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CBD Considerations for Flight Crewmembers and AMTs

If you're a safety-sensitive employee subject to an FAA-required drug and alcohol testing program, **BEWARE**—some readily available consumer products may contain substances that are harmful to your career.

Cannabidiol (CBD) products are very popular these days. You can find them on-line and in certain grocery stores and pharmacies of most states in varying forms, including oils, chewable gummies, and even topical lotions. CBD is supposedly moderately effective for treating insomnia, anxiety, and chronic pain. But is it legal, and what are the issues potentially affecting FAA certificate holders? Let's take a look.

CBD is derived from the cannabis sativa plant, the genus and species of which includes both marijuana and hemp. In the U.S., marijuana is defined as a cannabis sativa plant that has greater than 0.3 percent THC (tetrahydrocannabinol), which is the compound that produces a "high". In contrast, hemp is defined as a cannabis plant that has 0.3 percent or less THC. Unless you're in a state where recreational or medical marijuana is legal, CBD is likely to be made exclusively from hemp. However, CBD can technically be made from marijuana and unless a clear distinction is made between CBD oil and cannabis oil, the potential for confusion exists—at present, the FDA does not certify the levels of TCH in CBD products. Accordingly, the potential to inadvertently consume THC, or too much THC, is very real, especially in states where marijuana is legal. If your use of CBD oil results in a positive drug test for THC, it can have immediate and lasting consequences -- the FAA will be notified, enforcement action taken, and that test result will be made a part of your record and will require affirmative answers to questions on future applications to the FAA and potential employers.

So how much THC does it take to trigger a positive result in a DOT/FAA mandated test? 49 CFR Section 40.87 establishes the cutoff concentrations for drug tests. For marijuana metabolites (THCA), the cutoff for an initial test is 50 ng/mL and for a confirmatory test is 15 ng/mL. If a test result is below these levels, then it is negative. And, what do these values mean in a practical sense, e.g. how much CBD is needed to be consumed, and when (how recently), to produce a positive result? We have no idea and can't begin to speculate. This question, and its unknowable answer (to us, anyway), is the crux of this article; since it's not easily known how much THC *might* be in a particular product and how much intake of it will produce a positive test result, it's best to avoid using it altogether and avoid circumstances that could put you in jeopardy of becoming exposed to it, at least for now and until there is a change in the drug testing process that will allow for medicinal use or inadvertent consumption of these products.

The bottom line. Any CBD product that contains more than 0.3 percent THC remains classified as marijuana and is a Schedule I drug under the Controlled Substances Act. Independent of that, it remains unacceptable for safety-sensitive employee subject to an industry required drug and alcohol testing program to use marijuana in any form. For all airmen, if you test positive for THC, even if it comes from a legally obtained CBD product or inadvertent ingestion, it is grounds for suspension or revocation of any certificate or rating issued by the FAA—and for now and the near future, the FAA has a *zero-tolerance* policy on positive drug tests and their sanction of choice is immediate revocation!