

ALLEGAN COUNTY HEALTH DEPARTMENT

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01/17

Office Administration

(269) 673-5411 Fax 269-673-4172

Bioterrorism Preparedness

673-5411

Personal Health

673-5411



Communicable Disease

673-5411

Environmental Health

673-5415

Resource Recovery

673-5415

January 25, 2019 | Cannabidiol

CBD Guidance for Food Service Establishments

With the recent passing of Proposal 1, and creation of the Michigan Regulation and Taxation of Marihuana Act there has been some interest in providing Cannabidiol (CBD) products in food service establishments. Some of these products are manufactured using industrial hemp that is low in psychoactive properties, and these products are now exempt from classification as a controlled substance, however, the use of these products as an ingredient in food at licensed establishments is currently not permissible.

The 2009 FDA Food Code states the following:

3-101.11 Food shall be safe, unadulterated, and, as specified under 3-601.12, honestly presented.

3-201.11 Food shall be obtained from sources that comply with law.

3-302.14 Food shall be protected from contamination that may result from the addition of, as specified in 3-202.12, unsafe or unapproved food or color additives.

Due to both federal and state regulations and guidance, the Allegan County Health Department cannot allow the use of CBD in food products at this time. The guidance provided to our department includes the following main points regarding the regulations of CBD in foods:

- According to the FDA, CBD is not allowable as a food or food additive in interstate commerce, regardless of whether the product is hemp derived.
- According to the Michigan Department of Agriculture and Rural Development (MDARD), there is no producer within the state of Michigan currently approved to produce CBD as a food. MDARD relies on the federal government to determine what is generally recognized as safe: Generally Recognized as Safe (GRAS).
- Approved Food Additives can be found on the FDA list of GRAS ingredients. Most recently added to this list (effective December 20, 2018) are hulled hemp seeds, hemp seed protein, and hemp seed oil. These items can now be included in human foods provided they comply with all other requirements and do not make disease treatment claims.
- Both CBD and THC are active ingredients in FDA-approved drugs, and under the FD&C Act, it is illegal to introduce drug ingredients into the food supply.
- CBD producers that are shipping products as a “dietary supplement” are in violation of FDA guidance as well. You may find products for sale in some retail settings, this does not mean that it is allowable or was distributed with approval from the FDA or MDARD.

This is an evolving area and as new information becomes available this directive may change in the future. To avoid inconvenience and often costly consequences, please seek guidance and approval from the licensing agency prior to making changes to the menu, adding new additives, changing sources of food, adding new equipment, or remodeling a food service establishment licensed for food service in Allegan County please reach out to our department to file a complaint.

Please feel free to reach out to the Allegan County Health Department at any time with questions or concerns as they arise and thank you for partnering with us to ensure safe food in Allegan County. 269-673-5411 or alleganeh@allegancounty.org

Learn more about FDA guidance in relation to CBD at :
<http://www.fda.gov/newsevents/publichealthfocus/ucm421168.htm>