

As Ohio considers the potential for medical marijuana legalization legislation, ballot initiatives, amendments, rules and local ordinances, the Ohio employer community insists the following provisions be included in all proposals to support jobs and the economic health of Ohio. The language below was drafted and is supported by the Ohio Metro Chambers of Commerce in Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, Youngstown and the Ohio Chamber of Commerce:

(1) Nothing in this act:

- (a) Requires an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale or growth of marijuana or medical marijuana in the workplace; or
- (b) Affects the ability of an employer to implement policies [promoting workplace health and safety by] restricting the use of marijuana or medical marijuana by employees;
- (c) Bars an employer from conducting regular drug, marijuana and medical marijuana screenings.

(2) Nothing in this act may be construed to:

- (a) Prohibit an employer from including in any contract, handbook or rule a provision prohibiting the use of marijuana or medical marijuana irrespective of whether on or off the employer's premises and irrespective of whether during working hours or non-working hours;
- (b) Permit a cause of action against an employer for wrongful discharge or discrimination in anyway related to marijuana; or
- (c) Prohibit a person, employer, corporation, or any other entity who occupies, owns, or controls a property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana, medical marijuana or marijuana derivatives on or in that property.

(3) A patient who is discharged from employment for ingesting marijuana or medical marijuana in the workplace, working while under the influence of marijuana or medical marijuana, or testing positive for marijuana or medical marijuana shall not be eligible to receive unemployment benefits under ORC 4141.29.

(4) An employee who is injured due to the employee's own act, failure to act, or impairment, shall not be eligible to receive benefits under the Ohio Workers' Compensation system if the employee used or ingested marijuana or medical marijuana in the workplace, the employee was working while under the influence of marijuana or medical marijuana, or the employee tests positive for marijuana or medical marijuana after the injury.

(5) An employer whose employee is injured due to the act of another employee who is under the influence of marijuana or medical marijuana shall not be liable for a workplace intentional tort in connection with such injury.