


Alaska's Drug & Alcohol Climate

- Alaskans average among the highest per capita users of controlled substances and alcohol
- Demand for Alaska-grown marijuana continues to be high due to exceptional THC content
- Home to highly organized cocaine import and distribution groups
- Currently home to one of the largest opioid epidemics in the nation




What we know about Marijuana

- Currently legal in 28 states for medical and/or recreational use
- Still a Schedule 1 Drug
- Employers still have the right to test for Marijuana
- DOT vs. Non-DOT Drug Testing Program
- What does your policy state?
- Medicinal use
- Recreational use
- Contractual requirements



DOT Tested Drugs

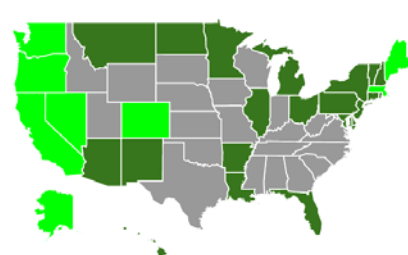
- Marijuana
- Cocaine
- Opiates
 - 6 am
- PCP
- Amphetamines
 - Ecstasy (2010)






LEGALIZED MARIJUANA MAP


Information below current as of March 23, 2017:



Marijuana Legalization Status

- Medical marijuana legalized
- Marijuana legalized for recreational use
- No laws legalizing marijuana

<http://www.governing.com/gov-data/state-marijuana-laws-map-medical-recreational.html>

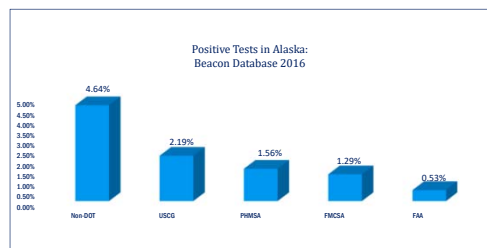


Marijuana Information

- Most commonly used illicit drug in United States
 - Over 22 Million people have used in the last month
- Most widespread use is among young adults and adolescents
- Medical emergencies related to marijuana use are on the rise
- Detectable amounts of marijuana can remain in the body for 2-30 days or longer



Alaska Testing Statistics



Colorado Amendment 20

- Ballot measure passed in 2000 that legalized medical use of marijuana for persons suffering from debilitating medical conditions.
- Qualifying conditions:
 - Cancer
 - Glaucoma
 - HIV/AIDS
- (10) (b) Nothing in this section shall require any employer to accommodate the medical use of marijuana in any work place



Colorado Amendment 64

- Ballot measure passed in 2012 that legalized recreational marijuana in Colorado
- (6) Employers, driving, minors and control of property
 - (a) Nothing in this section is intended to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale or growing of marijuana in the workplace or affect the ability of employers to have policies restricting the use of marijuana by employees.



Washington Medical Cannabis

RCW 69.51a

- Allows physicians to give a medical recommendation for marijuana use for qualifying conditions:
 - Cachexia
 - Cancer
 - Crohn's disease
 - Glaucoma
 - Hepatitis C
 - HIV or AIDS
 - Intractable Pain
 - Persistent Muscle Spasms
 - Nausea
 - PTSD
 - Seizures
 - Traumatic Brain Injury
 - Any "terminal or debilitating condition"
- RCW 69.51A.060 (7)
 - "Employers may establish drug-free work policies. Nothing in this chapter requires an accommodation for the medical use of marijuana if an employer has a drug-free workplace."



Alaska's Medical Marijuana Laws

- AS 17.37 Allows physicians to give a medical recommendation for marijuana use for qualifying conditions:
 - Cachexia
 - Cancer
 - Chronic Pain
 - Glaucoma
 - HIV/AIDS
 - Multiple Sclerosis
 - Nausea
 - Seizures
- AS 17.37.040 Restrictions on medical use of marijuana
 - d) Nothing in this chapter requires any accommodation of any medical use of marijuana
 - 1. in any place of employment



Alaska's Recreational Marijuana

- AS 17.38.120. Employers, driving, minors and control of property
 - a) Nothing in this chapter is intended to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees
 - b) Nothing in this chapter shall prohibit a person, employer, school, hospital, recreation or youth center, correction facility, corporation or any other entity who occupies, own or controls private property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property

http://ballotpedia.org/Alaska_Marijuana_Legislation_Ballot_Measure_2_G01_R1_Full_Text_of_Initiative



Coats vs. Dish Network

- Brandon Coats - Quadriplegic who used marijuana outside working hours
- Registered medical marijuana user, accessing marijuana legally per state statute
- Terminated by Dish Network for a positive drug screen result for marijuana
- Coats sued Dish Network for wrongful termination
- Case went as far as Colorado Supreme Court, who ruled in favor of the employer



What the new laws mean for employers?

- Must we make Reasonable Accommodation for Medical Use?
- Can we make Reasonable Accommodation for Medical Use?
- Accommodation for Recreational Use?
- Federal Law supersedes State Law
- Update Drug Free Workplace Policy!
- Educate Employees



Why Employers Should Care!

- Workplace safety is key
- Federal and contractual compliance
- Job Turnover and Lost Productivity
- Frequent or extended absences
- High potential for accidents or injuries
- Theft or dealing drugs in the workplace



Maintaining a Drug-Free Workplace

- Develop standards based on desired requirements
- Write and review policy
- Notify employees of policy implementation or changes
 - Employee and supervisor education
- Implement policy and begin testing
 - Consistency is key!



Drug-Free Workplace Program

Components of a Drug Free Workplace Program

- A Written Policy
- Employee Education
- Supervisor Training
- Drug Testing
- EAP access for Assistance



Federally Mandated Drug Testing


Overseen by Department of Transportation - ODAPC

- FAA - Federal Aviation Administration
- FMCSA - Federal Motor Carriers Safety Administration
- PHMSA - Pipeline & Hazardous Materials Safety Administration
- USCG - United States Coast Guard
- FRA - Federal Railroad Administration
- FTA - Federal Transit Administration



Detection Periods in Urine

Drug	Time Frame
• Marijuana	2 - 30 days or more
• Amphetamine	2 - 4 days
• PCP	2 - 3 days
• Cocaine	12 - 72 hours
• Opiates	2 - 4 days



Drug Testing Methods

Urine


- The only methodology approved for DOT testing
- Window of detection: 1-5 days; up to 30+ days for THC

Hair

- Head hair window of detection: 60-90 days
- Body hair window of detection: up to 1 year +


Saliva

- Window of detection: 1-5 days




What if an employee tests positive?

- Follow DOT Guidelines
- Remove Employee from Safety Sensitive Duties
- Provide Employee with SAP Information
- Return to Duty and Follow up Testing Required




Return to Duty & Follow Up Testing

- Return to Duty test comes after SAP evaluation and treatment
- SAP determines frequency of follow up tests
- Always collected under direct observation




Reasonable Cause vs. Self Admission

<p>Reasonable Cause</p> <ul style="list-style-type: none"> • Must be based on direct observation of specific and current physical behavior or performance indicators of probable use • Observations must be made by trained supervisors • Check your policy on Reasonable Cause Testing! 	<p>Self Admission</p> <ul style="list-style-type: none"> • Employee admits to employer that they have misused alcohol or drugs • Does not constitute a reasonable cause test • May require the employee to be removed from safety-sensitive duties and complete SAP/Return to Duty Process depending on DOT agency
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Reasonable Cause Training

- Supervisors have the responsibility to protect the safety of the public and employees
- Determine the employees fitness for duty
- Determine whether or not there is a reasonable cause for testing
- Employee performance is the issue, not identifying a particular substance
- Required training for supervisors in DOT covered positions
- Use a checklist




Marijuana

- Schedule 1 drug
- Color is green to light tan
- Distinct aroma
- Mild tranquilizing effects
- Effects brain's interpretation of messages



http://commons.wikimedia.org/wiki/File:Marijuana_3.jpg



Marijuana

Schedule 1 Drug



- Amount of marijuana required to generate a high depends on:
 - THC content of the marijuana
 - Users size & body type
- THC may stay in a person's system for 30 days to 6 weeks or longer
- Driving skills can be impaired 4 - 6 hours after 1 joint....effects can last up to 24 hours



Workplace Issues



- THC is slowly released over time. Marijuana smoking has a long-term effect on work performance
- Chronic smoking causes changes in brain cells and waves - the brain is less healthy and does not work as efficiently
- Lowered immune system makes users more susceptible to infection & time off the job



Evidence of Marijuana

- Plastic bags
- Smoking papers
- Roach clips
- Small pipes
- Smoking bongs



http://en.wikipedia.org/wiki/Cocaine_clip



Signs & Symptoms of Marijuana Use

- Blood shot eyes
- Vision problems
- Slowed speech
- Increased appetite
- Impaired motor skills
- Irritating cough
- Chronic fatigue
- Stained fingertips



Common Signs and Symptoms

- Frequent absences
- Financial problems
- Depression
- Irritating cough
- Impaired coordination
- Confusion or agitation
- Mood shifts
- Slowed speech
- Chronic fatigue
- Odor on breath or clothes
- Eyes
- Profuse sweating
- Dizziness
- Withdrawal from friends



Four Steps to Reasonable Suspicion Testing

- Identify the potential substance abuser
- Document the reasons you believe someone is using a substance or substances
- Intervene the potential substance abuser
- Maintain Confidentiality



Documentation Guidelines

- Use a check list
- Be Specific and thorough
- Include date and time
- Be fair and consistent
- Include any corroborating facts
- Document everything!



Know Your Policy

- Covered employees
- Prohibited conducted
- Consequences for violations
- Supervisor Responsibilities
- Available Resources




<http://www.sopac.org/green/index.php/policy-briefs>




Who Is Your EAP Provider?

- EAP Services
 - Education and training on drug use for employees
 - Evaluation and treatment for an employee based on a positive reasonable cause test, or self-disclosure of issues
 - Your EAP's website: www.?????.com



Key Takeaways

- Important to understand new marijuana laws
- Take a stance and update your policy
- Be consistent in your drug-free workplace program
- Take additional measures to test for marijuana beyond DOT testing
- Educate employees on the issues
- Know what to do if an employee is unfit to work
- Employers have the right to maintain a drug-free workplace program



BEACON SERVICES

- REMOTE MEDICAL SOLUTIONS
- SAFETY SOLUTIONS
- CLINICAL SOLUTIONS
- TRAINING SOLUTIONS



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