



CBD Products May Result in a POSITIVE USDOT-Testing Violation

Cannabidiol or CBD Oils, tablets, creams, and “gummies” (**products**) have been a source of concern, given that they are a non-intoxicating marijuana extract. There are medical examiner issues concerning the use of CBD products by drivers with a CDL license.

However, some industry experts are warning **commercial truck drivers** that use CBD products to treat aches and pains. Even if derived from hemp, a variation of Cannabis Sativa with a very low concentration of THS, a driver using the CBD product **could test positive** in a USDOT drug test.

Types of Cannabis Sativa

Cannabis is a family of plants with two primary classifications — Indica and Sativa. While marijuana can be considered a member of either the Indica or Sativa families, Hemp is a member of the Cannabis Sativa family. Both strains – Hemp and Marijuana – can produce CBD oil.

Each genetic variation was created for specific reasons:

- Δ Hemp: Bred for a number of things including oils (etc.) and nutritional benefits (0.3% THC concentration)
- Δ Marijuana: Bred for the production of THC in its flowers and leaves (5-30% THC concentration)

Looking at THC (tetrahydrocannabinol) concentrations alone, some may assume that only marijuana-based CBD products have the **potential to show up in a USDOT drug panel**. But even hemp-derived CBD products can register at a level that is considered a **USDOT drug testing violation**.

USDOT Regulations

The use of THC is forbidden for a regulated driver, no matter the source, which means medical and recreational marijuana, and some CBD products, even if legal under state law, are federally banned.

Since THC is an absolute under USDOT drug testing, a medical review officer (MRO) **must not** take the medicinal use of CBD products into consideration as he or she determines a drug test result.

Under USDOT Regulations, a positive drug test result requires the motor carrier to remove the driver from safety-sensitive functions until specific steps in the USDOT return-to-duty process are successfully completed.

After a positive test, the driver must:

- Δ Be evaluated by a substance abuse professional,
- Δ Complete prescribed treatment, and
- Δ Have negative results for follow-up testing before they can operate a commercial motor vehicle (CMV)



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The Bottom Line

An owner-operator/truck driver's career may be on the line if a drug screen comes back positive.

It's important to remember the following when it comes to CBD products:

- Δ Trace amounts of THC may show up in a USDOT urine specimen.
- Δ **MROs will not accept CBD products as a valid medical explanation for a positive USDOT drug test.**
- Δ Enforcement may consider CBD products in a commercial vehicle as possession. Officers are unable to determine the concentration of THC in the product, and there has been no official guidance for them to follow.
- Δ Labels can be misleading. Packaging for CBD products may claim to be THC-free or below traceable limits, when in fact, they contain enough to be detected during a drug screen.
- Δ CBD products sold in states with legalized marijuana may have been processed from the marijuana plant, resulting in a higher concentration of THC.

If you have any questions, please give us a call.