

## CBD Oil

# MARIJUANA OILS OR MARIJUANA INFUSED COMMERCIAL PRODUCTS

### **Use of Marijuana Oils or Marijuana Infused Commercial Products**

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Recent interest and the commercial availability of marijuana oils and marijuana-infused food products have prompted inquiries about their use and subsequent effect on urine drug test results for individuals who have used these products. Others have asked about the content of products labelled as “containing Cannabidiol (CBD).”

The marijuana analyte tested in urine is tetrahydrocannabinol-carboxylic acid (THCA). THCA is a metabolite of tetrahydrocannabinol (THC), the primary psychoactive constituent of marijuana. CBD is a different chemical compound present in the marijuana plant. Marijuana products, including CBD, are

classified as Schedule I controlled substances under the Controlled Substances Act and, thus, are illegal under federal law. Agencies can receive authorization to test for any Schedule I or II controlled substance that is not already tested for under the current Mandatory Guidelines on a case by case basis. Schedule I substances have no acceptable medical application, so a legitimate medical explanation does not exist for a positive test.

Many CBD oils and other marijuana-derived products are sold over the internet or at dispensaries in states allowing marijuana use, either recreationally or medically. These products are not regulated by the Food and Drug Administration for content and may be contaminated by a host of cannabinoid chemicals, including THC and CBD. CBD is chemically distinguishable from THC and will not cause a positive drug test result under the current drug testing panel but is a Schedule I

drug. However, CBD products may contain other cannabinoids such as THC, therefore, use of CBD oils and marijuana-derived products may result in a positive urine drug test for THCA.

As a point of clarification, there have been no changes to the drug testing panel regarding marijuana, under the federal Drug-Free Workplace Program (DFWP). The DFWP (as established under Executive Order 12564, Public Law 100-71 and the Mandatory Guidelines) will continue to operate in accordance with federal law, which identifies marijuana and marijuana extracts (e.g. CBD) as a Schedule I controlled substance.

As such, federal civilian employees within the executive branch covered by the DFWP will continue to be tested for marijuana at the established cut off levels noted in the Mandatory Guidelines ([gpo.gov/fdsys/pkg/FR-2017-01-23/pdf/2017-00979.pdf](https://www.gpo.gov/fdsys/pkg/FR-2017-01-23/pdf/2017-00979.pdf)).

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## Use CBD Products? Will You Pass a Drug Test?

Christine Sperow

Mike Sims owns Charlotte CBD on Central Avenue in Charlotte.

Their business is exploding and they've only been open 18 weeks. "We thought it would be successful but nothing like we've seen," says Owens while a wave of customers shopped in his store.

It's not just CBD oils you can find at Charlotte CBD. "We got everything from suppositories, edibles, topicals. We have vapes, smokable stuff, pet treats you name it," says Sims.

The CBD products sold there that contain THC, which is behind the 'high' sensation when people smoke marijuana, are labeled. But they only contain trace amounts of THC; so below the federal standard that would make it illegal, but enough to provide the relief Sims says his customers have expressed they're experiencing including pain relief, to anxiety, and inflammation.

"Just a few weeks ago we had a lady come in. She was one of our first customers. She said she was on over nine medications and she came in last week or week before last and she is on none of them," Sims explains.

So what if you use a CBD product and have to take a random drug test? We posed that question to Dr. Barry Sample with Quest Diagnostics,

the nation's leading provider in drug testing, where millions of drug tests are administered every year.

"Obviously if the CBD product somebody is using contains THC then it's entirely possible that the use of that product, because it contains THC, actually would result in a positive urine drug test," Dr. Sample explains.

If the CBD product has no THC in it, you're safe right? Dr. Sample says he has seen a case where a U.S. Department of Transportation worker did everything to make sure the CBD product he was taking was THC-free, but his drug test still came back positive.

"He happened to have another bottle of the product that he had used... an unopened bottle of the same lot. He had it sent off for analysis and lo and behold it actually contained THC," says Dr. Sample.

Which Sims says his business is fully aware of and goes as far as testing the products sold at Charlotte CBD to make sure what you see is what you get.

Sims says his business is an open door if anyone has questions - they want to have that dialogue with the public.

As for what CBD can help with, legally a product can't make those claims because it hasn't gone through the FDA. Every person is different. What works for one person might not work for another. We asked Dr. Sample, how long does THC stay in your system. He says it depends on the frequency and dosage you use.

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## CVS and Walgreens Bet on Cannabis, Testing the Market and Responding to Consumer Demand for CBD

Ben Curren, CEO and Founder, Green Bits

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Cannabidiol, or CBD, seems to be everywhere these days. Trendy lunch spots are drizzling CBD oil on salads, bartenders and mixologists are adding it to cocktails, juice bars are adding it to their smoothies alongside wheatgrass and ginger, and coffee shops are adding it to their lattes. Even Bon Appetit is adding it to their arsenal of ingredients, promoting recipes like CBD Caramel Sauce, which they suggest serving "over ice cream, stirred into yogurt, or drizzled over a brownie or slice of pound cake."

That's a lot of hype for a compound that is one of more than a hundred cannabinoids found in the cannabis plant, and for one that causes absolutely no psychoactive effects. After all, for decades, psychoactive effects have been what many cannabis users have sought, leading to strains that had been specifically bred to diminish the amount of naturally occurring CBD.

Many people, though, have found CBD to be helpful in providing relief for a wide range of symptoms, including chronic pain, anxiety, inflammation, gut disorders, and neurological conditions. And last January, the Food and Drug Administration (FDA) approved Epidiolex, a CBD oral solution, as a treatment for seizures associated with two rare and severe forms of epilepsy.

While this application has been approved for a very specific and limited use, further research and clinical trials may lead to approval for other drugs and for other uses. In the 2018 Farm Bill, Congress removed hemp from the drug schedules outlined in the Controlled Substances Act, legalizing it under federal law. But even though this made CBD derived from hemp legal, it was still subject to FDA regulations when used in applications under the FDA's purview. What this means, most notably, is that

selling CBD as a food additive or dietary supplement gets tricky.

So how do companies respond to market demands while also not getting themselves crosswise with federal regulators?

We saw one solution recently, as the two biggest pharmacy chains in the United States decided that CBD was worth exploring. Both CVS and Walgreens announced – within days of each other – that they would begin selling hemp-derived CBD products in 2,300 stores between the two nationwide chains. While you won't find the trendy CBD products listed above at these drugstores, their shelves will soon contain a variety of topical applications like creams, lotions, salves, patches, and sprays.

Let's be clear here: this is a big step and a major development for the cannabis industry. The fact that nationally recognized brands are putting their weight behind cannabis-tangential products is almost certainly a harbinger of things to come – even if the complex reality of FDA regulations forces the drugstore chains to limit their CBD product lines to topical applications for practical and legal reasons.

In a December 20, 2018 statement after the signing of the Farm Bill, FDA Commissioner Scott

Gottlieb asserted as much, saying "It's unlawful under the [Federal Food, Drug, and Cosmetic Act] to introduce food or food containing added CBD or THC into interstate commerce, or to market CBD or THC products as, or in, dietary supplements, regardless of whether the substances are hemp-derived. This is because both CBD and THC are active ingredients in FDA-approved drugs and were the subject of substantial clinical investigations before they were marketed as foods or dietary supplements."

This means that before we see these chains really double down on the new cannabis landscape, a new regulatory framework will have to be developed and implemented, providing guidance for what they can – and, importantly, what they can't – do. We may still be a long way off from that framework coming into place, but as with other developments, it is encouraging to see a willingness to explore and take action where possible.

What we do know is that the demand is there. Until the regulations catch up, retailers looking to test the market may find lotions and salves to be a safer bet. And if consumers meet or exceed retailers' projections, then we will almost certainly see other retailers follow suit.



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