



MEDICAL MARIJUANA AND THE BUSINESS COMMUNITY

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Who We Are

- The State Chamber of Oklahoma represents over 1,500 businesses and their 350,000 employees across the state.
- We advocate for pro-business policies at the legislative, executive, and judicial branches.
- Our interest stems from concerns brought to us by companies who employ thousands of Oklahomans.

Overview

- Businesses need certainty
- Oklahoma's new medical marijuana laws lack the framework needed to provide safe workplaces for both Oklahoma workers and employers
- Ideal solution(s):
 - Immediate Legislative guidance
 - Extend the implementation date

Immediate Concerns

- New Protected Class of Workers Created
- SQ788:
 - Outlawed discrimination in hiring, termination or imposing any term or condition of employment or otherwise penalizing a person based upon either:
 - Status as a medical marijuana license holder, or
 - Positive drug test for marijuana or its components
- Solution:
 - The legislature must act to protect employers

Addressing Safety Sensitive Jobs

- Change the statute to address safety-sensitive positions:
 - No employer may refuse to hire, discipline, discharge, or otherwise penalize an applicant or employee solely on the basis of a positive test for marijuana...unless:
 - The position is one involving safety-sensitive job duties.
- Address Workers' Compensation (forward looking):
 - No employer or insurer will be required to reimburse a person for "costs associated with the use of medical marijuana"

Precedent Across the U.S.

- States with legalized medical marijuana all run their programs differently, but there are 9 states with language similar to Oklahoma's.
- On October 4th, a federal judge in Connecticut held in favor of an employee who sued her employer for discrimination.

Lawsuit Potential

- Due to the lack of clarity along with language that conflicts with current state law, this new statute makes Oklahoma businesses vulnerable to expensive lawsuits that may or may not be meritorious.
- Solution:
 - Legislatively create a private cause of action under the existing framework of the Oklahoma Standards for Workplace Drug and Alcohol Testing Act.

Make it Medical

- By listening to medical experts and adding qualifying conditions to the statute, our medical marijuana program will be on par with other states including Colorado, California, and Arkansas.
- Solution:
 - Provide a list of qualifying conditions in statute.

Long Term Solutions Needed

- There are several other areas of concern that will inevitably require legislative guidance in Oklahoma as we've seen in other states:
 - Workers' Compensation,
 - Unemployment Compensation,
 - Property Owners' Rights, and
 - Taxation
- Banking issues will require federal guidance, but are extremely important to the business community nonetheless.



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