

SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

Removal of FDA Approved Drugs That Contain Cannabidiol (CBD) Derived From Cannabis And No More Than 0.1 Percent (w/w) Residual Tetrahydrocannabinols From Schedule V For Controlled Substances

WHEREAS, pursuant to S.C. Code Section 44-53-160(C), the S.C. Board of Health and Environmental Control ("Board") is authorized to remove a substance as a controlled substance if the federal government has so designated;

WHEREAS, the Drug Enforcement Administration ("DEA") issued an interim final rule to remove FDA approved drugs that contain cannabidiol ("CBD") derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols from schedule V of the federal Controlled Substances Act ("CSA"), effective August 21, 2020, as stated in the August 21, 2020 issue of the *Federal Register*, Volume 85, Number 163, pp. 51639-51645;

WHEREAS, the Drug Enforcement Administration ("DEA"), pursuant to 21 CFR 1308.15, separately controlled in Schedule V drug products in finished dosage formulations that have been approved by FDA and that contain cannabidiol ("CBD") derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols (under Controlled Substance Code Number 7367). The FDA-approved substances described under Drug Code 7367 are no longer controlled, by virtue of the Agriculture Improvement Act of 2018 ("AIA"). As a result, DEA is removing the listing for "Approved cannabidiol drugs" under schedule V;

WHEREAS, The Department recommends the removal of FDA approved drugs that contain cannabidiol ("CBD") derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols from Schedule V for controlled substances in the same manner as the federal Drug Enforcement Administration; and

THEREFORE, the Board of Health and Environmental Control recommends the deletion of FDA approved drugs that contain cannabidiol ("CBD") derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols from Schedule V for controlled substances in South Carolina in Section 44-53-270 of the South Carolina Controlled Substances Act.



Mark Elam, Chairman

S.C. Board of Health and Environmental Control

September 10, 2020
Columbia, South Carolina