

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS NOTICE

59-23

10/26/23

RESPONSIBILITIES OF FEDERAL EMPLOYEES REGARDING DRUG USE

I. PURPOSE

This FSIS notice reminds all FSIS employees that, as Federal employees, they are required to follow all Federal laws regarding the use of illegal drugs, including cannabis, also commonly known as marijuana.

II. BACKGROUND

A. Over the last decade, societal perspectives have undergone significant changes with respect to the use of certain drugs, especially for cannabis and cannabis products. However, cannabis (marijuana) is still classified as a Schedule I drug under the [Controlled Substance Act](#). Cannabis oils and cannabis-infused food products, such as chocolates or gummies, are also considered Schedule I.

B. Many states have legalized cannabis use for medicinal purposes. Some states allow cannabis use recreationally, much like tobacco or alcohol products. There is also confusion around state-by-state legalization changes and the rapidly expanding availability of cannabis products. Because it is an illegal substance at the federal level, products made from cannabis or labeled as “containing CBD” are not generally regulated by the Food and Drug Administration or other regulatory agencies to ensure the labels are truthful and accurate. This means that they may contain tetrahydrocannabinol (THC), regardless of what the label says. THC is the specific chemical compound in cannabis included in Drug-Free Workplace (DFW) Act illegal drug tests. In other words, using Cannabidiol (CBD) oils and cannabis-derived products comes with a risk of a positive urine drug test, even when product labels state that they contain no THC. In fact, there has been a noticeable uptick in cases of Federal employees failing drug tests throughout the United States. In some situations, these failed drug tests resulted in corrective actions, including suspensions or loss of employment for federal employees.

C. As societal perspectives and state laws have changed, the number of products containing cannabis and their availability has expanded rapidly. FSIS employees may find themselves in social situations or attending celebrations where cannabis products are present. It is important to know that cannabis use can negatively impact Federal employment.

III. DRUG USE PROHIBITION FOR FSIS EMPLOYEES

A. Federal laws have not changed. FSIS, like other federal agencies, continues to operate in accordance with the law and the federal Drug-Free Workplace Program (DFWP), including the program’s drug testing. Also, FSIS employees’ adherence to USDA’s Departmental Regulation (DR) [4430-792-2](#), *Drug-Free Workplace Program* is mandatory.

DISTRIBUTION: Electronic

NOTICE EXPIRES: 11/1/24

OPI: OPPD

B. FSIS employees are to follow all federal laws and regulations. All FSIS employees are expected to follow federal laws, remain drug-free, and refrain from illegal drug use during duty and off-duty hours. Doing so preserves the integrity and safety of our workplace.

C. FSIS provides assistance to employees and their family members through the Employee Assistance Program (EAP). EAP is a worksite-based, free, confidential referral and short-term service for many situations that may have a negative impact on work performance. WorkLife4You is a more holistic program covering a broad range of needs and can be used at any time. The resources in WorkLife4You help employees manage day-to-day responsibilities and life events to help improve work and life balance. Employees may contact EAP 24/7 at 1-800-222-0364 or [online](#). The registration code for new website users is "FSIS."

IV. QUESTIONS

Refer questions regarding this notice to: FSISFeedback@usda.gov.

A handwritten signature in black ink, reading "Rachel A. Edelstein". The signature is fluid and cursive, with the first name "Rachel" being more prominent than the last name "Edelstein".

Assistant Administrator
Office of Policy and Program Development