

Our View: Marijuana legalization initiative is bad for Arizona

By Glenn Hamer and Todd Sanders
BizJournals.com | July 1, 2016

The Regulation and Taxation of Marijuana Act will overturn decades of safe and drug-free workplace policy and radically change our state laws. The vast majority of those who think it's a good idea haven't read the full initiative. We have. It isn't.

Supporters of the Regulation and Taxation of Marijuana Act would have us believe they merely want to treat marijuana like alcohol. Nothing could be further from the truth. Browse through the bloated, 20-page, badly written initiative and you find clause after clause giving marijuana users greater rights than anyone else in Arizona.

Most troubling for business, it would tie supervisors' and employers' hands in dealing with employees who show up for work stoned, thus turning back all our efforts to create safer workplaces and a stronger business community.

If the initiative passes, businesses would be less likely to expand and companies thinking about moving here would think again. That means fewer jobs for Arizonans. Here's why. The act supersedes "any other law" that would penalize someone for using marijuana.

That means employers may not be able to deny a job to someone who tests positive for marijuana. It would make it difficult to take disciplinary action against an employee who fails a drug test, and it opens the door to a new field of expensive, wrongful termination lawsuits. If this initiative passes, a positive drug test alone would not be enough to fire the impaired worker. The key clause in the act allows discipline only in the case of a worker "performing any task while impaired by marijuana or a marijuana product that would constitute negligence or professional malpractice."

This act doesn't just legalize marijuana. It legalizes being impaired at work, as long as you fall short of an undefined and ambiguous act of "negligence."

Any business considering Arizona would think long and hard about accepting such liability. Consider the torts employers would be subject to: after they dismiss the impaired, accident-causing employee, they've just had to prove a case against themselves. "Catch-22" does not even begin to describe the impossible situation this puts employers in.

This is just the beginning of the problems this initiative creates for businesses. It also is in clear conflict with federal law governing safe workplaces, roads, transportation, and food whereby Arizona employers would now have to comply with both federal and state laws in opposition to one another. And, it creates questions about whether unemployment benefits can be denied to someone who tests positive for marijuana.

What we know is business owners in Arizona would rather invest in their products, services, and employees than pay more trial lawyers and court costs, but that's what this initiative will do: cost more in litigation, not growth and expansion.

Company owners have to ask themselves: Is it worth the cost? Arizona voters should ask the same question. In both cases, the answer is the same: No.

Glenn Hamer is president and CEO of the Arizona Chamber of Commerce and Industry. Todd Sanders is president and CEO of the Greater Phoenix Chamber of Commerce.