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| **Fitness for Duty is Critical to Nuclear Safety: An Update on CBD & Marijuana** **DATE**: December 30, 2019 **FROM**: Brad Fewell, Senior Vice President, Regulatory & General Counsel, Exelon Generation **INSTRUCTIONS**: *Read the following information and know the consequences of using recreational and medical marijuana and other substances containing THC. Please share this information with employees who don’t regularly access email.*In the New Year, some state laws will permit the use of recreational or medical marijuana. Although marijuana may be legal at the state level, it remains illegal under federal law and its use remains a violation of the Nuclear Fitness for Duty Program, which is necessary to ensure nuclear safety and the health and safety of the public.  Please note that a Fitness for Duty verified confirmed positive drug test result for illegal drugs (THC) could occur due to consumption of food products, supplements or other preparations containing cannabis substances (including, but not limited to hemp products, coca leaf tea, and CBD oil). Regardless of the substance used, a Fitness for Duty verified confirmed positive test result has consequences.  The consequence of a verified confirmed positive result for marijuana (THC) or any other illegal drug is denial of an individual’s unescorted access and potential termination from employment. For more details, please read the belowor talk to Occupational Health Services.  Nuclear power is special and unique. So, too, are our employees, who must have a strong commitment to a drug-free, safe workplace. ***Marijuana Is Still Illegal Under Federal Law****Subject to various restrictions, marijuana becomes legal for recreational use in the State of Illinois on January 1, 2020. Use of marijuana for medical purposes has been legal in the State of Illinois for a number of years. And, Illinois is not unique; many states have legalized medical marijuana and a few states have legalized marijuana for recreational use as well.  The purpose of this communication is to remind employees who hold unescorted access or unescorted access authorization to Exelon Generation’s nuclear power plants, hold fitness for duty authorization, or who are designated Emergency Response Organization (ERO) personnel, that* ***marijuana is still illegal for all purposes (recreational or medical) under federal law****. As such, the use, sale, possession, or dispensation of marijuana (THC) is still a violation of the NRC’s and Exelon Generation’s Fitness for Duty Program requirements.  For these purposes, “sale” and “possession” include owning or working at a business or place that grows, sells, or dispenses marijuana. For individuals who hold unescorted access, Exelon Generation will still be required by the NRC to test for marijuana (THC) in drug screenings.  Under the NRC’s regulations (10 C.F.R. § 26.185(j)(6)), the use of marijuana, even if “legally prescribed and used under State law,” is not a legitimate excuse for a verified confirmed positive test result.  The consequence of a verified confirmed positive for marijuana (THC) or any other illegal drug is denial of an individual’s unescorted access or unescorted access authorization and potential termination from employment.****Use of CBDs****As previously communicated, the use of CBDs (or “cannabidiol”) can result in a verified confirmed positive test result for THC (the primary psychoactive component of marijuana). In general, CBD products, including oils, patches, capsules, gel pens, creams, balms and candies, are not regulated by the Food and Drug Administration. As a result, CBD products may contain THC, even if the product is labeled "Does not contain THC."* *Many CBDs are made from hemp. Hemp is legal under federal law, as long as the hemp does not contain more than 0.3% of THC.  As such, growing or processing hemp or consuming products containing hemp, is not illegal under federal law – as long as the hemp does not contain more than 0.3% of THC.  Even if a CBD is made from hemp that contains no more than 0.3% of THC, the use of such CBD products, especially if used frequently, may still result in a verified confirmed positive drug test result. Under the NRC’s regulations (10 C.F.R. § 26.185(j)(5)), the “consumption of food products, supplements, or other preparations containing substances that may result in a positive confirmatory drug test result, including, but not limited to hemp products or coca leaf tea,” is not a legitimate excuse for a verified confirmed positive drug test result. The consequence of a verified confirmed positive test result for THC or any other illegal drug is denial of an individual’s unescorted access or unescorted access authorization and potential termination from employment.**Note that the FDA has approved one CBD product, Epidiolex, for medical treatment of two rare forms of Epilepsy. Epidiolex is available legally by prescription only. To the extent Epidiolex has been approved by the federal government, taking Epidiolex pursuant to a valid prescription may not be a violation of the Fitness for Duty requirements. If the use of Epidiolex or any other CBD product is deemed medically necessary by a physician, employees must contact Occupational Health Services (OHS) and refer to Exelon's Disabilities and Reasonable Accommodations Policy (HR-AC-12) prior to using the medication.* |