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Purpose of this CBD Overview

- To share information learned in recent webinar presented by ARCPoin Labs in March of 2019 as well as research of current state and federal materials. The information shared by ARCPoin was to assist employers in understanding the product and the impact on drug testing. The following summary includes notes from the webinar.
- To better understand the CBD market and potential products that may be available in Reading.

1. What is CBD?

- According to the FDA “CBD is a chemical component of the Cannabis sativa plant, more commonly known as marijuana. However, CBD does not cause intoxication or euphoria (the “high”) that comes from tetrahydrocannabinol (THC).”
- It is THC (and not CBD) that is the primary psychoactive component of marijuana.

Source: <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm611046.htm>

2. Who is responsible for overseeing CBD?

- *“The Agriculture Improvement Act of 2018 (2018 Farm Bill, Section 10113) directs the U.S. Department of Agriculture (USDA) to issue regulations and guidance to implement a program for the commercial production of industrial hemp in the United States.”*
- State Departments of Agriculture must submit a plan on how HEMP will be managed and regulated in their state
- Massachusetts waiting for guidance before submitting their HEMP plan (as of Feb. 2019, MDAR website)

Source: <https://nifa.usda.gov/industrial-hemp>

3. What is the role of the MA Department of Agricultural Resources?

- *“The Massachusetts Department of Agricultural Resources (MDAR) Hemp Program provides oversight and regulation of legally grown hemp for commercial purposes or as part of an Agricultural Pilot Program under the USDA Farm Bill.”*
- *“...provides oversight and regulation of hemp for commercial purposes in Massachusetts under M.G.L.c. 128 Section 116-123.”*
- *“...regulatory authority over Industrial Hemp, and oversees all licensing for hemp cultivators and processors, and enforcement for laws and regulations pertaining to Industrial Hemp in the Commonwealth.”*
- *“Certification of Industrial Hemp through regulatory testing to ensure THC levels below 0.3%.”*

Source: <https://www.mass.gov/files/documents/2019/03/12/Hemp%20FAQs%20v3.pdf>

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4. What are the concerns of the FDA about CBD?

- *“We are prepared to take action when we see the illegal marketing of CBD-containing products with serious, unproven medical claims. Marketing unapproved products, with uncertain dosages and formulations can keep patients from accessing appropriate, recognized therapies to treat serious and even fatal diseases.”*

Source: <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm611046.htm>

5. How are big box stores like Bed Bath & Beyond selling CBD?

- Unresolved conflict in federal and state laws
- May originate in the 17 states where its legal
- In states where medical marijuana and recreational marijuana is legal, there is confusion.
- Massachusetts program requires only state grown Hemp to be used but consumers are purchasing products online and there is a fair amount of interstate commerce that remains blurry.

Source: Notes from ARCPoin Webinar in March 2019 on CBD & Employer Drug Testing

6. How do people know what they are ingesting?

- Ask the manufacturer. Products should be 3rd party validated with lab reports for each product batch (below .3% THC)
- FDA has issued “cease and desist” orders for companies not following the rules
- NYC put out a cease and desist order to their restaurants so CBD elixirs or food products would be not be allowed.
 - *“On February 5, 2019, the New York City Department of Health and Mental Hygiene (NYCDOH) announced that “restaurants in New York City are not permitted to add anything to food or drink that is not approved as safe to eat ... Until cannabidiol (CBD) is deemed safe as a food additive, the Department is ordering restaurants not to offer products containing CBD.”*

Source: <https://www.natlawreview.com/article/new-york-city-bans-cbd-bars-and-restaurants>

7. What does Consumer Reports Say About CBD?

- *“Thousands of cannabis products line store shelves, but determining what’s safe is up to you”*

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- *“The CBD market is expected to multiply at least sevenfold by 2021, to \$2.15 billion, up from \$292 million in 2016, according to the Brightfield Group, a market research firm that specializes in cannabis.”*
- *“Ask to see a product’s certificate of analysis which shows how a product performed on tests checking for CBD & THC levels, and the presence of contaminants. ”*
- *“Avoid Products That Make Sweeping Health Claims”*
- *“Watch Out for CBD Vaping Products With Propylene Glycol...When burned at high temperatures, propylene glycol can degrade into formaldehyde, a chemical that can irritate the nose and eyes and could increase the risk of asthma and cancer.”*
- *“CBD products are supposed to have a disclaimer stating the product has not been evaluated by the FDA, and that it's "not intended to diagnose, treat, cure or prevent any disease.”*

Source: <https://www.consumerreports.org/marijuana/how-to-shop-for-cbd/>

8. Is there any form of CBD approved by the FDA?

- The FDA granted approval of Epidiolex to GW Research Ltd.
- Liquid solution taken 2x per day for the treatment of seizures in two rare and severe forms of epilepsy, Lennox-Gastaut syndrome and Dravet syndrome, in patients two years of age and older.
- Clinical trial patients (n=516, random assignment to drug or placebo) taking EPIDIOLEX along with other seizure medications had fewer seizures than patients taking placebo with other seizure medications.
- EPIDIOLEX may cause serious side effects including increase in liver enzymes, sleepiness, thoughts about suicide or dying, and severe allergic reactions.
- The most common side effects of EPIDIOLEX are sleepiness, decreased appetite, diarrhea, increase in liver enzymes, lack of energy, and rash.

Source: <https://www.fda.gov/Drugs/InformationOnDrugs/ucm613357.htm>

9. What about schools and drug testing?

- If they offer drug testing, a school designs their own program
- US Supreme Court ruled that students in extracurricular activities can be drug tested
- Schools prohibit the use of cannabis in their schools so may restrict CBD products.
- Federal law remains unchanged.

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