Opinion: Those with cancer provide life lessons

By Kathryn Reed

Thirteen months ago a good friend of mine was diagnosed with lung cancer. She died in August.

My dad survived colon cancer; though he is no longer alive.

My friend, Joy, taught me things I didn't learn through dad's experience. So many things that I have since apologized to my mom for not being there for her – or dad. Mom said different experiences teach us different things. Still, I wasn't there in ways I should have been and for that I will always feel a bit of shame.



Joy and AJ

Joy didn't have any family in town to care for her. And those who are in the Bay Area came up sporadically.

Dad had mom. I went to one of dad's chemo treatments. I didn't offer to go to more and I'm pretty darn sure it was one of my sister's ideas I go to that one. At the time, and I was in my

30s so it’s not like I was a kid, I didn’t get how hard it was on a caregiver. And it’s any caregiver, not just those of cancer patients who have it hard.

My dad was always so strong. I clearly didn’t get the gravity of the situation. Now I do. It took another death after he was gone for me to get it.

Few people ask the caregiver how they are doing. Caregivers are afraid to complain for fear of looking shallow or uncaring. After all, they have their health. Seldom do they get a break from a job they certainly never asked for. And the thanks from the patient is not always forthcoming – after all, that person is likely fighting to live.

And when it came to helping Joy, I really had it easy. Though, that is not say it wasn’t emotional.

I was one of three key friends who helped Joy in her last year. A year ago I would not have expected to write that last sentence. Life, illness and death have a funny way of bringing people together.

Lisa, Wendy and I had wine together – we were the three friends – about a month before Joy died. Joy knew we had gathered to decompress. It was good to chat – about Joy and other things.

Caregivers need that.

I only hope my mom shared with her friends as dad went through chemo.

Joy taught me so many things I didn’t know I needed to learn. She was also still learning. She figured out how to ask for help – even though giving was more her style.

“When I talked to Joy soon before she passed away she was so thankful. She said, ‘You guys are so good.’ We are not good. A lot of us see a need,” said Jonnie Crawford, president of the

South Lake Tahoe Cancer League.

At the holidays last year Joy bought box after box of Sees for friends. I was not about to tell her I don't really like their chocolate. It was never about the chocolate.

Joy taught me how to live and she taught me how to die gracefully.

Eventually, Joy no longer talked about the future and instead all of our conversations were about the past. That's when I knew she knew she wasn't going to see if Obama would be re-elected. (To say she was an ardent Democrat is an understatement.)

I kept listening because she had more to teach.

And even though she is not here physically, she keeps teaching. I just hope I'm listening well.

Letter: Barton Auxiliary helps at Bread & Broth

To the community,

On Aug. 6, Barton Auxiliary members worked side-by-side with Bread & Broth volunteers to provide a hot, nutritionally balanced meal to many less fortunate members of the South Lake Tahoe community.

Nora Jones, the evening's B&B volunteer coordinator, commented that the Barton Auxiliary sponsorship crew was a "wonderful

group of women and were very hard workers.”

Although Bread & Broth has a regular volunteer crew for each Monday, B&B encourages Adopt A Day sponsors to provide a crew of up to five people to assist in the setup, serving and cleanup of the meal. The Auxiliary has been sponsoring an Adopt a Day of Nourishment and providing a volunteer crew for several years.

Bread & Broth is very thankful for the contribution of their time and monetary Adopt A Day donation so that this meal could be provided. The generosity of members of our community enable Bread & Broth to continue its mission of feeding the hungry of South Lake Tahoe.

For more B&B program information, please contact Carol Gerard at (530) 542.2876 or carolsgerard@aol.com.

Bread & Broth

Opinion: TRPA Regional Plan update all but done

By Joanne Marchetta

How humans reckon the passage of time stands in stark contrast to Lake Tahoe’s timescale. Standing on the lake’s shore, most of us have pondered at one time or another the incredible age of these prehistoric waters and scoured peaks. This is an ecosystem that prefers to respond in centuries, ages and epochs, a far cry from the quarterly reports and stock-ticker pace that currently shape our perception and expectations of progress. So the period in which the Regional Plan update has

taken shape may be nothing more than the splash of a pebble to Lake Tahoe, but I know it was a painstakingly long time for some of us mere mortals.



Joanne Marchetta

So many of you have given your time and input or followed the progress of the Regional Plan update in the past few years. Whether you cheered or jeered the forward-thinking changes TRPA has proposed to Lake Tahoe's regulatory system, you can look forward to the next two months as the culmination of your ideas and contributions to the visioning, the workshops, the meetings, and the drafts. On Oct. 24, TRPA will release a final draft of the plan and associated documents, rounding out the latest year of work to make focused updates to the Regional Plan that was first adopted in 1987.

Excitement surrounds this rollout in large part because this is the community's plan. From its roots in 2004 and 2005 when visioning workshops and place-based planning captured the input of thousands of citizens, the update has consistently been about the Lake and our communities. If you have ever wondered whether we could coalesce around a collective vision for Tahoe, then this final draft is your plan. Above all, if you would like a clearer, healthier Lake Tahoe and more bikeable, walkable communities, then this is your plan. We also heard from scores of residents that you wanted more sensible ways to manage land coverage, and it's in the plan. And it's also your plan if you want greater restoration of sensitive areas or more opportunities for a recreation-based

economy.

Although it took many millennia to create the breathtaking beauty of this watershed, we learned the hard way that Lake Tahoe’s pristine environment is not immune to rapid change. A poorly-planned building boom that lasted only a few decades in the mid-1900s produced grave changes including a seemingly unstoppable loss of the Lake’s world-renowned clarity. Over the ensuing 30 years, an average of one foot of lake clarity disappeared every year—a repercussion to Lake Tahoe far more significant than mere ripples. Under the 1987 Regional Plan and later the Environmental Improvement Program, the concerted actions of strong partnerships and advanced science halted the loss in lake clarity. The policies being released this month have been designed to provide the next quantum leap in Lake Tahoe’s restoration and to ultimately reverse that loss in lake clarity while supporting our communities.

It has never been more important for your voice to be heard and for you to engage in the close of this process. Whether it is your first or your 40th TRPA meeting, plan on attending one of the public hearings below. Your vision is one step closer to becoming reality. More detail on these meetings and the easy-to-follow fact sheets on the plan updates are available online.

Joanne Marchetta is executive director of the Tahoe Regional Planning Agency.

DATE	AGENDA	LOCATION	PUBLIC COMMENT

Oct. 24 9:30am	Rollout of Final Draft Plans, response to comments received and supporting documents.	The North Tahoe Events Center Kings Beach, CA	Yes
Oct. 25 9:30am		Harveys Lake Tahoe Stateline, NV	Yes
Nov. 14	Discussion and deliberation	The Chateau Incline Village, NV	Yes
Nov. 15		Harveys Lake Tahoe Stateline, NV	Yes
Dec. 12	Final discussion, public comment and decision requested	Harveys Lake Tahoe Stateline, NV	Yes

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Tahoe doc knows what 'you have breast cancer' means

Publisher's note: ***October is Breast Cancer Awareness Month. People are affected by cancer in all sorts of ways and communities do various things to shine a spotlight on various cancers. This is the second of four stories about cancer.***

By Kelly Shanahan

You have breast cancer. Four small words that can change a life. Usually I am the one saying those words, but in April 2008, I was on the receiving end.

Actually, I was looking at the mammogram with Dr. Betsy Card at Great Basin Imaging and she didn't really have to say the words. I could see the ugly white tangle for myself. My first words were not fit for publication. "Can you biopsy it now?" I asked, and minutes later a large needle was boring into the center of the mass.



Kelly Shanahan

I didn't wait for confirmation that it was indeed cancer before I arranged to be seen at the Carol F. Buck Breast Cancer Center at UC San Francisco. My husband told me to be optimistic, that it might not be cancer. But he's a glass half full person and I knew in my heart I wasn't that lucky. I also already knew what I would do – bilateral mastectomy. I didn't have time to have post-lumpectomy radiation and I didn't want the sword of Damocles hanging over my head, worrying about a recurrence.

My mind made up before I even saw the breast cancer specialist at UCSF, I had only one difficult chore: telling our then 9-year-old daughter. That was the hardest thing I've ever done. She looked me straight in the eye and asked if I was going to die. I told her yes, eventually, but not from breast cancer because I was going to kick its ass. That got a little smile, and a request for 25 cents for swearing.

There is nothing like having a child to make one fight – nothing, not breast cancer for sure – was going to keep me from seeing my daughter grow up.

Surgery wasn't scary for me, probably because I am a surgeon

myself and cutting bad stuff out was natural for me. I didn't, however, plan on having a positive lymph node and having to go through chemo. I planned on having the surgery and getting back to my life four weeks later.

Well, four months of chemo intervened, with the stereotypical hair loss and vomiting, but heck, there was a silver lining – didn't have to shave my legs all summer and I lost 50 pounds pretty darn quick. You have to have a sense of humor and find some good in order to survive chemo.

It has been four years now and sometimes I forget I have had breast cancer. The scars are long healed, and my surgeons did such a good job that I look normal. But in the back of my mind there is always that reminder of my mortality, that if my cancer had gone undetected much longer, the outcome would not nearly be so good, that I might not be arguing with my now almost 14 year old about the length of her shorts or the need to do homework.

October is breast cancer awareness month, a time when cereal boxes wear pink ribbons. If this helps to raise more money for research in how to fight this disease, then I will happily eat pink cornflakes. If one woman gets a mammo because of reading this article, then everything I went through is worth it.

Kelly Shanahan is a South Lake Tahoe medical doctor, gynecologist, mom, and breast cancer survivor.

Opinion: High school was wrong to ban Stephen King book

By Alexander Nazaryan, New York Daily News

Banning books is a dumb idea, but that hasn't stopped people from trying. On the heels of Banned Books Week comes the news that a high school in Rocklin is considering a ban on a Stephen King book because it contains a passage in which a woman is raped with a sex object.

The news was first reported by a Sacramento CBS affiliate.

The school in question, Rocklin High School, removed King's story collection "Different Seasons" from shelves after a parent complained about "Art Pupil." In that story – which was made into a 1998 film starring the late Brad Renfro and Ian McKellen – Todd Bowden, a young man in California befriends an elderly man, Kurt Dussander, who is a Nazi war criminal. In the supposedly offensive passage, Dussander watches as Todd cruelly rapes a woman. The rape is graphically described in a passage of one-and-a-half pages. The book also contains well-known stories like "Rita Hayworth and Shawshank Redemption" and "The Body," which became the film "Stand by Me."

According to CBS, Rocklin school officials removed the book from the library after the complaint. However, one level-headed student, Amanda Wong, raised an objection to the committee in question.

Here's the kicker: "Wong was also on that committee, and was the only one opposed to pulling the book. She was outnumbered, but it didn't stop her from being outspoken, especially because she's the only one who read the entire thing."

Well, then. If you're going to ban a book, then you should at least read it. Otherwise, you risk looking like a self-righteous fool.

As a former English teacher, I would probably not give "Art Pupil" to my students – but only because I don't think it's good literature, not because it contains a rape scene. Rape does happen. Cruelty does happen. Nazis happened. If you don't want your kids to know these things exist, buy an island in the South Pacific. Or, at least, get rid of your television and Internet.

At the very least, read the book in question. After the rape, Todd has the following realization: "There was only one way he coud get himself back again. He would have to kill Dussander. It was the only way. Games were done; storytime was over. This was survival."

Again, I think this is heavy-handed, clumsy prose. But it is clear that King is trying to make a moral point, with Todd at least wanting (if not achieving) redemption. I am fairly confident a seventh-grader would recognize that King is not glorifying rape or any other aspect of Dussander's revolting character.

Over in Rocklin, though, the fate of King's book hangs in the balance. After the school committee voted to pull the book, Wong went to the local school board, where her argument convinced the district to rethink the ban. According to CBS, the book is available at Rocklin High School again while the district weighs what to do.

Either way, we commend Amanda Wong for having a mind of her own.

Letter: Consider S. Tahoe council incumbents' records before voting

To the community,

The City Council election is less than a month away. Who will get the gold ring on the city's merry-go-round? There are two incumbents on the ballot. Hal Cole and Bruce Grego. Cole has served on the council 16 years. He poses as one who has done no harm in serving. No harm, no foul.

But his record says otherwise. Repeatedly he has supported redevelopment (RD) schemes that have put the city in a hole financially. In 1995, he voted to take all the TOT money in RD area one and use it to service the RD debt. TOT is a general tax dollar. Over the years $40 million have been taken from the general fund to service RD debt. The RD long-term debt is $200 million. No wonder the streets are crumbling and that there's no city hall.



Bill Crawford

Cole voted for the city's parking garage, a loser from day one. And he was the cheerleader for the convention center deal. His name is on the contract.

Cole, in 2000, voted for and pushed hard for Measure S, which has been political chaos for 12 years. Also, he and others put pressure on the city attorney to rush the adoption of the first contract on Lakeview Commons, which ended in the city losing a lawsuit. Money was lost and the project was delayed a year. Cole has done great harm.

The incumbent, Bruce Grego, sacrificed his integrity on the alter of greed when he colluded with the city manager [at the time] and the assistant city attorney [at the time] to cut a $937.50 city check for Grego. Cole, to his credit, said Grego should return the money to the city. I wanted Grego censure, but couldn't get the vote to do so.

Don't forget to vote.

Bill Crawford, South Lake Tahoe

PS: T.E. Lawrence wrote, "Old and wise means tired and disappointed." Amen.

Opinion: Government good at limiting access to information

By Whitney Evans, Quill

The freedom of speech, assembly, religion, the press and to petition government are seen as fundamental rights, thanks to the U.S. Constitution. Beyond that, though, is access to government information a fundamental human right? And if so,

do journalists need to do a better job informing the public about the importance of it?

The right to free expression and information is seen as a fundamental human right, listed alongside other rights such as fair public trial and freedom from arbitrary arrest and slavery.

Although free speech and access to information may not seem to fit with other human rights laws, its existence in a sense ensures the existence of other laws, according to Frank LoMonte, executive director of the Student Press Law Center. He said citizens cannot really be informed without access to government-held information.

Freedom of information laws have been spreading rapidly across the world, and people are beginning to more fully understand the importance of gaining access to government-held information.

Cheryl Ann Bishop, author of "Access to Information as a Human Right," said there has long been agreement among government about the right of citizens to speak freely and to access information.

However, access to government-held information has only recently been recognized as a fundamental human right. Access to government-held information is trending across nations, with recent rulings in the European Court of Human Rights and Inter- American Courts helping establish its legitimacy.

One reason access to government-held information is so important, Bishop says, is that other disclosure laws are essentially meaningless without it. If citizens do not know how their government is functioning, they cannot fully experience freedom of expression.

Despite the basic need for transparency, government officials often fail to place citizen access to information as a

national priority.

“I really think it is grounded in distrust for the sophistication of the public,” LoMonte said. “There is a sense among many in government that they can’t level with the public. “

LoMonte said he senses government officials assume the public would react poorly to information, which is a cynical view of the public. As a result, government officials often think they have the right to take a different position in public than behind closed doors. They give incomplete information about the quality of their services and their business dealings because they think it is their private business.

“It’s almost like government officials believe there’s a right to lie,” LoMonte said.

The change, he said, needs to begin when government officials take office. They should be trained to know there is no such thing as “private business” when it comes to governing a country. They need to realize that what they call “their” filing cabinet, computer or notes are not theirs, and mentally adjust to being the public’s employee.

In turn, citizens need to realize the power they have in the relationship. They also need to be involved in learning about public record laws.

“The public is not going to get excited about freedom of information if they think of it as something that only benefits reporters. They have to start thinking of it as something that benefits them as taxpayers,” LoMonte said. “The more people feel an ownership of those laws, the harder it will be for government officials to ignore that.”

Thus, it’s incumbent upon journalists and news outlets to explain FOI laws and citizens’ rights to the public.

United States: Not so good

The Associated Press published a study last year looking into the global state of freedom of information. What the AP found was that many new democracies did better with compliance to the law than more established democracies.

As part of the study, freedom of information requests were sent to the European Union and to 105 countries with known constitutional provisions or laws for freedom of information. They found newer democracies to be more proactive and responsive than older, more established countries.

For instance, Guatemala acknowledged receipt of the request within 72 hours and had the information to the press within 10 days; Turkey sent information within seven days, and Mexico fully responded and posted documents online within two months. Conversely, the United States responded only partially, and six months late, along with England and Wales responding 80 days late and only in part.

Nathaniel Heller, executive director of non-profit transparency and accountability researchers Global Integrity, gave one possible explanation: Newer democracies tend to be more innovative with their technologies relating to transparency because in general they have a fresh starting point. They don’t have to worry about grafting in various parts of an older law to make changes. Conversely, he described the U.S. Freedom of Information Act as “entrenched,” “crusty” and “old.”

Because of this, it will take more than legal reform to effect meaningful change in making freedom of information a national priority. It will take public action to spark meaningful change, LoMonte said, because government officials have little incentive: Informed citizens are not the ideal of incumbent elected officials.

At this point, he said, even in the worst non-compliant

situations, city or county taxpayers end up paying the fees. Instead, government officials must be given the motivation to respond.

“We need real teeth in these disclosure laws so that people who disobey them get removed from public service,” LoMonte said.

Short of citizen initiatives and voter referendums, this may not happen.

“It’s going to have to be forced upon the government by the public,” LoMonte said.

In the face of apparent indifference from both the government and public at times, the push for greater access to information may seem like a fruitless cause. In comes the question of what journalists in the U.S. can do to help encourage citizens to take advantage of access to information as a fundamental human right.

“The worst thing reporters can do is use the term access to information,” Heller said.

If citizens are to understand and use their right to government-held information, people need to see why it’s important for them to understand. Especially in our fast-paced, sound-bite culture, it is important to present this information to them in a way that applies to their everyday lives.

Instead of extolling the importance and position of access to government information as a right affecting all other human rights, he said, journalists should make the information relevant to citizens. Journalists have a responsibility to act as translators. If parents are presented with the right to see teacher performance scores, scores of the class and school information, for instance, it becomes something they can get behind.

LoMonte agrees. He said individually outrageous cases tap into people’s emotions and motivate them to act. As an example, he said, journalists can use the Jerry Sandusky and Penn State scandal as an example to inform the public about what could have been prevented with greater disclosure. Citizens are then left with no question about a direct link between a culture of secrecy and the atrocious behaviors that were left unchecked.

Whiney Evans was the summer 2012 Pulliam-Kilgore Freedom of Information intern for Society of Professional Journalists and Quill. She is a 2012 graduate of Brigham Young University.

Letter: Proposition 30 is good for LTUSD and LTCC

To the community,

As a community college instructor and local school board member, I would like to share my thoughts with the community about what will happen if Proposition 30 doesn’t pass.

Over the past several years funding for educating our K-12 children has already dropped dramatically. The district has been using its reserves to cover this shortfall in order to maintain essential educational programs. There have also been drastic cuts to teachers, instructional assistants, administration, and other vital support services. With the reserves dangerously low, any additional decline in revenue will involve cutting the number of school days.



Larry
Green

If Proposition 30 does not pass, the district will realize $455 less per pupil. The budget adopted by the board includes cutting 12 days off the school year if this funding cut occurs. That means there will be 12 fewer days for learning to take place in school. Parents will have to find and pay for childcare for 12 additional days. Many teens will be without adult supervision for 12 additional days with the potential to cause public safety issues in South Lake Tahoe.

The community has already shown its support of our children by passing Measure G, which has funded a total transformation of the school facilities. The Lake Tahoe Unified School District schools now have state of the art programs that will help our children grow up with the skills that they need in this changing society. It does not make any sense to leave these facilities empty for twelve additional days.

In addition, vital programs such as AVID, class size reduction, music, and athletics could be cut.

Proposition 30 will also protect Lake Tahoe Community College from receiving drastic budget cuts. If Proposition 30 does not pass, then the college will be forced to turn away 135 full-time equivalent college students due to reducing its course offerings. Services such as the library and tutoring will be sharply cut. The best way to improve hiring prospects for our unemployed is to acquire job skills at the community college. Our students have already had to bear a recent doubling of college tuition and the college has already had to deal with a $300 cut in funding per student while the cost of living has steadily increased.

The cost to fund Proposition 30 is a one-quarter percent increase in sales tax and an increase in income taxes for those making over $250,000 per year. This will mean a one penny donation to the school system every time you spend $4 on non-food items. When you go to the polls or fill out your absentee ballot, you can decide whether it is worth spending this penny in order to support our school children and our community college.

Sincerely,

Larry Green, LTUSD board member and LTCC mathematics faculty member

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Letter: South Shore restaurants deserve thanks

To the community,

On our one-year anniversary, Tahoe Girlfriend’s Cafe would like to thank the following restaurants for their hospitality, exemplary service, excellent food and wonderful memories over the past 12 months.

We look forward to revisiting and enjoying our good times with you again in the future.

TGC is a group of local women who meet once a month to share friendship, laughter and good times.

The restaurants are: Blue Angel, Swiss Chalet, Mirabelle, McDuffs, Kalani's, Sul Lago, Ristorante, Orchids, Apres Wine Co., The YUM Truck at Valhalla, Scusa, Harrah's Forrest Buffet, Fresh Ketch, Lakeside Beach Grill and LewMarNel's.

Debbie Goodyear, South Lake Tahoe

Opinion: Nevada businesses struggle with drug testing, medical marijuana

By Ellen Jean Winograd, Northern Nevada Business Weekly

As of Oct. 1, 2012, 18 states have enacted some form of legislation decriminalizing or legalizing the use of medical marijuana under certain circumstances. (Along with Nevada, those states are Alaska, Arizona, California, Colorado, Connecticut, District of Columbia, Delaware, Hawaii, Maine, Michigan, Montana, New Jersey, New Mexico, Oregon, Rhode Island, Vermont and Washington.)

Nevada is among the states that has decriminalized some aspects of medical marijuana use, and the Nevada medical marijuana provisions are set forth in NRS Chapter 453A. Employers in Nevada are trying to balance the need for a drug-free workplace, against with the rights of employees who have legal prescriptions for marijuana. Does medical marijuana use have an impact on the workplace drug testing policies? Are terminations based upon medical marijuana use defensible?

Unfortunately, there are no definitive answers; the Nevada

Supreme Court has not yet addressed drug-free workplace policies in the context of medical marijuana use. Until there is more legislative and judicial guidance, Nevada employers must look to other jurisdictions' court decisions to weigh and balance the challenges of addressing medical marijuana in workplace drug testing policies.

The starting point for any analysis is the Federal Controlled Substances Act – "CSA" –which prohibits the use of marijuana, medical or otherwise. Some employers have chosen to begin and end discussion of medical marijuana use by citing the CSA and determining that medical marijuana use in the workplace is an illegal act subjecting the employee to termination.

Nevada's medical marijuana laws, originally enacted in 2001, decriminalize medical marijuana use for persons holding valid Nevad-issued registry identification cards. Use of medical marijuana in Nevada pursuant to a duly issued registry identification card removes certain medical marijuana use from the realm of criminal prosecution and it provides an affirmative defense to a criminal charge in which possession from a delivery or production of marijuana is an element. The issuance of a valid Nevada state registry identification card requires that a treating physician has provided written documentation to the Health Division of the Department of Health and Human Services that the patient has a "chronic or debilitating" condition; a registry identification card is thereafter issued. The law says, "Conditions that qualify as chronic or debilitating include AIDS, cancer, glaucoma, cachexia, seizures, persistent muscle spasms, severe nausea, severe pain …" Nevada law specifically provides that the decriminalization of certain medical marijuana use does not "require any employer to accommodate the medical use of marijuana in the workplace."

The obvious question here is whether an employee's medical marijuana use outside of the workplace must be accommodated. This is an apparent ambiguity in the wording of NRS

453A.800(2). Just last month, the Sixth Circuit Court of Appeals analyzed the Michigan "Medical Marihuana Act" (MMMA) and held that MMMA does not impose restrictions on a private employer's ability to discipline employees for medical marijuana use. Michigan's Statutory scheme, similar to Nevada's NRS Chapter 453A, was found only to provide a potential defense to criminal prosecution or other adverse action by the state. Michigan's Act, MMMA, does not provide a private cause of action or support a wrongful discharge claim by an employee who tested positive for marijuana.

The Washington (state) Supreme Court also held that the "Medical Use of Marijuana Act" (MUMA) does not prohibit an employer from discharging an employee for medical marijuana use, nor does it provide a civil remedy against the employer. Courts in Montana and California have also interpreted similar state medical marijuana laws and held that they do not regulate private employment actions.

Legislation and case law are constantly changing, effecting the balancing process. Medical marijuana has received a great deal of publicity and significant legislative activity in the last several years. The use of medical marijuana therefore has employment ramifications in other areas as well, including workers' compensation, unemployment compensation and third-party liability. One Colorado appellate court affirmed denial of unemployment benefits, concluding that although the medical certification may insulate a claimant from state criminal prosecution, it does not preclude him from being denied unemployment benefits based upon termination for testing positive in violation of the employer's express zero-tolerance drug policy. Ultimately, laws regulating medical marijuana are evolving and employers' responses thereto will require frequent review of workplace drug and alcohol policies to maintain compliance with legislation and judicial decisions. Employers have legitimate interests in the health and safety of all employees and the public. Medical marijuana laws may

change, but public policy safeguarding employees and the public from impairment-related dangers, remains constant. Until there is more guidance from courts on medical marijuana in the employment context, it is incumbent on employers to establish drug testing policies that reflect employers' workplace values and promote safety, productivity and privacy.

Ellen Jean Winograd is a shareholder with Woodburn and Wedge in Reno.