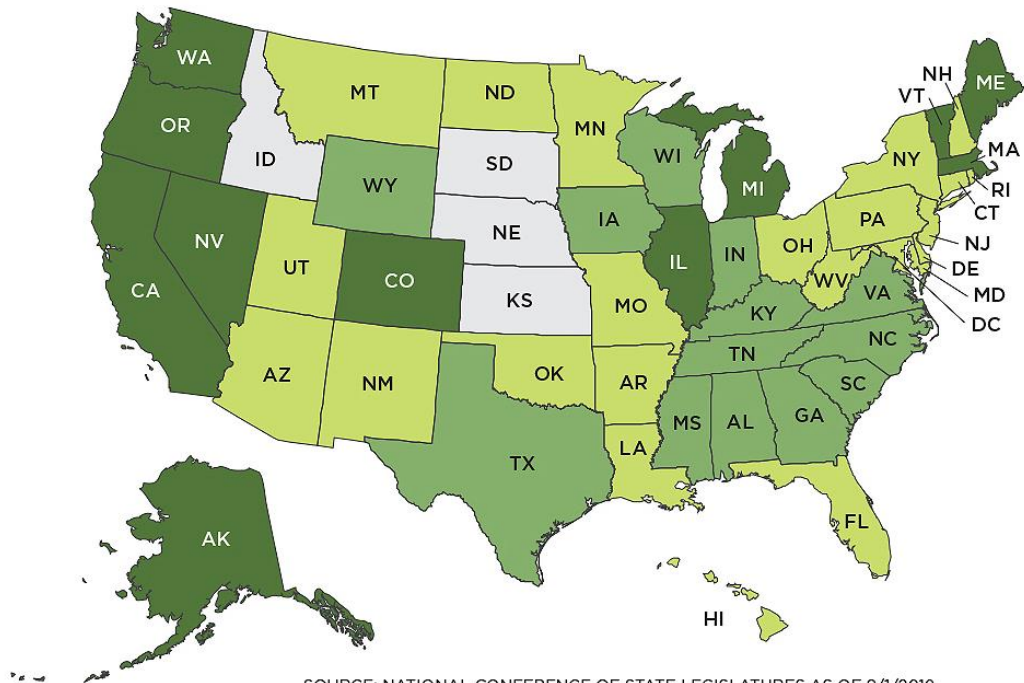


CANNABIS LEGALITY BY STATE

- RECREATIONAL AND MEDICAL
- CBD/LOW THC
- MEDICAL ONLY
- NO CANNABIS ACCESS PROGRAM



SOURCE: NATIONAL CONFERENCE OF STATE LEGISLATURES AS OF 8/1/2019

Know the Laws on Cannabis-Derived Products

Laws vary considerably around the country on the legality of marijuana (medical or recreational) and hemp-derived products containing cannabidiol (CBD). Before stocking any type of cannabis products in your store, it is essential that you understand both federal and state laws governing the sale and use of these products.

Federal Law

All strains of marijuana with a THC content exceeding .3 percent are illegal under federal law. The Drug Enforcement Administration classifies marijuana as a Schedule 1 drug and there are penalties under federal law for its sale or possession. Passage of the 2018 Farm Bill legalized the cultivation of low-THC hemp nationwide and the production, transport and sale of hemp-derived products with a THC level of less than .3 percent. This means the sale of CBD-based topical products and consumable CBD supplements is legal in all 50 states *under federal law*. **However, many states that may allow some use of medical marijuana still classify other substances derived from cannabis — whether hemp or marijuana — as illegal.**

The FDA has approved four cannabis-related drugs — Epidiolex, Marinol, Syndros and Cesamet — and these are unquestionably legal to stock and dispense under federal law. It is important to understand that even if your state has legalized recreational or medical marijuana or products containing THC levels exceeding .3 percent, **all those remain illegal under federal law**. The U.S. Justice Dept., however, has for several years elected to not actively enforce federal law in states where marijuana laws contravene federal statutes.

The FDA has concluded that THC and CBD products are excluded from the definition of a dietary supplement under section 201(ff)(3)(B) of the FD&C Act. Consequently, it is illegal under federal law to sell CBD-derived products that are labeled or marketed as dietary supplements. **The FDA also considers the sale of any food product to which CBD is added (energy drinks, coffee|tea, protein powder, baked goods, etc.) to be illegal because cannabidiol has been the subject of an Investigational New Drug (IND) application.**

Health Claims

The FDA has sent [warning letters](#) in the past to companies selling CBD products that claimed to prevent, diagnose, treat, or cure serious diseases, such as cancer. The FDA deemed some of these products to be in further violation of the FD&C Act because they were marketed as dietary supplements or because they involved the addition of CBD to food.

State Laws

The legality of recreational and medical marijuana as well as CBD-derived products varies widely by state.

11 States have legalized both recreational and medical marijuana and all cannabis-derived products:

Alaska | California | Colorado | Illinois | Maine | Massachusetts | Michigan | Nevada | Oregon | Vermont
Washington

13 states have legalized the sale and use of low-THC, CBD-based products:

Alabama | Georgia | Indiana | Iowa | Kentucky | Mississippi | North Carolina | South Carolina | Tennessee
Texas | Virginia | Wisconsin | Wyoming

These states have legalized the use of medical marijuana only:

Arizona | Arkansas | Connecticut | Delaware | District of Columbia | Florida | Hawaii | Louisiana | Maryland
Minnesota | Missouri | Montana | New Hampshire | New Jersey | New Mexico | New York | North Dakota
Ohio | Oklahoma | Pennsylvania | Rhode Island | S. Carolina | Utah | W. Virginia | Wisconsin | Wyoming

The sale of CBD products containing any level of THC may not be legal in these states. It is best to check with the legal authorities in your state to see if the sale of low-THC CBD products is considered legal.

These states have not legalized access to any type of cannabis, whether marijuana or CBD

Idaho | Kansas | Nebraska | South Dakota

Health & law enforcement authorities in these states may or may not tolerate the sale of CBD products that satisfy federal law by having a THC content of .3 percent or less. In these states, it is best to get a legal opinion on whether you are safe in selling CBD products.

Try to Keep It Legal

1. Learn the laws in your state governing medical and recreational marijuana and cannabis-derived products. The state attorney general's office is a good source.
2. Be aware of the FDA's position on medical marijuana, CBD-derived products and foods/beverages containing CBD:
<https://www.fda.gov/news-events/public-health-focus/fda-regulation-cannabis-and-cannabis-derived-products-including-cannabidiol-cbd#dietarysupplements>
3. **Don't buy CBD products from manufacturers or vendors that make unsubstantiated health claims about the benefits of CBD or whose products are labeled or marketed as dietary supplements. The FDA has sent warning letters to many such vendors, and they could be targeted for enforcement actions.**
4. **Be highly selective in choosing a reputable CBD vendor. We strongly urge you to follow American Pharmacies guidelines in navigating the overwhelming array of sellers and products on the market:**
<https://www.aprx.org/business-center/how-to-select-cbd-vendors-products>
5. **Avoid products and sellers that don't adhere to FDA guidelines.** Don't sell food products that are infused with CBD, as the FDA considers them illegal.
6. **Be prepared for some confusion & inconsistency.** State regulators and local law enforcement are not always on the same page when it comes to the legality of medical marijuana and CBD. Authorities in many states are fielding lots of questions and are still sorting through the complexities of the issues.

