

Marijuana and the workplace: Will legalization in Ohio increase accidents or not?

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Legalizing marijuana for recreational use in Ohio will mean more people consuming pot, research suggests.

And that worries most of the state's employers who fear that workers will show up to the job high or not at all. Many employers argue this would cause more accidents that lead to more on-the-job injuries if Issue 2 — a statute that would legalize, regulate and tax adult-use marijuana in addition to the current medical cannabis program — is approved by voters on Nov. 7.

At the same time, keeping a hard line on marijuana use could make it even more difficult to find workers in today's tight labor market in which Ohio's unemployment rate was 3.4% in August, just above the all-time low of 3.3% hit in July. Employers regularly complain they can't find workers.

"The priority goal is to maintain a safe workplace, even for employers who want to accommodate workers," said Catherine Burgett, an employment law attorney with the Frost, Brown, Todd law firm in Columbus.

"I can't find a single benefit of this to the state of Ohio other than for those investing in the (marijuana) business," said Angela Phillips, CEO of Phillips Tube Group in Middletown.

Multiple business groups, including the Ohio Chamber of Commerce, the Ohio Manufacturer's Association and Ohio Business Roundtable, have asked voters to reject legalized recreational marijuana.

Supporters of the legislation say the worries are overblown and that there are health benefits to using marijuana, such as relief from chronic pain and reducing dependence on alcohol. Users are healthier than their portrayal of being a bong-smoking, Dorito-munching couch potato, they say.

"Employees can responsibly use marijuana products without any risk of workplace injury," said Tom Haren, spokesman for the Coalition to Regulate Marijuana Like Alcohol.

Employers and supporters point to different studies to prove their points.

Employees who tested positive for marijuana had 55% more industrial accidents, 85% more injuries and 75% greater absenteeism compared to those

who tested negative, according to the National Safety Council, citing a report from the National Institute on Drug Abuse.

Those reports also cite decreased productivity, increased workers' compensation and unemployment claims, higher turnover and lawsuits.

Supporters cite studies that they say do not provide sufficient evidence to support the position that cannabis users are at increased risk of occupational injury.

And data show that workers between the ages of 40 and 62 are more productive because they have alternatives to opioids to manage pain, Haren said.

"No one is saying it's OK to show up to work while impaired by marijuana or things like alcohol," he said.

Ohio manufacturing, business leaders oppose Issue 2

Phillips' company is a family-owned operation with headquarters in Middletown and sites in Shelby in Richland County and in Middletown with a total of 240 workers.

It makes steel tubes for the automotive, appliance and heating and cooling industries. Workers are around steel, forklifts and overhead cranes, she said.

The data that show an increase in workplace accidents after marijuana legalization in other states concerns Phillips and other business leaders, especially in a heavy manufacturing state such as Ohio.

"As CEO, I'm responsible for the 240 employees who work for us and their families," she said.

Phillips said while she supports medical marijuana, the company will keep its zero-tolerance policy for workers even if the proposal is approved by voters. She also expects it to become even harder than it is now to find workers should Issue 2 be approved.

"It's a challenge that people don't understand," she said.

Other companies agree.

"This is going to introduce whole new layers of costs and concern for workplace safety," said Dave Johnson, CEO of Summitville Tile in northeast Ohio.

The company has a seven-month backlog, and Johnson said if he could, he would hire 25 people immediately to address it.

"I just can't see anything positive about it," he said. "I think this is a great big green light to make it a bigger problem than it already is when we have such a terrible problem hiring."

What do the data show when it comes to marijuana and work?

The percentage of employees in the U.S. workforce testing positive for marijuana following on-the-job accidents increased to its highest levels in 25 years in 2022, according to Quest Diagnostic, a provider of diagnostic information services.

"In the general U.S. workforce, states that have legalized recreational and medical marijuana use exhibit higher positivity rates than the national average. States that have not legalized marijuana appear to have positivity rates below the national averages," Suhash Harwani, Quest's director of science for employer solutions, said in a statement.

Also, in states where recreational marijuana is legal, residents use marijuana 24% more frequently than in states where it remains illegal, according to a study by the University of Colorado and the University of Minnesota.

Quest reports a steady increase in positive post-accident tests for marijuana since 2012. In that 10-year timeframe, post-accident marijuana positive tests have gone up 204%.

From 2002 to 2009, those positive tests were declining.

It's not just marijuana that's showing up on drug tests more frequently.

In 2022, 4.6% of urine drug tests for all drugs were positive, the highest level in two decades, Quest said. The 2021 and 2022 positivity rates were the highest since 2001, a 30% increase from an all-time low in 2010-2012.

The study by the researchers at Colorado and Minnesota constitutes some of the strongest evidence yet that legalization causes increased use, they said.

Haren, the spokesman for the Coalition to Regulate Marijuana Like Alcohol, dismissed such research on marijuana consumption as people more willing to admit using marijuana once it's legalized.

But as marijuana legalization increases, drug screening has become less frequent.

A Bureau of Labor Statistics survey of about 80,000 private-sector employers in 2022 shows 16.1% of respondents reported testing their employees or applicants for drugs or alcohol in 2021, down from 30% in 1996.

Struggles to measure marijuana impairment

One of the hang ups for employers when it comes to legalizing marijuana for recreational use is that there is no way to know whether a worker smoked a joint an hour before coming to work or over the weekend.

"Current users can't tell you how much they can use before they get behind (the wheel) of a car," Phillips said. "If they smoke all weekend are they safe enough to do the job?"

That compares with alcohol, for example, where a Breathalyzer is a reliable way to measure the level of intoxication.

The chemistry of alcohol and cannabis is much different. Unlike alcohol, cannabis, depending on frequency of use, can remain in a body for weeks.

The psychoactive component of marijuana, THC, is detectable for up to 90 days in hair, anywhere from one day to a month or longer in urine, up to 24 hours in saliva, and up to 12 hours in blood, according to American Addiction Centers.

"In our pilot research, we found that in regular cannabis users, their breath around an hour after use is not looking a whole lot different than their baseline measure on days that they haven't used at all," Cinnamon Bidwell, assistant professor in at the University of Colorado-Boulder, said as part of a new study measuring impairment.

Attorney Burgett put it another way: "It's going to be a mess."

And there's other issues that employers will have to resolve, she said. For example, would employers allow workers to swap marijuana plants on company property?

Haren, spokesman for the group pushing for the passage of Issue 2, disagrees with the notion that legalizing marijuana for adults will hurt the workplace.

"Responsible use of marijuana in a regulated market is better for public health," he said.

Issue 2 passage means more career opportunities, supporters say

Passing Issue 2 will improve the quality of the workforce because it will end the prohibition against marijuana possession and the criminal possession of marijuana, Haren said.

Marijuana-related arrests have made it hard for people to get jobs, get loans or go to college, he said.

"Ohioans will have many more opportunities," he said, should Issue 2 be approved. "It's better for careers."