

1 ORDINANCE NO. 2018-460

2
3 SPONSOR Ms. Shapiro

4
5 DATE _____ COMMITTEE Personnel

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7 **An Ordinance amending Section 169.28 of the Codified Ordinances of the County of**
8 **Summit, entitled “Substance Abuse Prevention Policy,” and Section 169.27 of the Codified**
9 **Ordinance, entitled “Disability Accommodation,” to regulate the use of medical marijuana**
10 **by County employees, for the Executive’s Department of Human Resources, and declaring**
11 **an emergency.**

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

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

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20 WHEREAS, the County of Summit has determined that it shall permit and regulate the
21 use of medical marijuana by County employees, provided that

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23 (i) all County employees shall be prohibited from using medical marijuana so as to
24 cause them to be under the influence during the scope and course of their
25 employment; and
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27 (ii) all County employees shall be prohibited from possessing medical marijuana and
28 related paraphernalia while on County property or in a County vehicle; and
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30 (iii) County employees that perform safety sensitive duties shall be strictly prohibited
31 from using medical marijuana; and
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33 WHEREAS, the County has further determined that it shall not accommodate as a
34 disability an employee’s use of medical marijuana as an approved treatment for any of the
35 qualifying conditions as defined by ORC § 3796.01; and

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37 WHEREAS, the County has further determined that an employee who tests positive for a
38 medical marijuana product after an accident shall be ineligible for Workers’ compensation; and
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40 WHEREAS, in order to regulate the use of medical marijuana by County employees, it is
41 necessary to amend Section 169.28 of the Codified Ordinances of the County of Summit, entitled
42 “Substance Abuse Prevention Policy,” and Section 169.277 of the Codified Ordinance, entitled
43 “Disability Accommodation; and
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45 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
46 that it is necessary and in the best interest of the County of Summit to amend Section 169.28 and
47 Section 169.27 of the Codified Ordinances to regulate the use of medical marijuana be County
48 employee;
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50 NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit,
51 State of Ohio, that:
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