

Northeast Tech seminar focuses on marijuana in the workplace

By Joe Capolino
Staff Reporter

Randall J. Snapp of Crowe Dunlevy Attorneys and Counselors at Law, Tulsa, returned to NTC, Afton Campus, last Thursday to give a follow-up seminar on Marijuana in the Workplace entitled Medical Marijuana: An Employer's Primer. He appeared at the tech college in January and gave an overview of marijuana in the workplace following the enactment of State Question 788 last year. He was joined by NTC Police Chief John Sherman, a former Grove police officer.

At the original seminar, Snapp noted the state question allowed for the legal use of medical marijuana with

few poorly designated restrictions on it. Namely medical card holders could not use marijuana in the workplace, appear to work under the influence, or if there was an issue of safety, nor could marijuana be used on a federal job or work project, as the drug is still illegal by federal law.

In January, the state legislature had not met and had not passed any updates to the laws to clarify work place issues. That has since changed and the seminar addressed those possible changes.

NTC Police Chief Sherman opened the seminar with an overview of marijuana and the signs of impairment after taking the drug. Sherman stated the primary active component of the marijuana

is THC (Tetrahydrocannabinoid) and as the various strains of the plant have been developed since the 1960s and 1970s, the concentration of THC has vastly increased. He noted THC concentrations decades ago were in the 3% to 6% range for a dose of the drug; now they are being reported at more than 33% and in some edibles over 90%. At current concentrations, he stated, cases of psychosis have been noted in documented reports.

Sherman also stated there are three types of plant-based marijuana and an artificial/synthetic cannabis available. First was Indica, which acts as a depressant and presents symptoms of drowsiness, droopy eyes, fumbling, sluggish movement and slurred speech. The second, Sativa, acts as a stimulant, and presents symptoms such as restlessness, anxiety and irritability. The third is a hybrid of the prior two, and in principal can balance out the symptoms of the parent strains if properly mixed.

Synthetic Cannabis, which can go under various names like K-2, Spice, Joker, Kush, and Kronic, is a bit of a wild card, and has caused various medical problems, and even death, since it was first introduced due to issues with the materials used in manufacturing. While often labeled as a natural product, the chemicals used to create highs are man-made, and are much more concentrated than the natural product.

The police chief then reviewed the indications of marijuana use, adding to those listed above, the odor of burnt marijuana, body tremors, paranoia or disorientation, impaired perception of time and distance, dilated pupils, increase heart rate and blood pressure. He stated there is no one telltale

sign for impairment but observing multiple signs and being aware of a person's day-to-day behavior are key in determining possible impairment.

Sherman closed by reviewing the various means to ingest the drug, including smoking, vaping, dabbing (using a water pipe) and ingesting.

Snapp then took to the podium and gave an overview of who he is, the firm he works for and a review of the seminar's agenda.

In reviewing State Question 788, he noted a user must have a state-issued license, be 18 years or older, and have qualifying medical conditions confirmed by an Oklahoma physician and the doctor's signature. The license application costs \$100, or \$20 for someone on government healthcare.

The individual with the license must consume the product legally, with the following restrictions: possess up to 3 ounces on person; up to 8 ounces in the residence, limited to 6 mature plants and 6 seedling plants, up to 1 ounce of concentrated product and up to 72 ounces of edible product.

The Oklahoma Medical Marijuana Authority is in charge of the licensing process and there is a 14-day turnaround for an application. As of May 13, there were 115,002 patient applicants, which far exceeded expectations.

The state question as passed does not allow for discrimination in the hiring, termination, or other terms or conditions of employment that would penalize a licensed user, unless the employer would imminently lose federal monetary/licensing benefit or is subject to federally mandated drug testing. Other exceptions include use or



Photo by Joe Capolino

John Sherman, former Grove police officer and current police chief for Northeast Tech, was a speaker at the Medical Marijuana in the Workplace: Big Changes are Coming workshop held in Afton last Thursday.



Photo by Joe Capolino

Attorney Randall J. Snapp of Crowe Dunlevy Attorneys and Counselors at Law, Tulsa, was the speaker at the Medical Marijuana in the Workplace: Big Changes are Coming workshop held at Northeast Tech, Afton, last Thursday.

possession at work or failing a drug test for drugs other than marijuana even if a marijuana license holder.

The Oklahoma law may have created another protected class of employee. Protected categories include race, gender, disability, whistleblower, and religion, among others. While marijuana license holders do have some protections, Snapp said, the main issue is impairment, and can be disciplined along the same line as alcohol use at work. Simply put: a person can expect to be disciplined for showing up to work drunk or impaired, cannot use at work, and cannot possess alcohol or marijuana at work. He also noted medical mar-

ijuana is not covered by the American with Disabilities Act, as, again, the use of marijuana is against federal law.

One of the issues not addressed in the original state question, and of concern to employers, is what is defined as a safety sensitive jobs and could a marijuana license holder be restricted from those jobs. Snapp stated Oklahoma House Bill 2612 was written to address the issue, was signed into law by Governor Stitt and is scheduled to take effect on Aug. 21, if any and all pending lawsuits against the bill are cleared by then. Nicknamed the Unity Bill, the law is being challenged in court and at the time of the seminar did not look like it would be resolved soon, which would delay the implementation of the law indefinitely.

According to Snapp, the Unity Bill addressed the definition of safety sensitive positions, defining them as any job that includes duties that could affect the safety of the employee or others. Positions include handling hazardous waste, operating a motor vehicle, operation of equipment and machinery in the manufacturing process, operation and oversight of critical services and infrastructure such as electric, gas and water, preparation or handling of medicine, requiring the handling of a firearm, and direct patient or child care.

In wrapping up, Snapp stated employers should review policies and procedures, train personnel to identify possible impairment, and seek legal advice if there are any other questions.

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