Here is what to say about marijuana and the workplace...

Employees who use marijuana and other drugs negatively impact the bottom line for employers due to increased absenteeism, more workplace accidents injuries, and higher healthcare costs. According to a leading medical journal, marijuana users had 50% more industrial accidents than non-users.

Drug use threatens public safety, impairs job performance, and results in costly medical, social, and other problems affecting employees and employers. It puts all employees, including nonusers, at great risk of injury.

If marijuana is legalized, use will increase and Florida employers are likely to experience more workplace accidents, injuries, property damage, and thefts; creating an environment where insurance is even more difficult to obtain.

If marijuana is legalized under the guise of medicine in Florida, employers could experience increased law suits over employee “rights” to their medicine. Although the courts have repeatedly upheld employer rights, this is a time-consuming and extremely costly process.

Here is the supporting research and data...

- People who use drugs are 5 times more likely to be involved in an accident while off-the-job, thus impacting their work attendance and performance.¹
  - Workers who are substance abusers have more frequent and costly healthcare claims,² increasing the overall cost of healthcare for all employees. Also, they are absent more frequently³ and have been found to be less productive than their co-workers who do not abuse drugs. Overall, lost-work productivity (including absenteeism and poor job performance) associated with substance abuse costs the nation an estimated $197 billion a year.⁴
  - Among unemployed adults aged 18 or older in 2011, 17.2% were current illicit drug users, which was higher than the 8.0% of those employed full time and 11.6% of those employed part time. Most illicit drug users are employed. Of the 19.9 million current illicit drug users aged 18 or older in 2011, 13.1 million (65.7%) were employed full or part time.⁵
  - One study found that marijuana users had 85% more injuries at work than non-users.⁶

When safety comes first, ensuring that workers do not use marijuana is an important step.

- Marijuana users have been shown to have a 78% increase in absenteeism over non-users.⁷
  - Workers who tested positive for marijuana use had disciplinary problems at work 64% more often than workers who tested negative for marijuana.⁸
  - Employees who tested positive for marijuana had 55% more industrial accidents.⁹
  - Businesses with marijuana-impaired employees have a greater chance of injuries and damage occurring with employees, their shipments, and the public. Accident records from one study showed that up to 12% of non-fatally injured drivers and up to 16% of fatally injured drivers had marijuana in their bloodstream.¹⁰
  - Drug-using employees have been shown to have up to 300% higher medical costs which increase insurance rates for employers and employees.¹¹
• Illicit drug users are 5 times more likely to file a workers’ compensation claim.\textsuperscript{xii}
• According to the Department of Health and Human Services, employees testing positive for marijuana averaged absentee rates 75% higher than those that tested negative.\textsuperscript{xiii}

**What other state’s have experienced...**

The April, 2013, Colorado Court of Appeals case of Brandon Coats v. Dish Network, L.L.C., upheld employers’ rights. The Plaintiff’s attorney argued that his client’s employment termination, following a drug test positive for marijuana, was unlawful. The Court decided that plaintiff’s medical marijuana use was not “lawful activity” under Colorado law. At the time of plaintiff’s termination, all marijuana use was prohibited by federal law.

A 2005 Oregon Supreme Court case, Robert Washburn v. Columbia Forest Products, Inc., involved Oregon statutes that prohibit unlawful workplace discrimination against disabled persons, ORS 659A.112 to 659A.139. The issue before the court was whether those provisions require an employer to make a disability-related accommodation for an employee who uses marijuana for medical purposes. The Court’s opinion overturned a court of appeals decision and indicated that the plaintiff was not disabled. A concurring court opinion further added that federal law making marijuana illegal trumped the Oregon “medical marijuana” statute.

Courts have repeatedly upheld employers’ rights to “hire at will,” however, defending these rights has come at a high cost. In September, 2012, the U.S. Sixth Circuit Court of Appeals upheld a Michigan U.S. District Court ruling that “The [Michigan] medical marijuana law does not regulate private employment.” In this case, a Wal-Mart store employee was fired for testing positive for marijuana even though the employee possessed a Michigan medical marijuana card.

**Here are some places you can obtain statistics on marijuana use in the workplace:**

- National Drug-Free Workplace Alliance (NDWA) - www.NDWA.org
- Drug and Alcohol Testing Industry Association (DATIA)
- Quest Diagnostics - www.QuestDiagnostics.com
- Substance Abuse and Mental Health Services Administration (SAMHSA) - www.SAMHSA.org

\textsuperscript{ii}IBID
\textsuperscript{iii}U.S. Department of Health and Human Services, “Marijuana – April 26”
\textsuperscript{vii}IBID
\textsuperscript{viii}IBID
\textsuperscript{ix}IBID
\textsuperscript{xi}IBID
\textsuperscript{xii}SmithKline Beecham Healthcare Services. “Substance Abuse in the Workplace II.” Balanced Health Report. 12-96. Vol. 4., No. 3
\textsuperscript{xiii}U.S. Department of Health and Human Services, “Marijuana – April 26”