

A wooden mortar and pestle are shown in the background. The mortar contains a fine, light-brown powder, likely ground hemp. In the foreground, several cannabis buds are visible, some whole and some broken apart, showing their green, leafy structure. The entire scene is set against a white background.

# Farm Bill Removes THC found in Hemp from the Controlled Substances Act - Could Medical Marijuana Be Next?

Prepared by:  
Noah Frank  
*SmithAmundsen LLC*

## INTRODUCING

Lorman's New Approach to Continuing Education

# ALL-ACCESS PASS

The All-Access Pass grants you **UNLIMITED** access to Lorman's ever-growing library of training resources:

- ✓ **Unlimited Live Webinars** - 110+ live webinars added every month
- ✓ **Unlimited OnDemand and MP3 Downloads** - Over 3,500 courses available
- ✓ **Videos** - More than 1,800 available
- ✓ **Slide Decks** - More than 2,800 available
- ✓ **White Papers** - More than 1,800 available
- ✓ **Reports**
- ✓ **Articles**
- ✓ **... and much more!**

Join the thousands of other pass-holders that have already trusted us for their professional development by choosing the All-Access Pass.



**Get Your All-Access Pass Today!**

**SAVE 20%**

Learn more: [www.lorman.com/pass/?s=special20](http://www.lorman.com/pass/?s=special20)

Use Discount Code Q7014393 and Priority Code 18536 to receive the 20% AAP discount.

\*Discount cannot be combined with any other discounts.



# Farm Bill Removes THC found in Hemp from the Controlled Substances Act - Could Medical Marijuana Be Next?

December 18, 2018

Noah Frank

*SmithAmundsen Medical Cannabis Alert*

On December 12, 2018, with strong bipartisan support, Congress quietly passed the Agricultural Improvements Act of 2018 (H.R. 2), affectionately known as the Farm Bill. The President's signature is expected.

Buried within the Farm Bill are explicit protections for hemp production from the *Cannabis sativa* L. plant, including all parts of the plant as well as any "and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a [THC] concentration of not more than 0.3 percent on a dry weight basis." And, this is huge, the final sentence of the 529 page Farm Bill removed THC found in hemp from the Controlled Substances Act entirely. This means that for the first time in over 45 years, THC from hemp is no longer deemed to have "no currently accepted medical use." To be clear – this is not legalization of marijuana or its derivatives (see our prior post for differences between THC and CBD).

Nonetheless, the impacts on the medical and recreational/adult use markets are substantial. While hemp grown from the sativa plant tends to be very low in THC, it is a viable source for CBD extracts. CBD is promising for its medicinal properties without producing the euphoric "high" resulting from THC. The question remains: once hemp and CBD derivatives are legal, can medical marijuana (or recreational use) be far behind?

While we have been optimistic in this field, now is the time for businesses that have been exploring the field to finally plant the seeds of change. Though full legalization of medical marijuana is not yet a reality, CBD lawfully sourced from hemp is a means to begin growing a

## Authors

Noah Frank

## Practice Areas

Medical Cannabis Counsel

---

## **Farm Bill Removes THC found in Hemp from the Controlled Substances Act - Could Medical Marijuana Be Next?**

---

business that can be hybridized to include THC products when it is also made lawful (albeit still highly regulated).  
Speak with legal counsel to establish business essentials.



The material appearing in this website is for informational purposes only and is not legal advice. Transmission of this information is not intended to create, and receipt does not constitute, an attorney-client relationship. The information provided herein is intended only as general information which may or may not reflect the most current developments. Although these materials may be prepared by professionals, they should not be used as a substitute for professional services. If legal or other professional advice is required, the services of a professional should be sought.

The opinions or viewpoints expressed herein do not necessarily reflect those of Lorman Education Services. All materials and content were prepared by persons and/or entities other than Lorman Education Services, and said other persons and/or entities are solely responsible for their content.

Any links to other websites are not intended to be referrals or endorsements of these sites. The links provided are maintained by the respective organizations, and they are solely responsible for the content of their own sites.