



Date: August 20, 2019

To: ATA Comp Fund Members and Agency Partners

Re: CBD Oil Communication

Due to the growing popularity of CBD Oil, we have received numerous questions regarding its use and the effect on employment. While we do not advise on any employment matters, we did see an opportunity to assist our Fund Members with a “toolbox” communication regarding the use of CBD Oil. Thomas Eden with Constangy, Brooks, Smith & Prophete, LLP drafted the attached communication for you to consider. If you would like to utilize this communication, we request that you review it with your employment law attorney or engage Thomas Eden to assist you with implementation or drafting a different statement. Each State is different, and your employment law attorney or Thomas Eden should be able to assist you with the best policy for your company should you have employees working in other States. To contact Thomas Eden, please see his information below.

Thomas M Eden III, Partner

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The ATA Comp Fund believes that Workers’ Compensation benefits may be disqualified due to a positive finding of THC regardless of how or why it was used. Therefore, the use of CBD Oil may lead to a positive test and the disqualification of benefits.

Sincerely,

A handwritten signature in black ink that reads 'Todd Hager'.

Todd Hager, ARM

Chief Operations Officer



The below language has been provided by Thomas M. Eden, III, Partner with Constangy, Brooks, Smith & Prophete, LLP Alabama Office who has been retained to advise the ATA Comp Fund on Drug Testing Policy issues. Tommy also advises Constangy Clients for all its 30 offices nationwide on Drug Testing Policy issues, regulated and non-regulated, in all 50 states.

Constangy Webinars on drug testing topics can be viewed at <https://www.constangy.com/resources-testing>

TOOLBOX COMMUNICATION

Management has had several inquiries regarding the use of Cannabidiol (CBD) oil as a treatment for various medical conditions, aches, pains, etc. We have researched this subject in recent months as there is an increased use of CBD overall.

CBD oil production is not currently regulated by the Food & Drug Administration, which results in very little official oversight into the manufacturers' processes and the vendors they use for distribution. It is important to understand that Tetrahydrocannabinol (THC), a component of marijuana, is a commonly used ingredient of some CBD oils. Since this industry is still virtually un-regulated, there are no governing controls in place to prevent the use of THC by the manufacturers. Consequently, there is no assurance that a product sold as CBD Oil will not cause the user to test positive for THC (marijuana) in a workplace drug test. Additionally, there are those trying to beat a drug test who are claiming that use of CBD Oil caused their positive THC (marijuana) result. We have been informed that a confirmed GC/MS laboratory drug test for THC (marijuana) can clearly differentiate CBD Oil from THC (marijuana) by their molecular structure.

Our Drug Free Workplace Policy results in drug testing for various conditions to ensure the safety of all our employees. THC is a primary indicator of the use of marijuana and having it in your system during work hours is a violation of our Drug Free Workplace Policy. Consequently, the claimed use of products containing cannabidiol (CBD) will not be accepted by the Company as a legitimate medical excuse for a positive THC (marijuana) test. This will be the Company's position even if the employee presents a prescription/recommendation from a medical professional.

Employees are responsible for what they put on or in their body and are discouraged from using CBD oils to prevent the possibility of a positive drug test due to above cutoff levels of THC, which is a terminable policy violation, and may also disqualify you from filing a Workers Compensation Claim and Unemployment Compensation Claim in the State of Alabama.