



## CBD Oils and its Impact on Indiana Workplaces

### The Legalization of CBD Oil

On March 21, 2018, [Senate Enrolled Act 52](#) was signed into law (Public Law 153), legalizing the sale and use of cannabis-derived CBD oil with a tetrahydrocannabinol (THC) level of 0.3 percent or lower throughout Indiana. This Act's passage raises new questions for both employers and employees on the legalization of CBD oil and its impact on workplace drug testing.

### Background on CBD Oil

CBD oil, extracted from the cannabis or hemp plant, has received much recent media attention for its use in treating a wide variety of medical conditions and ailments including anxiety, insomnia, depression, and epileptic seizures. Unlike other products derived from the marijuana plant, CBD oil is promoted as lacking psychoactive properties because of its low level of THC.

In Indiana, CBD oil must have a total THC level of 0.3 percent or lower to be legally bought or sold throughout the state. CBD Oil must also have at least 5% cannabidiol and it must not contain any other controlled substances. Indiana sold CBD oil must have clear packaging with a scannable barcode/QR code that provides specific information on the product.

### Can CBD Oil Affect Employee Drug Screens?

Given Indiana's required low level of THC, average CBD oil users would not be likely to have a positive drug test for marijuana or marijuana metabolite. If the user were to consume more than 2,000 mg/day of CBD oil, such usage could trigger a positive drug test result.

There is some discussion that the consumption of CBD oil in conjunction with marijuana usage may result in higher THC levels for a longer period of time, thus increasing the chances of a positive drug test. CBD may also be converted into THC in the stomach once taken orally. In other words, there is no guarantee that CBD oil usage will or will not impact a drug test.

As a matter of federal law, CBD is a marijuana extract and therefore falls within the definition of marijuana (classified as a Schedule I drug by the Drug Enforcement Administration). Because CBD oil is a marijuana derivative, its use would not be accepted as a legitimate medical explanation following a positive drug test.

If a person will have regular drug testing for their job, they should be advised to use CBD oil with 0% THC and to take the lowest dose. Unfortunately, some employees may actually smoke marijuana and be claiming CBD oil as an excuse.

Employers should be aware of that risk, but may want to form policies for good, long-term employees who do not seem impaired which may include repeat testing, monitoring etc. At this time unless new guidelines are in place, if a drug test is positive for THC, a Medical Review Officer will verify it positive unless they have a prescription for medications that can cause a positive test.

<https://www.jdsupra.com/legalnews/how-indiana-s-legalization-of-cbd-oil-44704/>

[http://www.kokomotribune.com/news/cbd-oil-sales-are-exploding-in-indiana-but-how-do/article\\_d61bdcc4-9021-11e8-af8b-739878000438.html](http://www.kokomotribune.com/news/cbd-oil-sales-are-exploding-in-indiana-but-how-do/article_d61bdcc4-9021-11e8-af8b-739878000438.html)



### MedStat Drug Testing

Alcohol and drug use at work can cause a range of issues including lost productivity, absenteeism, injuries, fatalities, theft and low employee morale.

MedStat's drug testing program offers expanded drug panels and multiple testing options to help your company reap the benefits of a drug-free workplace. If you would like more information on our drug testing options or on any of our services, please contact **Anne Cuahuizo at 574-372-3895**.

[www.medstatonline.com](http://www.medstatonline.com)