

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.