



# Transport Workers Union of America, AFL-CIO

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***“AMERICA’S FIGHTING DEMOCRATIC UNION”***

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## **MEMORANDUM**

April 1, 2021

**To: All TWU Locals**

**From: The International Administrative Committee (IAC)**

**Re: Federal and Employer Rules Governing Drug Use**

**Federal laws and regulations are clear. If you fail a drug test, you could lose your job.**

In recent years, many states have legalized or loosened restrictions on cannabis. However, the possession or use of marijuana is still illegal under federal law, regardless of whether it is ingested or inhaled. That means that federal drug testing rules have not changed, and many companies have drug testing rules that mirror federal regulations.

According to the US DOT website:

*The Department of Transportation’s Drug and Alcohol Testing Regulation...does not authorize “medical marijuana” under a state law to be a valid medical explanation for a transportation employee’s positive drug test result....Therefore, Medical Review Officers will not verify a drug test as negative based upon information that a physician recommended that the employee use “medical marijuana.” Please 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 Department of Transportation’s drug testing regulations to use marijuana.*