



THE RAPIDLY CHANGING FACE OF SUBSTANCE ABUSE A Defining Moment for Employers

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What every
office needs





WHAT IS THE GOAL FOR TODAY?

WHAT YOU CAN DO ABOUT

MEDICAL MARIJUANA

SYNTHETIC DRUGS

PRESCRIPTION DRUGS

&

ENSURE A DEFENSIBLE PROGRAM



WHAT ARE THE 3 OBJECTIVES FOR TODAY?

EDUCATE !

**You On The Impact of Drugs &
Alcohol On Your Company**

MOTIVATE !

**You To Have A Sound, Defensible
Substance Abuse Prevention Program**

REDUCE RISK !

Due To Workplace Substance Abuse



AS OF 2011

**LEADING
CAUSE OF
ACCIDENTAL
DEATH**

DRUGS



AS OF 2013

**1 PERSON DIES
EVERY 10
MINUTES FROM
DRUG ABUSE**

DRUGS



AS OF 2010-2013

**FATAL CAR
CRASHES
INVOLVING POT
HAVE TRIPLED**

DRUGS



BETWEEN 2000 & 2013

**DEATHS DUE TO
PRESCRIPTION
DRUG ABUSE**

**500%
INCREASE**



2012

**ER VISITS DUE TO
DRUG OVERDOSES**

3.1 M

**60% RXs OF WHICH
71% = PAINKILLERS**



2013

UNINTENTIONAL OVERDOSES

82%



WHAT IS MY APPROACH?

Not A Moral Or Ethical Issue ~
It's A Business Decision !



Legalization





STATUS OF MARIJUANA LAWS (1/1/15)

Arizona

Alaska *

California

Colorado *

Connecticut

Delaware

District of Columbia *

Hawaii

Illinois

Maine

Maryland

Massachusetts

Michigan

Minnesota

Montana

Nevada

New Hampshire

New Jersey

New Mexico

New York

Oregon *

Rhode Island

Vermont

Washington *



ARE THERE ALTERNATIVES TO MEDICINAL MARIJUANA?

YES: There are FDA approved and prescribed man-made drugs on the market that either are taken directly from the plant or are synthetic versions - all that mimic THC. These THC compounds include:

Nabilone/Cesamet (1985)

Dronabinol/Marinol (1999)

Cannabinor (2006)

Sativex (2011)

Dexanabinol (2013)

STUDIES:

Cancer

Epilepsy

Glaucoma

HIV / AIDS

Multiple Sclerosis (MS)



IS MARIJUANA THE SAME AS ALCOHOL?

ALCOHOL: Ethanol - eliminated from the body within hours

MARIJUANA: 400+ chemicals - can stay in the body for weeks & damages the immune system

DEA: Federal government classifies marijuana as a Schedule I Controlled Substance



WHAT ARE SOME EFFECTS?

SHORT-TERM

- Sensory distortion (sights, sounds, time, touch)
- Depth perception & impaired driving and other psychomotor skills
- Poor coordination - loss of motor coordination
- Lowered reaction time

LONG-TERM

- Reduced resistance to illness (colds, bronchitis, etc.)
- Reduced ability to learn, retain information & understand things clearly
- Apathy & lack of motivation
- Personality & mood changes / psychosis
- Addiction



WHAT ARE WE SURE OF?

MARIJUANA:

- Affects safety (operate machinery, drive, & make sound decisions)
- Puts user, co-workers, company, family, general public & community at risk
- It is addictive



STATUS OF MEDICAL MARIJUANA IN YOUR WORKPLACE?

Prohibit ?

Most state laws do not require employers to accommodate medical use of marijuana including use, possession or being under the influence and disciplining accordingly

ADA ?

Does not cover “current use” of by applicant or employee – therefore not a “qualified individual” with a disability.

W.C. Claim ?

Most states will not pay an injured worker who was under the influence of marijuana at the time of the accident.

Prescription ?

Most state health insurance programs will not pay for medical marijuana



IS THERE CASE LAW SUPPORTING THE EMPLOYER?

Brandon Coats v Dish Network, LLC (4/13 Colorado)

Perry Curry v MillerCoors (Colorado 8/13)

Ross v. Raging Wire Telecommunications, Inc., (California 2008);

Emerald Steel Fabricators v. Bureau of Labor & Industries, (Oregon 2010);

Casias v. Wal-Mart Stores, Inc., (Michigan 2012);



OTHERS – Fastest Growing

SYNTHETIC DRUGS

Plant substances in packets coated with toxic chemicals targeting receptors *simulating the same effects* as THC, coke, meth, ecstasy, LSD, etc. at a much higher potency.





WHAT IS SYNTHETIC MARIJUANA?

**K2 Spice Gold
Spice
Spice Diamond
Yucatan Fire
Solar Flare
K2 Summit
Genie
PEP Spice
Fire n" Ice
Bliss
Black Mamba
Bombay Blue
Zombie World
Bad-to-the-**

**Bone
Blaze
Dark Night
Earthquake
Berry Blend
The Moon
G-Force
K2 Blonde
K2 Standard
Blueberry Haze
Dank
Demon Passion Smoke
Hawaiian Hybrid
Magma**

**Ninja
Ono Budz
Panama Red Ball
Puff Sativah Herbal
Smoke
Skunk
Ultra Chronic
Voodoo Spic
Aroma**

FACTS ABOUT OTHER DRUGS

– COCAINE:

METHAMPHETAMINE:

– ALCOHOL:

HEROIN:

– ECSTASY:

LSD:

– PRESCRIPTIONS:





WHO ARE THE USERS?

These drugs are used by people . . .

rich or poor, from big cities

or small towns, of any race or creed.



WHAT PRICE DO YOU PAY?

DIRECT COSTS:

- Absenteeism
- Productivity
- Pilferage
- Accidents
- Medical Benefits
- Violence/Sexual Assaults
- Workers Comp Claim
- Unemployment Comp Claim
- Turnover
- Morale
- Major Law Suit
- Potential for Litigation





Price Employer Pays - Continued

\$7,000 cost per abuser/per year in direct operational costs

x **17%** of 50 / 100 / 500 / 1000 = **9 / 17 / 85 / 170** potential abusers

\$63K / \$120K / \$595K / \$1.2M ~ yearly cost of substance abuse

This does not include the cost of:

Turnover;

Morale;

Major law suit or workers' compensation claim;

Unemployment claim: or

Potential for litigation-increased chance of having the company sued.





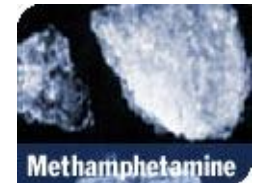
"...I DIDN'T KNOW THE EXTENT OF MY INJURIES UNTIL I WAS EXAMINED BY MY LAWYER."



WHAT ARE THE DEFENSIBLE PROGRAM COMPONENTS ?

PROGRAM OBJECTIVES TO REACH:

1. Policy and procedures
2. Education for employees (some states mandatory)
3. Training for managers (some states mandatory)
4. Drug and alcohol testing
5. Access to support





SETTING UP YOUR POLICY

KEY COMPONENTS OF A SOUND POLICY

USE / POSSESSION

UNDER THE INFLUENCE

ALCOHOL

PRESCRIPTION DRUGS

CONVICTION / ARREST

CONSEQUENCES

DRUG & ALCOHOL TESTING

POST-ACCIDENT & REASONABLE SUSPICION STATE AMENDMENTS

TESTING PROCEDURES



WHAT RULES TO SET?

ALCOHOL:

When, Where & How Much Is Permitted to Consume and Store

Alcohol Prohibited:

Consumption, possession, manufacture, distribution, dispensation, sale or storage (e.g. desk, locker, automobile, or other repository) of alcohol

Alcohol Exceptions:

- Company sponsored functions
- Professional events
- Business related entertainment
- Storage



WHAT RULES TO SET?

BEING UNDER THE INFLUENCE:

USE / POSSESSION:

Alcohol, Illegal & Illegally Used Drugs,
& Drug Paraphernalia

UNDER THE INFLUENCE:

Alcohol, Illegal & Illegally Used Drugs

Being under the influence of a controlled substance or illegally used drug = a confirmed positive drug test result

Being under the influence of alcohol = a positive alcohol test result yielding a breath alcohol concentration of .XX (BAC) or higher

WHAT ARE THE CUT-OFF LEVELS FOR ALCOHOL?

Drinks Per Hour	Body Weight in Pounds							
	100	120	140	160	180	200	220	240
1	.04	.03	.03	.02	.02	.02	.02	.02
2	.08	.06	.05	.05	.04	.04	.03	.03
3	.11	.09	.08	.07	.06	.06	.05	.05
4	.15	.12	.11	.09	.08	.08	.07	.06
5	.19	.16	.13	.12	.11	.09	.09	.08
6	.23	.19	.16	.14	.13	.11	.10	.09
7	.26	.22	.19	.16	.15	.12	.12	.11
8	.30	.25	.21	.19	.17	.15	.14	.13
9	.34	.28	.24	.21	.19	.17	.15	.14
10	.38	.31	.27	.23	.21	.19	.17	.16



WHAT RULES TO SET?

PRESCRIPTION DRUGS:

STEPS FOR PRESCRIPTION DRUG PROCEDURES

Who Shall Report Use

What Shall Be Reported

To Whom To Report

What Type of Prescription

Reasonable Accommodation

Testing for Prescription Drugs



WHAT RULES TO SET?

ARREST OR CONVICTION:

Conviction under any criminal drug or alcohol statute

On company time - occurring at work (while conducting work or while driving a company owned or leased vehicle or a personal vehicle being used for company business

Off company time if it impacts work/company

Not reporting such an arrest or conviction within 24 hours or the next working day.

To whom does it get reported and what are the consequences



"You're fired, Jack. The lab results just came back, and you tested positive for Coke."



WHAT RULES TO SET?

CONSEQUENCES: MANY APPROACHES FOR A POSITIVE

Automatic Termination:

Full Discretion:

Option to discipline the employee, up to and including termination and/or to refer to assessment counseling and/or treatment

Tiered (example only-many variations):

Employees who have positive test, but good record

Employees who have positive test, but have documented issues

Timeframes: Term before first year /After one year options, etc.

2nd Positive Test Result

Refusal To Be Tested



WHAT RULES TO SET?

DRUG & ALCOHOL TESTING

TESTING AT A MINIMUM

Pre-employment drug testing

Reasonable suspicion drug and alcohol testing

Post-accident drug and alcohol testing

Follow-up to treatment drug and/or alcohol testing

OTHERS:

On a random selection basis

When being transferred into a safety-sensitive position

When promoted to a supervisor/manager

On a return after lay-off

When required by a client

When required by the government



WHAT RULES TO SET?

POST-ACCIDENT

Post-accident Definition & Testing Referral Procedures

Definition of an accident

Decision-making process

Timing of a post-accident test

Steps for sending someone for a post-accident test



WHAT RULES TO SET?

REASONABLE SUSPICION

Reasonable Suspicion Definition & Testing Referral Procedures

Definition of Reasonable Suspicion

Observe & Document

Approval process

Steps for sending someone for a reasonable suspicion test



WHAT RULES TO SET?

TESTING COLLECTION & TESTING PROTOCOLS

DRUG OPTIONS:

Urine - Oral Fluids – Hair

ALCOHOL OPTIONS:

Breath - Oral Fluids – Blood

COLLECTION SITE:

Off Site and/or On Site

OFF SITE FACILITIES:

Certified

LABORATORY:

Certified

TAMPERING:

Adulterated – Substituted - Diluted



SAMPLE COST OF TESTING

COMPANY OF 100 EMPLOYEES:

<i>Type Test</i>	<i># of Tests</i>	
Pre-employment	20	(20% turnover)
New Hire Evaluation	20	
Reasonable Suspicion	5	(drugs and alcohol)
Post-accident	10	(drugs and alcohol)
Random	35	(35% rate)
Follow-up	0	

105 tests at \$30 / \$44 per test = \$3,150 / \$4,620



YOUR CHOICE NOW !

A DEFINING
MOMENT
FOR
YOU !



WHO BENEFITS WITH A SOUND PROGRAM?

- You
- Nonusers
- Users
- Company
- Vendors and suppliers
- Customers and clients
- Community
- General public





5 STEPS TO IMPROVE YOUR PROGRAM

- 1. WRITTEN POLICY UPDATED RECENTLY**
- 2. SPECIFICALLY ADDRESS MEDICAL MARIJUANA, SYNTHETIC & PRESCRIPTION DRUGS**
- 3. INTEGRATE STATE & CASE LAWS INTO POLICY FOR COMPLIANCE IN ALL STATES YOU OPERATE**
- 4. HAVE ALL EMPLOYEES SIGN OFF ON A POLICY ACKNOWLEDGEMENT & CONCENT FORM**
- 5. EDUCATE EMPLOYEES & TRAIN MANAGERS**



DSG SERVICES

1. Policy & Procedures (non-regulated)
2. Legal Review for all 50 States & Canada & Mexico
3. DOT/FMCSA Compliance Program
4. Employee Education & Manager Training
5. Program Audits & Policy Reviews
6. Speeches / Workshops / Webcasts
7. Drug & Alcohol Testing Administration Evaluation

DSG Will Provide A Courtesy Policy Review

561-266-5111 christine@drugfreeatwork.com



NSC Prescription Drug Resources

Prescription Drug Employer Toolkit

<http://nsc.org/rxemployerpolicy>

For more employer resources:

<http://nsc.org/drugfree>

Questions: rxsafety@nsc.org