



Guidance on Products Derived from Hemp

Updated 7/30/2019

Recent updates to Ohio law ([SB 57](#)) change the definition of marijuana to no longer include hemp and hemp products with a THC content of no more than three-tenths of a percent. Hemp products, including hemp-derived CBD (cannabidiol), can now be sold outside of a licensed medical marijuana dispensary.

Under Ohio law, hemp is now defined as:

"The plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis."

The law requires the [Ohio Department of Agriculture](#) to establish a Hemp Cultivation and Processing Program. This will include licensing of hemp cultivators and processors and requires the Department to adopt rules governing the operation of the program.





STATE OF OHIO
BOARD OF PHARMACY

Ohio Medical Marijuana Control Program Products Derived from Hemp FAQ



No.	Question	Answer
1	Is hemp derived CBD (cannabidiol) oil legal under Ohio law?	<p>Recent changes to Ohio law (SB 57) removed hemp and hemp products containing no more than three-tenths of a percent THC from the state’s definition of marijuana.</p> <p>Under Ohio law hemp is defined as: “The plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.”</p> <p>Hemp products, including hemp derived CBD (cannabidiol), can now be sold outside of a licensed medical marijuana dispensary.</p>
2	What is a hemp product?	<p>Under Ohio law a hemp product is defined as:</p> <p>“Any product, containing a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent, that is made with hemp. "Hemp product" includes cosmetics, personal care products, dietary supplements or food intended for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, particleboard, and any other product containing one or more cannabinoids derived from hemp, including cannabidiol.”</p>
3	Do I need to be a registered patient or caregiver to purchase a hemp derived CBD product?	No. A recommendation from a physician with a certificate to recommend is not required to purchase a hemp-derived CBD product.
4	Can a licensed dispensary sell hemp-derived CBD products?	The Board of Pharmacy and the Ohio Department of Commerce will be issuing additional guidance on this issue to MMCP licensees.



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5	Can any new hemp products be lawfully marketed in light of the Agricultural Improvement Act of 2018, signed into law on December 20, 2018?	Yes. Interstate commerce of food products is regulated by the Food and Drug Administration (FDA). The FDA announced three ingredients that are Generally Recognized as Safe (GRAS). GRAS can be legally marketed in food but cannot make disease treatment claims. For more information see the FDA statement on the Agriculture Improvement Act .
6	What is the impact of the Agricultural Improvement Act of 2018 on the production of hemp and products derived from hemp in Ohio?	For a state to lawfully authorize the growing of hemp under the Agricultural Improvement Act of 2018, the state must submit a plan to the United States Department of Agriculture. Recent changes to Ohio law (SB 57) require the Ohio Department of Agriculture to establish a Hemp Cultivation and Processing Program. The program will include licensing of hemp cultivators and processors.
7	Is a DEA licensee allowed to dispense Marinol and Epidiolex?	Yes. Marinol and Epidiolex are both considered dangerous drugs (i.e. prescription drug), which have received FDA approval for use as a prescription medication. "Dangerous drugs" are defined in Section 4729.01(F) of the Ohio Revised Code . In order to dispense a dangerous drug, a person/entity must obtain the proper licensure as a Terminal Distributor of Dangerous Drugs with the State of Ohio Board of Pharmacy.
8	How can I cultivate or process hemp? How can I get more information on how to obtain a license to cultivate or process hemp?	SB 57 requires the Ohio Department of Agriculture to establish a Hemp Cultivation and Processing Program. The Ohio Department of Agriculture will license hemp cultivators and processors. For more information, please contact the Ohio Department of Agriculture .