ATCC-PAP (600-85a)

MEMORANDUM FOR

Commanders, All Units Reporting Directly to This Headquarters
Deputy Chiefs of General Staff and Chiefs of Special Staff Offices, HQ USACC

SUBJECT: Policy Memorandum 1-7 – Hemp/CBD and THC Substance Abuse Policy

1. References:
   b. Army Regulation (AR) 600-85 (The Army Substance Abuse Program).
   c. Department of the Army, memorandum, subject: Update to the Department of Army Drug Test Panel: Tetrahydrocannabinol Delta-8, 7 July 2021.
   d. AR 145-1 (Senior Reserve Officers’ Training Corps Program: Organization, Administration and Training), Rapid Action Revision (RAR), 6 September 2011.

2. Applicability. This policy applies to USACC ROTC Cadets

3. Purpose. To ensure awareness of the DoD’s prohibition against using Delta-8- and Delta-9-Tetrahydrocannabinol (THC). This is a punitive policy in which the Military Departments were directed to issue punitive general orders or regulations, enforceable under Article 92 of the Uniform Code of Military Justice (10 U.S.C. § 892), prohibiting the use by active duty service members and the members of the Reserve Components of products made or derived from hemp, including CBD, regardless of the product’s THC concentration, claimed or actual, and regardless of whether such products may lawfully be bought, sold, and used under the laws applicable to civilians, and regardless of the route of administration or use.

   a. To effectively deter substance abuse and provide timely assistance to those affected, the Army must adapt its detection and deterrence program to address new and emerging threats to readiness. Routine drug tests could result in testing positive for Delta-8- or Delta-9-THC, which is now prohibited by DOD and Army Policy.

   b. Delta-8-THC is a psychoactive substance found in the Cannabis sativa plant, of which marijuana and hemp are two varieties. Both are now being sold as an ingredient
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in various products such as vape liquids. Delta-8-THC can also be manufactured from hemp-derived cannabidiol (CBD), which is also a prohibited substance.

c. Products containing Delta-8-THC are not regulated by the Food and Drug Administration and are often mislabeled as to both their Delta-8- and Delta-9-THC content.

d. Hemp products may legally contain up to 0.3 percent Delta-9-THC on a dry weight basis. However, THC in marijuana remains illegal. As a result, the use of hemp/CBD products is prohibited in AR 600-85, para. 4-2, as directed by the Department of Defense.

4. Responsibilities: Professors of Military Science (PMSs) are responsible for ensuring that all Cadets understand the current DOD, Army, and USACC policies prohibiting the use of CBD, Delta-8-THC and Delta-9-THC.

a. If a Cadet, who is not a member of the Green to Gold Active Duty Option, tests positive for Delta-8-THC, the PMS will counsel the Cadet in writing. If a SMP Cadet, the PMS will notify the Cadet’s owning organization of the positive test. The Cadet will be retested 90 days after the first Delta-8-THC positive test. If the Cadet tests positive on the second urinalysis, the PMS will initiate disenrollment proceedings pursuant to reference 1d. The basis for disenrollment will be: “It is discovered that a fact or condition exists that will bar a Cadet for appointment as a commissioned officer, to include a positive urinalysis for drug and alcohol abuse,” under paragraph 3-43a.(11). However, if the Cadet tests negative on the second urinalysis, then the PMS may request a waiver for positive urinalysis.

b. If a Cadet who is a member of the Green to Gold Active Duty Option tests positive for Delta-8-THC, that Cadet’s PMS will immediately notify the Commander, HHD, USACC. The Commander, HHD, USACC will refer the Soldier, under Command referral (Not a Urinalysis Positive referral) to the Substance Use Disorder Clinical Care (SUDCC) for an evaluation. These Soldiers will also be referred to the Army Substance Abuse Program (ASAP) to attend the two-day Prime for Life educational course. Prior to taking any disciplinary action against a Soldier for a positive Delta-8-THC urinalysis, the Commander, HHD, USACC will consult with the servicing judge advocate and forensic toxicology experts to fully understand the result. The Commander, HHD, USACC will then, at his or her discretion, take UCMJ action as appropriate and will initiate administrative separation as required by AR 635-200, paragraph 14-12c(2), before initiating disenrollment.

5. General: A positive drug test for Delta-8-THC will not be reported to the National Instant Criminal Background Check System (NICS) database by law enforcement.
6. Point of contact for this memorandum is USACC Drug Testing Manager at (502) 624-7219 or by email at danielle.l.peterson.civ@army.mil.

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Major General, USA
Commanding