

SPECIAL BULLETIN



Marijuana and Public School Employees

State Law

Proposition 64 allows adults 21 and over to possess up to an ounce of marijuana and cultivate up to six plants indoors. It also allows state-licensed marijuana stores to begin selling marijuana for recreational purposes (after January 1, and subject to local ordinances) Marijuana is legal for use on private property, not in public.

Federal Law

Federal law supersedes state law.

Federal law prohibits the use, sale, and cultivation of marijuana. Under federal law, any possession of marijuana is a crime punishable by up to a year in jail and a \$1,000 fine. The penalties on the sale and cultivation are much higher. Federal law enforcement authorities typically concentrate on large scale producers and sellers.

As of January 1, 2018, the sale of Marijuana for recreational use became legal in California.

California Schools are still drug-free workplaces.

You can still be tested -and fired- for using marijuana. You can also be denied a job if you test positive for marijuana. The California Dept. of Education is one of 41 state agencies with sensitive positions that is allowed to test various employees if there is "reasonable suspicion" of alcohol or drug use.

It does not matter if you have a doctor's recommendation to use marijuana.

In California, there are no workplace provisions protecting the rights of medical marijuana patients. There is also no law requiring accommodation for medication on the job or protection from termination.

Problems with testing

At this time testing for impairment is extremely difficult due to the way the body metabolizes marijuana. Marijuana can stay in your system for weeks -or months, unlike other drugs or alcohol. Although testing methods are being vigorously researched, a positive test is a positive test, regardless of whether you consumed the marijuana on your own time, away from work.

Protect Yourself = Educate Yourself

For any questions regarding this Special Bulletin, please contact Kurt Walling, Loss Prevention Manager for STSIG. kwalling@stsig.org, or 530-221-6444.