

State Controlled Substances Acts: Exemptions and Regulatory Mechanisms for Schedule Changes

I. Overview

Set forth below, and in greater detail in the attached chart, are state hemp laws and pertinent state controlled substance laws (“State CSAs”) that impact the scheduling status of extracted hemp (e.g., derivatives, extracts, cannabinoids, and isomers). The majority of states include in their laws a regulatory mechanism for the addition, removal or rescheduling of a substance *when a schedule change occurs to the federal Controlled Substances Act*.¹ Most states require a controlling authority, e.g., a state Board of Pharmacy or Department of Health, to control the substance in the same manner as it is controlled under federal law or object within a specified time period. States vary in whether the controlling authority is empowered to merely publish the change, or whether legislative or rulemaking activity is required before the schedule change is adopted.

If the controlling authority and/or an interested party objects to the federal schedule change, the controlling authority must comply with the notice and hearing provisions required by the state legislatures. Generally, when an objection occurs, or where the controlling authority must utilize its discretion to add, delete or reschedule, the controlling authority is required by law to consider the same statutory factors the U.S. Food and Drug Administration (“FDA”) and Drug Enforcement Administration (“DEA”) must consider in making scheduling decisions.² At the conclusion of such hearings, the controlling authority must publish its decision. There are a handful of states that have their own method for controlling substances or do not designate a particular method for scheduling. In these states, it is assumed that regulatory and/or legislative action is required.

The state regulatory mechanisms for adding, removing, or rescheduling a substance when a federal schedule change occurs are categorized and shaded in the attached chart as follows:

Green: The state scheduling procedure is triggered automatically by a federal schedule change. The state must control the substance in accord with federal law unless the state regulatory body controlling the CSA (the “controlling authority”) and/or an interested party objects.

Blue: Action by the controlling authority and/or the state legislature is required.

Orange: State has discretion to schedule substances in accord with federal law. Noted in chart whether regulatory or legislative action is required

¹ "Federal Controlled Substances Act" means the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91-513, and any act or acts amendatory or supplemental thereto or regulations promulgated thereunder.

² 21 U.S.C. §§ 811(c)(1)-(8) (full list of factors FDA and DEA must consider in making scheduling decisions).

Cross-referenced with the state -controlled substance act laws is a column indicating whether there is a State CSA exemption for hemp derivatives, extracts, cannabinoids, as well as any additional State CSA provisions relating to cannabidiol.

II. State scheduling procedure is triggered automatically by a federal schedule change. The state must control the substance in accord with federal law unless the state regulatory body controlling the CSA (the “controlling authority”) and/or an interested party objects (shaded in Green in attached chart)

1. Alabama
2. Arkansas
3. Idaho
4. Illinois
5. Indiana
6. Iowa
7. Kentucky
8. Louisiana (likely no action required. State expressly incorporates federal CSA)
9. Maryland
10. Massachusetts
11. Michigan
12. Missouri
13. Montana
14. Nevada
15. New Hampshire
16. New Jersey
17. North Carolina
18. North Dakota
19. Ohio (On April 17, 2020, Ohio’s State Board of Pharmacy announced that Epidiolex is no longer a controlled substance in the state of Ohio as of March 20, 2020)
20. Oregon
21. Rhode Island
22. South Carolina
23. Tennessee
24. Texas
25. Washington
26. Wisconsin
27. Wyoming

III. Action by the controlling authority and/or the state legislature is required (shaded in blue in attached chart)

1. Alaska
2. Arizona
3. California

4. Colorado
5. Connecticut
6. Hawaii
7. Kansas
8. Maine
9. Mississippi
10. Nebraska
11. New York
12. South Dakota
13. Utah

IV. States with discretion to schedule substances in accord with federal law. It is noted in chart whether action by the controlling authority, the legislature, or both will be required (shaded in orange in attached chart).

1. Delaware
2. Florida
3. Georgia
4. Minnesota
5. New Mexico
6. Oklahoma
7. Pennsylvania
8. Vermont
9. Virginia
10. West Virginia

State Controlled Substances Acts: Exemptions and Regulatory Mechanisms for Schedule Changes

Set forth below are state regulatory procedures for designating, rescheduling, or removing a controlled substance from the state’s Controlled Substance Act (“CSA”) when a federal schedule change occurs. The state regulatory mechanisms for schedule changes are divided into three categories:

- Green:** The state scheduling procedure is triggered automatically by a federal schedule change. The state must control the substance in accord with federal law unless the state regulatory body controlling the CSA (the “controlling authority”) and/or an interested party objects.
- Blue:** Action by the controlling authority and/or the state legislature is required.
- Orange:** State has discretion to schedule substances in accord with federal law. It is noted in chart whether action by the controlling authority, the legislature, or both will be required

Cross-referenced with the state-controlled substance act laws is a column indicating whether there is a state CSA exemption for hemp derivatives, extracts, cannabinoids, as well as any additional state CSA provisions relating to cannabidiol.

<u>STATE</u>	<u>STATE’S DEFINITION OF HEMP INCLUDES EXTRACTS, DERIVATIVES, CANNABINOIDS?</u>	<u>STATE CSA EXEMPTIONS</u>	<u>DOES STATE CSA REQUIRE STATE ACTION WHEN A FEDERAL SCHEDULE CHANGE OCCURS?</u>
ALABAMA	YES	State CSA exempts hemp as defined in the state’s Industrial Hemp Program. ¹	Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects. State law provides that a substance designated, rescheduled, or deleted as a controlled substance under federal law must be similarly scheduled by the State Board of Health after thirty (30) days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless the State Board objects to such scheduling within 30 days of notice. ²

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<p>ARKANSAS</p>	<p>YES³</p>	<p>Marijuana does not include hemp-derived cannabidiol that:</p> <p>(a) contains not more than 0.3% THC and</p> <p>(b) is not approved by the FDA for marketing as a medication.⁴</p> <p>Pursuant to the Industrial Hemp Research Program, “cannabis” does not include “publicly marketable hemp products” which includes: a “product [that] is CBD that is approved as a prescription medication by the United States Food and Drug Administration.”</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects.</p> <p>The Secretary of the Department of Public Health may add, delete, or reschedule a substance under the procedures of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.⁵</p> <p>If any substance is designated as a controlled substance under federal law and notice of the designation is given to the secretary, the secretary shall similarly control the substance under this chapter after the expiration of thirty (30) days from publication in the Federal Register of a final order designating a substance as a controlled substance unless within that thirty-day period the secretary objects to inclusion.</p> <p>If notice has been given to the secretary that the United States Food and Drug Administration has designated, rescheduled, or descheduled a marijuana-derived substance under federal law and approved for marketing the marijuana-derived substance as a prescription medication, the secretary shall consider the designation, rescheduling, or descheduling of the marijuana-derived substance under this chapter.</p> <p>In making a determination regarding a substance, the Secretary must consider the same factors as used by the FDA in making its determination to add or remove a substance.</p>
<p>IDAHO</p>	<p>No</p> <p>No definition of “hemp” or “industrial hemp.” A substance containing any amount of THC is considered a controlled substance.</p> <p>Senate Bill 1345 passed through Idaho’s Senate on</p>	<p>No hemp exemption in the state definition of marijuana.⁶</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects.</p> <p>Scheduling actions occur via rule or statutory amendment.</p> <p>If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the board, the board shall similarly control the substance under this act by promulgating a temporary rule or proposing a statutory amendment, or both, within thirty (30) days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty (30) day period, the board objects to inclusion, rescheduling, or deletion.</p>

	<p>February 26, 2020. The Bill’s proposed definition of “hemp” or “industrial hemp” is:</p> <p>(c) "Hemp" or "industrial hemp" means the plant <i>Cannabis sativa</i> L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis, as defined in the 2018 farm bill.</p>		<p>In that case, the board shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall publish its decision, which shall be final unless altered by statute. Upon publication of objection to inclusion, rescheduling, or deletion under this act by the board, control under this act is stayed until the board publishes its decision.⁷</p>
ILLINOIS	YES	Exemption from definition of cannabis. ⁸	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority or an interested party objects.</p> <p>The Illinois Department of Human Services is authorized to schedule a substance via administrative rule.⁹</p> <p>“(d) If any substance is scheduled, rescheduled, or deleted as a controlled substance under Federal law and notice thereof is given to the Department, the Department shall similarly control the substance under this Act after the</p>

			<p>expiration of 30 days from publication in the Federal Register of a final order scheduling a substance as a controlled substance or rescheduling or deleting a substance, unless within that 30 day period the Department objects, or a party adversely affected files with the Department substantial written objections objecting to inclusion, rescheduling, or deletion. In that case, the Department shall publish the reasons for objection or the substantial written objections and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the Department shall publish its decision, by means of a rule, which shall be final unless altered by statute. Upon publication of objections by the Department, similar control under this Act whether by inclusion, rescheduling or deletion is stayed until the Department publishes its ruling.</p>
INDIANA	YES ¹⁰	<p>The definition of marijuana excludes “hemp” as defined in Indiana Code 15-15-13-6 and low THC hemp extract.</p> <p>Additional provisions: “Controlled substance” “does not include ‘low THC hemp extract.’”¹¹</p> <p>“Low THC hemp extract” is defined as¹²:</p> <p>Sec. 17.5. (a) "Low THC hemp extract" means a substance or compound that:</p> <p>(1) is derived from or contains any part of the plant Cannabis sativa L. that meets the definition of hemp under IC 15-15-13-6;</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change.</p> <p>If a substance is rescheduled to a less restrictive schedule or deleted as a controlled substance under federal law, the substance is rescheduled or deleted under this article. If the board objects to inclusion, rescheduling, or deletion of the substance, the board shall notify the chairman of the legislative council not more than thirty (30) days after the federal law is changed and the substance may not be rescheduled or deleted until the conclusion of the next complete session of the general assembly. The notice from the board to the chairman of the legislative council must be published.¹³</p>

		<p>(2) contains not more than three-tenths percent (0.3%) total delta-9-tetrahydrocannabinol (THC), including precursors, by weight; and</p> <p>(3) contains no other controlled substances.</p> <p>(b) The term does not include:</p> <p>(1) the harvested reproductive organ, whether immature or mature, of the female hemp plant; or</p> <p>(2) smokable hemp.</p>	
IOWA	YES ^{14 15}	No hemp exemption in the state's definition of marijuana. ¹⁶	<p>Scheduling procedure is triggered automatically by a federal schedule change.</p> <p>If a cannabidiol investigational product approved as a prescription drug medication by the United States food and drug administration is eliminated from or revised in the federal schedule of controlled substances by the federal drug enforcement agency and notice of the elimination or revision is given to the board [Board of Pharmacy], the board shall similarly eliminate or revise the prescription drug medication in the schedule of controlled substances under this chapter. Such action by the board shall be immediately effective upon the date of publication of the final regulation containing the elimination or revision in the federal register.¹⁷</p> <p>With the exception of the above procedures for cannabidiol, there is no provision requiring an automatic update to state CSA when a substance is added, deleted, or rescheduled.</p>

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KENTUCKY	YES ¹⁸	<p>“Marijuana” does not include (as pertinent here):¹⁹</p> <p>Industrial hemp;</p> <p>The substance cannabidiol, when transferred, dispensed, or administered pursuant to the written order of a physician practicing at a hospital or associated clinic affiliated with a Kentucky public university having a college or school of medicine;</p> <p>A cannabidiol product derived from industrial hemp, as defined in KRS 260.850; or</p> <p>A cannabidiol product approved as a prescription medication by the United States Food and Drug Administration.</p> <p>The CSA also exempts the substances and products that are exempt from the definition of marijuana pursuant to KRS 218A.010(27)(a)-(f).</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change.</p> <p>Each substance that is scheduled or descheduled under 21 CFR 1308.11 – 1308.15 (Schedules I – V) shall be scheduled or descheduled at the state level.²⁰</p>

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LOUISIANA	YES ²¹	<p>Exemption from definition of marijuana</p> <p>“...the provisions of the Uniform Controlled Dangerous Substances Law shall not apply to industrial hemp or industrial hemp-derived CBD products.”²²</p> <p>“Marijuana” does not include:²³</p> <p>1)Industrial hemp; Cannabidiol when contained in a drug product approved by the U.S. Food and Drug Administration.</p>	<p>Rescheduling is not directly addressed in law or regulation, however it is likely no action is needed because Louisiana incorporates the federal CSA.</p> <p>The state defines a “controlled dangerous substance” as any substance included in 21 CFR 1308.11 through 1308.15 or R.S. 40.964 (the state schedules).²⁴ And the CSA exempts both industrial hemp and cannabidiol when in an FDA approved drug product.</p>
MARYLAND	<p>NO</p> <p>“Industrial hemp” means the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis.</p>	<p>Hemp is exempt from definition of marijuana.²⁵</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects.</p> <p>A new substance that is designated as a controlled substance under federal law is a similarly controlled dangerous substance under this title unless the Department objects to the inclusion.²⁶</p> <p>Department of Health and Mental Hygiene is empowered to add, subtract or redesignate controlled substances.</p> <p>The Department annually shall update and republish a schedule.</p>
MASSACHUSETTS	NO ²⁷	<p>Exemption of hemp from definition of marijuana.²⁸</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change.</p>

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			<p>Massachusetts regulations provide that state schedules are the same as federal schedules. A substance designated as a controlled substance under federal law must be similarly scheduled by the state.²⁹</p> <p>The state's five schedules incorporate the five schedules of controlled substances under the "Comprehensive Drug Abuse, Prevention and Control Act of 1970" or any amendment thereof.</p> <p>If a substance is added to federal CSA, removed from the federal CSA, or the substance is added to state CSA, the Commissioner of Public Health shall, not more than thirty days after publication of final notice in the federal register or not more than thirty days after the effective date of any federal statute affecting the scheduling of controlled substances under said federal act issue a regulation controlling the substance in a schedule corresponding to the federal schedules.</p> <p>The Commissioner must consider the same factors as used by the FDA in making its determination to add or remove a substance.³⁰</p>
MICHIGAN	YES ³¹	Exemption of hemp from definition of marijuana. ³²	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority holds a board meeting within the expiration of 91 days after notice is received to determine whether the substance should be similarly controlled.</p> <p>The code grants authority to the State Board of Pharmacy to add to, delete from, or reschedule all substances listed in the code.³³</p> <p>If a substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice of that designation, rescheduling, or deletion is given to the administrator, the substance shall be similarly scheduled under section 7201 [in compliance with the Administrative Procedures Act of 1969] unless the Board holds a board meeting within the expiration of 91 days after notice is received to determine whether the substance should be similarly controlled under section 7201. If the Board decides not to similarly control the substance, the administrator shall, within 91 days after that decision is made, publish the reasons for that determination.³⁴</p> <p>If the Board does not adopt the federal law, the Board must consider the same factors as used by the FDA in making its determination to add or remove a</p>

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			substance. ³⁵ A 7-member scientific advisory commission serves as an advisory body on matters relating to classification, reclassification, addition to, or deletion from the schedules, but the Board is not bound by the recommendations of the scientific advisory commission. ³⁶
MISSOURI	<p>The definition of hemp does not include cannabinoids, derivatives, extracts. However, “hemp extracts” are excluded from the state CSA. “Hemp extract” is defined as an extract with not more than 0.3% THC, at least 5% CBD, and no other psychoactive substance.³⁷</p>	<p>Hemp as defined under the state’s hemp act is exempt from the definition of marijuana.³⁸</p> <p>Processed hemp extract is permitted to be sold to a person with a hemp extract registration card.</p> <p>The Department of Health and Senior Services will issue a “Hemp extract registration card” for treatment of “intractable epilepsy” upon a signed statement from a neurologist.³⁹</p> <p>“Hemp extract” is composed of no more than 0.3% THC, at least 5% CBD by weight, and contains no other psychoactive substance.⁴⁰</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects.</p> <p>State law provides that a substance designated, rescheduled, or deleted as a controlled substance under federal law must be similarly scheduled by the state, unless the Department objects to such scheduling within 30 days of notice.</p> <p>If the Department objects, the Department must publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the department of health and senior services shall publish its decision, which shall be final unless altered by statute. Upon publication of objection to inclusion, rescheduling or deletion under this chapter by the department of health and senior services, control under this chapter is stayed as to the substance in question until the department of health and senior services publishes its decision.⁴¹</p>
MONTANA	<p>NO</p> <p>“Hemp” means all parts and varieties of the plant Cannabis sativa L. containing no greater than 0.3%</p>	<p>No hemp exemption in the state definition of marijuana.⁴³</p> <p>If prescription or administration is</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects.</p>

	<p>tetrahydrocannabinol.⁴²</p>	<p>authorized by the Federal Food, Drug and Cosmetic Act, then any material, compound, mixture, or preparation containing tetrahydrocannabinols listed in subsection (4) must automatically be rescheduled from Schedule I to the same schedule it is placed in by the United States drug enforcement administration.⁴⁴</p>	<p>Any addition, deletion, or rescheduling made in the federal schedules automatically becomes a part of the state schedule, unless the State Board of Pharmacy objects.</p> <p>“Effect of rescheduling under federal law. If any drug is designated, rescheduled, or deleted as a "controlled substance" under federal law and notice thereof is given to the board, the board shall similarly control the drug under this chapter after the expiration of 30 days from publication in the Federal Register of a final order designating a drug as a "controlled substance" or rescheduling or deleting a drug unless, within that 30-day period, the board objects to inclusion, rescheduling, or deletion. In that case, the board shall cause the reasons for objection to be published and afford all interested parties an opportunity to be heard.” At the conclusion of the hearing, the department shall publish the board's decision which shall be final unless altered thereafter by the board or by statute. Upon publication of objection to inclusion, rescheduling, or deletion under this chapter by the board, control under this chapter is stayed until the board's decision is published.⁴⁵</p> <p>Republication of schedules. The board shall revise, and the department shall republish additions, deletions, or other changes to the schedules of dangerous drugs at times determined by the board. The mandate to republish additions, deletions, or other changes is satisfied by publication in the Administrative Rules of Montana pursuant to Title 2, chapter 4.⁴⁶</p>
<p>NEVADA</p>	<p>YES⁴⁷</p>	<p>Hemp is exempt from definition of marijuana.⁴⁸</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority or an interested party objects.</p> <p>Nevada’s State Board of Pharmacy has the authority to add, delete, or reschedule substances by regulation.</p> <p>Any new substances that is designated, rescheduled or deleted as a controlled substance by federal law, the Board shall similarly treat the substance after the expiration of 60 days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance or from the date of issuance of an order of temporary scheduling</p>

			<p>under Section 508 of the federal Dangerous Drug Diversion Control Act of 1984, 21 U.S.C. § 811(h), unless within the 60-day period, the Board or an interested party objects to the treatment of the substance.</p> <p><u>If no objection is made, the Board must adopt, without making the determinations or findings required by [other provisions] a final regulation treating the substance.</u> If an objection is made, the Board must make a determination with respect to treatment of the substance as provided by NRS 453.146, subsections 1 to 4.⁴⁹ The factors in NRS 453.146 mirror those factors the FDA and DEA must consider in making scheduling decisions and further specify the Board may consider the findings of the FDA or the DEA as prima facie evidence relating to the determinative factors.⁵⁰</p>
<p>NEW HAMPSHIRE</p>	<p>No</p> <p>“Hemp” means the plant Cannabis sativa L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than 0.3 percent on a dry weight basis.⁵¹</p>	<p>Hemp is exempt from definition of marijuana.⁵²</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects.</p> <p>Any addition, deletion, or rescheduling made in the federal schedules automatically becomes a part of the state schedule unless the commissioner objects.⁵³</p> <p>The Commissioner of the Department of Health and Human Services is the state’s scheduling authority.</p> <p>If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the commissioner, the commissioner shall similarly control the substance under this chapter after the expiration of 30 days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless, within that 30 day period, the commissioner objects to inclusion, rescheduling, or deletion. In that case, the commissioner shall publish the reasons for objection and afford all interested persons an opportunity to be heard. At the conclusion of the hearing, the commissioner shall publish his decision, which shall be final unless altered by law. Upon publication of objection to inclusion, rescheduling, or deletion under this chapter by the commissioner, control under this chapter shall be stayed until the commissioner publishes his decision.⁵⁴</p>

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<p>NEW JERSEY</p>	<p>YES⁵⁵</p>	<p>Marihuana" shall not mean industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L.2018, c.139 (C.4:28-1 et al.)⁵⁶</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects.</p> <p>Any addition, deletion, or rescheduling made in the federal schedules will automatically take effect in the state's CSA unless objected to by the commissioner within 30 days of its posting in the Federal Register.⁵⁷</p> <p>The Director of the Division of Consumer Affairs in the Department of Law and Public Safety ("<u>Director</u>") administers the state's Controlled Dangerous Substances Act.</p> <p>If the Director objects, the Director shall cause to be published in the New Jersey Register and made public the reasons for his objection and shall afford all interested parties an opportunity to be heard. At the conclusion of any such hearing, the Director shall publish and make public his decision, which shall be final unless the substance is specifically otherwise dealt with by an act of the Legislature.⁵⁸</p> <p>The director must update and republish the schedules as amended and supplemented</p>
<p>NORTH CAROLINA</p>	<p>No</p> <p>Industrial hemp. – All parts and varieties of the plant Cannabis sativa (L.), cultivated or possessed by a grower licensed by the Commission, whether growing or not, that contain a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent</p>	<p>The definition of "marijuana" in North Carolina's controlled substances law excludes industrial hemp as defined in G.S. 106-568.51 . . . but only when the industrial hemp is produced and used in compliance with the state's program. Further, "industrial hemp," as excluded from the state's definition of marijuana, is defined as that which is "cultivated or possessed by</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects.</p> <p>If any substance is designated, rescheduled, or deleted as a controlled substance under federal law, the Commission shall similarly control or cease control of the substance unless the commission objects.</p> <p>The Commission, at its next regularly scheduled meeting that takes place 30 days after publication in the Federal Register of a final order scheduling a substance, <u>shall determine either to adopt a rule to similarly control the substance under this Article or to object to such action.</u> No rule-making notice or hearing as specified by Chapter 150B of the General Statutes is required if the Commission makes a decision to similarly control a substance. However, if the Commission makes a decision to object to adoption of the federal action, it shall initiate rule-making procedures pursuant to Chapter 150B of the General Statutes within 180 days of its decision to object.⁶²</p>

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	(0.3%) on a dry weight basis. ⁵⁹	a grower licensed by the Commission.” ⁶⁰ Exemption for Hemp Extract to treat intractable epilepsy. Hemp extract is defined as an extract composed of less than 0.9% THC, composed of at least 5% CBD by weight, and contains no other psychoactive substance. ⁶¹	The state’s schedule is administered by the Drug Commission. The state’s schedules are similar to the federal schedules except that North Carolina has added a schedule VI for marijuana and tetrahydrocannabinols. ⁶³
NORTH DAKOTA	YES ⁶⁴	Marijuana does not include hemp. ⁶⁵	Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects. The state’s schedules are administered by the State Board of Pharmacy through rulemaking procedures and are to be revised and republished annually. ⁶⁶ If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice is given to the Board, the Board shall similarly control the substance after 30 days from publication in the Federal Register of a final order unless the Board objects within that 30 day period. ⁶⁷ If the Board objects, the Board must publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall publish its decision, which is final unless altered by statute. Upon publication of objection to inclusion, rescheduling, or deletion, control under this chapter is stayed until the Board publishes its decision. ⁶⁸
OHIO	YES ⁶⁹	“Marihuana” does not include “hemp” or a “hemp product” as defined in section 928.01 of the Revised Code. ⁷⁰	On April 17, 2020, Ohio’s State Board of Pharmacy announced that Epidiolex is no longer a controlled substance in the state of Ohio as of March 20, 2020 and is therefore exempt from all laws and regulations governing controlled substances. The Board will officially update rule 4729:9-1-05(C) to reflect this change. The Board’s official announcement can be found here . Scheduling procedure is triggered automatically by a federal schedule change.

			<p>Any additions, deletions, or rescheduling made in the federal schedules <u>automatically</u> become part of the state schedule.⁷¹</p> <p>When congress or, pursuant to the federal drug abuse control laws, the attorney general of the United States adds a compound, mixture, preparation, or substance to a schedule of the federal drug abuse control laws, transfers any of the same between one schedule of the federal drug abuse control laws to another, or removes a compound, mixture, preparation, or substance from the schedules of the federal drug abuse control laws, then such addition, transfer, or removal is <u>automatically effected</u> in the corresponding schedule or schedules established by rule adopted under section 3719.41 of the Revised Code, subject to amendment pursuant to section 3719.44 of the Revised Code.⁷²</p> <p>The state’s schedules are administered by the State Board of Pharmacy. The Board has authority to add, remove, or reschedule a substance.</p> <p>The state board of pharmacy shall incorporate the addition, transfer, or removal into or from the schedules in its next update of the schedules.⁷³</p> <p>The Board must periodically update the schedules by rule adopted in accordance with Chapter 119. of the Revised Code to correspond to any change in the federal drug abuse control laws or regulations adopted under those laws, any addition, transfer, or removal by congress or the attorney general of the United States as described in section 3719.43 of the Revised Code.⁷⁴</p>
<p>OREGON</p>	<p>YES^{75 76}</p>	<p>Controlled substances do not include: The plant or any part of the Cannabis family Cannabaceae; including resin extracted therefrom, or ay compound, manufacture, salt, derivative of the plant or seed.⁷⁷</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects.</p> <p>Oregon’s controlled substances schedules expressly incorporate federal schedules.⁷⁸</p> <p>Any additions, deletions, or changes to the federal schedules shall be reviewed and adopted if agreed to by the Board of Pharmacy. The Board must publish the schedules within 30 days following any revision or re-classification of a controlled substance.</p> <p>In arriving at any decision on changes in or addition to classification when changes or additions are proposed by the federal Drug Enforcement Administration or by any other reliable source, the State Board of Pharmacy shall</p>

			<p>review the scientific knowledge available regarding the substance, its pharmacological effects, patterns of use and misuse, and potential consequences of abuse, and consider the judgment of individuals with training and experience with the substance.⁷⁹</p> <p>Whenever the board determines that a change in or an addition to the schedule of a controlled substance is justified, the <u>board by rule</u> may order the change and fix the effective date thereof.⁸⁰</p> <p>The State Board of Pharmacy shall publish the classification of controlled substances within 30 days following revision of any classification or reclassification of a controlled substance.⁸¹</p>
RHODE ISLAND	YES ⁸²	<p>Marijuana shall not include "industrial hemp" or "industrial hemp products" which satisfy the requirements of chapter 26 of title 2, nor shall it include products that have been approved for marketing as a prescription medication by the U.S. Food and Drug Administration and legally prescribed.⁸³</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects.</p> <p>The state's director of health administers and may add, reschedule, or delete substances to the state's schedules by rulemaking. Any new substance that is designated as controlled under federal law must be similarly controlled under the state's CSA, unless the director objects within 60 days of receiving notice of such change.⁸⁴</p> <p>(c) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice of that action is given to the director of health, he or she shall similarly control the substance under this chapter after the expiration of sixty (60) days from publication in the federal register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that sixty (60) day period, the director of health objects to inclusion, rescheduling, or deletion. In that case, the director of health shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the director of health shall publish his or her decision, which shall be final unless altered by statute. The director of health shall publish and file his or her decision with the secretary of state. Upon publication of objection to inclusion, rescheduling, or deletion under this chapter by the director of health, control under this chapter is stayed until the director of health publishes his or her decision.</p>

<p>SOUTH CAROLINA</p>	<p>YES⁸⁵</p>	<p>No hemp exemption in the state definition of marijuana; <i>however</i> the definition of marijuana in the Hemp Farming Act <u>does exempt hemp</u> (“‘Marijuana’ has the same meaning as in Section 44-53-110 and does not include tetrahydrocannabinol in hemp or hemp products as defined herein.”)⁸⁶</p> <p>The state CSA exempts from the definition of “marijuana”:</p> <p>A drug approved for persons participating in a clinical trial or access program for administering CBD for treatment of rare forms of epilepsy; CBD or any compound, manufacture, salt, derivative, mixture, or preparation of any plant of the genus cannabis that contains nine-tenths of one percent or less of tetrahydrocannabinol and more than fifteen percent of cannabidiol.⁸⁷ See also Julian’s Law, Cannabidiol in</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects.</p> <p>The state's Department of Health and Environmental Control schedules substances by rulemaking. Any new substance that is designated as controlled under federal law must be similarly controlled under the state's CSA, unless the department objects.⁸⁸</p> <p>If a substance is added, deleted, or rescheduled pursuant to federal law, the department shall at the first regular or special meeting of the South Carolina Board of Health and Environmental Control within thirty days after publication in the federal register of the final order designating the substance as a controlled substance or rescheduling or deleting the substance, add, delete, or reschedule the substance in the appropriate schedule. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection has the full force of law unless overturned by the General Assembly. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection must be in substance identical with the order published in the federal register effecting the change in federal status of the substance.</p>
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		clinical trials to Treat Patients with Epilepsy.	
TENNESSEE	YES ⁸⁹	<p>“Marijuana” does not include hemp. Nor does it include:</p> <p>(1) a cannabidiol product approved as a prescription medication by the United States food and drug administration; or</p> <p>(2) oil containing the substance cannabidiol, with less than nine-tenths of one percent (0.9%) of THC if: the bottle is properly labeled and the person has proof of diagnosis of intractable seizures or epilepsy.⁹⁰</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects.</p> <p>Tennessee's CSA provides for automatic inclusion, deletion, or rescheduling of substances to conform to changes in the federal schedules after thirty (30) days from publication in the Federal Register of a final order, unless the commissioner of mental health and substance abuse services , upon the agreement of the commissioner of health, objects.⁹¹</p>
TEXAS	YES ⁹²	Hemp is exempted from the definition of “marihuana.” ⁹³	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects.</p> <p>Commissioner of state health services administers the CSA. If a substance is designated a controlled substance or rescheduled or deleted under federal law and notice is given to the commissioner, the commissioner is required to similarly designate, reschedule, or delete the substance thirty (30) days after publication in the Federal Register of a final order, unless the commissioner objects.⁹⁴</p> <p>The commissioner must annually establish the schedules and include a complete list of all controlled substances from the previous schedules and modifications in the federal schedules.</p>
WASHINGTON	YES ⁹⁵	“Controlled substance does not include hemp or	Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority or an interested party object.

		<p>industrial hemp as defined in RCW 15.140.020.</p>	<p>If a substance is designated, rescheduled to a more restrictive schedule, or deleted under federal law the Board of Pharmacy must similarly control the substance under state law after the expiration of 30 days from the date of publication in the federal register of a final order, unless within that 30-day period, the Board or an interested party objects to inclusion, rescheduling, or deletion. <u>If no objection is made, the board must adopt and publish a final rule designating, rescheduling, or deleting the substance.</u>⁹⁶</p>
<p>WISCONSIN</p>	<p>NO</p> <p>“Industrial hemp” means the plant <i>Cannabis sativa</i>, or any part of the plant including the seeds, having a delta-9-tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis or the maximum concentration allowed under federal law up to 1 percent, whichever is greater. “Industrial hemp” includes a substance, materials, or product only if it is designated as a controlled substance under the federal Controlled Substances Act under 21 USC 801 to 971 or the Uniform</p>	<p>Hemp exempt from definition of marijuana.⁹⁸</p>	<p>Scheduling procedure is triggered automatically by a federal schedule change. There is no objection provision when cannabidiol is rescheduled or deleted under federal law.</p> <p>If cannabidiol or nabiximols is rescheduled or deleted as a controlled substance under federal law, the controlled substances board shall similarly treat cannabidiol or nabiximols as soon as practically possible but no later than 30 days from the date of publication in the federal register of a final order rescheduling or deleting cannabidiol or nabiximols or from the date of issuance of an order of temporary scheduling under 21 USC 811 (h). The board shall promulgate a final rule, for which notice of proposed rulemaking is omitted, rescheduling or deleting cannabidiol or nabiximols.⁹⁹</p> <p>Notwithstanding the above, if a substance is designated, rescheduled or deleted as a controlled substance under federal law and notice thereof is given to the controlled substances board, the board by affirmative action shall similarly treat the substance after the expiration of 30 days from the date of publication in the federal register of a final order or from the date of issuance of an order of temporary scheduling under 21 USC 811 (h), unless within that 30-day period, the board or an interested party objects to the treatment of the substance. <u>If no objection is made, the board shall promulgate a final rule, for which notice of proposed rulemaking is omitted, designating, rescheduling, temporarily scheduling or deleting the substance.</u>¹⁰⁰</p>

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	Controlled Substances Act under ch. 961 or both. ⁹⁷		
WYOMING	YES ¹⁰¹	No hemp exemption in the state definition of marijuana. ¹⁰²	<p>Scheduling procedure is triggered automatically by a federal schedule change unless the controlling authority objects.</p> <p>If any substance is designated, rescheduled, or deleted as a controlled substance under federal law the commissioner shall control the substance under this act in the same manner as federal law within thirty (30) days after receiving notice of the change but not later than thirty (30) days after the first publication of the change in the Federal Register:103</p> <p>Under this subsection, the commissioner shall control the substance in the same manner as federal law through the promulgation of an emergency rule, followed by promulgation of a permanent rule under the Wyoming Administrative Procedure Act.</p> <p>If the commissioner objects, the commissioner must publish the reasons for objection and afford all interested parties an opportunity to be heard. Any final decision that ultimately controls the substance under this act in the same manner as federal law shall be finalized through the promulgation of an emergency rule, followed by promulgation of a permanent rule under the Wyoming Administrative Procedure Act.</p>
ALASKA	<p>NO</p> <p>“Industrial hemp” means all parts and varieties of the plant Cannabis sativa L. containing not more than 0.3 percent delta-9-</p>	<p>Marijuana exempts industrial hemp.¹⁰⁵</p> <p>Marijuana is a schedule VIA controlled substance.¹⁰⁶</p>	<p>Action by the controlling authority and the state legislature is required</p> <p>If a substance is added to the CSA under federal law, the governor is required to introduce legislation in accord with the recommendations of the Controlled Substances Advisory Committee. There is no similar provision for a substance that is removed from the federal CSA.¹⁰⁷ A substance can be added to, deleted from, or rescheduled by legislation upon recommendation from the Committee. The committee is required to the same factors as used by the FDA in making its determination to deschedule.¹⁰⁸</p>

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	tetrahydrocannabinol. ¹⁰⁴		
ARIZONA	NO “Industrial hemp” means the plant cannabis sativa L. and any part of such a plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths percent on a dry-weight basis. ¹⁰⁹	There is no hemp exemption from the state definition of marijuana. ¹¹⁰	Action by the controlling authority or the legislature is required. State law does not appear to contain any provision requiring the scheduling (or objection to scheduling) of a substance designated, rescheduled, or deleted under federal law. “Results, information and evidence received from the United States drug enforcement administration relating to the regulatory functions of this chapter, including results of inspections conducted by it, may be relied and acted upon by the board or department in the exercise of its regulatory functions under this chapter.” ¹¹¹
CALIFORNIA	YES ^{112 113}	Hemp is exempted from definition of marijuana. ¹¹⁴	Action by the controlling authority and the legislature is required. California law does not specifically address the person or entity who has controlled substance scheduling authority. Accordingly, it appears that the authority rests with the Legislature. California law provides that the state Board of Pharmacy “shall administer and enforce” the Uniform Controlled Substances Act. ¹¹⁵ California’s CSA makes an express exemption for changes in federal law concerning cannabidiol and products composed of cannabidiol: No rulemaking or notice is required if an FDA-approved product composed of cannabidiol is rescheduled or deleted from the federal CSA. Upon effective date of the change in federal law, the product composed of cannabidiol may be prescribed, furnished, dispensed, transported, possessed, or used in accordance with state law. ¹¹⁶ Notably, the exemption does not apply to a product containing cannabidiol that is made or derived from industrial hemp. The relevant provisions are as follows:

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			<p>(a) Notwithstanding any other law, if cannabidiol is excluded from Schedule I of the federal Controlled Substances Act and placed on a schedule of the act other than Schedule I, or if a product composed of cannabidiol is approved by the federal Food and Drug Administration and either placed on a schedule of the act other than Schedule I, or exempted from one or more provisions of the act, so as to permit a physician, pharmacist, or other authorized healing arts licensee acting within his or her scope of practice, to prescribe, furnish, or dispense that product, the physician, pharmacist, or other authorized healing arts licensee who prescribes, furnishes, or dispenses that product in accordance with federal law shall be deemed to be in compliance with state law governing those acts.¹¹⁷</p> <p>(b) For purposes of this chapter, upon the effective date of one of the changes in federal law described in subdivision (a), notwithstanding any other state law, a product composed of cannabidiol may be prescribed, furnished, dispensed, transferred, transported, possessed, or used in accordance with federal law and is authorized pursuant to state law.</p> <p>(c) This section does not apply to any product containing cannabidiol that is made or derived from industrial hemp, as defined in Section 11018.5 and regulated pursuant to that section.</p>
COLORADO	YES ¹¹⁸	Industrial hemp and derivatives therefrom are exempted from definition of marijuana. ¹¹⁹	<p>Action by the controlling authority or the legislature is required.</p> <p>The State Board of Pharmacy is responsible for administering the schedules; the Colorado General Assembly may, by bill, add substances to or delete or reschedule substances in the state's five schedules.¹²⁰</p>
CONNECTICUT	YES ¹²¹	Industrial hemp as defined in the 2018 Farm Bill is exempted from definition of marijuana. ¹²²	<p>Action by the controlling authority required.</p> <p>In the event of any inconsistency between the state schedules and the federal schedules, the provisions of the federal act shall prevail, except when the state has placed a substance in a higher schedule than the federal system.¹²³</p>
HAWAII	NO "Industrial hemp" means the plant Cannabis sativa L. and	No exemption for hemp. ¹²⁵	<p>Action by the controlling authority and the legislature is required.</p> <p>Requires a change in state law. The Department of Public Safety has the responsibility for proposing amendments to the drug schedules, subject to approval by the state legislature.</p>

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	<p>any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 per cent on a dry weight matter basis or a tetrahydrocannabinol concentration allowed by federal law, whichever is greater, that is cultivated.¹²⁴</p>		<p>If a substance is added, deleted, or rescheduled as a controlled substance under federal law and notice of the designation is given to the Department of Public Safety, the Department must recommend that a corresponding change in Hawaii law be made. The Department must similarly designate the substance as added, deleted, or rescheduled under this chapter, after the expiration of thirty days from publication in the Federal Register of a final order, and this change shall have the effect of law.¹²⁶</p> <p>State advisory commission on drug abuse and controlled substances will act in advisory capacity to the department of public safety by recommending the addition, deletion or rescheduling of all substances. § 329-2; 329-4.</p> <p>Annually, upon convening of each regular session of the state legislature, the department of public safety must report to the legislature additions, deletions, or revisions in the schedules.</p> <p>Three months prior to convening of each regular session, the department must post public notice at the state capitol and in the office of the Lt. Governor, of the department’s recommendations. <u>The posting is NOT required if official notice has been received that the substances has been added, deleted, or rescheduled under federal law.</u></p> <p>The Department, in making a determination and recommendation to the legislature will look to the same factors as used by the FDA to determine whether substances should be added, deleted, or rescheduled.</p>
<p>KANSAS</p>	<p>No^{127 128}</p>	<p>The definition of marijuana excludes industrial hemp, as defined in K.S.A. 2019 Supp. 2-3901 and cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl)-5-pentyl-1,3-benzenediol].¹²⁹</p> <p>Cannabidiol is a Schedule IV controlled substance when</p>	<p>Action by the controlling authority and the legislature is required.</p> <p>Kansas legislature, with recommendations from the Board of Pharmacy, may make schedule changes by rule. The Board of Pharmacy submits annually to the legislature a report on substances proposed by the board for scheduling, rescheduling, or deletion by the legislature. In making a determination, the board must consider the same factors as used by the FDA in making its determination to deschedule.¹³²</p>

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		<p>“comprising the sole active ingredient of a drug product approved by the United States food and drug administration.”¹³⁰</p> <p>“Hemp products” are also excluded from the state CSA.</p> <p>A controlled substance analog does not include “a substance for which there is an approved new drug application.”¹³¹</p>	
MAINE	YES ¹³³	<p>“Marijuana” does not include hemp.¹³⁴</p>	<p>Action by the controlling authority or the legislature is required.</p> <p>It does not appear that Maine rescheduling of controlled substances is addressed by Maine law or regulation.</p> <p>Maine incorporates the federal CSA:</p> <p>“Controlled substance” means a controlled substance included in schedules II, III or IV of 21 United States Code, Section 812 or 21 Code of Federal Regulations, Section 1308.¹³⁵</p> <p>Maine does not have a controlled substances act. Maine's controlled substance Prescription Monitoring Program includes drugs that have been classified by the U.S. Drug Enforcement Administration (DEA) in Schedule II, III, and IV.</p> <p>Maine’s schedules are substantially different from federal schedules. The state groups W, X, Y, and Z. Schedule W is the highest schedule and the lowest is schedule Z and includes marijuana.¹³⁶</p>
MISSISSIPPI	NO	<p>NO hemp exemption from state’s definition of marihuana.</p>	<p>Action by the controlling authority and the legislature is required.</p>

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		<p>The following are exempted from Schedule I control:</p> <p>Processed cannabis plant extract, oil or resin with a minimum ratio of twenty-to-one cannabidiol to tetrahydrocannabinol (20:1 cannabidiol:tetrahydrocannabinol), and diluted so as to contain at least fifty (50) milligrams of cannabidiol per milliliter, with not more than two and one-half (2.5) milligrams of tetrahydrocannabinol per milliliter.¹³⁷</p> <p>And</p> <p>Cannabidiol contained in a legend drug product approved by the Federal Food and Drug Administration or obtained under Section 41-29-136 is exempt under Schedule I.¹³⁸</p> <p>Miss. Stat. Ann. § 41-29-136</p>	<p>If a substance is designated, rescheduled, or deleted as a controlled substance under federal law, the board shall recommend similar control of such substance to the state legislature.</p> <p>If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the State Board of Health, it shall recommend the control of the substance under this article at the next session of the Legislature.¹³⁹ In making a recommendation, the Board of Health must consider the same factors as used by the FDA in making its determination to add or remove a substance.¹⁴⁰</p> <p>The Commissioner of Public Safety is responsible for administering the state’s CSA and is responsible for recommending to the Legislature the appropriate schedule for all substances to be scheduled or rescheduled.</p>
NEBRASKA	YES ¹⁴¹	<p>Hemp is exempt from definition of marijuana.¹⁴²</p> <p>Marijuana also does not include “cannabidiol</p>	<p>Action by the controlling authority, the legislature, or both will be required.</p> <p>Nebraska law does not appear to specify directly how the state CSA is modified. Accordingly, action by the state regulatory agency, the legislature, or both will be</p>

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		<p>contained in a drug product approved by the federal Food and Drug Administration or obtained pursuant to sections 28-463 to 28-468.¹⁴³</p> <p>“(b) When resins extracted from (i) industrial hemp as defined in section 2-5701 are in the possession of a person as authorized under section 2-5701 or (ii) hemp as defined in section 2-503 are in the possession of a person as authorized under the Nebraska Hemp Farming Act, they are not considered hashish or concentrated cannabis for purposes of the Uniform Controlled Substances Act.”¹⁴⁴</p>	<p>required. The Department of Health and Human Services administers the state’s Uniform Controlled Substances Act.¹⁴⁵</p>
NEW YORK	YES ¹⁴⁶	<p>As set forth in the state’s recent passage of hemp laws, hemp is excluded from the definition of marijuana.¹⁴⁷</p>	<p>Action by a state regulatory agency or the legislature is required.</p> <p>New York law does not appear to address rescheduling of substances. The legislature and Commissioner of the Department of Health Public has authority to make any rules, regulations and determinations pursuant to the state CSA.</p> <p>At least 21 days prior to a proposed effective date of any rule or regulation, persons who have conveyed in writing a request to be notified of proposed changes must be provided with the proposed changes and given an opportunity to comment.¹⁴⁸</p>

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<p>SOUTH DAKOTA</p>	<p>Proposed definition mirrors federal definition. Currently, SD does not distinguish between hemp and marijuana.^{149 150}</p>	<p>The state CSA exempts from the definition of “marijuana” “a drug product approved by the United States Food and Drug Administration.”¹⁵¹</p> <p>Proposed Exemptions from Definition of Marijuana under pending hemp bill: SDLRC § 22-42-1(7) & SDLRC § 34-20B-1(12).</p>	<p>New legislation is required.</p> <p>The state's Department of Health makes recommendations to the legislature to add, delete or reschedule a substance when the Department determines that the substance has a different potential for abuse.¹⁵²</p>
<p>UTAH</p>	<p>NO</p> <p>“Industrial hemp” means any part of a cannabis plant, whether growing or not, with a concentration of less than 0.3% tetrahydrocannabinol by dry weight.¹⁵³</p>	<p>No hemp exemption in the state definition of marijuana.¹⁵⁴</p>	<p>Action by the controlling authority and/or the state legislature is required.</p> <p>Utah’s CSA is administered by the state Division of Occupational and Professional Licensing (DOPL). The state CSA incorporates the federal CSA.¹⁵⁵ Utah law does not contain a statute directly addressing the authority to schedule controlled substances. Accordingly, scheduling authority appears to reside with a state body, either a state regulatory agency or the state legislature.</p>
<p>DELAWARE</p>	<p>NO</p> <p>“Industrial hemp” means the plant <i>Cannabis sativa L.</i> and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent</p>	<p>The state does not expressly exempt hemp from definition of marijuana. The definition of marijuana excludes products approved by the FDA.¹⁵⁷</p>	<p>Action by the controlling authority or the legislature is required.</p> <p>Delaware state law does not specifically express whether legislation or rulemaking is required for a schedule change. The Secretary of the Department of Health and Social Services is charged with administration of the CSA. The Secretary <u>may</u> delete or reschedule substances enumerated in the schedules of controlled substances only if:</p> <p>(1) Such substances have been deleted from or rescheduled within the federal schedules of controlled substances by the Attorney General of the United States pursuant to 21 USC § 811, et seq.; and</p>

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	on a dry weight basis. ¹⁵⁶		(2) The findings required by this chapter for placement of substances in the schedules of controlled substances have been made. See state tests for each schedule. ¹⁵⁸
FLORIDA	YES ^{159 160}	<p>Definition of cannabis excludes:</p> <ol style="list-style-type: none"> 1. hemp as defined in s. 581.217 or industrial hemp as defined in s. 1004.4473. 2. And also excludes the following Schedule V substance: <p>“A drug product in finished dosage formulation that has been approved by the United States Food and Drug Administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols.¹⁶¹</p> <p>The term does not include a drug product described in s. 893.03(5)(d).</p>	<p>Controlling authority has discretion to similarly schedule. Action by the controlling authority and the Attorney General is required.</p> <p>Florida Attorney General with guidance from the Department of Health <u>may</u> by rule remove a substance previously added to a schedule if he or she finds the substance does not meet the requirements for inclusion in that schedule.¹⁶²</p> <p>“[D]ue consideration and great weight should be given to interpretations of the United States Attorney General and the federal courts relating to s. 201 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. s. 811, as amended and in effect on April 1, 1985.-All substantive rules adopted under this part shall not be inconsistent with the rules of the United States Attorney General and the decisions of the federal courts interpreting the provisions of s. 201 of the Comprehensive Drug Abuse Prevention and Control.”¹⁶³</p> <p>Also: “ The findings and conclusions of the United States Attorney General or his or her delegee, as set forth in the Federal Register, with respect to any substance pursuant to s. 201 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. s. 811, as amended and in effect on April 1, 1985, shall be admissible as evidence in any rulemaking proceeding under this section,…” In making a determination regarding a substance, the Attorney General must consider the same factors as used by the FDA in making its determination to add or remove a substance. ¹⁶⁴</p>

<p>GEORGIA</p>	<p>YES ¹⁶⁵</p>	<p>No hemp exemption in state definition of marijuana.¹⁶⁶</p>	<p>Controlling authority has discretion to similarly schedule. Action by the controlling authority is required.</p> <p>Substances are added, deleted, or rescheduled by rule-making via the Georgia Administrative Procedure Act. Georgia’s law does not mandate a change in the state schedule when a federal schedule change occurs. In making a determination, the state Board of Pharmacy must consider the same factors as used by the FDA in making its determination to add or remove a substance. The Board must also take into consideration the <u>designation, deletion, or rescheduling of a substance under federal law.</u>¹⁶⁷</p> <p>The State Board of Pharmacy shall add substances to or reschedule all substances pursuant to the procedures of Chapter 13 of Title 50, the “Georgia Administrative Procedure Act. The Act requires that “before adopting, amending or repealing a rule an agency must give 30 days’ notice of the intended action, provide reasonable opportunity to all interested persons to submit their views, data, opinions or arguments either orally or in writing.” Furthermore, any interested person can ask the agency for promulgation, amendment or appeal of a rule. Within 30 days after the submission of the petition, the agency can either allow the petition by initiating rule-making proceedings or can deny the petition stating its reasons in writing.¹⁶⁸</p>
<p>MINNESOTA</p>	<p>YES¹⁶⁹</p>	<p>Exemption from definition of marijuana.¹⁷⁰</p>	<p>Controlling authority has discretion to similarly control the substance. Action by the controlling authority is required.</p> <p>The State Board of Pharmacy is responsible for administering the state’s CSA by rulemaking. If any substance is added, deleted, or rescheduled under federal law, the Board of Pharmacy <u>may</u> similarly and temporarily control the substance under this chapter by issuing an order and causing it to be published in the State Register and filed with the secretary of state. In issuing the order, the Board is not required to engage in rulemaking. The order expires no later than 12 months after the date of issue and may not be renewed. After issuing the order, the board may permanently schedule the substance. In making a determination regarding a substance, the Board must consider the same factors as used by the FDA in making its determination to add or remove a substance.¹⁷¹</p>

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			The Board must annually submit a report to the legislature on or before December 1 that specifies what changes the Board made. The report must include specific recommendations for amending the schedules so that they conform with the federal schedules. ¹⁷²
NEW MEXICO	YES ¹⁷³	<p>Marijuana does not include:</p> <p>tetrahydrocannabinols extracted or isolated from marijuana;</p> <p>or the plant Cannabis sativa L. and any part of the plant, whether growing or not, containing a delta-9-tetrahydrocannabinol concentration of no more than three-tenths percent on a dry weight basis.¹⁷⁴</p>	<p>Controlling authority has discretion to similarly control the substance. Action by the controlling authority is required.</p> <p>The State Board of Pharmacy is responsible for administering the state CSA. If any substance is designated as a controlled substance under federal law and notice is given to the board, the board <u>may</u>, by regulation, similarly control the substance after providing for a hearing pursuant to the Uniform Licensing Act.¹⁷⁵</p>
OKLAHOMA	<p>No</p> <p>Industrial hemp means the plant Cannabis sativa L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry-weight basis.¹⁷⁶</p>	<p>“Marijuana” does not include:</p> <p>(1) any federal Food and Drug Administration-approved cannabidiol drug or substance, OR</p> <p>(2) Industrial hemp, OR</p> <p>(3) for any person participating in a clinical trial to administer cannabidiol for the treatment of severe forms of epilepsy a drug or substance approved by the</p>	<p>Controlling authority has discretion to similarly schedule. Action by the controlling authority and the legislature is required.</p> <p>The state’s Board of Pharmacy <u>may</u> recommend to the Legislature the addition, deletion, or rescheduling of a substance, provided that the proposed rule is submitted to the next regular session of the legislature for approval. The Director or the Board of Pharmacy must consider the same factors as used by the FDA in making its determination to add or remove a substance.¹⁷⁸</p> <p>Any conflict between state and federal law with regard to the particular schedule in which a substance is listed shall be resolved in favor of state law.¹⁷⁹</p> <p>The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control is responsible for administering the state’s CSA.</p>

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		<p>federal Food and Drug Administration for use by those participants; or persons who have received certification of a diagnosis of Lennox-Gastaut Syndrome, Dravet Syndrome, or any other severe form of epilepsy that is not adequately treated by traditional medical therapies, spasticity due to multiple sclerosis or due to paraplegia, nausea and vomiting, appetite stimulation with chronic wasting diseases; a nonpsychoactive cannabinoid that has a THC concentration of not more than 0.3% and that is delivered to the patient in the form of a liquid.¹⁷⁷</p>	
<p>PENNSYLVANIA</p>	<p>No “Hemp” the plant <i>Cannabis sativa L.</i> and any viable part of the plant, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3</p>	<p>No exemption for hemp in state definition of marijuana.¹⁸¹</p>	<p>Controlling authority has discretion to similarly schedule. Action by the controlling authority is required. Pennsylvania’s Secretary of Health is responsible for administering the state's CSA. The Secretary <u>may</u> reschedule any substance to coincide with Federal law. The Secretary must publish a notice in the Pennsylvania Bulletin. The rescheduling of a controlled substance to a lower schedule may take effect upon publication in the Bulletin.¹⁸²</p>

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	percent on a dry weight basis. ¹⁸⁰		
VERMONT	YES ¹⁸³	Hemp is exempted from the definition of marijuana. ¹⁸⁴	<p>Controlling authority has discretion to similarly schedule. Action by the controlling authority is required.</p> <p>Vermont's Board of Health promulgates rules regarding the state's CSA. The state CSA incorporates the federal CSA.¹⁸⁵</p> <p>The Board of Health <u>may</u> adopt rules only after prior written notice to the Board of Pharmacy and the Board of Medical Practice and after the Board of Pharmacy and the Board of Medical Practice have had an opportunity to advise the Board of Health with respect to the form and substance of those rules or amendments and to recommend revisions.¹⁸⁶</p>
VIRGINIA	YES ¹⁸⁷	<p>Hemp and hemp products are exempted from definition of marijuana.¹⁸⁸</p> <p>Also exempted is a prescription drug approved in accord with any final or interim order or rule issued pursuant to 21 U.S.C. § 811(j).</p>	<p>Controlling authority has discretion to similarly schedule. Action by the controlling authority is required.</p> <p>Virginia Board of Pharmacy is responsible for administering the schedules.</p> <p>State law provides that a substance designated, rescheduled, or deleted as a controlled substance under federal law <u>may</u> be similarly scheduled by the state by amending its regulations in accord with the Administrative Process Act. Prior to making such amendments, the Board must post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice of the hearing to any persons requesting to be notified of a regulatory action.¹⁸⁹</p>
WEST VIRGINIA	YES ¹⁹⁰	No hemp exemption in the state definition of marijuana. ¹⁹¹	<p>Controlling authority has discretion to similarly schedule. Action by the controlling authority and/or the state legislature is required.</p> <p>Generally, the legislature will add or delete substances. However, in between sessions, the Board of Pharmacy may add to or delete from the schedules “based upon the recommendations and approval of the federal food, drug and cosmetic agency, and shall report such actions on the first day of the regular legislative session immediately following said actions.”¹⁹²</p>

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- 1 ALA. CODE § 20-2-2(14). <http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm>.
- 2 ALA. CODE § 20-2-20(c). <http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm>.
- 3 ARK. CODE ANN. § 2-15-403(5). https://www.agriculture.arkansas.gov/Websites/aad/files/Content/6350524/8-31-2018_Final_Rule-AR_Industrial_Hemp_Research_Program_in_Arkansas.pdf
- 4 ARK. CODE ANN. § 5-64-2101.
- 5 ARK. CODE ANN. § 5-64-201.
- 6 Idaho Code 37-2701(t). <https://legislature.idaho.gov/statutesrules/idstat/title37/t37ch27/sect37-2701/>.
- 7 Idaho Code § 37-2702 (2018). <https://legislature.idaho.gov/statutesrules/idstat/title37/t37ch27/sect37-2702/>
- 8 710 ILCS 705/1-10 (Cannabis Regulation and Tax Act). <http://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=3992&ChapterID=35>.
- 9 720 ILCS 570/201. <http://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=1941&ChapterID=53>.
- 10 Ind. Code § 15-15-13-6. Emergency Rule: https://www.oisc.purdue.edu/hemp/pdf/hemp_emergency_rule_20-173e.pdf
- 11 Ind. Code § 35-48-1-9. <http://iga.in.gov/legislative/laws/2019/ic/titles/035/#35-48-1-9>
- 12 Ind. Code § 35-48-1-17.5. <http://iga.in.gov/legislative/laws/2019/ic/titles/035/#35-48-1-17.5>
- 13 Ind. Code § 35-48-2-1(e). <http://iga.in.gov/legislative/laws/2019/ic/titles/035/#35-48>
- 14 Iowa Code Section 204.2(6)(a). <https://www.legis.iowa.gov/docs/code/204.2.pdf>
- 15 Iowa Code Ann. 204.2(6)(b). <https://www.legis.iowa.gov/docs/code/204.2.pdf>
- 16 Iowa Code Ann. § 124.101. <https://www.legis.iowa.gov/docs/ico/chapter/124.pdf>.
- 17 Iowa Code Ann. 124.201A, see also 124.20. <https://www.legis.iowa.gov/docs/code/2018/124.201A.pdf>
- 18 KY. REV. STAT. ANN. § 260.850(5) (2019). https://www.kyagr.com/marketing/documents/HEMP_LAW_KRS260.850-to-260.869.pdf
- 19 KY. REV. STAT. ANN. § 218A.010 (28). <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=48798>
- 20 902 KAR 55.015. <https://apps.legislature.ky.gov/law/kar/902/055/015.pdf>
- 21 La. R.S. 3 § 1462 (10). <http://www.legis.la.gov/legis/ViewDocument.aspx?d=1143697>
- 22 La. R.S. 40 § 961.1. <https://legis.la.gov/Legis/Law.aspx?d=1147703>
- 23 La. R.S. 40 § 961(27). <https://legis.la.gov/Legis/Law.aspx?p=y&d=98873>
- 24 La. R.S. 40 § 961(7). <https://legis.la.gov/Legis/Law.aspx?p=y&d=98873>
- 25 Md. Criminal Law Code Ann. § 5-101(r)(2)(vi).
<https://govt.westlaw.com/mdc/Document/N144F71109E0011E9806FD1F570ABFF0E?viewType=FullText&originationContext=documenttoc&transitionType=Cate>
[goryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/mdc/Document/N144F71109E0011E9806FD1F570ABFF0E?viewType=FullText&originationContext=documenttoc&transitionType=Cate)
- 26 Md. Criminal Law Code Ann. §5-202(f)(1).
[https://govt.westlaw.com/mdc/Document/NE3EC47E09CDD11DB9BCF9DAC28345A2A?viewType=FullText&originationContext=documenttoc&transitionType=](https://govt.westlaw.com/mdc/Document/NE3EC47E09CDD11DB9BCF9DAC28345A2A?viewType=FullText&originationContext=documenttoc&transitionType=StatuteNavigator&contextData=%28sc.Default%29)
[StatuteNavigator&contextData=%28sc.Default%29](https://govt.westlaw.com/mdc/Document/NE3EC47E09CDD11DB9BCF9DAC28345A2A?viewType=FullText&originationContext=documenttoc&transitionType=StatuteNavigator&contextData=%28sc.Default%29).
- 27 <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter128/Section116>
- 28 Mass. Gen. Laws c.94C, § 1.
- 29 Mass. Gen. Laws ch. 94C, § 2; see also 21 U.S.C. §§ 811(c)(1)-(8) (full list of factors FDA and DEA must consider in making scheduling decisions).
- 30 *Id.*
- 31 MI Public Act 641 of 2018, Sec. 2. <http://www.legislature.mi.gov/documents/2017-2018/publicact/pdf/2018-PA-0641.pdf>
- 32 MCL § 333.27953(e)(2).
- 33 MCL 333.7201. [http://www.legislature.mi.gov/\(S\(wrm0cbmnpohbbrhpxt4axgt0\)\)/printDocument.aspx?objectName=mcl-368-1978-7&version=txt](http://www.legislature.mi.gov/(S(wrm0cbmnpohbbrhpxt4axgt0))/printDocument.aspx?objectName=mcl-368-1978-7&version=txt).

- 34 MCL 333.7204. [http://www.legislature.mi.gov/\(S\(wrm0cbmnpohbbrhpxt4axgt0\)\)/printDocument.aspx?objectName=mcl-368-1978-7&version=txt](http://www.legislature.mi.gov/(S(wrm0cbmnpohbbrhpxt4axgt0))/printDocument.aspx?objectName=mcl-368-1978-7&version=txt).
- 35 MCL 333.7202. [http://www.legislature.mi.gov/\(S\(wrm0cbmnpohbbrhpxt4axgt0\)\)/printDocument.aspx?objectName=mcl-368-1978-7&version=txt](http://www.legislature.mi.gov/(S(wrm0cbmnpohbbrhpxt4axgt0))/printDocument.aspx?objectName=mcl-368-1978-7&version=txt); see also 21 U.S.C. §§ 811(c)(1)-(8) (full list of factors FDA and DEA must consider in making scheduling decisions).
- 36 MCL 333.7206. [http://www.legislature.mi.gov/\(S\(wrm0cbmnpohbbrhpxt4axgt0\)\)/printDocument.aspx?objectName=mcl-368-1978-7&version=txt](http://www.legislature.mi.gov/(S(wrm0cbmnpohbbrhpxt4axgt0))/printDocument.aspx?objectName=mcl-368-1978-7&version=txt)
- 37 R.S. Mo. Section 195.207. <https://revisor.mo.gov/main/OneSection.aspx?section=195.207>.
- 38 R.S. Mo. Section 195.010 (28). <https://revisor.mo.gov/main/OneSection.aspx?section=195.010&bid=35415&hl=marijuana%u2044definition>.
- 39 R.S. Mo. Section 192.145. <https://revisor.mo.gov/main/OneSection.aspx?section=192.945>.
- 40 R.S. Mo. Section 195.207. <https://revisor.mo.gov/main/OneSection.aspx?section=195.207>.
- 41 R.S. Mo. Section 195.015. <https://revisor.mo.gov/main/OneSection.aspx?section=195.015&bid=10014>
- 42 Mont. Code Ann. § 80-18-101 (2019). https://leg.mt.gov/bills/mca/title_0800/chapter_0180/part_0010/section_0010/0800-0180-0010-0010.html
- 43 Mont. Code § 50-32-1-1. https://leg.mt.gov/bills/mca/title_0500/chapter_0320/part_0010/section_0010/0500-0320-0010-0010.html.
- 44 Mont. Code Ann. 50-32-222 (2019). https://leg.mt.gov/bills/mca/title_0500/chapter_0320/part_0020/section_0220/0500-0320-0020-0220.html
- 45 Mont. Code Ann. § 50-32-203 (2019). https://leg.mt.gov/bills/mca/title_0500/chapter_0320/part_0020/section_0030/0500-0320-0020-0030.html.
- 46 Mont. Code Ann. § 50-32-209 (2019). https://leg.mt.gov/bills/mca/title_0500/chapter_0320/part_0020/section_0090/0500-0320-0020-0090.html.
- 47 NRS 557.160 (1). <https://www.leg.state.nv.us/NRS/NRS-557.html#NRS557Sec160>.
- 48 NRS 453.096 (2)(a). <https://www.leg.state.nv.us/nrs/nrs-453.html#NRS453Sec096>
- 49 NRS 453.2182. <https://www.leg.state.nv.us/nrs/nrs-453.html#NRS453Sec2182>.
- 50 NRS 453.146. <https://www.leg.state.nv.us/nrs/nrs-453.html#NRS453Sec146>; see also 21 U.S.C. §§ 811(c)(1)-(8) (full list of factors FDA and DEA must consider in making scheduling decisions).
- 51 N.H. Rev. Stat. § 439-A:2(V). <http://gencourt.state.nh.us/rsa/html/xl/439-a/439-a-mrg.htm>
- 52 N.H. Rev. Stat. § 318-B:2-c. <http://www.gencourt.state.nh.us/rsa/html/XXX/318-B/318-B-mrg.htm>.
- 53 N.H. Rev. Stat. § 318-B:1-a. <https://www.gencourt.state.nh.us/rsa/html/XXX/318-B/318-B-mrg.htm>.
- 54 N.H. Rev. Stat. § 318-B:1-a. <https://www.gencourt.state.nh.us/rsa/html/XXX/318-B/318-B-mrg.htm>.
- 55 Hemp Program Summary and Rules, N.J.A.C. § 2-25-102. <https://www.nj.gov/agriculture/divisions/pi/pdf/NJHempProgramSummaryandRules.pdf>
- 56 N.J. Stat. Ann. § 24:21-2. <https://lis.njleg.state.nj.us/nxt/gateway.dll?f=templates&fn=default.htm&vid=Publish:10.1048/Enu>.
- 57 N.J. Stat. Ann. § 24:21-3. <https://lis.njleg.state.nj.us/nxt/gateway.dll?f=templates&fn=default.htm&vid=Publish:10.1048/Enu>.
- 58 *Id.*
- 59 N.C. GEN. STAT. § 106-568.51(7). https://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_106/Article_50E.pdf
- 60 N.C. GEN. STAT. § 90-87(16); N.C. GEN. STAT. § 106-568.51(7).
- 61 N.C. GEN. STAT. § 90-94.1. https://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_90/Article_5.pdf.
- 62 N.C. GEN. STAT. § 90-88(d). https://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_90/Article_5.pdf.
- 63 N.C. GEN. STAT. § 90-94. https://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_90/Article_5.pdf
- 64 N.D. Cent. Code § 4.1-18.1-01. <https://www.legis.nd.gov/cencode/t04-1c18-1.html>.
- 65 N.D. Cent. Code § 19-03.1-01(18). <https://www.legis.nd.gov/cencode/t04-1c18-1.html>
- 66 N.D. Cent. Code § 19-03.1-14. <https://www.legis.nd.gov/cencode/t19c03-1.pdf>.
- 67 N.D. Cent. Code § 19-03.1-02. <https://www.legis.nd.gov/cencode/t19c03-1.pdf>.
- 68 *Id.*
- 69 Ohio Rev. Code § 928.01 [O.R.C. 928.01](https://legis.gov/ohio-rev-code/928.01)

- 70 Ohio Rev. Code §. 3719.01 <http://codes.ohio.gov/orc/3719>
- 71 Ohio Rev. Code §§ 3719.43. <http://codes.ohio.gov/orc/3719.43>.
- 72 *Id.*
- 73 *Id.*
- 74 Ohio Rev. Code §§ 3719.41; <http://codes.ohio.gov/orc/3719.41v1>.
- 75 Or. Rev. Stat. § 571.269(5). https://www.oregonlegislature.gov/bills_laws/ors/ors571.html.
- 76 OAC § 603-048-0010(16). <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=258095>.
- 77 Or. Rev. Stat. § 475.005. https://www.oregonlegislature.gov/bills_laws/ors/ors475.html.
- 78 Or. Rev. Stat. § 475.005 (“Controlled substance” is defined as a drug as classified under the federal Controlled Substances Act, 21 U.S.C. 811 to 812.)
- 79 Or. Rev. Stat. 475.035. https://www.oregonlegislature.gov/bills_laws/ors/ors475.html
- 80 *Id.*
- 81 Or. Rev. Stat. 475.055. https://www.oregonlegislature.gov/bills_laws/ors/ors475.html
- 82 R.I. Gen. Laws 1956, § 2-26-3(8).<http://webserver.rilin.state.ri.us/Statutes/TITLE2/2-26/2-26-3.HTM>
- 83 R.I. Gen. Laws § 21-28-1.02. <http://webserver.rilin.state.ri.us/Statutes/TITLE21/21-28/21-28-1.02.HTM>
- 84 R.I. Gen. Laws § 21-28-2.01. <http://webserver.rilin.state.ri.us/Statutes/TITLE21/21-28/21-28-2.01.HTM>.
- 85 S.C. CODE ANN. § 46-55-10(8). <https://www.scstatehouse.gov/code/t46c055.php>.
- 86 S.C. CODE ANN. § 44-53-110(27). <https://www.scstatehouse.gov/code/t44c053.php>.
- 87 S.C. CODE ANN. § 44-53-110(27); 44-53-1810 (Julian’s Law, Cannabidiol in clinical trials to Treat Patients with Epilepsy).
- 88 S.C. CODE ANN. § 44-53-160(C). <https://www.scstatehouse.gov/code/t44c053.php>.
- 89 TENN. CODE ANN. § 43-27-101(3). <https://www.tn.gov/content/dam/tn/agriculture/documents/industrial-hemp/pc0087.pdf>
- 90 TENN. CODE ANN. § 39-17-402(16).
- 91 TENN. CODE ANN. § 39-17-403.
- 92 Tex. Agric. Code § 121.001. <https://legiscan.com/TX/text/HB1325/2019>.
- 93 Tex. Health & Safety Code § 481.002(5), (26). https://texas.public.law/statutes/tex._health_and_safety_code_section_481.002
- 94 Tex. Health & Safety Code § 481.034. https://texas.public.law/statutes/tex._health_and_safety_code_section_481.034
- 95 RCW 15.140.020(6)(a).
- 96 RCW 69.50.201 (d). <https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.201>
- 97 Wisconsin Department of Agriculture Emergency Rule EmR1808.
http://docs.legis.wisconsin.gov/code/register/2018/747A2/register/emr/emr1808_rule_text/emr1808_rule_text
- 98 Wis. Stats. 961.01. <https://docs.legis.wisconsin.gov/statutes/statutes/961/003>.
- 99 Wis. Stats. 961.11(4)(g). <https://docs.legis.wisconsin.gov/statutes/statutes/961/003>.
- 100 Wis. Stats. 961.11(4). <https://docs.legis.wisconsin.gov/statutes/statutes/961/003>.
- 101 Wyo. Stat. Ann. § 11-51-101 (2019). <https://casetext.com/statute/wyoming-statutes/title-11-agriculture-livestock-and-other-animals/chapter-51-hemp-production/section-11-51-101-definitions>
- 102 Wyo. Stat. § 35-7-1002. <https://wyoleg.gov/statutes/compress/title35.pdf>.
- 103 Wyo. Stat § 35-7-1011 (d). <https://wyoleg.gov/statutes/compress/title35.pdf>.
- 104 Sec. 03.05.100. <http://www.legis.state.ak.us/PDF/30/Bills/SB0006Z.PDF>
- 105 Alaska Stat § 17.38.900(10). <http://www.akleg.gov/basis/statutes.asp#17.38.900>

- 106 Alaska Stat. § 11.71.190. <http://www.akleg.gov/basis/statutes.asp#11.71.190>.
- 107 Alaska Stat. Sec. 11.71.120. <http://www.akleg.gov/basis/statutes.asp#11.71.110>.
- 108 *Id.* see also 21 U.S.C. §§ 811(c)(1)-(8) (full list of factors FDA and DEA must consider in making scheduling decisions).
- 109 A.R.S. section 3-311 (7) <https://www.azleg.gov/ars/1/00101.htm>) Source: <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/3/00311.htm>
- 110 Ariz. Rev. Stat. § 36-2501. <http://az.elaws.us/ars/36-2501>.
- 111 Ariz. Rev. Stat. § Sec 36-2542B.
- 112 Food and Agric. Code § 81000(a)
- 113 https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=81000.&lawCode=FAC
- 114 Cal. Health & Safety Code § 11018(a).
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=10.&title=&part=&chapter=1.&article=
- 115 Cal. Bus. & Prof. Code § 4011.
- 116 Cal. Health & Safety Code § 11150.2
- 117 Cal. Health & Safety Code § 11150.2
- 118 Colo. Rev. Stat. § 35-61-101 (2019). <https://casetext.com/statute/colorado-revised-statutes/title-35-agriculture/agricultural-products-standards-and-regulations-continued/article-61-industrial-hemp-regulatory-program/section-35-61-101-definitions>
- 119 Colo. Rev. Stat. § 18-18-102(18).
- 120 Colo. Rev. Stat. § 18-18-201.
- 121 Public Act No. 19-3, § 1(a)(11) codified as C.G.S.A. § 22-61(l)(a)(11). <https://portal.ct.gov/-/media/DOAG/Hemp/Public-Act-19-3.pdf?la=en>
- 122 Conn. Gen. Stat. § 21a-240 (29). https://www.cga.ct.gov/current/pub/chap_420b.htm#secs_21a-301_to_21a-305.
- 123 Conn. Gen. Stat. § 21a-243. https://www.cga.ct.gov/current/pub/chap_420b.htm#sec_21a-243.
- 124 HAW. REV. STAT. Chapter 141, §141-31. <https://hdoa.hawaii.gov/wp-content/uploads/2018/10/Industrial-Hemp-HRS-141.pdf>
- 125 HAW. REV. STAT. §329-1. http://cca.hawaii.gov/pvl/files/2013/08/HRS_329-DPS.pdf.
- 126 HAW. REV. STAT. § 329-11(5)(d). http://cca.hawaii.gov/pvl/files/2013/08/HRS_329-DPS.pdf.
- 127 K.S.A. § 2-3901(7) (2019).
- 128 Exemption from Definition of Marijuana: K.S.A. § 65-4101(aa)(4).
http://www.kslegislature.org/li/b2019_20/statute/065_000_0000_chapter/065_041_0000_article/065_041_0001_section/065_041_0001_k/
- 129 K.S.A. §§ 65-4101(aa), 65-4105(h).
http://www.kslegislature.org/li/b2019_20/statute/065_000_0000_chapter/065_041_0000_article/065_041_0001_section/065_041_0001_k/
- 130 K.S.A. §65-4111(f). http://www.kslegislature.org/li/b2019_20/statute/065_000_0000_chapter/065_041_0000_article/065_041_0011_section/065_041_0011_k/
- 131 K.S.A. § 65-4101(g)(2). http://www.kslegislature.org/li/b2019_20/statute/065_000_0000_chapter/065_041_0000_article/065_041_0002_section/065_041_0002_k/
- 132 K.S.A. § 65-4102(b); see also 21 U.S.C. §§ 811(c)(1)-(8) (full list of factors FDA and DEA must consider in making scheduling decisions).
http://www.kslegislature.org/li/b2019_20/statute/065_000_0000_chapter/065_041_0000_article/065_041_0002_section/065_041_0002_k/
- 133 7 M.R.S.A. §2231(1-A)(D). <http://www.mainelegislature.org/legis/statutes/7/title7sec2231.html>
- 134 Me. Stat. tit.17-A § 1101. <https://legislature.maine.gov/statutes/17-A/title17-Asec1101.html>
- 135 ME. Rev. Stat. Ann. Tit. 22, § 7246,
- 136 ME. Rev. Stat. Ann. Tit 17-1, § 1101.
- 137 MISS. CODE. ANN. § 41-29-113(d).
- 138 *Id.*

- 139 MISS. CODE ANN. § 41-29-111(1)(d).
- 140 MISS. CODE ANN. § 41-29-111(1)(a); *see also* 21 U.S.C. §§ 811(c)(1)-(8) (full list of factors FDA and DEA must consider in making scheduling decisions).
- 141 R.R.S. Neb. Section 2-503(11).
- 142 Neb. Rev. Stat. 28-401 (14)(c). <https://nebraskalegislature.gov/laws/statutes.php?statute=28-401>
- 143 Neb. Rev. Stat. 28-401(14). <https://nebraskalegislature.gov/laws/statutes.php?statute=28-401>.
- 144 Neb. Rev. Stat. 28-401(28)(b). <https://nebraskalegislature.gov/laws/statutes.php?statute=28-401>.
- 145 Neb. Rev. Stat. 28-401(28)(b). <https://nebraskalegislature.gov/laws/statutes.php?statute=28-401>.
- 146 Art 29A of the Agriculture and Markets Law, Sec. 505.
- 147 N.Y. Public Health Law, Art. 33-B, Sec. 3398.
- 148 N.Y. Public Health Law § 3308.
- 149 Citation Proposed in HB 1008: SDLRC § 38-35-1.
https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?File=HB1008P.html&Session=2020&Version=Introduced&Bill=1008
- 150 Proposed Exemptions from Definition of Marijuana: SDLRC § 22-42-1(7) & SDLRC § 34-20B-1(12).
- 151 S.D. Codified Laws 34-20B-1.
https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=34-20B-1
- 152 S.D. Codified Laws 34-20B-27. https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=34-20B-27
- 153 UTAH CODE ANN. § 4-41-102 (2019). https://le.utah.gov/xcode/Title4/Chapter41/4-41-S102.html?v=C4-41-S102_2019051420190514
- 154 UTAH CODE ANN. § 58-37-2. https://le.utah.gov/xcode/Title58/Chapter37/58-37-S2.html?v=C58-37-S2_2015051220150512
- 155 UTAH CODE ANN. § 58-37-2. https://le.utah.gov/xcode/Title58/Chapter37/58-37-S2.html?v=C58-37-S2_2015051220150512
- 156 79 Del. Laws, c. 369, § 1. <https://delcode.delaware.gov/title3/title3.pdf>
- 157 Del. Code tit. 16, § 4701. <https://delcode.delaware.gov/title16/c047/sc01/index.shtml>
- 158 Del. Code tit. 16, § 4711. <https://delcode.delaware.gov/title16/c047/sc02/index.shtml>
- 159 F.S.A. 581.217. http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0581/Sections/0581.217.html
- 160 F.S.A. 1004.4473. http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1004/Sections/1004.4473.html
- 161 F.S.A. 893.02(3). http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0800-0899/0893/0893.html
- 162 F.S.A. § 893.035. http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0800-0899/0893/0893.html
- 163 F.S.A. § 893.035(11). http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0800-0899/0893/0893.html
- 164 F.S.A. § 893.035(4). *See also* 21 U.S.C. §§ 811(c)(1)-(8) (full list of factors FDA and DEA must consider in making scheduling decisions).
- 165 GA. CODE ANN. 2-23-3(3). <https://casetext.com/statute/code-of-georgia/title-2-agriculture/chapter-23-hemp-farming/section-2-23-3-definitions>
- 166 GA. CODE ANN. 16-3-1. https://gbp.georgia.gov/sites/gbp.georgia.gov/files/related_files/document/Title%2016,%20Chapter%2013%20-%20Crimes%20and%20Offenses,%20Controlled%20Substances.pdf.
- 167 GA. CODE ANN. § 16-13-22. *See also* 21 U.S.C. §§ 811(c)(1)-(8) (full list of factors FDA and DEA must consider in making scheduling decisions).
- 168 GA. CODE ANN. § 50-13, Art. 1. <http://ga.elaws.us/law/50-13>
- 169 MINN. STAT. 18K, Section 2. <https://www.revisor.mn.gov/statutes/cite/18K>
- 170 MINN. STAT. ANN. § 152.01(9). <https://www.revisor.mn.gov/statutes/cite/152.01>.
- 171 MINN. STAT. ANN. § 152.02, Subd. 8. <https://www.revisor.mn.gov/statutes/cite/152.02>.
- 172 MINN. STAT. ANN. § 152.02, Subd. 12. <https://www.revisor.mn.gov/statutes/cite/152.02>.
- 173 2019 New Mexico Laws Ch. 116 (H.B. 581). <https://www.nmlegis.gov/Sessions/19%20Regular/final/HB0581.pdf>

- 174 N.M. STAT. § 30-31-2. <https://laws.nmonesource.com/w/nmos/Chapter-30-NMSA-1978#!fragment/zoupio-Toc37154479/BQCwhgziBcwMYgK4DsDWszIQewE4BUBTADwBdoAvbRABwEtsBaAfX2zgGYB2ARgFYALAK4BOAJQAaZNIKEIARUSFcAT2gBydRIiEw uBIuVrN23fpABIPKQBCagEoBRADKOAagEEAcgGFHE0jAAI2hSdjExIA>.
- 175 N.M. STAT. § 30-31-3.
- 176 OKLA. STAT § 2-3-402(3). <https://www.ag.ok.gov/cps/IndustrialHempLawRule.pdf>.
- 177 OKLA. STAT. tit. 63, § 2-101v1 (23). <https://www.ok.gov/health2/documents/Title%2063%2011-1-19.pdf>.
- 178 Okla. Stat. tit. 63, § 2-201. <https://www.ok.gov/health2/documents/Title%2063%2011-1-19.pdf>.
- 179 Okla. Stat. tit. 63, § 2-101v1(8).
- 180 Pennsylvania Hemp Controlled Plant General Permit. https://www.agriculture.pa.gov/Plants_Land_Water/industrial_hemp/Documents/PA-HEMP-CONTROLLED-PLANT-GENERAL-PERMIT-SIGNED.pdf
- 181 35 Pa. Stat. § 780-102.
- 182 35 Pa Stat. § 780-103.
- 183 6 V.S.A. § 562(4). <https://legislature.vermont.gov/statutes/section/06/034/00562>.
- 184 18 V.S.A. § 4201(15A). <https://legislature.vermont.gov/statutes/fullchapter/18/084>
- 185 18 V.S.A. § 4228. <https://legislature.vermont.gov/statutes/section/18/084/04228>.
- 186 18 V.S.A. § 4202. <https://legislature.vermont.gov/statutes/section/18/084/04202>.
- 187 Va. Code §3.2-4112. <https://law.lis.virginia.gov/vacode/title3.2/chapter41.1/section3.2-4112/>
- 188 VA Code Ann. § 54-1-3401. <https://law.lis.virginia.gov/vacodepopularnames/drug-control-act/>
- 189 VA. Code Ann. § 54-1-3443. <https://law.lis.virginia.gov/vacodepopularnames/drug-control-act/>
- 190 W.VA. CODE §19-12E-3(g). http://www.wvlegislature.gov/Bill_Text_HTML/2019_SESSIONS/RS/bills/HB2694%20SUB%20ENR.pdf
- 191 W.VA. CODE §19-12E-3. http://www.wvlegislature.gov/Bill_Text_HTML/2019_SESSIONS/RS/bills/HB2694%20SUB%20ENR.pdf
- 192 W.VA. CODE § 60A-2-201. <http://www.wvlegislature.gov/wvcode/code.cfm?chap=60A&art=2#01>.