The U.S. Department of Transportation Federal Motor Carrier Safety Administration issued a “Clearinghouse Update” on May 27, 2021 reminding commercial motor vehicle drivers who are regulated by the FMCSA that they should exercise caution when considering whether to use hemp and cannabidiol (CBD) products. Specifically, the update stated that it is important for all employees who perform safety-sensitive functions, including CDL drivers, to know:

1. The U.S. Department of Transportation requires testing for marijuana and not CBD.

2. The labeling of many CBD products may be misleading because the products could contain higher levels of tetrahydrocannabinol (THC) than what’s stated on the product label.
3. The U.S. DOT’s Drug and Alcohol Testing Regulation, 49 CFR Part 40, does not authorize the use of Schedule I drugs, including marijuana, for any reason.

4. 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.

5. Since the use of CBD products could lead to a positive drug test result, U.S. DOT-regulated CDL drivers should exercise caution when considering whether to use CBD products.

The U.S. DOT’s “CBD Notice” may be viewed here.

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