

BMA Advisory  
March 4, 2019

## Acceptance Criteria for Cannabidiol (CBD) Oil and Products Containing CBD

### Introduction:

The Postal Service has received an increasing number of requests to transport CBD oil and products containing CBD in Postal Service networks. In the past, CBD was designated by the Drug Enforcement Administration (DEA) as a Schedule I drug, since the DEA considered CBD to be a naturally occurring constituent of marijuana (a category of cannabis). The Agricultural Act of 2014 (H.R. 2642; Pub. L. 113-79) ("2014 Farm Bill") introduced a new "industrial hemp" category of cannabis, and authorized states to implement programs for the cultivation of industrial hemp. As a result of the 2014 Farm Bill, some CBD products derived from industrial hemp can be mailable under specific conditions, including the possession of a license from a state's Department of Agriculture to produce industrial hemp, and the requirement that the hemp (or its derivatives) be at, or below, a 0.3% limit for the tetrahydrocannabinol (THC) content (the chemical responsible for producing the "high" associated with marijuana).

### Acceptance Criteria:

Any mailer who presents CBD oil or other CBD products derived from industrial hemp for mailing must demonstrate that their mailing is compliant with the Agricultural Act of 2014 by providing the following documentation:

1. A signed self-certification statement, subject to the False Statements Act (18 U.S.C. § 1001). Statements must be printed on the mailer's own letterhead, must be signed by the mailer, and must include the text **"I certify that all information furnished in this letter and supporting documents are accurate, truthful, and complete. I understand that anyone who furnishes false or misleading information or omits information relating to this**

**certification may be subject to criminal and/or civil penalties, including fines and imprisonment."**

2. The industrial hemp producer possesses a license issued by the Department of Agriculture, for the state where the Post Office/acceptance unit is located, which includes documentation identifying the producer by name and showing the mailer is authorized by the registered producer to market products manufactured by that producer.
3. The industrial hemp, or products produced from industrial hemp, contains a delta-9 THC concentration of not more than 0.3% on a dry weight basis.

Mailers must provide, at a minimum, a signed self-certification statement on their own letterhead, a document showing the mailer has authorization to market CBD products by the entity registered or licensed by the State, and a lab report detailing the THC concentration of the CBD product.

Acceptance units should obtain copies of the above-described documentation and retain it until the expiration date shown on the state Department of Agriculture license. Although the Postal Service may confirm the mailer's submission of the self-certification and supporting documentation described above, acceptance of a mailing does not constitute a determination of mailability.

Note: Postal employees should be aware that the Agricultural Improvement Act of 2018 (H.R.2; Pub. L.115-334) ("2018 Farm Bill") was recently signed into law. This legislation removes industrial hemp from regulation under the Controlled Substances Act. Once the 2018 Farm Bill is fully implemented, it will modify the mailability criteria for CBD and other cannabis products. As a result, the instructions provided above are temporary and will be revised in the future.