

# Drug Testing News Updates

**05/01/2017**

## **DOT “Recreational” Marijuana Notice**

“We want to make it perfectly clear that the state initiatives will have no bearing on the Department of Transportation’s regulated drug testing program. The Department of Transportation’s Drug and Alcohol Testing Regulation – 49 CFR Part 40 – does not authorize the use of Schedule I drugs, including marijuana, for any reason.”

“Therefore, Medical Review Officers (MROs) will not verify a drug test as negative based upon learning that the employee used *recreational marijuana*”.

Office of the Secretary of Transportation

Director Jim L. Swart

## **DOT “Medical Marijuana” Notice**

*In regard to Safety Sensitive employees*

“The Department of Transportation’s Drug and Alcohol Testing Regulation – 49 CFR Part 40, at 40.151(e) – does not authorize *medical marijuana* under a state law to be a valid medical explanation for a transportation employee’s positive drug test result.”

Office of the Secretary of Transportation

Director Jim L. Swart

**01/01/2016**

## **FMCSA Lowers Random Rate**

The FMCSA announced, pursuant to 49 CFR Part 382.305, that the minimum annual percentage rate for random controlled substance testing for drivers of commercial motor vehicles (CMV) requiring a commercial driver’s license (CDL) will lower to 25 percent of the average number of driver positions. (Effective calendar year 2016)

**11/19/15**

## **DOT “MEDICAL” MARIJUANA**

According to the DOT Office of Drug and Alcohol Policy and Compliance, The Department of Justice (DOJ) issued guidelines for Federal prosecutors in states that have enacted laws authorizing use of “Medical Marijuana”. The DOJ guidelines will have no bearing on the Department of Transportation’s regulated drug testing program. Marijuana remains in the Schedule 1 of the Controlled Substances Act and will remain to be unacceptable for any safety-sensitive employee subject to drug testing under the Department of Transportation’s drug testing regulations to use marijuana.