



Ohio Medical Marijuana Control Program CBD Oil FAQ



No.	Question	Answer
1	Is CBD (cannabidiol) oil legal under Ohio law?	<p>CBD is not lawful outside the confines of House Bill 523 and the rules promulgated under the Bill. CBD is considered marijuana under Ohio law. This means that it can be only be sold legally if it is “cultivated, processed, dispensed, tested, possessed, or used for a medical purpose” under the Ohio Medical Marijuana Control Program, as per Section 3796.01(A)(2) of the Ohio Revised Code.</p> <p>Section 3719.01 of the Ohio Revised Code defines marijuana as: “all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin.” CBD is a compound of marijuana and therefore considered marijuana under Ohio law.</p>
2	Is CBD oil legal under federal law?	<p>No. CBD is considered marijuana under federal law. Section 21 U.S.C. 812 of the Controlled Substances Act establishes marijuana as a Schedule I substance.</p> <p>The DEA cites scientific literature when saying that cannabinoids such as CBD are, “found in the parts of the cannabis plant that fall within the CSA (Controlled Substances Act) definition of marijuana.” Therefore, CBD oil is considered marijuana and a Schedule I substance under federal law.</p>



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3	Is CBD extracted from hemp legal under Ohio law?	<p>CBD extracted from hemp is not lawful outside the confines of House Bill 523 and the rules promulgated under the Bill. Ohio law does not make a distinction between CBD extracted from hemp and CBD extracted from marijuana.</p> <p>Section 3719.01 of the Ohio Revised Code defines marijuana as, "all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin." No exception to this definition exists in Ohio law for hemp. Hemp is therefore considered marijuana under Ohio law.</p>
4	Is CBD extracted from hemp legal under federal law? And how do I know if CBD/hemp oil has been extracted from an illegal part of the genus cannabis plant?	<p>The DEA cites scientific literature in stating that:</p> <p><i>"Cannabinoids are not found in the parts of the cannabis plant that are excluded from the CSA definition of marijuana, except for trace amounts (typically, only parts per million) that may be found where small quantities of resin adhere to the surface of seeds and mature stalk.</i></p> <p><i>Thus, based on the scientific literature, it is not practical to produce extracts that contain more than trace amounts of cannabinoids using only the parts of the cannabis plant that are excluded from the CSA definition of marijuana, such as oil from the seeds. The industrial processes used to clean cannabis seeds and produce seed oil would likely further diminish any trace amounts of cannabinoids that end up in the finished product."</i></p>



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5	Can my business sell CBD oil products?	No. Marijuana products, including CBD (Cannabidiol) oil, can only be dispensed in a licensed Medical Marijuana Control Program dispensary. Those marijuana products will have to comply with the rules and regulations of the program. All products must have a known source, as well as known quantities of active ingredients. Testing procedures will be conducted by testing laboratories licensed by the Ohio Department of Commerce.
6	What are the consequences for selling CBD oil outside of a licensed medical marijuana dispensary?	Violations of Ohio Revised Code or Ohio Administrative Code can subject a licensee (person or entity) to administrative and/or criminal action.
7	Does the State of Ohio have a hemp program?	At this time, the State of Ohio does not have a hemp program.
8	How does the Board plan to enforce this clarification?	The Board’s efforts at this time are informational. If CBD continues to be illegally sold despite entities having accurate information, the Board will reassess at that time.
9	How is a DEA licensee allowed to dispense Marinol and Epidiolex (once approval is final)?	Marinol and Epidiolex (once approval is final) would both be considered dangerous drugs, which have received FDA approval for use as a prescription medication. “Dangerous drugs” are defined in Section 4729.01(F) of the Ohio Revised Code .