



LIMITED ACCESS MEDICAL MARIJUANA LAWS Survey

This Survey provides a brief overview of jurisdictions with statutory and regulatory provisions legalizing limited access medical marijuana programs as of June 1, 2017. The survey compiles key information concerning legal provisions for restricted medical marijuana in 18 states that have passed or enacted some form of Limited Access Marijuana Product laws. These 18 states have enacted Limited Access Marijuana Product Laws permitting only low (or zero) Tetrahydrocannabinol (THC) and high Cannabidiol (CBD) products to treat several, often specified conditions, usually uncontrolled epilepsy disorders. States with Comprehensive Medical Marijuana Programs are listed on a separate table.

Column I. Organization and Program Name specifies the entity responsible for administration of the specific state's limited access medical marijuana program and the act or statute's given name where available. **II. Legal Authority** lists legal provisions authorizing the use of marijuana for medical purposes in the jurisdiction and the year it was originally enacted. **III. Specifies Conditions** indicates whether the law identifies or explicitly limits the medical conditions for which the use of marijuana is permitted. **IV. Patient Registry** indicates whether the administering program is required to keep a list of the individuals authorized to use marijuana for medicinal purposes; 11 Limited Access jurisdictions currently require a registry or patient ID cards. **V. Allow Dispensaries** indicates whether the legal authority provides for the operation of dispensaries to distribute medical marijuana; 5 Limited Access jurisdictions allow dispensaries at this time. **VI. Definition of Products Allowed** indicates the specific substance allowed as defined in the relevant statute or regulation. **VII. Affirmative Defense** indicates whether the legal authority specifically allows for an affirmative defense to criminal charges for possession of marijuana.

State	I. Organization & Name	II. Legal Authority	III. Specifies Conditions	IV. Patient Registry	V. Allow Dispensaries	VI. Definition of Products Allowed	VII. Affirmative Defense
AL	Univ. of Alabama-Birmingham, Dep't of Neurology; 'Carly's Law'	Ala. Code § 13A-12-214.2 (2014) ; Amended by H.B. 61 (2016)	Yes; debilitating epileptic conditions or life threatening seizures	No	No, only Univ. Alabama-Birmingham is allowed to dispense	CBD free from plant material and containing less than 3% THC	Yes, including parent or caretaker of minor patient
DE	Dep't of Public Health; 'Rylie's Law'	DEL. CODE ANN. tit. 16, § 4909A (2015)	Yes; intractable epilepsy or seizure disorder or a chronic or debilitating disease or medical condition	Yes	Yes	CBD oil containing at least 15% CBD but no more than 7% THC; THC-A oil containing at least 15% THC acid but not more than 7% THC	Yes
FL	Dep't of Health; "Compassionate use of low-THC cannabis"	FLA. STAT. § 29-381.986 (2014)	Yes; cancer and seizure disorders with symptoms controllable by low THC products	Yes	Yes, 5 across the state by region	Extract of cannabis plant containing no more than 0.8% THC and no less than 10% CBD, by weight	No
GA	Dep't of Pub. Health; "Haleigh's Hope Act"	GA. CODE ANN. § 16-12-191 (2015)	Yes; cancer, epilepsy, and several other severe conditions	Yes	No, only Univ. System of GA can develop THC oil in compliance with FDA trial regulations	20 oz. or less THC oil containing no more than 5% THC and an equal or greater amount CBD, by weight	Yes, including parent, guardian, or legal custodian of minor patient
IA	Dep't of Pub. Health; "Medical Cannabidiol Act"	IOWA CODE §124D (2014)	Yes; intractable epilepsy	Yes	No in-state access or production mechanism provided.	CBD free from plant material, containing no more than 3% THC	Yes, including patient's primary caregiver
KY	TBD; "Clara Madeline Gilliam Act"	K.R.S. § 218A.010(21) (2014)	Yes, intractable seizure disorders	No	No, only hospitals or associated clinics affiliated with Kentucky public universities with medical schools, or FDA approved clinical trials.	CBD only	No
LA	LA Board of Pharmacy, LA Dep't of Agric. and Forestry; "Therapeutic Use of	LA. STAT. ANN. § 40:1046 (2015)	Yes; spastic quadriplegia, chemotherapy impact, glaucoma	No	Yes, no more than ten pharmacies in good standing and licensed by the Bd. of Pharmacy	THC to be reduced to the 'lowest acceptable therapeutic levels available through scientifically accepted methods'	Yes

State	I. Organization & Name	II. Legal Authority	III. Specifies Conditions	IV. Patient Registry	V. Allow Dispensaries	VI. Definition of Products Allowed	VII. Affirmative Defense
	Marijuana”; “The Alison Neustrom Act”						
MS	Univ. of Miss. Med. Center, “Harper Grace’s Law”	MISS. CODE ANN. § 41-29-136 (2014)	Yes; debilitating epileptic conditions	No	No, only dispensed by the Dep’t of Pharmacy Servs. at the Univ. of Miss. Med. Ctr.	Cannabis extract, oil, or resin containing no less than 15% CBD; dilution of resin containing no less than 50 mg CBD per ml and no more than 0.5% THC	Yes, including the parent, guardian or custodian of patient
MO	Dept. of Health & Hum. Servs., Dept. of Agric.	MO. REV. STAT. § 192.945.1, § 195.207.1, 261.265.1 (2014)	Yes; intractable epilepsy	No	Yes, creates care centers and cultivation facilities	‘Hemp extract’ containing no more than 0.3% THC and no less than 5% CBD, by weight, and no other psychoactive substance	Yes, including the parent or legal guardian of a minor patient
NC	Dep’t Health & Hum. Servs.; “Epilepsy Alternative Treatment Act”	N.C. GEN. STAT. §§ 90-113.100 —.106 (2014)	Yes; intractable epilepsy	Yes	No, university research only	‘Hemp extract’ containing no more than 0.9% THC and no less than 5% CBD, by weight, and no other psychoactive substance	Yes, including the parent, legal guardian, or custodian of patient
OK	State Bureau of Narcotics and Dangerous Drugs Control; “Katie and Cayman’s Law”	OKLA. STAT. TIT. 2A §§ 2-801 — 2-805 (2015)	Yes; severe forms of epilepsy in minors	Yes	No, only through medical centers participating in FDA approved clinical trials	‘Industrial hemp’ containing no more than 0.3% THC; for minors only, CBD with no more than 0.3% THC	Yes, including parent of minor patient
SC	Dep’t Health & Envtl. Cont’l; “Julian’s Law”	S.C. CODE ANN. §44-53-1820 (2014)	Yes; severe forms of epilepsy	Yes	No, only through medical centers participating in FDA approved clinical trials	Cannabis derivative containing no more than 0.9% THC and no less than 15% CBD, or CBD extracted from marijuana or synthesized in a lab containing no less than 98% CBD and no more than 0.9% THC by volume	Yes, including the parent, legal guardian, or caretaker of minor patient
TN	Tennessee Tech Univ.	TENN CODE ANN. § 39-17-402(16) (2014)	Yes; intractable epilepsy	Yes	No, only products produced by Tennessee Tech Univ. are allowed.	CBD oil containing no more than 0.9% THC	Yes, including parent or immediate

State	I. Organization & Name	II. Legal Authority	III. Specifies Conditions	IV. Patient Registry	V. Allow Dispensaries	VI. Definition of Products Allowed	VII. Affirmative Defense
							family member of patient
TX	Dep't Pub. Safety; "Texas Compassionate-Use Act"	TEX. HEALTH & SAFETY CODE § 487 (2015)	Yes; intractable epilepsy	Yes	Yes, as licensed by the Dep't Pub. Safety	Cannabis extract containing no more than 0.5% THC and no less than 10% CBD, by weight	Yes
UT	Dep't of Health; "Hemp Registration Act" "Charlee's Law"	UTAH CODE § 26-56 (2014)	Yes; intractable epilepsy	Yes	No, only allows higher education institution to grow or cultivate industrial hemp	'Industrial hemp' containing no more than 0.3% THC by weight and no less than 15% CBD by weight	Yes, including parent of minor patient
VA	VA Board of Medicine	VA. CODE ANN. § 54.1-3408.3 (2015)	Yes; intractable epilepsy	No	No in-state access or production mechanism provided	Cannabis extract or THC-A oil containing no more than 5% THC and no less than 15% CBD; dilution of Cannabis resin containing at least 50 mg THC-A per ml and no more than 5% THC	Yes, including parent of minor patient
WI	Dep't of Safety and Professional Services	WIS. STAT. §§ 961.14, .34, .38 (2014)	Yes; seizure disorders	No	No in-state access or production mechanism provided. However, through an investigational drug permit hospitals may distribute marijuana.	CBD in a form with no other psychoactive effect (no CBD/THC levels defined)	No
WY	Dep't of Health; "Supervised Medical Use of Hemp Extracts"	WYO. STAT. ANN. § 35-7-1901 (2015)	Yes; intractable epilepsy or seizure disorders	Yes	No in-state access or production mechanism provided	'Hemp extract' containing no more than 0.3% THC and no less than 5% CBD, by weight, and containing no other psychoactive substance	Yes, including parent or legal guardian of minor patient
Total		18 Jurisdictions with Limited Access Medical Marijuana Laws	18 Jurisdictions specify conditions approved for use	11 Jurisdictions with Patient Registries	5 Jurisdictions allow distribution by dispensary	18 Jurisdictions define allowable products	15 Jurisdictions provide affirmative defenses

The [Office of National Drug Control Policy](#) includes previous and updated federal and state laws related to marijuana use. Further details and information regarding state laws are available through the [National Conference of State Legislatures](#) or via [ProCon.org](#) (including current information regarding pending legislation or recently failed bills).

SUPPORTERS



Robert Wood Johnson Foundation

This document was developed originally by Kim Weidenaar, J.D., Deputy Director, Network for Public Health Law – Western Region Office, Sandra Day O’Connor College of Law, Arizona State University, with assistance from Asha Agrawal, JD, and Sarah Lemelman, JD candidate and legal researcher, and reviewed by James G. Hodge, Jr., J.D., LL.M., Director, Network for Public Health Law – Western Region Office. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document do not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.