

Information Paper

NGRI-JA
15 December 2022

SUBJECT: Continued Prohibition of Marijuana Use

PURPOSE: To provide clarification on impact of Rhode Island legalization of recreational marijuana use.

Guidance: As of December 1, 2022, Rhode Island has legalized the recreational use of marijuana. However, the use of marijuana and marijuana-related substances is prohibited by all military service members (active duty, Reserve and Guard members) and Department of Defense civilian employees.

Discussion: Under federal law, marijuana remains an illegal Schedule I Controlled Substance, with a high potential for abuse and no currently accepted medical use.

What is Marijuana?

Marijuana comes from the cannabis plant and contains many naturally occurring compounds including tetrahydrocannabinol, or THC. THC is the psychoactive chemical that produces impairment and the “high” that marijuana is often known for.

What is CBD?

CBD is short for “cannabidiol” and it comes from hemp. You might find CBD used in:

- -Pills, capsules, and softgels
- -Gummies
- -Oils
- -Topicals like lotions, creams, and salves
- -Skincare products, including beauty products, acne treatments, and bath bombs

Other than one prescription drug product to treat seizures associated with Lennox-Gastaut syndrome, the U.S. Food and Drug Administration (FDA) has not approved any other CBD products.

What is Hemp?

Hemp comes from the cannabis plant. Hemp may be found in common products including:

- -Hemp milk and coffee
- -Granola and energy bars
- -Chips and crackers
- -Protein powder and yogurt
- -Shampoo and conditioner
- -Lotion, soap, and hand sanitizer

It is important to read the ingredients of food, drinks, lotions, and oils before use. Hemp and CBD products are unregulated by the FDA and may contain underestimated levels of THC.

The DOD and Service-level policies prohibit service members from eating and using products made or derived from hemp to include CBD no matter the claimed or actual THC levels. This policy is necessary to ensure military readiness while securing the reliability and integrity of the drug testing program. The prohibition does not apply to durable goods such as clothing.

For federal employees, using marijuana products by any method – smoking, eating, and/or applying as an ointment – is prohibited regardless of state or local laws.

For military members, use of marijuana is still punishable as a violation of Uniform Code of Military Justice Article 112a. Wrongful use by military also triggers mandatory administrative separation processing with the possibility of an Other than Honorable characterization of service.

If you feel that you are in need of assistance for substance abuse issues, please contact the Rhode Island Risk Reduction Coordinator, Ms. Maria Bucci at (401) 275-4115 or via email at maria.l.bucci.ctr@army.mil.

For any questions pertaining to this issue, feel free to contact the Staff Judge Advocate, LTC Rob Williamson at (401) 275-4153 or via email at robert.m.williamson.mil@mail.mil.

LTC Robert M. Williamson
Staff Judge Advocate
Rhode Island National Guard