



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • **FAX:** (907) 262-1892

www.kpb.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Dale Bagley, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *P.O. for M.N.*

FROM: Stormy Brown, Human Resources Director *SB*

DATE: November 26, 2014

SUBJECT: Ordinance 2014- 40, An Ordinance Amending KPB 3.04.030, Employee Conduct Requirements, to Address the Passage of Alaska Ballot Measure No. 2 Legalizing Marijuana, and to Reference the Use of, or Impairment by, Controlled Substances in the Workplace

KPB 3.04.030, Employee Conduct Requirements, has not been updated since 1989. Since that time, laws regarding drug use have changed. In particular, the voters of the state of Alaska approved Ballot Measure No. 2, *An Act to Tax and Regulate the Production, Sale, and Use of Marijuana*, in the November 4, 2014 general election. This act legalizes the possession and use of marijuana within certain limits, and will regulate the substance in a way that is presumably similar to the regulation of alcohol.

Furthermore, the Kenai Peninsula Borough, like many other parts of the state as well as the country, has seen an increase in the abuse or misuse of controlled substances, including prescription medication. However, KPB 3.04.030 is currently silent regarding the use of, or impairment by, any substances other than alcohol or "illegal" drugs. Accordingly, the use of, or impairment by, marijuana (now a legal substance) and controlled substances (legal only under some circumstances) is not addressed.

The proposed amendment to KPB 3.04.030 is intended to align borough code with the current state of the law regarding these substances under Alaska statutes. Alaska Statute 17.38.120(a) clearly states that the new Act regarding legalized marijuana is not intended to require an employer to permit or accommodate the use of marijuana in the workplace, nor does it affect the employer's ability to have policies restricting the use of marijuana by employees.