



Marijuana Use and Fleet Safety

As marijuana becomes more and more a part of accepted culture across the United States and more and more states legalize its possession and use, it is essential for fleet operators, even those companies with employees using vehicles not owned by the business, to be aware of the importance of systems and processes to keep your employees and organizations safe. This document will review some of the more common issues that employers should consider. For further resources and questions, we urge you to review the links below.

Legalization "patchwork:" Across the United States, there is a patchwork of states that have legalized recreational use. As of 2021, 19 states, plus the District of Columbia, have legalized it. This number grows to 36 if we add in those approved for medical use, with additional states having legislation pending or under consideration. It is important to note that marijuana is still illegal at the Federal level and is considered a Schedule 1 drug under the Federal Controlled Substances Act. Even if your state has not legalized it, there is a good chance that a neighboring state has legalized it in some regard.

Level of "intoxication:" One complicating factor in marijuana use is that there has not been any level legally considered a threshold for intoxication. In contrast, alcohol has the standard of a .08% blood alcohol content set as the level where a person's ability to drive or perform other safety-sensitive functions is impaired. As marijuana does not have such a limit, this has prompted a more Pass-Fail option when it comes to employee testing practices and their safety and health.

Large Scale Issue: The Federal Motor Carrier Administration, which monitors all data and regulations for commercial vehicles, started their Drug and Alcohol Clearinghouse in 2020 to monitor rates of abuse on the roadways. As of the August 2021 report, there were 50,949 positive marijuana tests between January 6, 2020 and August 31, 2021 (Federal Motor Carrier Safety Administration, 2021). If we look at non-commercial travel, there were approximately 36,000 fatal crashes, with roughly 11,000 of these fatal crashes attributed to impairment of some degree. Unfortunately, there is not a reliable metric for identifying those non-fatal crashes where impairment was a contributing factor. However, it is safe to say that it is widespread.

What Can Organizations Do? As an employer, it is your responsibility to create policies and training around the safety and health of your employees. Your state may even already mandate some sort of Drug Free Workplace policy or training. You should include policies against use before or during work, especially for those that drive as part of their job responsibilities. Additionally, Pre-Hire, Post Accident, Random, and Reasonable Suspicion testing should be in place and utilized consistently across your organization.





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Signs and Symptoms – Training must be a part of the program. Training should be focused on improving awareness on the signs and effects of marijuana use. These can include:

- Bloodshot Eyes
- Increased Appetite
- Lack of Motivation
- Weight Gain
- Paranoid Behavior
- Impaired, Slowed, Poor Coordination
- Slowed Reaction Time
- Dry Mouth
- Dizziness
- Memory Impairment
- Lack of Motivation
- Anxiety
- Relaxed State or Sleepiness

Short-term effects can include:

- Paranoia
- Elevated Heart Rate
- Overeating
- Impaired Motor Function
- Anxiety
- Impaired Cognition

Long-term effects can include:

- Mood Swings
- Reduced ability to learn
- Lung infections
- Inhibited mental development
- Panic attacks
- Memory loss



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Note There may or may not be a "smell" of marijuana with the increase in the use of "edibles" to ingest the drug as well as tablets, drops, and other methods of consumption.

Many organizations feel that they do not need to have policies in place and/or rely on state policies to generate rules for them. When it comes to employees, motor vehicles, and accidents, there may not be a second chance due to these events resulting in a fatal or life-changing Injuries.

Now is the time to start pre-planning for your employee's safety to prevent motor vehicle accidents. Your risk management consultant can provide resources for developing policies, procedures, training, and potential clinics for screenings to help get your program off the ground. Remember N3L3®; The Next 3 Seconds could impact your life, your loved ones, and your livelihood. As the legal environment is constantly evolving in this area, it is best to seek legal counsel when setting up or making any changes to your program.

Resources:

<https://www.samhsa.gov/>

U.S. Department of Transportation Federal Motor Carrier Safety Administration. (2021). *August 2021 Monthly Summary Report*. Retrieved from <https://clearinghouse.fmcsa.dot.gov/Resource/Index/monthly-report-Aug2021>



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