



HEMP IN FOOD

HEMP EXTRACT AS AN INGREDIENT IN FOOD AND BEVERAGE PRODUCTS INTENDED FOR HUMAN CONSUMPTION

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HEMP IN FOOD

- What is hemp?
- Regulatory background
- Virginia Food and Drink Law
 - Hemp Regulation
- Hemp Extracts
- Labeling

CANNABIS SATIVA

Industrial Hemp

- Not more than 0.3% total delta-9 THC
- Grain, fiber, and flower cultivars
- Grown for its stalk or seed for use in textiles, foods, papers, body care products, plastics, building materials
- Flowers grown for cannabinoids for use in nutraceuticals, supplements (e.g. CBD, CBG)

Marijuana

- Over 0.3% total delta-9 THC (by law)
- Cultivars intended for medicinal or recreational use
- Grown for its flowering tops

FOOD SAFETY-RELATED LAWS AND REGULATIONS

- Approved food additive
 - FDA Generally Recognized as Safe (GRAS): Hulled hemp seeds, hemp seed protein, and hemp seed oil
- Approved Source
 - Under inspection by the respective state food safety regulatory authority

BACKGROUND

- **2018 Farm Bill**
 - Established a new definition of “hemp” and removed “hemp” from the definition of “marijuana” in the federal Controlled Substances Act
 - Established a regulatory framework for the commercial production of hemp
- **Northam Administrative directive to VDACS, July 2019**
 - Treat hemp-derived extracts intended for human consumption as approved food ingredients
- **House Bill 1430 and Senate Bill 918, April 2020**
 - Added Article 5, Industrial Hemp Extracts Intended for Human Consumption, to Virginia Food and Drink Law
 - Authorized the Board of Agriculture to adopt regulations for the enforcement of Article 5
- **Regulations for the enforcement of Article 5, August 2022**
 - 2VAC5-595 Regulations Governing the Manufacturing and Sale of Products that Contain Industrial Hemp Extracts Intended for Human Consumption

HEMP REGULATION (2VAC5-595)

- “Approved Source” – a manufacturer of an industrial hemp extract or food containing an industrial hemp extract that operates (i) under inspection by the responsible food regulatory agency in the location in which such manufacturing occurs and (ii) in compliance with the laws, regulations, or criteria that pertain to the manufacturer of an industrial hemp extract or food containing an industrial hemp extract in the location in which such manufacturing occurs.
- Inspections required
 - Extract manufacturers
 - Hemp product manufacturers
 - Retail sale of hemp extracts and hemp products
 - No exemptions can be claimed

HEMP REGULATION (2VAC5-595)

- “Industrial Hemp Extract” - an extract (i) of a Cannabis sativa plant that has a concentration of tetrahydrocannabinol that is no greater than that allowed for hemp by federal law and (ii) that is intended for human consumption.
 - By law, not more than 0.3% total delta-9 THC
- “Extract” – a naturally occurring phytochemical produced by the industrial hemp plant that has been removed from the inert structural material of the plant.
 - Synthetic products, such as delta-8 THC and delta-10 THC are not recognized as an “approved source” in Virginia because they do not meet the definition of an “extract” under the regulation.
 - It is a violation of the Food and Drink Law to manufacture or sell any food product containing a cannabinoid that is not an “industrial hemp extract.”

HEMP EXTRACTS

- Cannabinoids are the naturally-occurring, biologically active, chemical constituents of *Cannabis sativa*
 - Cannabidiol (CBD), Cannabigerol (CBG), Cannabinol (CBN), and delta-9 Tetrahydrocannabinol (delta-9 THC)
- Cannabinoids are extracted from the flower of the industrial hemp plant that was grown in compliance with federal or state law
- Extract shall have no more than 0.3% THC
- Specific standards and batch testing requirements for microbiological content, mycotoxin content, heavy metal content, residual solvent content, pesticide chemical residue, total delta-9 THC
 - Cannabinoid content if the extract is labeled as having any amount of a cannabinoid

CANNABINOIDS

Name	Other Name(s)	Found in Hemp Plant?	Artificially Created from CBD or Delta 9 THC	Notes
CBGA	Cannabigerol acid	YES	NO	CBGA is the precursor cannabinoid found in the cannabis plants that is transformed into THCA, CBDA and CBCA and CBG.
CBG	Cannabigerol	YES	NO	The neutral form of CBGA; non-intoxicating.
CBDA	Cannabidiol acid	YES	NO	Acid form of CBD. CBDA converts to CBD with application of heat or time.
CBD	Cannabidiol	YES	NO	Non-intoxicating. This major cannabinoid was approved by the FDA for use in the drug EPIDIOLEX, a prescription CBD used to treat seizures.
THCA		YES	NO	Acid form of THC. THCA converts to THC with application of heat or time.
Delta 9 THC	Δ 9-THC, THC, Total THC, Tetrahydrocannabinol	YES	YES	Delta 9 THC is the primary intoxicating cannabinoid found naturally in the Cannabis plant. Cannabis plants containing 0.3% Delta 9 THC or less are "Industrial Hemp"; Cannabis plants containing greater than 0.3% Delta 9 THC are "Marijuana". Delta 9 THC can be lab-made by the same chemical reactions used to make Delta 8 THC.
THCV	Tetrahydrocannabivarin	YES	NO	Naturally extracted from the plant; not lab made. Mildly intoxicating.
CBN	Cannabinol	YES	YES	CBN forms when THC degrades due to exposure to heat, air and/or light, and is found in higher amounts in aged plant material. CBN is non-intoxicating. Large-scale production of CBN for use in products may use solvents and precious metal catalysts to speed up the oxidation of THC.

HEMP EXTRACT & HEMP PRODUCT LABELING

- General requirements for all products:
 - 21 CFR 101 Food Labeling
 - Batch code
 - Cannabinoid declaration must include the number of milligrams of such cannabinoid
 - No drug claims (diagnosis, cure, mitigation, treatment, or prevention of disease)
- Additional requirements for products that contain THC in any amount:
 - A statement that the product may not be sold to a person younger than 21 years of age
 - The amount that constitutes a single serving
 - The number of milligrams of THC that are contained in each serving
 - The total percentage and total milligrams of THC in the product

THC content information:

- Amount that makes up a single serving
- mg of THC per serving
- Total mg of THC
- Total percent of THC

Milligrams of cannabinoid are declared.

Full Spectrum Hemp Extract

500mg CBD

Serving size: 1 mL | 2mg THC per serving | 60mg total THC | 0.20% total THC

Ingredients: Hemp Seed Oil, Fractionated Coconut Oil, Full Spectrum Hemp Extract.

**Grassy Fields Hemp Company LLC
14740 Country Road
Somewhere, VA 24019**

Batch code

Batch: 029

1 fl oz (30 ml)

May not be sold to persons younger than 21.

Age restriction statement

VIRGINIA CONSUMER PROTECTION ACT (VCPA)

- New provisions for inhaled products and products consumable by mouth that contain THC:
 - No sales of products to persons younger than 21
 - Products must be labeled as required by the VCPA
 - Products must be in child-proof packaging
 - Products may not be packaged in a package that mimics a trademarked brand or other famous identifying mark
 - Products may not depict or be in the shape of a human, animal, vehicle, or fruit





QUESTIONS?

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