



Legal Alert from the Office of the General Counsel

We are providing this legal alert to remind the University community that, notwithstanding recent changes to Massachusetts law, possession or use of marijuana remains illegal under federal law. Further, federal laws pertaining to marijuana will be enforced on University properties, including as the laws apply to academic research.

Marijuana remains classified as a Schedule 1 narcotic under federal law which means that it is illegal to manufacture, distribute, dispense, possess, or use marijuana on campus, or as part of any University activity or business located off of University premises. Except under specific and narrowly circumscribed exceptions, marijuana research is strictly prohibited. (Title 21 United States Code Controlled Substances Act <https://www.deadiversion.usdoj.gov/21cfr/21usc/>.)

Federal law permits marijuana research only if the product is obtained from the University of Mississippi National Center for Natural Products Research (NCNPR) and only if the researcher has been granted a Drug Enforcement Agency (DEA) Schedule 1 Registration.

Marijuana for Research Must Be Obtained from the NCNPR. The University of Mississippi is the only entity permitted by the federal government to legally grow and distribute marijuana. Possession of marijuana obtained from any other source is illegal under federal law.

Investigators Must Have a DEA Schedule 1 Registration to Lawfully Obtain Marijuana from the NCNPR. Researchers (and others) who attempt to use marijuana not obtained from NCNPR, or who possess marijuana without a DEA Schedule 1 Registration, will be in violation of federal law, may be subject to federal criminal prosecution and may place the University's federal funding in jeopardy. Further, pursuant to each campus's Code of Conduct, Alcohol and Drug policy and the Drug Free Schools and Communities Act (20 U.S.C. § 1011i, C.F.R. § 86.1), violation of federal laws may subject a faculty member to discipline by the University.

Researchers Must have Prior Approval from MDAR to Conduct Research on Hemp. Hemp is a non-psychoactive variety of cannabis cultivated for industrial uses which has no use as a recreational drug. Federal law permits hemp research under the auspices of the Commonwealth's hemp programs only if the hemp used is cultivated by the University or the Massachusetts Department of Agricultural Resources (MDAR). (Agricultural Act of 2014, 7 U.S.C. § 5940). Researchers must also obtain a license or permit from MDAR in order to cultivate, possess or use hemp for research purposes. (Mass. Gen. Laws. Ann. 128 § 116 to 123 (2017)). At this time, these conditions cannot be met, therefore cultivation, possession, use and research of hemp remains illegal under federal law and is not permitted on University property.

The OGC is available to help campuses abide by federal and state laws. Should you wish to discuss the issues addressed in this Legal Alert with us, please contact us using the web-link which can be found at <https://www.umassp.edu/general-counsel/legal-advice-request-form> and use the words "Legal Alert Follow Up" in the subject line.