



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1876

Restrictions on the use of hemp CBD as a food ingredient - August 1, 2019

Recent federal and state legislative changes regarding hemp have generated many questions about cannabinoid extracts, like CBD, and whether or not they may be used as ingredients in food products. To be clear, CBD is not currently allowed as a food ingredient, under federal and state law. Below is more information to explain what is allowed and what is not.

Hemp and the 2018 Farm Bill

The 2018 U.S. Farm Bill removed hemp (with a THC concentration of no more than 0.3 percent) from the federal Controlled Substances Act. The Farm Bill also explicitly preserved the federal Food and Drug Administration's (FDA) authority to regulate ingredients in food, including hemp and hemp extracts like CBD.

FDA has not approved CBD as a food ingredient

The FDA has approved a drug comprised of CBD as a prescription drug for treatment of specific health conditions, but has not approved CBD as an ingredient in food. Federal laws clearly prohibit adding drugs to food, except in limited circumstances defined in the law. The FDA continues to work on this issue. For more information from FDA, and to stay up to date, please check the "[FDA Regulation of Cannabis and Cannabis-Derived Products: Questions and Answers.](#)" Search for it by name on the FDA website, www.fda.gov.

Washington state hemp law

A new state law allows hemp production, consistent with the federal Farm Bill. It authorizes WSDA to regulate the processing of hemp for food products that are allowable under federal law in the same manner as it regulates other food processing. If the FDA approves food ingredient uses for hemp extracts like CBD, those uses would be allowed under state law.

Some parts of hemp can be used in food

While CBD is not allowed as a food ingredient, WSDA licensed food processors can currently use other hemp products in food, such as hulled hemp seeds, hemp seed protein powder and hemp seed oil, provided they comply with all other requirements. FDA has determined that these components are Generally Recognized as Safe (GRAS) based [on federal requirements](#). Search for "GRAS notices for hemp seed derived ingredients for use in human foods" on the FDA website, www.fda.gov.

Other parts of the hemp plant, including CBD, cannot be used as a food ingredient under a Washington State Food Processor License. Foods containing unapproved parts of the hemp plant may not be distributed in Washington State under a Washington State Food Storage Warehouse License.

Recognizing that these recent changes in law may have caused some confusion in the manufactured-food industry, WSDA has been reaching out to the industry so they can take appropriate actions, such as removing CBD ingredients from their products or discontinuing distribution of CBD-containing food products in the state. WSDA is committed to working with our food industry partners during this transition.