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## POSITION STATEMENT

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### The Workplace Impact of Marijuana Use

#### INTRODUCTION

Marijuana, also known as cannabis from the Cannabaceae plant family, contains delta-9-tetrahydrocannabinol (THC) and cannabidiol (CBD). THC, the component that produces a “high” associated with marijuana use. The potential health benefits of marijuana and CBD has generated much interest and controversy, particularly as cannabis remains federally illegal under the Controlled Substances Act (National Safety Council (NSC), 2019; US Food and Drug Administration, 2020). At the federal level cannabis is classified as a Schedule 1 drug, meaning the federal government viewed it as having no medical value and high abuse potential. It is the most frequently used illicit drug of abuse in the United States and worldwide, and is the drug most often detected in workplace drug-testing programs (Phillips, et al., 2015).

Regulation of marijuana, cannabis and products derived from cannabis and its components (cannabidiol) varies at the state level with an evolving legal environment. Forty-six states currently allow medical use of cannabis, and ten states have legalized small amounts of marijuana for adult recreational use (NSC). As the legalization and decriminalization reform efforts evolve, concerns over safety, particularly in the workplace and among safety-sensitive positions, have become paramount (NSC). Given these workplace safety concerns, and the dynamic nature of the legal environment, it is necessary to develop guidelines for employers and occupational health and safety professionals to identify and address impairment issues and legal implications of marijuana use in the workplace.

Promoting the health and safety of workers and workplace communities is a primary objective of the American Association of Occupational Health Nurses, Inc. (AAOHN) strategic plan. Ensuring that legislation, regulations and public policy positively impact workers and occupational and environmental health nursing is essential to AAOHN's mission to advance and protect the profession (AAOHN, 2020). Ensuring workplace safety, particularly amidst the changing environment surrounding marijuana use,

requires collaboration between employers, occupational health and safety professionals, and legal experts. The American Association of Occupational Health Nurses, Inc. (AAOHN) joins other organizations in the support of collaborative efforts to advocate for and implement legislation, guidelines, policies and protocols to guide employers and occupational health and safety professionals when developing workplace policies and practices addressing marijuana use in the workplace.

#### RATIONALE

Marijuana (cannabis) is the most widely consumed illicit substance worldwide and research has identified the impact of this substance on psychomotor skills and cognitive ability, as well as the impact on motor vehicle crash rates and hospitalizations, however more research is necessary to investigate the safety implications in the workplace, particularly while working in safety-sensitive positions where a mistake can threaten the life and health of others (NSC).

The medical and legal implications of marijuana use by the workforce include:

- risk of injury due to impairment,
- variations on what “acceptable safe levels” are, as well as variations in levels of metabolism and impairment,
- possible increases in absenteeism and presenteeism,
- increased costs related to adverse events and loss of productivity,
- legal concerns with discordance at the federal and state level regarding legalization and decriminalization, and

transportation of marijuana across state lines,

- legal concerns relative to the Americans with Disabilities Act (ADA), and other federal antidiscrimination regulation,
- legal concerns regarding the Occupational Health and Safety Act of 1970 (OSHA) general duty clause requiring employers to protect workers,
- drug and alcohol testing regulations, and
- legal concerns regarding suspecting and detecting marijuana-related impairment, and “on duty” versus “off duty” use of marijuana.

In general, states legalizing recreational or medical use generally ban on-site use of marijuana or use while on-call, however it is often unclear where the line is drawn for off-duty use (Rolfson, 2019). Evidence-based data is lacking to determine safe acceptable levels of marijuana use and reliable mechanisms to measure impairment. This has prompted some organizations to adopt a zero-tolerance policy and prohibit those employed in safety-sensitive positions from working while under the influence of marijuana (Rolfson, ACOEM, NCS).

The discordant federal and state laws and variable testing thresholds pertaining to marijuana use present a unique challenge for employers and occupational health and safety professionals. The implications for workplace safety are a primary consideration and legislative proposals that would allow employers to prohibit those employed in safety-sensitive positions from working while under the influence of marijuana is essential (American College of Occupational and Environmental Medicine [ACOEM], 2019). Organizations such as the American College of Occupational and Environmental Medicine and the National Safety Council, have initiated policy statements advocating for workplace safety and detailing concerns about the implications of legalizing marijuana on workplace safety (NCS, ACOEM).

A joint guidance statement on marijuana in the workplace was initiated (Phillips, et al.) by AAOHN and ACOEM with detailed guidance for occupational health professionals and employers. Policy and procedure guidelines such as the AAOHN/ACOEM joint statement are necessary to support employers and occupational health professionals as they navigate evolving cannabis laws, to ensure workplace safety. As regulation changes and the possibility of legalizing marijuana at the federal level becomes possible, advocacy and public policy regulation is necessary to ensure provisions are in

place. These provisions would enable employers to continue testing workers for compliance with workplace marijuana bans, particularly among those employed in safety-sensitive positions.

## RECOMMENDATIONS

The workplace effects resulting from the use of marijuana and its derivatives, particularly among workers in safety-sensitive positions, is an evolving topic that impacts occupational health and safety professionals, employers, and the greater community. The American Association of Occupational Health Nurses, Inc. supports efforts aimed at advocacy and public policy regulation to institute bans for safety-sensitive positions with reasonable workplace drug policies. This would enable the employer to comply with OSHA mandates to protect workers and would afford the employer legal protection relative to antidiscrimination regulation. Additionally, AAOHN recognizes the need for additional research to determine acceptable safe levels and measurement of impairment relative to workplace safety. This research would enable organizations to provide ongoing guidance and best practice standards to guide occupational health and safety professionals and employers as they identify and address impairment issues and legal applications relative to the workplace impact of marijuana use.

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