

# Memorandum

**TO:** All DOT Safety-Sensitive Covered Employees

**FROM:** Laura Wooding, Director, Medical Services

**DATE:** 6/14/18

**SUBJECT:** Safety Sensitive Employees and the use of "Medical Marijuana"

NJ Transit's Medical Services Department strives to keep you informed about our drug and alcohol testing policies, as well as any new changes in this area. I would like to remind you that our Drug and Alcohol-Free Workplace Policy applies to ALL employees, both safety and non-safety sensitive. *"The purpose of this policy is to ensure that NJ TRANSIT operates in the safest and most efficient manner possible, and to promote the safety and welfare of our employees and customers by creating a drug and alcohol-free workplace and ensuring that our employees are free from the effects of drugs and alcohol."*

On January 18, 2010, the Compassionate Use Medical Marijuana Act (the Act) was signed into law (N.J.S.A. 24:6I-1). Since that time there have been frequent inquiries regarding the use of "Medical Marijuana" and the impact on required Drug and Alcohol Testing and the Drug and Alcohol-Free Workplace Policies (3.25, 3.25A, 3.25B). I refer you to the following statements:

*Per the New Jersey State Health Department Medical Marijuana Program, "Being a registered patient in the Medicinal Marijuana Program **does not** mean that you do not have to comply with your employer's drug testing policies. You should be familiar with your employer's policies on drug testing and know how it applies to you"* ([http://www.nj.gov/health/medicalmarijuana/pat\\_faqs.shtml#41](http://www.nj.gov/health/medicalmarijuana/pat_faqs.shtml#41)).

*The Department of Transportation's Drug and Alcohol Testing Regulation – 49 CFR Part 40, at 40.151(e) – **does not authorize** "medical marijuana" under a state law to be a valid medical explanation for a transportation employee's positive drug test result.*

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. In an effort to be very clear, NJ Transit's Medical Review Officers **will not** verify a drug test as negative based upon information that a physician recommended that the employee use "medical marijuana."

We want to assure the traveling public that our transportation system is the safest it can possibly be and it is the policy of NJ Transit to encourage employees to voluntarily seek help prior to being discovered to be in violation of the Drug and Alcohol-Free Workplace Policy. NJ Transit's Employee Assistance Program (EAP) provides services for any employee troubled by substance abuse problems. **For an appointment in any of the EAP offices or if you have any questions, please call: 1-800-338-2673 or (732) 290-0368.**