

Date: 5/2/19
To: Food Facility Owners and Operators
From: Wesley Nicks, Director of Environmental Health
Re: Regulation of CBD Food Products

California currently allows Counties and Cities to approve the sale of some cannabis products including edibles. These products are regulated either as medicinal or as a recreational product, but they are not considered or regulated as food. This distinction has caused confusion with the rules that are applicable in regards to some Cannabidiol (CBD) products that are now available. The California Department of Public Health (CDPH), and the U.S. Food and Drug Administration (FDA), have advised that the sale of food products containing CBD/CBD-oil is prohibited.

It is unlawful under the Food, Drug, and Cosmetic Act (FD&C) Act, to introduce food containing added CBD or THC into interstate commerce, or to market CBD or THC products as, or in, foods or dietary supplements, regardless of whether the substances are hemp-derived. This is because both CBD and THC are active ingredients. Normally FDA-approved drugs are subjected to substantial clinical investigations before they are approved and marketed as foods or dietary supplements. This is a requirement that we apply across the board to food products that contain substances that are active ingredients in any drug.

There are currently only three (3) parts of the hemp plant that are considered as (Generally Recognized as Safe) in the United States that can be added to food for retail sale.

Those three hemp components are:

- a) hulled hemp seed
- b) hemp seed protein
- c) hemp seed oil

All other hemp derivatives, such as CBD/CBD oil and other parts of the industrial hemp plant (e.g. leaves) are not approved as a food, food additive, or dietary supplement.

Based on this advisory Placer County Environmental Health, as the permitting authority for health standards at your retail food facility, is advising that the sale of these products be immediately discontinued and removal of said items from your food facility is required.

The FDA and the CDPH have statements and FAQs on their web sites if you need additional information regarding this issue. (www.fda.gov) (www.cdph.ca.gov)

The FDA is also holding a public hearing on May 31, 2019, for stakeholders to share their concerns with products containing cannabis and cannabis-derived compounds. The hearing will also cover information and views related to the safety of such products and to solicit input relevant to the regulatory strategy related to existing products. As part of that hearing, the FDA is opening a docket for the public to submit comments.

You can go to the following link to provide your comments directly to the FDA:

<https://www.regulations.gov/docket?D=FDA-2019-N-1482>

Thank you for your understanding and patience as these issues are worked out at the State and Federal levels. Should you have any questions please contact my office at (530) 745-2300.

Sincerely,



Wesley Nicks, Director of Environmental Health and Animal Service Divisions
Placer County Health and Human Services Department