

CBD Oils May Result in DOT-Testing Violation

By Kathy Close, J.J. Keller



A driver's career may be on the line if a drug screen comes back positive. To avoid any misunderstandings surrounding the use of CBD oils, be sure to bring up the topic during driver training.

Cannabidiol (CBD) oil is becoming a commonly used natural alternative to pain medicine. But, commercial drivers should be cautioned that use of CBD oil — even if derived from hemp — may result in a positive DOT drug screen.

The 2 Types of Cannabis Sativa

The cannabis sativa plant comes in two strains, each of which has the potential to produce CBD oils. Each genetic variation was created for specific purposes:

- Hemp: Bred for fiber, clothing, and construction; oils; and nutritional benefits (0.3% THC concentration)
- Marijuana: Bred for the production of THC in resinous glands in its flowers and leaves (5-30% THC concentration)

Looking at THC (tetrahydrocannabinol) concentrations alone, you might incorrectly assume that only marijuana-based CBD oil has the potential to show up in a DOT drug panel. THC concentration is dependent upon the manufacturing process and how much oil the individual is using. Even hemp-derived CBD oils can register at a level that is considered a DOT drug testing violation.

What Do DOT Regulations Require?

Use of THC is forbidden for a regulated driver, no matter the source. As a result, medical and recreational marijuana and some CBD oils, even if legal under state law, are federally banned. Since THC is an absolute under DOT drug testing, a medical review officer (MRO) must not

take the medicinal use of a CBD oil into consideration as he or she determines a drug test result. A positive drug test result requires the motor carrier to remove the driver from safety-sensitive functions until specific steps in the DOT return-to-duty process are successfully completed.

After a positive test, the driver must:

- Be evaluated by a substance abuse professional,
- Complete prescribed treatment, and
- Have negative results for follow-up testing.

Communicate Cautions

A driver's career may be on the line if a drug screen comes back positive. To avoid any misunderstandings surrounding the use of CBD oils, be sure to bring up the topic during driver training.

Possible points to cover include:

- Trace amounts of THC may show up in a DOT urine specimen.
- MROs will not accept CBD oil as a valid medical explanation for a positive DOT drug test.
- Enforcement may consider CBD oil in a commercial vehicle as possession. Officers are unable to determine the concentration of THC in the oil, and there has been no official guidance for them to follow.
- Labels don't tell the whole story. Packaging for CBD oil may claim to be THC-free or below traceable limits, when in fact, they contain enough to be detected during a drug screen.

One final caution to bring to your drivers' attention: CBD oils sold in states with legalized marijuana may have been processed from the marijuana plant, resulting in a higher concentration of THC.

Drivers should leave training with a greater understanding that any CBD or THC use is potentially a violation waiting to happen.

About the Author: Kathy Close is a transportation editor at J.J. Keller & Associates, Inc. Her areas of expertise include transportation security, DOT drug and alcohol testing, and driver qualification.