

TO: Washington State University Faculty, Staff, and Students Involved in Research and Extension

FROM: Vice President for Research

DATE: April 2016

RE: Washington State University (WSU) Guidance on Cannabis Research, Teaching, and Outreach Activities

Background

2012: (Marijuana) Washington State Legislature passed [Initiative 502](#) (I-502) legalizing the production, distribution, and consumption of recreational marijuana.

2015: (Marijuana) The Legislature approved Senate Bill [SB5121](#), creating “a marijuana research license that permits a licensee to produce and possess marijuana for limited research purposes.”

(Industrial hemp) The Legislature reviewed House Bill [HB1552](#) and Senate Bill [SB5012](#), which would have allowed industrial hemp to be grown, produced, possessed, and commercially traded in the state. These bills did not pass.

2016: (Marijuana) The Washington State Legislature overrode the Governor’s veto of Senate Bill [SB6177](#), which modifies marijuana research license provisions. The Liquor and Cannabis Board (LCB) is assigned the lead role of reviewing projects submitted by marijuana research license applicants.

(Industrial hemp) The Washington State Legislature overrode the Governor’s veto of Senate Bill [SB6206](#), which establishes the licensed “growing of industrial hemp as a legal, agricultural activity” in conformance with the federal agricultural act of 2014.

These legislative actions have prompted requests from external parties and stakeholders asking WSU to: i) develop research programs on production systems for marijuana and industrial hemp; ii) evaluate market potential and profitability of cannabis production; iii) examine individual and social costs associated with increased recreational marijuana use; iv) provide production-related information in support of cannabis cultivation; v) facilitate student internship and other academic opportunities in the area of cannabis production; and vi) research the health effects of marijuana and the efficacy of marijuana used for medical purposes. This guidance document serves to answer questions on the status and limitations of cannabis research, teaching, and outreach activities, including restrictions on student internships, at WSU.

Introduction

Despite Washington's legalization of cannabis for recreational use, WSU research, teaching, and Extension activities are still subject to the same federal rules and regulations as before the passage of I-502. There is no legal provision for the use of cannabis in research at WSU, except regarding federally legal hemp research per the federal [Agricultural Act of 2014](#) (see *Industrial Hemp-Related Research* section of this Guidance further below), or research on marijuana that is in compliance with the U.S. Drug Enforcement Administration (DEA) and the U.S. Food and Drug Administration (FDA) policies and regulations. This federal law applies to WSU and to any research conducted by a WSU researcher in the United States, although there may be some differences in law and policy outside the United States. The inconsistency within and between federal and state agencies regarding the legal use and research with cannabis means that, WSU must also look to federal law to guide policies regarding research on, use of and possession of cannabis. This guidance will be updated as laws and policies develop.

As a land-grant university, part of WSU's mission is to conduct and disseminate research that benefits the citizens of Washington State. Legalization of marijuana has significant implications for public health, economic, and law enforcement. It is within WSU's mission to engage in research and outreach on issues that have significant public health, legal, and economic impact in our state. The purpose of this document is to inform the WSU community of the University's current status regarding cannabis research and outreach and the conditions under which both may be conducted.

What is Cannabis?

We use *cannabis* to refer to both marijuana and industrial hemp together. This discussion refers to *marijuana* consumed directly for either its psychoactive properties and/or its medicinal properties, thus with relatively high concentrations of tetrahydrocannabinol (THC) (e.g. greater than 0.3% THC concentration). *Industrial hemp* refers to cannabis grown with very low levels of THC, not more than 0.3% concentration, which is further processed for fiber and/or seed and then used in a variety of industries (e.g., textiles, bio-energy, food, manufacturing).

What is Cannabis Research?

For the purposes of this document, *cannabis research* is defined as research that involves the growth, production, procurement, administration or use of marijuana and/or industrial hemp. The term "cannabis" refers to Cannabis spp, tetrahydrocannabinol, and any cannabis derivatives or cannabimimetic agents that have been classified by the U.S. Congress as a Schedule 1 controlled substance under the [Controlled Substances Act](#).

Observational research is defined as research about marijuana and its legalization that does not involve the growth, production, procurement, administration or use of any cannabis product.

Although marijuana and industrial hemp are very different commodities, the federal Drug Enforcement Agency (DEA) classifies industrial hemp as a Schedule 1 controlled substance. As a federal contractor, this classification requires that research with or on hemp, once permissible under law, will require researchers to have the same DEA licensing and commensurate security requirements for research with marijuana.

Summary of the Status of Cannabis-Related Research Activities at WSU

Washington State University faculty may only conduct research that involves the possession, use, or distribution of marijuana if such research is in compliance with already established guidelines set forth by federal agencies, including the DEA and FDA. In addition, WSU faculty may only perform research that involves the possession, use, or distribution of industrial hemp if such research is in compliance with already established federal guidelines.

Marijuana is categorized as a Schedule 1 controlled substance by the DEA under the federal Controlled Substances Act. Federal regulations do not permit the use, production, processing, sale, or growth of marijuana, except for medical or research use conducted under special licensing requirements established by the DEA and the FDA for use with humans and animals (See [HHSD Notice](#) on 6.23.15. Also [NIDA's role in providing marijuana for research](#) for requirements). While the U.S. Department of Justice (DOJ) has indicated it will not focus its prosecutorial resources on the sale or use of marijuana in states where a well-regulated legal framework has been established, no exemption from the federal regulations has been granted to any state and there is no legal restriction on the DOJ changing its focus at any time.

In addition, WSU is the recipient of considerable federal funding for research, education, outreach, and capital projects. Accepting federal funding obligates the University to comply with the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act. These federal regulations together prohibit the unlawful manufacture, distribution, dispensing, possession, or use of any controlled substance at the university. Unlike the DOJ's stance on enforcement of DEA regulations, there has been no statement suggesting that enforcement of the Drug-Free Schools and Communities Act or the Drug-Free Workplace act has been, or will be, relaxed.

Allowable Cannabis Research at WSU Requiring a Controlled Substances License

WSU researchers wishing to conduct marijuana research must register and obtain a controlled substances license for cannabis-related drug codes from the DEA to conduct the research, submit an investigational new drug application to the FDA (if using marijuana with human participants), and obtain the marijuana from a DEA-approved distributor. In addition, researchers must abide by all applicable University, local, state, and federal policies, statutes, and regulations.

Industrial Hemp-Related Research

At this time, the only approved framework for conducting industrial hemp-related research at WSU is the same as for marijuana research. Specifically, the researcher must obtain a controlled substances License from the DEA and obtain the hemp seeds or plants from a DEA-approved source.

Section 7606 (“Legitimacy of Industrial Hemp Research”) of the federal [Agricultural Act of 2014](#) (i.e., U.S. Farm Bill) allows growth or cultivation of industrial hemp “for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.” It requires, however, that the state in which the research will occur must have state laws permitting industrial hemp growth or cultivation, and that sites must be certified by, and registered with, the state’s department of agriculture. An avenue for WSU to conduct agronomic research on hemp thus is dependent on future action by the Washington State Legislature.

None of the laws recently introduced to the Washington State Legislature to legalize industrial hemp for research and/or commercial uses have been passed by both the Washington State House and Senate. The Washington State Department of Agriculture maintains that research on industrial hemp is not currently allowed in Washington State without a controlled substances license.

Allowable Cannabis Research at WSU Not Requiring a Controlled Substances License

WSU faculty, staff, and students may legally conduct cannabis research without a controlled substances license when the cannabis exists in the form of industrial products, processed plant materials, and animal feed mixtures made from certain portions of the cannabis plant, to the extent that such products and plant materials contain THC but are not used, or intended, to cause THC to enter the human body. The portions of the cannabis plant that are legal in these circumstances include all portions except: the flower tops (buds), the leaves, the resin of the plant, and the non-sterilized seeds.

For example, a controlled substances license would not be required in order to receive extracted DNA samples from cannabis plants for the purpose of analyses such as genetic sequencing or other genomic research.

Observational Research

Research that does not require DEA license and approval for the use of cannabis is allowable, provided it complies with the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act and, provided all of the usual requisite approvals for the research are obtained. This would include approval by the Institutional Review Board (IRB) if the research qualifies as human subject research. If the research includes use of animals, IACUC approval will be necessary. Examples include: education and prevention research (epidemiological research on prevalence and demographics of marijuana use; prevention research on effective communication strategies for parents, schools, and communities; risk

and protective factors for marijuana use and dependence; effective prevention and harm reduction strategies) and research on societal implications of legalization (effects of legalization and community-level policies on crime, public health, and state economy). Data analysis from cannabis studies is also allowable.

Outreach and Extension Related to Cannabis

Until both federal and state laws concur on the cultivation of cannabis within Washington, WSU cannot provide diagnostic services, recommendations and/or other information regarding the production, management and/or processing of cannabis. At this time, WSU personnel, including student interns, will not engage in any outreach or Extension activity that supports cannabis cultivation, should refrain from being in possession of cannabis for diagnostic purposes, and should not visit sites for the purpose of providing any information or assistance regarding the cultivation of plants.

Creation and dissemination of outreach materials can provide valuable, research-based information to the citizens of Washington State on, for example, the social, pharmacological, and health effects of marijuana use by adolescents or communicating with adolescents to prevent marijuana use. Translational information of this type should be peer reviewed before dissemination.

Outside Work

It is likely that University faculty and staff will be asked to engage in paid outside research or other work related to cannabis. Paid outside work related to marijuana must comply with standard University policies and procedures governing these activities: [BPPM [60.44](#); [Faculty Manual](#) (sections IV. D and IV. E)].

Some activities, though legal under Washington State law, may not be allowable under federal law without a controlled substances license and fulfillment of other federal requirements. In such circumstances, University faculty and staff should be aware that they are assuming the same risks as any Washington State private citizen who chooses to engage in such activities. Also, because of the University's obligation to comply with federal laws, University faculty and staff engaging in activities that do not comply with federal law should make no use of WSU resources for those activities. Finally, they should make it clear to all parties that they are conducting such activities as private citizens, not University faculty or staff. Though they may identify themselves as having a University position, there should be clear and consistent statements such as "This work was performed as a private individual, not as a Washington State University faculty member. No WSU resources, facilities, or funds were used. No University employees or students participated in this research in their roles as a University employee or student."

Researchers should consult with the Office of Research for guidance before engaging in international collaborations that involve cannabis. Note that WSU investigators conducting cannabis research overseas have to comply with the laws of the corresponding jurisdiction(s).

Research Funding

WSU researchers may wish to pursue funding opportunities related to cannabis. In addition to the standard issues that may arise for any funding (e.g., intellectual property rights), the following issues should be considered and addressed before applying for marijuana-related funding.

1. *Source of funding.* Potential sponsors of marijuana-related research may include federal or state agencies, non-profit organizations, industry, and private individuals. Whether researchers may accept funding that comes directly from the marijuana industry (for example, from a professional association of growers legally licensed in Washington State) is a difficult question that should be addressed with the Office of Research before applying for or accepting the funding.

2. *Research activities.* Research with marijuana should comply with the advice and procedures described in this position statement.

3. *Mechanism of funding.* The WSU Office of Research Operations and Support (OROS) is the only WSU office authorized to submit or negotiate proposals to external sponsors for possible grants, contracts, or cooperative agreements on behalf of the University. OROS ensures that each proposal meets the requirements of the University, sponsor, and applicable federal and state rules and regulations. Funders who prefer to use the gift mechanism work with the WSU Foundation [WSU's 501(c)(3) entity] in compliance with the Office of Research [Guideline 4](#) (*Quick Guide for Processing Private Gifts and Private Grants*). Researchers interested in cannabis research funding are strongly encouraged to use the sponsored project mechanism, as much as possible, rather than a gift mechanism, even for funding that would otherwise meet the criteria for being handled as a gift.

Conclusion

WSU cannabis research is still subject to the same federal rules and regulations as before the passage of Washington State Initiative I-502. As the legal landscape evolves, however, this guidance will be revised and updated. The University recognizes and wishes to facilitate the interest of its faculty to conduct cannabis research that has significant scientific merit and public health and/or agricultural commodity value. The University also recognizes its responsibility to the people of the State of Washington to pro-actively engage in research and outreach on issues that have significant public health and economic impact in our state.

Contact

For questions related to cannabis research activities, please contact Dan Nordquist, Associate Vice President for Research, at nordquist@wsu.edu.

References

- I-502 FAQs - http://www.liq.wa.gov/mj2015/faqs_i-502
- For requirements related to obtaining and using cannabis for research, see [HHSD Notice](#) on 6.23.15 and [NIDA's role in providing marijuana for research](#).

This document incorporates material from the “Guidance for Researchers at the University of Washington Concerning Marijuana Research” memo (dated 10/1/14) with the permission of Mary Lidstrom, Vice Provost for Research at the University of Washington.