

Employee Handbook	Authority: Approved by Council	Type: Employee
	Effective date: December 12, 2018	Revised date: December 12, 2018
	Policy No. 300-26 Alcohol and Drugs	

R.M. of Browning No. 34

Policy No. 300-26 Alcohol and Drugs

December 12, 2018

1. Alcohol and Drugs

- 1.1. The R.M. of Browning is committed to safety and productivity in all aspects of our operations on behalf of our employees, our ratepayers, our community in which we operate, and the public in general. This commitment is, and will continue to be, a priority of the R.M. of Browning.
- 1.2. The R.M. of Browning recognizes that the inappropriate use of alcohol and drugs can have serious adverse effects on all aspects of life, including workplace performance, and ultimately, on the safety and well-being of employees, our ratepayers, the environment, and the general public. The Alcohol and Drug policy (henceforth referred to as “the A&D policy”), which is set out in this document, applies to all employees of the R.M. of Browning, as well as our contractors, subcontractors, and casual labour (collectively referred to as “employees” or “employee”) while engaged in the R.M. of Browning business or working on the R.M. of Browning premises. It details the standards expected of the R.M. of Browning employees and shows Council’s commitment to a safe work environment.

2. Responsibilities

- 2.1. The R.M. of Browning’ responsibilities with respect to the A&D policy are as follows:
 - a. To provide a safe workplace.
 - b. To promote compliance with the A&D policy.
 - c. To assist employees in obtaining confidential assessment, counselling, referral, and treatment.
 - d. To accommodate diagnosed medical conditions.
 - e. To actively support and encourage treatment programs and re-employment opportunities where applicable.

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- f. To provide training (as required) and awareness in dealing with the use of alcohol and drugs in the workplace.
- g. To promote awareness of the existence and content of the A&D policy as part of employee orientations.
- h. To provide information about alcohol and drug testing and encourage such testing to be performed according to current testing standards or as specified by our clients for particular jobs.
- i. To direct supervisors as follows:
 - i. To be knowledgeable about the R.M. of Browning A&D policy and applicable procedures contained therein.
 - ii. To understand and comply with the A&D policy as part of their work-related activities in an effective and safe manner.
 - iii. To be knowledgeable about the use of alcohol and drugs and able to recognize behaviors and other indicators of the use of alcohol and drugs.
 - iv. To understand the R.M. of Browning's performance management practices and how the A&D policy is integral to those practices.
 - v. To take action on performance deviations.
 - vi. To investigate reported or suspected alcohol or drug use by employees.
 - vii. To refer employees for alcohol and drug tests where authorized under the A&D policy.

2.2. Employees of the R.M. of Browning have the following responsibilities:

- a. To understand the A&D policy.
- b. To ensure their own safety and the safety of others.
- c. To follow the A&D policy.
- d. To use prescription and non-prescription drugs responsibly, be aware of potential side effects, and notify their supervisor of any potential unsafe side effects that may impact their ability to do their job safely, where applicable.
- e. To report fit for any scheduled work duty and remain fit for duty as required.
- f. To report fit for any and all work when "on call".
- g. To decline the request if unexpected circumstances arise where the employees are asked to perform services that were not scheduled, while they are under the influence of alcohol, drugs or medications.
- h. To seek advice and follow appropriate treatment if they have an alcohol or drug problem.
- i. To cooperate with modified work as a result of safety concerns.
- j. To follow any and all recommended post-treatment programs.
- k. To report for testing in accordance with the A&D policy.
- l. To report any impairment-related driving offences.
- m. To encourage their peers and co-workers to seek help when there is a breach or potential breach of policy.

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3. Terms

- 3.1. By continuing their employment with the R.M. of Browning, employees accept the terms of the A&D policy and agree that alcohol and drug testing results can be disclosed, on a strictly confidential basis, to the designated R.M. representative, their supervisor, the Reeve and Council.
- 3.2. The following provisions apply to all employees while they are engaged in the R.M. of Browning business, working on the R.M. of Browning premises, and driving the R.M. of Browning or privately owned vehicles. All employees are expected to actively promote safe work habits to co-employees and other parties, and to take appropriate action where they believe there is a safety risk or potential violation. Based on greater risk potential, certain positions have been designated as “safety sensitive” and individuals holding those positions will be expected to meet more stringent requirements.
- 3.3. The following jobs have been designated “safety sensitive” positions at the R.M. of Browning. These positions have demonstrated bona fide job requirements that require the regular use of tools, equipment, vehicles and vigilance of work hazards. The requirements associated with these positions means that safety would be unacceptably compromised if the operator was impaired to any extent:
 - a. Foreman
 - b. Assistant Foreman
 - c. Outside Operator III
 - d. Outside Operator II
 - e. Outside Operator I
- 3.4. These safety sensitive positions may be required to undergo pre-employment drug testing, as outlined in the pre-employment drug testing policy.

4. Alcohol and Drug Policy

- 4.1. All employees reporting for work are expected to be fit for work.
- 4.2. Employees shall adhere to the following rules:
 - a. While engaged in the R.M. of Browning business, on the R.M. of Browning property (including vehicles, machinery and equipment), or at a the R.M. of Browning worksites, they shall not possess, distribute, consume, or use
 - i. alcohol, unless authorized under section 4.5;
 - ii. drugs, other than those permitted by prescription and to be found not to have a negative effect on cognitive ability;
 - iii. drug paraphernalia; or

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- iv. any product or device that could tamper with any sample for an alcohol or drug test.
 - b. They shall not report to work or they shall not work while their ability to safely perform their duties is adversely affected because of the use of a prescription or non-prescription drug, or while unfit for work as a result of the use of alcohol, prescription, or non-prescription drugs.
 - c. They shall not refuse to comply with a request made by a R.M. representative if they have reason to believe that the person is impaired by drugs or alcohol.
 - d. They shall not tamper with a sample for an alcohol and/or drug test.
- 4.3.** The employee is permitted the possession or use of prescription and non-prescription drugs under the following conditions:
- a. The prescription drug that is in the employee's possession or being used by the employee is prescribed to the employee.
 - b. The employee is using the prescription or non-prescription drug for its intended purpose and in the manner directed by the employee's physician or pharmacist or the manufacturer of the drug.
 - c. The use of the prescription or non-prescription drug does not adversely affect the employee's ability to safely perform his or her duties.
 - d. The employee has notified his or her supervisor, before starting work, of any potentially unsafe side effects associated with the use of the prescription or non-prescription drug.
- 4.4.** The supervisor who has received a notification of possible impairment or possession of drugs or alcohol may not disclose any information provided, unless the employee has given consent to do so or the supervisor is legally required to do so.
- 4.5.** The employee may only possess or use alcohol in the following circumstances:
- a. The Reeve or Reeve's designate may authorize alcohol to be present at certain R.M. social functions. It is essential the organizers of these functions conduct events in a manner which promotes moderation and maintains the integrity, security, and safety of the R.M. of Browning, our employees the public, and the intentions of the A&D policy. Event organizers should control of the duration of beverage service or other means of moderation and control.
 - b. If, by request of the Reeve or Administrator, an employee is transporting alcohol to a designated social event, sealed bottles of alcohol are locked in the trunk of a car, or in an area of the vehicle that is not within reach of the driver, or in the locked toolbox of a the R.M. of Browning vehicle. However, at no time can alcohol be present in the cab of a the R.M. of Browning vehicle.
 - c. The consumption of alcohol takes place in informal business situations, such as in the entertainment of clients, in a responsible manner, and in accordance with the

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fitness for duty standards. At no time is alcohol to be used by safety-sensitive employees when engaged in the R.M. of Browning business or by employees who are "on call" on their scheduled days off.

- 4.6.** Cannabis is prohibited from being present on all the R.M. of Browning property (including worksites and vehicles). Medical cannabis, upon review of Council, may be stored in a locked and secure location, only accessible only as the employee requires for medical purposes.

5. Education and Employee Assistance

5.1. Education

- a. As part of the R.M. of Browning's overall concern for the health and well-being of our employees, we will educate employees on the assistance available to them through the R.M. of Browning benefit plan. It is the responsibility of the employee to seek assistance before the use of alcohol and/or drugs leads to disciplinary action.
- b. The R.M. of Browning is committed to informing employees of the existence of the A&D policy and taking other steps as reasonable to inform them of the safety risks associated with the use of alcohol and drugs and the assistance available under the R.M. of Browning benefits program.

5.2. Self-help

- a. Employees who believe that they may have a substance use or substance abuse problem are encouraged to voluntarily seek advice provided by substance abuse professionals (SAPs). They should follow appropriate treatment promptly, before job performance or safety is compromised, or there is a violation of the A&D policy. An employee's decision to seek assistance from a SAP through the R.M. of Browning benefits plan will not result in disciplinary action; however, an employee's use of the SAP will not be a defence against possible disciplinary action where facts establishing a violation of the A&D policy are obtained from sources outside the SAP.
- b. Employees requesting help will not be disciplined unless any of the following have occurred:
 - i. They have failed to comply with the A&D policy.
 - ii. They have been requested to confirm compliance with the A&D policy and have not been able to confirm compliance, or they have refused to respond to the request.
 - iii. They have been requested to submit to an alcohol and drug test.
 - iv. They have been involved in an incident where impairment is suspected.

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- c. Employees who believe they may be unable to comply with the A&D policy should seek help in the following ways:
 - i. Contacting a family physician or qualified SAP
 - ii. Informing a family member or friend and ask for assistance in contacting a family physician or a qualified SAP
 - iii. Informing a co-worker, a supervisor, or a representative of the R.M. of Browning of their wish to contact a family physician, or qualified SAP.
- d. In responding to employees' requests for help, a supervisor must do all of the following:
 - i. Inform them of the assistance available under the R.M. of Browning benefits plan
 - ii. Encourage them to utilize the R.M. of Browning benefits for assistance.
 - iii. Inform them if they fail to utilize the SAP, the R.M. of Browning may insist that they submit to any or all of the following:
 - A medical assessment conducted by a physician
 - Alcohol and drug testing
 - An assessment conducted by a SAP

Furthermore, their failure to do so may result in termination of their employment.
- e. Employees who receive assistance as a result of their use of alcohol or drugs must comply with the terms and conditions of any rehabilitation program established for them, as a condition of their continued employment with the R.M. of Browning. All employees who complete primary treatment for substance abuse or dependence are strongly encouraged to participate in a structured aftercare program to maintain recovery.
- f. The R.M. of Browning recognizes that for a rehabilitation program to be effective, confidentiality must be preserved. The R.M. will exercise reasonable care and precaution to protect employees' confidentiality in a manner that respects their dignity and privacy and complies with applicable federal and provincial privacy legislation.

6. Possession of Alcohol and Drugs

- 6.1. Investigations - Supervisors or managers who have reasonable grounds to believe that any employee under their supervision may not be in compliance with the A&D policy, must conduct an investigation.
 - a. All supervisors should be trained to identify impairment.
 - b. Identifying impairment relies heavily on direct observation. Supervisors are not expected to be experts in drug use; rather they are expected to identify behaviors that could lead to suspect drug use and act on those suspicions in a way that protects the safety of the workplace, as well as the privacy of employees, as much as possible.

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- c. The supervisor (along with a second supervisor, or another witness) will immediately speak to the employee in a private area to discuss their behavior.
- d. Every discussion should be accompanied by an incident report. The report should include the events preceding the incident, identification of the employee's unsafe work practices, the matters discussed with the employee, that management was notified, a list of all actions taken, and any recommendations made to the employee. This report will be completed throughout the investigation.
- e. If impairment is suspected, the supervisor must immediately assess if there is an urgent medical need and send the employee to a medical facility if required. Otherwise, the employee should be removed from the workplace to a private area.
- f. If the employee states no impairment is present, the supervisors are expected to make formal observations (see Appendix A for chart), including observing simple job-specific tasks and noting anything that is different and out of the ordinary.
- g. It is not the supervisor's responsibility to diagnose an employee. It is a supervisor's responsibility to do an investigation.
- h. To decide on a probable policy violation, the standard to meet is "50% +1" - the balance of probabilities. "It is more likely than not" that a policy violation occurred.
- i. Note that observed behaviours may not indicate substance abuse - other factors including fatigue, stress, personal issues may be considered. If alternate factors are causing the behaviour, intervention is required anyway to address the behaviour.
- j. Facts, the seriousness of the violation, and any laws that apply to the situation will determine appropriate discipline (including termination or referral to a SAP).
- k. Supervisors involved in the investigation, as well as other employees and witnesses, are expected to keep information confidential (except as required by law). It is equally important to keep detailed notes, reports, and witness statements.
- l. Employee property searches should only be done in extreme situations.

6.2. The Canadian Human Rights Commission states that "when an employer observes changes in an employee's attendance, performance or behavior that may indicate possible substance dependence, it triggers the employer's legal obligation to initiate a discussion with the employee about a need for accommodation of a disability". In workplaces with safety-sensitive positions where there is drug and alcohol testing, the employer's duty to inquire is also triggered upon receipt of a positive drug test result.

7. Drug and Alcohol Testing

- 7.1.** Although observation is the best way to assess impairment, drug and alcohol testing is available.
- 7.2.** Testing is permitted in the following instances:

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- a. Reasonable cause (reasonable grounds to suspect an on-duty an employee is not fit for duty);
- b. Post-incident;
- c. Post-reinstatement after an incident or positive drug test;
- d. Pre-employment (for safety sensitive positions).

7.3. Testing should be done with the least invasive method available. The R.M. of Browning pays for the testing and must provide transportation (or arrange mobile testing) to the testing site.

7.4. Though testing can be useful to determine illegal drug use, prescription medication use, and alcohol use, testing for cannabis impairment is difficult to establish as levels can be detected from 3-6 hours to 30 days from the time it was ingested or smoked. Effects can last up to 24 hours after consumption.

7.5. In the case of an incident or near miss, the supervisor or manager of any involved employee may request that employee submit to an alcohol or drug test. However, the supervisor or manager need not request submission to an alcohol or drug test if they conclude, and either Council or the Reeve agrees, the use of alcohol or drugs contributed to the cause of the incident or near miss. The standard to meet is “50% +1” - the balance of probabilities. “It is more likely than not” that an A&D policy violation occurred.

8. Return to Duty and Follow-up Testing

- 8.1.** An employee who has tested positive for alcohol or drugs and is returning to work must successfully pass an alcohol or drug test before returning to duty. The employee must also comply with all conditions that may be imposed as part of their return-to-duty plan.
- 8.2.** The requirements set out the A&D policy are conditions of the employee’s continued employment with the R.M. of Browning.

9. Contractual Obligation Testing

- 9.1.** An employee may be required to submit to alcohol or drug testing if:
 - a. the R.M. of Browning is required to conduct such testing as stipulated in any contracts between the R.M. of Browning and its customers,
 - b. the employee is requested to perform work for these customers, or
 - c. otherwise be required, pursuant to the stipulations in the said customers’ contracts to have complete alcohol or drug testing.

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10. Statutory Testing

- 10.1. An employee may be required to submit to alcohol and drug testing if such testing is required by federal or provincial statutes, regulations, or orders or by another lawful request.

11. Alcohol and Drug Testing Methods

- 11.1. The R.M. of Browning agrees that all alcohol or drug testing shall be performed by a medical facility or practitioner designated by the R.M. of Browning or a third party administrator (TPA). The R.M. of Browning will not accept test results from any facility other than the one designated by the R.M. of Browning.
- 11.2. Alcohol and drug testing is conducted to determine the presence of any cannabis metabolites, cocaine metabolites, opiate metabolites, phencyclidine, amphetamines, methamphetamines, and alcohol in the specimen provided by the employee.
- 11.3. By continuing his or her employment with the R.M. of Browning, the employee accepts the terms of the A&D policy and authorizes the laboratory to provide the test results to the R.M. of Browning or any person with legal authority to require the disclosure of the test results. Further, the employee authorizes the medical review officer (MRO) or the TPA to provide the test results to an SAP to whom the employee has been referred under the provisions of this policy.
- 11.4. The R.M. of Browning agrees that no discipline or other consequences will result from an employee requesting information about the A&D policy or about alcohol and drug tests.

12. Alcohol and Drug Testing Results

- 12.1. Alcohol and drug test results can be negative, positive, tampered with, invalid, or inconclusive. A negative test result means the employee is in compliance, a positive test result means non-compliance, a tampered-with test result means non-compliance, and an invalid or inconclusive test result cannot be relied upon to determine compliance or non-compliance.
- 12.2. When employees consent, in writing, to undergo alcohol or drug testing, they also authorize the following:
- a. The laboratory may provide the test results to the R.M. of Browning or any person with legal authority to require the disclosure of the test results.
 - b. The MRO or TPA may provide the test results to an SAP to whom the employees have been referred under the provisions of the A&D policy.

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- 12.3.** A confidential written report from the MRO or TPA to the designated R.M. representative that the employee's sample produced a negative test result means that the employee complied with the A&D policy. The designated R.M. representative must notify the employee that the test result is negative and that no other steps under the A&D policy will be taken.
- 12.4.** A confidential written report from the MRO or TPA to the designated R.M. representative that the employee's sample produced a positive test result means that the employee failed to comply with the A&D policy, unless the MRO has determined that there is a legitimate medical explanation for the positive test result.
- 12.5.** A confidential written report from the MRO or TPA to the designated R.M. representative that the employee's sample has been tampered with means that the employee failed to comply with the A&D policy.
- 12.6.** A confidential written report from the MRO or TPA to the designated R.M. representative that the employee's sample was invalid or inconclusive means the test cannot be relied upon for the purposes of this work rule.
- 12.7.** In order to preserve the confidentiality of test results, the designated R.M. representative and any person to whom disclosure is permitted under the A&D policy must not disclose the test results to any person other than those who need to know the test results to discharge an obligation under the R.M. of Browning A&D policy.
- 13. Consequences for Failure to Comply with the A&D Policy**
- 13.1.** The R.M. of Browning responses to violations include, but are not limited to the following:
- a. The R.M. of Browning may discipline an employee who fails to comply with the A&D policy. Discipline may include a variety of reasonable measures, up to and including termination for cause. Determination of the appropriate disciplinary measure will depend on the individual facts of each case, including the nature of the violation, the existence of prior violations, the response to prior corrective programs, and the seriousness of the violation.
 - b. The R.M. of Browning reserves the right to temporarily remove, reassign, or suspend any employee, pending a determination of fitness for work, safety risk, and assessment of a substance abuse problem or completion of an investigation into a possible violation of the A&D policy.
- 13.2.** Where an employee who fails to comply with the A&D policy is disciplined or terminated for cause, the R.M. of Browning may, in addition to any other requirement, give written notice to the employee that he or she will not be returned to work or re-employed by the R.M. of Browning unless the employee provides the R.M. of Browning with the following:

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- a. A certificate issued by one of the following:
 - i. The treatment program service provider certifying that the employee has successfully completed a treatment program and continues to comply with all the requirements of the treatment program.
 - ii. A licensed physician with knowledge of substance abuse disorders certifying that the employee is able to safely perform the duties he or she will be required to perform if re-employed by the R.M. of Browning.
- b. A statement signed by the employee acknowledging that he or she agrees to any conditions imposed as part of a corrective treatment program and such other reasonable conditions set by the R.M. of Browning. The R.M. of Browning may terminate the employment of the employee who fails to comply with the conditions set out in such statement.
- c. If the R.M. of Browning decides to discipline or terminate for cause the employment of an employee who fails to comply, the R.M. of Browning should also provide the employee with a list of available SAPs that he or she can access at his or her own expense.

14. Therapeutic Cannabis Use

- 14.1.** A prescription for medical cannabis does not entitle an employee to be impaired at work, compromise safety, to smoke in the workplace, to bring cannabis on to R.M. property, for employees to have unexcused absences or late arrivals.
- 14.2.** If an employee does have a medical prescription for cannabis use, they may be asked to provide a copy of the prescription or letter from their medical professional indicating dosage, strain prescribed, and possible effects.
- 14.3.** Where it has been recommended that an individual use cannabis for therapeutic purposes, considerations may be needed regarding how the product is consumed (e.g., amount to be taken at specific intervals), and for secure storage to be provided. Smoking cannabis at designated smoking areas will not be permitted - for therapeutic use, a separate location will be provided.

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Appendix A

Observation Table

(Taken directly from the Canadian Centre for Occupational Health and Safety document “Workplace Strategies: Risk of Impairment from Cannabis”).

Note:

- Signs and symptoms may be different from person to person.
- When used alone or in combination, these signs and symptoms do not necessarily mean that somebody has a substance use problem. However, they may be indicators that the employee is in trouble or in need of some help (regardless of if the issue stems from problematic substance use or another cause).

Table 1 Signs and Symptoms of Problematic Substance Use (not specific to any causal agent)	
	Indicators
Physical	<ul style="list-style-type: none"> ● deterioration in appearance and/or personal hygiene ● unexplained bruises ● sweating ● complaints of headaches ● tremors ● diarrhea and vomiting ● abdominal/muscle cramps ● restlessness ● frequent use of breath mints/gum or mouthwash ● an odor of alcohol on breath ● an odor of marijuana ● slurred speech ● unsteady gait

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Psychosocial impacts	<ul style="list-style-type: none"> ● family disharmony (e.g., how the colleagues speak of family members) ● mood fluctuations (e.g., swinging from being extremely fatigued to 'perkiness' in a short period of time) ● inappropriate verbal or emotional response ● irritability ● confusing or memory lapses ● inappropriate responses/behaviours ● isolation from colleagues ● lack of focus/concentration and forgetfulness ● lying and/or providing implausible excuses for behaviour
Workplace performance and professional image	<ul style="list-style-type: none"> ● calling in sick frequently (may work overtime) ● moving to a position where there is less visibility or supervision ● arriving late for work, leaving early ● extended breaks; sometimes without telling colleagues they are leaving ● forgetfulness ● errors in judgment ● deterioration in performance ● excessive number of incidents/mistakes ● non-compliance with policies ● doing enough work to just 'get by' ● sloppy, illegible or incorrect work (e.g., writing, reports, etc.) ● changes in work quality

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Below is a non-exhaustive list of non-prescription medication that may cause impairment. This list is for illustrative use only:

- Antihistamines – prescribed for hay fever and other allergies (i.e.: Chlor-Triplon, Dimetane).
- Motion sickness drugs – prescribed to prevent motion sickness and nausea (i.e.: Gravol, Antivert).
- Barbiturates, prescribed as a sedative, hypnotics, tranquilizer, or antidepressants (i.e. Phenobarbital, Valium, Halcion, Librium, Elavil, Anafranil).
- Narcotics – Prescribed for pain management (i.e.: Demerol, Codeine).
- Stimulants – prescribed for central nervous system stimulation and for appetite suppression which can produce sensations of well being, also can have an adverse effect on judgment, mood and behaviour (i.e.: amphetamines or medications sold as “diet pills”)
- Anticonvulsants – prescribed to control epileptic seizures and can cause drowsiness in some patients (i.e.: Dilantin.)
- Analgesics – prescribed for pain management (i.e.: Darvon, Indocid.)
- Cold tablets and cough mixtures – prescribed for colds and coughs (i.e.: Sinutab, Contac, Triaminic, Tussionex and preparations containing dextromethorphan (DM) or codeine.)
- Muscle relaxants – prescribed as a muscle relaxant (i.e.: Flexeril, Robaxial.)
- Medical Marijuana

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