

# **CBD Oil is Legal in Certain States and Federally Illegal – Officially Schedule 1**

Is cannabidiol (CBD) oil illegal? Well...what country do you live in? If you answered the United States, the answer is yes. CBD oil and any “extract containing one or more cannabinoids that have been derived from any plant of the genus Cannabis” has (as of December 14, 2016) been given a new controlled substance code by the DEA and firmly classified as a schedule I substance. So, illegal.

But wait! There’s another question, guys! What state do you live in? Obviously, if you live in a state where marijuana is legalized in all forms or in a state with legalized medical marijuana, CBD oil is freely available. There are also 16 states that have passed laws specifically allowing the prescription (super illegal by federal standards) or the study of CBD oil in the case of patients experiencing seizures, muscle spasms, and epilepsy. This leaves about 6 states where marijuana is illegal in any form. Oh, but remember, even in the states where it is legal, it is illegal to possess it in any building or facility managed by the federal government.

## **Why Does It Have To Be So Confusing?**

CBD is available with a prescription in Australia and Canada and the U.K. Oddly enough, CBD oil is listed in the cosmetic ingredient database in the E.U. In the U.S., it’s illegal to have or use CBD oil in Idaho, for example. But every surrounding state allows it. Get your head in the game, Idaho!

The U.S. federal policy on marijuana is nonsensical. Marijuana

is not legal because of the tetrahydrocannabinol (THC). CBD oil is not legal, even when tested to ensure the trace amounts of THC are below a certain threshold (which varies, although the smallest amount allowed seems to be .3%). Hemp is not legal according to the final rule released from the DEA in 2016, as it is in the genus Cannabis and classified as a schedule I like heroin (oxycontin is a schedule II drug, for reference). Not banned? A schedule III synthetic version of THC known as Dronabinol is currently accepted for medical use.

## Covering Your Ass, DEA-Style

More than half of Americans believe medical marijuana should be legal. The 9th U.S. Circuit Court of Appeals took away the federal government's ability to fund prosecution of people using medical marijuana according to state laws. In the words of former attorney general Eric Holder,

*You know, we treat marijuana in the same way that we treat heroin now, and that clearly is not appropriate."*

With support for medical marijuana growing in the United States, why is the federal government dragging its heels?

The government claims there is not enough research to be sure that CBD and other cannabinoids have medicinal benefit, which is kind of a cop-out, as the research itself is illegal. The government ignores the countless stories and videos showing the amazing effect CBD oil has on people and children suffering from epilepsy, seizures, and neurological disorders. The denial of marijuana as medicine also directly contradicts the government's Investigation of New Drugs (IND) program founded in 1978 (the program has since been closed to new patients). Under that program, there are still a tiny number of people (3) receiving medical marijuana from the federal government. So while the federal government has labeled marijuana a schedule I substance, they are also still legally

dispensing marijuana to patients. But they still claim it can't be legalized because they don't have enough "research."

## **If I'm Wrong, I Don't Want to Know About it**

So, to recap: CBD oil is banned federally due to the psychoactive compound THC (which it has in super small quantities if any) and a lack of research supporting medicinal claims, but a synthetic drug that is basically THC is legally available, and certain patients from an older (That's where the research went!) government program have access to legal medical marijuana...from the government. Why? The current federal stance on marijuana (medicinal or otherwise) is about control of the medical marijuana market. If companies manufacturing medical marijuana extracts like CBD oil are able to control which products get through to market, they have the potential to create a monopoly. Once again, profits and market control are higher on the list of government priorities than providing medical relief to patients who truly need it.

### **Recommended Reading:**

- *Insomnia – A Comprehensive Look with Natural Remedies*
- *How to Detoxify From Chemotherapy and Repair the Body*
- *The Health Benefits of Hemp*
- *CBD Hemp Oil Used at Children's Hospital to Treat Epileptic Baby*
- *How to Cure Lyme Disease and Virtually Any Other Bacterial Infection, Naturally*
- *Smoking Marijuana to Cure Cancer*

### **Sources:**

- *U.K. Reclassifies CBD Oil As Medicine Just As America Puts It In A Class With Heroin* – trueactivist.com
- *Still on Schedule* – Vice

- *Establishment of a New Drug Code for Marihuana Extract – Federal Register*
- *New DEA Rule Says CBD Oil is Really, Truly, No-Joke Illegal – Leafly*
- *Federal Courts Bans Justice Department From Prosecuting Medical Cannabis – Leafly*
- *Eric Holder: It's Time to Talk About Decriminalizing Marijuana – Think Progress*