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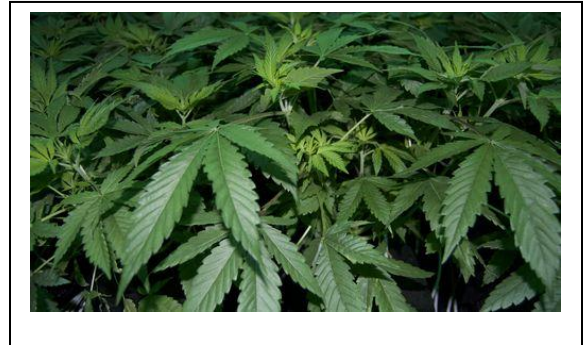
DEA warns Georgia pharmacies that selling medical marijuana is illegal

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By [Rosie Manins](#) and [Helena Oliviero](#)

4 hours ago

In a major blow to expanding access to medical cannabis in Georgia, the federal Drug Enforcement Administration has warned pharmacies across the state that dispensing medical marijuana violates federal law. The warning comes just after the state became the first in the nation to authorize the practice.



Georgia's medical marijuana panel acknowledged Wednesday there is nothing they can do at this moment that would allow pharmacies to be able to sell medical marijuana products, even though it's allowed under state law.

“We certainly would love to see allowing pharmacists continue to be able to provide consultation for medical cannabis products as they do with other medication they dispense,” said Andrew Turnage, executive director for the Georgia Access to Medical Cannabis Commission. “But we also recognize that this is a federal issue, and that’s something beyond our ability to intervene.”

In a Nov. 27 memorandum sent to pharmacies, the DEA said no pharmacy on its register can lawfully possess, handle or dispense marijuana and related products containing more than 0.3% tetrahydrocannabinol — the psychoactive component of the cannabis plant known as THC.

Though recreational marijuana use remains illegal in Georgia, the state [allows eligible patients](#) to buy low-THC medical marijuana products with up to 5% THC, the compound that gives users a high. Street marijuana has a far higher level of THC.

The DEA said it considers products derived from the cannabis plant with a THC content above 0.3% to be marijuana, which is a Schedule I controlled substance under the Controlled Substances Act. Schedule I drugs are those with the highest risk of abuse that are considered to have no safe medical use.

“A DEA-registered pharmacy may only dispense controlled substances in Schedules II-V of the Controlled Substances Act,” the memo sent to pharmacies in Georgia states. “Neither marijuana nor THC can lawfully be possessed, handled, or dispensed by any DEA-registered pharmacy.

This latest development adds yet another curveball to the state’s bumpy road to making medical marijuana accessible to eligible Georgians and thrusts the state into a complex landscape of marijuana legislation, and what’s allowed, and what’s not.

Georgia has allowed eligible patients to possess and consume low-THC medical cannabis products since 2015, but until recently there was no legal way for them to buy the product in Georgia.

Around the U.S., 38 states allow medical marijuana, and 24 of them [have legalized marijuana for recreational use](#), according to the National Conference of State Legislatures. In Georgia, medical marijuana, in the form of low-THC cannabis oil, is available to Georgians with approval from a physician to treat severe illnesses including seizures, terminal cancers, Parkinson’s disease, and post-traumatic stress disorder.

And Georgia was set to do what no other state has done: be the first state to offer a medical marijuana product in pharmacies thanks to a new rule passed by the Board of Pharmacy and approved by Gov. Brian Kemp. In October, the Georgia Board of Pharmacy [began accepting applications](#) from independent pharmacies to sell the oil.

Licenses to dispense low-THC oil have been issued to 23 Georgia independent pharmacies, according to the board. It does not publicly disclose information about license applications. There have been no plans for the product to be sold by national drugstore chains such as CVS and Walgreens.

The recent DEA notice was published online by the group Smart Approaches to Marijuana, which generally opposes marijuana legalization.

Mahlon Davidson, the interim CEO of the Georgia Pharmacy Association said pharmacies need to be aware of the warning from the DEA.

Davidson said he believes some pharmacies have received the product but he was not sure if any had started selling it yet.

“The current conflict between state and federal law puts Georgia’s pharmacies in a difficult position,” the Georgia Pharmacy Association said in a letter to pharmacists, adding that the association is “putting forth the maximum effort to help provide timely information and assist in navigating this issue.”

Davidson, who is currently working as a pharmacist at a Kroger grocery store, which is not one of the pharmacies with plans to sell low-THC oil, said each independent pharmacy will make its own decision on how to proceed but seemed to have little doubt pharmacists are abiding the warning.

“I could extrapolate for you: Let’s say you are an independent pharmacist and you own a pharmacy and you employ an average of 10 people and you’ve got a very profitable pharmacy. If the DEA sent you that letter, you look at that product behind you and go, ‘You know, if I keep this on my shelf and the DEA decides to not only flex their muscles but exercise their power, I am putting at risk the families of 10 other people plus my own.’ ”

The warning from DEA is being heralded by Michael Mumper, the executive director of the nonprofit Georgians for Responsible Marijuana Policy. He said the DEA’s guidance helps to protect consumers, who generally trust that drugs dispensed from pharmacies are fully tested, approved by the U.S. Food and Drug Administration, and federally legal.

Mumper said that’s not the case with medical marijuana, on which few pharmacists have been trained. He said he hopes the DEA’s warning slows the legalization of marijuana and its growing accessibility in order for scientific research about the drug to catch up.

Dr. Kevin Sabet, a former White House drug policy advisor under former Presidents Obama, Bush and Clinton, and currently the president of Smart Approaches to Marijuana, applauded the DEA for helping “prevent Georgia pharmacies from acting as illegal pot shops.”

“Pharmacies found to be violating federal law should be shut down immediately and face the harshest penalties under the law,” Sabet said Wednesday in a press release.

Turnage, with the Georgia Access to Medical Cannabis Commission, pointed to another potential development that could have profound implications on the industry, as well as enforcement. The U.S. Department of Health and Human Services has called for easing restrictions on marijuana by reclassifying it as a lower-risk Schedule III substance in a letter to the DEA, according to reports first reported by Bloomberg. Rescheduling marijuana could potentially open up more avenues for research. Due to restrictions on Schedule I drugs, cannabis studies are nearly impossible to do.

U.S. Rep. Buddy Carter, R-Pooler, said in a statement to The Atlanta Journal-Constitution that cannabis could have some medicinal benefits, and “we owe it to patients to research and test the drug for that purpose.”

But Carter, a long-time pharmacist, who does not currently own any pharmacies, noted the DEA has made it clear that pharmacies dispensing certain THC products are in violation of federal law and said, “that guidance should be taken seriously.”

—Staff writer Mark Niese contributed to this article.