

OCHR FactSheet

CBD Oil

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CBD Oil

This Fact Sheet:

- Provides description of CBD oil
- Provides additional information on Marijuana/CBD
- Establishes the position of the federal government

Background

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 making them **illegal under federal law**. Agencies may 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 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.

Medical Marijuana/CBD

Due to the legalization of medical marijuana in several states, there is interest among the federal workforce on how legalization affects them. The Drug-Free Workplace Program (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, regardless of state law.

As a point of clarification, there have been no changes to the drug testing panel regarding marijuana, under the federal DFWP.

Executive Order 12564 mandates the federal workplace as a drug-free workplace. Section 1 of the Executive order states:

- “To refrain from the use of illegal drugs”.
- “The use of illegal drugs by federal employees, whether on or off duty, is contrary to the efficiency of service”.
- “Persons who use illegal drugs are not suitable for federal employment.”



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Frequently Asked Questions

Q: There are commercially available CBD oils available in stores near me that are labeled “THC-Free.” May I use this kind of CBD oil and not test positive on a drug test?

No. It is possible that THC (the psychoactive ingredient in marijuana) may still be in the product in trace amounts. With the initial and confirmatory concentration cut-off levels established by the Substance Abuse and Mental Health Services Administration, consistent use could build up levels in your system causing a positive test result for marijuana.

Q: I was at a party and after eating a cookie I was told it had CBD in it. Will I test positive for marijuana and if I do, may I just explain that I ate the cookies and not be in trouble?

You are responsible for what you put in your body. Depending on the potency of the marijuana/CBD, how soon the drug test is after eating the cookies, and various other factors, it is possible to have a positive result. However, claims of unknowingly ingesting THC products cannot form the basis of a legitimate medical explanation for a positive test result for marijuana (THC) on a federally-administered drug test. If you test positive, you will be subject to the full range of consequences for a verified positive drug test.

Q: CBD is legal where I live. May I use CBD oils if I have a prescription and not have to worry about testing positive on a drug test?

No. Marijuana and its derivatives remain illegal under federal law as a Schedule I drug in the Controlled Substances Act. A prescription cannot be written under federal law for a Schedule I controlled substance. If you test positive for marijuana you will be subject to the full range of consequences regardless of what your state law allows.

Still Need Assistance?

- For more information please visit the Substance Abuse and Mental Health Services Administration website <http://workplace.samhsa.gov>
- Drugfree Workplace Program Manager, Andrea Collings 202-285-4865 or Andrea.Collings@navy.mil

For additional information:

<https://portal.secnav.navy.mil/orgs/MRA/DONHR/DrugFreeWorkplace/Pages/default.aspx>



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