

ALERT

Attack on OMMA

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in September we attended a “Work Drug Free Employer's Workshop” in Clatskanie, OR. Dan Harmon, Executive Vice President & General Counsel, Hoffman Corporation and Chair, Drugfree Workplace Legislative Workgroup, was the main presenter. Some supporters of his approach have a financially vested interest in federal contracts, drug testing sales and drug treatment.

We kind of rained on his parade that day when we were able to ask questions about impairment testing and raise issues regarding medical marijuana. We definitely showed that there was more than one side to the story. Folks approached us after the meeting to talk to us and interested in our literature regarding impairment testing.

On Wednesday, January 16, 2008, there was a conference in N. Portland, “The Economic Impact of Substance Abuse in Oregon: A Conference for Policy Makers”. It was held at Kaiser Town Hall, 3704 N Interstate Avenue, from 8:30 AM to 4:30 PM. Guess who was the main presenter. Yup, it was Dan Harmon.

By the time we heard about it, it was too late to register. We put together a flier to hand out. Dan C. and Wayne H. intended to attend the conference and, if they couldn't register, they were going to hand out fliers if possible.

Dan C. arrived about 7:45 AM and handed out a fliers on the way to the conference on the 2nd floor. Upon arrival he saw a group in suits gathered around a table listening to Dan Harmon speak. He was told they had been there since 7 AM.

When Dan C. asked to register he was told that he might have to wait until 8:30 AM to be sure they had room. She asked his name and affiliation and when he said Mothers Against Misuse and Abuse, a blond came from across the room and stopped everything. She told Dan C. that he couldn't pass out fliers so he quickly put them away and said they would stay in the packet, but that he would like to attend the conference. She said no, he would have to leave and security was on its way. As he tried to assure her he wasn't trying to cause any trouble security arrived.

Dan called me on his cell and told me what was happening. I called Wayne H., still stuck in traffic, and told him not to talk to Dan C. when he arrived at the Kaiser Town Hall in N Portland, but to go on in and see if he could register, which he did. At first the woman at the desk was going to let him register, but about that time Dan Harmon walked by, and Wayne waved at him. Before Wayne had finished writing his name, the blond woman came, told him he couldn't register and that security was on its way. Wayne took the packet that had been handed to him and left, passing security on its way back into the conference.

The following 10 pages show the legislative plan presented by Dan Harmon. It appears to be thinly disguised as concern for safety in the workplace, but it seems more aimed at the Oregon Medical Marijuana Program. Can you say ‘Witch Hunt’? Having lost public opinion, now we see an attack on patients through their employers. This issue was before the legislature in 07, will appear in February 08 and again and again, especially if patients don't speak up. Drug tests that show spent cannabis metabolites do not show impairment. Performance testing instead shows all impairment.

First educate yourself. Then talk to your own legislators and tell them your story. Educate them about the many issues of drug policy and how it affects you. Ask them to help build policy based on the health and welfare of all our citizens.

1

See the “Choose Real Safety” flier on our website which discusses drug testing versus performance testing. Please print and distribute.

2007 Legislative Session Outcomes

PRESENTED BY:

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**CHAIR, DRUGFREE WORKPLACE
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***Economic Impact of Substance Abuse in Oregon:
Policymakers Conference***

2007 Drugfree Workplace Legislative Effort

Four parts of the legislative effort

1. SB 690 to:

- Establish DFW program standards;
- Provide employer immunity if DFW program standards are met;
- Protect employers from lawsuits for false positives;
- Amend Workers Compensation law to make it clear that failing a drug test establishes a rebuttable presumption that a worker's consumption was a major contributing cause of the accident;
- Require employees who obtain a medical marijuana card to notify their employers before engaging in use;
- Clarify that an employer is not obligated to accommodate medical marijuana no matter where the use occurs

OUTCOME: SB 690 never received a hearing and died in committee upon the Legislature's adjournment.

2007 Drugfree Workplace Legislative Effort, cont.

2. **SB 465**: Confirms that employers are not obligated to accommodate medical marijuana in any workplace regardless of where the use occurs.

Outcome: Bill passes out of committee on a 5-0 vote; bill passed in Senate in a 23-5 vote; referred to House Elections, Ethics & Rules Committee; Chair opposed to bill reluctant to hold a hearing, but eventually did; bill became trapped in committee and efforts were made to pull the bill from the committee; votes initially there, but delays allowed opposition to build and the motion to pull the bill failed on a 30-30 vote.

3. **SB 797**:

- Required statement of Admin Law Judges qualifications upon request;
- Establishes pools of ALJs based on subjects matter expertise ad assignment of ALJs from appropriate pool.

OUTCOME: Rather than push the bill to a hearing it was decided to work with the Employment Department and ALJ hearings unit head to resolve these issues through rules and administrative adjustments.

2007 Drugfree Workplace Legislative Effort, cont.

4. Treatment Funding – TBD

- **Concerns about adequacy of funding**
- **Concerns about sole reliance /burden on beer and wine industry**
- **Concerns about the lack of dedicated funding for worker treatment program**

Outcome: the proposed treatment funding bills failed. Currently working on an alternative treatment funding bill that includes dedicated funding for a worker treatment program.

The Need for a Comprehensive Approach to Reducing Substance Abuse in Oregon

Eight Components:

- 1. Reintroduce SB 465 to confirm that employers are not obligated to accommodate medical marijuana in any workplace regardless of where the use occurs**
- 2. Reintroduce SB 690 to:**
 - Establish Drugfree Workplace program standards;**
 - Provide employer immunity if DFW program standards are met;**
 - Protect employers from lawsuits for false positives;**
 - Amend Workers Compensation law to make it clear that failing a drug test establishes a rebuttable presumption that a worker's consumption was a major contributing cause of the accident.**
- 3. Increase funding to significantly expand the number of drugfree workplace programs in Oregon, both public and private (Oregon Business Plan)**

The Need for a Comprehensive Approach to Reducing Substance Abuse in Oregon , cont.

- 4. Support Oregon Workforce Investment Board's Job Seeker Substance Abuse Prevention Policy applicable to all WorkSource Oregon agencies (Oregon Business Plan)**
- 5. Insure that safe work behaviors, such as working free of the influence of alcohol and drugs, are included in the new Oregon Diploma high school graduation requirements. Beginning 2009 (Oregon Business Plan)**
- 6. Expand employer-to-student outreach to improve student understanding of the impact of substance abuse on employability (Oregon Business Plan)**
- 7. Introduce a bill that substantially increases treatment options and funding for uninsured working Oregonians through a dedicated Worker Treatment Program to eliminate barriers to recovery and return to workforce**

The Need for a Comprehensive Approach to Reducing Substance Abuse in Oregon, cont.

8. Introduce a new bill that would amend the OMMA to stop the abuse. The statutes should be amended as follows:

- a. Eliminate all currently approved conditions beyond those approved in the initial ballot measure**
- b. Prohibit the approval of any further conditions unless there is scientific evidence to support the conclusion that marijuana is actually effective to treat the condition**
- c. Reduce the quantity in possession to 2 oz., reduce the number of plants allowed to be grown to 3, establish a maximum reasonable plant size and prohibit communal grows**
- d. Make it a crime, with substantial jail time and fines, for a violation of the OMMA**
- e. Prohibit any drug dealer or violator of the OMMA from obtaining a patient card, a caregiver card or a grower card**
- f. Require certification of a bona fide physician-patient relationship of a specific duration before a card may be issued**

The Need for a Comprehensive Approach to Reducing Substance Abuse in Oregon, cont.

8. Amend OMMA, cont.

- g. Require physician certification that the individual is currently symptomatic of the disease for which the card is sought and that the patient will remain under the physician's supervision while using marijuana**
- h. Require that medical certification for a card renewal be as rigorous as for the initial certification**
- i. Require, if requested by an employer, that employee's doctor acknowledge on a job description that the individual can safely perform their duties**
- j. Require verification of dosage, frequency of use and method of consumption from the doctor**
- k. Require unsuccessful use of Marinol before being granted a Medical Marijuana card**
- l. Require notification of the employer when an employee makes application for a card**

The Need for a Comprehensive Approach to Reducing Substance Abuse in Oregon, cont.

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WHAT WE MUST OPPOSE

- **Expansion of the OMMA**
- **Establishments of marijuana dispensaries**
- **Revisions to Oregon ADA that would make drug or alcohol abuse a disability**
- **Any effort to require accommodation of substance abuse in the workplace**
- **Sentencing reductions for drug offenders**
- **Reductions in treatment funding**