Maryland House Cannabis Referendum Legalization Workgroup

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Eliminating leading causes of preventable death and injury so that people can live their fullest lives.

Focusing efforts where we can make the biggest impact:

- workplace
- roadway
- impairment
Cannabis Legalization

37 states + D.C. + 3 territories have comprehensive medical use laws

19 states + D.C. + 2 territories have adult use laws

13 states Low THC/CBD laws
Cannabis Legalization Impacts

The Impact of Cannabis in the Workplace

NSC surveyed 500 employers and 1,000 employees. Here's what we found:

Cannabis is a workplace safety risk
- One third of employees say they've observed usage during work hours
- Those in safety-sensitive positions report observing cannabis usage more than those in non-safety-sensitive positions
- More than half of employers that eliminated THC testing reported seeing an increase in incidents or other workplace performance concerns
What is impairment?

• No BAC for THC
  • Supervisor training
  • Oral fluid and urine testing
  • Hair testing
Chesapeake Chapter Activity

- Prioritize Safety on roads and in workplaces
  - LEOs
  - Supervisors
- Ensure access to quality workers
- Understand impairment through green labs
- Support research programs
Chesapeake Region Safety Council

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CRSC IS:

• A 99-year-old independent Chapter of the National Safety Council, based in Baltimore County.

• An OSHA Training Institute Education Center, covering the above states and West Virginia, Pennsylvania.

• A successful, private, non-profit, non-governmental organization.
CRSC’s Impairment Education, including Free Cannabis-related Efforts:

• Trainings (often taught concurrently)
  • Reasonable Suspicion Course for Safety Sensitive Positions, meeting DOT training requirements for CMV operators/safety-sensitive positions
  • Impairment Education Course
  • Law Enforcement Course (Cannabis 101, taught by Balt. Co. P.D)
• Green Labs/Workshops (attended by students in above classes) are the first in the country directed to workplace safety. Others taught are for law enforcement officers.

• Started in mid-2019, with twelve held to date
• Conducted at least quarterly, partnering with Medical Cannabis CardHolders
• Messaging – Helping employers and safety professionals understand the difference between signs of use and signs of impairment.
<table>
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<th>VGN</th>
<th>LOC</th>
<th>PUPIL</th>
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</table>
Maryland Road Deaths thru October 2020-2022

2020: 479
2021: 444
2022: 437

Source: https://injuryfacts.nsc.org/motor-vehicle/overview/preliminary-monthly-estimates/
Marijuana Impaired Driving Data

• Drivers killed in crashes have THC positivity at 2x higher rate than pre-legalization (AAA study)
• Positive THC tests for dead drivers increased 138% after legalization. (DEA study)
• Crash rates increase after legalization (IIHS study)
Roadway Policy Solutions

- Noah's law
- .05 BAC
- No THC *per se* limit
- Improved testing (oral fluid)
- Better toxicology data (THC testing for fatalities)
- Passive vehicle technology
- Improved training for legal system

Source: https://www.nsc.org/getattachment/92b5f0dd-19c1-40cd-ac0d-b185ac0bce94/t-drug%20and%20alcohol%20impaired%20driving
<table>
<thead>
<tr>
<th>Compound</th>
<th>Frequency of labs listing in top 15</th>
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<tbody>
<tr>
<td>THC and metabolites</td>
<td>62</td>
</tr>
<tr>
<td>Alprazolam/alpha-hydroxyalprazolam</td>
<td>57</td>
</tr>
<tr>
<td>Cocaine and metabolites</td>
<td>57</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>56</td>
</tr>
<tr>
<td>Diazepam/nordiazepam</td>
<td>48</td>
</tr>
<tr>
<td>Clonazepam/7-aminoclonazepam</td>
<td>45</td>
</tr>
<tr>
<td>Fentanyl</td>
<td>45</td>
</tr>
<tr>
<td>Amphetamine</td>
<td>43</td>
</tr>
<tr>
<td>Hydrocodone</td>
<td>34</td>
</tr>
<tr>
<td>Morphine</td>
<td>34</td>
</tr>
<tr>
<td>Oxycodone</td>
<td>34</td>
</tr>
<tr>
<td>Diphenhydramine</td>
<td>30</td>
</tr>
<tr>
<td>Lorazepam</td>
<td>26</td>
</tr>
<tr>
<td>Zolpidem</td>
<td>23</td>
</tr>
<tr>
<td>Methadone</td>
<td>22</td>
</tr>
<tr>
<td>Gabapentin</td>
<td>21</td>
</tr>
<tr>
<td>Codeine</td>
<td>18</td>
</tr>
<tr>
<td>Buprenorphine/norbuprenorphine</td>
<td>15</td>
</tr>
<tr>
<td>Tramadol/O-desmethyltramadol</td>
<td>14</td>
</tr>
<tr>
<td>Phencyclidine (PCP)</td>
<td>12</td>
</tr>
</tbody>
</table>

Oral Fluid Testing

- AAA Oral fluid report
- Alabama Senate Bill 258
- Implied consent for oral fluid testing
- Testing for all substances
State Partners

• Law Enforcement
• State Highway Safety Officers
• Judicial personnel
• State public health agency
• Toxicologists
• Victim advocates
Marijuana is the most commonly detected drug in the U.S. Workforce

Source: Quest
Marijuana in the Workplace: Guidance for Occupational Health Professionals and Employers

Address potential for impairment - Establish clear policies
Implement accommodation practices - Create safe workplaces

Training Available: CRCS
Cannabis and Workplace Drug Testing

17 out of 17
Industries saw increases in marijuana positivity from 2020-2021.

15 of the 17
Industries with increases in marijuana were double-digit increases.

7.5% positivity rate in Accommodations and Food Services for marijuana in 2021.

6 of 17
Industries have seen the positivity for marijuana double or more than double across the last five years:
- Transportation and Warehousing
- Finance and Insurance
- Utilities
- Accommodations and Food Services
- Retail Trade
- Professional, Scientific & Technical Services

Source: Quest 2022 Annual Report and Industry Insights, Drug Testing Index and Industry Insights
Substance Use in the Workplace - Business Impacts

- Screening
- Injuries
- Medical
- Treatment
- Disability
- Insurance
- Workers Comp
Substance Use in the Workplace - Safety Impacts

- Driving
- Operating Equipment
- Critical Errors
- Productivity
Cannabis use in the Workplace

Approximately One-Third Of Employees Have Observed Usage of Cannabis And CBD Products During Work Hours

Those in construction report observing these behaviors significantly more often than those working in other industries, while those in utilities report observing these behaviors less. This is likely the result of greater safety risks and increased regulation in utilities compared to other industries. Employees in safety-sensitive positions report observing the behaviors more often than those not in safety-sensitive positions.

<table>
<thead>
<tr>
<th>% That Have Observed The Behavior During Work Hours</th>
<th>Overall</th>
<th>Agriculture</th>
<th>Construction</th>
<th>Manufacturing</th>
<th>Mining</th>
<th>Transportation</th>
<th>Utilities</th>
<th>Wholesale Trade</th>
<th>Safety Sensitive Position</th>
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<tbody>
<tr>
<td>Using cannabis</td>
<td>34%</td>
<td>34%</td>
<td>45%</td>
<td>32%</td>
<td>50%</td>
<td>30%</td>
<td>22%</td>
<td>30%</td>
<td>42%</td>
</tr>
<tr>
<td>Using CBD products</td>
<td>31%</td>
<td>33%</td>
<td>38%</td>
<td>27%</td>
<td>42%</td>
<td>27%</td>
<td>23%</td>
<td>28%</td>
<td>36%</td>
</tr>
<tr>
<td>Sharing cannabis with other employees</td>
<td>20%</td>
<td>31%</td>
<td>41%</td>
<td>25%</td>
<td>54%</td>
<td>26%</td>
<td>18%</td>
<td>24%</td>
<td>37%</td>
</tr>
<tr>
<td>Sharing CBD products with other employees</td>
<td>24%</td>
<td>27%</td>
<td>31%</td>
<td>21%</td>
<td>42%</td>
<td>21%</td>
<td>14%</td>
<td>26%</td>
<td>29%</td>
</tr>
</tbody>
</table>
Recreational Cannabis Increases Test Positivity Rate

Marijuana Positivity by 2021 State Legalized Use Status – Urine Drug Tests

For Federally Mandated, Safety-Sensitive Workforce, as a Percentage of All Tests for Marijuana Metabolite

Nearly 2.7 million tests from January to December 2021

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<tbody>
<tr>
<td>Recreational Use</td>
<td>0.66%</td>
<td>0.71%</td>
<td>0.72%</td>
<td>0.81%</td>
<td>0.87%</td>
<td>0.93%</td>
<td>0.94%</td>
<td>0.86%</td>
<td>0.94%</td>
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<tr>
<td>Medical Use Only</td>
<td>0.70%</td>
<td>0.74%</td>
<td>0.74%</td>
<td>0.81%</td>
<td>0.85%</td>
<td>0.87%</td>
<td>0.92%</td>
<td>0.81%</td>
<td>0.85%</td>
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<tr>
<td>Neither Recreational nor Medical Use</td>
<td>0.64%</td>
<td>0.67%</td>
<td>0.69%</td>
<td>0.75%</td>
<td>0.83%</td>
<td>0.88%</td>
<td>0.88%</td>
<td>0.79%</td>
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<tr>
<td>National</td>
<td>0.67%</td>
<td>0.71%</td>
<td>0.71%</td>
<td>0.84%</td>
<td>0.88%</td>
<td>0.88%</td>
<td>0.79%</td>
<td>0.86%</td>
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</table>

Source: Quest 2022 Annual Report and Industry Insights, Drug Testing Index and Industry Insights
Positivity Rates of Marijuana, Urine Drug Tests for general US workforce by industry sector

General US Workforce=non-federally mandated safety sensitive workers

Source: Quest 2022 Annual Report and Industry Insights, Drug Testing Index and Industry Insights
Maryland “Safety Sensitive”

"Safety sensitive position" means a position subject to drug and alcohol testing because the nature of the employee's duties and responsibilities indicate a potential that impaired performance due to drugs or alcohol, or both, could result in injury or death to the employee or others.

(COMAR 09.12.26.03 (18))
Workplace Policy Solutions

• Allow impairment free worksites
• Allow workplace drug testing to include marijuana
• Allow employers to define which jobs are safety-sensitive
• Increase treatment capacity for workers
• Embrace Recovery friendly workplaces

Source: www.nsc.org/policies
NSC Resources

Times have changed – Drug testing as a single solution is no longer the answer

• Impairment Recognition and Response Training
• Cost Calculators
• Comprehensive policies
Thank you

The National Safety Council is dedicated to reducing injuries and deaths in the workplace and on the roadway.

Join us online: www.nsc.org/cannabis

Jenny Burke  jenny.burke@nsc.org
Dave Madaras  dave@chesapeakesc.org
Jane Terry  jane.terry@nsc.org
Workplace Drug Testing Issues

• Maryland employers wishing to conduct workplace drug testing must follow state rules

• *Workplace Drug and Alcohol Testing Statute* – (Title 17, subtitle 2, §17-214) & Regulations (Title 10, Ch. 10)

• Md. Code Regs 09.12.26.05