



Western Occupational & Environmental Medical Association

WOEMA GUIDANCE: RECREATIONAL CANNABINOIDS IN THE WORKPLACE

Introduction:

California Proposition 64 went into effect on January 1st, 2018 decriminalizing cannabinoids and permitting recreational use. This presents great challenges and opportunities for the Occupational Physician charged with preventing workplace injuries and assuring a safe, productive environment. Proposition 64 specifies who can buy cannabinoids and amounts that can be in possession in addition to other regulations. This discussion is intended to examine options for recreational cannabinoids only. Please view this excellent [webinar](#) for medical marijuana discussion.

As guidance to WOEMA members, the following represents what is currently known about recreational use of cannabinoids:

A) Basic Information (as of February 2018):

- Marijuana (and all cannabinoids) remain Schedule I per federal law.
- Cannabinoids are now “decriminalized” in two WOEMA states (California and Nevada).
- Proposition 64 (California) does not in any way change organizational policy on possession, testing or any issue related to the workplace.
- Cannabinoid use will likely increase significantly in California — based on data from Washington and Colorado.
- Organizational policies to hire or fire, test or not test will be challenged in the years ahead and case law will help employers modify policies and practices.
- Federal laws on drug testing will continue to apply for Department of Transportation, oil pipelines, etc.

B) For the physician working in a clinic:

- Remember: a urine, blood or hair test for any substance is a medical test with forensic implications. Your name will likely be on the test as the “ordering physician.” Is the test ordered pre-employment, for cause or random?
- With that in mind, it is important for you to understand the organizational policies and protocols for the company requiring the test.
- Be sure to ask what drugs are being tested, cut off values, how the test results are reported and to whom. What will be done with the test results? A current MRO course will be extremely helpful.

C) For the Corporate Medical Director or Consultant:

You have a unique role in helping to assure a healthy and safe workplace; this may include a drug free workplace policy. There are questions and discussions that you will need to lead such as:

- Is your organization subject to federal or state mandates (such as Department of Transportation)?
- Will your organization do testing pre-employment, for cause or randomly?
- What drugs will be tested for and what will be done with the results?
- Where do cannabinoids fit into the equation now that they are decriminalized?
- Has your organization defined “reasonable cause” for testing?
- A current **MRO** course will be of great value.

If you have questions about any of the above, please email us at woema@woema.org and we can connect you to a WOEMA or ACOEM colleague experienced in drug policy and testing. You may also be interested in the ACOEM review [Marijuana in the Workplace: Guidance for Occupational Health Professionals and Employers](#)

— WOEMA thanks: Walt Newman, MD for spearheading this project and also Stephen Levit, MD, Sachin Kapoor, DO and Constantine Gean, MD for their review and comments.