

RESOLUTION 07.2022-06 (A-23)
PREVENTING THE ELIMINATION OF CANNABIS FROM
OCCUPATIONAL AND MUNICIPAL DRUG TESTING PROGRAMS

ISMS Board Action Taken on 01/28/2023

Adopted Resolution 07.2022-06 (A-23), as amended by the Medical Legal Council.

Medical Legal Council Recommendation to ISMS Board on 01/28/2023

The Council first considered this resolution at its October meeting. The Council was provided with a copy of the resolution, including relevant ISMS policy, the results of a member survey, and a copy of the Chicago Medicine article “How Physicians can Combat the Cannabis Epidemic.” The author attended the meeting and engaged in discussion with the Council members. The Council expressed concerns for public health safety and took note that there is a lack of evidence to suggest that cannabis does not cause impairment. The Council took note that the resolution requests specific opposition to legislation – House Bill 4116 – that was stalled in committee. To better achieve the aims of the resolution, the Council recommended removal of this resolved as a policy statement to allow ISMS to oppose similar legislation that may arise in the future.

The Council therefore recommended that the Board of Trustees adopt Resolution 07.2022-06 (A-23), as amended at its October meeting:

RESOLVED, that the Illinois State Medical Society supports the continued inclusion of cannabis metabolite analysis in all urine/hair/oral fluid drug testing analysis performed for occupational and municipal purposes (Pre-employment, post-accident, random and for-cause); and be it further

~~RESOLVED, that the Illinois State Medical Society aggressively oppose HB 4116; and be it further~~

RESOLVED, that this resolution be forwarded to the American Medical Association for adoption.

At its October meeting, some Board members expressed concerns that the resolution is punitive on employees. Additionally, some Board members questioned the quality of testing for cannabis metabolites and whether current testing appropriately determines intoxication. The Council was asked to review the resolution a second time and consider those concerns.

39 The resolution was considered a second time at the Council's January meeting, and the
40 author again participated in the discussion. It was explained that the focus is on safety-
41 sensitive positions. He spoke from his role as a Department of Transportation medical
42 review officer who receives and reviews laboratory drug tests for individuals in safety
43 sensitive positions for fitness for duty purposes, including pilots, school bus drivers, and
44 truck drivers. The author emphasized that such testing is important to identify persons
45 at risk of accidents due to usage of cannabis and ensure compliance with federal
46 regulations regarding Schedule 1 drug usage. It was discussed that the purpose of the
47 testing is not for determining intoxication, and the current testing is accurate for
48 identifying persons in safety-sensitive positions at risk of accidents due to drug usage,
49 as it is sensitive to past drug use. The Council discussed the potential for such testing to
50 be punitive and agreed that there is a penalizing aspect, but noted that such aspect is not
51 unwarranted due to the nature of the job positions in question.

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53 The Council therefore recommends amending the resolution to clarify that such a policy
54 would be applicable to those in safety-sensitive positions, and again recommends
55 deletion of the second resolved.

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57 The Medical Legal Council recommends that the ISMS Board of Trustees adopt
58 Resolution 07.2022-06 (A-23), as amended:

59
60 RESOLVED, that the Illinois State Medical Society supports the continued
61 inclusion of cannabis metabolite analysis in all urine/hair/oral fluid drug testing analysis
62 performed for fitness for duty purposes in safety sensitive positions ~~occupational and~~
63 ~~municipal purposes (Pre-employment, post-accident, random and for cause);~~ and be it
64 further

65
66 ~~RESOLVED, that the Illinois State Medical Society aggressively oppose HB~~
67 ~~4116; and be it further~~

68
69 RESOLVED, that this resolution be forwarded to the American Medical
70 Association for adoption.