

Fact Sheet | Marijuana and the Drug-Free Schools and Campuses Act

Federal law has not changed, and marijuana still remains classified as a Schedule I drug.

As a result, regardless of state and local law changes, institutions of higher education are expected to continue to abide by the Drug-Free Schools and Communities Act¹ by maintaining policies which prohibit marijuana possession, use, or distribution by students, staff, and faculty. Even medical marijuana is not permitted under federal law. Any institution that knowingly permits possession, use, or distribution of marijuana is at risk of losing, and even having to repay Title IV funding (Federal Financial Aid), although few, if any institutions have been required to do so.

Employee use of marijuana may also be of concern. In many situations it is clear that on-campus use during work hours is not allowed by the Drug Free Workplace Act². Even with a medical prescription, federal disability laws do not allow for accommodations of on-campus use. Furthermore, legalization of recreational and/or medicinal marijuana does not allow employees to report to work impaired, or bring marijuana paraphernalia to campus. Therefore it is not allowed on campus and may involve sanctions for employees in regards to use at the workplace and could be considered a violation of “Illegal Drugs & Other Substances” under the student code of conduct.

Medical Cannabis (Marijuana) in Missouri

Missouri allows for the use of cannabis for medicinal purposes. Individuals who are authorized to use cannabis must be registered with the Missouri Department of Health & Senior Services (DHSS)³ and secure a written certification from a physician licensed in Missouri. The DHSS will issue a registry ID card.

Please note a driver may not operate a motor vehicle while impaired by the use of cannabis prescribed for medicinal purposes and should not transport medicinal cannabis in a vehicle unless it is contained in a tamper-evident container and kept in an area that is inaccessible

while the vehicle is in motion. If a police officer stops a vehicle driven by a person who holds a medical registry ID card and the officer has reasonable suspicion to believe the person is impaired by the use of cannabis, the driver must submit to field sobriety testing. Refusal to submit to testing or failure of the field sobriety tests will result in the suspension of the person's driver's license. Driving while impaired by the use of medical cannabis or driving with an open container may result in the loss of driving privileges.

Cannabidiol (CBD) Cultivated from Industrial Hemp

While hemp and cannabinoids derived from hemp are now legal under federal law that became on effective December 20, 2018, they remain subject to regulation.

*Section 10113 of The Agriculture Improvement Act of 2018 (P.L. 115-334)*⁴ (also known as the 2018 Farm Bill) defines "Hemp" in the following manner:

"HEMP -means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis."

Missouri law defines "Hemp Extract" in the following manner in *RSMO 195.2075*.

"Hemp Extract" is:

1. composed of no more than three-tenths percent tetrahydrocannabinol by weight;
2. **at least five percent cannabidiol by weight** and;
3. contains no other psychoactive substance.

An individual must obtain a license for medical use of extracts from industrial hemp⁶.

If the "Cannabidiol derived" product is:

1. composed of no more than three-tenths percent tetrahydrocannabinol by weight;
2. contains **less than five percent cannabidiol by weight** and;
3. contains no other psychoactive substance

it does not meet the definition of "Hemp Extract" and therefore not covered under *RSMO 195.2075*. Products derived from legally grown industrial hemp can be legally possessed. However, it can be difficult to determine if CBD products have been legally produced. Additionally, there is some evidence to suggest that use of these products can trigger a

positive drug test result for marijuana use. Therefore it is not allowed on campus may involve sanctions for employees in regards to use at the workplace and could be considered a violation of “Illegal Drugs & Other Substances” under the student code of conduct.

Informational Resources

State Information

Medical Marijuana

Missouri Constitution Article XVI (Amendment 2 Medical Marijuana Effective Dec 6, 2018)

<https://www.sos.mo.gov/CMSImages/Elections/ Petitions/2018-051.pdf>

19 CSR 30-95.010 through 19 CSR 30-95.110 (State of Missouri Regulations)

<https://health.mo.gov/safety/medical-marijuana/ rules.php>

DHSS Medical Marijuana Regulation

<https://health.mo.gov/safety/medical-marijuana>

Hemp Extract

RS MO 192.945, 192.947, 195.207, and 261.265

<http://revisor.mo.gov>

19 CFR 20-51 (State of Missouri Regulations)

<https://www.sos.mo.gov/cmsimages/adrules/csr/ current/19csr/19c20-51.pdf>

DHSS Missouri Hemp Extract Registration Program

<https://health.mo.gov/about/proposedrules/ hempextract.php>

Federal Information

41 USC 81 (Drug Free Workplace Act) (Dept of Labor Website DFWA)

<https://www.govinfo.gov/content/pkg/USCODE- 2017-title41/pdf/USCODE-2017-title41-subtitleIV- chap81.pdf>

21 USC 13 (Controlled Substances Act) (DEA Controlled substance schedules)

<https://www.govinfo.gov/content/pkg/USCODE- 2017-title21/pdf/USCODE-2017-title21-chap13.pdf>

Public Law 101-226 (Drug-Free Schools and Communities Act Amendments of 1989)
<https://www.congress.gov/public-laws/101st-congress>

2014 Farm Bill (section 7606)
https://www.votehemp.com/wp-content/uploads/2018/07/Pages_from_farm0127.pdf

81 FR 53395 Statement of Principles on Industrial Hemp (2016)
<https://www.federalregister.gov/documents/2016/08/12/2016-19146/statement-of-principles-on-industrial-hemp>

S. 2667, The Hemp Farming Act of 2018
<https://www.votehemp.com/wp-content/uploads/2018/07/McConnell-Wyden-HempFarmingAct2018-FINAL.pdf>

2018 Farm Bill (signed 12/20/19)
https://republicans-agriculture.house.gov/uploadedfiles/2018_farm_bill_conference_report_text.pdf

FDA makes certain forms of CBD Schedule V (2018)
<https://www.federalregister.gov/documents/2018/09/28/2018-21121/schedules-of-controlled-substances-placement-in-schedule-v-of-certain-fda-approved-drugs-containing>

DEA website on info about marijuana drug scheduling
<https://www.dea.gov/divisions/office-of-asset-protection-and-recovery/schedules/marijuana/index.html>

Additional Resources

Illinois Higher Education Center guidance document “Marijuana and the Drug Free Schools and Campuses”
<https://www.eiu.edu/ihec/Marijuana%20and%20DFSCA.pdf>

Colorado State Marijuana Guidelines
<https://source.colostate.edu/marijuana-guidelines>

Northern Illinois 2018 Annual Security Report
https://www.niu.edu/clery/annual_security_report.pdf

Defining Hemp: A Fact Sheet Updated March 2019

<https://fas.org/sqp/crs/misc/R44742.pdf>

Brookings: The Farm Bill, hemp legalization and the status of CBD: An explainer

<https://www.brookings.edu/blog/fixgov/2018/12/14/the-farm-bill-hemp-and-cbd-explainer>

17 States with Laws Specifically about Legal Cannabidiol (CBD) (as of June 17, 2019)

https://medicalmarijuana.procon.org/view_resource.php?resourceID=006473

Is CBD Oil Legal in 2019? State-By-State and Future Legality

<https://www.thestreet.com/lifestyle/health/is-cbd-oil-legal-14802001>

Contact Partners in Prevention at (573) 884-7551.

This report was prepared June 25, 2019 by Robert A. Clay, P.E., CHMM, Hazardous Materials Compliance Officer/Clery Compliance Coordinator, Lincoln University Police Department.

1. <https://www.govtrack.us/congress/bills/101/hr3614/text> 2. <https://www.govinfo.gov/content/pkg/USCODE-2017-title41/html/USCODE-2017-title41-subtitleV-chap81.htm>
2. <https://health.mo.gov/safety/medical-marijuana/index.php>
3. https://republicans-agriculture.house.gov/uploadedfiles/2018_farm_bill_conference_report_text.pdf
4. <http://revisor.mo.gov/main/OneSection.aspx?section=195.207.6>
<https://health.mo.gov/about/proposedrules/hempextract.php>

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