

THE DRUG BUZZ RIGHT NOW

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**In Partnership with
Captive Resources, Inc.**

IN 2017

Over 72,000 died of a drug overdose, which equals 197 people every day.

This includes illicit drugs and RX opioids



TODAY'S GOAL FOR BEST PRACTICES

Marijuana
maze

1

Opioid
challenge

2

OSHA
ruling

3

Putting it
together

4

MARIJUANA

WHAT DO YOU BELIEVE



WHAT IS THE APPROACH?

Not a moral issue~

It's a business decision!

It's complicated!



WHAT IS MARIJUANA?

- Product of the hemp plant - Cannabis Sativa
- Smoked - edibles - vaporized - mouth spray - drink - capsules chewed
- There are 483 chemical compounds in the cannabis plant
- Mind altering / euphoric effect comes from THC (*delta-9-tetrahydrocannabinol*)
- Marijuana can contain **up to 30% THC**
- It is addictive



WHAT IS HEMP?

- A term for cannabis that contains **less than 0.3% THC**
- Fiber derived from the hemp plant which contains high amounts of CBD
- CBD - a non-intoxicating cannabis
- Is harvested for industrial markets for use in products such as construction, automotive, pet food, clothing, furniture, paper, etc.
- 2018 Farm Bill legalized hemp cultivation and states can allow or outlaw



WHAT IS CBD?



- The common name for **cannabidiol**
- Extracted from either hemp plant or mature marijuana plant and often ingested as CBD hemp oil or in CBD edibles
- Considered the active "medical" ingredient in marijuana
- Has been used to address anxiety, cancer pain, severe epilepsy, multiple sclerosis; chronic inflammation, depression

CBD OIL & DRUG TESTING

Company drug tests test for THC

Can stay in the system for 1-3 days and can build up with continued use

Generate positive drug test? Depends:

frequency of use, weight, water intake

cross contaminations with THC

product mislabeling & going above recommended dosage



7 out of 10 CBD products do not have amount of CBD as advertised on label

SOME EFFECTS OF MARIJUANA



SHORT-TERM

- Altered **senses** & impaired psychomotor skills
- **Poor coordination, lowered reaction time**
- **Depth perception** & impaired driving
- Impaired **memory**, concentration, **problem-solving difficulties**
- Mood altering, distrust, fear, disorientation

LONG-TERM

- Reduced **ability to learn**, retain information & understand things clearly
- Depression, apathy & **lack of motivation**
- **Physical and mental illness** including, psychosis & **addiction**

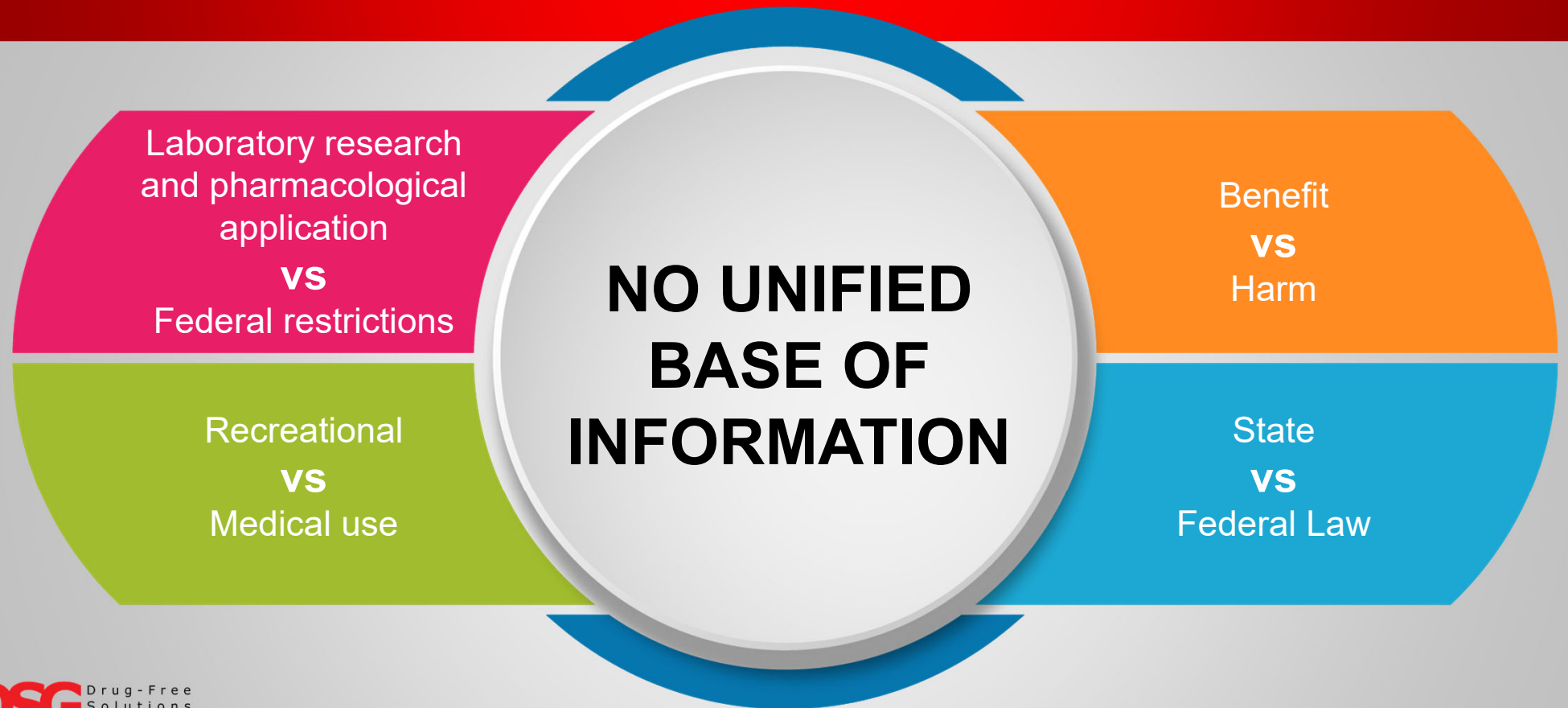
MARIJUANA

WHY ALL THE
CONFUSION AND CHALLENGES
ON

ILLEGAL vs MEDICAL vs RECREATIONAL

???

MARIJUANA CHALLENGES?



WHY DOES IT REMAIN A SCHEDULE I DRUG?

Medicine - Not Yet

- Insufficient number of clinical trials - benefit vs health risks
- No well-defined, measurable ingredients consistent - one unit to another
- No scientific evidence to date for gaining FDA approval
- High potential for abuse
- Lack of accepted safety

Therefore, stays on the DEA's Schedule 1 list

WHAT ARE WE SURE OF?

A Marijuana User:



**Affects
safety**

operating machinery,
driving, and making
sound decisions



**Puts
at risk**

themselves,
co-workers, company,
family, and public



**It is
addictive**

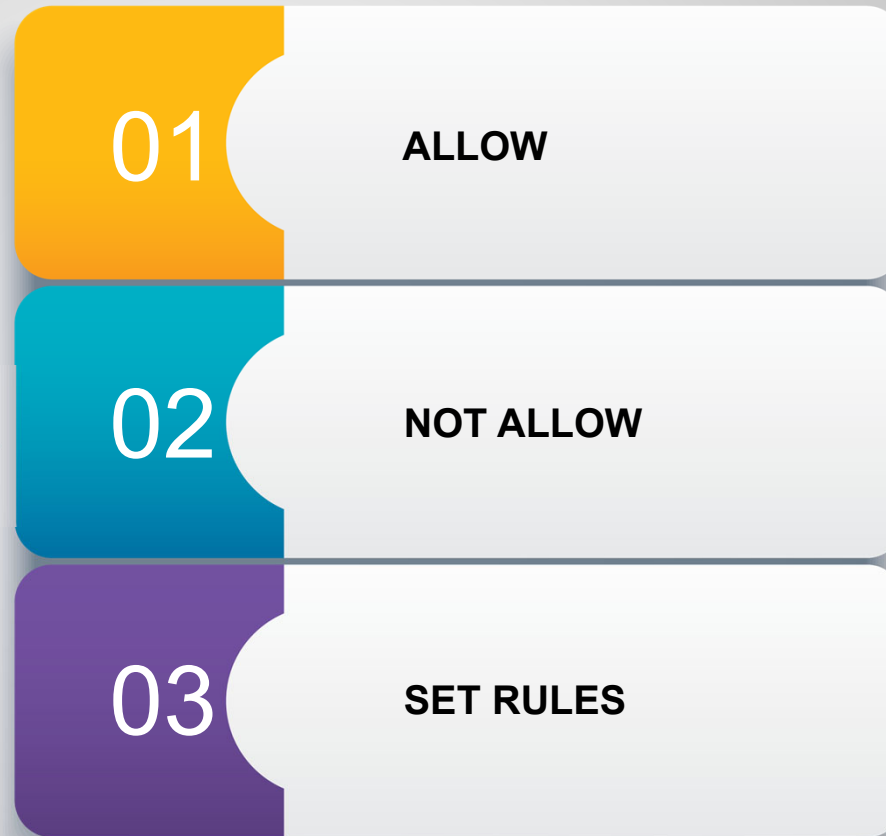
as of year 2000

GENERAL STATUS OF WORKPLACE MARIJUANA



APPROACHES AT WORK

**Always attach to work -
Not what do on personal
time**



THREE APPROACHES AT WORK

1. ALLOW:

Accommodate use (medicinal or recreational)

- Don't address in policy
- Don't test for it
- Don't discipline for it
- Don't terminate for it

Note: If have DOT – must comply with federal law

THREE APPROACHES AT WORK

2. NOT ALLOW:

Follow in compliance with federal law even with medical marijuana card, therefore can test for it, discipline for it up to and including termination, for use, possession or being under the influence - even with a medical marijuana card

This approach supported by:

17 states that haven't legalized; and

17 states & DOC that have legalized for medicinal purposes, but clear that employer does not need to accommodate.

No company to date needs to accommodate recreational marijuana (10+DOC).

THREE APPROACHES AT WORK

3. SET RULES - ALLOW WITH STIPULATIONS:

Not discriminate/retaliate against an employee based **solely** on status as certified, registered active medical marijuana user (*16 states require*).

Approaches can be:

- Do not place an applicant/employee in a safety-sensitive position (list)
- If in a safety-sensitive position can treat as a RX that may affect ability to do job function (establish clear procedures which provide process and controls)
- Add to all job descriptions as part of their essential job duty to include “*the ability to operate in a constant state of alertness, and safe manner*”

THREE APPROACHES AT WORK

MULTI-STATE OPERATIONS- MAY HAVE TWO APPROACHES IN POLICY:

2. NOT ALLOW:

Follow in compliance with federal law even with medical marijuana card (34 states & DOC)

3. NOT ALLOW AND ACCOMMODATE ACCORDING TO STATES WITH STIPULATIONS:

Follow in compliance with federal law, but adjust for those states stipulating no discriminate/retaliate against an employee based solely on his/her status as certified, registered active medical marijuana user

MARIJUANA STATE-BY-STATE

| NOT LEGAL AT ALL (17) | MEDICAL USE LEGAL No Need to Accommodate (17 + DOC) | MEDICAL USE LEGAL No Discrimination Solely As Card Holder (16) | LEGAL FOR BOTH MEDICAL & RECREATIONAL USE (10 + DOC) |
|---|---|--|---|
| Alabama Idaho Indiana Iowa Kansas Kentucky Louisiana Mississippi Nebraska North Carolina South Carolina South Dakota Tennessee Texas Virginia Wisconsin Wyoming | Alaska California Colorado District of Columbia Florida Georgia Hawaii Massachusetts Missouri New Hampshire New Jersey New Mexico North Dakota Ohio Oregon Utah Vermont Washington | Arizona Arkansas Connecticut Delaware Illinois Maine Maryland Michigan Nevada Minnesota Montana New York Oklahoma Pennsylvania Rhode Island West Virginia | Alaska California + San Francisco Colorado + Boulder District of Columbia Maine Massachusetts Michigan Nevada Oregon Vermont Washington |

COMPANY'S NEED TO TAKE A STANCE

Companies need to decide
what position to take
with the idea that position
may need to change in the
future



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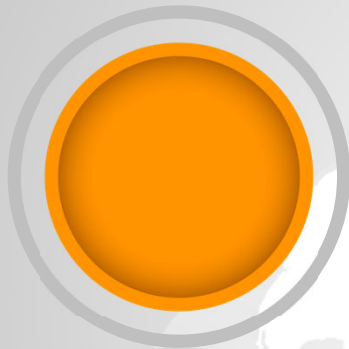
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together

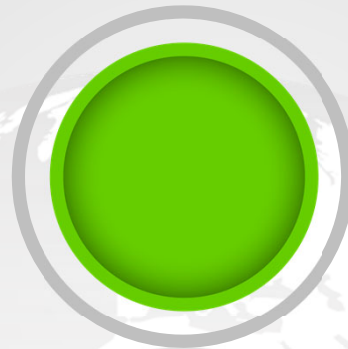
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3 TYPES OF OPIOIDS



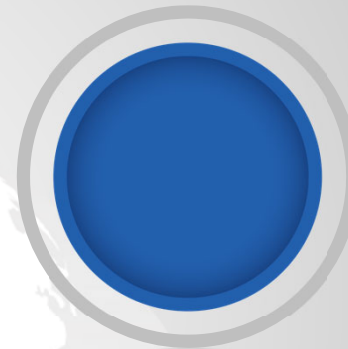
Prescription

Codeine Morphine
Oxycodone Hydrocodone



Synthetic

Fentanyl Car fentanyl
Demerol Norco
Methadone



Heroin

Illegal version (poppy
plant) – cheaper
alternative

SNAP SHOT ON OPIOIDS



Treats acute/chronic pain-switches off brain pain receptors and dulls central nervous system

Most widely prescribed drug in the U.S.

98.6% of inpatient surgery patients receive opioids to manage pain

1 in 15 patients receiving opioids post-surgery become chronic users

8-10% of those employed have an opioid abuse disorder

80% of opioid addicts start with a prescription

WHY DANGEROUS AND COSTLY

SAFETY and HEALTH RISKS:

- Psychomotor impairment – physical and psychological difficulty performing activities which normally would require little thought or effort.
- Heart infections, failure and seizures
- Respiratory & rheumatic diseases
- HIV, hepatitis and other blood diseases (shared needles)
- Depression, sleepiness, severe mood swings

- Addiction
- Overdoses



RULES AND PROCEDURES

Set Up Policy and Procedures to Manage RX Use:

WHO: Those in a safety-sensitive position to report if use may negatively impact job performance

TO DO: Bring note from U.S. prescribing licensed physician with any specified restrictions per job function and term of prescription (not type or why drug being taken)

NEXT: Who to receive note and who makes determination on availability of reasonable accommodation option into non-safety-sensitive position

SET UP RX RULES AND PROCEDURES

ACCOMMODATION:

Based on availability of a non-safety sensitive position and individual's skills and/or ability to perform it.

If not available, the employee is to be placed on leave until the prescription is no longer needed.

Sick leave, short-term disability, and/or vacation time may be used if available. All other leave will be unpaid.

**** Can have employees in safety-sensitive positions having a medical marijuana card and actively using report as a prescription that may affect their ability to do their job function.*

THE FUTURE

Epidemic will not end
until employers provide employees with
managed access to
affordable, comprehensive treatment for
pain management and substance abuse disorders

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NEW OSHA RULING



**STOPPING YOU
IN YOUR
TRACKS ?**



POST-ACCIDENT TESTING & RETALIATION

OSHA POSITION:

“Improve Tracking Of Workplace Injuries” to Avoid Retaliation

“Employers lack procedures for reporting injuries and illnesses” = “post-accident testing can be *unreasonable*”

“Should be *reasonable possibility* of drug or alcohol use as contributing factor”



POST-ACCIDENT TESTING & RETALIATION

PERCEPTION BY INDUSTRY: Must have reasonable suspicion
= therefore no post-accident / injury testing

WHY COMPLY: It makes sense

ESTABLISHING POST-ACCIDENT

Definition

Decision process

Timing

Referral Procedures



DEFINITION FOR A POST-ACCIDENT DRUG AND ALCOHOL TEST

An unplanned, unexpected, unintended or intended event which occurs on company property, on company business, or during work hours, or which involves company-supplied or personal vehicles while being used for company purposes and which results in at least one of the following:



A fatality of any party



Bodily injury of any party requiring immediate medical treatment away from the accident scene



Any damage to a motor vehicle / in excess of \$\$\$



Non-vehicular property damage in excess of \$\$\$



Other



Other

Due to time constraints, formal estimates are not required. A supervisor's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above. Employees are required to immediately notify XXX of any accident.

THE DECISION-MAKING PROCESS

**Decide if employee
may have caused or
contributed to the
accident**

▶ **AND**

**The accident
included at
least one of
the following**

01

A fatality of any party

02

Bodily injury of any party
requiring **immediate** medical
care away from the scene

03

Any damage to a vehicle or
property in excess of \$\$\$

*Some states: safety sensitive
positions/ and/or need to believe
drugs &/or alcohol may be
involved*

TIMING FOR A POST-ACCIDENT TEST

- A post-accident alcohol test must occur within 8 hours following the accident
- A post-accident drug test must occur within 32 hours following the accident



TIMING FOR A POST-ACCIDENT TEST

If the test is not administered within the appropriate timeframes, the supervisor must perform these three steps:

1. Cease attempt to test
2. Call the designated person(s)
3. Document why the test did not occur



Note: An employee is responsible for remaining available for testing. If need be, the employee may leave the scene of an accident for the period necessary to obtain assistance in responding to the accident, materials to secure the accident site, or necessary emergency medical care.

REMINDER

Definition

Timing

Decision Process

Referral Procedures



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WHAT PRICE DO YOU PAY

COSTS:

- Absenteeism
- Productivity
- Pilferage
- Accidents
- Medical Benefits
- Violence/Sexual Assaults
- Workers Comp Claim
- Unemployment Comp Claim
- Turnover
- Morale
- Major Law Suit / Litigation



DRUG & ALCOHOL TESTING

\$12,000 cost per abuser/per year in direct operational costs
x **20%** of 50 / 100 / 500 then 10 / 20 / 100 / potential abusers

\$120 / \$240K / \$1.2M ~ yearly cost of substance abuse

This does not include the cost of:

- *Turnover;*
- *Morale;*
- *Major law suit or workers' compensation claim;*
- *Unemployment claim: or*
- *Potential for litigation-increased chance of having the company sued.*

BEST PRACTICES FOR SOUND PROGRAM

1. Policy and procedures (non-regulated - DOT)
2. Education for employees (some states mandatory)
3. Training for managers (some states mandatory)
4. Drug and alcohol testing (varies by state)
5. Access to support (multiple approaches)

1. WHAT & WHY DOES A POLICY WORK?



2. EMPLOYEE EDUCATION

3. MANAGER TRAINING

Once the executive team has clarity on the company's policy, it is critical to:

- Communicate to all employees their responsibilities under the policy
- Continue to update policy
- Continue to refresh all personnel

Note: some states require

4. DRUG AND ALCOHOL TESTING

Pre-employment drug test

Probationary period drug test

Reasonable suspicion drug and alcohol test

Post-accident drug and alcohol test

Transfer to a safety-sensitive position drug test

Promotion to manager drug test

Return after lay-off drug testing

Random drug testing

Client required drug and/or alcohol test

Follow-up drug and/or alcohol test

Government required drug &/or alcohol test (*separate policy*)

DRUG AND ALCOHOL TESTING

**IN TODAY'S TIGHT HIRING MARKET IS
LIMITING/DROPPING
DRUG & ALCOHOL TESTING THE ANSWER?**

Pro's:

Bring down cost of testing

Expedites the hiring process

No marijuana or no drug positives – can hire more workers

Not have to worry about state laws pertaining (marijuana/testing)

4. DRUG AND ALCOHOL TESTING

LIMITING / DROPPING DRUG & ALCOHOL TESTING AND/OR MARIJUANA

Con's

- Still Illegal on Federal level
- Still a drug with ramifications
- Lack of acceptable safety
- Increased errors in judgement, mistakes and accidents
- Increased healthcare costs
- Increased worker's comp claims
- More likely for negligence suits

4. DRUG AND ALCOHOL TESTING

In addition, legal doctrine of respondeat superior:

- A company and its management are held responsible and therefore implied vicarious **liability for the actions of an employee** in the course of their duties
- If an **employer knows or should/could have known** that an employee was under the influence of drugs/marijuana, the employer is liable for the employee's actions

5. SUPPORT

Access to confidential assessments, short-term counseling, referrals, and follow-up services. Encourage voluntary and confidential assistance via:

- EAP
- Medical benefits plan,
National
- Local resources

SUMMARY - BEST PRACTICES FOR A SOUND PROGRAM

1. Policy and procedures (non-regulated - DOT)
2. Education for employees (some states mandatory)
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REMINDER

Doing nothing is the most harmful course of action you can take...

It is harmful for the employee, for his/her co-workers, for the employee's family, for you, for the company, and for the general public



TODAY'S KEY CHALLENGES

Getting new employees on board

Providing a safe work environment

Reducing overall healthcare costs

Avoiding litigation

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THE POLICY BENEFITS:

You

The many non-users

The users

The company

Customers, clients, and vendors

The general public

DSG SERVICES

1. **Policy & Procedures (non-regulated & regulated)**
2. **Legal Review (50 States & Canada & Mexico)**
3. **Program Audits / Policy Reviews**
4. **Speeches / Workshops / Webcasts**
5. **Drug & Alcohol Testing Coordination**

Request A Courtesy Policy Review
561-266-5111 or christine@drugfreeatwork.com