

# Using CBD? Yes, You Can Be Fired

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Using CBD is a popular topic. I'm being asked if it can show up on a drug test and if you can be fired or have a job offer rescinded for a positive result. According to PayScale, the answer is maybe. It's very complicated.

First, CBD is a naturally occurring chemical compound in the cannabis sativa plant which has two primary species: marijuana and hemp. CBD can be extracted from either species. The 2018 Farm Bill



legalized hemp cultivation and allowed the transportation of hemp-derived products across state lines. This bill defines hemp as those plants containing less than 0.3% of tetrahydrocannabinol or THC (the compound that causes marijuana users to get high.) Both THC and CBD interact with your body's endocannabinoid system but have different results.

Here comes the complicated part, the Farm Bill states that hemp-derived CBD is legal "if and only if that hemp is produced in a manner consistent with the Farm Bill, associated federal regulations, state regulations and by a licensed

grower.” It is illegal to market CBD by adding it to a food or labeling it as a dietary supplement according to the FDA and they have approved only one CBD product so far – a prescription drug to treat two rare forms of epilepsy.

There is an extreme lack of regulation in this area and it is rapidly changing.

While CBD is becoming mainstream, it doesn't mean your employer will allow it. It may depend on the type of job you do or the type of employment you are seeking. Jobs in transportation and those dependent on federal funds may be more restrictive. It is really up to your employer.

According to The National Law Review:

1. Employers are generally permitted to adopt drug-free workplace policies and make employment decisions relating to recreational marijuana use by an employee.
2. Employers are allowed to refuse to hire prospective employees for failed drug tests stemming from the purely recreational use of marijuana.
3. Whether an employer must accommodate the use of CBD oil for medicinal purposes will vary by the jurisdiction and will depend greatly on whether the CBD oil is derived from hemp or marijuana.

So beware. CBD or using CBD-infused products could result in positive THC test results and it would be possible to get fired. Most employers screen for THC, current drug testing does not look for CBD. However, CBD products can contain more THC than listed on the label and that small amounts can build up in the body to detectable levels. There isn't any uniformity in testing since each state can determine how it samples and tests hemp plants for THC content.

**Can you be fired, MAYBE!**

