

Date: February 1, 2022

To: Federal Agency Drug Program Coordinators, Federal Medical Review Officers,
and Federal Partners

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

Subject: FDA Approved Cannabis-derived or Synthetic Cannabis-related Products

Marijuana and THC remain Schedule I controlled substances under the CSA (see items (d)(23) and (31), <https://www.govinfo.gov/content/pkg/CFR-2018-title21-vol9/xml/CFR-2018-title21-vol9-part1308.xml>). The Controlled Substances Act (CSA) defines a Schedule I controlled substance as a drug or other substance with no currently accepted medical use and a high potential for abuse.

Under the Drug-Free Workplace Program (DFWP), federal job applicants and employees within the executive branch agencies will continue to be tested for marijuana using the established test cutoffs in section 3.4 of the Mandatory Guidelines using Urine and Oral Fluid (<https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs> and <https://www.govinfo.gov/content/pkg/FR-2019-10-25/pdf/2019-22684.pdf>). There is no legitimate medical explanation for a marijuana positive test result other than a verified prescription of an FDA-approved cannabis-derived or synthetic cannabis-related drug product(s) such as Epidiolex, Marinol[®], Sativex[®], Syndros, Cesamet or generic equivalent. A current list of FDA-approved cannabis-derived or synthetic cannabis-related products can be found at <https://www.fda.gov/news-events/public-health-focus/fda-and-cannabis-research-and-drug-approval-process>. Contact information for FDA can be found at <https://www.fda.gov/about-fda/contact-fda>.

The DFWP encourages federal agencies to continue educating their applicants and employees regarding the policy of the DFWP and marijuana. Please contact the Division of Workplace Programs at (240) 276-2600 or DWP@samhsa.hhs.gov with questions.

Sincerely,

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