



April 2026 DOJ/DEA Marijuana Order: What Employers, MROs, and Supervisors Need to Know

On April 23, 2026, the U.S. Department of Justice and the Drug Enforcement Administration issued an order placing certain marijuana-related products into Schedule III of the Controlled Substances Act and initiating an expedited administrative hearing process to consider broader rescheduling. A formal hearing is scheduled to begin June 29, 2026.

While this development has generated significant attention, its immediate impact on workplace drug testing programs is limited.

Key Takeaways for Employers and MROs

1. No Immediate Changes to Federal Drug Testing Programs

- Marijuana remains a Schedule I substance for federal workplace drug testing purposes.
- Employees in safety-sensitive roles regulated by U.S. Department of Transportation, U.S. Department of Health and Human Services, and U.S. Nuclear Regulatory Commission are still prohibited from using marijuana, including for medical purposes.
- Medical marijuana is NOT an acceptable medical explanation for a THC/THCA positive test under federal programs.

Implication:

MRO verification processes and reporting protocols remain unchanged at this time.

2. MRO Responsibilities Remain Consistent (Regulated & Non-Regulated Testing)

- For federally regulated testing, MROs must continue to verify marijuana positives as positive results, regardless of claimed medical use.
- For non-regulated testing, there is no federal directive requiring a change in verification practices.
- MRO determinations should continue to align with:
 - Employer policies
 - State and local laws
 - Established professional standards

Implication:

There is no basis at this time for downgrading THC/THCA positives to negative due to medical marijuana claims.

Key Takeaways for Employers and MROs

3. What the DOJ Order Actually Does

- Places state-regulated medical marijuana products into Schedule III status
- Initiates an expedited rulemaking process to consider broader rescheduling from Schedule I to Schedule III.
- Signals potential future regulatory and legal changes, not immediate operational shifts.

Important Clarification:

There are currently no FDA-approved marijuana products, though some FDA-approved synthetic cannabinoid medications may test positive for THC metabolites.

4. Anticipated Next Steps (Policy Landscape)

- Administrative hearings beginning June 29, 2026 will shape the final rule.
- Possible downstream actions may include:
- Revisions to federal drug testing frameworks
- Legislative “safety carve-outs” for safety-sensitive positions
- Updates to executive orders and agency guidance
- Litigation is expected, which may further delay clarity.

Implication:

Employers should prepare for a fluid regulatory environment, but avoid premature policy changes.

5. Guidance for Workplace Programs

✓ **For Employers:**

- Maintain current drug-free workplace policies, especially for safety-sensitive roles.
- Ensure policies clearly address marijuana use, including medical use, consistent with federal and state law.
- Continue supervisor training on reasonable suspicion and impairment recognition.

✓ **For MROs:**

- Continue standard verification protocols
- Do not reinterpret positive THC/THCA results based on this order alone
- Communicate clearly with employers regarding policy-driven determinations

✓ **For Both:**

- Monitor updates from federal agencies and professional associations
- Avoid assumptions that rescheduling equals workplace permissibility

Bottom Line

The April 2026 DOJ/DEA order is a procedural step in an ongoing rulemaking process—not a change to workplace drug testing requirements.

For now:

- **Testing standards remain intact**
- **MRO practices remain unchanged**
- **Employer authority remains critical**

Source:

U.S. Department of Justice, Drug Enforcement Administration. (2026). Schedules of controlled substances: Rescheduling of Food and Drug Administration approved products containing marijuana and products containing marijuana subject to a qualifying state-issued license from Schedule I to Schedule III; Corresponding change to permit requirements [Final order]. <https://www.justice.gov/opa/media/1437441/dl>