

OCHR FactSheet

Marijuana

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This Fact Sheet:

- Provides description of marijuana
- Medical marijuana is illegal under federal law
- Provides additional information on medical marijuana

Background

Cannabinoids (Marijuana) compounds come from the hemp plant, *Cannabis sativa*. The principal psychoactive agent in cannabinoids is delta-9-tetrahydrocannabinol (THC). Cannabinoid containing compounds are found in two forms, marijuana and hashish. Marijuana is a mixture of crushed leaves, flowers, and sometimes the stems of the cannabis plant. Hashish contains the dried resinous secretions of the cannabis plant and, in general has a higher concentration of THC than marijuana. Certified laboratories are required to use confirmatory testing that specifically identifies the major marijuana metabolite THC.

Medical Marijuana

Due to the legalization of medical marijuana in several states, there is a curiosity among the federal workforce on how legalization affects them. Marijuana is a Schedule I drug under the federal Controlled Substances Act (CSA)-meaning any use of marijuana is illegal under federal law, regardless of state law.

Executive Order 12564 mandates the federal workplace as a drug-free workplace. Section 1 of the Executive order states:

- “To refrain from the use of illegal drugs”.
- “The use of illegal drugs by Federal employees, whether on or off duty, is contrary to the efficiency of service”.
- “Persons who use illegal drugs are not suitable for Federal employment”.

Still Need Assistance?

- For more information please visit the Substance Abuse and Mental Health Services Administration website <http://workplace.samhsa.gov>
- Drug Program Coordinator, Ken Stewart 831-656-2007 or kastewar@nps.edu



Frequently Asked Questions

Q: My downstairs neighbor smokes marijuana every night on his balcony. Will I test positive for marijuana from the second-hand smoke?

No. It is possible THC (the psychoactive ingredient in marijuana) may be in your system and you could experience a "contact high," but even this is doubtful under these circumstances. With the initial and confirmatory concentration cut-off levels established by the Substance Abuse and Mental Health Services Administration (SAMSHA), passive inhalation will not produce a positive test result for marijuana.

Q: I was at a party and after eating some cookies I was told they had marijuana in them. Will I test positive for marijuana and if I do, can I just explain I ate the cookies and not be in trouble?

You are responsible for what you put in your body. Depending on the potency of the marijuana, how soon the drug test is after eating the cookies, and various other factors, it is possible to have a positive result. However, claims of unknowing ingestion of hemp products containing THC cannot form the basis of a legitimate medical explanation for a positive test result for marijuana (THC) on a federally-administered drug test and you will be subject to the full range of consequences for a verified positive drug test.

Q: Marijuana is legal where I live. Can I smoke marijuana if I have a prescription and not have to worry about testing positive on a drug test?

No. Marijuana remains illegal under Federal law as a Schedule I drug in the Controlled Substances Act (CSA). A prescription cannot be written under Federal law for a Schedule I controlled substance. If you test positive for marijuana you will be subject to the full range of consequences regardless of what your state law allows.

Q: What happens if I test positive for marijuana on an applicant drug test?

Your job offer will be withdrawn and you will be prohibited from applying for any positions within the Department of Defense for 6 months or more (depending on all circumstances) from the date of your positive drug test.

Q: I have heard that STRONG and KIND bars sold at Starbucks contain THC and will cause a positive drug test result. Is this true?

No. The Drug Enforcement Administration (DEA) mandates that all Hemp products legally sold under Federal law in the United States be THC free. This includes products containing "hemp seeds" or "hemp seed oil". Any product that contains any amount of THC is a Schedule I controlled substance. Therefore, ingestion of hemp products legally sold in the United States (which certainly includes anything sold at Starbucks) will not produce a positive Marijuana (THC) drug result. The concentration level required for a positive test for THC is 50ng/ml with initial immunoassay testing and 15ng/ml with confirmatory Gas Chromatographer/Mass Spectrometer (GC/MS) testing. Granola bars legally sold in the US will not produce a positive test result for THC at the concentration levels established by SAMHSA.

