

**MADISON COUNTY FISCAL COURT
MADISON COUNTY, KY
RESOLUTION 2024-127**

**A RESOLUTION REGARDING THE USE OF MARIJUANA, WITH OR WITHOUT
PRESCRIPTION, IN THE WORKPLACE OF MADISON COUNTY IN RESPONSE TO SB 47**

WHEREAS, the Madison County Fiscal Court presently has a Drug and Alcohol-Free Workplace Policy that prohibits any use of marijuana, cannabis, or THC by Madison County employees; and

WHEREAS, in 2023, the General Assembly enacted Senate Bill 47 which permits the use of medical marijuana by certain individuals for certain qualifying medical conditions so long as they possess a valid prescription and meet other legal requirements and regulations; and

WHEREAS, the General Assembly also enacted KRS 218B.040 which states the following:

“Employers are not required to permit or accommodate use.”

(1) Nothing in this chapter shall:

- a) Require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, distribution, sale, or growing of medicinal cannabis in the workplace;
- b) Prohibit an employer from implementing policies promoting workplace health and safety by:
 - 1. Restricting the use of medicinal cannabis by employees; or
 - 2. Restricting or prohibiting the use of equipment, machinery, or power tools by an employee who is a registered qualified patient, if the employer believes that the use of such equipment, machinery, or power tools by an employee who is a registered qualified patient poses and unreasonable safety risk.
- c) Prohibit an employer from including in any contract provisions that prohibit the use of medicinal cannabis by employees;
- d) Permit a cause of action against an employer for wrongful discharge or discrimination;
- e) Prohibit an employer from establishing and enforcing a drug testing policy, drug-free workplace, or zero-tolerance drug policy.

(2) An employee who is discharged from employment for consuming medicinal cannabis in the workplace, working while under the influence of medicinal cannabis, or testing positive for a controlled substance shall not be eligible to receive benefits under KRS Chapter 341, if such actions are in violation of an employment contract of established personnel policy.

(3) An employer shall not be penalized or denied any benefit under state law for employing a cardholder;” and

WHEREAS, it is the desire of the Madison County Fiscal Court to continue to prohibit any use of medicinal marijuana by all employees of the Madison County Fiscal Court, including those meeting the requirements of KRS 218B.040; and

NOW, THEREFORE, BE IT RESOLVED THAT THE MADISON COUNTY FISCAL COURT DOES HEREBY APPROVE THIS RESOLUTION AND AUTHORIZES THE JUDGE EXECUTIVE AND/OR HIS DESIGNEE TO EXECUTE THE SAME ON BEHALF OF THE COUNTY AS FOLLOWS:

Pursuant to KRS 218B.40, the Madison County Fiscal Court exercises its right under the statute to not permit or accommodate the use of medicinal cannabis. Therefore, an authorized cardholder is prohibited from utilizing medicinal cannabis while employed by Madison County Fiscal Court.

1. The Madison County Fiscal Court Drug and Alcohol-Free Workplace Policy set forth in the Administrative Code remains in full effect as written.
2. The use of marijuana, or medicinal marijuana, with or without a prescription, is prohibited.
3. Any violations of the Drug and Alcohol-Free Workplace Policy for marijuana, with or without a valid prescription, will be subject to the same consequences as any other prohibited substance under said policy.

Motion made by Combs, seconded by Bathin.

Vote:

Yes

No

Judge Executive Reagan Taylor
Magistrate James Brian Combs
Magistrate Stephen Lochmueller
Magistrate Billy Ray Hughes
Magistrate Tom Botkin

<u>✓</u>	<u> </u>
<u>✓</u>	<u> </u>
<u>✓</u>	<u> </u>
<u>✓</u>	<u> </u>
<u>✓</u>	<u> </u>

Signed:

R-Taylor
Reagan Taylor
Madison County Judge Executive

Date

12-17-2024

Attested:

Kenny Barger
Kenny Barger
Madison County Clerk

Date

12-17-2024