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The Executive Order to reschedule marijuana is signed. Now what?

President Donald Trump's Dec. 18 Executive Order directs the U.S. Attorney General and Drug Enforcement Administration (DEA) to accelerate rescheduling of marijuana from Schedule I to Schedule III of the Controlled Substances Act (CSA).

The National Drug & Alcohol Screening Association is focused on the impact of rescheduling on workplace safety, and we offer these answers to our members' frequently asked questions.

Please visit us at NDASA.com for updates as the rescheduling process continues.

Is marijuana currently a Schedule III substance?

No. As of this writing, marijuana is still classified Schedule I. An administrative process must be followed before the DEA can change the classification. However, President Trump has been clear that he wants the process expedited. This could happen very quickly, or it could take years.

Does the Executive Order legalize marijuana in the U.S.?

No. Schedule III classification would treat the marijuana plant similar to a prescription medication. The federal government would be responsible for creating parameters around how Schedule III marijuana potentially would be prescribed, and it would determine whether marijuana qualifies for medical warning labels -- but this does not create national legalization.

Is my workplace drug testing program allowed to test for marijuana?

Yes. As of this writing, workplace drug testing programs should proceed. No changes have occurred.

How do U.S. Department of Transportation (DOT) and Department of Health and Human Services (HHS) testing programs change if/when marijuana moves to Schedule III?

DOT has said, "until the rescheduling process is complete, the Department of Transportation's drug testing process and regulations will not change." Speculation remains that federal testing for marijuana under DOT regulations and the HHS Mandatory Guidelines could cease unless there is a protective "Safety Carve Out" allowing federal testing. NDASA will monitor and advocate as necessary.

What should I do in my non-DOT testing program to prepare for rescheduling?

Workplace drug testing programs should continue to identify marijuana as an impairing substance and test according to their established safety policies. Now is the time to evaluate those policies and to *follow the science and proven data* demonstrating what promotes a safe and healthy workplace. In the future, employees may be able to obtain marijuana-based prescription medications that could cause impairment. Confer with your Medical Review Officer (MRO) to determine procedures for flagging safety concerns so your company is prepared for these eventualities.