

## 1. ResponsibleOhio's Marijuana Legalization Ballot Initiative.

ResponsibleOhio's ballot initiative has cleared its first few hurdles, and proponents will now attempt to gather 305,591 valid signatures from registered voters by July 1, in order to get their proposed constitutional amendment on the 2015 statewide ballot. This is no small task to accomplish in a limited amount of time. However, the initiative is backed by millions of dollars, and even if they fall short this year, there is always 2016.<sup>1</sup>

The Ohio Chamber views marijuana legalization as an employment law issue because we are hearing from employers across the state that they are having trouble hiring and maintaining a drug-free workforce. If marijuana is legalized, and employers still want to test for it and restrict employment in some way, how will they be affected?

### In General:

How are the companies you deal with preparing for possible legalization? What advice are you providing? Are you aware of model HR policies being developed in this area, etc?

### Specific to ResponsibleOhio's Plan:

The proposed constitutional amendment provides that it is not intended to require an employer to permit or accommodate the use of marijuana in the workplace or to affect an employer's ability to restrict the use of marijuana by employees, **"except that a patient with a medical marijuana certification may self-administer the medical marijuana subject to the same conditions applied to administration of prescribed medications."** Does this raise concerns? (Note: a medical marijuana certification must be issued by a physician to treat a "debilitating medical condition."<sup>2</sup>)

ResponsibleOhio's proposal provides that nothing in the amendment "shall require any health insurance provider or any government agency or authority to reimburse any patient for expenses related to the use of medical marijuana." What other insurance or liability implications do you anticipate?

---

<sup>1</sup> For an overview of the path to the ballot, please see the Ohio Chamber's blog post at:

<http://ohiochamber.com/pro-biz-politics/how-hard-is-it-to-get-a-constitutional-amendment-on-the-ballot/>

<sup>2</sup> "Debilitating medical condition" is defined to mean: cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, sickle-cell anemia, ulcerative colitis, dementia, Alzheimer's disease, or treatment for such conditions; a chronic or debilitating disease or medical condition, or treatment for such conditions, which produces, for a specific patient, one or more of the following, and which, in the professional opinion of the patient's physician, foreseeably may be alleviated by the use of medical marijuana: cachexia, post-traumatic stress disorder, severe pain, severe nausea, seizures, including those that are characteristic of epilepsy, or persistent muscle spasms, including those that are characteristic of multiple sclerosis. The Commission shall establish and update the list of debilitating medical conditions for which medical marijuana certifications may be issued on an annual basis, consistent with current, peer-reviewed medical research.

Does it concern you that, after paying a \$50 licensing fee, individuals 21 and older can grow up to four plants at home and have up to eight ounces of homegrown marijuana for personal use under ResponsibleOhio's plan?

Are you concerned that ResponsibleOhio's initial investors will have a monopoly on the production of all the marijuana sold in Ohio? (Note: The monopoly is subject to investors applying for licenses timely, staying open for business, keeping in compliance with the law, and producing enough marijuana to meet demand after four years.)

## **2. House Bill 33 – Marijuana derivatives used to treat seizure disorders<sup>3</sup>**

Keeping with the theme, recently introduced HB 33 would allow individuals diagnosed with seizure disorders to use cannabidiol, and other drugs or substances derived from cannabis, prescribed to them to treat their disorders. **The bill does not restrict prescribed use while at work.**

Cannabidiol, or CBD, is the main focus of this legislation. It appears CBD is extracted from cannabis in the form of an oil and it is administered with a dropper, or by another method that does not involve smoking. CBD reportedly does not make users high or stoned like THC. Hence, CBD's limited approval for medical use. The legislation is limited only to individuals diagnosed with seizure disorders.

Please let me know whether you have concerns about this bill, and what those concerns might be from an employer and employment law standpoint.

## **3. HB 56 – Prohibits government employers, not private employers, from asking about a job seeker's criminal history until the entity is prepared to make an employment offer**

This legislation only applies to public employers. The bill would prohibit a government entity from inquiring about a job seeker's criminal history until the applicant has been selected for a job and the employer is prepared to make an offer. The bill also states an applicant cannot be disqualified solely based on criminal history with limited exceptions, and a number of factors must be considered before denying an applicant due to criminal history. Finally, if an applicant is rejected due to criminal history, the employer must issue a letter to the applicant stating the basis and reasons for the rejection.

We are tracking this legislation because, if it passes, it will set a precedent from which proponents may argue for expansion into the private sector.

Please provide me with your concerns.

---

<sup>3</sup> To review the full text of bills introduced by the General Assembly, you can visit:  
<https://www.legislature.ohio.gov/legislation/search-legislation?10>