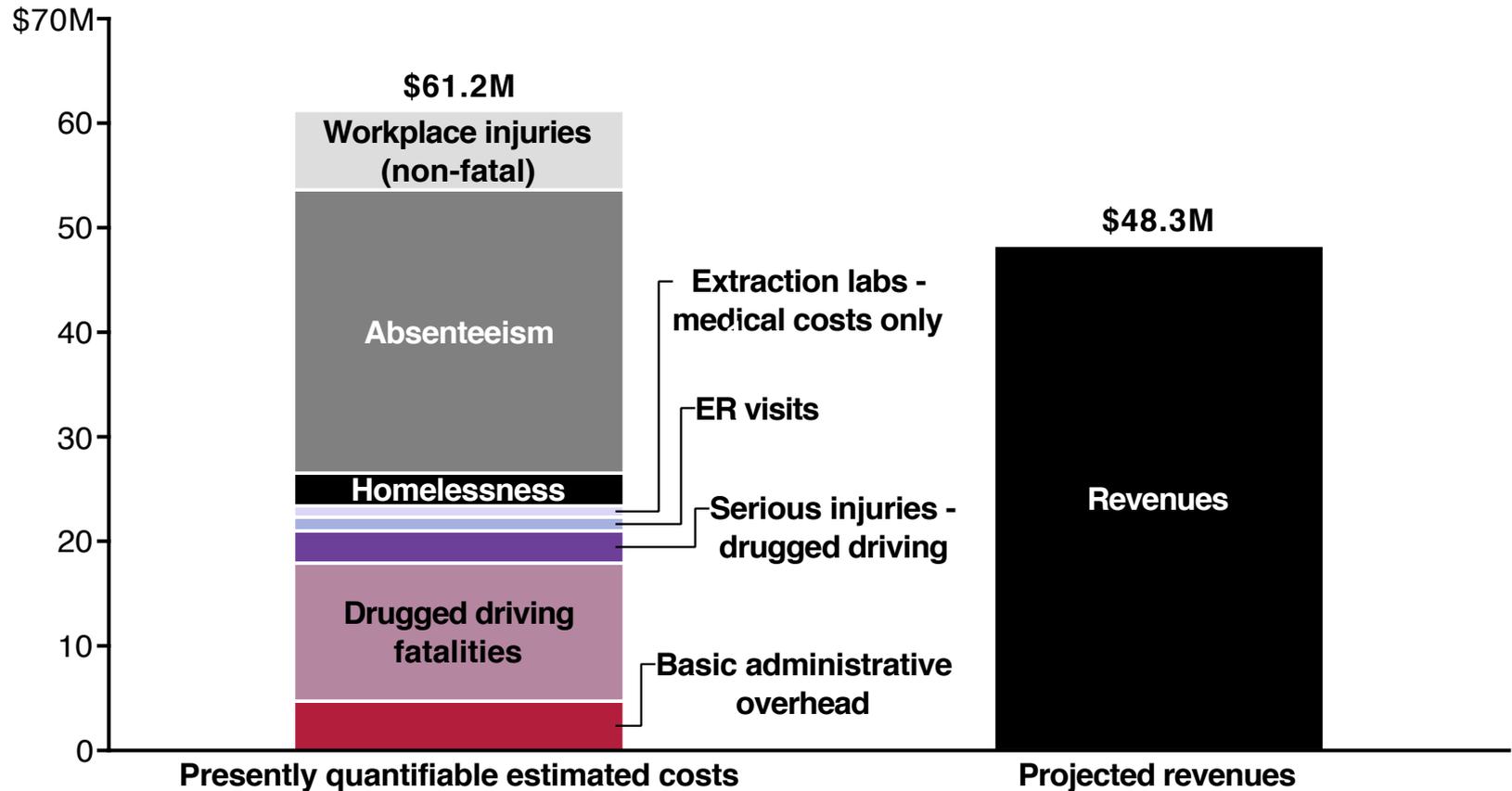
more likely to have
missed at least one day
of work in the last month
due to **illness/injury**

106%

more likely to have
missed at least one day
of work in the last month
because they “**just
didn’t want to be there**”

The state loses, too: in RI, estimates of just a few costs outweigh projected revenues by over 25%

Estimated value for 2020
(in millions of 2016 dollars)



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The marijuana industry has vowed to make employee “rights” to pot use a priority

- In 2014, the Colorado Supreme Court established that **employers can fire employees for off-the-job marijuana use**, even within the context of a state medical marijuana program (*Coats v. Dish Network, LLC*, No. 13SC394, 2014 Colo. LEXIS 40 (Colo. Jan. 27, 2014))
- In response, **the marijuana industry mobilized to fight for a right for employees to use pot**



“[We should not] permit an employee to be fired simply because they elect to use marijuana legally under state law, without a showing of actual on-job impairment.

...

[T]hat is simply unfair, and **it cannot be allowed to stand.**”

- Keith Stroup, founder of NORML
15 June 2015

The highest court in Mass. says that firing a medical marijuana user can be discrimination

- Massachusetts' handicap discrimination law **protects an employee that uses marijuana to treat a “debilitating medical condition”** and has a MA medical marijuana card
- Tolerating medical marijuana use is **NOT a *per se* unreasonable accommodation**, even though marijuana is not FDA-approved and is a Schedule 1 drug
- **Expansive dicta** indicates that state laws declaring certain substances as “medicine” override FDA determinations
- Same logic would apply to **hallucinogenics, cocaine, and other drugs.**

A Rhode Island trial court recently extended protections to a medical marijuana user

Rhode Island court rules employer who refused to hire medical marijuana user violated state law

Posted on 6/21/2017 by Corporate Communications Department

Tags : [Drug Testing](#)

A judge ruled Darlington Fabrics Corp. violated Rhode Island's medical marijuana law, the Hawkins-Slater Act, when it refused to hire a medical marijuana user because she could not pass a pre-employment drug test.

The Hawkins-Slater Act states, "No school, employer, or landlord may refuse to enroll, employ, or lease to, or otherwise penalize, a person solely for his or her status as a cardholder."

Judge Richard Licht ruled that the aforementioned portion of the state's law would be rendered illusory if he were to rule in favor of the defendants as it would simply allow employers to refuse to hire medical marijuana users by simply implementing a facially neutral pre-employment drug testing policy.

New Mexico courts force companies to pay for employees' marijuana use

- **New Mexico:** a series of appellate court decisions require companies to reimburse employees' for “medical” marijuana use, ignoring employers' arguments that doing so would violate federal law:
 - *Vialpando v. Ben's Automotive Services*, 331 P.3d 975, cert. denied, 331 P.3d 924 (2014)
 - *Maez v. Riley Industrial*, 347 P.3d 732 (2015)
 - *Lewis v. American General Media*, 2015 N.M. App. LEXIS 74 (June 26, 2015)



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Conclusions

- Are you ready to respond to claims that marijuana will solve the opioid crisis?
- Is it good that the marijuana industry is **lobbying hard to undermine workplace drug testing laws?**
- Who will **pay for the long-term costs of marijuana use** -- if not insurance companies and the state?

SAM Action is Active in Your State

- Over 30 State Affiliates
- Grassroots organizing through SAM Action App
(text **SAM** to **797-979**)
- The Marijuana Industry has failed at nearly every legislative attempt in States and Congress this year.

”We were gaining momentum. But now that's flipped and we're more on the defensive.” - Rep. Dina Titus (D-NV), one of the biggest marijuana supporters in Congress.



Thank you!

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