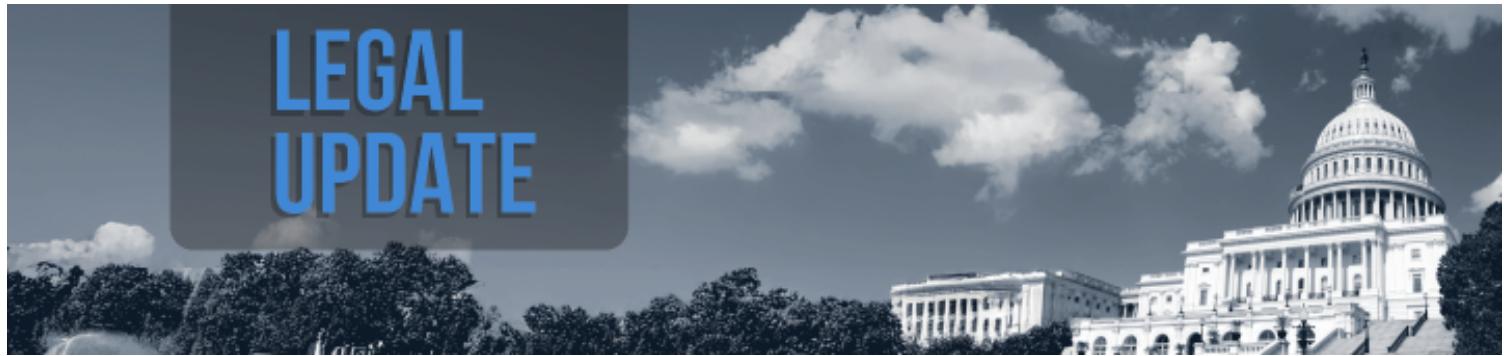


LEGAL UPDATE



DOT Issues Drug and Alcohol Testing Compliance Notice in Response to Marijuana Executive Order



On Dec. 19, 2025, the Department of Transportation (DOT) issued a [drug and alcohol policy and compliance notice](#) in response to an [executive order](#) (EO) issued by President Donald Trump on Dec. 18, 2025, directing the Department of Justice to complete the rescheduling of marijuana from a Schedule I to a Schedule III substance under the Controlled Substances Act (CSA). The DOT's notice clarifies the impact of this EO on existing federal drug and alcohol testing regulations, providing guidance to employers, laboratories, medical review officers and substance abuse professionals.

Background

Under the DOT drug and alcohol testing regulations, marijuana is a prohibited substance for all safety-sensitive employees, regardless of whether its use is permitted under state medical or recreational marijuana laws. Currently, the DOT regulations do not recognize medical marijuana as a valid prescription or medical explanation for a positive test result.

EO Overview

The Trump EO states that, per recommendations from the Department of Health and Human Services (HHS), medical marijuana has a currently accepted medical use. The EO further noted the potential medical benefits from cannabidiol (CBD) and tetrahydrocannabinol (THC) hemp-derived cannabinoid products. In light of this, the EO states the administration's policy to increase medical marijuana and marijuana and CBD research.

To achieve this policy, the EO calls for the U.S. Attorney General to take all necessary steps to complete the rulemaking process related to rescheduling marijuana to Schedule III under the CSA in the most expeditious manner in accordance with federal law.

Notice Key Highlights

According to the DOT, marijuana remains classified as a Schedule I substance under the CSA until the rescheduling process is formally completed. As a result, the use of marijuana continues to be prohibited for any safety-sensitive employee subject to DOT drug testing requirements.

The DOT further emphasized that, until rescheduling is finalized, its drug testing regulations and procedures will remain unchanged. Transportation employees in safety-sensitive positions will continue to be tested for marijuana, and existing DOT guidance regarding medical and recreational marijuana, as well as CBD use, remains fully in effect.

Employer Takeaway

Employers should continue to monitor developments related to DOT drug and alcohol policies and compliance, while adhering to current drug and alcohol testing requirements. The DOT has confirmed that laboratories, medical review officers and substance abuse professionals must continue to comply with 49 CFR Part 40, and that there are no changes to their roles or responsibilities regarding marijuana at this time.