KAUFMAN | DOLOWICH

Mansfield Rule Certified 2022-2023

The legalization of Cannabis

Tad A. Devlin, partner in the Kaufman Dolowich & Voluck San Francisco office, was quoted in an article written by Kim Slowey for Construction DIVE, (October 27, 2016) -

The legalization of cannabis — otherwise known as marijuana, in addition to a host of other terms — is a hot-button topic in U.S. politics. Currently, 25 U.S. states have cannabis-use laws on the books, with nine more taking the authorization for either medical or recreational use to the voters in November. Each state that has passed those laws operates in a swirl of its own regulations, all under the shadow of the federal government, which has maintained that marijuana is a Drug Enforcement Agency Schedule I drug, alongside heroin, LSD, ecstasy and peyote.

As laws permitting some use of marijuana continue to spread, the construction industry is left facing contrasting consequences: the positive effect on building demand and housing markets, and the negative effect of safety concerns on the job site.

Part of the reasoning behind a strict no-use drug policy is the limitations of current testing, according to Tad Devlin, partner at Kaufman Dolowich & Voluck. "We don't have that testing capacity with marijuana to determine the level of intoxication," he said. In other words, two people can have the same level of THC — the component that makes someone "high" — with significantly different levels of impairment, which makes trying to determine if someone is fit to operate a forklift or crane all the more difficult.

If the old safety policies are not revised to include the zero-tolerance position, whether it's because the employer is lenient or just overlooked the need, Devlin said it could "create a litigation nightmare … trying to defend the lack of enforcement."

2016.10.31-TitleIX-Investigations-Expand-Dramatically.pdf

© 2024 Kaufman Dolowich. All Rights Reserved. | www.kaufmandolowich.com