

Seritalla, Freda

From: Colleen Fogg <colleen_fogg@my.uri.edu>
Sent: Monday, March 19, 2018 8:05 PM
To: JudTestimony
Subject: SB 487 Testimony

To Members of the Judiciary Committee,

My name is Colleen Fogg and I am a clinical pharmacist at the Connecticut Mental Health Center, though the views expressed herein reflect only my own.

I regret that I was unable to attend today's hearing, and unfortunately was not feeling well enough to write this until after the hearing's closure. I am recovering from an invasive surgery I had done last week, and have been both exhausted from healing and sedated from the painkillers prescribed. Were marijuana legal, I would have certainly used it for pain management, but I digress, for this point is not the purpose of this particular testimony.

Firstly, may the record note that I am in favor of SB No. 487.

Secondly, I would like to make some suggestions, as follows:

RE:

Sec. 22. (NEW) (*Effective July 1, 2019*) (a) No employer is required to make accommodations for an employee or allow an employee to (1) perform his or her duties while under the influence of marijuana, or (2) possess marijuana while performing such duties.

b) For the purposes of this section, "employer" means a person engaged in business who has one or more employees, including the state and any political subdivision of the state.

Since we have seen through many futile efforts in the US and Canada that there is no reliable method for testing acute marijuana intoxication, I fear the vague nature of this section will allow employers to continue to mandate urine toxicology screens for employees, including random screening, which may detect marijuana metabolites up to a month after consumption, thus allowing employers to take disciplinary action on employees testing positive, even if they are not in possession or under the influence of marijuana during work hours. I propose that:

No employers shall require pre-employment screening or random urine testing of employees for THC, CBD or any other marijuana metabolites, unless there is reasonable evidence of intoxication or possession of marijuana on the work premises, or unless the employer submits a petition form (some form tbd) with substantial evidence in support of screening for THC in a particular employee or group of employees (i.e. all motor technicians at a so and so garage), which will be approved on a case-by-case basis.

This way, employers do not have the power to discriminate against marijuana users, who, as written, may be penalized if tested positive by non-"accommodating" employers, and since there is no reliable intoxication detection test, said employees cannot prove themselves innocent.

RE:

Sec. 23. (NEW) (*Effective from passage*) (a) A holder of any professional or occupational license may not be subject to arrest, prosecution or professional discipline for providing advice or services related to marijuana establishments or applications to operate marijuana establishments on the basis that marijuana is illegal under federal law.

(b) An applicant for any professional or occupational license may not be denied a license based on previous employment related to marijuana establishments operating in accordance with state law.

The professional and occupational protections offered in this act and others do NOT specifically protect these licenses in a non-practicing context, i.e. professionals as consumers. In the event of a dispute, the court would have to interpret the law, but I think a provision in the likeness of the following should be added:

A holder of any professional or occupational license may not be subject to arrest, prosecution or professional discipline, and shall receive all the rights, privileges, and protections afforded to any lay citizen, if the licensee wishes to be a "patient" or "consumer" as defined in Sec. 1 of the Act, and uses marijuana in accordance with all respective and applicable and provisions of the Act, Chapter 420f etc., in the non-professional course of the licensee's personal life.

Though late, I do hope my testimony is accepted and my suggestions considered, given the circumstances.

Thank you,
Colleen Fogg, PharmD