

**Date:** March 31, 2015

**From:** Ron Flegel, Director, Division of Workplace Programs  
Center for Substance Abuse Prevention, SAMHSA

**Subject:** State Initiatives on Legalization of Marijuana for Recreational or Medicinal Use

As you may be aware, on February 26, 2015, the District of Columbia Government implemented its marijuana legalization law.

Although there is some dispute over the legal effect of this law given Congressional disapproval, the purpose of this email is to clarify the effect of the law and other similar state laws on Federal employees' use of marijuana.

The District of Columbia follows three states – Colorado, Washington, and Alaska – in legalizing marijuana for recreational use, and numerous other states which have legalized marijuana for medicinal uses.

In spite of state and local laws legalizing the recreational use of marijuana, marijuana remains a Schedule I substance under the Federal Controlled Substance Act and is therefore still illegal under Federal law. Executive Order 12564, *Drug-Free Federal Workplace*, dated September 15, 1986, made it a condition of employment for all Federal employees to refrain from using illegal drugs both on and off duty.

In addition, the change in District of Columbia law does not alter the application of the existing adjudicative guidelines for eligibility for access to classified information. Use of marijuana by employees deemed eligible for access to classified information violates security protocols relating to drug use and illegal conduct and may result in the loss of eligibility or of a security clearance.

**Federal employees who use marijuana or other illegal drugs, even if used in a state that has legalized its use, may be subject to disciplinary action, including termination from employment.**