

## Survey to Chief APOs

### Issue: Medical Marijuana Policy for Offenders

#### Question (from Dauphin County):

Are any willing to share their policy on the subject. We are in the process of formulating ours and don't need to reinvent the wheel. Just for clarification, our query is relative to offenders who fall under the Medical Marijuana Act.

January 2018: No County Policies developed regarding offenders on supervision

March 22, 2018 Update: Discussed again at Chiefs meeting and confirmed there are still no counties who have developed a policy for offenders on supervision.

#### Cambria County

##### MEDICAL MARIJUANA POLICY *(for County Employees)*

Effective November 1, 2017, Cambria County fully complies with the terms and conditions of the Pennsylvania Medical Marijuana Act. In this regard, Cambria County will not discharge, threaten, refuse to hire or otherwise discriminate or retaliate against an employee regarding their compensation, terms, conditions, location or privileges solely on the basis of their status as an individual who is certified to use medical marijuana. It is the employee's responsibility to notify the Human Resources Department accordingly, if he/she has been certified to use medical marijuana. However, this protection shall not pertain to any County position or department which is subject to Federally mandated, drug free workplace programs, including CDL drivers and any other position that mandates the reporting of all positive drug tests, including positive tests for marijuana. This includes, but is not limited to, Sheriff Deputies, Probation Officers, Corrections Officers and staff, Detectives and Coroners. Additionally, Cambria County may refuse to hire a perspective employee or terminate an existing employee who is certified to use medical marijuana if their job duties involve the following categories:

1. Working with chemicals which require a permit issued by the Federal Government or State Government;
2. Working with high voltage electricity or any other public utility;
3. Working at heights or in confined spaces;
4. Performing any tasks which Cambria County deems life threatening, to either the employee or any of the employees of Cambria County;

5. Performing any duty which could result in a substantial public health or safety risk; and
6. Operation of any County or personal vehicle to conduct County business.

The Pennsylvania Medical Marijuana Act shall in no way limit Cambria County's ability to discipline an employee for being under the influence of medical marijuana in the workplace or for working while under the influence of medical marijuana when the employee's conduct falls below the standard of care normally accepted for that position. An employee shall be considered under the influence if he or she has a blood content of more than 10 nanograms of active THC per milliliter of blood in serum.

The protections afforded by the Pennsylvania Medical Marijuana Act only apply to those individuals who have a serious medical condition as certified by a physician and who have obtained a valid permit from the Pennsylvania Department of Health. Likewise, an employee is not permitted to utilize medical marijuana on Cambria County property or in their workplace.