



HOUSE MEDICINAL MARIJUANA TASK FORCE COMMITTEE

Written Testimony Submitted on March 31, 2016 by Associated General Contractors of Ohio and Ohio Contractors Association

The Associated General Contractors (AGC) of Ohio is a commercial construction association that represents commercial and industrial builders from across the state. The Ohio Contractors Association (OCA) is a statewide association representing heavy and highway contractors throughout Ohio. Our members construct and renovate a wide variety of vertical and horizontal structures like schools, office buildings, roads, bridges, apartments and dormitories, industrial facilities, pipelines, parking structures, utilities, and waste water treatment plants... to name a few.

Both associations have been long-time proponents of drug free workplaces in construction. We helped pass and continue to be strong advocates of the law that requires a drug free workplace on public improvement projects (O.R.C. 153.03).

Any proposal legalizing medical marijuana needs to be well thought out. In addition to addressing the medical concerns of patients who might utilize marijuana, careful consideration needs to be given to employers' ability to provide a drug free workplace and protect their employees, businesses, and the public.

Construction workers operate heavy equipment and utilize sharp and dangerous tools such as saws and nail guns. Some have to walk on narrow steel beams hundreds of feet in the air, work within a few feet of vehicles passing next to the site at high speeds, or maneuver in extremely tight quarters in underground pipes. Additionally, a jobsite changes daily as work progresses and different trades are employed. Workers have to adapt to a constantly changing environment, often while working elbow to elbow with other tradespeople. Construction can be extremely dangerous if the appropriate safety measures are not employed. A drug free workplace is a vital tool that helps ensure the safety of tradespeople and the citizens near construction sites.

Under any medicinal marijuana proposal, employers must be able to maintain their current drug free workplace (DFWP) programs, and those programs need to include medical marijuana as a prohibited drug. Impaired workers cannot be tolerated in construction. Employers should not have to accommodate medical marijuana use; nor should they be required to provide a “free pass” to anyone who fails a drug test. The safety of workers and Ohio’s citizens near construction job sites should be paramount.

Additionally, under any proposal, careful consideration should be given to medical marijuana’s impact on other business concerns such as safety, liability, litigation, insurance costs (workers compensation unemployment compensation, healthcare, bonding requirements), overall business climate, workforce recruitment and retention, other laws (BWC rebuttable presumption - 4153.54(B), DFWP requirements on public improvements - O.R.C. 153.03), etc.

We urge you to prudently consider all of the factors related to legalizing medical marijuana and protect employers’ ability to provide a safe workplace free of workers under the influence.

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