



January 5, 2026

Executive Order: Increasing Medical Marijuana and Cannabidiol Research

On December 18, President Trump issued an [Executive Order](#) on federal actions related to marijuana rescheduling, reclassifying marijuana from a Schedule I to a Schedule III under the [Controlled Substances Act](#). This EO does not itself change marijuana's schedule; rescheduling becomes effective only if, and when, the DEA issues and finalizes a rule, following notice-and-comment procedures.

Impacts on NECA Members

Current DOT Policy on Marijuana

The DOT's "[Medical Marijuana](#)" and "[Recreational Marijuana](#)" notices state that it remains unacceptable for any safety-sensitive transportation employee (including CDL holders) to use marijuana, regardless of state law or a physician's recommendation.

The DOT further emphasizes that medical marijuana authorization is not a legitimate medical explanation for a positive marijuana test, and medical review officers must verify positive tests consistent with [49 CFR Parts 40](#), even when use is under state "medical" programs."

Effect on CDL Drug and Alcohol Testing

The DOT has made clear that safety-sensitive employees will continue to be tested for marijuana and prohibited from using it, even if marijuana is reclassified as a Schedule III substance.

Rescheduling by the DEA does not automatically change the DOT drug testing panel or the underlying prohibitions in 49 CFR Parts 40 and [382](#); any changes to DOT testing requirements would require separate DOT rulemaking.

Workplace and CDL Qualification Implications

Employers of CDL drivers must continue to:

- Conduct pre-employment, random, post-accident, reasonable-suspicion, return-to-duty, and follow-up testing that includes marijuana as required under DOT regulations.
- Treat positive marijuana tests, refusals, and use of marijuana by safety-sensitive employees as violations that trigger removal from safety-sensitive functions and required return-to-duty processes.



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Bottom Line

Federal DOT rules governing marijuana use and testing for CDL drivers remain unchanged.

The Executive Order and potential rescheduling do not, by themselves, require changes to collective bargaining agreement language or employer drug and alcohol policies that incorporate DOT standards.

Legal and industry guidance consistently advises DOT-regulated employers to maintain existing DOT-compliant drug and alcohol programs unless and until DOT issues formal regulatory changes affecting marijuana testing or safety-sensitive prohibitions.

NECA will continue to monitor developments related to this executive order and any associated rulemaking and will provide additional guidance to members as new information becomes available.

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