



ADS Policy on Medical & Recreational Marijuana

Definition of Medical & Recreational Marijuana: cannabis (also referred to as marijuana) refers to the use of Cannabis (marijuana), including constituents of cannabis, THC and other cannabinoids, as a physician-recommended form of medicine or herbal therapy as well as the commercial sale and consumption (via smoking, eating, or drinking).

There are several states that have either decriminalized prescription writing and/or possession of marijuana if tied to medical and recreational use. However, the Federal Government (Drug Enforcement Agency – DEA) still classifies marijuana as a schedule I illegal substance; see link:

<https://www.dea diversion.usdoj.gov/schedules/index.html>

Department of Transportation (DOT) Regulated Programs

Organizations regulated by the DOT must comply with Federal Law. Medical marijuana is addressed in the Code of Federal Regulations: 49 CFR Part 40.151

"What are MROs prohibited from doing as part of the verification process? As an MRO, you are prohibited from doing the following as part of the verification process: (e) You must not verify a test negative based on information that a physician recommended that the employee use a drug listed in Schedule I of the Controlled Substances Act. (e.g., under the state law that purports to authorize such recommendations, such as the "medical marijuana" laws that some states have adopted.) "

A positive result, whether medical, recreational marijuana or other, is treated the same as any other. The full statements issued by DOT can be found here:

<https://www.transportation.gov/odapc/medical-marijuana-notice>

<https://www.transportation.gov/odapc/dot-recreational-marijuana-notice>



Non-DOT Programs

ADS Medical Review Office will continue to report a positive marijuana result as positive, even if a valid authorization exists. In order to give companies who wish to recognize the state law the information to do so, ADS will verify the authorization and add "Authorization for medical and recreational marijuana verified" in the comment area of the drug test result. Consult your state laws for restrictions and/or requirements to ensure you update your organization's drug test policy to reflect your medical marijuana policy.

If your company's policy accepts marijuana as a valid, medical explanation and would like those results to appear differently, please contact us directly.