

Impairment free:

# Over-the-Counter (OTC), prescription drugs and CBD oil

Use this guide to help lead a discussion with employees to raise awareness about the dangers of being under the influence, specifically related to OTC, prescribed drugs, and CBD oil. Empower them with strategies to minimize risks and become safer drivers. Use the form on Page 2 to record meeting details.

## Moving beyond illegal drugs: Understanding FMCSA Regulation 49 CFR Part 382

Commercial motor vehicle drivers should familiarize themselves with FMCSA regulation 49 CFR Part 382, which specifically addresses the prohibited use of controlled substances and testing protocols for commercial drivers. While illegal drugs are a primary concern, it is equally vital to acknowledge that impairment can also arise from legally obtained medications such as over-the-counter (OTC) drugs, prescribed medications, and even compounds like CBD.

### Medication safety for drivers: Key points

- 1 OTC drugs and drowsiness:** Many over-the-counter (OTC) drugs can impair a driver's ability to operate a large commercial motor vehicle. Some may cause drowsiness, especially when combined with long work hours. Antihistamines and cold/flu medicines are common culprits. Drivers should carefully read OTC labels and assess their response to new medications when not driving.
- 2 Medical treatment awareness:** Drivers must inform their medical practitioners about their work responsibilities. Some prescribed medications are unsuitable for heavy machinery operators or drivers. If unsure, drivers should test new medications during off-duty hours to understand their effects.
- 3 Controlled substances and prescriptions:** Even if a controlled substance is prescribed by a doctor, a positive drug test can occur if the driver violates the prescription, or the prescription is no longer valid. Drivers should never take someone else's prescribed drugs.
- 4 CBD oil considerations:** The use of Cannabidiol (CBD) oil has gained attention. While some states allow low-THC CBD oil, the Department of Transportation (DOT) considers it a Schedule I drug, akin to marijuana. These products are not regulated by the Food and Drug Administration (FDA) so the active THC content may exceed the limit, leading to positive drug tests.
- 5 FMCSA guidance on CBD oil:** The FMCSA explicitly states that claiming a positive marijuana drug test due to CBD oil use will not be accepted as a valid explanation. Drivers should exercise caution when using products that advertise containing CBD oil.

For additional information related to driver safety, visit [MyNSightOnline.com/DriveThe5](https://MyNSightOnline.com/DriveThe5)

For further guidance, refer to Federal Motor Carrier Safety Administration 49 CFR Part 382 ([ecfr.gov/current/title-49/part-382](https://ecfr.gov/current/title-49/part-382)).



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# Toolbox Talk

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## Impairment free: Over-the-Counter (OTC), prescription drugs and CBD oil

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