

PROP 205: LEGAL MARIJUANA IMPACTS ON THE WORKPLACE, BUSINESS AND SAFETY



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Regulation and Taxation of Marijuana Act

- 20 pages of new laws, new MJ Commission & Regulatory Agency
- “Voter-protected”
- Authorizes a commercial for-profit industry that sells an addictive product
- Gives medical marijuana dispensary owners a monopoly on retail licenses – and the profits
- Reorganizes Arizona’s laws to protect users of marijuana over all others
 - Reverses decades of laws to create drug-free work places
 - Interferes with Family Law
 - Reduces Landlord Rights

Regulation and Taxation of Marijuana Act

- \$840,000 from Marijuana Policy Project of AZ
- \$135,000 from Arizona Grassroots Dispensary, a dispensary in Mayer.
- \$97,500 from Monarch, a medical marijuana dispensary in Scottsdale.
- \$85,000 from Urban Greenhouse, a west Phoenix dispensary.
- \$80,000 from Sixth Street Enterprises, which runs Nature's Az Medicines, dispensaries in west Phoenix and Fountain Hills.
- \$80,000 from The Holistic Center, a north Phoenix dispensary.
- \$70,000 from High Mountain Health, a Flagstaff dispensary.
- \$55,000 from Green Sky Patient Center of Scottsdale North, a dispensary in Scottsdale.
- \$50,000 from the Giving Tree Wellness Center of Mesa, a dispensary
- \$52,000 from Advanced Nutrients, a Washington company
- \$258,200 from 5 dispensaries and 4 individual contributors

Proposed A.R.S. § 36-2860(A)



Notwithstanding any other law, except as otherwise provided in this chapter, it is lawful in this state and may not be used as the basis for prosecution, penalty or seizure . . . for a person who is at least 21 years of age to: Possess, use, purchase, obtain, process, manufacture or transport marijuana accessories or one ounce or less of marijuana . . .

Proposed A.R.S. § 36-286o(A)



Proposed ARS § 36-28o(A)

- "Notwithstanding any other law"

- Supersedes any other law that would penalize MJ use
- Lawful to possess marijuana and paraphernalia
- Up to 12 plants per 2 adults per household

Proposed A.R.S. § 36-2852(B)



RTMA "does not require an employer to allow or accommodate the *possession* or *consumption* of marijuana . . . *in the workplace* and does not affect the ability of employers to enact and enforce workplace policies *restricting the consumption* of marijuana . . . by employees."

Proposed A.R.S. § 36-2852(A)(7)



To discipline (or terminate) an employee, employer must show employee was:

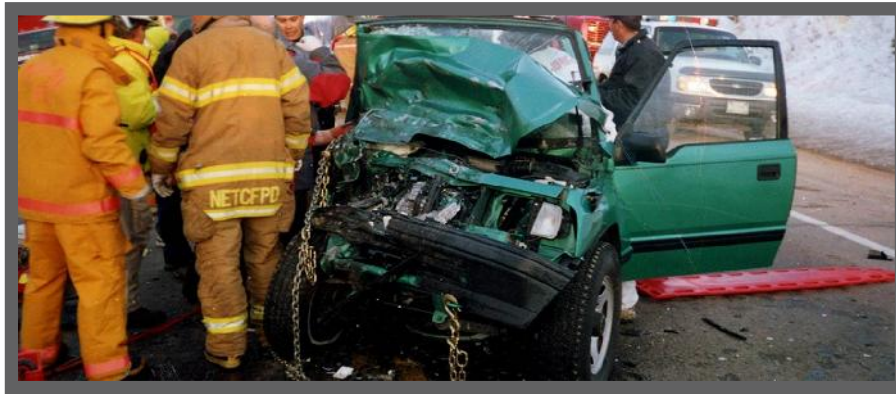
- performing a task
- while impaired by marijuana
- that would constitute negligence or professional malpractice.

Proposed A.R.S. § 36-2860(B)



A person may not be penalized by this state for an action taken while under the influence of marijuana or a marijuana product solely because of the presence of metabolites or components of marijuana in the person's body or in the urine, blood, saliva, hair or other tissue or fluid of the person's body.

Traffic Safety



<http://www.drugabuse.gov/news-events/news-releases/2014/05/more-colorado-drivers-in-fatal-car-crashes-testing-positive-marijuana>
<http://www.nbcnews.com/health/health-news/pot-fuels-surge-drugged-driving-deaths-n22991>

Proposed A.R.S. § 36-2860(B)



Impact on Public Safety Laws

State's ability to enforce its DUI A₃ law

- Current law forbids anyone from driving while actually impaired
- Currently forbids driving with any drug or metabolite in person's body; ZERO tolerance

State's ability to enact a DUI-THC *per se* law

- Hampers the State's ability to establish a "legal limit"

There Is No Federal “Opt-Out” Provision

Businesses that have federal contracts or otherwise must comply with federal drug-free workplace rules *must comply with both federal and state law.*



Expectations

- Wrongful termination suits will increase
 - Settlements will increase due to costs of litigation
- Increased regulatory enforcement
 - Creates new Commission and Department
 - Jurisdiction not limited to just “licenses,” but rather “enforcement of the chapter”
 - Private Attorney General actions?
- Increased workers’ compensation (no longer an exception for drug use)
 - 5% discount for drug policies will be eliminated

QUESTIONS?



WHAT'S REALLY GOING ON?

Lessons from Colorado

ALASKA

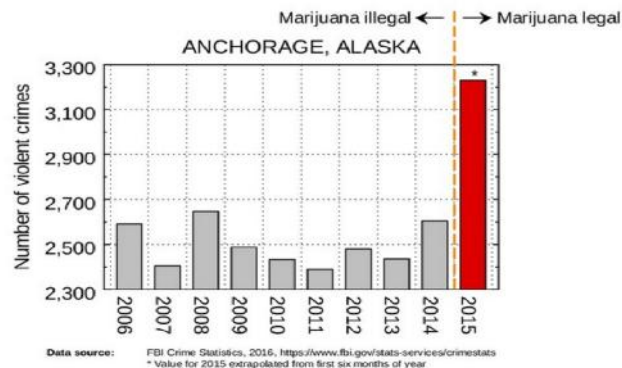
First 6 months of 2015, violent crimes increased 34% compared to same time period in 2014. Murders up 167% and aggravated assaults increased 32%!!

Find out why

According to the FBI's [Preliminary Semiannual Uniform Crime Report](#) for the first six months of 2015, the number of violent crimes in Anchorage (the only city reporting for Alaska)

increased 34% compared to the same period in 2014. Murders were up 167%, and aggravated assaults increased 32% versus the first six months of 2014.

The increase in violent crimes that occurred at the same time pot was legalized is striking. Between 2006 and 2014, the number of violent crimes was stable. Once marijuana legalization took place in early 2015, the crime rate went up dramatically.



ONE YEAR ANNIVERSARY!!

OREGON

First *official* recreational marketplace to open late 2016, early impact includes:

- Oregon State Police saw 163% increase in MJ DUIs in the first 6 months of legalization
- Oregon poison control centers took 60% more calls in Q1 2014 as compared to Q1 2015
- More than 100 cities and counties in E. OR opted out of allowing MJ businesses inside their borders

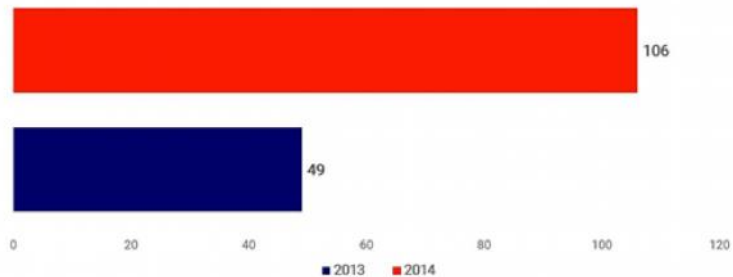
http://www.oregonlive.com/marijuana/index.ssf/2016/06/oregon_marks_1_year_anniversar.html

AAA Foundation for Traffic Safety

➤ Released in May 2016

WA Marijuana-Related Fatal Crashes
Double After Legalization

WASHINGTON



★ ★ ★ ★ AAA Foundation for Traffic Safety

COLORADO



Marijuana Campaign Promises



- Regulation Works
- Eliminate Black Market
- Keep Away from Youth
- Regulate Like Alcohol
- Millions in Tax Revenue



NOT THE POT OF 60's . . . or the 90's

TODAY'S MARIJUANA

3% THC

10% to 80% THC



from this

to this

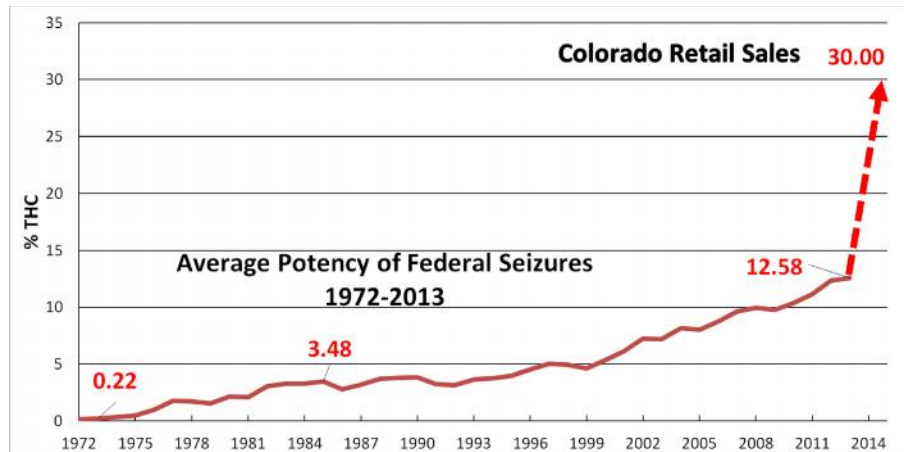
Today's legal marijuana comes in many forms:

in candy, in snacks
in food for breakfast, lunch or dinner
in drinks
in waxes - inhaled - vaped - dabbed
in drops - absorbed - inhaled
in capsules - swallowed
in plants - smoked



© Marijuana Harmless? Think Again
MarijuanaHarmlessThinkAgain.org

THC POTENCY 1972-2014



Amendment 64 Promises



- Bolster Colorado's Economy with job creation and new tax revenue of \$120 million annually and savings over 5 years
- Generate \$40 million **annually** for the Building Excellent Schools Today (BEST) capital construction fund

<http://www.regulatemarijuana.org/s/regulate-marijuana-alcohol-act-2012>

Amendment 64 REALITY



- \$120 million per year projected: **\$44 million → 2014**
- Generate \$40 million **annually** for the Building Excellent Schools Today (BEST) capital construction fund: **Approximately \$2 million → 2014**

TO DATE: School Building Fund has received \$27M for 3 years

http://www.denverpost.com/news/ci_25378142/high-colorado-spending-could-trigger-tabor-refund-cannabis

Sept 2015 - ONE YEAR IN COLORADO

- ✓ 29% increase in marijuana-related Emergency Room visits
- ✓ 32% increase in marijuana-related traffic fatalities
- ✓ 38% increase in marijuana-related hospitalizations
- ✓ 72% increase in marijuana exposures
- ✓ School suspensions /expulsions +40% since 2008
- ✓ THC-positive drug tests in workplace increased from 6% to 20% in first year of legalization

Rocky Mountain High Intensity Drug Trafficking: "The Legalization of Marijuana in Colorado: *The Impact* vol 3 2015"

What are the Costs?

For 2013/2014 ONLY



MJ Related ER Visits =	\$145,800,000
MJ Related Traffic Fatalities =	\$230,000,000
MJ Related Hospitalizations =	\$438,500,000
	\$814,300,000

Calculated figures generated from accident/fatality costs NHTSA 2014 & SAMHSA multiplied by HIDTA report numbers on Hosp/ER admissions and MJ roadside fatalities. All figures have been divided by 2, or cut in half.

What are the Costs?

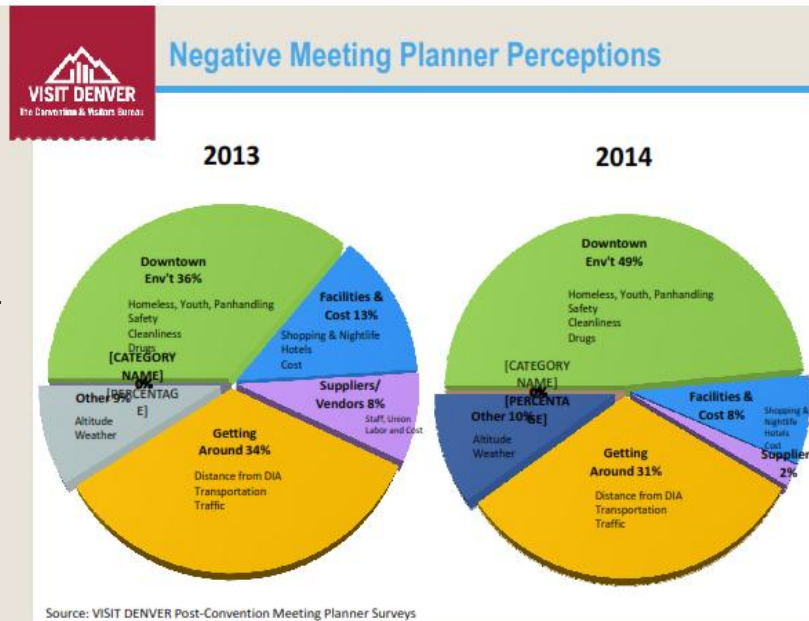
One Year of Costs:	\$407,150,000
One Year of Profit:	<u>\$ -44,700,000</u>

Losses of: \$362,450,000 on 3 Issues



Downtown Denver Losing Business

1. #1 complaint is the downtown environment: homeless, youth, panhandling, safety, cleanliness, and drugs incl public consumption of MJ.
2. Denver rates significantly lower than other cities, as a "safe city" to have a convention.
3. Denver is losing visitors and valuable convention business as a result of overall safety issues.



What is the Discussion **REALLY** About?

- ❑ The right to Drug-Free vs. the right to Drug-Use
- ❑ Safety vs. Liability
- ❑ Responsibility vs. Culpability
- ❑ Productivity vs. Loss/Risk Control



Employer Responsibilities

Safe and Drug-Free Workplace

Protect employees, customers,
work-environment and the public

Get involved in Protecting Employer's Rights



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