

Wednesday, January 16, 2008

“The Economic Impact of Substance Abuse in Oregon: A
Conference for Policy Makers”.

Kaiser Town Hall, 3704 N Interstate Avenue, Portland, OR

8:30 AM to 4:30 PM.

2007 Legislative Session Outcomes

PRESENTED BY:

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LEGISLATIVE WORKGROUP**

***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**