

Without protection in employment patients who use cannabis

People who perform sensitive work and subject to federal regulations can not use the plant

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The lawyer Juan Felipe Santos said that legislation was established to protect medical cannabis patients from employment, but it has not been approved. (Supplied)

Until last February 1 there were 59,302 people in Puerto Rico with cards that identify them as **medical cannabis** patients , of which 76% are of working age (from 21 to 60 years old), according to the Department of Health.

However, **"there is no law (state or federal) that includes employees who are medical cannabis patients as a protected category , "** said attorney Juan Felipe Santos, managing partner of the Jackson Lewis LLC office in San Juan. That is, no statute prevents a patient from being fired or penalized if a private sector employer realizes that he uses medicinal cannabis.

Given that the Federal Law on Controlled Substances continues to consider marijuana as illegal, its use is prohibited to employees of the federal government. This, although 33 states of the United States have legalized the medical use of the plant.

In addition, federal agency safety standards do not allow the use of marijuana by private sector employees in sensitive security occupations and subject to their regulations. Some, according to Santos, are pilots, aviation mechanics and people who work with controlled substances (such as prescription drug manufacturers, pharmacists and health industry personnel).

In Puerto Rico, although Law 42 of 2017 legalized medical cannabis, Regulation 9038, in its article 148, prohibits patients from using it in the workplace. Nor does it authorize them to use it if they practice high-risk professions.

As the regulation does not define what are high-risk professions, Santos recommended to the employers to be carried away by Law 59 of 1997, which orders doping tests for gunsmiths, security guards, people who handle or control vehicles that transport passengers or load and personnel whose functions involve management and control of controlled or dangerous substances, as well as high voltage.

Santos gave a talk yesterday on the subject during the Labor Symposium of the Society for Human Resources Management, chapter of Puerto Rico.