

Frequently Asked Questions
Regarding Marijuana Research at UC Davis
UPDATED August 14, 2018

Q: Does the passage of Proposition 64 authorize UC to conduct research involving cultivation, possession, distribution, or use of marijuana?

A: NO – Prop 64 did contain provisions allocating funding for research regarding Prop 64’s implementation and effects, as well as for research regarding the efficacy and adverse effects of marijuana as a pharmacological agent. But despite the passage of Prop 64, most use, possession, distribution and cultivation of marijuana remains illegal under federal law. (Controlled Substances Act, Safe and Drug-Free Schools and Communities Act, Drug-Free Workplace Act)

Q: Are there any exceptions to federal law to allow research on marijuana?

A: YES – Research that involves possession of marijuana by researchers may be conducted if the researcher has a **Drug Enforcement Administration (DEA) Schedule I license** and follows all applicable DEA regulations and guidelines, including those pertaining to storage and disposal. Obtaining the license can be a lengthy process, taking up to a year. For information about obtaining a Schedule I license, contact Gerry Westcott, Research Safety Manager, via email at gdwestcot@ucdavis.edu or visit the [DEA Diversion Control Division](#) for information concerning the licensing process.

Q: Are there other requirements for conducting research with marijuana with a DEA Schedule I license?

A: YES – Any research involving humans or animals must go through the **Institutional Review Board (IRB)** or **Institutional Animal Care and Use Committee (IACUC)** respectively. Also, under State law, any planned research project to be conducted in California requiring the use of a Schedule I or Schedule II Controlled Substance as its main study drug must be submitted to the [Research Advisory Panel of California](#) in the California Attorney General’s Office for review and approval. In addition, under current Federal rules, DEA Schedule I licensees may only obtain marijuana through the **National Institute on Drug Abuse (NIDA)** from a federally-approved source.

Q: Is it permissible to conduct research on marijuana extracts without a DEA Schedule I license?

A: NO – the **Controlled Substances Act (CSA)** defines Marijuana to include all parts of the plant *Cannabis sativa L.*, whether growing or not, including seeds, resin extracts, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant,

its seeds or resin, and the DEA has listed “marihuana extract” as a Schedule I controlled substance.

UCD researchers interested in conducting work with Marijuana Extract, including Cannabidiol (CBD), must obtain a Schedule I registration. In cases where the Marijuana Extract is derived from part of the cannabis plant not included in the Controlled Substances definition of “marihuana” contact the campus Controlled Substance Program Administrator, Gerry Westcott, before proceeding with research involving substances derived from those parts.

Q: Is there any research relating to marijuana that may be conducted without a DEA Schedule I license?

A: YES – Research about cannabis that does not involve the direct use, possession, distribution, or cultivation of cannabis in a research procedure does not require a DEA registration or approval by the Research Advisory Panel of California. (However, all the usual requisite approvals for research must be obtained including IRB and/or IACUC review, where applicable, for studies involving human subjects or animals).

- 1) Research involving parts of the plant excluded from the definition of marijuana by the CSA such as: the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except resin extract), fiber, oil, or cake, and the sterilized seed of the plant which is incapable of germination; research involving DNA, if the DNA is extracted by non-University entities.
- 2) Human observational studies in which research subjects use marijuana, but the researchers do not procure the marijuana and the marijuana is not used on campus.
- 3) Environmental impact studies in which researchers observe the impact of marijuana cultivation, for example on wildlife, water resources, or other aspects of the natural habitat.
- 4) Policy or legal studies looking at economic, social, political or other issues involving marijuana and marijuana legislation.

Q: What about research involving FDA approved drugs such as Marinol, Syndros and Epidiolex?

A: Marinol and Syndros contain a synthetic form of THC (dronabinol) and are regulated as Schedule II or III controlled substances. On June 25, 2018, FDA approved Epidiolex oral solution for the treatment of seizures associated with two rare and severe forms of epilepsy. This is the first FDA approved drug that contains cannabidiol. The DEA will be required to make a scheduling determination, but has not done so at this time.

Researchers who have questions about the DEA scheduling status of a substance they wish to obtain for research should consult with Gerry Westcott.

Q: What about industrial hemp?

A: Industrial hemp is derived from the same plant but with a THC content of less than .3% on a dry weight basis. While a Schedule I DEA registration appears not to be necessary for an institution of higher education to cultivate industrial hemp for research purposes under the Farm Bill, there is still a federal requirement to obtain a federal DEA import registration in order to import non-sterilized hemp seeds or plants from abroad for use in research. California state law allows cultivation of industrial hemp (see Health & Safety Code 11018.5, and Food and Agricultural Code 81000 et seq., both amended by Prop 64) and provides for registration of commercial growers in the state. An “established agricultural research institution,” including an institution of higher education, is exempt from state registration requirements, and may grow industrial hemp without authorization from the state.

Q: Can UC faculty conduct research on marijuana without a DEA license off site?

A: Generally, no, UCOP guidance states that the limitations on marijuana research apply to any research conducted under the auspices of UC, regardless of whether the research is conducted on UC property. However, research in a jurisdiction where marijuana cultivation is legal (such as Canada) would not violate federal law or UC policy.

Q: Can UC researchers or extension agents provide advice to non-university marijuana or hemp growers in California?

A: There is some risk that advice to growers in order to further their business could implicate laws against aiding and abetting a violation of federal law, since it is still illegal to grow marijuana under federal law.

Q: Can UC faculty, in a private consulting capacity, engage in outside activities with the marijuana industry?

A: Such activity, although legal under California law, may not be legal under federal law. Faculty should be aware that they are assuming the personal risks of engaging in such activity and should make no use of university resources (not even usually permissible *de minimis* or incidental use). Faculty should make it clear that they are conducting themselves as private citizens and consider including statements such as:

“This work was performed as a private individual, not as a UC faculty member. No UC resources, facilities, or funds were used. No UC

employees or students participated in this research in their roles as a UC employee or student.”

Q: Can researchers accept research funding or gifts from individuals or entities whose funding is derived from the marijuana industry?

A: Before applying for and before accepting non-governmental research funding, whether through a grant or a gift, that comes from individuals or entities (e.g., companies, associations) whose funding is known to be directly derived from cannabis activities that appear to fall outside of what is permitted under federal law (for example, from the sale of cannabis by growers legally licensed in the state of California) researchers must consult with their campus C&G/SPO or external relations/development office, who in turn must contact the UCOP’s RPAC office, which may seek advice from OGC as needed. In evaluating requests to accept funding from such sources, a significant consideration is risk associated with potential federal criminal and civil enforcement.

UCOP Guidance (updated July 24, 2018):

[Updated Information for Researchers on Conducting Marijuana Research at the University of California \(RPAC18-01 - July 24, 2018\)](#)

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