



Medical Marijuana

Briefing Paper

New law would discriminate against medical marijuana patients

In 2009, the Oregon legislature will consider legislation that allows employers to fire an employee who is never impaired in the workplace simply because the employee lawfully uses medical marijuana during non-work hours to treat a medical condition. Yet the law would not penalize workers who take physician-prescribed medications and are actually impaired at the workplace. This is fundamentally unfair and discriminates against medical marijuana patients.

No worker should be removed from a job simply because he or she suffers from a debilitating medical condition that can be controlled by the lawful use of medical marijuana. Actual impairment, not which medication is used, should be the focus of any law giving employers the power to fire employees (indeed legislation is unnecessary because employers already have the ability to terminate impaired employees).

Under the Oregon Medical Marijuana Act, passed by voters in 1998, Oregonians have the right to use medical marijuana when recommended by a physician to treat a medical condition. Employment laws should not single out medical marijuana patients for harsher treatment than patients using other medications, such as codeine, amphetamines, morphine or other lawfully prescribed controlled substances.

This legislation does not make the workplace safer.

Many employers rely on urine analysis to determine if a person is “impaired.” However, such tests merely show the presence of marijuana metabolites in one’s system – which can remain present for more than 30 days after being ingested and have no correlation to actual workplace impairment. Proposed legislation would allow an employer to ban someone from the workplace who is never impaired at work based solely on the fact that the employee had used medical marijuana off the job. That’s not only unfair, it’s also bad policy.

To ensure a safe work environment, the ACLU of Oregon supports *real time* workplace performance-based testing. Such testing allows an employer to screen out employees who should not be operating dangerous equipment for *any* reason including from the effects of fatigue, emotional distress, alcohol, illegal drugs, or lawfully prescribed medications.

We do not support putting discrimination into Oregon laws.

Take Action!

Let your state Senator and state Representative know that we can have a safe workplace without targeting medical marijuana patients for harsher treatment than other employees taking lawfully prescribed medications.

Find contact information at:
www.leg.state.or.us