

**FDA Public Hearing:
Scientific Data and Information
about Products Containing
Cannabis or Cannabis-Derived
Compounds**

May 31, 2019



FDA considers cannabidiol (CBD) in foods/supplements to be prohibited under §321(ff)(3)(B)

- IND preclusion language was added to DSHEA to protect the commercial interests necessary to incentivize drug development.
- Permitting CBD use in dietary supplements and food is first a commercial issue, not a safety issue.

An “article” that (1) was “authorized for investigation as a new drug . . . for which substantial clinical investigations have been instituted and for which the existence of such investigations has been made public”; and (2) “which was not before such an approval . . . marketed as a dietary supplement [or food].”



FDA has authority to override the general prohibition

- Congress gave FDA the discretion to issue regulations allowing an article to be used in a dietary supplement or food.
- The final clause recognizes circumstances would arise that would justify exceptions to the general presumption.
- When should FDA permit a drug firm to gain a monopoly over the “article,” and how sweeping should that monopoly be?

“...unless the Secretary, in the Secretary’s discretion, has issued a regulation, after notice and comment, finding that the article would be lawful...”



FDA has authority to override the general prohibition

- The §321(ff)(3)(B) decision is not a question of safety.
- Framework already exists to ensure the safety of a dietary supplement or food through other statutory provisions and regulations.
 - e.g., NDI notifications, GRAS certifications and food additive petitions.
 - These take into account safety under the proposed conditions of use.

“...unless the Secretary, in the Secretary’s discretion, has issued a regulation, after notice and comment, finding that the article would be lawful...”



FDA must address the safety of CBD— but on a product-specific basis

- Addressing these issues sequentially, is not an abdication of safety concerns.
- It permits FDA to address safety in the context of each regulatory channel, unique delivery form, ingredient matrix (isolate v. full spectrum), and dosage; it should be product specific.
- Safety is always Job One—but it does not have to be the first job; resolve the §321(ff)(3)(B) issue first.



FDA must act quickly to address a market out of control

- Compliance with the existing regulatory framework for these products is critical for consumer safety and marketplace trust.
- FDA must enforce existing category-wide regulations irrespective of the specific fate of a its decision on the legality of CBD in foods and supplements.
 - Facility registration, cGMPs, labeling, mandatory adverse event reporting, etc...
- Once a new framework is in place, FDA should treat all CBD-containing dietary ingredients as New Dietary Ingredients, subject to the NDIN, GRAS, or Food Additive requirements.



CBD safety: Authoritative reviews

- “...well tolerated with a good safety profile...”



- “...well tolerated at doses greater than 1000 mg per day...”



- “In general, the risks associated with CBD treatment appear acceptable...”



CBD safety: Systematic reviews

Current Drug Safety, 2011, 6, 000-000

Safety and Side Effects of Cannabidiol, a *Cannabis sativa* Constituent

Mateus Machado Bergamaschi^{1,2}, Regina Helena Costa Queiroz¹, José Alexandre S. Crippa^{*,2} and Antonio Waldo Zuardi²

- “...CBD is well tolerated and safe in humans at high doses and with chronic use.”

- “...the often described favorable safety profile of CBD in humans was confirmed and extended by the reviewed research.”

Cannabis and Cannabinoid Research
Volume 2.1, 2017
DOI: 10.1089/can.2016.0034

**Cannabis and
Cannabinoid Research**

Mary Ann Liebert, Inc.  publishers

REVIEW

Open Access

An Update on Safety and Side Effects of Cannabidiol: A Review of Clinical Data and Relevant Animal Studies

Kerstin Iffland and Franjo Grotenhermen



CBD safety references

- WHO, 2018. CBD, Critical Review Report. Available at:
<https://www.who.int/medicines/access/controlled-substances/CannabidiolCriticalReview.pdf>
- FSANZ, 2016. CBD Hazard Profile. Available at:
<http://www.foodstandards.gov.au/code/proposals/Documents/P1042%20Low%20THC%20hemp%20CFS%20SD2%20Cannabidiol%20hazard.pdf>
- U.S. FDA, 2018. Drug Approval Package: Epidiolex (Cannabidiol). Available at:
https://www.accessdata.fda.gov/drugsatfda_docs/nda/2018/210365orig1s000toc.cfm
 - Summary, Safety review starts on page 38, FDA's own conclusions on safety on page 51:
https://www.accessdata.fda.gov/drugsatfda_docs/nda/2018/210365Orig1s000SumR.pdf
- Bergamaschi et al., *Current Drug Safety*, 2011, Vol. 6, No. 4
- Iffland and Grotenhermen, *Cannabis and Cannabinoid Research* 2017, 2.120



Thank You

