



Congratulations to the following individuals on their initial or renewal certification in Q4 2023:

New CSAPA Recipients:

Sasha Zamora, CSAPA

John Burgos, CSAPA

DAPA-MC Recertification:

Brandi Jordon, CDAPA-MC



Over the last 50 years, many states and municipalities have decriminalized marijuana. Marijuana *decriminalization* differs markedly from *legalization*. A state or municipality decriminalizes conduct by removing the accompanying criminal penalties or by lowering them (e.g., making covered conduct a low-level misdemeanor with no possibility of jail time); however, civil penalties may remain (e.g., someone possessing marijuana may receive a ticket with a fine).

<https://crsreports.congress.gov/product/pdf/IF/IF12270>

Teen Alcohol Use Statistics

In the United States, high school students abuse alcohol more than any illicit drug. Not surprisingly, it causes the most harm, and underage alcohol use is responsible for potentially losing 225,000 years of life and 3,900 deaths each year among people under the age of 21.

Statistics from surveys conducted the past two years show:

- 25.8% of 12th graders had tried alcohol (2021 study)
- 29% of high schoolers drank in the last month
- 14% binge drank (consuming four or more alcoholic beverages in a row)
- 17% rode in the car of someone who had been drinking
- 5% drove after drinking



Training Corner

Current Consulting Group

Webinars and blog on a variety of drug and alcohol related topics

www.currentconsultinggroup.com

NDASA

Conference and Trade Show

May 15 -17, 2024

Hershey, PA

<https://www.ndasa.com>

SAPAA

2024 Annual Conference and Expo

October 7-9, 2024

Dallas, TX

<https://www.sapaa.com>

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Cannabis Testing Restrictions in California and Washington as of January 1, 2024

By SmartHire

Both California and Washington have passed legislation that will impact their pre-employment testing policies once the new year rolls around. Pre-employment drug testing is governed by a patchwork of federal, state, and local regulations, in addition to varying policies adopted by private and governmental employers. Given this variability, understanding the requirements surrounding pre-employment drug testing can be challenging.

AB 2188 was passed in California and signed by the Governor on September 18, 2022. This change makes it illegal for most employers to discriminate against a cannabis user in relation to hiring, terminating, or basing other employment decisions on their cannabis use if the decision is based upon either:

- The person's use of cannabis off the job and away from the workplace.
- A pre-employment drug test is required by the employer that has found nonpsychoactive cannabis metabolites in hair, blood, urine, or other bodily fluids.

It should be noted that this exclusion is for cannabis only. This law also makes exceptions for certain industries, including:

- Employees in the building and construction trades
- Applicants or employees hired for positions that require a federal government background investigation or security clearance meeting the Department of Defense's regulations or equivalent regulations applicable to other agencies.
- Applicants and employees are required to be tested under state or federal laws and regulations or as a condition of the employer receiving federal funding or federal licensing benefits or entering into a federal contract.

Washington's law is similar to California's in that it also takes effect on January 1, 2024, and it prohibits employers from discriminating against a person for cannabis use. This law does not prohibit the employer from making initial hiring decisions based on drug testing methods that do not screen for nonpsychoactive cannabis metabolites. As such, employers in this state can reject job candidates for cannabis use if the employer uses the appropriate drug test. Employers in Washington also still have the right to maintain a drug-free workplace and policy and to test any current employees. The Legislature's primary intent with SB 5123 was to prevent the restriction of job opportunities based on an applicant's past use of cannabis.

Also similar to AB 2188, Washington's SB 5123 contains industry-based exclusions, including:

- Positions that require a federal government background check or security clearance
- Law enforcement, fire department, or other first responder positions
- Corrections officers
- Positions in the airline or aerospace industries
- Applicants who will work in a safety-sensitive position for which impairment presents a substantial risk of death. However, employers using this exclusion must notify the applicant that the position is deemed safety-sensitive before their application.

Washington's SB 5123 does not preempt any federal or state laws that require testing for controlled substances.

These laws will impact many employers in the states of Washington and California in just a few short months. In the months leading up to the change, employers will want to review their drug testing policies with their legal department as part of their pre-employment background checks, consult with their drug testing laboratories to determine if current methodologies are compliant, and update any public information about their hiring practices.

Read more at:

<https://www.usafact.com/hiring/cannabis-testing-restrictions-in-california-and-washington-as-of-january-1-2024/>

The Truth About Cannabis Breath Testing Misconceptions

By Louisa Ashford, Director of Marketing, Hound Labs

Like many new technologies, cannabis breath testing has garnered a lot of attention and inquiries from the market. Our test introduces a new sample type (breath), a new cannabis detection window (only recent use), and a new scientific approach (measuring in parts per trillion) to the drug testing industry. The novelty of this solution even helped coin a new classification of a THC test: methods that can identify recent cannabis use associated with the workday.

While the groundbreaking science and technology behind cannabis breath testing has captured the attention of many, it's understandable that some misconceptions have emerged. But misinformation doesn't only mislead; it can have expensive and unintended consequences. Here, we work to separate fact from fiction related to common misconceptions about cannabis breath testing.

MYTH: CANNABIS BREATH TESTING ISN'T A PROVEN METHOD

The HOUND® CANNABIS BREATHALYZER is designed to meet standards set by lab instrumentation with tight tolerances and consistent, accurate results. The latest breath testing studies conducted in 2023 confirm the solution can detect psychoactive THC in the breath almost immediately after smoking and for approximately two to three hours thereafter. Clinical study results also show that the test is specific enough to isolate detection of active THC molecules. These study results satisfy significant market demand for a solution that can determine if an employee has used THC during the workday.

For ten years, Hound Labs has rigorously tested its technology to evaluate and validate the accuracy, sensitivity, and specificity of the solution. Researchers have conducted tests in the laboratory, in the field, and in clinical studies. These latest findings continue to support the performance and reliability of breath testing as a reliable measure of recent cannabis use.

MYTH: DRUG TESTS ARE EASY TO CHEAT

It only takes a quick internet search to find countless tips and tricks claiming to help cannabis users beat a drug test. Drug test cheating is such a problem that many states have enacted legislation that makes it a criminal offense to cheat a drug test, but it still happens. Some test types make it easier to get away with cheating, but breath is not one of them.

Urine testing is the most popular drug test type and given the nature of its typically private collection process, it's also one of the easiest test types to cheat. There are three main methods of cheating a urine test. Dilution involves consuming as much liquid as possible so there aren't enough drug metabolites in the sample to render a positive result above the cutoff level. Adulteration occurs when a substance is added to the sample to lower or mask the presence of drugs. Substitution occurs when a person uses synthetic urine or a "clean" sample provided by someone else.

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The Truth About Cannabis Breath Testing Misconceptions (continued)

Breath, hair, and oral fluid drug test samples are typically collected in an observed setting, making them far more difficult to cheat by any of the dilution, adulteration, or substitution methods outlined above.

Specifically in the case of cannabis breath testing, we've heard about extreme instances such as vomiting, exercising, showering, or causing hyperventilation to help thwart the test. Not only are some of these suggestions dangerous, but they are also ineffective against the Hound® solution. Breath testing utilizes observed collections, placing donors in the presence of a test administrator throughout the entirety of the collection. This approach helps ensure the integrity of the collection from start to finish.

Sample contamination is also highly unlikely with breath testing. The heavily tested HOUND® CANNABIS BREATHALYZER captures molecules from the lungs, where THC remains present for only a few hours after use. In contrast, THC in oral fluid originates from contamination in the oral cavity (mouth) and remained detectable for up to 72 hours in some studies.

MYTH: CANNABIS BREATH TESTING MEASURES IMPAIRMENT

This answer is straightforward. No cannabis test in the market today can detect impairment. In fact, no drug test is capable of measuring impairment for any drug. The HOUND® CANNABIS BREATHALYZER provides employers with the next best thing. The solution determines whether an individual used cannabis within the last two to three hours. A cannabis breath test can help employers identify recent use that has the potential to negatively impact an employee's performance and increase exposure to safety incidents, reputational risks, and additional operational costs.

Part of the confusion around testing for an impairment standard comes from an attempt to make a direct comparison between alcohol and THC. Research conducted over decades shows that, on average, alcohol follows an established post-consumption metabolization pattern. Because of this, states can rely on per se laws that make it illegal in and of itself to operate a motor vehicle at or above the established Blood Alcohol Content (BAC) level, regardless of whether or not the driver exhibits visible signs of impairment or safety-impacting behaviors.

That same standard does not exist for cannabis at this point, and its classification as a Schedule I drug has prevented some of the research necessary to determine whether there will ever be a quantitative standard under which a user would be considered impaired.

"The people drafting legislation that includes language [about identifying cannabis impairment] may be thinking of it like alcohol, and there's a legal, per se, limit for alcohol," says Dr. Barry Sample, a leading workforce drug testing expert and Hound Labs science advisor. "So, why can't they do the same thing for cannabis? Well, we know that the science and the technology just aren't there to support that same determination."

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The Truth About Cannabis Breath Testing Misconceptions (continued)

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MYTH: IT’S TOO EXPENSIVE

According to the National Safety Council, employers spent \$167 billion on workplace injuries in 2021. Another study by the National Council on Alcoholism and Drug Dependence estimates annual expenses of \$81 billion stemming from absenteeism and lost productivity, turnover and recruitment costs, and accident-related expenses tied to substance use.

Drug testing return on investment (ROI) used to be easy to calculate. For employers with zero-tolerance policies, positive drug tests were grounds for firing an employee or not hiring a candidate. Cannabis legalization and widespread use are changing the model because in many cases, employers can no longer afford the candidate and employee losses resulting from zero-tolerance policies that leverage legacy drug testing methods with long windows of detection.

THC breath testing, on the other hand, deters recent use and helps accelerate the cost savings associated with testing by allowing employers to continue reaping the benefits of drug testing while also maintaining fair workplaces. This new ROI model reinforces the ultimate goal of drug testing, which is a zero percent drug test positivity rate, not a zero-tolerance program. It’s a new way to think about ROI where negative – not positive – results demonstrate the value of a cannabis testing program.

A cannabis breath test helps employers retain employees whose off-the-job cannabis use may not impact workplace safety or performance but could otherwise trigger positive oral fluid, urine, or hair drug test results. Limiting positive results to only those employees who used within a few hours of the breath test helps retain employees, creates a larger candidate pool for open positions, and communicates a focus on equity and fairness to employees who are at a premium in today’s tight labor market.

MYTH: CANNABIS BREATH TESTS AREN’T USEFUL FOR PRE-EMPLOYMENT TESTING

Failing to test potential employees for cannabis use puts the company – and its bottom line – at risk. Even as states implement varying laws tied to drug use, pre-employment drug testing remains broadly legal. New York is the only state that prohibits testing some applicants specifically for cannabis during pre-employment.

Even in California and Washington, where new laws provide some employee protections for off-duty cannabis use, most employers can still test applicants for cannabis using a breath test that detects active THC molecules rather than its metabolites. This means breath testing is a viable option in those states.

THE TRUTH ABOUT CANNABIS BREATH TESTING

Don’t put your organization at risk by believing the misconceptions about cannabis breath testing. It’s proven, available, and legal.

<https://houndlabs.com/2024/01/25/the-truth-about-cannabis-breath-testing-misconceptions/>

Reported drug use among adolescents continued to hold below pre-pandemic levels in 2023

National Institute on Drug Abuse

The percentage of adolescents reporting they used any illicit substances in 2023 continued to hold steady below the pre-pandemic levels reported in 2020, with 10.9% of eighth graders, 19.8% of 10th graders, and 31.2% of 12th graders reporting any illicit drug use in the past year, according to the latest results from the Monitoring the Future survey. Reported use for almost all substances decreased dramatically between 2020 and 2021, after the onset of the COVID-19 pandemic and related changes like school closures and social distancing. In 2022, most reported substance use among adolescents held steady at these lowered levels, and these latest data show that this trend has continued into 2023.

The Monitoring the Future survey is conducted by researchers at the University of Michigan, Ann Arbor, and funded by the National Institute on Drug Abuse (NIDA), part of the National Institutes of Health.

The 2023 data continue to document stable or declining trends in the use of illicit drugs among young people over many years. However, importantly, other research has reported a dramatic rise in overdose deaths among teens between 2010 to 2021, which remained elevated well into 2022 according to a NIDA analysis of CDC and Census data. This increase is largely attributed to illicit fentanyl, a potent synthetic drug, contaminating the supply of counterfeit pills made to resemble prescription medications. Taken together, these data suggest that while drug use is not becoming more common among young people, it is becoming more dangerous.

“Research has shown that delaying the start of substance use among young people, even by one year, can decrease substance use for the rest of their lives. We may be seeing this play out in real time,” said Nora Volkow, M.D., NIDA director. “This trend is reassuring. Though, it remains crucial to continue to educate young people about the risks and harms of substance use in an open and honest way, emphasizing that illicit pills and other substances may contain deadly fentanyl.”

The Monitoring the Future survey is given annually to students in eighth, 10th, and 12th grades who self-report their substance use behaviors over various time periods, such as past 30 days, past 12 months, and lifetime. The survey also documents students’ perceptions of harm, disapproval of use, and perceived availability of drugs. The survey results are released the same year the data are collected. From February through June 2023, the Monitoring the Future investigators collected 22,318 surveys from students enrolled across 235 public and private schools in the United States.

When breaking down the data by specific drugs, the survey found that adolescents most commonly reported use of alcohol, nicotine vaping, and cannabis in the past year, and levels generally declined from or held steady with the lowered use reported in 2022. Compared to levels reported in 2022, data reported in 2023 show:

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Reported drug use among adolescents continued to hold below pre-pandemic levels in 2023

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- Alcohol use remained stable for eighth and 10th graders, with 15.1% and 30.6% reporting use in the past year respectively, and declined for 12th graders, with 45.7% reporting use in the past year (compared to 51.9% in the previous year).
- Nicotine vaping remained stable for eighth graders, with 11.4% reporting vaping nicotine in the past year. It declined in the older grades, from 20.5% to 17.6% in 10th grade and from 27.3% to 23.2% in 12th grade.
- Cannabis use remained stable for all three grades surveyed, with 8.3% of eighth graders, 17.8% of 10th graders, and 29.0% of 12th graders reporting cannabis use in the past year. Of note, 6.5% of eighth graders, 13.1% of 10th graders, and 19.6% of 12th graders reported vaping cannabis within the past year, reflecting a stable trend among all three grades.
- Delta-8-THC (a psychoactive substance found in the Cannabis sativa plant, of which marijuana and hemp are two varieties) use was measured for the first time in 2023, with 11.4% of 12th graders reporting use in the past year. Beginning in 2024, eighth and 10th graders will also be asked about Delta-8 use.
- Any illicit drug use other than marijuana also remained stable for all three grades surveyed, with 4.6% of eighth graders, 5.1% of 10th graders, and 7.4% of 12th graders reporting any illicit drug use other than marijuana in the past year. These data build on long-term trends documenting low and fairly steady use of illicit substances reported among teenagers – including past-year use of cocaine, heroin, and misuse of prescription drugs, generally.
- Use of narcotics other than heroin (including Vicodin, OxyContin, Percocet, etc.) decreased among 12th graders, with 1.0% reporting use within the past year (matching the all-time low reported in 2021 and down from a high of 9.5% in 2004).
- Abstaining, or not using, marijuana, alcohol, and nicotine increased for 12th graders, with 62.6% reporting abstaining from any use of these substances over the past month. This percentage remained stable for eighth and 10th graders, with 87.0% and 76.9% reporting abstaining from any use of marijuana, alcohol, and nicotine over the past month.

The Monitoring the Future investigators note that schools opt-in to participate in the survey, and some schools that had historically participated opted-out in the years following the onset of the COVID-19 pandemic. All participating students took the survey via the web – either on tablets or on a computer – with 98% of respondents taking the survey in-person in school in 2023. Therefore, students with less engagement in school – a known risk factor for drug use – may have been less likely to participate in the survey.

Read more at:

<https://nida.nih.gov/news-events/news-releases/2023/12/reported-drug-use-among-adolescents-continued-to-hold-below-pre-pandemic-levels-in-2023>



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