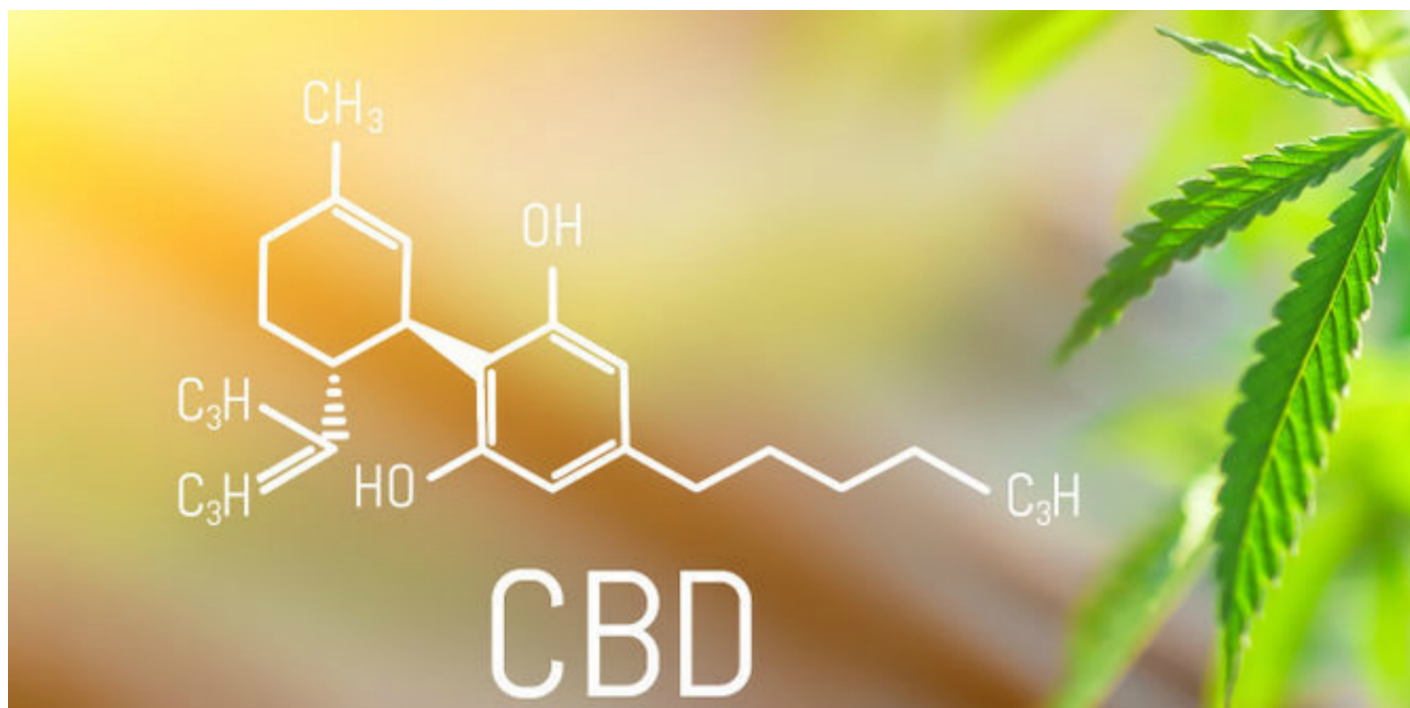


# PUTTING THE “C” IN CONFUSION: THE LEGAL STATUS OF CBD

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CBD. It has exploded in popularity in Canada (and the United States) as consumers have widely begun to become curious about, and accept it as a cure-all for pain relief, relaxation, and reduction of anxiety. CBD massages are now being offered at national hotel chains, and CBD oil is being touted by lifestyle bloggers across the country as the newest and most valuable part of their regimen. If you weren't convinced, perhaps Canopy's most recent investor, Martha Stewart, who will join the company as an advisor to help develop CBD products for people and their pets, is enough.

CBD, a short form for cannabidiol is one of the chemical compounds known as cannabinoids found in the cannabis plant. THC, short for tetrahydrocannabinol, is the cannabinoid that gives users the “high” sensation often associated with cannabis use. CBD does not have the same psychoactive effect as THC. For this reason, CBD has become



widely appealing to the general public and has simultaneously become a source of massive public confusion.

Many believe that because CBD lacks the psychoactive component, it is regulated differently than cannabis is in Canada. But, this is not the case - under the Federal Cannabis Act, CBD falls under the definition of "cannabis", and is regulated in the identical way that all other cannabis is under the Act. Meaning, the only legal CBD products are ones produced and manufactured by licensed producers and sold by private provincially licensed distributors or government-run retail. Despite this, shops across the

country have been unknowingly offering CBD infused products, from pet care to shaving creams, and doing so illegally.

It appears that this confusion is not limited to the public. Even lucky lottery winners in Ontario's retail lottery are confused. So much so that the Alcohol and Gaming Commission of Ontario has made an effort to clarify this distinction. In a statement released in early February, the AGCO stated: "The [AGCO] requires all licensed lottery retailers to remain in compliance with the law. Lottery retailers who choose to offer cannabis-based products for sale, such as CBD oil, are doing so illegally. If a lottery retailer is currently selling CBD oil





related to the scheduling of cannabis. With respect to CBD (containing no more than 0.2% THC), the WHO ECDD recommends that those products not be included in any way in the international drug control conventions. The WHO ECDD cited this recommendation as stemming from the fact that CBD does not have psychoactive properties and they believe, no potential for abuse or to product dependence, nor does it have significant ill-effects.

or other cannabis-based products in their store, they are required to immediately cease the sale of these products and remove them from their premises.” Although, at the time of writing, the first of these winners has yet to open their doors, the pervasiveness of the confusion pre-empted a message from the regulator of this nature.

So, what is the future for CBD regulation?

Member states of the United Nations Commission on Narcotic Drugs (“CND”) received a recommendation from the World Health Organization Expert Committee on Drug Dependence (“WHO ECDD”) in January, 2019,

Canada has seen the increase in demand for CBD products, and will likely respond to this as the regulations continue to grow and develop. This was seen with its commitment to introduce regulations for edibles, extracts, and topicals, which it has now done, and which will come into force this October.

*If you need any further clarification on the legality of CBD oils or products please do not hesitate to contact*

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