

POINT: Should Illinois employers ease up on marijuana drug screening?

Yes. The more we rely on drug tests, the more we limit potential success of our businesses

By DAN LINN

Illinois employers need to ease up on drug screening their employees for a number of reasons.

The first is that a positive test for



Linn

fat cells of the body and can be found weeks after consuming, long after any impairment has gone away.

cannabis does not indicate impairment due to the nature of the way that the human body processes cannabis after it has been consumed.

Cannabis

stays in the

Cannabis is unique in this matter and most drugs, including alcohol, usually leave one's system within 24 hours after consumption. So, there are likely times when a person consumes cannabis, perhaps while visiting a legal state, returns from vacation and yet would still fail a drug test despite not being impaired by the substance.

Furthermore, drug testing for cannabis prior to hiring someone limits the potential field of candidates, especially as more patients are choosing medical cannabis over opioids or cannabis over alcohol for an end of the workday buzz.

Since legalization in Colorado many employers have recognized that cannabis consumers are good employees and have abandoned their drug screening for pre-employment purposes.

Additionally, there is always the

risk of a false positive with drug tests. One estimate from the annual meeting presented to the American Psychiatric Association in 2010 listed false positives as high as 5 percent to 10 percent. That just shows that these tests are imperfect and shouldn't be used as the sole reason not to hire a qualified potential employee.

Cannabis can spark creativity and has provided inspiration for countless artists and other professions assisting in the innovative properties that have created some of the largest tech companies in the world. Limiting staff to those who do not consume cannabis can end up limiting the potential success of a business at the same time it drives up costs since the drug tests aren't free.

Drug testing current employees also leads to resentment in the workplace.

Most employees feel that if they can do their job why is their boss asking them to pee in a cup? Urine drug tests are an invasion of privacy and lower the morale of a workplace. Generally happy employees are better employees.

Of course, nobody is advocating for the tolerance of impairment in the workplace and cannabis should be treated just like alcohol in the sense that if you show up drunk or stoned, you are sent home and possibly lose your job.

However, responsible use should not be confused with irresponsible use, and employees who choose to responsibly use cannabis when they are not working should not be punished or forced to take a drug test.

Plus, the stereotype of the lazy stoner is just not accurate. Gold medal Olympic swimmer Michael Phelps is one example of a cannabis consumer who is able to

accomplish great things, and there are numerous other professional athletes who admit to using cannabis before games.

We are starting to see the professional sports leagues begin to discuss removing cannabis from the list of drugs that result in a suspension and it is estimated that the NBA and NFL will stop suspending players who test positive for cannabis within the next few years.

Nevertheless, the drug-testing companies don't want to lose any business so it is likely that they will continue to plant the seeds of fear into employers' minds, with potential costs of insurance, workers compensation claims and other costs associated with lost performance.

It should be remembered, though, that we live in the land of the free and the more we require folks to pee in a cup to work, the more we aren't actually free. Freedom to choose what substances employees puts into their bodies when they are not working is none of the company's business, so long as the employee is able to get the job done when at work.

Privacy should be respected and dignity should not be compromised in the lost cause of having a drug-free workplace. A drug-free workplace wouldn't have a coffee machine, and nobody wants that.

The more we rely on drug tests to screen potential employees the more we limit the potential success of our business and by extension the prosperity of our state and nation.

Dan Linn is executive director of Illinois NORML, a state chapter of the National Organization for the Reform of Marijuana Laws.

Illinois Business Journal

We Mean Business. Illinois Business.

The *Illinois Business Journal* is owned and operated by Better Newspapers Inc., P.O. Box 248 C, Mascoutah, IL 62258

Web site: www.ibjonline.com

President/Publisher:

Greg Hoskins
ghoskins@heraldpubs.com
618-566-8282

Editor: Dennis Grubaugh

dgrubaugh@ibjonline.com
618-977-6865

Marketing Manager: Kerry Smith

ksmith@ibjonline.com
(618) 225-2253

Contributing writers:

Dan Linn, Jo McGuire, Rita Duckworth,
Kerry Smith

Cartoonist: Gary McCoy



2016-2018

City's to-do list:

- ✓ upgrade infrastructure
- ✓ build new water plant
- ✓ create new business district
- ✓ find/hire talented employees
- ✓ invest in the community
- ✓ Enhance quality of living for residents
- ✓ Continue to provide quality city services
- ✓ Partner with businesses
- ✓ Create TIF districts
- ✓ Stimulate local economy
- ✓ Create Strong/Vibrant Uptown

Our biggest assets:

- Strong school district
- Great interstate access!!!
- Central location in the Metro-East

We've been planning for YOU!

www.collinsvilleil.org

Mitch Bair - City Manager/Economic Development Dir.

With legal advice like ours,



the future looks brighter.

With more than 100 attorneys in seven offices, four in Illinois, we know local businesses and have the resources and expertise to help them thrive. How can we help you? Call today for a free consultation and see how we can make things a bit brighter.

SANDBERG PHOENIX & VON GONTARD P.C.

(618) 659-9861 SandbergPhoenix.com

Business | Business Litigation | Health Law/Medical Malpractice | Products Liability

© Sandberg Phoenix & von Gontard, P.C. The choice of a lawyer is an important decision and should not be based solely upon advertisements. Advertising Material.