

# Introduction to VDACS Office of Hemp Enforcement (OHE)



# Brief History of Hemp In Virginia

- ❖ In 2018, the US Farm Bill authorized the production of hemp and removed hemp from the Drug Enforcement Administration's schedule of controlled substances.
- ❖ Virginia then established a regulatory framework for commercial hemp products. Beginning in July 2019, VDACS began treating hemp extracts intended for human consumption as a food or food ingredient. In the 2022 legislative session additional laws and regulations were adopted that created requirements for hemp products. In July 2022, VDACS began focusing resources from the Food Safety Program on enforcing these requirements.

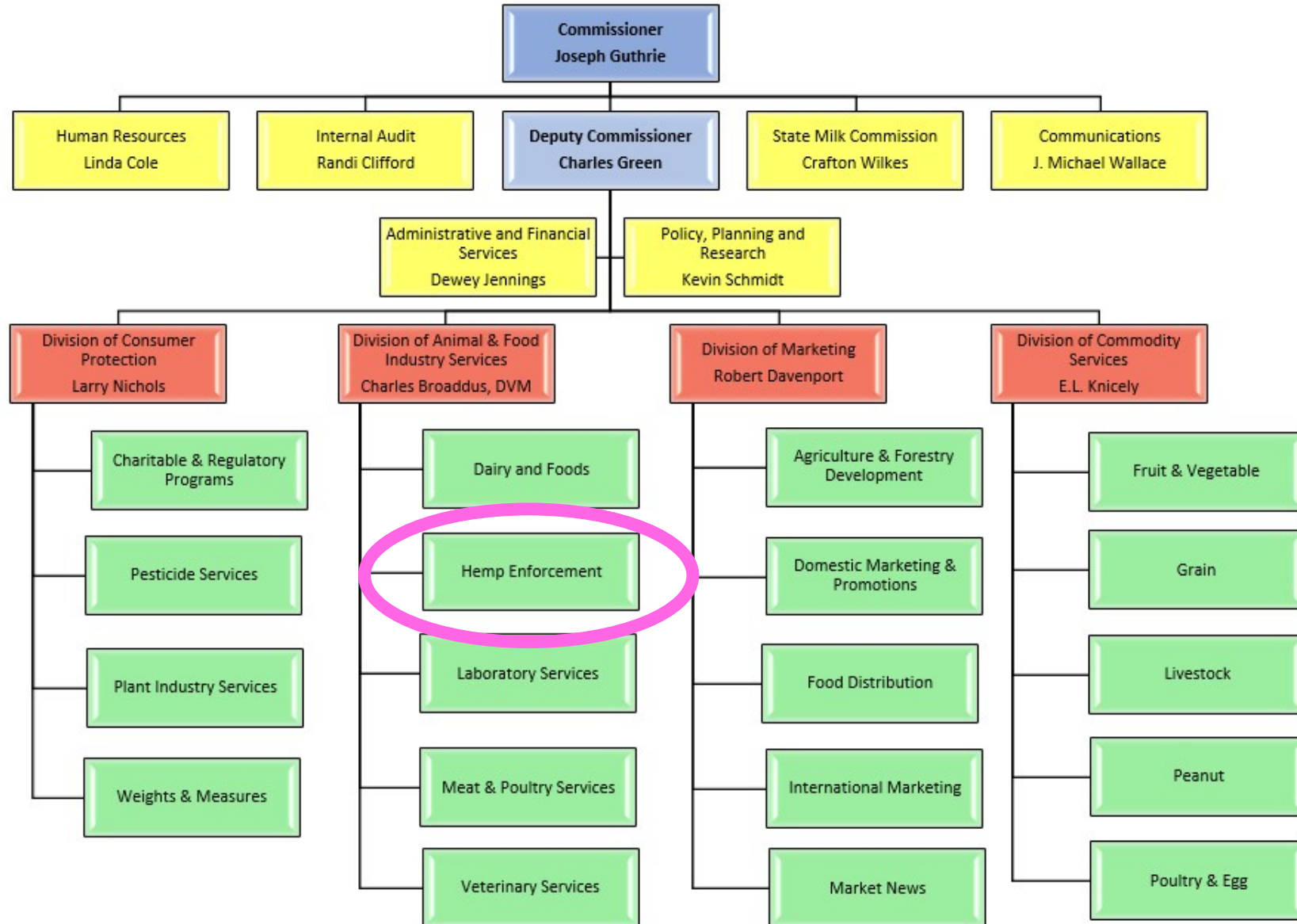
## Brief History of Hemp In Virginia cont.

- ❖ By this time, the industry had changed from making full spectrum products and ingredients that come naturally from hemp to making food products that contained cannabinoids made in the lab from CBD or THC, such as Delta 8. Additionally, many products that contained high levels of THC that mimicked candies and snacks were getting into the hands of children, and even unsuspecting adults were made sick by these products. Our ability to curb the sales of these adulterated products was limited, and calls to poison control increased while we tried to get them off the market.

# Brief History of Hemp In Virginia cont.

- ❖ In 2023, the situation had become concerning enough to Virginia lawmakers that they passed new laws to create more effective tools to discourage both manufacturers and retailers from making and selling adulterated hemp products. These tools included significant civil penalties and resources to establish a new VDACS Program, the Office of Hemp Enforcement.
- ❖ 3.2 Chapter 51 Virginia Food and Drink Law Article 5. Industrial Hemp Extract Intended for Human Consumption

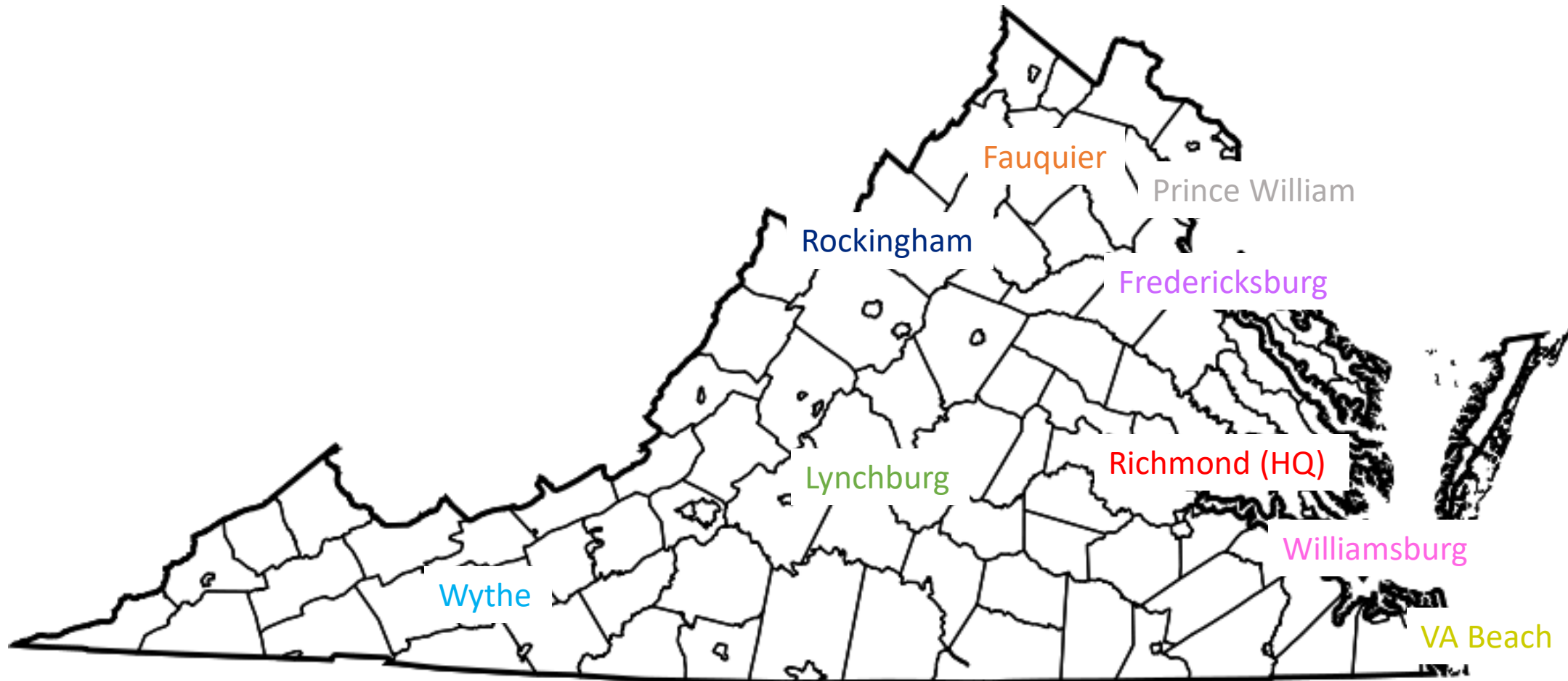
VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
ORGANIZATIONAL CHART



# OHE Staffing

- ❖ 15 total personnel
  - ❖ 8 field inspectors and 1 field inspection supervisor
    - ❖ Located in strategically selected areas of the state to allow for optimal facility coverage. Field supervisor located convenient to Richmond.
  - ❖ Richmond Office:
    - ❖ 1 program manager
    - ❖ 3 compliance officers/technical specialists and 1 compliance officer/technical specialist supervisor
    - ❖ 1 registration specialist

# OHE Staffing



# OHE Overview

## ❖ Responsibilities

❖ Ensuring the safety and legal compliance of regulated hemp products offered for sale, manufactured, and/or distributed in Virginia. These include:

❖ Edible and orally ingestible products such as gummies, cookies, candies, tinctures, and dietary supplements (pills/tablets/capsules)

❖ OHE is currently conducting Edible Hemp Product inspections throughout the Commonwealth



# Purpose of Edible Hemp Products (EHP) Inspections

The Law we are Enforcing, The Virginia Food and Drink Law, was updated July 1, 2023:

- ❖ Limits the amount of THC in food products to 2 mg of THC per package, or when there is more than 2 mg, there must be 25 mg of CBD for every 1 mg of THC.
- ❖ Every Edible Hemp Product must be accompanied by a Certificate of Analysis.
- ❖ Labeling requirements for Edible Hemp Products were added to the law.

# HEMP PRODUCT ENFORCEMENT

- ❖ “Total THC” means all of the THC in a product, including delta-8 and delta-9 THC.
- ❖ Any person that intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains an industrial hemp-derived cannabinoid must submit an Edible Hemp Products Disclosure Form.
- ❖ A VDACS Food Permit may be required to sell these products unless the retail establishment is exempt. A Food Permit is required to manufacture food products.

# HEMP PRODUCT ENFORCEMENT cont.

- ❖ Edible hemp products that contain THC must be in child-resistant packaging.
- ❖ Edible hemp products must bear a label with specific information and be accompanied by a certificate of analysis produced by an independent, ISO 17025 accredited laboratory.
- ❖ Civil penalties of up to \$10,000 per violation of the Food and Drink Law. Civil penalty matrix.

# Field Inspector Job Duties

- ❖ Evaluating and reporting on hemp products at regulated establishments to include labeling and packaging requirements
- ❖ Conducting onsite reviews and meetings
- ❖ Reviewing facility conditions and evaluating other retail food safety requirements
- ❖ Review certificates of analysis
- ❖ Conduct complaint investigations
- ❖ Review regulated hemp product retail facility registrations, hemp food safety permits, and hemp disclosure forms for assigned territory

# Purpose of Edible Hemp Products (EHP) Inspections

- ❖ Primary purpose: Enforcement of the Law.
- ❖ Assist in determining if sellers of Edible Hemp Products have taken the required steps to lawfully sell those products.
- ❖ Evaluate Edible Hemp Products offered for sale by retailers, distributors (wholesalers), and manufacturers for compliance with the requirements in the law.
- ❖ Education on the laws is not the primary focus of these inspections, however inspectors frequently educate business operators and provide resources and contact information to answer questions.

# Compliance and Technical Specialist Job Duties

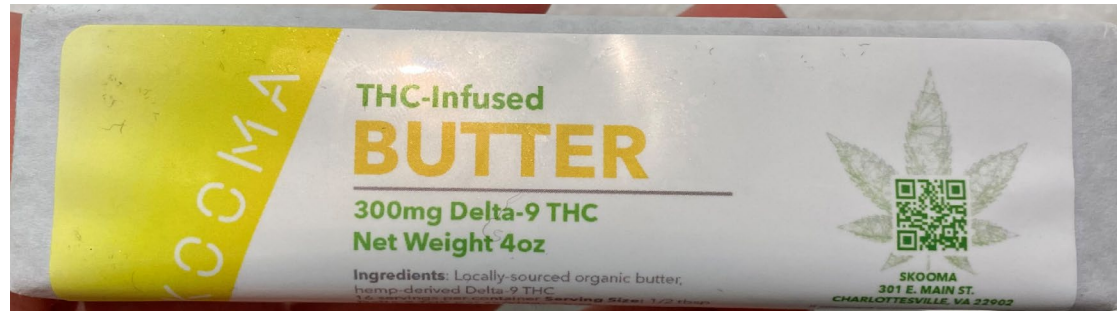
- ❖ Reviews applications
- ❖ Technical experts on the laws related to hemp products
- ❖ Handles compliance activities including sending letters and building the cases for the IFFCs

These specialists will need to understand the chemistry of hemp plant compounds and to answer questions related to hemp extracts, hemp product ingredients, hemp product labeling, and certificates of analyses.

# Non-Compliant Product Examples – High dose Synthetic THC



# Non-Compliant Product Examples – High THC (Delta 9, Non-synthetic)

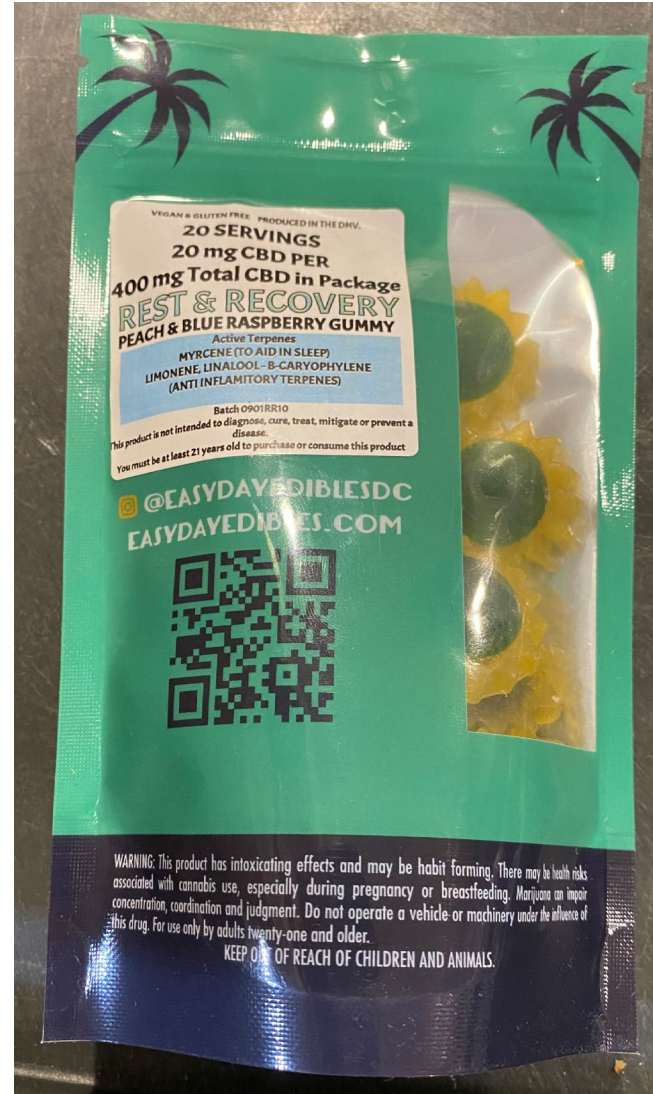




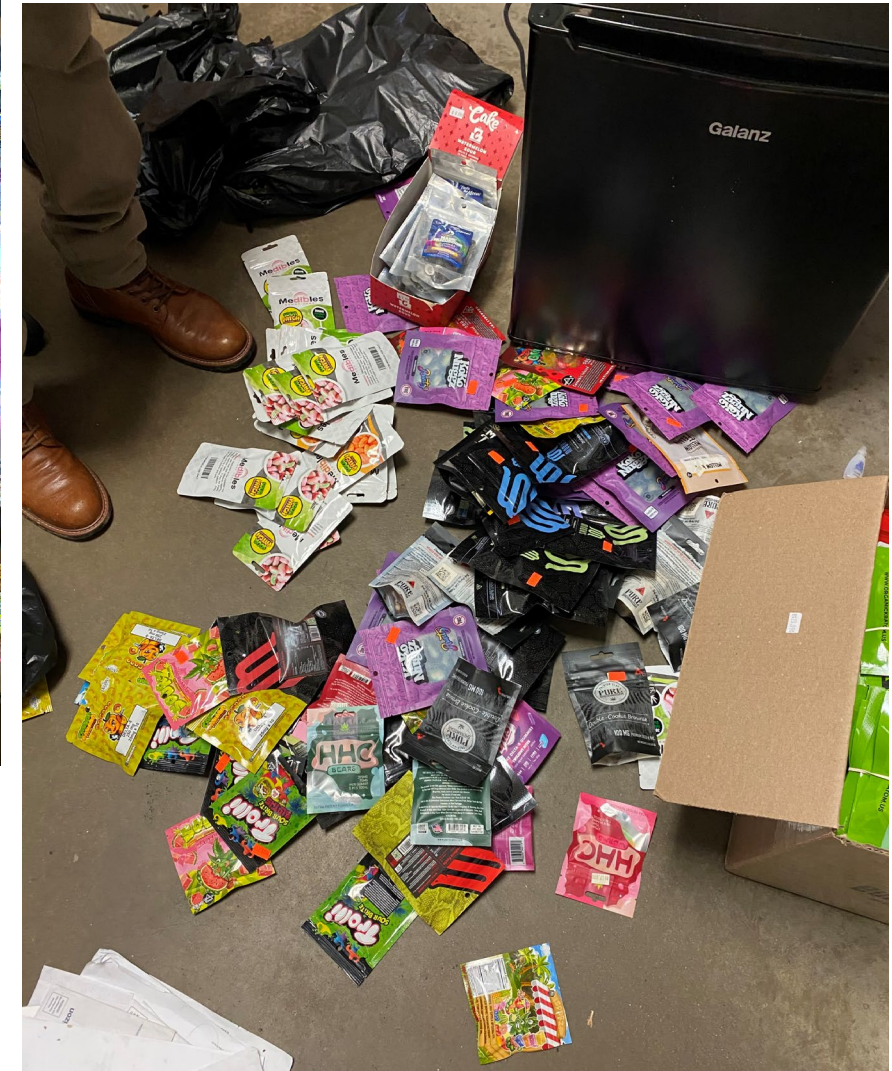
# Non-Compliant Product Examples – Fraudulent Packaging



# Non-Compliant Product Examples – No Statement of Identity



# Inspection Situations





751	Total Businesses in Inventory
641	Total EHP Disclosure Forms Received
300	Total Inspections Completed (Includes Follow-Up Inspections)
12	Total Follow-up Inspections Completed
14,871	Total Violations Accessed
\$9,406,250	Total Civil Penalty Amounts Accessed
\$2,000,300	Total Civil Penalty Amounts Invoiced (excludes post IFFC invoiced amounts)
\$1,453,825	Total Civil Penalty Amounts Invoiced, Adjusted (post IFFC, case decision issued; removes original invoiced amounts, adds post-IFFC invoiced amounts)
284	Total Civil Penalty Packages Sent (Number of businesses that have been issued Civil Penalties)
149	Total IFFCs Requested
102	Total IFFCs Completed with Case Decisions Issued
\$250,975	Total Civil Penalty Amounts Invoiced Post-IFFC
2	Total Formal Hearings Requested

\$215,250	Subtotal, Receipts from Invoices Sent with Civil Penalty Packages
\$185,175	Subtotal, Receipts from Invoices Sent with Case Decisions
\$400,425	Grand Total Receipts (Total Collected Penalties to Date)
127	Total Compliance Cases Closed
173	Total Compliance Cases Still Active
6538	Number of EHPs Reviewed for Compliance
5073	Number of EHPs in Violation of the Law
760	Number of EHPs with >0.3% Total THC
1954	Number of EHPs with > 2mg THC and Insufficient CBD to meet the 25:1 CBD to THC Ratio
1465	Number of EHPs Found to be Compliant with Law

# Contact Information

- Pam Miles-Office of Dairy of Foods Program Manager
- 80-786-0412
- [pamela.miles@vdacs.virginia.gov](mailto:pamela.miles@vdacs.virginia.gov)
- Nikeya Thomas – Office of Hemp Enforcement Program Manager
- 804-786-4724
- [Nikeya.Thomas@vdacs.virginia.gov](mailto:Nikeya.Thomas@vdacs.virginia.gov)

# Contact Information

- OHE general contacts:
  - Email: [hempenforcement@vdacs.virginia.gov](mailto:hempenforcement@vdacs.virginia.gov)
  - Phone: 804-786-1382
  - Fax: 804-371-2380

# Additional Resources

- <https://www.vdacs.virginia.gov/food-hemp-product-enforcement.shtml>