



Bureau of Workers' Compensation

BWC UPDATE

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**Bureau of Workers'
Compensation**



A LOOK AT MARIJUANA & THE WORKPLACE

- Ohio's Medical Marijuana program went live in January of 2019.
- Ohio's medical marijuana law does not prohibit an employer from refusing to hire, disciplining or discharging any employees who use, possess, or distribute marijuana in the workplace.
 - Written into the law itself, is the right for an employer in Ohio to actively ban any marijuana use regardless of the legality of it.
- This law does not prohibit an employer from conducting drug testing in the workplace, and enforcing a zero-tolerance drug policy, or drug-free workplace policy.
- The percentage of employees in the general U.S. workforce testing positive for marijuana following an on-the-job accident increased to its highest level in 25 years in 2022



A BETTER UNDERSTANDING OF MEDICAL MARIJUANA

Prescription

- A medical marijuana prescription is nonexistent.
 - The reason the term's so prevalent now is because it's associated with medicine.
- Since federal law overrules state laws, it's not possible for doctors to provide a medical cannabis prescription to patients as that is governed by Federal Regulations.

Recommendation

- Doctors issue recommendations to patients.
- A noted difference between standard prescriptions and medical marijuana recommendations is that prescriptions come with a designated dosage and instructions for use, while recommendations don't.

FORMS AND FOODS

- What types of Marijuana are permitted?
 - Oils, tinctures, plant material, edibles and patches. The law in Ohio prohibits the use of medical marijuana by smoking but does allow for vaporization (vaping).



VAPING/DABBING 101

- Some marijuana plant strands are over 30% THC, leading to much higher levels in concentrated forms.
- The effects are much more potent than regular marijuana smoking. Depending on the plant matter that is used and the extraction procedure, you are likely going to be looking at a concentrate with a THC content between 50-99%.
- If an individual is not used to this type of potency, problems could arise. Many individuals have been sent to the hospital with hallucinations and severe panic attacks after consuming too much THC content or liquid cannabis.

EDIBLES

- There is an increased risk of marijuana toxicity, poisoning, or overdose when eating or drinking food and beverages infused with marijuana compared with smoking/vaping marijuana.
- Eating or drinking THC usually takes between 30 minutes to an hour, and as long as 2 hours before a person feels the psychoactive effects.
 - The subjective “high” that’s produced (relaxation and/or euphoric feelings), can last anywhere from 5 to 8 hours, much longer than other routes of marijuana administration.
- By contrast, when cannabis is smoked, THC is delivered to the brain almost immediately, with maximum effects present after 30 minutes and lasting 1 to 3.5 hours.²



COST IS HIGH

- The average cost of an ounce of marijuana from a legal dispensary was \$441
- Street Cost - \$256 per ounce on average
- Prices have begun to drop but street prices remain less than dispensaries
- Black market cannabis is unregulated and often laced with other narcotics



TESTING THC

- There are currently no tests that will tell if a person is impaired by marijuana
- A positive could indicate recent use or use up to 8 weeks ago!
- How long THC stays in the body will depend on the type and frequency of use as well as the individual metabolism.
- What this means is an individual testing positive for THC (marijuana) could have used on the job that morning or over the weekend or even two weeks ago—there is no test that will be able to tell us different
- Unlike alcohol tests which detect impairment, we don't have that with THC

THRESHOLD LEVELS

There is a common misconception the quantified number in a test result can detect recent use or even impairment.

- This is false.

Levels of metabolites are measured against baseline standard to indicate a confirmed positive. These levels are set to eliminate the possibility of second-hand exposure - not to measure frequency or quantity of use.

CAN I USE LEGAL OTC CBD PRODUCTS AND NOT FAIL MY DRUG TEST?

- Not that easy to answer

- Two Main problems with CBD and drug tests
 - Labels may not tell the whole story as it is currently unregulated
 - Even with trace amounts, it is possible to build up in your system
- This means, CBD has the potential to indicate a positive for THC
- A positive for THC, is a positive for THC!

CANNABIS AND SAFETY: IT'S COMPLICAT ED

- An NSC survey revealed one third of employees have seen cannabis use during work hours.
- More than half of employers that eliminated THC testing reported an increase in incidents or workplace performance concerns
- Most employers believe employees would feel comfortable telling their supervisor if they were too impaired to work, while less than half of employees reported they would feel comfortable doing so
- Less than half of organizations have a written cannabis policy

THC POSITIVE

- Currently there are no tests available that determine impairment
- This means an individual testing positive for THC could have used that morning, last week or even up to 6 weeks ago
- Urine drug screens are unable to make the distinction between previous use, recent use or impairment.



INTOXICATION IS DIFFERENT FROM IMPAIRMENT

- Most behavioral and physiological effects return to baseline levels within 3-5 hours after drug use, although some investigators have demonstrated residual effects in specific behaviors up to 24 hours, such as complex divided attention tasks.
- Psychomotor impairment can persist after the perceived high has dissipated. In long-term users, even after periods of abstinence, selective attention (ability to filter out irrelevant information) has been shown to be adversely affected with increasing duration of use, and speed of information processing has been shown to be impaired with increasing frequency of use.



ISSUE 2 - OHIO

It does not come with or include protections for Ohio employees who use marijuana

"An employer is not required to accommodate an employee's use, possession, or distribution of adult use of cannabis."

Also, it does not prohibit an employer from "refusing to discharge, disciplining, or otherwise taking an adverse employment action against an individual because of that individual's use, possession, or distribution of cannabis."



WHAT DOES THIS MEAN TO YOU?

If you do not want to permit marijuana use, remember that passing Issue 2 does not affect how employers handle marijuana cases. As such, employers may continue barring the use or possession of cannabis while on duty or on the employer's premises. It also allows employers to continue testing for marijuana in drug tests and addressing positive test results despite lawful and off-duty usage.

Examples of addressing the results include adverse actions, such as disciplining, dismissing, or refusing to hire employees.

If you want to be a marijuana friendly employer, check with any compliance rules, make sure your supervisors have been trained to spot the signs and symptoms of drug/alcohol use, and know the risks involved for your industry.



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BWC UPDATE

- Private employer rates – 7% reduction approved for 7/1/2024
- OHID Transition

OHID

- Unique login (all State of Ohio services)
- EACH USER = OHID account
- Access BWC policy
- Replaces current BWC e-account
- 2-Step Verification: Multifactor Authentication (MFA)

STEPS

1. CREATE OHID <https://ohid.ohio.gov>
2. LOG IN to www.bwc.ohio.gov with OHID

| | EXISTING e-account | NEW e-account |
|----|--------------------------------------|-----------------------------------|
| 3. | Click ☰ Merge Accounts | Click + Add New Association |
| 4. | Enter existing e-account credentials | Select Association Type: Employer |
| 5. | Click Merge account | Enter Policy Number and FEIN |
| 6. | Click Confirm | Click Confirm new association |

OHID for Employers



For Employers

Workers' Compensation Overview

Workers' Compensation Coverage

Workers' Compensation Claims

Compliance

Self-Insurance

Safety & Training

Employer Forms

Tools for Employer Representatives

All Employer Resources

For TPAs

OHID for Employers



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Expand All Sections

Welcome employers!

OHID is here to revolutionize the way you interact with Ohio government services. Discover the exclusive benefits OHID has to offer and key information tailored to employers.

What OHID has to offer

- **Streamlined access:** Access multiple state agency applications using a unique set of OHID credentials, simplifying your digital experience.

SURWSP – EMPLOYER ELIGIBILITY

- Employers enroll online and receive immediate determination
 - State funded employer
 - Current on all payments due BWC
 - Active policy status
 - Reported actual payroll for the preceding policy year and paid any premium due upon true-up
- DOES NOT have to be in DFSP to qualify

SUBSTANCE USE RECOVERY & WORKPLACE SAFETY PROGRAM (SURWSP)

- Reimbursable Expenses
 - Policy development and legal review - \$2,000 annual max
 - Employee education/Supervisor training - \$5,000 annual max
 - *Drug testing \$1,500 annual max - \$100/test

*Must have a “Last Chance or Second Chance” agreement

SUBSTANCE USE RECOVERY & WORKPLACE SAFETY PROGRAM (SURWSP)

- Request must be received within one year from date of service
- Compatible with all BWC programs
- Eligibility – Current on payments, Active coverage, true-up complete
- Enroll online with immediate determination

BETTER YOU, BETTER OHIO!



- Basic incentives (gift cards)
 - Health risk assessment & biometric screen – worker incentive \$75
 - Additional \$50 when using the physician form for biometric screen
- Optional incentives (gift cards)
 - \$50 by completing physical activity (5,000 steps or 30 minutes of physical activity per day for any 50 days within a quarter) or \$50 Mental Health Check-In (New for 2024)
 - \$50 by completing three virtual group or personal coaching calls




BETTER YOU, BETTER OHIO!

- Access to online health & wellness resources
- Free on-site biometric screening w/ 30 or more
- Compatible with all BWC programs
- CAN NOT offer wellness program
- 250 or less Ohio employees

Public employers
Restaurant and food service
Transportation and trucking
Trash collection
Wholesale and retail
Police and public safety

Agriculture
Automotive repair and service
Construction
Firefighters
Healthcare
Manufacturing





Changes to the Transitional Work
Bonus Program and the One Claim
Program

SUNSETTING OF TRANSITIONAL WORK BONUS

- Three-year wind down period beginning with 7/1/24 policy year
- Reduce maximum rebate
 - 7% in 2024
 - 4% in 2025
 - No rebate in 2026
- Maximum rebate of \$25,000
- 7/1/2025 is the last year new applications will be accepted

ONE CLAIM PROGRAM UPDATES

- Updating program name to Claims Impact Reduction Program (CIRP)
- Streamlining the renewal process
- Updating terminology to improve clarity
- Effective date 7/1/2024

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QUESTIONS

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