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## RECREATIONAL MARIJUANA – MICHIGAN

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The new law (MRTMA) does not restrict a private employer's right to maintain and enforce a zero-tolerance drug and alcohol policy.

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An employer does not have to permit or accommodate recreational marijuana use in the workplace or on the employer's property.

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Employers can prohibit the possession, distribution, manufacture, and/or consumption of marijuana, in any form, at work.

## WHAT THE LAW SAYS - - -

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- Employers can continue to prohibit employees from coming to work under the influence of marijuana.
- Employers may also continue to drug test for marijuana
- Employers can refuse to hire, can discipline, or can discharge a person who tests positive for marijuana, otherwise violates a workplace drug policy, or comes to work under the influence of marijuana.
- The real challenge for employers will be identifying employees who are working “under the influence” of marijuana. Unfortunately, the MRTMA does not define what "under the influence" means.

# WHAT ABOUT MEDICAL MARIJUANA AT WORK?

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- One cautionary note – employers should exercise caution before terminating, disciplining, or refusing to hire someone for their use of *medical marijuana*.
- In the last year, at least two state courts in Massachusetts and Connecticut have interpreted their state laws to prohibit adverse action against individuals who use medical marijuana due to a disability.
- Michigan courts have yet to interpret the applicability of Michigan's Persons with Disability Civil Rights Act to this issue, so it is still an open question in Michigan whether employers have a duty to accommodate medical marijuana usage under state law.
- Varnum Law 11/2018

“IT’S NO BIG DEAL”

“MARIJUANA HAS POSITIVE USES”

“NOW IT’S LEGAL AS MEDICINE AND  
RECREATIONALLY”

A LITTLE MORE INFORMATION - - - -



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## WHAT HAPPENS AT SCHOOL AND WORK FOR MARIJUANA USERS?



Research has shown that marijuana's negative effects on attention, memory, and learning can last for days or weeks after the acute effects of the drug wear off, depending on the person's history with the drug.<sup>53</sup>



Work and school absences are higher for persons regularly using marijuana.



Studies have also suggested specific links between marijuana use and adverse consequences in the workplace, such as increased risk for injury or accidents

# WHAT HAPPENS IN YOUR BODY WHEN YOU SMOKE MARIJUANA?

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Within a few minutes after inhaling marijuana smoke, a person's heart rate speeds up, the breathing passages relax and become enlarged, and blood vessels in the eyes expand, making the eyes look bloodshot.



The heart rate—normally 70 to 80 beats per minute—may increase by 20 to 50 beats per minute or may even double in some cases. Taking other drugs with marijuana can amplify this effect.



Marijuana may also cause *orthostatic hypotension* (head rush or dizziness on standing up), possibly raising danger from fainting and falls.

# Can marijuana be addictive?

Marijuana use can lead to the development of problem use, known as a [marijuana use disorder](#), which takes the form of addiction in severe cases. Recent data suggest that 30 percent of those who use marijuana may have some degree of marijuana use disorder.<sup>18</sup> People who begin using marijuana before the age of 18 are four to seven times more likely to develop a marijuana use disorder than adults.

Marijuana use disorders are often associated with *dependence*—in which a person feels withdrawal symptoms when not taking the drug. People who use marijuana frequently often report irritability, mood and sleep difficulties, decreased appetite, cravings, restlessness, and/or various forms of physical discomfort that peak within the first week after quitting and last up to 2 weeks.

- - - National Institute on Drug Abuse 2018





# WHEN WOULD MARIJUANA USE BE NOTED AS A CONDITION THAT WARRANTS TREATMENT?

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- Loss of a job because of attendance, accidents, loss of driver privileges, irritability,
- More than one arrest for marijuana related crimes (over the limit possession, unlicensed growing or selling, operating 'under the influence')
- No longer able to do a usual profession – operating machinery, jobs involving ladders or quick judgment, failed drug test

## Rising Potency – a concern

Marijuana potency has steadily increased over the past few decades.<sup>2</sup> In the early 1990s, the average THC content in confiscated marijuana samples was roughly 3.8 percent. In 2014, it was 12.2 percent. The average marijuana extract contains more than 50 percent THC, with some samples exceeding 80 percent.

These trends raise concerns that the *consequences of marijuana use could be worse than in the past*, particularly among those who are new to marijuana use or in young people, whose brains are still developing

For more information on the impact of marijuana use (including use as young adults)

<https://www.drugabuse.gov/publications/research-reports/marijuana/what-are-marijuanas-long-term-effects-brain>

\*NIDA 6/2018



# FACT SHEET ON MRTMA

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<https://www.lexology.com/library/detail.aspx?g=cae4a6d8-6786-465b-82d2-d4fb6d15ec40>