

NLCP Notice: Department of Health and Human Services (HHS) Directive to HHS-Certified Laboratories

Subject: AG Order No. 6754-2026 Rescheduling of Food and Drug Administration Approved Products Containing Marijuana from Schedule I to Schedule III

This message is being sent on behalf of the Division of Workplace Programs (DWP) to all laboratories certified by the Department of Health and Human Services (HHS).

Directed Action: There are no changes to laboratory operations related to testing and reporting for THC and THCC in oral fluid and urine, respectively.

Background: On April 23, 2026, the Department of Justice, Drug Enforcement Administration (DEA) issued a Final Order reclassifying from schedule I to schedule III of the Controlled Substances Act (CSA) certain drug products containing marijuana that have been approved by the U.S. Food and Drug Administration (FDA) or subject to a state medical marijuana license, as defined in the Order ([AG final order](#)).

The DEA also noticed its intent to hold an administrative hearing on June 29th to discuss the overall rescheduling of marijuana from schedule I to schedule III of the CSA.

At this time, because some formulations of marijuana remain schedule I substances under the CSA, marijuana drug testing under the Federal Workplace Drug Testing Program will continue as authorized under the Mandatory Guidelines. However, given the shift for certain products to schedule III under the CSA, including drug products containing marijuana subject to a state medical marijuana license, the Drug Free Workplace Program in the Center for Substance Abuse Prevention at the Substance Abuse and Mental Health Services Administration is working to develop additional guidance for Drug Program Coordinators (DPCs) and Medical Review Officers (MROs) on how to approach positive test results related to marijuana based on the new regulatory information contained in the Final Order.

We recognize the urgent need for clarity in adjudicating positive test results. Thank you for your partnership and patience as we work to develop this guidance.

If you have any questions, please contact DWP staff Dr. Eugene Hayes eugene.hayes@samhsa.hhs.gov (240) 276-1459 or Ms. Lisa Davis lisa.davis@samhsa.hhs.gov (240) 276-1440.



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Drug Testing Matters is a continuing education newsletter by the National Laboratory Certification Program (NLCP) on topics of interest to laboratories, laboratory staff, and inspectors.