



GENERAL WELLNESS

The Truth About Hemp

With the rising popularity in hemp and hemp products, one question comes up more than any other: Is hemp officially legal, and if so, *how* legal? To answer this and other questions, we've put together a primer on the differences between hemp and marijuana, US laws regarding them, and common situations that may push boundaries.

First things first

The most common confusion around hemp tends to be discerning the difference between [hemp \[GD1\]](#) and marijuana. They do come from the same plant, *Cannabis sativa*, but to be designated as hemp, a *Cannabis sativa* plant must contain less than 0.3% tetrahydrocannabinol (THC), the compound that has psychotropic effects.¹

This differentiation is outlined in the Agriculture Improvement Act of 2018 (the 2018 Farm Bill).¹ Previously, hemp and marijuana were lumped together under the 1970 Controlled Substances Act, which made the cultivation of any type of hemp illegal.² But this new separation still doesn't mean that anyone can grow hemp, and it definitely doesn't mean that hemp is completely unrestricted.

How the 2018 Farm Bill eased restrictions

The Farm Bill allows hemp-derived products to be transported across state lines and also ended restrictions on the sale and possession of hemp-derived products, as long as hemp is grown and hemp-derived products follow all legal provisions throughout cultivation and production.³

In addition, hemp can now be treated the same as other mainstream agricultural crops. Hemp farmers who face crop losses are now protected by the Federal Crop Insurance Act,³ which is a significant change in legislation.

Who maintains governmental control—federal or state?

Ultimately, the federal government has approval over state plans for hemp cultivation. While states can develop plans for hemp licensing and regulation, the Secretary of the US Department of Agriculture has the power to approve or deny state plans. If hemp farmers are located in states without state-run hemp cultivation programs, they may apply for licenses through a federal program. Regardless of the governing party, hemp farmers cannot legally cultivate hemp without a license.³

It's also worth noting that while 33 states have legalized the use of marijuana for medical purposes, and 10 have legalized its recreational use for adults, state-legalized cannabis programs are still illegal under federal law—the 2018 Farm Bill does not change this status.³

Legality of cannabidiol (CBD) and other phytocannabinoids

With its 2018 update, the Farm Bill allows for the extraction of CBD and other phytocannabinoids from the whole hemp plant, including the flower and buds, not just the stalk and seeds. It specifically permits the cultivation and production of hemp and extracts with a THC content of no more than 0.3 percent.¹

Here's where things get tricky. While hemp and hemp-derived products have been removed from Schedule 1 status, the popular phytocannabinoid cannabidiol (CBD) has not been legalized generally. That said, the Farm Bill does ensure that cannabinoids, including CBD, are legal if the hemp from which the CBD is derived is produced according to standards set in place by the Farm Bill. In other words, the hemp must be grown, and produced, according to the Farm Bill and follow any and all relevant state regulations and federal regulations. Furthermore, the grower must be licensed through these channels as well.

Any cannabinoids grown, and products developed, *outside* these circumstances remain illegal under federal law (with the exception of pharmaceutical-grade CBD products that have been approved by the FDA). Because of this, it is vitally important that consumers be aware of the source of their hemp-derived products, including CBD, and educate themselves accordingly.

Schedule 1 vs. Schedule 5 status

The US Drug Enforcement Agency (DEA) is the agency that determines legality of substances. Previously, under the Controlled Substances Act of 1970, hemp fell under Schedule 1 and was included among the most dangerous and addictive substances. As outlined above, under the 2018 Farm Bill, *hemp-derived* products, including CBD and other phytocannabinoids, can have Schedule 5 status, the lowest rating for drugs considered the least addictive. Yet these products still need to have levels of THC under 0.3% and be approved by the FDA. Currently, only one *marijuana-derived* CBD product has been approved by the FDA under this definition. Marijuana remains a Schedule 1 substance.⁴

CBD as a dietary supplement

So can CBD be considered a dietary supplement? Not at the moment, but stay tuned! The FDA announced in April that it would be forming an internal "...working group to explore potential pathways for dietary supplements and/or conventional foods containing CBD to be lawfully marketed."⁵

The wheels of government are turning slowly, but as we're seeing, they *are* turning!

The bottom line

The 2018 Farm Bill has been a large and important step forward in the legalization of hemp and cannabis products, but there is still a long way to go before this popular crop becomes unrestricted.

Be sure to loop in your healthcare provider before adding hemp or CBD to your regular routine.

For more information on [hemp](#), please visit the [Metagenics blog](#).

References:

1. Agriculture Improvement Act of 2018. <https://docs.house.gov/billshtisweek/20181210/CRPT-115rcpt1072.pdf>. Accessed May 17, 2019.
2. Lu HC et al. An Introduction to the Endogenous Cannabinoid System. *Biological psychiatry*. 2015;79(7):516-525.
3. Hudak J. The Farm Bill, hemp legalization and the status of CBD: An explainer. <https://www.brookings.edu/blog/fixgov/2018/12/14/the-farm-bill-hemp-and-cbd-explainer/>. Accessed May 15, 2019.
4. United States Drug Enforcement Administration. Drug Scheduling. <https://www.dea.gov/drug-scheduling>. Accessed May 17, 2019.
5. US Food & Drug Administration. Statement from FDA Commissioner. <https://www.fda.gov/news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-new-steps-advance-agencys-continued-evaluation>. Accessed May 17, 2019.

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