

DATE: November 22, 2017

TO: Federal Agency Drug Program Coordinators, Federal Medical Review Officers,
Federal Partners

FROM: Ron Flegel, B.S., MT (ASCP), M.S.
Director, Division of Workplace Programs
Center for Substance Abuse Prevention

SUBJECT: Use of Marijuana Oils or Marijuana Infused Commercial products

Recent interest and the commercial availability of marijuana oils and marijuana-infused food products have prompted inquiries about their use and subsequent effect on urine drug test results for individuals who have used these products. Others have asked about the content of products labelled as “containing Cannabidiol (CBD).”

The marijuana analyte tested in urine is tetrahydrocannabinol-carboxylic acid (THCA). THCA is a metabolite of tetrahydrocannabinol (THC), the primary psychoactive constituent of marijuana. CBD is a different chemical compound present in the marijuana plant. Marijuana products, including CBD, are classified as Schedule I controlled substances under the Controlled Substances Act and, thus, are illegal under federal law. Agencies can receive authorization to test for any Schedule I or II controlled substance that is not already tested for under the current Mandatory Guidelines on a case by case basis. Schedule I substances have no acceptable medical application, so a legitimate medical explanation does not exist for a positive test.

Many CBD oils and other marijuana-derived products are sold over the internet or at dispensaries in states allowing marijuana use, either recreationally or medically. These products are not regulated by the Food and Drug Administration for content and may be contaminated by a host of cannabinoid chemicals, including THC and CBD. CBD is chemically distinguishable from THC and will not cause a positive drug test result under the current drug testing panel but is a Schedule I drug. However, CBD products may contain other cannabinoids such as THC, therefore, use of CBD oils and marijuana-derived products may result in a positive urine drug test for THCA.

As a point of clarification, there have been no changes to the drug testing panel regarding marijuana, under the federal Drug-Free Workplace Program (DFWP). The DFWP (as established under Executive Order 12564, Public Law 100-71 and the Mandatory Guidelines) will continue to operate in accordance with federal law, which identifies marijuana and marijuana extracts (e.g. CBD) as a Schedule I controlled substance.

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As such, federal civilian employees within the executive branch covered by the DFWP will continue to be tested for marijuana at the established cut off levels noted in the Mandatory Guidelines (<https://www.gpo.gov/fdsys/pkg/FR-2017-01-23/pdf/2017-00979.pdf>).

Sincerely,

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