



Virginia's Limited CBD and THC-A Oil Law

On March 16, 2017, Virginia Gov. Terry McAuliffe enacted a law that allows patients suffering from intractable epilepsy access to cannabidiol (CBD) or THC-A oil. These oils have been shown to reduce the frequency and severity of seizures. Patients must enroll in the program with the state Department of Health and are only permitted to do so with their physician's authorization. Pharmaceutical processors will be able to apply for licenses to produce the marijuana extracts that will contain at least 15% of either cannabidiol (CBD) or THC-A and no more than 5% THC.

What happens now?

The Board of Pharmacy has until December 15, 2017 to issue their proposed regulations to govern the program. It will likely take a year or longer before patients can begin treatment with the oils.

Who can enroll in the program?

Anyone who suffers from intractable epilepsy, is a resident of Virginia, and has obtained a certification from their doctor may enroll in the program. If the patient is a minor or an incapacitated adult, their guardian will need to enroll in the program on their behalf.

Who can issue the certifications?

The only physicians that can issue the certifications are neurologists or other doctors who specialize in the treatment of epilepsy. In addition, these practitioners must enroll in the program with the Board of Pharmacy. Physicians will only be permitted to issue a set number of certifications as determined by rulemaking.

Who will produce the oils?

After the regulations are finalized, "pharmaceutical processors" will be able to apply for licenses to manufacture and dispense the oils. Patients will be able to obtain the oils directly from these processing facilities. There is no requirement that pharmaceutical processors be DEA-licensed or produce other pharmaceuticals, but a pharmacist must be in charge of each facility. There is no indication yet how many licensed facilities will be permitted.

How much oil will patients be permitted?

Pharmaceutical processors are only permitted to dispense a 30-day supply of the oil per patient.

Does this provide immediate protection from conviction?

No. Written certifications must be issued on a form developed by the Office of the Executive Secretary of the Supreme Court developed in consultation with the Board of Medicine. These forms will first have to undergo rulemaking.