

Workforce perspective: Issues with the Legalization of Marijuana

HHA 500 | Alejandro Herrera

Introduction:

The legalization of marijuana has been an extremely controversial topic to digested regarding its ethical values in promoting its legalization through federal means all over the United States. Its inconsistency derives from the clash between federal and state jurisdictions, being unclear on policies regarding the legalization of cannabis in medicinal and recreational consumption. [2] As of now there are 33 states in the United States that have legalized the use of marijuana medicinally while 11 of those states legalized it for recreational use.[4] The expansion of marijuana legalization being adopted across many states accommodates the increasing population of cannabis use. Federal law has made any possession of marijuana completely illegal due to them classifying cannabis as a Schedule 1 drug. [2] Efforts in legalizing marijuana use medicinally and recreationally has been left up to the states to accommodate with the expanding population that is engaging in some type of cannabis use. Discrepancies amongst employees and employers have been faced due to this cultural shift of cannabis legalization. Various employees have been unjustifiably terminated or suspended for the use of medical marijuana while on duty or off duty when high levels of THC were found from random drug test. [4] Legalization of cannabis has been stated that it has the potential to create or exacerbate socioeconomic and health inequities. [3]

Background on Marijuana and its Laws:

Marijuana, also known as Cannabis, derives from parts of the plant *Cannabis sativa* that contains substantial amounts of tetrahydrocannabinol (THC) which is responsible for its high-inducing effects. [2] Although classified by federal law as a Schedule 1 Drug, there's been extensive evidence that usage of marijuana has positive benefits in medicinal use such as being effective in the improvement of many disorders, effective treatment in chronic neuropathic pain in adults, and making improvements in patients dealing with Multiple sclerosis. [2]. Prior to 1937, any form of cannabis possession was illegal in most states

Key Points

Federal policy is inconsistent with the legalization of cannabis use for medical and recreational use which conflicts with states policies on cannabis liberalization creating an issue the distribution and health disparities of cannabis.

There's an increased number of states that have decriminalized cannabis possession, medical and recreational uses.

Concerns are being raised over the potential impact of Medical Marijuana laws (MMLs) and recreational use of cannabis on workplace safety.

Effects of marijuana use on workplace safety are of concern for public health and workplace safety professionals.

With culture change in younger adults and the new generation entering the work force it has been shown that many young adults are more likely to engage in some type of cannabis use, medical/recreational, stressing employers adopting to this change.



while other states regulate marijuana on its own. [4] The Marihuana Tax Act of 1937 was the US Congress first federal law attempting to regulate marijuana. [4]. Comprehensive Drug Abuse Prevention and Control Act of 1970 was later passed through congress to outlaw any use of marijuana. [4] It's classification as a Schedule 1 Drug makes any possession of cannabis a criminal offense due to its harmful affects of potential abuse, altered judgment, and cognitive impairment. With marijuana laws increasing in the US, it creates the issue of how business and companies will adapt to these changes in regards state laws.

Data of Legalization of Marijuana and uses within age range:

The graph below demonstrates the increasing number of states having laws regarding the legalization medical and recreational marijuana dating back from 1996 to 2020. [3] This chart shows that cannabis laws regarding medicinal reasons were first legalized than laws regarding the use of cannabis for recreational uses which began around 2012. Table 1 depicts a survey of 10,169 participants who've self-reported using marijuana while being employed. The table suggest that participants who are in the older than 35 age range are the largest consumers of marijuana while in the workforce and that men are more likely than women to consume marijuana. [5]

EXHIBIT 2 States with medical and recreational cannabis laws, January 1996–November 2020

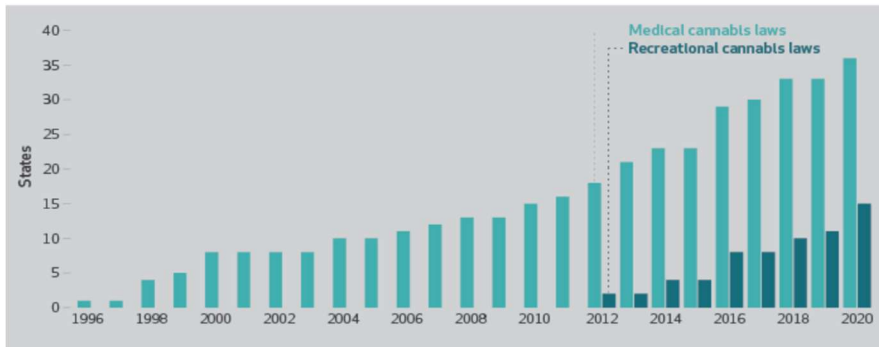


TABLE 1. Self-reported current marijuana use among eligible employed adults (N = 10,169*), by selected characteristics — Behavioral Risk Factor Surveillance System, Colorado, 2014 and 2015

Characteristic	No.†	Current marijuana use % (95% CI)	p-value§
Total	10,169	14.6 (13.6–15.7)	—
Age group (yrs)			
18–25	625	29.6 (24.9–34.2)	<0.001
26–34	1,251	18.6 (15.7–21.4)	
≥35	8,187	11 (10–12)	
Sex			
Men	5,138	17.2 (15.7–18.7)	<0.001
Women	5,031	11.3 (9.9–12.8)	
Race/Ethnicity			
White, non-Hispanic	7,823	15.3 (14–16.5)	0.025
Black, non-Hispanic	259	14.5 (9–20)	
Other, non-Hispanic	194	5.7 (1.6–9.8)	
Multiracial, non-Hispanic	1,416	12.7 (10.2–15.3)	
Hispanic	270	15.1 (9.1–21.1)	

Abbreviation: CI = confidence interval.

* Respondents who indicated that they were employed or had been out of work for less than 1 year and who responded to the question of ever using marijuana or hashish.

† Age group missing for 106 (1.0%) respondents; race/ethnicity missing for 207 (2.0%).

§ By Rao-Scott chi-square test.



Policy Initiative & Social Health Equity:

The main initiative of legalizing marijuana in the workforce is to advocate the promotion of a new culture created by the newer generation of employees who engage in some type of cannabis consumption whether it being for medicinal or recreational purposes. [4]. About more than 11 million young adults part taking in some type of cannabis consumption whether for recreational and medicinal use and. Random drug test from companies or businesses could interfere with the state laws due to them unjustifiably terminating or suspending employers if any amount of THC is detecting their systems. The concept of legalizing marijuana at a federal level will promote workers rights and protect them from employers interfering with their personal customs and activities outside of work. Evidence also suggest that legalization of medical marijuana was associated with a 19.5% reduction in workplace fatalities amongst workers the ages of 25-44. [1]. Legality of marijuana at a federal level will reduce any social health inequities. With many states legalizing cannabis there are still racial disparities in the arrest related to cannabis possession. African Americans are still four times likely to be arrested for any possession of cannabis than White Americans. [2]. If Federal laws fully legalize marijuana there would be less racial bias amongst blacks being arrested for possession of cannabis will occur, decreasing any social inequities. The vast amount of access will be available to individuals of a minority group to use marijuana for its therapeutical and medicinal purposes.

Stakeholders

Employees: Can embrace this new culture change brought in by the newer generation of employees. With more than 11 million young adults between the ages of 18-25 engaging in marijuana use, the marijuana culture will have lasting effect in the corporate world. [4]. Many young adults are in favor of states that legalized the use of marijuana and are promoting a transition in culture change that embraces the legalization of cannabis.

Federal Government: Can initialize programs that eases the penalties for any cannabis use during the work force. The federal government can oversee the safety production of cannabis products and regulate sales tax regarding the purchase of cannabis. [1]

Insurance Companies: Can cover workers from any consumption of marijuana used in the work environment in case of any injury or deaths that can occur. [1]

Patients prescribed Medical Marijuana: Patients that are prescribed Marijuana for medicinal purposes will be protected under the law to avoid any penalties for unjustly termination because of their medical condition. Patients are required to obtain a special certification or approval form physicians to avoid any form of prosecution. [1].

Private employers: Private employers will be prohibited from terminating or discharging employees for the use of medicinal or recreational marijuana use. This would prevent any unlawful discrimination from occurring as witnessed in the case of *Coats v. Dish Network*, where Coat was unjustifiably terminated for medically using cannabis while off company time. [4].

Unemployment benefits: Those that have been wrongfully terminated for use of cannabis should be allowed to qualify for unemployment benefits. Employees testing positive for marijuana and being unfairly penalize would qualify for unemployment benefits from the organization. [4]



Political landscape:

Challenges are extremely prevalent when it comes to the legality of cannabis use during the workforce. Many businesses are not in favor of allowing any type of cannabis being used during and off work hours. This is to ensure that employers are providing employees with a safe and healthful workplace. [4] However, the issue lies for employees using medical marijuana for their disorders and those how've used it outside of work hours. Random drug test administered by companies and businesses can interfere with these state laws due to them not being federally regulated. This can lead to workers being terminated unfairly due to company policies on cannabis use during and off work hours. [4]. Biases are formed by employers to determine if a candidate using medical or recreational marijuana should be hired. [4]. Many employers are concerned that employees using marijuana may risk the possibly of being sued for negligence during the job. Employees are in risk of being injured on the job due to being cognitively impaired while under the influence, risk injuries related to work such as the operation of heavy machinery or operating a commercial vehicle. [4].

Ethical Concerns:

Some ethical concerns have been addressed when it comes to the legalization of marijuana use regarding the workplace. Marijuana unfortunately is a Schedule 1 drug according to the federal government, due to its effects on behavioral and cognitive impairment. [2] With states legalizing marijuana and the federal government criminalizing any possession of marijuana, an imbalance occurs. Inconsistencies from the federal and state laws lead to marijuana from not being thoroughly regulated while in production and employers face discrimination when using cannabis for medicinal and recreational use, which leads to unjust penalties towards the employee [4].

References

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