



Marine Safety Information Bulletin

U.S. Coast Guard
Seventeenth Coast Guard District
Division of Inspection & Investigation
709 West 9th Street
Juneau, AK 99802

MSIB Number: 02-19
Date: May 16, 2019

Drug Testing and CBD Use

This safety bulletin reminds mariners of the potential risk that CBD (cannabidiol) poses to mariners subject to Department of Transportation (DOT) chemical testing. Although deemed free of THC (tetrahydrocannabinol) by many manufacturers, CBD products may contain THC and trigger a positive drug test result.

Background: In recent years, many states across the U.S. have legalized marijuana production, sale, and use in their jurisdictions. As a result, manufacture and sale of various cannabis products has boomed and CBD is one such product. Marijuana, along with its derivatives, is listed as a Schedule I drug and, to date, the Food and Drug Administration (FDA) has only approved one drug containing CBD for treatment of seizures. The vast majority of products containing CBD are therefore not FDA approved. This means that the quality and authenticity of the CBD products on the shelf at the dispensary is left to the integrity of the manufacturer. Tests of various products advertised as “CBD” have revealed wide disparities in the actual product content among manufacturers. Some were found to contain no THC, some contain measurable amounts of THC, and others aren’t even derived from marijuana at all but rather a synthetic. The consumer has little way of knowing exactly what the CBD product contains.

Issue: Reports of positive drug tests, both inside and outside of the maritime industry, have been attributed to CBD use. In many of these instances the employees were shocked at the results, believing that the test must have been flawed because they are not THC users, only to find out that the CBD products they had been using contained THC. Marijuana’s illegal status under federal law renders CBD use inexcusable in a positive drug test result. In this instance, the Medical Review Officer (MRO) for a DOT drug test is obligated to determine the test result positive for THC. The Coast Guard conforms to federal law concerning the use of marijuana, hence credentialed U.S. mariners who test positive for THC will face suspension and revocation action against their Merchant Mariner Credentials (MMC).

References: The following federal statutes and regulations pertain to Marijuana and drug testing:

- ❖ 21 USC Chapter 13 – Controlled Substances Act
- ❖ 46 CFR 16 – Coast Guard regulations concerning drug tests.
- ❖ 49 CFR 40 – Department of Transportation drug testing procedures.
- ❖ 46 CFR 5.27 – Definition of “Misconduct.” Drug use is considered misconduct.
- ❖ 46 CFR 5.569 – Appropriate orders for suspension & revocation action.
- ❖ FDA CBD Test Results: <https://www.fda.gov/NewsEvents/PublicHealthFocus/ucm484109.htm>.
- ❖ FDA CBD Frequently Asked Questions: <https://www.fda.gov/news-events/public-health-focus/fda-regulation-cannabis-and-cannabis-derived-products-questions-and-answers>.

Recommendations: The following actions are recommended for mariners considering the use of CBD for pain treatment. Continue to regard marijuana and its various derivatives as an illegal substance and refrain from use or possession. Avoid the temptation to use CBD for pain treatment and seek suitable alternatives that are either approved by the FDA or are not scheduled under the Controlled Substances Act.

Contact: For questions regarding DOT drug testing and CBD use, please contact the District Seventeen Drug and Alcohol Program Manager, Mr. Steve Murphy, at (907)428-4182 or stephen.j.murphy@uscg.mil.