

December 3, 2012



*Counsel to
Kentucky's Trucking
Companies*



Tammy Meade Ensslin

ATTORNEY AT LAW

Hamburg Business Center
2716 Old Rosebud

Suite 230

Lexington, Kentucky

40509

Phone: 859-963-9049

Fax: 859-317-9729

tenssln@meadcenssln.com

DOT Office of Drug and Alcohol Policy Issues Compliance Notice Regarding Marijuana

Legal Alert: Today, Jim Swart, the Director of the Office of Drug and Alcohol Policy and Compliance Office of the Department of Transportation issued a "Compliance Notice" relating to the recent initiatives passed by some states to permit the use of marijuana for "recreational purposes." The notice was issued due to recent inquiries to the DOT 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.

The Notice states:

"We [DOT] want to make it perfectly clear that the state initiatives will have no bearing on the Department of Transportation's regulated drug testing program. The Department of Transportation'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 Department of Transportation's drug testing regulations to use marijuana."

***For additional information on legal issues in the Trucking Industry,
please contact TAMMY MEADE ENSSLIN at 859-963-9049.***

DISCLAIMER

These materials have been prepared by Tammy Meade Ensslin for informational purposes only. Information contained herein is not intended, and should not be considered, legal advice. You should not act upon this information without seeking professional advice from a lawyer licensed in your own state or country. Legal advice would require consideration by our lawyers of the particular facts of your case in the context of a lawyer-client relationship. This information is not intended to create, and receipt of it does not constitute, a lawyer-client relationship. A lawyer-client relationship cannot be created until we consider potential conflicts of interest and agree to that relationship in writing. While our firm welcomes the receipt of e-mail, please note that the act of sending an e-mail to any lawyer at our firm does not constitute a lawyer-client relationship and you are not entitled to have us treat the information contained in an e-mail as confidential if no attorney-client relationship exists between us at the time that we receive the e-mail. The materials presented herein may not reflect the most current legal developments and these materials may be changed, improved, or updated without notice. We are not responsible for any errors or omissions in the content contained herein or for damages arising from the use of the information herein.

Kentucky Law requires the following disclaimer: THIS IS AN ADVERTISEMENT.

Kentucky Law does not certify legal specialties.