

FAQs about Cannabidiol (CBD)

What is cannabidiol? (CBD)

Cannabidiol, commonly referred to as CBD, is one of over 100 distinct cannabinoids found in the cannabis plant. Like other cannabinoids, CBD is most prominently found in the resinous portions of the cannabis flower rather than in other parts of the plant, such as the stalk, seeds, or leaves.

First isolated in 1940, CBD is among the most studied cannabinoids – second only to THC. Preclinical studies and human trials have identified a host of therapeutic properties associated with CBD, including anticonvulsant, anti-psychotic, analgesic, and anti-diabetic effects. In safety studies involving human volunteers, short-term dosing with CBD has been shown to be safe and well-tolerated. Unlike THC, the administration of CBD is generally not considered to be mood-altering, although the cannabinoid may be anxiolytic in higher doses.

Is CBD available by prescription?

No. Because CBD is typically sourced from traditional cannabis plants, federal agencies like the DEA and the FDA opine that it meets the criteria of a schedule I controlled substance and that therefore, it is illegal under federal law. By contrast, in 2018 the US Food and Drug Administration approved the prescription medication Epidiolex, which consists primarily of a standardized formulation of plant-derived CBD extracts. The schedule V medicine is explicitly approved for the treatment of two rare forms of epilepsy: Lennox-Gastaut syndrome and Dravet syndrome, although a doctor may elect to prescribe it 'off label' for other conditions.

State laws authorizing the use of medical cannabis do permit patients with a physician's recommendation to possess products containing plant-derived CBD, and numerous other states have enacted legislation explicitly exempting qualified patients from criminal prosecution for the possession of specific products or extracts containing CBD.

Are commercially available CBD products safe and effective?

In recent years, marketers have advertised a variety of CBD-related products online and in other venues. However, third-party analytical testing of some of these products has consistently found them to be of varying quality and safety. In some instances, products have been found to contain far lower percentages of CBD than advertised. In other instances, products alleging to be THC-free have been found to possess THC as well as other psychotropic adulterants. Further, in almost all instances, commercially available CBD products contain far lower quantities of CBD than are necessary to yield therapeutic effects in clinical trials.

Did the 2018 Farm Bill change the legal status of CBD under federal law?

Provisions of the 2018 Farm Bill amended the federal Controlled Substances Act of 1970 so that hemp plants containing no more than 0.3 percent THC are no longer classified as a schedule I controlled substance under federal law. The Act also broadens the definition of 'hemp' (Section 297A) to include "any part of the plant, including extracts [or] cannabinoids that do not possess greater than 0.3 percent THC on a dry weight basis." This language allows for the legalization (under federal law) of some CBD-specific products, presuming they are derived from dually state/federally licensed hemp producers who are in compliance with both state and federal regulations, and are marketed in such a way that does not violate the Food, Drug and Cosmetics



Act. United States Agriculture Secretary Sonny Perdue has pledged to release guidelines and regulations for overseeing commercial hemp production prior to the 2020 planting season.

However, at present, the FDA asserts: "[N]othing in the Act overrides the authority of the US Food and Drug Administration "to regulate products containing cannabis or cannabis-derived compounds under the Federal Food, Drug, and Cosmetic Act (FD&C Act) and section 351 of the Public Health Service Act." The agency further states: "Additionally, it's unlawful under the FD&C Act to introduce food containing added CBD or THC into interstate commerce, or to market CBD or THC products as, or in, dietary supplements, regardless of whether the substances are hemp-derived. ... We'll take enforcement action needed to protect public health against companies illegally selling cannabis and cannabis-derived products that can put consumers at risk and are being marketed in violation of the FDA's authorities."

The FDA is currently in the process of putting together a working group to address regulating CBD-infused products, and it held its first public hearing on the issue on May 31. (Read NORML's testimony to FDA.) In March 2019, outgoing FDA director Scott Gottlieb testified to Congress that it could take up to four years for the FDA to create a regulatory pathway for the retail sale of CBD-infused food products or health food supplements. The FDA has posted a Frequently Asked Questions page, entitled, 'FDA Regulation of Cannabis and Cannabis-Derived Products: Questions and Answers.'

Is traditional hemp a viable source for CBD?

Industrial hemp is traditionally grown for its fiber content. By contrast, cannabinoids are most prominently expressed in flowers, and to a lesser extent, in leaves. While the presence of CBD has been documented in some specific hemp strains, analytical data assessing cannabinoid content in hemp plants remains limited. This absence of data has led some experts to question the viability of traditional hemp plants as an ideal source of CBD extraction as compared to traditional cannabis plants.

Will taking CBD cause one to fail a drug test?

In clinical trials, the oral administration of CBD does not result in detectable THC blood concentrations, and most experts in the field do not believe that it shares any similarities to THC or the THC metabolite following absorption. Therefore, the administration of CBD alone should not trigger a positive drug test for the carboxyTHC metabolite. In instances where the administration of CBD products has resulted in a positive drug test result for carboxyTHC, this result is likely because the product itself possessed trace quantities of THC.