



HEALTH SYSTEMS DIVISION

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To: Organizations receiving SAMHSA grant funds through OHA

From: Steve Allen, Behavioral Health Director

Subject: SAMHSA now requires grantees to attest to compliance with federal marijuana use laws

The Oregon Health Authority (OHA) has received notice of a new special condition of each grant awarded to OHA by the federal Substance Abuse and Mental Health Services Administration (SAMHSA). It applies to:

- The Substance Abuse Prevention & Treatment Block Grant (SAPT BG),
- The Mental Health Block Grant (MHBG),
- Promoting Integration of Primary and Behavioral Health Care (PIPBHC) Grant,
- Project for Assistance in Transition from Homelessness (PATH) Grant,
- Garrett Lee Smith Suicide Prevention Grant,
- State Opioid Response Grant and
- Other discretionary grants that SAMHSA awards to OHA.

The special condition requires OHA to submit an attestation letter to SAMHSA certifying that OHA, the state and all grant subrecipients will comply with the following statement for continued SAMHSA funding:

Grant funds may not be used, directly or indirectly, to purchase, prescribe, or provide marijuana or treatment using marijuana. Treatment in this context includes the treatment of opioid use disorder. Grant funds also cannot be provided to any individual who or organization that provides or permits marijuana use for the purposes of treating substance use or mental disorders. See, e.g., 45 C.F.R. § 75.300(a) (requiring HHS to “ensure that Federal funding is expended . . . in full accordance with U.S. statutory . . . requirements.”); 21 U.S.C. §§ 812(c)(10) and 841 (prohibiting the possession, manufacture, sale, purchase or distribution of marijuana). This prohibition does not apply to those providing such treatment in the context of clinical research permitted by the DEA and under an FDA-approved investigational new drug application where the article being evaluated is marijuana or a constituent thereof that is otherwise a banned controlled substance under federal law.

The attestation would apply to OHA and any organization receiving SAMHSA funds through OHA as described above.

OHA does not expect this requirement to affect SAMHSA-funded providers and programs, unless providers are writing Oregon Medical Marijuana Use physician statements to treat a substance use or mental health disorder.

What should you do?

To learn more, please read [OHA’s frequently asked questions about SAMHSA’s attestation requirement](#).

Questions?

If you have any questions, please contact Rusha Grinstead at rusha.grinstead@dhs.oha.state.or.us.