



COUNTY OF LOS ANGELES DEPARTMENT OF HUMAN RESOURCES

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LISA M. GARRETT
DIRECTOR OF PERSONNEL

April 20, 2017

TO: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Hilda L. Solis
Supervisor Kathryn Barger
Supervisor Janice Hahn
Supervisor Sheila Kuehl

FROM: Lisa M. Garrett 
Director of Personnel

SUBJECT: **REVIEW OF COUNTY DRUG USE POLICIES (FEBRUARY 7, 2017, AGENDA ITEM NO. 9)**

On February 7, 2017, pursuant to a motion by Supervisors Kuehl and Hahn, the Board of Supervisors instructed the Department of Human Resources (DHR) to evaluate current drug use policies for County employees in light of the State of California's legalization of cannabis. DHR, in coordination with the Chief Executive Office and County Counsel, has reviewed current policies below are our analysis and recommendations.

In accordance with the federal Drug-Free Workplace Act of 1988, the Controlled Substances Act of 1970, Board Policy 9.050, *Drug Free Workplace Program*, strictly prohibits employees and contract personnel from using illegal drugs in the workplace, or from using legal or prescribed drugs to any extent while on duty that impairs safety and effective job performance. Under federal regulations, recreational use of cannabis is prohibited and cannabis has not been approved as a controlled substance to be used legally for medical reasons. Consistent with these federal regulations, the use of cannabis for "medical purposes" as recommended by a physician or other health care provider by County employees or contract personnel on County property or while on duty is not considered an authorized, legitimate "medical use" of a controlled substance. Because federal law regarding cannabis use remains unchanged and Board Policy 9.050 addresses the use of any drug that impairs safety or effective job performance, cannabis use is sufficiently addressed by the policy and DHR does not recommend any changes.

County Code 2.126, *Smoking in County Facilities*, designates all County facilities and vehicles as "no smoking" areas and further prohibits sale of tobacco products in County facilities. Although County Code 2.126 can be applied in some respects to smoking of cannabis, its intention is to control the smoking and sale of tobacco on County property,

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and it does not specifically consider cannabis. We recommend revising this County Code section to expressly address smoking and sale of cannabis. Should this recommendation be adopted, DHR will work with appropriate County departments to revise the provision.

Further, our review revealed the need to assess and evaluate employment hiring protocols and/or procedures, including, but not limited to, assessing employment background check practices and disclosure of criminal convictions related to cannabis use in light of State decriminalization. Accordingly, we intend to work with each department to establish and/or revise standards as necessary.

Should you have any questions, please contact me at (213) 974-2406, or your staff may contact Marisa Lopez, Senior Manager, at (213) 351-8945.

LMG:EP:DSK
JAWT:ML

c: Executive Office, Board of Supervisors
Chief Executive Office
County Counsel
Office of Marijuana Management