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INTRODUCTION

Cannabidiol (CBD) is a chemical compound present in the cannabis plant, which can be used medicinally as a remedy for a variety of ailments and pain management. The varying nature of CBD products on the market may present some obstacles for employers. Will CBD trigger a positive test result and inadvertently violate a valid workplace drug policy?

LEGISLATION

- **CONTROLLED SUBSTANCES ACT OF 1971**
  - Classifies marijuana and its constituents such as cannabinoids as a Schedule I drug.

  - Schedule I controlled substances are described as having a high potential for abuse, does not have any current accepted medical use in treatment in the U.S., has a high potential for addition, and is identified as being not safe to use even under medical supervision.

- **AGRICULTURE IMPROVEMENT ACT OF 2018**
  - Permits the cultivation and production of the hemp plant from an agricultural standpoint.

  - Defines hemp as "the plant cannabis and any part of the plant including derivatives and cannabinoids, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis."

  - Removes hemp and derivates of cannabis with extremely low concentrations (<0.3 %) of THC from the definition of marijuana of the Controlled Substances Act.

- **DRUG FREE WORKPLACE ACT OF 1988**
  - Defines a drug-free workplace as "a workplace where the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited."

- **FOOD AND DRUG ADMINISTRATION**
  - Responsible for protecting the public health by ensuring the safety, efficacy, and security of human and veterinary drugs, biological products, and medical devices.

  - Has the final authority to regulate products containing cannabis or cannabis-derived compounds.

  - Takes the position that because CBD is derived from cannabis, it is a Schedule I substances; therefore illegal under federal law. You cannot receive a prescription for CBD to be filled at a local pharmacy. CBD products are subject to the same authorities and requirements, regardless if they are classified as hemp under the Agricultural Improvement Act of 2018.

Cannabidiol products including CBD are not currently regulated by the Food and Drug Administration

OBJECTIVE

This project will discuss the current classification, various legislation, and approved uses of cannabis derived products such as CBD. The need for various workplace drug policies will also be reviewed. The purpose of this project is to generate awareness to employers on the evolving CBD marketplace and the multiple layers of complexity of this topic in order to decide if current drug policies need to be amended or revised.

WHAT IS CBD?

Cannabidiol (CBD) is a chemical compound that has been identified in the cannabis plant. It has shown to bind very weakly, if at all, to cannabinoid receptors. It is generally considered not to produce a "high" or any other intoxicating effect.

WHAT IS THC?

Delta-9 tetrahydrocannabinol (THC) is also a chemical compound that has been identified in the cannabis plant. It is the main psychoactive compound which can produce a range of psychedelic effects when combined with the cannabinoid receptors located in the brain.

WHAT ARE EMPLOYER DRUG TESTING PROGRAMS?

Employers have a responsibility to provide a safe and productive workplace, free of potential accidents or violence caused by the threat of drug abuse. A drug-free workplace policy should clearly prohibit the manufacture, use, and distribution of controlled substances in the workplace and spell out the specific consequences of violating this policy. **Workplace drug-testing programs are designed to detect the presence of alcohol, illicit drugs, or certain prescription drugs in the workplace.**

WHAT ARE SOME IMPLICATIONS THAT CBD USE CAN HAVE ON A WORKPLACE DRUG POLICY?

	Had more CBD than was indicated on the label	Had less CBD than was indicated on the label	Was accurately labeled	Found to contain various amounts of THC
84 Products were purchased online from 31 different companies	42.85%	26.19%	30.95%	18 products

Bonn-Miller MO, Loflin MJE, Thomas BF, Marcu JP, Hyke T, Vandrey R. (2017.) *Labeling Accuracy of Cannabidiol Extracts Sold Online.* Published in Journal of the American Medical Association.

- A mislabeled product that contains THC might produce intoxication, impairment, or may cause an employee to fail a drug test.

- Mislabeled products on the market suggests that there should be a continued need for federal and state regulation to ensure label accuracy of CBD consumer products

RECOMMENDATIONS TO EMPLOYERS

- Employers should understand the difference between hemp and marijuana and how the legislation in their jurisdiction differentiates between the two substances. At this time, CBD is a substance that is not federally regulated.

- For employers with a stated drug policy, it would be in their best interest to examine their current policy to make sure it closely matches the company's current legal, ethical, and business situation

- Educate the workforce on where they stand as far as tolerance on CBD use and inherent risks of CBD products.

- A constructive, communicative approach between the employee and the employer should be encouraged before any action is taken