



ASSOCIATION OF FOOD  
& DRUG OFFICIALS  
SINCE 1896

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**public health** worldwide  
since 1896.

July 16, 2019

Division of Dockets Management (HFA-305)  
U.S. Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville, MD 20852

RE: Comments from the Association of Food and Drug Officials  
Docket No. FDA-2019-N-1482, "Scientific Data and Information about Products Containing Cannabis or Cannabis-Derived Compounds; Public Hearing; Request for Comments"

The Association of Food and Drug Officials (AFDO) thanks FDA for the opportunity to provide comments related to cannabidiol (CBD). AFDO represents food and medical products regulatory programs at the local, state, and federal levels. The Association was founded in 1896 and actively collaborated with Dr. Harvey Wiley to secure the passage of the Pure Foods Act of 1906. Our membership has been very challenged by the rapid expansion in CBD products that have been actively introduced throughout the United States.

### **Distribution, Sale, and Use of CBD**

Lack of clear and timely functional national policy has contributed to the widespread distribution of CBD products and resulting concerns. Currently, products manufacturers are incorporating CBD into products assuming it as safe as other food ingredients such as sugar and flour without supporting research. In addition to the production of CBD for human and animal consumption and as an ingredient in cosmetics, food service establishments across the country are now offering food and beverage to which CBD has been added as an ingredient. This trend is no longer limited to a handful of establishments; rather, it is becoming common place across the country. Across the United States, CBD products have quickly become widely available at a variety of venues, from farmers' markets to large-national retailers and food service operations. Recently, nationwide chains, such as Kroger's, Walgreens, and Carl's Jr., have announced the sale of CBD products. On April 20, 2019, a national quick service restaurant chain served CBD-infused "burgers" as part of a national promotion.

### **Health Impacts**

States, like FDA, are challenged when trying to develop appropriate enforcement strategies, food safety standards, and other safety-related requirements due to the lack of sound scientific research related to CBD, particularly relating to inherent product and process hazards and to the product's long-term health impacts of ingestion, especially where CBD is used by those who are highly susceptible to adverse effects, including the elderly, children, cancer patients, and those who experience chronic pain, the most common consumers of CBD.

Most research, to date, has focused on CBD and its use as a drug for treatment of a variety of uses. Further, Health Canada has noted CBD use can result in multiple drug interactions along with other potential risks.<sup>1</sup>

### **Consumer Protection**

In addition to concerns over safety and adverse effects, states are particularly concerned about unfair and deceptive practices, including unsubstantiated health claims, relative to CBD labeling and advertisement. Recently, there have been reports across the United States of CBD products purporting specific quantities of CBD that were analyzed and contained far less or no CBD.<sup>2</sup> In one published paper, researchers examined 84 CBD products from 31 companies and found that only 26 of those products were accurately labeled for CBD concentration<sup>3</sup>.

### **Enforcement and Program Development**

With CBD products' widespread availability, lack of information about food safety hazards associated with the product and processes, and lack of clear adverse health consequences from its use; enforcing a ban of CBD in food and cosmetics would require significant resources at the local, state, and federal levels. Our members have noted they have struggled with the lack of federal guidance related to CBD, and have stated that taking the stance that CBD is illegal food was not sufficient to convince policy makers to provide resources to pursue active enforcement. Additionally, it has proven difficult for programs that are attempting to develop industrial hemp program oversight programs that are simultaneously protective of public health.

### **Status of State Oversight of CBD and Adverse Events**

AFDO would like to share with FDA the results of two surveys of states' regulatory programs:

#### *Legality and Enforcement*

The first survey, conducted in May 2019, asked states about legality and enforcement relative to CBD products. Of 33 responding states, 13 have legalized CBD. Of those states allowing CBD sales, over half are utilizing 21 CFR 117 and portions of dietary supplement requirements to regulate this product. The other states are using a version of the FDA Food Code in the oversight of food service and food stores that wish to use CBD as an ingredient in a food product, or good manufacturing practices, under 21 CFR 110 or 117, to regulate the manufacture of CBD products.

Of the 20 states that indicated CBD sales were illegal, only 8 states were pursuing any type of enforcement action. The other 12 states either considered enforcement where health claims were clearly made, or took no action to deal with CBD related products.

#### *Adverse Event Reports*

In a June 2019 survey of state programs, 24 states responded on a question regarding adverse events related to CBD, and only 2 states<sup>4</sup> reported adverse events. One provided information about a single complaint about an

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<sup>1</sup> <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/information-medical-practitioners/information-health-care-professionals-cannabis-cannabinoids.html#a6.2>

<sup>2</sup> <https://www.cbs58.com/news/cbd-test-shocking-results> (Milwaukee, WI)  
<https://www.nbcnewyork.com/news/local/CBD-Products-Tested-505762921.html> (New York, NY)  
<https://www.nbcmiami.com/investigations/505335101.html> (Miami, FL)

<sup>3</sup> <https://jamanetwork.com/journals/jama/fullarticle/2661569>

<sup>4</sup> Alaska and North Carolina reported adverse events.

illness resulting from a CBD product. The other respondent shared that at least seven reports of adverse events were reported to the state's poison control center, the state's marijuana control organization, or to the state's food safety program.

AFDO urges FDA to do the following:

- Develop a regulatory framework for the production of hemp-derived products and extracts, including CBD, being used for food, food additives and dietary supplements to protect public health and to establish uniformity across the United states which would establish a legal pathway for these products to enter the marketplace;
- Create labeling standards to ensure that consumers are aware and informed of the products that they are purchasing;
- Work with states to develop public messaging around current laws and regulations regarding CBD and update that messaging as regulations evolve;
- Conduct a full survey of international research and adverse events, and consider leading additional research related to CBD to determine the potential consequences of use;
- Collaborate with USDA, who is tasked with approving states hemp plan to ensure the plans address sanitation and GMPs;
- Determine which CFR regulations should be used for CBD products in its various forms, from CBD oils and tinctures to CBD added as an ingredient of a finished product;
- Continue collaborating with the American Association of Poison Control Centers, and local and state regulatory agencies to determine the occurrence of adverse events associated with CBD;
- Determine how the manufacture of industrial hemp products, specifically CBD, fits within the FDA's existing regulatory schema; and
- Develop a proactive strategy for addressing emerging products, such as CBD, so new issues associated with the products may be dealt with prior to the widespread entry into the food supply.

Once again, we appreciate the opportunity to provide additional feedback on this important matter. We welcome an opportunity for further dialogue on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Mandernach', with a stylized flourish at the end.

Steven Mandernach  
AFDO Executive Director

Survey of States on CBD and Cannabis (May 2019)

| State:         | Agency:   | Is your state allowing CBD to be used in foods? | If your state does prohibit CBD to be used in foods are you actively seeking to restrict the sale and manufacture of such products? | Please provide more information about what enforcement activity you are using?   |
|----------------|---|---|---|--|
| Arkansas       | Department of Health  | No  | No  |  |
| California     | Department of Public Health, Food and Drug Branch                           | No  | Yes   | Notice of Violations, Embargoes, Voluntary Condemnation and Destruction, and Regulatory Letters  |
| Connecticut    | DCP Food, Standards & Trades  | No  | No  | None at this time. Legislation in the works to legalize it.  |
| Georgia        | Department of Agriculture   | No  | No  | Pending additional FDA guidance on if/when CBD can lawfully be introduced into a food product, dietary supplement, or animal feed; we are not taking any action against products already found in the state. Our Department passed a hemp bill that has been signed into law, and we have to promulgate regulations in support of the law. We already adopt by reference the FD&C Act and CFR provisions required for MFRPS Standard 1 (except Dietary supplements, because we do not have regulatory authority over those products) and by virtue of this fact, we are not actively licensing or approving food sales operations as they relate to CBD. |
| Hawaii         | Department of Health  | No  | Yes   | Products containing CBD are not generally considered safe and there may be potential health risks associated with them. • It is illegal to add CBD to food, beverages and cosmetics that are manufactured, distributed and sold in Hawaii. • CBD may not be sold as a "dietary supplement." • CBD may not be marketed by asserting health claims because that would constitute prohibited misbranding or false advertising. • CBD is the active ingredient in an FDA-approved prescription drug. Therefore, it cannot be put into food, sold as a drug without a prescription, or marketed as a "dietary supplement."                                    |
| Iowa           | Iowa Department of Inspections and Appeals                                  | No  | Yes   | Issued a Regulatory Notice to all food establishments and Food Processing plants and will take action if products are observed during inspections.   |
| Illinois       | Illinois Department of Public Health  | No  | No  | When we are directly asked if CBD oil is allowed in food, we state that we do not currently have any language to allow it in food, but we are working on guidance for industry and regulators. We have taken language from the IL FD&C Act about adulterants and posed the question to our legal department, we are still awaiting a response from them.   |
| Indiana        | The Indiana State Department of Health (ISDH) Food Protection Program (FPP) | No  | No  | The Indiana State Department of Health (ISDH) Food Protection Program (FPP) does not have a law that prohibits the addition of CBD oil in food, we are awaiting further instruction from the U.S. Food and Drug Administration and ISDH upper management.  |
| Maryland       | MDH   | No  | No  |  |
| Montana        | DPHHS   | No  | No  | If CBD product is associated with any health claims, the state health department has requested local authorities to make removal of this product from commerce a priority.   |
| Nevada         | Division of Public and Behavioral Health                                    | No  | No  | New regulation would require testing of CBD products.  |
| New Hampshire  | NH DHHS- Food Protection  | No  | No  | We informing establishments that are making or selling foods containing CBD that this is not approved in our state. We asking them to stop making or selling the food. Up to this point, it has only been by education that we have taken any action.  |
| North Carolina | Department of Agriculture & Consumer Services                               | No  | Yes   | industry outreach, survey inspection, warning letters  |
| New York       | New York State Department of Agriculture and Markets                        | No  | Yes   | Seizure action at point of manufacturer. Removal from sale at retail.  |

Survey of States on CBD and Cannabis (May 2019)

| State:         | Agency:   | Is your state allowing CBD to be used in foods? | If your state does prohibit CBD to be used in foods are you actively seeking to restrict the sale and manufacture of such products? | Please provide more information about what enforcement activity you are using?  |
|----------------|---|---|---|---|
| Ohio           | Ohio dept of Agriculture  | No  | No  | We are in the process of allowing CBD in Ohio but currently it is illegal. Of course it is everywhere. We did take an action on a product with CBD but it was not produced under inspection so it is considered adulterated.  |
| Rhode Island   | Department of Health  | No  | No  | Not allowing when found and not allowing in applications for licenses   |
| South Carolina | SC Department of Health and Environmental Control -Division of Food and Lead Risk Assessments | No  | Yes   | Until we find out if there are going to be legal parameters of CBD oil added to food, in retail food (restaurants) we will mark it as an unapproved additive. If this violation becomes consecutive, it is being referred to our Enforcement Division. We will investigate CBD oil added to manufactured food items on a complaint basis only and refer the product to either FDA or the SC Dept. of Agriculture.   |
| Texas          | Texas Dept of State Health Services Consumer Protection Division                              | No  | No  | During routine inspection or complaint investigations, Texas DSHS, within its statutory authority, may detain products that are labeled as or contain hemp or CBD with unproven claims to prevent, diagnose, treat and/or cure a health or medical condition or that are being produced or handled in a manner that creates a health hazard for people who may use it. Because of the FDA-established prescription drug status of CBD, it may not be used in dietary supplements, and would also be detained in this situation. |
| Utah           | Utah Department of Agriculture and Food   | No  | Yes   | Our statute only allows for CBD to sold in certain "medical dosage Forms", that include: Tablet, Capsule, Concentrated Oil, Sublingual Preparation, Topical Preparation, Transdermal Preparation and Gelatinous Cube or Lozenge.  |
| Virginia       | Virginia Department of Agriculture and Consumer Services                                      | No  | No  | We are not pulling CBD products from retail sale. We do not have the resources to do so. However, if we are contacted by a manufacturer wanting to use it as a food additive we tell them that they cannot do so and we also tell firms/individuals that they can not manufacture CBD extracts/oils.  |
| Wyoming        | Wyoming Dept. of Agriculture  | No  | No  | At this time it is a law enforcement issue. We do tell the public or potential processors they cannot use CBD as a food additive and will not license them. Until we can test for TCH it and have law enforcement take more of a stance we are only educating at this point.  |
| Alaska         | Department of Environmental Conservation  | Yes   |   |   |
| Colorado       | CDPHE   | Yes   |   |   |
| Michigan       | Michigan Department of Agriculture and Rural Development                                      | Yes   |   |   |
| Oregon         | Department of Agriculture   | Yes   |   |   |

Survey of States on CBD and Cannabis (May 2019)

| State:       | Agency:  | Is your state allowing CBD to be used in foods? | If your state does prohibit CBD to be used in foods are you actively seeking to restrict the sale and manufacture of such products? | Please provide more information about what enforcement activity you are using? |
|--------------|--|---|---|--|
| Connecticut  | Consumer Protection                                      | Yes   |   |  |
| Kansas       | Department of Agriculture                                | Yes   |   |  |
| Kentucky     | Kentucky Department for Public Health                    | Yes   |   |  |
| ME           | DACF   | Yes   |   |  |
| Missouri     | Department of Health and Senior Services                 | Yes   |   |  |
| Nebraska     | Department of Agriculture                                | Yes   |   |  |
| New Jersey   | Department of Health                                     | Yes   |   |  |
| New Mexico   | NM Environment Department                                | Yes   |   |  |
| Tennessee    | TDA  | Yes   |   |  |
| Wisconsin    | Department of Agriculture, Trade and Consumer Protection | Yes   |   |  |
| North Dakota |  | Yes   |   |  |

Survey of States on CBD and Cannabis (May 2019)

| State:         | Agency:   | Does your state have a cannabis program? |                    |    |
|----------------|---|--|--------------------|----|
|                |   | Yes - Medical                            | Yes - Recreational | No |
| Arkansas       | Department of Health  |  |                    |    |
| California     | Department of Public Health, Food and Drug Branch                           |  |                    |    |
| Connecticut    | DCP Food, Standards & Trades  |  |                    |    |
| Georgia        | Department of Agriculture   |  |                    |    |
| Hawaii         | Department of Health  |  |                    |    |
| Iowa           | Iowa Department of Inspections and Appeals                                  |  |                    |    |
| Illinois       | Illinois Department of Public Health  |  |                    |    |
| Indiana        | The Indiana State Department of Health (ISDH) Food Protection Program (FPP) |  |                    |    |
| Maryland       | MDH   |  |                    |    |
| Montana        | DPHHS   |  |                    |    |
| Nevada         | Division of Public and Behavioral Health                                    |  |                    |    |
| New Hampshire  | NH DHHS- Food Protection  |  |                    |    |
| North Carolina | Department of Agriculture & Consumer Services                               |  |                    |    |
| New York       | New York State Department of Agriculture and Markets                        |  |                    |    |

Survey of States on CBD and Cannabis (May 2019)

| State:         | Agency:   | Does your state have a cannabis program? |                    |    |
|----------------|---|--|--------------------|----|
|                |   | Yes - Medical                            | Yes - Recreational | No |
| Ohio           | Ohio dept of Agriculture  |  |                    |    |
| Rhode Island   | Department of Health  |  |                    |    |
| South Carolina | SC Department of Health and Environmental Control -Division of Food and Lead Risk Assessments |  |                    |    |
| Texas          | Texas Dept of State Health Services Consumer Protection Division                              |  |                    |    |
| Utah           | Utah Department of Agriculture and Food   |  |                    |    |
| Virginia       | Virginia Department of Agriculture and Consumer Services                                      |  |                    |    |
| Wyoming        | Wyoming Dept. of Agriculture  |  |                    |    |
| Alaska         | Department of Environmental Conservation  | Yes - Medical                            | Yes - Recreational |    |
| Colorado       | CDPHE   | Yes - Medical                            | Yes - Recreational |    |
| Michigan       | Michigan Department of Agriculture and Rural Development                                      | Yes - Medical                            | Yes - Recreational |    |
| Oregon         | Department of Agriculture   | Yes - Medical                            | Yes - Recreational |    |



Survey of States on CBD and Cannabis (May 2019)

| State:       | Agency:  | Does your state have a cannabis program? |                    |    |
|--------------|--|--|--------------------|----|
|              |  | Yes - Medical                            | Yes - Recreational | No |
| Connecticut  | Consumer Protection                                      | Yes - Medical                            |                    |    |
| Kansas       | Department of Agriculture                                |  |                    | No |
| Kentucky     | Kentucky Department for Public Health                    |  |                    | No |
| ME           | DACF   | Yes - Medical                            |                    |    |
| Missouri     | Department of Health and Senior Services                 | Yes - Medical                            |                    |    |
| Nebraska     | Department of Agriculture                                |  |                    | No |
| New Jersey   | Department of Health                                     | Yes - Medical                            |                    |    |
| New Mexico   | NM Environment Department                                | Yes - Medical                            |                    |    |
| Tennessee    | TDA  |  |                    | No |
| Wisconsin    | Department of Agriculture, Trade and Consumer Protection |  |                    | No |
| North Dakota |  | Yes - Medical                            |                    |    |

Survey of States on CBD and Cannabis (May 2019)

| State:         | Agency:   | What type of regulatory authority are you using: |                                     |                            |                     |                     |                          |       |                 |
|----------------|---|--|-------------------------------------|----------------------------|---------------------|---------------------|--------------------------|-------|-----------------|
|                |   | 21 CFR 117<br>(Preventive Controls)              | 21 CFR 111<br>(Dietary Supplements) | 21 CFR -<br>please explain | Retail Food<br>Code | Medical<br>Cannabis | Recreational<br>Cannabis | Other | Please explain: |
| Arkansas       | Department of Health  |  |                                     |                            |                     |                     |                          |       |                 |
| California     | Department of Public Health, Food<br>and Drug Branch                              |  |                                     |                            |                     |                     |                          |       |                 |
| Connecticut    | DCP Food, Standards & Trades  |  |                                     |                            |                     |                     |                          |       |                 |
| Georgia        | Department of Agriculture   |  |                                     |                            |                     |                     |                          |       |                 |
| Hawaii         | Department of Health  |  |                                     |                            |                     |                     |                          |       |                 |
| Iowa           | Iowa Department of Inspections<br>and Appeals                                     |  |                                     |                            |                     |                     |                          |       |                 |
| Illinois       | Illinois Department of Public Health  |  |                                     |                            |                     |                     |                          |       |                 |
| Indiana        | The Indiana State Department of<br>Health (ISDH) Food Protection<br>Program (FPP) |  |                                     |                            |                     |                     |                          |       |                 |
| Maryland       | MDH   |  |                                     |                            |                     |                     |                          |       |                 |
| Montana        | DPHHS   |  |                                     |                            |                     |                     |                          |       |                 |
| Nevada         | Division of Public and Behavioral<br>Health                                       |  |                                     |                            |                     |                     |                          |       |                 |
| New Hampshire  | NH DHHS- Food Protection  |  |                                     |                            |                     |                     |                          |       |                 |
| North Carolina | Department of Agriculture &<br>Consumer Services                                  |  |                                     |                            |                     |                     |                          |       |                 |
| New York       | New York State Department of<br>Agriculture and Markets                           |  |                                     |                            |                     |                     |                          |       |                 |

Survey of States on CBD and Cannabis (May 2019)

| State:         | Agency:   | What type of regulatory authority are you using: |                                     |                            |                     |                     |                          |       | Please explain:   |
|----------------|---|--|-------------------------------------|----------------------------|---------------------|---------------------|--------------------------|-------|---|
|                |   | 21 CFR 117<br>(Preventive Controls)              | 21 CFR 111<br>(Dietary Supplements) | 21 CFR -<br>please explain | Retail Food<br>Code | Medical<br>Cannabis | Recreational<br>Cannabis | Other |   |
| Ohio           | Ohio dept of Agriculture  |  |                                     |                            |                     |                     |                          |       |   |
| Rhode Island   | Department of Health  |  |                                     |                            |                     |                     |                          |       |   |
| South Carolina | SC Department of Health and Environmental Control -Division of Food and Lead Risk Assessments |  |                                     |                            |                     |                     |                          |       |   |
| Texas          | Texas Dept of State Health Services Consumer Protection Division                              |  |                                     |                            |                     |                     |                          |       |   |
| Utah           | Utah Department of Agriculture and Food   |  |                                     |                            |                     |                     |                          |       |   |
| Virginia       | Virginia Department of Agriculture and Consumer Services                                      |  |                                     |                            |                     |                     |                          |       |   |
| Wyoming        | Wyoming Dept. of Agriculture  |  |                                     |                            |                     |                     |                          |       |   |
| Alaska         | Department of Environmental Conservation  |  |                                     | 21 CFR - please explain    | Retail Food Code    |                     |                          | Other | For food safety of manufacturers, 21 CFR 110 equivalent. For food safety or retail markets, 2005 FDA Model Food Code equivalent. For all other restrictions and requirements, 3 AAC 306 under the Alcohol Marijuana Control Board.  |
| Colorado       | CDPHE   | 21 CFR 117 (Preventive Controls)                 | 21 CFR 111 (Dietary Supplements)    |                            |                     |                     |                          |       | Our State program only deals with Hemp/CBD, MJ or THC products  |
| Michigan       | Michigan Department of Agriculture and Rural Development                                      |  |                                     |                            |                     | Medical Cannabis    | Recreational Cannabis    | Other | We have a current law that allows medical use of marijuana, but the law states that the edibles are not considered food. The recently passed recreational or "adult use" initiative does not make this distinction, the regulatory scheme is still being developed. Likely that these firms will have to meet the 2017 FFC or 21 CFR 117. |
| Oregon         | Department of Agriculture   | 21 CFR 117 (Preventive Controls)                 |                                     |                            | Retail Food Code    |                     |                          |       | Food Code for Retail establishments, and CFR for extractors and manufacturers of edibles.   |

Survey of States on CBD and Cannabis (May 2019)

| State:       | Agency:  | What type of regulatory authority are you using: |                                     |                            |                     |                     |                          |       |   |
|--------------|--|--|-------------------------------------|----------------------------|---------------------|---------------------|--------------------------|-------|---|
|              |  | 21 CFR 117<br>(Preventive Controls)              | 21 CFR 111<br>(Dietary Supplements) | 21 CFR -<br>please explain | Retail Food<br>Code | Medical<br>Cannabis | Recreational<br>Cannabis | Other | Please explain:   |
| Connecticut  | Consumer Protection                                      | 21 CFR 117 (Preventive Controls)                 | 21 CFR 111 (Dietary Supplements)    |                            |                     |                     |                          |       |   |
| Kansas       | Department of Agriculture                                |  |                                     |                            | Retail Food Code    |                     |                          |       |   |
| Kentucky     | Kentucky Department for Public Health                    | 21 CFR 117 (Preventive Controls)                 |                                     |                            |                     |                     |                          |       |   |
| ME           | DACF   |  |                                     |                            |                     | Medical Cannabis    |                          |       |   |
| Missouri     | Department of Health and Senior Services                 | 21 CFR 117 (Preventive Controls)                 |                                     |                            | Retail Food Code    | Medical Cannabis    |                          |       |   |
| Nebraska     | Department of Agriculture                                |  |                                     |                            |                     |                     |                          |       |   |
| New Jersey   | Department of Health                                     | 21 CFR 117 (Preventive Controls)                 |                                     |                            |                     |                     |                          |       |   |
| New Mexico   | NM Environment Department                                |  |                                     |                            |                     |                     |                          | Other | The Hemp Manufacturing Act goes into effect July 1. NM will use existing food rules and adopt additional hemp rules to regulate from extraction through finished product. |
| Tennessee    | TDA  | 21 CFR 117 parts A and B                         |                                     |                            | Retail Food Code    |                     |                          | Other |   |
| Wisconsin    | Department of Agriculture, Trade and Consumer Protection | 21 CFR 117 (Preventive Controls)                 |                                     |                            |                     |                     |                          |       |   |
| North Dakota |  |  |                                     |                            | Retail Food Code    |                     |                          |       | Food ingredients for products sold at retail must come from an approved source, ingredients are GRAS , and no medical claims  |

Survey of States on CBD and Cannabis (May 2019)

| State:         | Agency:   | What type of restrictions are you applying? (testing, packaging, where it can be sold, restricted to adults/kids, etc.) | Are you using warnings, if yes what type? |    |                 | Is the dose per serving restricted to: |                            |                          |
|----------------|---|---|---|----|-----------------|--|----------------------------|--------------------------|
|                |   |   | Yes                                       | No | Please explain: | 1-10 mg/<br>per serving?               | 10-100 mg/<br>per serving? | >100 mg/<br>per serving? |
| Arkansas       | Department of Health  |   |   |    |                 |  |                            |                          |
| California     | Department of Public Health, Food and Drug Branch                           |   |   |    |                 |  |                            |                          |
| Connecticut    | DCP Food, Standards & Trades  |   |   |    |                 |  |                            |                          |
| Georgia        | Department of Agriculture   |   |   |    |                 |  |                            |                          |
| Hawaii         | Department of Health  |   |   |    |                 |  |                            |                          |
| Iowa           | Iowa Department of Inspections and Appeals                                  |   |   |    |                 |  |                            |                          |
| Illinois       | Illinois Department of Public Health  |   |   |    |                 |  |                            |                          |
| Indiana        | The Indiana State Department of Health (ISDH) Food Protection Program (FPP) |   |   |    |                 |  |                            |                          |
| Maryland       | MDH   |   |   |    |                 |  |                            |                          |
| Montana        | DPHHS   |   |   |    |                 |  |                            |                          |
| Nevada         | Division of Public and Behavioral Health                                    |   |   |    |                 |  |                            |                          |
| New Hampshire  | NH DHHS- Food Protection  |   |   |    |                 |  |                            |                          |
| North Carolina | Department of Agriculture & Consumer Services                               |   |   |    |                 |  |                            |                          |
| New York       | New York State Department of Agriculture and Markets                        |   |   |    |                 |  |                            |                          |

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| State:         | Agency:   | What type of restrictions are you applying? (testing, packaging, where it can be sold, restricted to adults/kids, etc.)  | Are you using warnings, if yes what type? |    |  | Is the dose per serving restricted to: |                            |                          |
|----------------|---|--|---|----|--|--|----------------------------|--------------------------|
|                |   |  | Yes                                       | No | Please explain:  | 1-10 mg/<br>per serving?               | 10-100 mg/<br>per serving? | >100 mg/<br>per serving? |
| Ohio           | Ohio dept of Agriculture  |  |   |    |  |  |                            |                          |
| Rhode Island   | Department of Health  |  |   |    |  |  |                            |                          |
| South Carolina | SC Department of Health and Environmental Control -Division of Food and Lead Risk Assessments |  |   |    |  |  |                            |                          |
| Texas          | Texas Dept of State Health Services Consumer Protection Division                              |  |   |    |  |  |                            |                          |
| Utah           | Utah Department of Agriculture and Food   |  |   |    |  |  |                            |                          |
| Virginia       | Virginia Department of Agriculture and Consumer Services                                      |  |   |    |  |  |                            |                          |
| Wyoming        | Wyoming Dept. of Agriculture  |  |   |    |  |  |                            |                          |
| Alaska         | Department of Environmental Conservation  | The food safety program only handles the food safety side of marijuana regulation. There is a board that sets standards and enforces these types of restrictions for marijuana. There is a division of agriculture outside of this agency that is charged under statute with developing hemp regulations. I will answer the below on behalf of the board that oversees marijuana and marijuana products. | Yes                                       |    | Cultivation 3 AAC 306.475. Manufacturing Facility 3 AAC 306.565. Warnings are: has intoxicating effects and may be habit forming; impairs concentration, coordination and judgment - do not operate a vehicle or machinery; health risks association with consumption; use only by adults 21 and older; keep out of reach of children; should not be used by pregnant or breastfeeding women. May not label organic. | 1-10 mg /per serving?                  | 10-100 mg /per serving?    |                          |
| Colorado       | CDPHE   | Testing for <3/10 of 1% THC; requiring certified lab for testing; applying 111 when product is identified as a supplement  |   | No | "FDA has not evaluated this product for safety or efficacy" and; o not contain any health or benefit   |  |                            |                          |
| Michigan       | Michigan Department of Agriculture and Rural Development                                      | Testing of these products (medical only right now) is required on "medibles" and the ingredients. They test for pesticide residues, mold, APC, some pathogens, a bunch of stuff. currently child proof packaging, symbol, and only from a licensed dispensary. under the adult use initiative, still subject to rule making.   | Yes                                       |    | Current products are only medical.   | 1-10 mg /per serving?                  | 10-100 mg /per serving?    | >100 mg /per serving?    |
| Oregon         | Department of Agriculture   | Testing for potency, chemical contaminants, and microbiological pathogens.   |   | No |  |  |                            | >100 mg /per serving?    |

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| State:       | Agency:  | What type of restrictions are you applying? (testing, packaging, where it can be sold, restricted to adults/kids, etc.)  | Are you using warnings, if yes what type? |    |                          | Is the dose per serving restricted to: |                            |                          |
|--------------|--|--|---|----|--------------------------|--|----------------------------|--------------------------|
|              |  |  | Yes                                       | No | Please explain:          | 1-10 mg/<br>per serving?               | 10-100 mg/<br>per serving? | >100 mg/<br>per serving? |
| Connecticut  | Consumer Protection                                      | In state processors must have a cannabis processor's license out of state must come from an approved source  |   | No |                          |  |                            |                          |
| Kansas       | Department of Agriculture                                |  |   | No |                          |  |                            |                          |
| Kentucky     | Kentucky Department for Public Health                    | Testing  |   | No |                          |  |                            |                          |
| ME           | DACF   | Currently can only be sold by licensed caregivers  |   | No |                          |  |                            |                          |
| Missouri     | Department of Health and Senior Services                 | Our medical cannabis program is in development and is not finalized. However, our food safety laws were amended last year and food product can no longer be considered adulterated solely because it contains CBD Oil, even if it is not a part of the medical marijuana program.  |   | No |                          |  |                            |                          |
| Nebraska     | Department of Agriculture                                |  |   |    |                          |  |                            |                          |
| New Jersey   | Department of Health                                     | CBD can be added to food sold at retail. Product must be labeled as containing CBD.  |   | No |                          |  |                            |                          |
| New Mexico   | NM Environment Department                                | Testing, labeling  |   |    | Uncertain                |  |                            |                          |
| Tennessee    | TDA  | The CBD must come from an approved source- showing that it is for consumption  |   | No |                          |  |                            |                          |
| Wisconsin    | Department of Agriculture, Trade and Consumer Protection | Industrial Hemp Processor A processor must have the following: <ul style="list-style-type: none"> <li>• Processor license and registration to store, handle, and convert industrial hemp into a marketable form</li> <li>• Food processing plant or retail food establishment license to process food</li> <li>• Report each year by December 15: <ul style="list-style-type: none"> <li>o Quantity received</li> <li>o Intended markets</li> </ul> </li> <li>• Records of sources of industrial hemp: <ul style="list-style-type: none"> <li>o Fit for commerce certificate</li> <li>o License number</li> <li>o Quantity purchased</li> </ul> </li> <li>• Records of processed industrial hemp: <ul style="list-style-type: none"> <li>o Names and addresses of recipients</li> <li>o Quantity sold</li> </ul> </li> <li>• Food ingredients and finished products must be safe which may include: <ul style="list-style-type: none"> <li>o Lab reports</li> <li>o Certificates of analyses</li> </ul> </li> </ul> A processor must have the following: <ul style="list-style-type: none"> <li>• Food processing plant or retail food establishment license to process food</li> <li>• Documentation showing that sources of processed industrial hemp: <ul style="list-style-type: none"> <li>o Comply with Wisconsin licensing requirements or</li> <li>o Originate from a facility in compliance with its state's industrial hemp pilot program</li> </ul> </li> <li>• Food ingredients and finished products must be safe which may include: <ul style="list-style-type: none"> <li>o Lab reports</li> <li>o Certificates of analyses</li> </ul> </li> </ul> Appropriate lab reports and certificates of analyses may include test results for cannabinoids, total or pathogenic bacteria, yeasts, molds, mycotoxins, solvents, heavy metals, and pesticides. |   | No |                          |  |                            |                          |
| North Dakota |  | waiting for FDA guidance; if food products are identified we will investigate approved source including certificates of  |   | No | Waiting for FDA guidance |  |                            |                          |

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| State:         | Agency:   | How are labels written? |              | Are claims permitted? |    |
|----------------|---|-------------------------|--------------|-----------------------|----|
|                |   | Nutritional             | Supplemental | Yes                   | No |
| Arkansas       | Department of Health  |                         |              |                       |    |
| California     | Department of Public Health, Food and Drug Branch                           |                         |              |                       |    |
| Connecticut    | DCP Food, Standards & Trades  |                         |              |                       |    |
| Georgia        | Department of Agriculture   |                         |              |                       |    |
| Hawaii         | Department of Health  |                         |              |                       |    |
| Iowa           | Iowa Department of Inspections and Appeals                                  |                         |              |                       |    |
| Illinois       | Illinois Department of Public Health  |                         |              |                       |    |
| Indiana        | The Indiana State Department of Health (ISDH) Food Protection Program (FPP) |                         |              |                       |    |
| Maryland       | MDH   |                         |              |                       |    |
| Montana        | DPHHS   |                         |              |                       |    |
| Nevada         | Division of Public and Behavioral Health                                    |                         |              |                       |    |
| New Hampshire  | NH DHHS- Food Protection  |                         |              |                       |    |
| North Carolina | Department of Agriculture & Consumer Services                               |                         |              |                       |    |
| New York       | New York State Department of Agriculture and Markets                        |                         |              |                       |    |



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|----------------|---|-------------------------|--------------|-----------------------|----|
|                |   | Nutritional             | Supplemental | Yes                   | No |
| Ohio           | Ohio dept of Agriculture  |                         |              |                       |    |
| Rhode Island   | Department of Health  |                         |              |                       |    |
| South Carolina | SC Department of Health and Environmental Control -Division of Food and Lead Risk Assessments |                         |              |                       |    |
| Texas          | Texas Dept of State Health Services Consumer Protection Division                              |                         |              |                       |    |
| Utah           | Utah Department of Agriculture and Food   |                         |              |                       |    |
| Virginia       | Virginia Department of Agriculture and Consumer Services                                      |                         |              |                       |    |
| Wyoming        | Wyoming Dept. of Agriculture  |                         |              |                       |    |
| Alaska         | Department of Environmental Conservation  |                         | Supplemental |                       | No |
| Colorado       | CDPHE   | Nutritional             | Supplemental |                       | No |
| Michigan       | Michigan Department of Agriculture and Rural Development                                      |                         |              |                       | No |
| Oregon         | Department of Agriculture   | Nutritional             |              |                       | No |

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| State:       | Agency:  | How are labels written? |              | Are claims permitted? |    |
|--------------|--|-------------------------|--------------|-----------------------|----|
|              |  | Nutritional             | Supplemental | Yes                   | No |
| Connecticut  | Consumer Protection                                      | Nutritional             | Supplemental |                       | No |
| Kansas       | Department of Agriculture                                |                         | Supplemental |                       | No |
| Kentucky     | Kentucky Department for Public Health                    | Nutritional             |              |                       | No |
| ME           | DACF   |                         |              |                       |    |
| Missouri     | Department of Health and Senior Services                 |                         |              |                       | No |
| Nebraska     | Department of Agriculture                                |                         |              |                       |    |
| New Jersey   | Department of Health                                     |                         | Supplemental |                       | No |
| New Mexico   | NM Environment Department                                |                         |              |                       |    |
| Tennessee    | TDA  |                         | Supplemental |                       | No |
| Wisconsin    | Department of Agriculture, Trade and Consumer Protection | Nutritional             | Supplemental |                       | No |
| North Dakota |  |                         |              |                       | No |