

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading <u> X </u>	Waiver 3-Reading Rule <u> </u>
ORDINANCE NO: 2019-1-2	Yes <u> X </u>	Second Reading <u> </u>	Yes <u> X </u>
INTRODUCED BY <u> R. ANTAL </u>	No <u> </u>	Third Reading <u> </u>	No <u> </u>

AN ORDINANCE CREATING SECTION 147.18 SUBSTANCE ABUSE PREVENTION POLICY OF THE VILLAGE OF BOSTON HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, the Ohio General Assembly enacted Substitute House Bill Number 523, effective September 8, 2016, which legalized medical marijuana in Ohio; and

WHEREAS, Section 3796.28 of the Ohio Revised Code (“ORC”) provides that an employer is not required but may choose to permit or accommodate the use of medical marijuana by its employees; and

WHEREAS, the Village of Boston Heights has determined that it shall permit and regulate the use of medical marijuana by Village employees, provided that

(i) all Village employees shall be prohibited from using medical marijuana so as to cause them to be under the influence during the scope and course of their employment; and

(ii) all Village employees shall be prohibited from possessing medical marijuana and related paraphernalia while on Village property or in a Village vehicle; and

(iii) Village employees that perform safety-sensitive duties shall be strictly prohibited from using medical marijuana; and

WHEREAS, the Village has further determined that an employee who tests positive for a medical marijuana product after an accident shall be ineligible for Workers’ compensation; and

WHEREAS, in order to regulate the use of medical marijuana by Village employees, it is necessary to create Section 147.18 of the Village of Boston Heights Codified Ordinances, entitled “Substance Abuse Prevention Policy”; and

WHEREAS, the Council finds and determines, after reviewing all pertinent information that it is necessary and in the best interest of the Village of Boston Heights to create Section 147.18 of the Codified Ordinances to regulate the use of medical marijuana by Village employees;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Boston Heights, Summit County, Ohio, as follows:

Section 1: That Section 147.18 of the Codified Ordinances of the Village of Boston Heights, entitled "Substance Abuse Prevention Policy," be created to state as set forth in the attached Exhibit A; which is incorporated herein.

Section 2: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

Section 3: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4: That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety for the reason that there exists an imperative necessity for the earliest publication and distribution of the current version of the Boston Heights Codified Ordinances to the officials and residents of the Municipality, so as to facilitate administration, law enforcement, the daily operation and avoid legal entanglements, including conflict with general State law, and therefore shall take effect and be in force from and immediately after its passage.

PASSED:



BILL GONCY, MAYOR

ATTEST:



BETTY KLINGENBERG, FISCAL OFFICER

I, Betty Klingenberg, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing **Ordinance 2019-1-2** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this **8th day of January, 2019.**

147.18 SUBSTANCE ABUSE PREVENTION POLICY

(a) Legally Prescribed Drugs and Non-Prescription Medications.

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, when taking any prescription or non-prescription medication which may interfere with the safe and effective performance of their duties, employees are encouraged to consult their licensed medical doctor and report such use to the Mayor or the Mayor's designee. Certification from a medical doctor that an employee is able to perform the normal functions of their position may be required before the employee will be allowed to continue working. This requirement includes medical marijuana that has been recommended by an authorized medical doctor, and dispensed by a licensed marijuana dispensary in accordance with the requirements of the Ohio Revised Code and any related regulations.

(1) Medical Marijuana.

A. Any Village employee who is using medical marijuana shall report such use to the Mayor or the Mayor's designee, shall provide evidence (i) of the employee being registered with the state patient registry, and (ii) of a recommendation from a medical doctor who has a certificate to recommend its use, and (iii) that the medical marijuana was obtained from a licensed marijuana dispensary.

B. An employee who has a recommendation for medical marijuana who tests positive for marijuana shall be treated as using an appropriately prescribed drug when they have complied with the requirements of subsection A and have used the marijuana in compliance with the physician's recommendations.

(2) Use of medical marijuana.

Use of medical marijuana is prohibited as follows:

A. By employees who are required to hold commercial driver's licenses in the course of their employment.

B. By employees who are required and/or permitted to carry firearms in the course of their employment.

C. By an employee so as to cause them to be under the influence of medical marijuana during the scope and course of their employment.

D. By an employee during the scope and course of their employment.

(3) Possession of medical marijuana.

An employee is prohibited from possessing medical marijuana and related paraphernalia while on Village property or in a Village Vehicle.

(b) Worker's Compensation.

An employee that tests positive for a medical marijuana product during post-injury drug testing shall not be eligible for Workers' Compensation even though the employee has a recommendation for that use from a physician who is properly certified to make such a recommendation.

(c) Relationship to Other Provisions of Law.

The terms of this policy do not alter any employment-at-will relationship with employees. All employees subject to this policy remain subject to all other policies, procedures, rules, regulations, and collective bargaining agreements established by the appointing authority under its independent authority, which are not inconsistent with the requirements herein. All employees also remain subject to all other relevant federal, state, and local laws and regulations. Commercial Driver's License holders shall abide by this policy as well as the Department of Transportation guidelines for alcohol and controlled substance testing.