

1 ORDINANCE NO. 2018-460

2
3 SPONSOR Ms. Shapiro

4
5 DATE December 3, 2018

COMMITTEE Personnel

6
7 **An Ordinance amending Section 169.28 of the Codified Ordinances of the County of**
8 **Summit, entitled “Substance Abuse Prevention Policy,” and Section 169.27 of the Codified**
9 **Ordinance, entitled “Disability Accommodation,” to regulate the use of medical marijuana**
10 **by County employees, for the Executive’s Department of Human Resources, and declaring**
11 **an emergency.**

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13 WHEREAS, the Ohio General Assembly enacted Substitute House Bill Number 523,
14 effective September 8, 2016, which legalized medical marijuana in Ohio; and

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16 WHEREAS, Section 3796.28 of the Ohio Revised Code (“ORC”) provides that an
17 employer is not required, but may choose to permit or accommodate the use of medical
18 marijuana by its employees; and

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20 WHEREAS, the County of Summit has determined that it shall permit and regulate the
21 use of medical marijuana by County employees, provided that

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- 23 (i) all County employees shall be prohibited from using medical marijuana so as to
24 cause them to be under the influence during the scope and course of their
25 employment; and
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 - 27 (ii) all County employees shall be prohibited from possessing medical marijuana and
28 related paraphernalia while on County property or in a County vehicle; and
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 - 30 (iii) County employees that perform safety sensitive duties shall be strictly prohibited
31 from using medical marijuana; and
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33 WHEREAS, the County has further determined that it shall not accommodate as a
34 disability an employee’s use of medical marijuana as an approved treatment for any of the
35 qualifying conditions as defined by ORC § 3796.01; and

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37 WHEREAS, the County has further determined that an employee who tests positive for a
38 medical marijuana product after an accident shall be ineligible for Workers’ compensation; and

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40 WHEREAS, in order to regulate the use of medical marijuana by County employees, it is
41 necessary to amend Section 169.28 of the Codified Ordinances of the County of Summit, entitled
42 “Substance Abuse Prevention Policy,” and Section 169.27 of the Codified Ordinance, entitled
43 “Disability Accommodation; and

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45 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
46 that it is necessary and in the best interest of the County of Summit to amend Section 169.28 and
47 Section 169.27 of the Codified Ordinances to regulate the use of medical marijuana be County
48 employee;

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50 NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit,
51 State of Ohio, that:

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1 ORDINANCE NO. 2018-460

2 PAGE TWO

3
4 SECTION 1

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6 Section 169.28 of the Codified Ordinances of the County of Summit, entitled "Substance
7 Abuse Prevention Policy," is hereby amended as set forth in Exhibit A. which is attached hereto
8 and incorporated herein as if fully rewritten.

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10 SECTION 2

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12 Section 169.27 of the Codified Ordinance, entitled "Disability Accommodation," is
13 hereby amended as set forth in Exhibit A, which is attached hereto and incorporated herein as if
14 fully rewritten.

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16 SECTION 3

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18 This Ordinance is hereby declared an emergency in the interest of the health, safety, and
19 welfare of the residents of the County of Summit, and for the further reason that it will
20 immediately regulate the use of medical marijuana by County employees prior to the practical
21 availability of the same in the State of Ohio so as to ensure that it does not affect the
22 performance of their job duties.

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24 SECTION 4

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26 Provided this Ordinance receives the affirmative vote of eight members, it shall take
27 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
28 effect and be in force at the earliest time provided by law.

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30 SECTION 5

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32 It is found and determined that all formal actions of this Council concerning and relating
33 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all
34 deliberations of this Council and of any of its committees that resulted in such formal action,
35 were in meetings open to the public, in compliance with all legal requirements, including Section
36 121.22 of the Ohio Revised Code.

37
38 INTRODUCED November 19, 2018

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40 ADOPTED December 3, 2018

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43 _____
44 CLERK OF COUNCIL

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48 PRESIDENT OF COUNCIL

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50 APPROVED December 4, 2018

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52 
53 _____
54 EXECUTIVE

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56 ENACTED EFFECTIVE December 4, 2018

Voice Vote YES - 11-0: Dickinson, Donofrio, Feeman, Hamilton, Koehler, McKenney, Prentice, Rodgers, Schmidt, Walters, Wilhite