

# Virginia Board of Pharmacy

## INFORMATION REGARDING CANNABIS OIL IN VIRGINIA

### Legislative Timeline

- 2015: provided an affirmative defense for the possession of CBD oil or THC-A oil, initially to alleviate intractable epilepsy.
- 2016 and 2017: authorized the establishment of the 5 pharmaceutical processors to produce and dispense these oils.
- 2018: expanded the use of these oils to any diagnosed condition or disease, upon recommendation from any physician.
- 2019: expanded authority to issue written certifications to nurse practitioners and physician assistants, created “registered agent” registration category, and authorized wholesale distribution of oils between pharmaceutical processors
- 2020: removed the definitions of cannabidiol oil and THC-A oil and replaced them with a definition of cannabis oil, allows for the use of telemedicine for patient care, in compliance with federal requirements for prescribing drugs in Schedules II-V, allows for up to 5 cannabis dispensing facilities per health service area that are owned, at least in part, by the pharmaceutical processor permitted for that health service area, and access to cannabis oils for individuals that temporarily reside in Virginia.

### Pharmaceutical Processors

- In December 2018 the Board of Pharmacy awarded conditional approval to five pharmaceutical processors for the purpose of cultivating Cannabis plants for the production of CBD oil and/or THC-A oil, and to dispense these oils to patients registered by the Board of Pharmacy.
- Five pharmaceutical processors were authorized, one in each health service area.
- As of 7/1/2020, three of the five pharmaceutical processors awarded conditional approval have completed construction and obtained a pharmaceutical processor permit to cultivate cannabis. The fourth pharmaceutical processor anticipates completing construction in July 2020. The conditional approval for the fifth pharmaceutical processor was rescinded in June 2020. The Board anticipates opening a Request for Application for awarding conditional approval to a pharmaceutical processor in Health Service Area I later this year.
- As it may take 3-6 months for product to be available once growing begins, **cannabis oil products are expected to be available for purchase from the processors in Virginia in late Summer 2020.**
- **CBD products currently available at retail establishments are likely produced from industrial hemp. The Virginia Department of Agriculture and Consumer Services (VDACS) oversees the industrial hemp program. Questions regarding these products may be directed to VDACS.**

### Possession of cannabis oils

- § 18.2-250.1 C of the Code of Virginia states: the provisions of this section involving marijuana in the form of cannabis oil as those terms are defined in § 54.1-3408.3, shall not apply to any person who possesses such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the person's diagnosed condition or disease, (ii) if such person is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease, or (iii) if such individual has been designated as a registered agent pursuant to § 54.1-3408.3, the diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease, or (iii) if such person has been designated as a registered agent pursuant to § 54.1-3408.3, the diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease.

### **Board Registration Process**

- Any patient interested in accessing cannabis oil for treatment or to alleviate the symptoms of any diagnosed condition or disease determined by a practitioner to benefit from such use, must register with the Board of Pharmacy by completing an on-line application process.
- If the patient is a minor or incapacitated adult, the patient's parent or legal guardian must also register with the Board of Pharmacy by completing a separate, on-line application process.
- If the patient has designated a registered agent to obtain the cannabis oil on their behalf, the registered agent must also complete a separate, on-line application process.
- The patient must provide documentation of identification and legal residence within Virginia.
- A practitioner of medicine or osteopathy licensed by the Board of Medicine, a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the Board of Medicine and the Board of Nursing must diagnose the patient. This practitioner must also be registered as a Practitioner for Cannabis Oil with the Board of Pharmacy. If the practitioner determines that the patient can benefit from the use of cannabis oil for treatment or to alleviate the symptoms of any diagnosed condition or disease, then the practitioner may provide the patient with a written certification form.
- After receiving a written certification from the prescriber, the patient must submit application to the board for a board registration. Proof of identification and residency, a copy of the written certification form, along with the registration fee must be submitted to the board with the application. An application for the parent/legal guardian must also be submitted when the patient is a minor or incapacitated adult. Once the registration is issued, the patient should carry the board registration card and the written certification form any time the patient is in possession of the cannabis oil product. If applicable, the parent, legal guardian or registered agent should carry the board registration card and the written certification when in possession of the oils.
- The board registration is valid for one year and must be renewed annually to remain valid. The written certificate is also valid for one year, unless the practitioner indicates a shorter period of time.

### **Additional Information**

- For additional information and updates regarding cannabis oil, please refer to the Board of Pharmacy website at:  
<https://www.dhp.virginia.gov/Pharmacy/PharmaceuticalProcessing/default.htm>
- Updated Information for Patients – July 12, 2019  
<http://www.dhp.virginia.gov/pharmacy/newsletters/2019/PharmacyNewsPatient07122019.pdf>
- Updated information for Practitioners – July 12, 2019  
[http://www.dhp.virginia.gov/pharmacy/newsletters/2019/PharmacyNewsPractitioner\\_07122019.pdf](http://www.dhp.virginia.gov/pharmacy/newsletters/2019/PharmacyNewsPractitioner_07122019.pdf)