

Hemp Products

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Current rules for:

- ❖ Hemp products intended for smoking
- ❖ Topical hemp products
- ❖ Hemp plants
- ❖ Hemp in animal products

Pending hemp product legislation

(2023 Session of the General Assembly)

Hemp products intended for smoking

Distribution and packaging requirements

- Va. Code § 18.2-371.2 (Criminal Code)
 - Prohibits sales to individual under 21 years of age
 - Requires sealed packages and posted sign that sale to person under 21 is prohibited
- Law enforcement and VA Alcoholic Beverage Control agents have authority to issue summons for violations of this section

Substance that contains THC that is intended for consumption by inhalation

Distribution, packaging, and labeling requirements

- Va. Code § 59.1-200 (Virginia Consumer Protection Act)
- Office of the Attorney General has authority to pursue violations by businesses that sell in violation of this section

Substance that contains THC that is intended for consumption by inhalation

- Child-resistant packaging
- Equipped with a label that states, in English and in a font no less than 1/16 of an inch:
 - That the substance contains THC and may not be sold to persons younger than 21 years of age
 - All ingredients contained in the substance
 - The amount of such substance that constitutes a single serving
 - The total percentage and milligrams of THC included in the substance and the number of milligrams of THC that are contained in each serving

Substance that contains THC that is intended for consumption by inhalation

- Accompanied by a certificate of analysis that is produced by an independent laboratory accredited to ISO 17025 and that states the THC concentration of the substance or the THC concentration of the batch from which the substance originates
- No packaging that has a trademark or famous mark that you are not authorized to use

Topical hemp products

- “Cosmetics” are regulated by the U.S. Food and Drug Administration
- <https://www.fda.gov/cosmetics>

Hemp plants

- To buy or sell, you must have an Industrial Hemp Grower Registration

Hemp planting seed

- To sell, you must have an Industrial Hemp Grower Registration and a Seed Dealer License
- To buy, you must have an Industrial Hemp Grower Registration

Animal feed

- Single commodities, complete feeds, feed ingredients, treats, nutritional supplements
- May not contain hemp-derived ingredients, including CBD

Animal remedies

- Intended to affect the animal other than nutritionally
- Any product that includes a part of the Cannabis plant is exempt from registration under the Virginia Animal Remedies Law

Questions?

VDACS Office of Plant Industry Services, Agricultural Commodities Program

<https://www.vdacs.virginia.gov/plant-industry-services.shtml>

Pending Hemp Product Legislation (2023)

(Currently under review by the Governor)

Establishes new THC caps for (i) hemp products and (ii) industrial hemp extracts intended for human consumption

- May not exceed 0.3 percent total THC (natural or synthetic)
and
- May not have more than two milligrams of total THC per package

Pending Hemp Product Legislation (2023)

(Currently under review by the Governor)

Establishes new Food and Drink Law labeling and packaging requirements for an industrial hemp extract or food containing an industrial hemp extract

- Child-resistant packaging
- When offered for sale, must be accompanied by a certificate of analysis (COA) that is produced by an independent lab that is ISO accredited and registered with the U.S. Drug Enforcement Administration. COA must state the total THC concentration of the substance or the total THC concentration of the batch from which the substance originates. Retailer must have a copy of the testing lab's certificate of accreditation to the ISO standard.

Establishes new Food and Drink Law penalties for certain violations

- Up to \$10,000 for each day a violation occurs
- Class 1 misdemeanor

Pending Hemp Product Legislation (2023)

(Currently under review by the Governor)

Virginia Consumer Protection Act amendments

- Prohibits the sale or offering for sale of a substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of THC
- Requires that laboratories that test hemp products that are consumed orally or by inhalation have a DEA registration
- Prohibits the sale of a topical hemp product that does not contain a bittering agent, does not include a label stating that the product is not intended for human consumption, or has a total THC concentration that is greater than 0.3%. Exempts topical hemp products from the two-mg THC limit. Allows for the sale of a topical hemp product that was manufactured prior to July 1, 2023, provided that the seller provides documentation of the date of manufacture if requested.

Pending Hemp Product Legislation (2023)

(Currently under review by the Governor)

- VDACS will communicate all new requirements to regulants once final.
- Signed legislation becomes effective July 1, 2023.

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