

Cannabinoid-Infused Product Regulation and Legislation in the United States

Examples of state statutory and regulatory provisions.

As the rise in popularity of cannabinoid-infused (CBD) products continues to rise, states are determining how to regulate them. This document provides a table outlining recent statutes and rules proposed and passed by states related to CBD products.

State	Statute, Rule, or Guidance
Florida	Department of Agriculture and Consumer Services (proposed rules) <ul style="list-style-type: none"> • Hemp abstract is adulterated if it contains contaminants (i.e. solvents, biologicals, pesticides) or THC levels greater than those listed. • Food containing hemp extract must adhere to testing and labelling requirements (e.g., those found in statute F.S. 581.217(7)), and not claim to be intended for diagnosis, cure, treatment of disease. • Prohibits hemp extract from being used in foods produced and sold under state’s cottage food laws.
Louisiana	Louisiana statute (HB 491) <ul style="list-style-type: none"> • Requires any CBD product made or sold in Louisiana is registered with the state health agency and adheres to testing and labeling requirements. • Prohibits the production and sale of food or beverages containing CBD. • Allows for production and sale of "industrial hemp-derived CBD products" within definition. • Products are to be registered with the state health agency. • CBD retailers must obtain a permit from the state’s office of alcohol and tobacco control. • Prohibits the use of CBD in the production of low-risk foods (i.e. cottage foods). Louisiana Department of Health (emergency rules) <ul style="list-style-type: none"> • Will provide a list of registered products to the state’s alcohol and tobacco control office, law enforcement, and other appropriate entities. • Issued emergency rules for registration, labelling, and laboratory analysis of CBD products. • Developed an informational webpage for Industrial-Hemp-Derived CBD Products. Louisiana Office of Alcohol and Tobacco Control (emergency rules) <ul style="list-style-type: none"> • Issued emergency rules for permitting CBD retailers in September 2019.
Maine	Maine statute (LD 1749) <ul style="list-style-type: none"> • Allows production and sale of food containing hemp or CBD derived from hemp, if it meets certain labelling or signage requirements. State agencies conducting food inspections (guidance) <ul style="list-style-type: none"> • Guidelines for enforcing the new requirements were developed for state agency inspectors.
New Mexico	New Mexico Environment Department (emergency rules) <ul style="list-style-type: none"> • Issued emergency rules for hemp extraction, production, transportation, warehousing, and testing. • Rules include permit requirements for hemp product manufacturers and testing and labelling requirements for “hemp finished products”. • Defines “hemp finished products” and includes CBD in “hemp extracts”.
Nevada	Nevada statute (AB533 and SB209) <ul style="list-style-type: none"> • Allow the sale of properly tested and labeled hemp and CBD-containing products intended for

	<p>human consumption within the statutory definition.</p> <ul style="list-style-type: none"> • Directs the state health agency to develop rules for testing and labelling of CBD-containing products.
Ohio	<p>Ohio Department of Agriculture (proposed rules)</p> <ul style="list-style-type: none"> • Defines “hemp product”. • Establish processing license requirements for hemp products. • Requires processors comply with food safety regulations. • Allow the use of out-of-state hemp and extracted cannabinoids. • Sets out laboratory testing and labelling requirements.
Oregon	<p>Oregon Department of Agriculture (final rules)</p> <ul style="list-style-type: none"> • Adopted final rules for growing, handling, retail sales, and testing of industrial hemp products. • Sets out requirements for retail sale of industrial hemp products intended for human consumption and testing.
Texas	<p>Texas statute (HB 1325)</p> <ul style="list-style-type: none"> • Sets out allowances and restrictions for consumable “hemp products” as defined in the bill. • Manufacturers of consumable hemp products must be licensed by the state health agency. • Sets out laboratory testing, packaging, and labelling, and registration requirements. • Allows for retail sale of out-of-state products if laws under which products are tested are in accordance with or similar to Texas requirements. <p>Texas Health and Human Services</p> <ul style="list-style-type: none"> • Is currently gathering public comment on future rules.
Utah	<p>Utah statute (Utah Code Annotated § 4-41-402)</p> <ul style="list-style-type: none"> • Requires that cannabinoid products intended for human consumption must be registered with and determined safe by state’s agriculture agency. <p>Utah Department of Agriculture and Food</p> <ul style="list-style-type: none"> • Testing requirements and contaminant limits for “cannabinoid products” (proposed rules). • Product registration, labelling, and retailer responsibility (final rules).
Vermont	<p>Vermont Agency of Agriculture (proposed rules)</p> <ul style="list-style-type: none"> • Submitted proposed rules for “hemp-infused products” including cosmetics, personal care products, food intended for human or animal consumption, and other products containing hemp-derived CBD. • Sets out processor registration, testing, and labelling requirements.
West Virginia	<p>West Virginia Department of Agriculture (proposed rules)</p> <ul style="list-style-type: none"> • Submitted proposed rules for hemp products, including edibles and drinks intended for human consumption. • Requires annual registration of all hemp products and extracts with a registration fee of \$200 for each product; exclusive of fiber and paper products. • Additionally, requires retailers to register with the agency and submit a registration fee. • Sets out testing and labelling requirements as well as enforcement provisions.