

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

No. Safety necessitates firms should keep policies intact for testing of all drugs — legal or not

By JO MCGUIRE

There are many assumptions and misperceptions about how drug testing works pertaining to marijuana. Clearing up the myths often helps create better



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dialogue and understanding about why employee screening is so very important to the workplace. The primary perpetuated myth is, “I can use marijuana one time and test positive 30 days later.” If this were the case, the corresponding, “That’s so unfair!” response would be warranted. However, it’s just not scientific fact. The reality is this: one-time marijuana use is typically out of the body in about three days. Furthermore, one-time marijuana use is rarely even measurable in a lab-based urine drug screen. Cut-off levels are set to assure that “presence-in-system” qualifies first-hand ingestion (ruling out second-hand exposure) but also measures quantifiable amounts, which one-time use rarely accounts for in the traditional use of a marijuana cigarette. It matters where the myth comes from as it informs the matter significantly. If an individual is a regular marijuana user (at least weekly) the THC (psychoactive component in cannabis) builds up in the system over time, as it resides in the body’s fat cells. That person may decide to cease use of marijuana when applying

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for a new job, knowing a drug test is imminent. The regular marijuana user who ceases use can test positive for weeks to months after the use has stopped, while the body eliminates the THC. The length of time a person can test positive varies greatly. Factors that can impact this are: frequency of use (more build-up), and high body-fat content (more stored). With that clarity, what is an employer to do about legal marijuana and drug testing? It should technically be treated in the same way as alcohol, also a legal substance. If people cannot come to work under-the-influence of alcohol, they should likewise not come to work under-the-influence of marijuana. Some will claim the lack of an impairment test should separate marijuana from alcohol on this issue. Again, that is based on another misunderstanding. Breath-alcohol testing is ALSO presence-in-system testing! The difference between the two is there are measurable standards by which we determine what is/is not acceptable according to the law for alcohol, something we have not yet accomplished for marijuana. In the meantime, employers can use a lab-based oral fluid test to determine very recent use (eight to 24 hours). There are several products on the market that work wonderfully and have held up in courts

of law. If employers are concerned that eight to 24 hours is not recent enough to determine whether someone is under-the-influence, they are uninformed about today’s contemporary marijuana products. Gone are the days when an employee was impaired for the old-school standard of four to six hours. That was two decades ago when THC potencies were considerably lower. In the 1960s and ’70s, marijuana’s THC potency was on average 1 to 3 percent. Today’s marijuana is anywhere from 15 percent to 99 percent THC, depending upon the products that are used. Did you know that marijuana can be vaped in an e-cigarette? Or used in a hyper-potent, concentrated form that is equal to 26 times the hit from a marijuana joint? Add the vast array of edibles to the mix and employers are looking at an impairment that can last much longer *and* cause an immense amount of THC to build up in the brain. Getting back to the basics. Workplaces should be safe. And they should be safe for *everyone*, including those who choose not to use impairing substances. It is time for employers to understand that providing SAFE workplaces is the priority ... not getting backed into corners of arguing about the science surrounding the

drug test from those who don’t know the facts. Studies of workers show those who use marijuana have 55 percent more industrial accidents, 85 percent more injuries and 75 percent greater absenteeism than their sober counterparts. Employee substance use costs the small- business owner as much as \$7,000/month in lost revenue. That adds up to \$246 billion per year to U.S. businesses nationally. Remember that marijuana does impair. Well-documented common side-effects of employee marijuana use can include distorted perception, difficulty in problem-solving, loss of physical and mental coordination, trouble with divided-attention tasks, difficulty shifting attention, diminished ability to concentrate, distorted time and distance tracking, mood alterations, hallucinations, psychosis and anxiety. There are a variety of solutions for employers to maintain a robust workforce such as second-chance programs, recent-use test methods and well-documented “for cause” testing. Legal or not, employers still have the right to a safe and drug-free workplace in every state. They also have the right to enforce their drug and alcohol policies with testing programs. What they should never do is discriminate against those who make the choice to use substances. This means enforce your policies fairly, equally and consistently across all people groups. In the end, it’s about Safety First for everyone. Jo McGuire is executive director of the National Drug and Alcohol Screening Association. She wrote this column at the request of the Illinois Business Journal.

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