

## **CBD Position Statement:**

**Approved 4/23/2021**

Following the Farm Bill's legalization of hemp and hemp-derived CBD, the Board has received numerous questions regarding the sale of CBD products.

Pursuant to NCGS § 90-151.1, a chiropractic physician may sell nutritional supplements at a chiropractic office to a patient as part of the patient's plan of treatment. 21 NCAC 10.0209 defines nutritional supplements to include vitamins, minerals, enzymes, dietary supplements, herbs, homeopathic and naturopathic preparations, glandular extracts, food concentrates and other natural agents.

The regulatory framework surrounding CBD is complex and rapidly changing. While the 2018 Farm Bill delisted hemp products containing less than 0.3% THC as a controlled substance, it preserved the FDA's regulatory authority over such products. The FDA has stated that it is illegal to sell CBD oil as a supplement. The FDA's statement may be found: <https://www.fda.gov/news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-signing-agriculture-improvement-act-and-agencys?source=techstories.org> .

### **Position Statement on CBD in Chiropractic Practices**

Due to the dynamic and quickly changing nature of the laws related to products containing CBD, the Board's position is that chiropractic physicians are required to comply with all applicable federal and state laws, rules and regulations. It is the responsibility of each licensee to make himself or herself aware of all such laws, rules and regulations and to comply with them.

Based on the above, the NC Board of Chiropractic Examiners (NCBOCE) has adopted a monitoring posture on this issue until the conflicting laws and regulations surrounding this issue are clarified.

Below are links to resources regarding the positions of the FDA and the NC Department of Agriculture:

- The FDA has published a number of FAQs regarding cannabis, which may be found: <https://www.fda.gov/news-events/public-health-focus/fda-regulation-cannabis-and-cannabis-derived-products-including-cannabidiol-cbd#qandas>.
- The statement of the NC Department of Agriculture may be found: [https://www.ncagr.gov/paffairs/release/2019/RegulatorsnotifyindustryregardingCBDproductsinthemarketplace.htm?fbclid=IwAR0PZ7FDGrTE\\_nWOaxgOBBuvaDn2Y5PnubuqaEnu26NQJpXmQOON1F5E3A](https://www.ncagr.gov/paffairs/release/2019/RegulatorsnotifyindustryregardingCBDproductsinthemarketplace.htm?fbclid=IwAR0PZ7FDGrTE_nWOaxgOBBuvaDn2Y5PnubuqaEnu26NQJpXmQOON1F5E3A).

Notwithstanding the proliferation of CBD products on the market, it is not clear that such products are being sold legally. Accordingly, to any licensee that may be considering the use of any CBD product in connection with his or her practice, the Board encourages caution and diligence and

further recommends seeking advice from an attorney familiar with the federal and state laws and regulations applicable to CBD products.

**NCGS § 90-151.1. Selling nutritional supplements to patients.**

A chiropractic physician may sell nutritional supplements at a chiropractic office to a patient as part of the patient's plan of treatment but may not otherwise sell nutritional supplements at a chiropractic office. A chiropractic physician who sells nutritional supplements to a patient must keep a record of the sale that complies with G.S. 105-164.24, except that the record may not disclose the name of the patient. (1997-369, s. 1.) [G.S. 105-164.24 was repealed in 2009.]

**21 NCAC 10 .0209                      NUTRITIONAL SUPPLEMENTS**

For the purpose of enforcing G.S. 90-151.1, the term nutritional supplements includes vitamins, minerals, enzymes, dietary supplements, herbs, homeopathic and naturopathic preparations, glandular extracts, food concentrates and other natural agents. The term nutritional supplements does not include controlled substances.