

# Hemp News Highlights

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June 29, 2018



**We've previously published articles about industrial hemp and the excitement and curiosity it continues to garner as a cash crop in North Carolina.**

That trend continues to develop, and recently there have been several important developments with implications for industrial hemp (and cannabis in general) in North Carolina

and beyond.

## **North Carolina Farm Act**

The newly enacted North Carolina Farm Act (Session Law 2018-113) ("NC Farm Act") addresses a wide variety of agricultural matters. Most significantly for hemp growers, it revises the definition of "hemp products" in North Carolina to include "verified propagules" (i.e., seeds or clones derived from an industrial hemp plant). With this change, it is now clear that persons licensed by the North Carolina Industrial Hemp Commission can lawfully possess, grow, and sell clones and transplants that meet the definition of a "verified propagule." This revised definition is an important step and it resolves a specific instance of legal ambiguity for hemp growers. However, additional issues remain with the current legislation, and the North Carolina legislature still needs to further clarify the law to more fully protect industry participants.

## **First Ever FDA Approved Cannabis-Derived Medicine**

On the federal level, within the last week, a historic step was taken for the cannabis industry in general. The United States Food and Drug Administration (FDA) approved the first ever drug containing a purified substance derived from the cannabis sativa plant. The drug, Epidiolex, is an oral solution of pure plant-derived cannabidiol ("CBD") intended to treat two rare forms of epilepsy, Dravet syndrome and Lennox-Gastaut syndrome. CBD is typically derived from the flower of the hemp plant, and many North Carolina growers sell their hemp flower to processors intending to extract CBD for use in various end products. But Epidiolex differs from other available products that contain CBD in several ways: it is the only FDA approved drug containing CBD at this time, a prescription is required to purchase the product, and it will only be sold at licensed pharmacies.

The FDA's approval of Epidiolex sets the stage for additional developments in the hemp (and cannabis) industries. Under the federal Controlled Substances Act, CBD is currently a Schedule I substance that is

considered to have no medical use. That scheduling makes possession of CBD products a federal crime. But, the FDA's approval of Epidiolex indicates that there is some medical use for CBD and, as a result, it is expected that the United States Drug Enforcement Agency ("DEA") will reschedule CBD soon. The makers of Epidiolex believe that rescheduling could happen within the next 90 days. For now, everyone must wait to see if the rescheduling occurs and, if so, the extent to which CBD is reclassified.

### **Another State Legalizes Medical Marijuana Use**

Also within the past week, Oklahoma voters backed the passage of a medicinal use marijuana measure. As passed, State Question No. 788 will allow doctors to recommend cannabis, in their discretion, for any medical condition, making it one of the broadest medical marijuana measures in our country. The passage of this measure means that 30 of the 50 United States now have some form of legalized marijuana laws (whether medicinal or recreational) on the books.

### **Professional Sports League Recognizes Benefits of CBD**

The BIG3 basketball league, founded by rapper Ice Cube, has just announced that it will allow its players to use CBD for pain relief and recovery purposes, effective immediately. It is believed that this is the first professional sports league in the United States to allow its athletes to use CBD for pain relief and recovery. The World Anti-Doping Agency, at the start of 2018, removed CBD from its list of banned substances. The NBA and NFL have also expressed a recent willingness to examine the issue in greater detail, although it remains to be seen how much effort and resources each league will devote to the issue.

### **Senate Decriminalization Bill Introduced**

United States Senator Chuck Schumer (D-NY) has introduced a bill to decriminalize and regulate cannabis. If passed, the bill would remove marijuana and hemp from the federal Controlled Substances Act and decriminalize cannabis on a national level. States would be allowed to determine their own cannabis laws, and federal enforcement would continue in states that ban cannabis and its derivative products. It remains to be seen if Congress as a whole will support the measure.

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