

Memorandum

On the Use of CBD Oil for Veterinary Practices

Summary of Findings

Under Colorado Revised Statutes (2017) Title 12 on Professions and Occupations, Article 64 on Veterinarians, C.R.S. §12-64-111 positions that the State Board of Veterinary Medicine may revoke or suspend a license, place on probation, or otherwise discipline or fine a licensed veterinarian for, among other things, “illegal practices in or connected with the practice of veterinary medicine.

Per 21 U.S. Code § 802, “marihuana” is defined to include “all parts of the plant *Cannabis sativa* L.” According to the [Drug Enforcement Administration](#), marihuana is considered a Schedule I drug, substance, or chemical. Even though the definition of marihuana bears some exceptions for “mature stalks,” in a [recent clarification](#) on marihuana extracts, the Drug Enforcement Administration found that cannabinoids are found in the parts of the cannabis plant that fall within the definition of marihuana, such as the flowering tops, resins, and leaves. While they can also be found in mature stalks, they would not contain more than trace amounts of cannabinoids. This would indicate that under federal law, CBD oils are derivatives of the *Cannabis sativa* L. plant, and are therefore federally illegal.

Recent legislation on the distinction between hemp and marihuana on both the federal and state level, however, could mean that CBD oil derived from hemp is not illegal federally or on the state level. In 2014, then-President Obama signed the [Agricultural Act of 2014](#) (“Farm Bill”) which allowed for the study and cultivation of industrial hemp for limited purposes. This then led to the Industrial Hemp Farming Act of 2015, which allowed American farmers to produce and cultivate industrial hemp. This further removed hemp from the controlled substances list as long as the hemp grown contained no more than 0.3 percent THC (the psychoactive chemical found in *Cannabis*). Further, Colorado’s Constitution states:

In the interest of enacting rational policies for the treatment of all variations of the cannabis plant, the people of Colorado further find and declare that industrial hemp should be regulated separately from strains of cannabis with higher delta-9 tetrahydrocannabinol (THC) concentrations.

§ 16. Personal use and regulation of marijuana, CO CONST Art. 18, § 16.

This is in line with C.R.S. § 35-61-101 to 35-61-109 (2016) which allowed hemp cultivation in Colorado for commercial purposes. Further, because it is possible to derive CBD oil from hemp of low THC concentration, it is also possible that the CBD oil being manufactured and distributed for use as a veterinary medicine or aid is not considered illegal either federally or on the state level.