



## Position Statement on Marijuana Use by Nurses

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Despite the recent passage of legalized recreational marijuana in Oregon, federal law remains clear that it is classified by the Drug Enforcement Agency as a Schedule I substance having “no currently accepted medical use.” Since federal law trumps any contrary state law, marijuana distribution and use for any purpose, including with a valid state license and medical, remains federally illegal. ONA acknowledges that healthcare facilities must follow federal law in order to ensure continued Medicare and Medicaid funding.

Mandatory drug testing that includes marijuana is permissible, but where a collective bargaining agreement (CBA) is in place, the contract and its drug testing policy prevails. This means that whether ONA members are subject to drug testing will depend on the terms of the CBA in their workplace, along with any properly issued employment policy on the subject.

Therefore, nurses choosing to use marijuana face denial of employment or sanctions if employed and drug testing reveals the presence of the substance. ONA supports employer policies that permit toxicology testing for alcohol/drugs for cause and/or reasonable suspicion, the rights of employers to conduct pre-employment drug testing and to make such testing a part of the hiring process. However, ONA also believes that observed impairment in practice rather than the presence of a Tetrahydrocannabinol THC should be used to make decisions about employment or being “on duty.”