



*Leadership in Health Policy and Advocacy*

## **LEGALIZED RECREATIONAL CANNABIS IN CALIFORNIA: A CHA COMMUNICATIONS TOOLKIT**

In 2016, Californians legalized recreational cannabis by passing Proposition 64 with nearly 60 percent of the vote, making the Golden State one of eight states plus the District of Columbia to have legalized its recreational use under state law. The issues around the recreational use of cannabis are complex and can be polarizing. In fact, the California Hospital Association (CHA) opposed Proposition 64 because of its potentially unintended consequences on public health. As the law is implemented, it is likely that the issues and discussions surrounding cannabis will continue and possibly expand.

Considering the law's significant impact on health and wellness and major media interest (nationally and statewide), CHA has created this communications toolkit to assist hospital communications and government relations professionals as they address the issue within their own organizations and communities.

The toolkit provides general information about cannabis and answers basic questions about the law and its impact on hospital protocols. While recreational use is now legal under state law, many hospital policies remain unchanged, including an employer's right to maintain a safe and drug-free work environment. It also is important to remember that marijuana continues to be an illegal substance under federal law.

This guide is not intended to prescribe or supersede hospital policy. It is designed as a resource to ensure professionals are informed and positioned to answer questions from a health care perspective.



*Leadership in Health Policy and Advocacy*

## **COMMUNICATIONS TOOLKIT CONTENTS**

The Cannabis Communications Toolkit is designed for communications and government affairs professionals seeking information about cannabis and its impact on health, legal guidelines and examples of existing hospital policies. It includes:

- Fact Sheet for Employers
- Frequently Asked Questions
- Talking Points
- Sample Hospital Policies (visit <https://www.calhospital.org/general-information/legalized-recreational-cannabis> for links to individual policy documents)
  - Cedars-Sinai Medical Center
  - Scripps

## **EMPLOYEE USE OF CANNABIS**

### **EMPLOYER FACT SHEET**

Although medical marijuana has been legal in California since passage of Proposition 215 in 1996, recreational use of cannabis by adults 21 and older was only legalized under state law as of January 1, 2018. That has raised questions about the impact to hospitals and how an employer's rights have (or have not) changed. In short, an employer's rights have not changed.

Medical miracles happen every day in hospitals across California. More than 400,000 health care professionals across our state provide around-the-clock care to those who are ill or injured. The split-second decisions these caregivers must make every hour of every day can mean the difference of life or death.

Given the stakes involved, hospitals have a moral obligation and a legal responsibility to ensure that no employee comes to work under the influence of alcohol or certain medications.

**Legalized cannabis under state law does not override an employer's right to maintain a drug and alcohol-free environment.** California's Health and Safety Code §11362.45(f) expressly reserves the right of public and private employers to maintain a drug and alcohol-free workplace. It does not require "an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale or growth of cannabis in the workplace, or affect the ability of employers to have policies prohibiting the use of cannabis by employees and prospective employees, or prevent employers from complying with state or federal law."

A bill was introduced in the California Legislature in 2018 (AB 2069, Bonta) that would have required employers to engage in the reasonable accommodation process with an employee who is treating a known condition with medical cannabis. That bill, however, was held in the Assembly Appropriations Committee and failed passage.

**Hospitals also may have questions about what to do when a patient, visitor or employee brings cannabis onto hospital property, which includes parking areas and work areas.**

Hospitals maintain a strict drug-free policy. Employees who show up for work with cannabis in their possession or under the influence may be sent home and be subject to the hospital's disciplinary policies. Patients or visitors who enter a hospital with cannabis are subject to having it confiscated and having it sent home with family or friends.

## **CANNABIS**

### **FREQUENTLY ASKED QUESTIONS**

**Q: Who can purchase cannabis in California and what are the restrictions on its use?**

**A:** California adults, 21 years or older, may buy, use and grow cannabis within the legal limit. Because cannabis remains illegal under federal law, Californians may not cross state lines with cannabis, even if traveling to another state where it is legal. Oregon is the only other state sharing a border with California that has legalized cannabis. It remains a federal offense to carry cannabis across that border. It also is illegal to consume cannabis in public spaces or on federal lands.<sup>1</sup>

**Q: Is it legal to carry cannabis?**

**A:** It is legal to carry up to one ounce (28.5 grams) of recreational cannabis and up to eight grams of concentrated cannabis. It is illegal to have an open container of cannabis in a vehicle, either as a driver or passenger. Also, because cannabis remains illegal under federal law, it is against hospital policy to bring cannabis onto the hospital campus.

**Q: How does cannabis affect driving?**

**A:** Cannabis can impair safe driving by affecting reaction time, coordination and concentration. Driving under its influence is unsafe and illegal.

**Q: How widespread is the commercial operation of cannabis suppliers in California?**

**A:** California is the largest commercial cannabis market in the nation. At the time it became legal on January 1, 2018, state regulators had issued more than 400 licenses to retailers, distributors, testing laboratories and event organizers.<sup>2</sup>

---

<sup>1</sup> California Department of Public Health:

<https://www.cdph.ca.gov/Programs/DO/letstalkcannabis/Pages/legal.aspx>

<sup>2</sup> California Bureau of Cannabis Control: <https://cannabis.ca.gov/2018/01/01/more-than-400-state-licensed-cannabis-businesses-operating-on-californias-first-day-of-legal-commercial-cannabis-activity/>

**Q: What is the difference between medical cannabis and recreational cannabis?**

**A:** In 1996, California voters approved the use of medical cannabis. To buy medicinal cannabis, an individual must be 18 or older and either have a valid physician's recommendation or a valid county-issued medical marijuana identification card. Individuals also may possess or cultivate any amount that is reasonably related to current medical needs.

Individuals can buy and carry up to one ounce of recreational cannabis, while patients seeking medical cannabis can buy and carry up to eight ounces.<sup>3</sup>

**Q: What are the signs and symptoms of cannabis impairment?**

**A:** Common signs include a fast pulse rate, red eyes, dry mouth, poor coordination and increased appetite.

**Q: What are the effects of cannabis use on health?**

**A:** Although cannabis may be used to treat nausea and pain, active smoking and second-hand smoking are both harmful. The California Environmental Protection Agency classifies cannabis smoke as a carcinogen.<sup>4</sup>

**Q: What does cannabis look like?**

**A:** Cannabis is a greenish-gray mixture of plant products from the cannabis sativa, the hemp plant. It can be smoked, consumed in baked goods or made into powders or oils.

**Q: What are the labeling and packaging requirements on cannabis products, including edibles?**

**A:** Cannabis is required to have two panels of information for consumers. The primary panel is the portion of the label that is most likely to be displayed to the consumer at retail. Primary panel labeling must include:

- The identity of the product
- The amount of THC/CBD in the package
- The CDPH-issued universal symbol
- The net weight or volume

---

<sup>3</sup> California Department of Public Health:

[https://www.cdph.ca.gov/Programs/DO/letstalkcannabis/CDPH%20Document%20Library/October%202017%20Update/CDPH-Medicinal\\_Cannabis\\_Penalties.pdf](https://www.cdph.ca.gov/Programs/DO/letstalkcannabis/CDPH%20Document%20Library/October%202017%20Update/CDPH-Medicinal_Cannabis_Penalties.pdf)

<sup>4</sup> EVIDENCE ON THE CARCINOGENICITY OF Marijuana Smoke. Reproductive and Cancer Hazard Assessment Branch Office of Environmental Health Hazard Assessment California Environmental Protection Agency; August 2009.

<https://oehha.ca.gov/media/downloads/proposition-65/chemicals/finalmjsmokehid.pdf>

In addition, primary paneling for edible products must include the words "cannabis-infused" and contain the amount of THC/CBD per serving.

The second panel, or the **informational panel**, can be located anywhere else on the package. Informational panel labeling requirements include:

- The manufacturer's name and contact information (website or phone number)
- The date the product was manufactured
- The government warning statement
- The ingredient list
- Instructions for use
- The expiration date
- The unique ID/batch number<sup>5</sup>

**Q: With the legalization of cannabis under state law, do employers have the right to ban it?**

**A:** Even though it is legal to use cannabis under California law, employers continue to have the right and responsibility to maintain an alcohol and drug-free work environment. Employees who come to work under the influence of cannabis may be sent home and be subject to the hospital's disciplinary policies, up to and including termination.

**Q: What can hospitals do when a patient, visitor or employee brings cannabis onto hospital property?**

**A:** Hospitals maintain a strict drug-free policy, which hasn't changed with the legalization of cannabis under state law. Employees who show up for work under the influence or with cannabis in their possession may be sent home and be subject to the hospital's disciplinary policies. Patients or visitors who arrive at the hospital with cannabis should be prepared to have it confiscated or have it sent home with family or friends.

**Q: Are there financial consequences for hospitals if they don't follow strict enforcement?**

**A:** Cannabis remains illegal under federal law. Since hospitals must be in compliance with all federal laws in order to meet Medicare Conditions of Participation and be eligible to receive appropriate federal reimbursements, hospitals are advised to have clear compliance policies for cannabis in place.

**Q: How long do effects of cannabis use remain in a person's system?**

**A:** According to the CDC, marijuana can remain in a user's system for days or weeks after its last use, depending on how much a person uses and how often they use the substance.<sup>6</sup>

---

<sup>5</sup> California Department of Public Health:

<https://www.cdph.ca.gov/Programs/CEH/DFDCS/MCSB/Pages/PackagingandLabelingFAQs.aspx>

<sup>6</sup> Centers for Disease Control and Prevention

**Q: How is consuming an edible infused with cannabis different from smoking marijuana?**

**A:** According to the CDC, there are health risks associated with using marijuana regardless of how it is used. Some of the negative effects include difficulty with thinking and problem-solving, memory problems, learning and maintaining attention, and impaired coordination.

Smoking marijuana may expose the user to many of the same toxins, irritants and carcinogens as tobacco use. Edibles infused with cannabis can take longer to digest and to produce an effect. Therefore, some people may consume more cannabis in an edible in order to feel the effects faster. This can lead to some people overdosing on cannabis.<sup>7</sup>

**Q: Is it possible to “overdose” or have a “bad reaction” to marijuana?**

**A:** A fatal overdose is unlikely, but that doesn’t mean marijuana is harmless. The signs of too much marijuana are similar to the typical effects of using marijuana but more severe. These signs may include extreme confusion, anxiety, paranoia, panic, fast heart rate, delusions or hallucinations, increased blood pressure, and severe nausea or vomiting. In some cases, these reactions can lead to unintentional injury such as a motor vehicle crash, fall or poisoning.<sup>8</sup>

---

<http://www.cdc.gov/marijuana/factsheets/driving.html>

<sup>7</sup>Centers for Disease Control and Prevention  
<http://www.cdc.gov/marijuana/faqs/edibles.html>

<sup>8</sup>Centers for Disease Control and Prevention  
<http://www.cdc.gov/marijuana/faqs/overdose-bad-reaction.html>





*Leadership in Health Policy and Advocacy*

## **CANNABIS**

### **TALKING POINTS**

- **The mission of California hospitals is to provide high-quality care and to improve the health of the communities they serve. With health and wellness as priorities, hospitals take seriously the health risks posed by drugs and other potentially harmful substances, including cannabis.**
- **Tens of thousands of dedicated health care professionals provide high-quality, compassionate care to millions of patients in California hospitals every year.** To safeguard that care, California hospitals must maintain a strict drug and alcohol-free policy for their workforce. That has not changed with the legalization under state law of recreational cannabis use.
- **Even with California’s voter-approved law allowing recreational use of cannabis, laws banning the consumption of cannabis in the workplace remain in effect.** Hospital employees are not permitted to be on the job while under the influence of any drug, including cannabis. They are not allowed to bring cannabis to work or to sell or grow it in the workplace.
- **California are regulated under both state and federal laws. Under federal law, cannabis remains an illegal substance. Thus, in order for hospitals to comply with all federal regulations including those related to Medicare reimbursement requirements, hospitals cannot allow cannabis in their facilities.** Patients and visitors are not allowed to have cannabis in their possession while they are on hospital property. This includes in both patient care units and outside areas such as parking lots or garages.