



**DEPARTMENT OF THE ARMY**  
**OFFICE OF THE DEPUTY CHIEF OF STAFF, G-9**  
**600 ARMY PENTAGON**  
**WASHINGTON, DC 20310-0400**

DAIN-PRT (600-85)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Positive Tetrahydrocannabinol (THC) Delta-8 drug test results reported to the National Instant Criminal Background Check System (NICS)

1. To effectively deter substance misuse and provide timely assistance to Soldiers impacted, the Army added Delta-8 THC to the drug testing panel on 9 July 2021.
2. Positive Delta-8-THC test results are reported by drug test laboratories under the drug class CANAB, with THC8 (Delta-8-THC) denoted. All illicit positive drug test results, including positive Delta-8 THC results, are reported to The National Instant Criminal Background Check System (NICS) by the U.S. Army Criminal Investigation Division. NICS established as a result of the Brady Handgun Violence Prevention Act of 1993 (Brady Act), is the Federal Bureau of Investigation's national system that checks records on persons who may be disqualified from receiving a firearm. Individuals determined to have unlawfully used a controlled substance are prohibited from purchasing or possessing firearms for one year following a positive drug test result.
3. Delta-8-THC is a cannabinoid component of *Cannabis sativa* that is a double bond isomer of Delta-9-THC, the psychotropic component of marijuana. Delta-8-THC can be synthesized from Cannabidiol (CBD) derived from the hemp plant. Although less psychotropic than Delta-9-THC, which is also part of the Army drug test panel, Delta-8-THC does have psychotropic properties and is marketed as candy gummies and as electronic cigarette solutions. Products containing Delta-8-THC are not regulated by the Food and Drug Administration and are often mislabeled as to both their Delta-8-THC and Delta-9-THC content. Use of unregulated and mislabeled products is harmful to the health of Soldiers, affects readiness and undermines the Army's surveillance drug testing program. As a result, the use of hemp/CBD products is prohibited in Army Regulation 600-85, para. 4-2, as directed by the Department of Defense. Use of hemp/CBD products is a violation of Article 92, UCMJ.
4. This memorandum amends the 'Update to the Department of Army Drug Testing Panel: Tetrahydrocannabinol Delta-8.'
5. Point of contact for this memorandum is Carolyn Massiah, HQDA G-9 Army Substance Abuse Program Specialist, carolyn.a.massiah2.civ@army.mil

Dee Geise  
Director  
Director, Prevention, Resilience and Readiness

DAIN-PRT

SUBJECT: Positive Delta-8 Tetrahydrocannabinol (THC) drug test results are reported to the National Instant Criminal Background Check System (NICS)

DISTRIBUTION:

Principal Officials of Headquarters, Department of the Army  
Commander

- U.S. Army Forces Command
- U.S. Army Training and Doctrine Command
- U.S. Army Materiel Command
- U.S. Army Futures Command
- U.S. Army Pacific
- U.S. Army Europe and Africa
- U.S. Army Central
- U.S. Army North
- U.S. Army South
- U.S. Army Special Operations Command
- Military Surface Deployment and Distribution Command
- U.S. Army Space and Missile Defense Command/Army Strategic Command
- U.S. Army Cyber Command
- U.S. Army Medical Command
- U.S. Army Intelligence and Security Command
- U.S. Army Criminal Investigation Command
- U.S. Army Corps of Engineers
- U.S. Army Military District of Washington
- U.S. Army Test and Evaluation Command
- U.S. Army Human Resources Command

Superintendent, U.S. Military Academy  
Director, U.S. Army Acquisition Support Center  
Superintendent, Arlington National Cemetery  
Commandant, U.S. Army War College  
Director, U.S. Army Civilian Human Resources Agency  
Director, U.S. Army Criminal Investigation Division

CF:

Director of Business Transformation  
Commander, Eight Army