

Frequently Asked Questions Regarding Marijuana Research at UC Davis

January 8, 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.

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

A: YES – Areas of research that do not involve use, possession or cultivation of marijuana are permitted without a DEA Schedule I license, such as:

- 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 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 the Federal Controlled Substances Act (CSA) makes no distinction between marijuana and Industrial Hemp, the federal Agricultural Act of 2014 (known as the “Farm Bill”) provides that, notwithstanding the CSA or other Federal laws, universities and state Departments of Agriculture may grow industrial hemp for research purposes in states where doing so is permissible. While such growing for research purposes is permissible, a DEA license may still be needed in order to obtain/import the seeds/cultivars used for such cultivation; guidance in this area is evolving.

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 or accepting such funding, campuses must contact the UCOP Research and Graduate Studies Office. In evaluating the funding source, a significant consideration is the need to comply with federal money laundering laws and laws related to aiding and abetting illegal activities. Please click the links below for additional information and guidance.

[UCOP Research and technology transfer memos \(RPAC-17-01\)](#)

[UCOP Guidance: Information for Researchers on the Effect of Proposition 64 on Marijuana Research at the University of California](#)

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