

The Impact of the Legalization of Marijuana in the Construction Industry

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- ▶ Any concerns or questions regarding the meaning or applicability of this policy, as well as any concerns regarding activities or discussions at SPFA meetings should be promptly brought to the attention of SPFA's Executive Director and/or its legal counsel.





2018 Sprayfoam Show

The Impact of the
Legalization of Marijuana
on the Construction
Industry

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INTRODUCTION

MARIJUANA LEGALIZATION & THE CONSTRUCTION INDUSTRY



THE IMPACT OF THE LEGALIZATION OF MARIJUANA

- Recent laws authorizing medical and recreational usage
- How do employers address usage on the job?

MARIJUANA STATE LAWS

❖ The following states have *fully legalized marijuana* use:

- Alaska
- California
- Colorado
- Maine
- Massachusetts
- Nevada
- Oregon
- Washington

The District of Columbia has also legalized medical and recreational use.

❖ The following states have legalized and decriminalized *medical marijuana*:

- Connecticut
- Delaware
- Illinois
- Maryland
- Minnesota
- New Hampshire
- New York
- Ohio
- Rhode Island
- Vermont

MARIJUANA STATE LAWS (PART 2)

❖ The following states have legalized *psychoactive medical marijuana* (12):

- Arizona
- Arkansas
- Florida
- Hawaii
- Louisiana
- Michigan
- Montana
- New Jersey
- New Mexico
- North Dakota
- Pennsylvania
- West Virginia

❖ The following states have legalized and decriminalized *CBD only medical marijuana* (3):

- North Carolina
- Mississippi
- Missouri

❖ The following states have legalized *non-psychoactive medical marijuana* (13):

- Alabama
- Georgia
- Indiana
- Iowa
- Kentucky
- Oklahoma
- South Carolina
- Tennessee
- Texas
- Utah
- Virginia
- Wisconsin
- Wyoming

A yellow hard hat is positioned in the upper left quadrant. Several wooden rulers are scattered across the image, some lying flat and others bent. The background is a collage of architectural blueprints and rolled-up documents. The overall color palette is dominated by the yellow of the hard hat, the blue of the blueprints, and the light brown of the wooden rulers.

MEDICAL MARIJUANA

MARIJUANA LEGALIZATION & THE CONSTRUCTION INDUSTRY

MEDICAL MARIJUANA LAWS

Authorized Medical Conditions –

Lateral Sclerosis; Cancer; Crohn's Disease; Epilepsy; Glaucoma; HIV/AIDS; Multiple Sclerosis; Parkinson's Disease; Post Traumatic Stress Disorder (PTSD); migraines or any other ailment/condition of the same type/class as or comparable to those enumerated, as determined by a physician's opinion that the medical use marijuana would surpass any potential, and unlikely, health risks.

Implementation Timeline & Card Issuance



LIMITATIONS ON USAGE

MARIJUANA LEGALIZATION & THE CONSTRUCTION INDUSTRY

LIMITATIONS ON USAGE

- Operating Heavy Machinery and Driving – Does not supersede safety requirements
- Unsafe Working Conditions – Prohibitions against usage
- Safety Manual Policies – Sign Off sheets and creating a robust safety policy to govern and curtail usage
- Insurance Concerns – Health insurance and general liability disclosures. Impact on worker's compensation
- HIPPA Violations – Requiring Proof of Illness or disclosures that impact federal regulations



A high-angle photograph of two construction workers on a construction site. They are working on a concrete wall that has some exposed rebar. One worker, wearing a yellow hard hat and an orange safety vest, is standing and using a tool. The other worker, wearing a green hard hat and a light blue shirt, is crouching down. The background is a rough, grey concrete wall.

RECREATIONAL USAGE

MARIJUANA LEGALIZATION & THE CONSTRUCTION INDUSTRY



RECREATIONAL USAGE

- Limitations
 - Driving under the influence
 - Possession
 - Consumption
 - Purchase Limits



DRUG FREE WORK ZONES

MARIJUANA LEGALIZATION & THE CONSTRUCTION INDUSTRY

DRUG FREE WORK ZONES

- Whistleblower OSHA requirements
- Drug Free Work Zones – Requirements to maintain, testing, and recordkeeping
- Effect of Anti-retaliation rule and drug free work zone – constitutional issues





CURRENT POLITICAL CLIMATE

MARIJUANA LEGALIZATION & THE CONSTRUCTION INDUSTRY



CURRENT POLITICAL CLIMATE

- How does the current administration affect the future?

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