

General Employer Considerations for Marijuana and Hemp

Horticulture & Employment Law

“Cannabis” is a genus of flowering plants.

Hemp

Cannabis indica

- Contains 0.3% or less THC
- Generally considered non-intoxicating
- Industrial use and derived products

Marijuana

Cannabis sativa

- Contains more than 0.3% of THC
- Generally considered intoxicating
- Uses being explored

Chemistry & Employment Law

“Cannabidiol” also known as “CBD”

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| <ul style="list-style-type: none"> • May <u>or</u> may not be psychoactive • Cannabis contains more than 500 components • Approximately 110 presently identified cannabinoids • Extracted from <u>either</u> hemp or marijuana plants | <ul style="list-style-type: none"> • “Tetrahydrocannabinol” is a variety of CBD • Extracted from <i>Cannabis sativa</i> • Psychoactive resulting in a “high” • CBD oil can be extracted and processed from hemp <u>or</u> marijuana • New research endeavors into cannabis, CBD, and THC |
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Pennsylvania Medical Marijuana Act

Employers

- No adverse action solely on the basis of employee having an MMA ID card
- No requirement to accommodate the possession or use of marijuana in workplace
- May restrict duties of those “**under the influence**” in “**safety sensitive jobs**”

Employees & Applicants

- Only protected if MMA ID card holders
- Medical marijuana may only be obtained at approved dispensaries
- No working “**under the influence**”
- Marijuana remains Schedule I controlled substance (Federal law)

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