

# Alcohol and Drug Free Workplace Policy

## Use of CBD Products and Drug Testing

### Fact Sheet



There is a growing popularity of cannabis oil and this is leading to more positive drug tests for tetrahydrocannabinol (THC), the primary psychoactive component in marijuana. Any product, including “Cannabidiol” (CBD) products, with a concentration of more than 0.3% THC remains classified as marijuana, a Schedule I drug under the Controlled Substances Act.

Despite the widespread popularity of cannabidiol (CBD), a lot of confusion about the plant compound remains, including whether it shows up on a drug test. CBD and delta-9 tetrahydrocannabinol (THC) are both cannabinoids, or active constituents, of the cannabis sativa plant. Drug tests for cannabis aim to detect THC, not CBD.

The use of CBD products, including synthetic, Delta-8, Delta-9, full-spectrum CBD, broad-spectrum CBD, and CBD isolate products, can lead to a positive drug test result for marijuana. CBD products are largely unregulated and may contain unwanted contaminants, including THC or other illicit drugs.

If you use CBD products regularly, it’s important to keep in mind that they might contain potentially problematic ingredients. CBD itself may not get you high or yield a positive drug test result, but products may contain higher amounts of THC than the manufacturer claims might.

CBD products derived from hemp, the cannabis sativa plant, or from THC containing cannabis should contain no more than 0.3% THC, per the Federal Drug Administration (FDA).

Since the possession, growth and sale of cannabis remains illegal on a federal level, any positive drug test for THC can have serious legal consequences, regardless of whether it was caused by using marijuana or other CBD products.

Since the CBD industry is largely unregulated, there is no definitive way to know whether a particular CBD product does or does not contain THC. The Department of Transportation requires testing for marijuana and not CBD.

The labeling of many CBD products may be misleading because the products could contain higher levels of THC than what the product label states. The Food and Drug Administration (FDA) does not currently certify the levels of THC in CBD products, so there is no Federal oversight to ensure that the labels are accurate. The FDA has cautioned the public that: “Consumers should beware purchasing and using any [CBD] products.” The FDA has stated: “It is currently illegal to market CBD by adding it to a food or labeling it as a dietary supplement.” Also, the FDA has issued several warning letters to companies because their products contained more CBD than indicated on the product label.

The Department of Transportation’s Drug and Alcohol Testing Regulation, Part 40, does not authorize the use of Schedule I drugs, including marijuana, for any reason. Furthermore, CBD use is not a legitimate medical explanation for a laboratory-confirmed marijuana positive result. Therefore, Medical Review Officers will verify a drug test confirmed at the appropriate cutoffs as positive, even if an employee claims they only used a CBD product.

People who use cannabis oil or CBD oil sometimes have disabilities, and their use of the product is understandable: to reduce pain or anxiety, help with sleep, treat tremors or symptoms of epilepsy, and alleviate multiple sclerosis symptoms, for example. These products must have less than 0.3 percent THC to be legal under federal law, but "regulation of these products is currently very loose.

THC can remain in the body for weeks. (BUYER BEWARE!)

Most CBD products are not regulated by the FDA and run the risk of containing more than the federally permissible amount of THC, 0.3 percent. So, there is a possibility that an employee could use what he or she believes to be a legally permissible, hemp-derived CBD product, but the unregulated product could trigger a positive test result for THC.

Employers and employees need to understand that the marijuana industry is largely unregulated as of now. Since we don't know what exactly is in CBD products, employees should be careful on using these products and shall do so with full knowledge and understanding of all risks associated therewith, including, but not limited to, their potential effect on a Drug Test. A failed drug test, whether due to marijuana use or the use of a (legal or illegal) CBD product, is unacceptable and will subject the employee to disciplinary action, up to and including termination of employment, under the CCG Alcohol and Drug Free Workplace Policy.

*Information source: US Department of Transportation and SHRM (Society of Human Resource Management), and CCG Alcohol and Drug Free Workplace Policy.*

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