

HR Tips for Successful, Compliant & Cost Effective Background Screening

Medical Marijuana and the Workplace

I've been receiving a lot of questions regarding medical marijuana and how positive drug testing results are reported for individuals who carry a medical marijuana card/certificate.

What is Medical Marijuana?

Medical Marijuana is NOT a prescription. A prescription means you have a written prescription from a physician and the prescription is filled by a pharmacist. Synthetic Cannabinoids are available as a prescription drug in the United States and other countries. Examples include Marinol and Dronabinol (pill form). In most states where Medical Marijuana is available, a physician has provided a signed certificate to an individual indicating that he/she believes the use of marijuana would benefit a medical condition for which the patient is being treated.

During the Medical Review process for drug testing, if an individual supplies the certificate in response to a positive marijuana test, the result will be reported as a positive. In cases where a prescription is provided, as explained above, the result will be downgraded to a negative as this would be considered a legitimate explanation for the positive test.

Fourteen states have enacted laws that legalize medical marijuana

Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Jersey, New Mexico, Oklahoma, Rhode Island, Vermont and Washington.

Department of Transportation Regulated Employers

The recent DOJ guidelines for medical marijuana have no bearing on the Department of Transportation's regulated testing program. Medical marijuana is not a valid medical explanation for a transportation employee's positive result.

What Can Employers Do?

- ❖ Include medical marijuana in your company's drug testing policy. This is of particular importance for non-regulated employers.
- ❖ Federally regulated programs are court tested and are an excellent guide for non-regulated employers.
- ❖ We urge employers to consult with their legal counsel in developing a policy compliant with their state laws regarding the company's position on the use of medical marijuana and the workplace.
- ❖ An important component of the policy will be to address the course of action that will be taken on behalf of the company for positive tests after American's with Disabilities (ADA) Act issues have been fully considered.

Who is Michael Allen?

I help companies avoid risk and save money by employing intelligent practices to their workforce screening. I am an 13-year industry professional dedicated to promoting best practice standards, compliance and the monitoring of legislation affecting HR personnel. HR Allen Consulting Services expertly manages workplace screening programs. Ask me for a free program evaluation and pricing proposal.