

# Arizona Peace Officer Standards and Training Board

## SUBSTANTIVE POLICY STATEMENT

**Subject:** Use of cannabidiol (CBD)

**Scott Mascher**  
Chairman

**Effective Date:** June 19, 2019

**Matt Giordano**  
Executive Director

**Policy Statement #:** 2019-001

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*This Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on the regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedures Act. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes (“A.R.S.”) Section 41-1033 for a review of the statement. (A.R.S. §41-1091).*

Arizona Administrative Code (“A.A.C.”) R13-4-105(A) provides that: Except as provided in subsection (C) or (D), an individual shall meet the following minimum qualifications before being appointed to or attending an academy:

9. Not have illegally possessed, produced, cultivated, or transported marijuana for sale or sold marijuana;
10. Not have illegally possessed or used marijuana for any purpose within the past three years;
11. Not have ever illegally possessed or used marijuana other than for experimentation;
12. Not have ever illegally possessed or used marijuana while employed or appointed as a peace officer;
13. Not have illegally sold, produced, cultivated, or transported for sale a dangerous drug or narcotic;
14. Not have illegally used a dangerous drug or narcotic, other than marijuana, for any purpose within the past seven years;
15. Not have ever illegally used a dangerous drug or narcotic other than for experimentation;
16. Not have ever illegally used a dangerous drug or narcotic while employed or appointed as a peace officer;

The Board defines “Dangerous drug or narcotic” under A.A.C. R13-4-101 as “a substance identified in A.R.S. § 13-3401 as being a dangerous drug or narcotic drug.”

Under A.R.S. § 13-3401(20)(w), cannabis is classified as a narcotic. Cannabis is also defined under A.R.S. § 13-3401(4) as:

4. "Cannabis" means the following substances under whatever names they may be designated:

(a) The resin extracted from any part of a plant of the genus cannabis, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or its resin. Cannabis does not include oil or cake made from the seeds of such plant, any fiber, compound, manufacture, salt, derivative, mixture or preparation of the mature stalks of such plant except the resin extracted from the stalks or any fiber, oil or cake or the sterilized seed of such plant which is incapable of germination.

(b) Every compound, manufacture, salt, derivative, mixture or preparation of such resin or tetrahydrocannabinol.

Marijuana is defined under A.R.S. § 13-3401(19) as: "all parts of any plant of the genus cannabis, from which the resin has not been extracted, whether growing or not, and the seeds of such plant. Marijuana does not include the mature stalks of such plant or the sterilized seed of such plant which is incapable of germination."

The intent of the Board's rule is to assure that an applicant does not have a pattern of drug abuse and allow enough time to have lapsed to show likelihood that the conduct will not reoccur after appointment as a peace officer.

Recently, police agencies have seen an increase in the number applicants that have disclosed use of products containing cannabidiol (CBD) which may affect their eligibility under the Board's rules.

The plant *Cannabis sativa* has two primary species, hemp and marijuana. Both contain CBD, but there's a much higher percentage in hemp, which also has very low (less than 0.3%) levels of THC compared to marijuana.

Tetrahydrocannabinol (THC) and cannabidiol (CBD) are the two primary cannabinoids that occur naturally in the *Cannabis sativa* plant, most commonly known as cannabis. CBD has the same chemical formula as THC, with the atoms in a different arrangement. This slight variance causes THC to create a psychoactive effect, while CBD does not.

The 2018 U.S. Farm Bill included a provision that legalized the cultivation of hemp (cannabis with less than 0.3 percent THC) in large part because of the popularity and driving economic force of CBD. Because of this, and CBD's non-psychoactive trait, CBD appears more frequently than THC in dietary and natural supplements, and can frequently be found as an ingredient in lotions, creams and salves that are available for

purchase over the counter at various stores including Walgreen's and CVS. Because of its over-the-counter accessibility, many people do not realize that CBD is still classified by the U.S. Drug Enforcement Administration (DEA) as a Schedule I illegal narcotic.

In light of the easy access and non-psychoactive properties of CBD, the Board does not view the use or possession of over-the-counter products containing CBD as constituting the illegal use or possession of marijuana, a dangerous drug, or a narcotic drug under A.A.C. R13-4-105(A)(9) through (16).