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Legalized Marijuana or CBD Oil/Department of Transportation Drug Testing Regulations Guidance: Petroleum Marketers Association of American (Mark S. Morgan) Regulatory Alert

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Mark S. Morgan of the Washington D.C. trade association Petroleum Marketers Association of America ("PMAA") published a May 20th *Regulatory Alert* ("Alert") titled:

Use of Legalized Marijuana or CBD Oil Strictly Prohibited Under U.S. DOT Drug Testing Regulations

Mr. Morgan serves as Regulatory Counsel to PMAA.

The Arkansas Oil Marketers Association is a State Chapter of PMAA.

Mr. Morgan notes that DOT has clarified its drug and alcohol policy for purposes of legalized use under state laws of CBD oil and marijuana by CDL drivers. States that have legalized the use of medical marijuana by qualified patients include Arkansas.

The *Alert* notes that a focus of DOT's clarification is the legalized use of CBD oil and marijuana for medical and recreational purposes for purposes of DOT drug testing requirements for CDL drivers. The drug testing requirements are addressed at 49 C.F.R. Part 40.

The *Alert* states that the DOT clarification reiterates that the agency does not authorize the use of Schedule I drugs for any reason. It further notes:

Therefore, a medical review officer (MRO) conducting driver drug tests will not issue a negative test result simply because the THC detected in a driver's urine specimen was from the legalized recreational use of CBD oil or marijuana. In addition, an MRO will not issue a negative drug test based upon information that a physician recommended that the employee use medical marijuana where states have passed medical marijuana initiatives. Instead, THC from these (or any other) source will result in a positive test for the driver.

The remainder of the *Alert* addresses:

- What do U.S. DOT regulations require?
- Communicating cautions to CDL drivers

A copy of the *Alert* can be downloaded [here](#).