

MODEL STATUTORY LANGUAGE

SCHEDULING OF CANNABIDIOL (CBD) PRESCRIPTION MEDICATION

Option 1: States in which the legislature is the only or the primary scheduling authority.

- (1) If a cannabidiol (CBD) investigational product newly approved as a prescription medication pursuant to 21 U.S.C. § 360bb and 21 U.S.C. § 355 is controlled or decontrolled under a federal interim final rule issued pursuant to 21 U.S.C. § 811(j), similar control or decontrol of the product under this [insert appropriate state statutory reference, e.g., act, chapter, article, part] shall be immediately effective upon the date of publication in the Federal Register of the interim final rule.
- (2) When a federal final rule is issued pursuant to 21 U.S.C. § 811(j) after interested persons had an opportunity to comment on a federal interim final rule, changes necessary to conform the control or decontrol of a cannabidiol (CBD) investigational product under paragraph (1) to the federal final rule shall be immediately effective upon the date of the publication in the Federal Register of the federal final rule.
- (3) Control or decontrol under this [insert appropriate statutory reference, e.g., section or subsection] in conformance with federal law may be altered by state statute or an emergency or temporary rule issued by [insert appropriate reference to state scheduling or controlled substances authority] to address an immediate danger to public health, safety or welfare.

Option 2: States in which a state agency or entity is the scheduling authority.

- (1) If a cannabidiol investigational product newly approved as a prescription medication pursuant to 21 U.S.C. § 360bb and 21 U.S.C. § 355 is controlled or decontrolled under a federal interim final rule issued pursuant to 21 U.S.C. § 811(j), similar control or decontrol of the product under this [insert appropriate state statutory reference, e.g., act, chapter, article, part] shall be immediately effective upon the date of publication in the Federal Register of the interim final rule.
- (2) When a federal final rule is issued pursuant to 21 U.S.C. § 811(j) after interested persons had an opportunity to comment on a federal interim final rule, changes necessary to conform the control or decontrol of a cannabidiol (CBD) investigational product under paragraph (1) to the federal final rule shall be immediately effective upon the date of the publication in the Federal Register of the federal final rule.
- (3) Control or decontrol under this [insert appropriate statutory reference, e.g., section or subsection] in conformance with federal law may be altered by state statute; an emergency or temporary rule issued by [insert appropriate reference to state scheduling or

controlled substances authority] to address an immediate danger to public health, safety or welfare; or a permanent rule issued by [insert appropriate reference to state scheduling or controlled substances authority] after publishing an objection to similar control or decontrol as federal law and affording all interested parties an opportunity to be heard.