



Bad for business: impact of the proposed MI pot legalization initiative

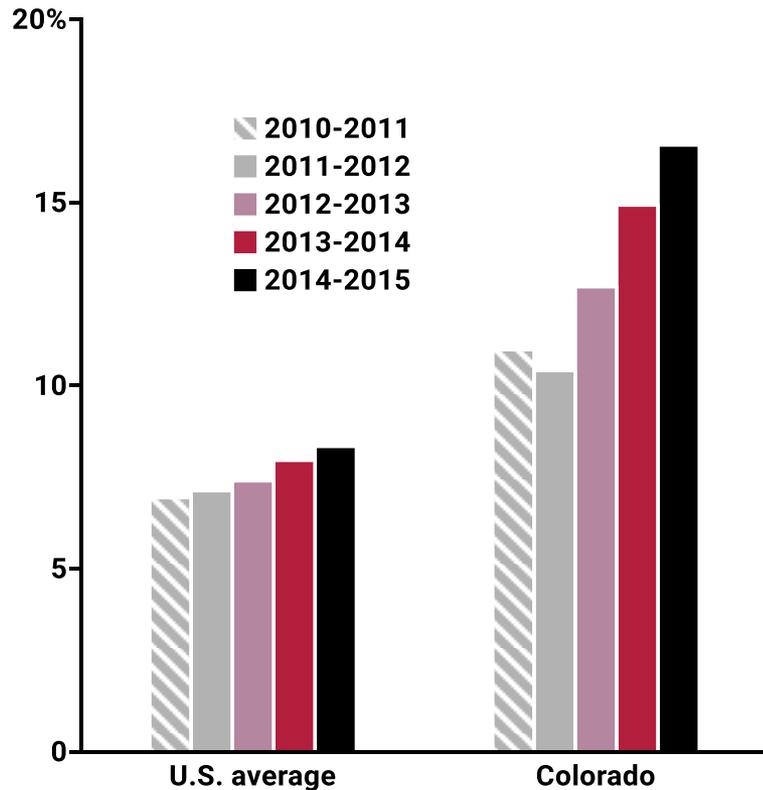
June 2017

Summary: The proposed Michigan marijuana initiative is bad for business

- 1** Legal pot poses **unique dangers to the workplace:**
 - **Greater negative impact on workplace performance than alcohol**
 - High potency
 - Easily concealed
 - Long-lasting effects
- 2** Workplace marijuana use is **particularly high in Colorado and Washington State**
- 3** The marijuana lobby has **promised to make workers' rights to use marijuana a priority**
- 4** The proposed Michigan ballot initiative does not prevent the pot lobby from **significantly limiting the scope of workplace drug policies surrounding marijuana**

Pot legalization creates significant increases in usage among the working population

Percentage of population ages 12 and up who used marijuana in the past month

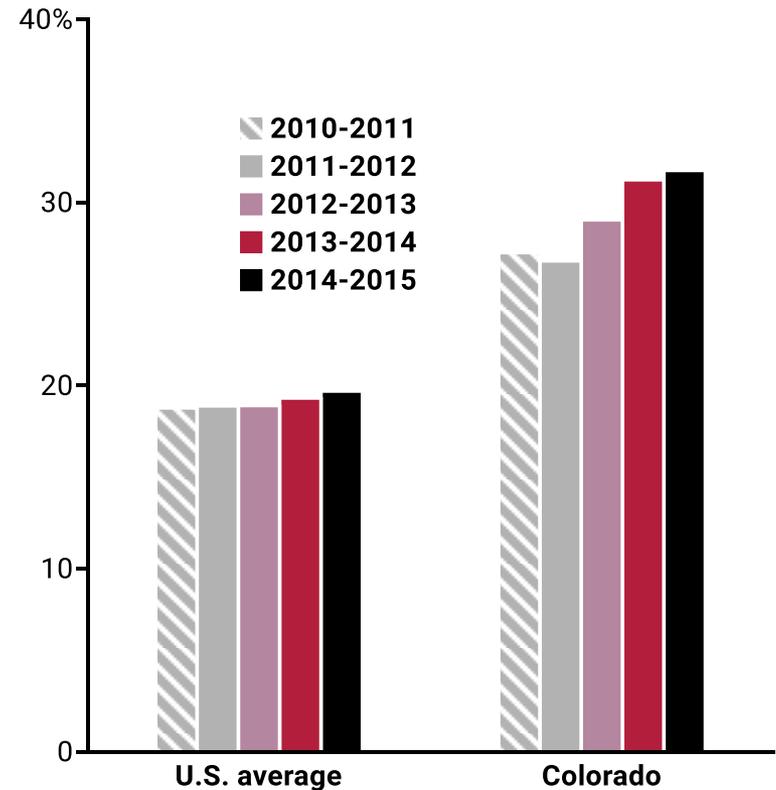


Avg. change per period

4.7%

10.8%

Percentage of population ages 18 to 25 who used marijuana in the past month



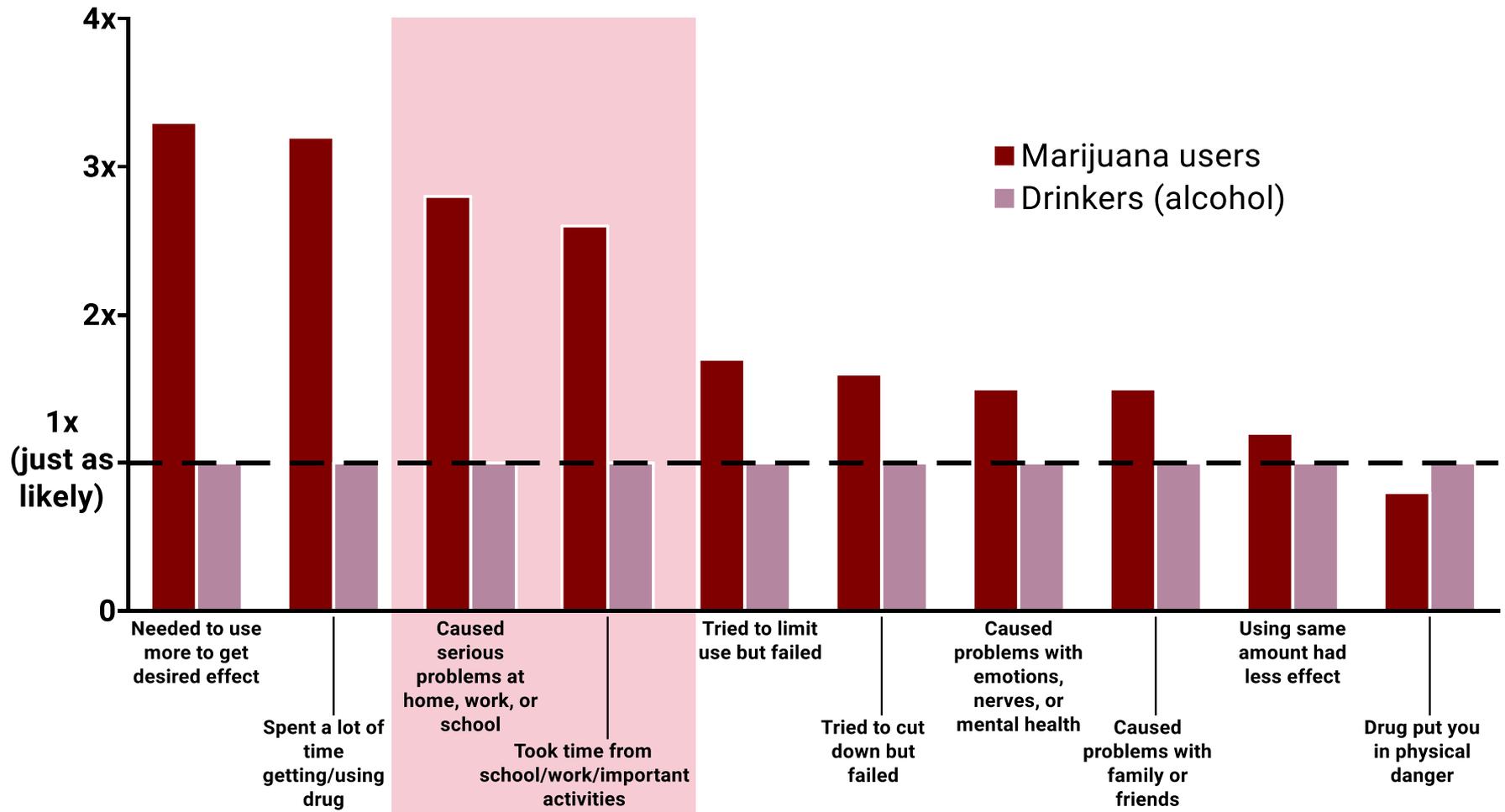
Avg. change per period

1.2%

3.9%

“Pot is safer than alcohol?” Not for the workplace.

Relative frequency of problem



Even when controlling
for alcohol use, pot
users are:

40%

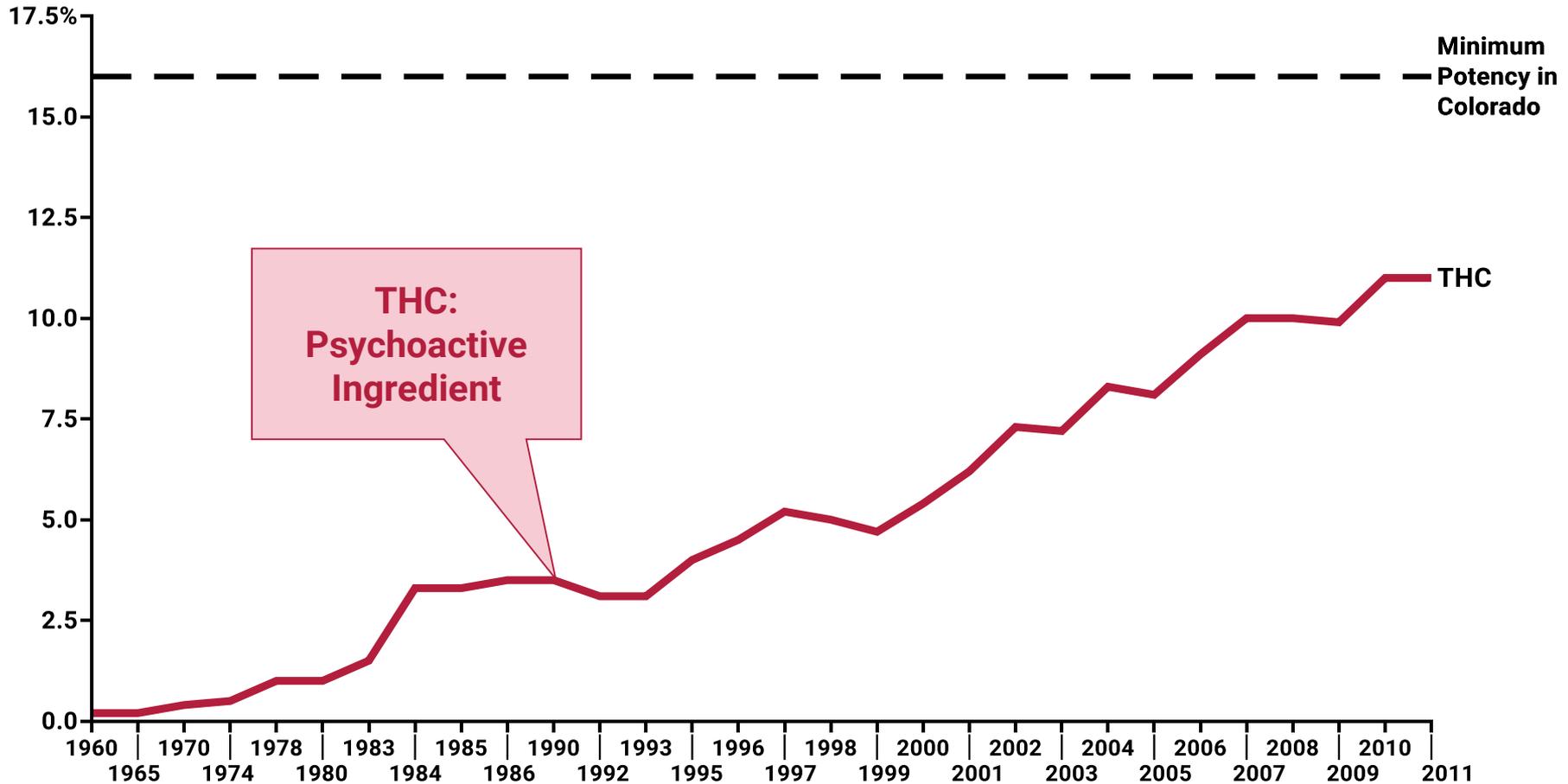
more likely to have
missed at least one day
of work in the last
month due to
illness/injury

106%

more likely to have
missed at least one day
of work in the last
month because they
**“just didn’t want to be
there”**

Marijuana has become significantly more potent since the 1960s, with greater impairment potential

Average THC levels
in the United States

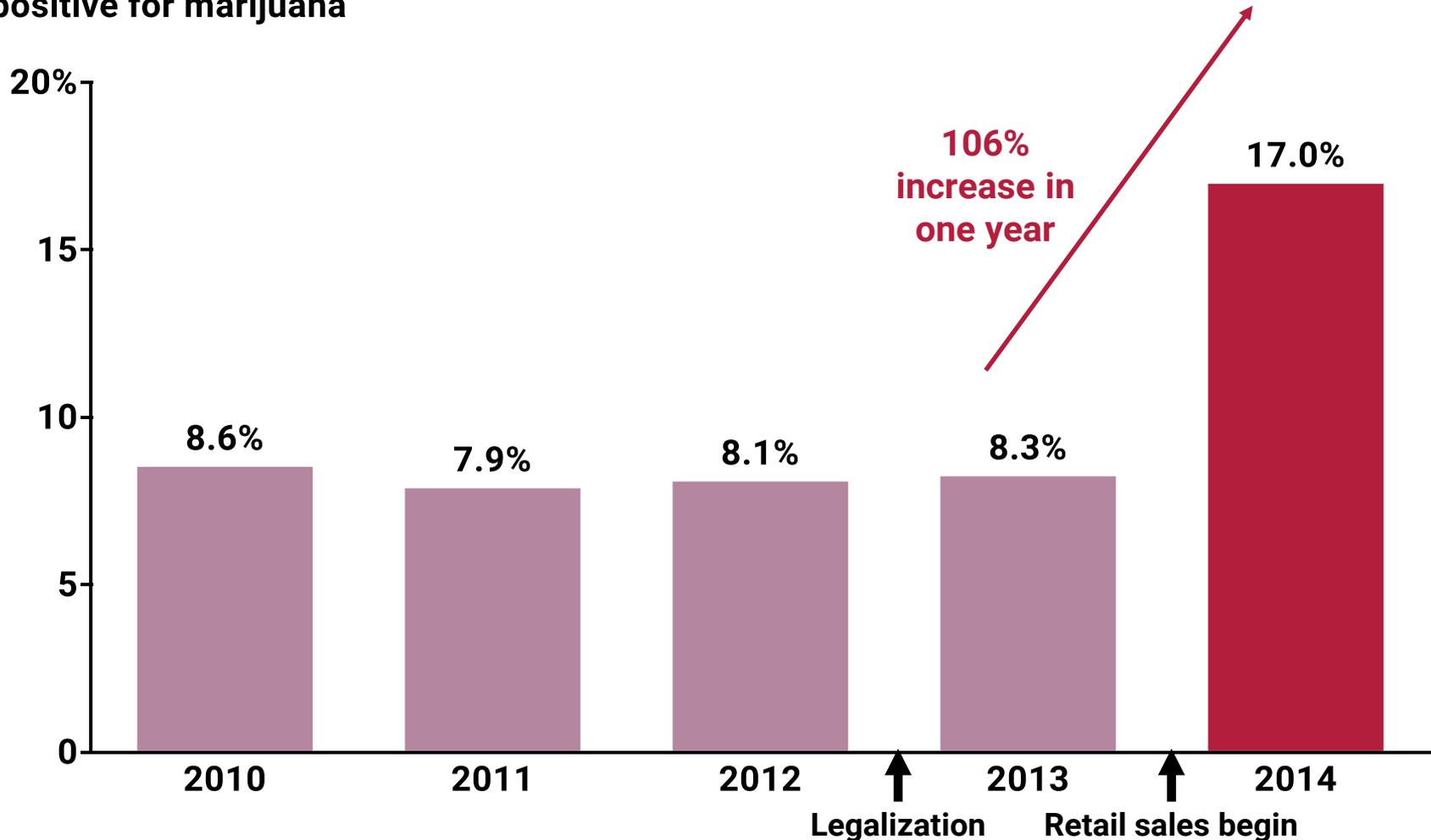


Easy-to-conceal, potent marijuana edibles now account for ~50% of the Colorado market



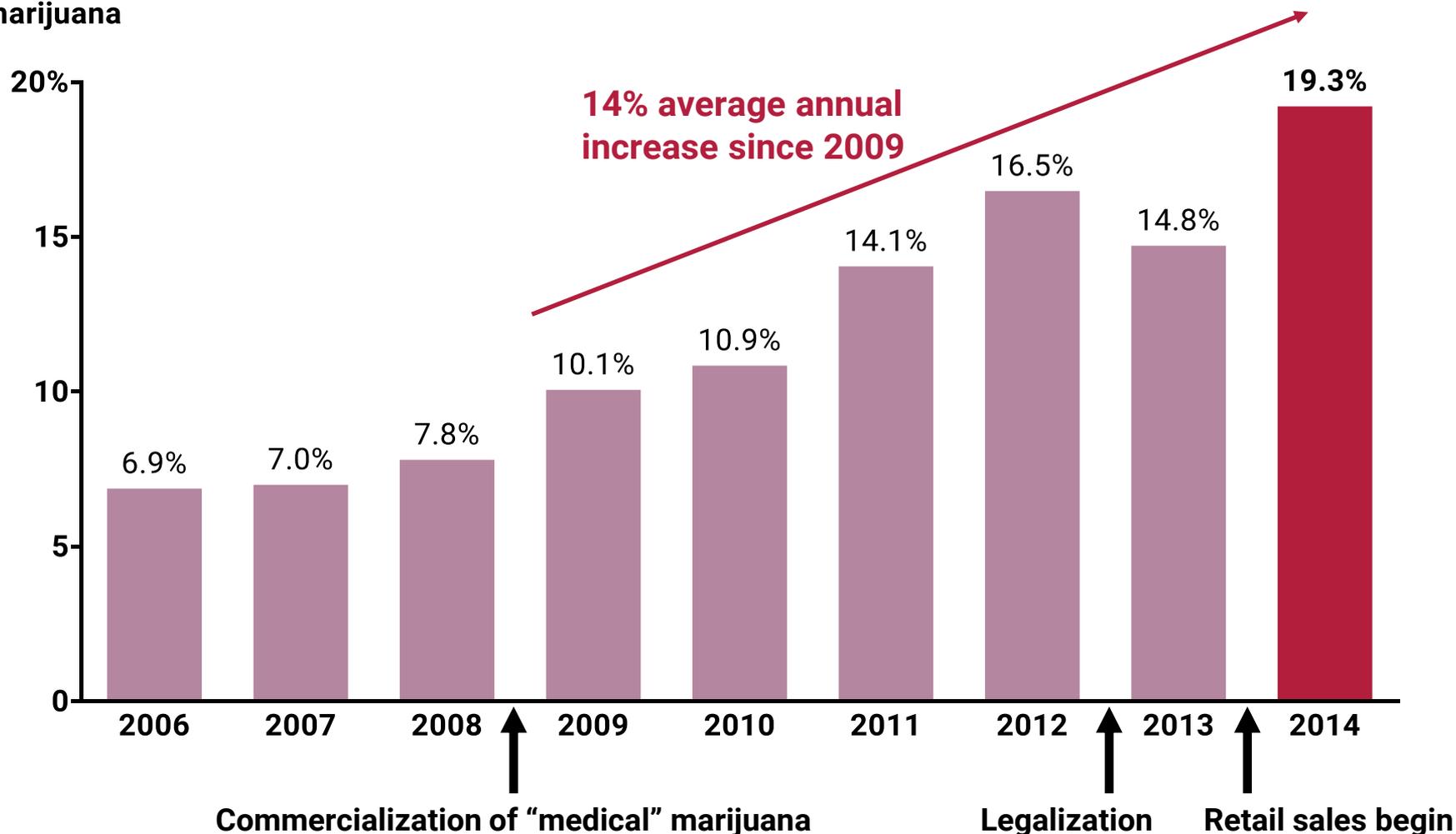
Marijuana-related traffic fatalities in Washington State doubled after legalization

WA traffic fatalities where driver tested positive for marijuana



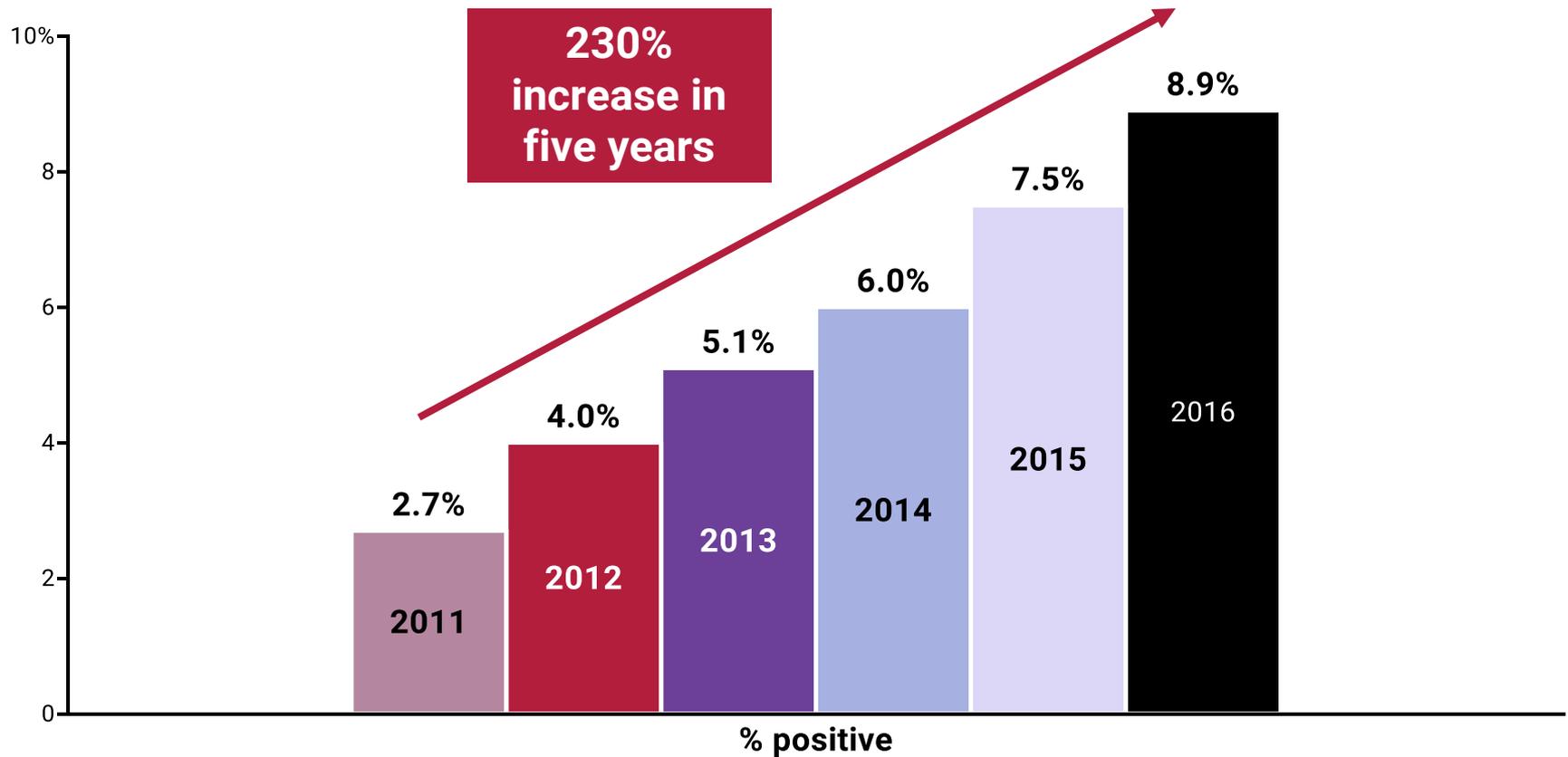
In almost one of every five traffic fatalities in CO, the driver has been using marijuana

CO traffic fatalities where driver tested positive for marijuana



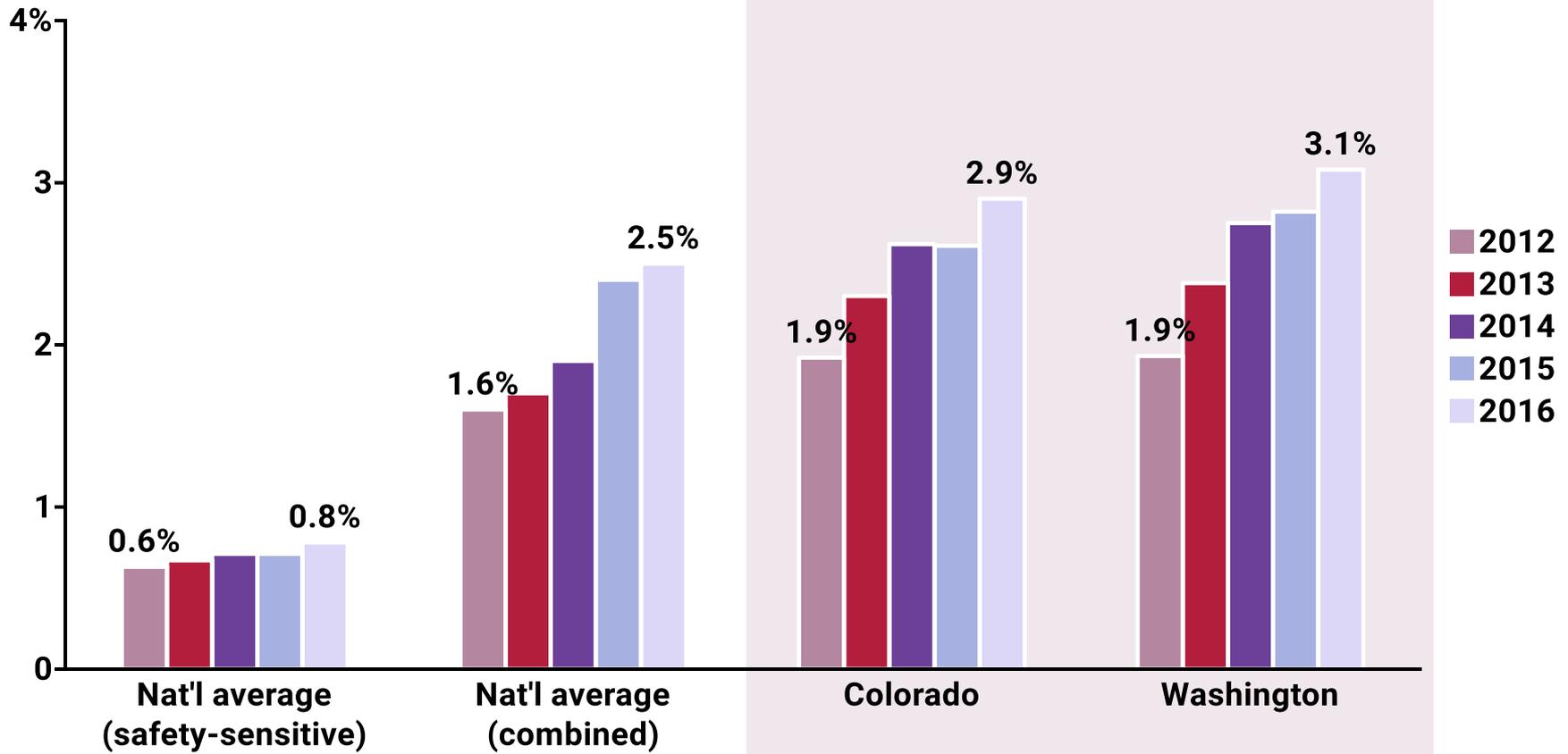
Workplace marijuana use has almost tripled in the last five years

Positivity rate, workplace marijuana tests (oral swab)



Workplace marijuana use is reaching particularly high levels in Colorado and Washington State

Positivity rate, workplace marijuana tests (urine)



**Another 2014
survey showed that
10% of Americans
admit to having
gone to work
stoned**



Marijuana use can imperil favorable workers' comp rates

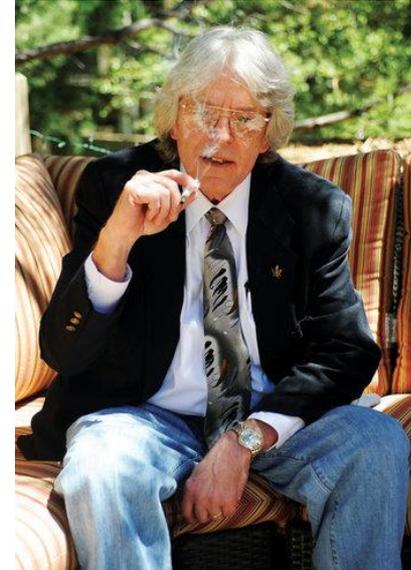
“Favorable workers' compensation rates are substantiated by testing employees for drugs, and **employers could lose access to those rates** if workers are legally using marijuana on their personal time.”

- *Associated Industries of Massachusetts*
March 2016



The marijuana industry has vowed to make employee rights to pot use a priority

- In 2014, the Colorado Supreme Court established that **employers can fire employees for off-the-job marijuana use**, even within the context of a state medical marijuana program (*Coats v. Dish Network, LLC*, No. 13SC394, 2014 Colo. LEXIS 40 (Colo. Jan. 27, 2014))
- In response, **the marijuana industry mobilized to fight for a right for employees to use pot**
- In 2017, the pot lobby introduced legislation to make it **illegal to fire employees for off-duty marijuana use**



“[We should not] permit an employee to be fired simply because they elect to use marijuana legally under state law, without a showing of actual on-job impairment.

...

[T]hat is simply unfair, and **it cannot be allowed to stand.**”

- Keith Stroup, founder of NORML
15 June 2015

The Michigan initiative language leaves the door wide open to restrict workplace drug testing

Initiative text:

This act does not require an employer to permit or accommodate conduct otherwise allowed by this act **in any workplace or on the employer's property.** This act does not prohibit an employer from disciplining an employee for violation of **a workplace drug policy or for working while under the influence of marihuana.** This act does not prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of **a workplace drug policy or because that person was working while under the influence of marihuana.**



Upon passage, marijuana industry lobbyists will seek laws to **restrict what constitutes a lawful “workplace drug policy”** to merely prohibiting on-the-job use or “actual impairment” on the job.



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