Cannabis and California Veterinary Practice: Where Are We Now?
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The passage of California AB 2215 (Kalra), has prompted questions from animal owners and veterinarians about cannabis use for pets. Veterinarians who have been approached by clients who wish to use cannabis and cannabis products on their pets, or by companies marketing hemp-based/CBD products need to be aware of current law in order to avoid legal issues.

Current Law

Governor Brown signed AB-2215 (Kalra) in 2018, which prohibits the Veterinary Medical Board (VMB) from disciplining, denying, revoking, or suspending the license of a veterinarian solely for discussing the use of cannabis on an animal for medicinal purposes, absent negligence or incompetence.

The bill also stipulates a number of new legal violations for veterinarians regarding cannabis, which clarifies the VMBs jurisdiction over veterinarians in regard to cannabis and cannabis products. It authorizes the VMB to:

- revoke or suspend a veterinarian license, or to assess a fine, for accepting, soliciting, or offering any form of remuneration from or to a Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) licensee if the veterinarian or his or her immediate family has a financial interest, as defined, with the MAUCRSA licensee.

- revoke or suspend a veterinarian license, or to assess a fine, for discussing medicinal cannabis with a client while the veterinarian is employed by, or has an agreement with, a MAUCRSA licensee.

- revoke or suspend a license, or to assess a fine, for distributing any form of advertising for cannabis in California.

- prohibit a licensed veterinarian from dispensing or administering cannabis or cannabis products to an animal patient.

The law requires the VMB to adopt veterinary guidelines on cannabis discussion and to make them available on or before January 1, 2020.
Because California law now explicitly refers to “cannabis and cannabis products,” veterinarians must apply the legal requirements to products that fall within the definition of cannabis or cannabis products.

The Federal Drug Enforcement Administration (DEA) also has enforcement authority over federal controlled substance regulations, independent of state law. According to the DEA, marijuana, tetrahydrocannabinol (THC), and several other cannabinoids, both natural and synthetic, are still classified as Schedule I controlled substances. The DEA defines any part of the cannabis plant containing THC as being included in the Schedule I classification. By definition, Schedule I controlled substances have a high potential for diversion and no demonstrated beneficial medicinal use. The DEA does not grant Schedule I clearance to health care practitioners (which includes veterinarians). Therefore, the DEA does not give veterinarians the authority to possess, administer, dispense, prescribe, or recommend cannabis or cannabinoid products containing THC. As DEA registrants, veterinarians agree to abide by the Code of Federal Regulations pertaining to controlled substances. Violation of this agreement could subject veterinarians to DEA investigation and possible prosecution.

For products that do not contain THC, such as CBD products derived from industrial hemp, the DEA has issued the following statement:

"Products and materials that are made from the cannabis plant and which fall outside the CSA definition of marijuana (such as sterilized seeds, oil or cake made from the seeds, and mature stalks) are not controlled under the CSA. Such products may accordingly be sold and otherwise distributed throughout the United States without restriction under the CSA or its implementing regulations. The mere presence of cannabinoids is not itself dispositive as to whether a substance is within the scope of the CSA; the dispositive question is whether the substance falls within the CSA definition of marijuana" [meaning: containing THC].

Despite the DEA excluding CBD and other industrial hemp products from the federal Schedule 1 controlled substance list, California state law still refers to the entire cannabis plant when directing what veterinarians may and may not do in practice. Thus, products containing only CBD or those derived from industrial hemp are not currently exempt from state law as they are from federal law.

**Cannabis Products for Sale in Practices**

California law prohibits the administration and dispensation of cannabis or cannabis products by veterinarians to animal patients. This implies that products may not be present in veterinary practices.

The California Uniform Controlled Substances Act classifies controlled substances into five designated schedules, and places cannabis and cannabis products under Schedule I. The act prohibits prescribing, administering, dispensing, or furnishing a controlled substance to or for any person or animal, unless otherwise specified.
California laws that permit people to use marijuana, or for doctors to recommend marijuana use in patients, apply to human beings only. Nowhere in California law are veterinarians authorized to utilize cannabis in patients or recommend it to clients for use on animals.

The Bottom Line

Laws are changing quickly which creates confusion and difficulty for veterinarians who field questions by clients and solicitations by CBD product representatives. Even with the recent relaxation of DEA regulations on hemp-derived products and CBD-only products, California state law still regulates the entire cannabis plant. Because this includes hemp and CBD products, veterinarians should be mindful of state law when addressing cannabis issues in practice.

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