

Cannabis, Compliance, and Driver Retention

The Challenges and Opportunities for
Fleets in a Changing Legal Landscape



Contents



- 3 Overview
- 4 Growing Cultural Acceptance of Marijuana
- 5 DOT Regulations Continue to Prohibit Usage
- 6 Driver Retention Efforts Stymied Over Confusion
- 7 Where Do Drivers and Carriers Go from Here?
- 9 Conclusion

Overview

In recent years, marijuana has moved from a largely prohibited substance to a widely legalized and socially accepted drug. Recreational marijuana use is currently legal in more than two dozen states, and 39 states allow for medical marijuana usage. In the case of the trucking industry, these cultural and legal shifts create complex challenges for both carriers and drivers.

Federal law, which supersedes state regulations in matters of transportation, continues to classify marijuana as a Schedule I substance. Meanwhile, the Department of Transportation (DOT) enforces a strict zero-tolerance policy for marijuana use among commercial truck drivers.

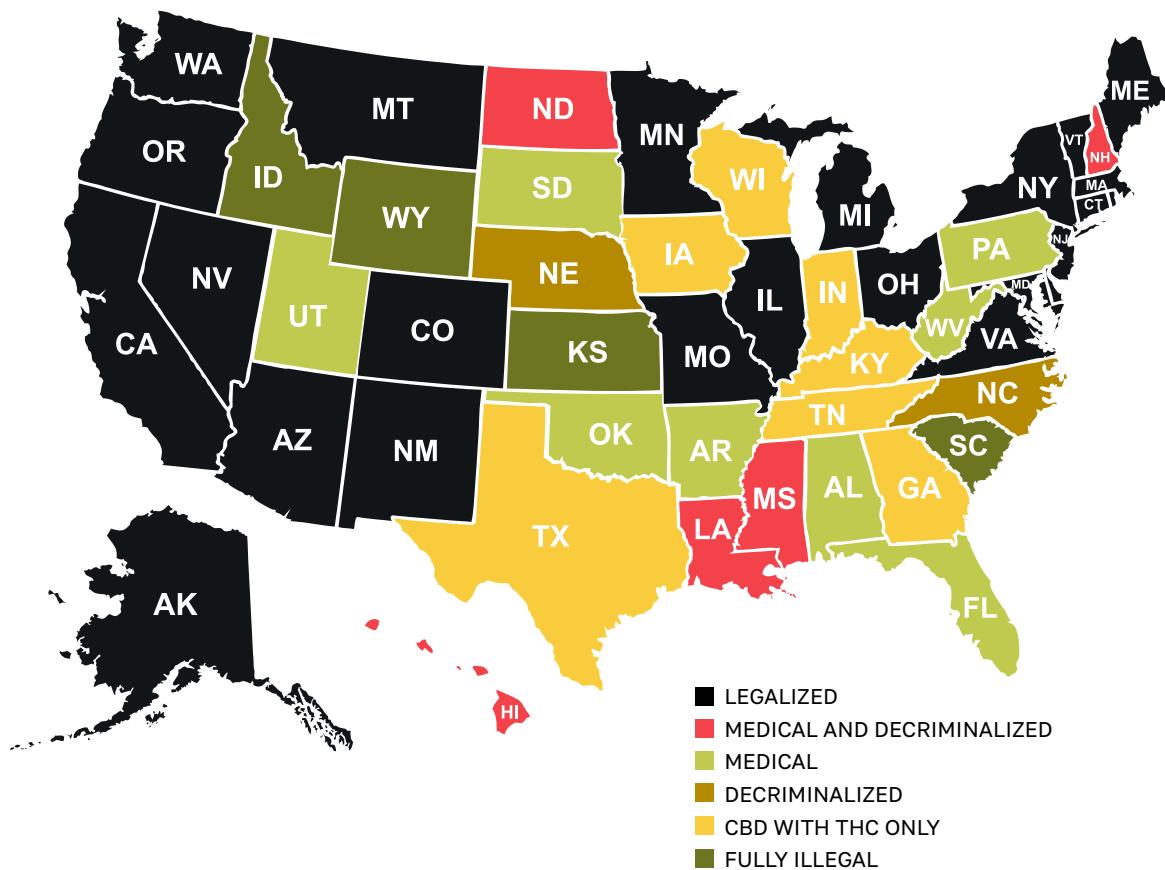
The crux of the issue lies in the disconnect between state-level legalization and federal regulations. Professional truck drivers are caught in a regulatory gray zone where using a legally purchased product in one state could lead to immediate job disqualification under federal law. This confusion complicates recruitment and retention efforts in an industry already struggling with driver shortages.

The widespread proliferation of marijuana and CBD products, rigid (sometimes outdated) DOT regulations, and the impact on driver retention combine to create unique challenges for transportation industry leaders.

MARIJUANA LEGALITY BY STATE

Updated January 1, 2025

Source: <https://disa.com/marijuana-legality-by-state>



Growing Cultural Acceptance of Marijuana

Shifting Legal Landscape

The legal status of marijuana has changed rapidly in the United States. In the past decade, numerous states have legalized marijuana for recreational use, joining an even larger number of states where it is approved for medical purposes. As of 2025, 23 states allow adults to use marijuana recreationally, while 39 states permit medical marijuana with a prescription. This shift reflects a broader cultural acceptance of marijuana use, with polls indicating that most Americans support legalization.

As laws have changed, so too have usage rates. A growing number of adults now consume marijuana recreationally or for medical reasons. According to the National Survey on Drug Use and Health, marijuana use among adults increased significantly over the past five years, driven in part by easier access and changing social attitudes.

For professional drivers, this raises a critical question: what are the risks of marijuana use in an industry governed by federal regulations that remain unchanged?

The Role of CBD Products

The rise in cannabidiol (CBD) products further complicates the situation. Unlike THC, the psychoactive component of marijuana, CBD is non-intoxicating and is often marketed as a safe alternative for pain relief, anxiety, and sleep disorders. Many truck drivers turn to CBD products as a way to manage the physical demands of the job without the risk of intoxication.

However, the problem arises with drug testing. DOT-mandated drug tests screen for THC metabolites, which can be present in trace amounts even in some CBD products labeled as "THC-free." Even trace amounts of THC can build up in the body over time, which can cause a positive test result. Drivers who unknowingly consume a CBD product containing small amounts of THC may test positive and face disqualification.

This lack of clarity around CBD product labeling and regulation creates additional risks for drivers, and opens up liability for CBD product manufacturers.

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DOT Regulations Continue to Prohibit Usage



Current DOT Rules and Regulations

Despite ever-changing state laws, the DOT maintains a strict policy prohibiting any marijuana use for safety-sensitive employees, including truck drivers. Marijuana remains classified as a Schedule I substance under federal law, indicating it has no accepted medical use and a high potential for abuse. DOT regulations align with this classification, requiring mandatory drug testing for marijuana and imposing severe penalties for positive test results.

Even if U.S. Department of Health and Human Services (HHS) were to reclassify marijuana from Schedule I to Schedule III, however, it may not necessarily be removed from the DOT panel due to the safety-sensitive nature of truck driving.

The DOT's drug testing program includes pre-employment, random, post-accident, and reasonable suspicion tests. If a driver tests positive for THC, they are immediately removed from safety-sensitive duties and must complete a return-to-duty process overseen by a Substance Abuse Professional (SAP). This process can be costly and time-consuming. Often, it simply results in permanent job loss or long-term unemployment for the driver.



Potential Future Changes

There is ongoing debate about whether marijuana should be reclassified at the federal level. In 2023, the HHS recommended that marijuana be moved from Schedule I to Schedule III under the Controlled Substances Act. If adopted, this change could have significant implications for DOT regulations and drug testing protocols. A Schedule III classification would acknowledge the medical use of marijuana and theoretically reduce the stigma associated with its use.

However, until these changes are enacted, truck drivers remain subject to current regulations. This means that even if a driver uses marijuana legally under state law, they can still face disqualification at the federal level – effectively, this prevents drivers from otherwise legal use while employed.



Driver Retention Efforts Stymied Over Confusion



Ongoing Driver Shortages

The trucking industry is already grappling with a significant driver shortage. According to the American Trucking Associations (ATA), the industry was short roughly 80,000 drivers in 2024, a number expected to grow in the coming years. Recruiting and retaining qualified drivers is critical to maintaining supply chain efficiency. Unfortunately, the confusion surrounding marijuana laws and drug testing further exacerbates these retention challenges.



The Impact of Drug Test Failures

A significant number of otherwise qualified drivers fail pre-employment or random drug tests due to marijuana use. These drivers are often unaware of the DOT's strict zero-tolerance policy or mistakenly believe that legal marijuana use in their home state is acceptable under federal law.

When drivers fail drug tests, they are typically removed from duty and must go through the return-to-duty process, which involves counseling, follow-up testing, and an SAP evaluation.

Some carriers do allow a second chance for drivers if they test positive, and some states like Minnesota protect employees from being fired over a first offense.

For many drivers, though, this process is a career-ending event. Carriers, in turn, lose experienced drivers and are forced to invest in costly recruitment efforts to fill those vacancies. This cycle creates a substantial burden on both drivers and carriers.

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Where Do Drivers and Carriers Go from Here?

Driver Safety and Compliance

Regardless of how regulations or cultural attitudes shift, carriers and drivers have a responsibility to ensure proper compliance. Fleetworthy provides industry-leading solutions for fleets to manage safety, compliance, and efficiency, lifting the burden of keeping fleets compliant and efficient for fleet managers and executives while providing best-in-class managed services and customer support.

Fleetworthy's intelligent compliance platform and dedicated transportation experts can support onboarding, driver qualification, and compliance operations. Customized training, consulting, and compliance services help keep drivers on the road.

Education and Awareness Campaigns

One of the most effective ways to address this issue is through education. Carriers should implement comprehensive education programs to inform drivers about the risks of marijuana use, the DOT's drug testing policies, and the potential for positive test results from CBD products. These programs should be updated regularly to reflect any changes in state or federal regulations.

It's also worth noting that carriers and employers have a responsibility to properly train and educate drivers about safety and the potential dangers of any drug use. Unlike alcohol intoxication, which typically wears off within 8 hours, marijuana intoxication can lead to impairment for up to 36 hours after a single use. Some studies show there can be residual issues for up to one week.

For safety-sensitive duties, alcohol and marijuana impacts are not the same after the intoxication wears off, and drivers need to be aware that any drug use can have a long-term impact on their cognitive abilities.

Clearer CBD Labeling and Regulation

The federal government can play a crucial role in reducing confusion by establishing clearer standards for CBD product labeling. The U.S. Centers for Disease Control (CDC), for instance, recently issued an official health advisory for Delta-8 THC, warning consumers that these products can be marketed and confused with non-intoxicating CBD products.

Drivers should be able to trust that products labeled as THC-free are genuinely free of detectable THC. Improved regulation and oversight of CBD products is one simple way to ease the burden on drivers.

Exploring Alternative Testing Methods

Even for cannabis advocates, keeping the road safe is a priority. It would be difficult to find an argument against the fact that drivers should not be actively impaired while operating a commercial vehicle. However, one of the major hurdles in drug testing and compliance is that, unlike alcohol, there is currently no widespread test to determine if a driver is currently under the influence of a drug like THC.

The current DOT drug testing program relies on urine tests, which can detect THC metabolites long after the effects of marijuana have worn off. This means that a driver who has consumed THC or CBD days, weeks, or

sometimes months earlier may still fail just the same as a driver who is currently experiencing the effects of a drug.

Alternative testing methods, such as oral fluid or hair follicle tests, could provide a more accurate picture of recent use without penalizing drivers for past consumption. Oral fluid tests have been approved by the DOT, but are currently not available because the HHS has to first approve at least two labs to conduct testing. Once those labs are approved, carriers will have an option for oral testing.

In turn, this may provide justification to significantly relax regulations surrounding THC – drivers who are actively using a drug would be kept off the road, while drivers who partake in a legal substance while off-duty are less likely to be unnecessarily punished.

Likewise, oral fluid tests are less likely to be cheated than urine tests, which suffer from a widespread tactic in which drug users attempt to pass off clean urine as their own. For now, at least, oral fluid tests are less susceptible to those types of fraud and abuse, meaning that results would be more reliable.

Advocacy for Policy Reform

Industry leaders can also advocate for policy changes that align DOT regulations with evolving state and federal laws. While immediate change may not be likely, engaging with lawmakers and regulatory bodies can help ensure that the trucking industry's voice is heard as these issues are debated.

Key areas in which industry leaders can make an impact include demands for better alignment between state

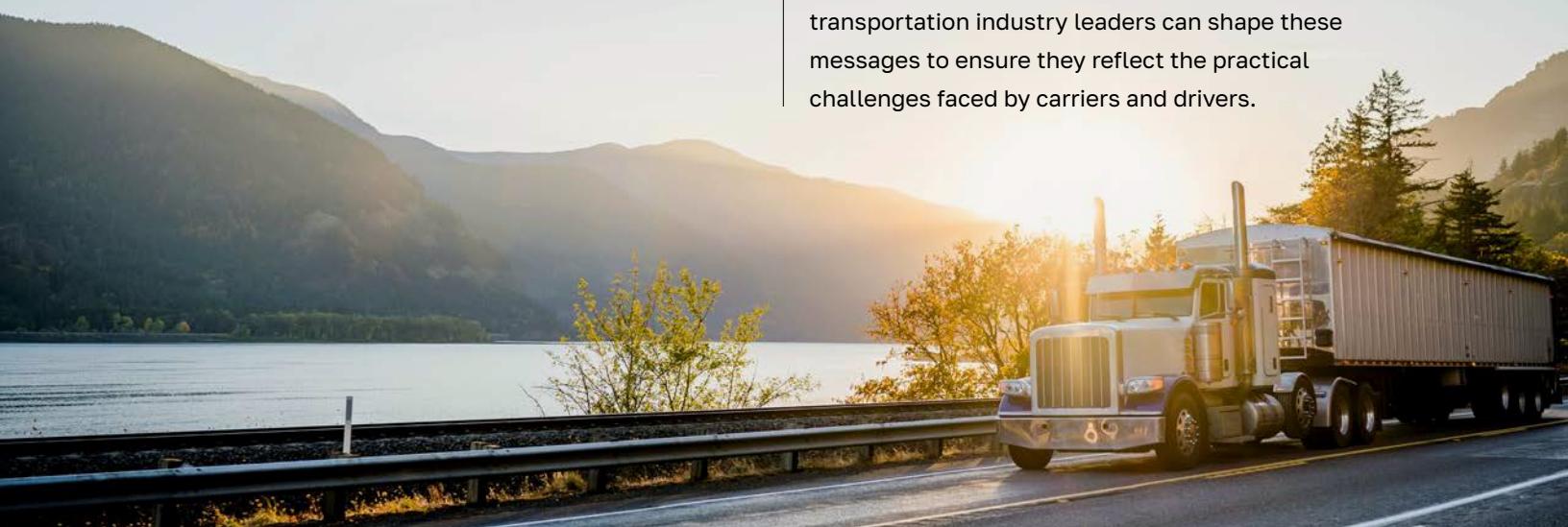
and federal laws regarding marijuana use for medical purposes. This could include exemptions or alternative regulatory frameworks for drivers who use medical marijuana under the supervision of a healthcare provider.

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after a single use.

Likewise, associations such as the ATA and state-level trucking organizations have the resources and connections to amplify advocacy efforts. Trucking leaders can collaborate with these groups to build coalitions, lobby for change, and raise awareness about the need for reform. A consistent and unified message from industry associations carries more weight than individual voices.

By listening to the concerns of employees across the spectrum and examining the available data, transportation industry leaders can shape these messages to ensure they reflect the practical challenges faced by carriers and drivers.



Conclusion

The intersection of marijuana usage and driver retention is a complex and evolving issue. While marijuana's growing acceptance and legalization create new opportunities for many Americans, they present significant challenges for the trucking industry. Drivers are caught in the middle of conflicting state and federal laws, often with serious career (and legal) consequences.

To address these challenges, trucking industry leaders must first prioritize safety and compliance so that future regulatory changes remain realistic. Fleetworthy can help carriers and drivers avoid costly violations by providing quality training and driving operational efficiency through technology that streamlines safety, compliance, toll management, weigh station bypass, and more.

Reducing confusion and improving driver retention require proactive and informed strategies. Only when existing compliance standards are met can carriers focus on furthering education, advocating for clearer regulations, and exploring alternative testing methods.

With ongoing collaboration between industry stakeholders, regulators, and lawmakers, a more balanced and effective approach to marijuana policy in trucking is within reach.

About Fleetworthy

Fleetworthy is revolutionizing fleet management with proven solutions for safety, compliance, and efficiency. Our technology suite provides real-time insights and control, enabling customers to maximize efficiency, reduce risk, and save money.

With technology to improve safety, compliance, toll management, weigh station bypass, and more, Fleetworthy empowers fleets to perform at their best. We simplify operations to ensure every vehicle and driver is not just compliant, but beyond compliant.

Supporting millions of drivers and vehicles, Fleetworthy is leading a new era in fleet management technology. Our vision is to create a future where fleets operate with unparalleled safety and efficiency.

At Fleetworthy, we're not just powering fleets—we're driving the future of transportation. Join us in turning challenges into opportunities and helping your business reach new heights.