



U.S. Department
of Transportation
**Federal Transit
Administration**

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REGION 10 BULLETIN NO: 2012-70

Subject: Position on Marijuana Use

Program Area: Drug and Alcohol Policy and Compliance

Date: December 5, 2012

The following notice was issued on December 3, 2012, from the U.S. Department of Transportation (DOT), Office of Drug and Alcohol Policy and Compliance regarding the recently passed Washington Initiative 502, relating to the use of marijuana.

“Recently, some states passed initiatives to permit use of marijuana for so-called “recreational” purposes.

We have had several inquiries about whether these state initiatives will have an impact upon the DOT’s longstanding regulation about the use of marijuana by safety-sensitive transportation employees – pilots, school bus drivers, truck drivers, train engineers, subway operators, aircraft maintenance personnel, transit fire-armed security personnel, ship captains, and pipeline emergency response personnel, among others.

We want to make it perfectly clear that the state initiatives will have no bearing on the DOT’s regulated drug testing program. The DOT’s Drug and Alcohol Testing Regulation – 49 CFR Part 40 – does not authorize the use of Schedule I drugs, including marijuana, for any reason.

Therefore, Medical Review Officers (MROs) will not verify a drug test as negative based upon learning that the employee used “recreational marijuana” when states have passed “recreational marijuana” initiatives.

We also firmly reiterate that an MRO will not verify a drug test negative based upon information that a physician recommended that the employee use “medical marijuana” when states have passed “medical marijuana” initiatives.

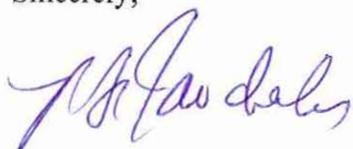
It is important to note that marijuana remains a drug listed in Schedule I of the Controlled Substances Act. It remains unacceptable for any safety-sensitive employee subject to drug testing under the DOT’s drug testing regulations to use marijuana.

We want to assure the traveling public that our transportation system is the safest it can possibly be.”

*Jim L. Swart
Director
Office of the Secretary of Transportation
Office of Drug and Alcohol Policy and Compliance
Department of Transportation*

For further information, contact Region 10's Ted Uyeno at 206-220-7958 or email ted.uyeno@dot.gov.

Sincerely,



R.F. Krochalis
Regional Administrator

Enclosure: DOT 'Recreational' Marijuana Notice