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*“We change laws.”*

## **An Overview of Kentucky’s CBD Extract-Only Medical Marijuana Law**

On Thursday, April 10, 2014, Kentucky Gov. Steve Beshear signed into law S.B. 124, a bill intended to provide individuals suffering from intractable seizure disorders with safe, legal access to cannabidiol (CBD), a non-psychoactive component of marijuana and hemp plants. The new law amends the definition of “marijuana” to exclude “cannabidiol, when transferred, dispensed, or administered pursuant to the written order of a physician practicing at a hospital or associated clinic affiliated with a Kentucky public university having a college or school of medicine.”

This legislation was very well-intended. Unfortunately, the term “written order of a physician” is problematic, given that marijuana and all its components are illegal under federal law. Instead of relying on a prescription or “written order” — which physicians cannot issue without breaking federal law — the effective state medical marijuana laws allow doctors to either “recommend” marijuana for a patient or “certify” the patient to use it legally. Similar language would almost surely be needed in order to make it possible for patients to access CBD legally under state law.

Additionally, we believe it is important to note that CBD alone has not, by itself, been shown to produce the wonderful results that have been observed in patients such as young Charlotte Figi (who was profiled by Dr. Sanjay Gupta for CNN in August 2013).

Charlotte and other pediatric seizure patients have had remarkable success using the oil from a low-THC, high-CBD strain of marijuana known as “Charlotte’s Web.” Sadly, we are not aware of patients having experienced such results on pure CBD oil. As Dr. Gupta explained, this is likely due to what researchers have described as the “entourage effect” of medical marijuana: “Unlike other drugs that may work well as single compounds, synthesized in a lab, cannabis may offer its most profound benefit as a whole plant.”<sup>1</sup>

Because Kentucky’s law does not only applies to CBD, MPP does **not** consider Kentucky a medical marijuana state. In addition, the law may well be unworkable.

***How does a patient access CBD?*** It is very unlikely that patients will be able to access CBD under the new law. A doctor would have to issue a “written order” for marijuana, and doing so would violate federal law. The new law also fails to include a source for CBD. It does not make it legal for anyone to produce the marijuana that CBD would be extracted from in the state.

***When will this law take effect?*** The law took effect immediately upon receiving the governor’s signature.

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<sup>1</sup> Dr. Sanjay Gupta. “Medical marijuana and ‘the entourage effect.’” March 11, 2014.  
<http://www.cnn.com/2014/03/11/health/gupta-marijuana-entourage>