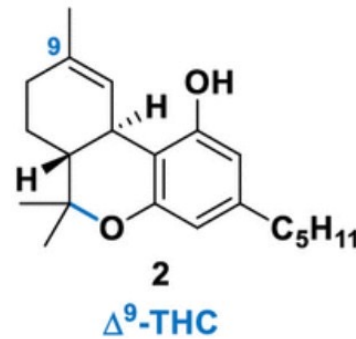
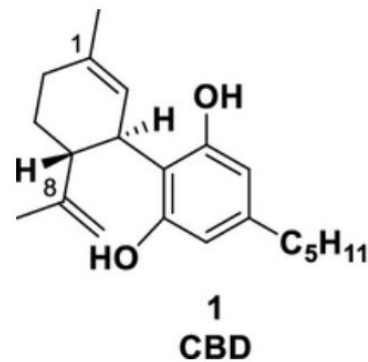


VDACS Office of Hemp Enforcement -Regulated Hemp Products-



The 2018 USDA Farm Bill

- The Agriculture Improvement Act of 2018 (the 2018 Farm Bill) authorized the production of hemp and removed hemp from the Drug Enforcement Administration's schedule of Controlled Substances.
- A regulatory framework for the commercial production of hemp was established.
- In July 2019, the VDACS Food Safety Program was told to treat hemp extracts intended for human consumption as a food or food ingredient.
- In 2020, a new section of law was added to the Virginia Food and Drink law (Code of Virginia, Title 3.2, Chapter 51) that declared hemp extract a legal food or food ingredient in Virginia and outlined basic requirements for hemp extract when used in food.

The 2018 USDA Farm Bill

- In 2022, regulations governing the manufacturing and sale of products that contain hemp extract and that are intended for human consumption were put into place. The regulations provided further details on requirements for hemp extracts used in food.
- In 2023, the laws for products containing hemp extract and/or substances derived from hemp were changed significantly. The changes in law were prompted by the presence in Virginia retail stores of large numbers of highly intoxicating products from unknown or unapproved sources that mimicked candies and snacks typically consumed by children.

Cannabis sativa



Industrial hemp and marijuana are both ***Cannabis sativa***.

The distinction between hemp and marijuana is by law related to the concentration of Tetrahydrocannabinol (THC) in the plant material.

- ❖ Hemp – Less than 0.3% THC by dry weight
- ❖ Marijuana – greater than 0.3% THC by dry weight

Note: Virginia laws enacted in July 2023 added new requirements for products to meet to be considered “hemp”. This expanded the number of products on the market that are NOT hemp and therefore are marijuana by Virginia law.

Amendments to the Code of Virginia that took effect on July 1, 2023

Total THC means all the THC in a product (Delta 9 THC + all isomers) + potential THC in THCA. The weights of all THC cannabinoids added together may not exceed 0.3% Total THC.

Any person that intends to manufacture or sell a substance intended to be consumed orally that contains a hemp-derived cannabinoid must submit an **Edible Hemp Products Disclosure Form**.

A **Food Permit** may be required to sell these products unless the business is exempt from routine food safety inspections by meeting certain criteria in law for being exempt. **If criteria for being exempt are met, a retailer must submit the Exemption from Inspection form to VDACS.**

Amendments to the Code of Virginia that took effect on July 1, 2023

A Food Permit is required to manufacture food products containing hemp extract.

A Food Permit is also required to wholesale food products.

**Civil penalties - up to \$10,000 per violation
of the Virginia Food and Drink Law**

Amendments to the Code of Virginia that took effect on July 1, 2023

Requirements that an edible hemp product must meet to avoid Civil Penalties:

The product must be from an Approved Source. “Approved Source” means:

- The product manufacturer is inspected by the regulatory agency responsible for food safety inspections in the state where the product is made.
- The product containing CBD/hemp extract is compliant with the state’s requirements for food products containing hemp extract.
 - If the state does not recognize CBD/hemp extract as a lawful food ingredient, then the product cannot be compliant with that state’s law.
 - A third party GMP audit is not a substitute for state regulatory inspection.

Amendments to the Code of Virginia that took effect on July 1, 2023

Requirements that an edible hemp product must meet to avoid Civil Penalties:

The product must be accompanied by a Certificate of Analysis (COA) from an ISO 17025 accredited lab. A QR code is acceptable if it leads to the COA.

The product must not contain a total THC concentration greater than 0.3%.

- Total THC includes all THC isomers, plus adjusted weight of THCA, added together.

The product must not contain synthetic cannabinoids (HHC, THCP, THCO, THCH, CBDP, THCJD and others).

Amendments to the Code of Virginia that took effect on July 1, 2023

Requirements that an edible hemp product must meet to avoid Civil Penalties:

The product must contain no more than 2 mg THC per package OR if more than 2 mg, a CBD to THC ratio of 25:1.

If the product contains THC, the packaging must be child resistant and resealable if more than one serving.

No person shall offer for sale or sell a regulated hemp product that depicts or is in the shape of a human, animal, vehicle, or fruit.

Hemp derived ingredients must meet the definition of “Extract” given in 2VAC5-595-10 (the definition excludes THCs other than Delta 9 THC; however, CBN and THCV are allowed).

Amendments to the Code of Virginia that took effect on July 1, 2023

Requirements that an edible hemp product must meet to avoid Civil Penalties:

Statement of identity must be on the Principal Display Panel (PDP) and adequately describe the product.

Statement of Net Quantity of Contents (US Customary and Metric measures) must be present and on the PDP.

The label must state the amount of food in a single serving (amount must be in weight or volume; a number count without a measure is not sufficient).

Statement of Ingredients – all ingredients, including the sub-ingredients of any ingredient made of two or more substances, must be listed on the label.

If the product contains Allergens, they must be declared on the label.

Amendments to the Code of Virginia that took effect on July 1, 2023

Requirements that an edible hemp product must meet to avoid Civil Penalties:

Name and Address of the Manufacturer or Distributor must be on the label (a website is not sufficient).

If the product is labeled as containing specific cannabinoids, the number of milligrams of each cannabinoid must be declared.

A legible Batch Code must be on the product label/package.

The label must not contain a claim indicating the product is intended for diagnosis, cure, mitigation, treatment, or prevention of disease.

The packaging/labeling of a regulated hemp product must not bear any significant likeness to another manufacturer's product.

Amendments to the Code of Virginia that took effect on July 1, 2023

Requirements that an edible hemp product must meet to avoid Civil Penalties:

If the product contains THC, there must be an age restriction statement (May not be sold to persons younger than 21).

If the product contains THC, the label must state the number of milligrams of THC in each serving.

If the product contains THC, the label must state the total milligrams of THC included in the package.

If the product contains THC, the label must state the total percentage of THC in the product (“<0.3% THC” does not meet this requirement).

Topical Products Containing Hemp Extract

Virginia Consumer Protection Act prohibition on the sale of a topical hemp product that does not include a label stating that the product is not intended for human consumption.

VDACS Office of Hemp Enforcement

Responsible for ensuring the safety and legal compliance of Regulated Hemp Products offered for sale, manufactured, and/or distributed in Virginia.

- Edible Hemp Products - orally ingestible products such as gummies, cookies, candies, tinctures, and dietary supplement.
 - OHE is currently conducting Edible Hemp Product inspections throughout the Commonwealth
- Inhalable products, such as vapes and smokable flower.
 - Inspections for these products will begin at a later date.

Purpose of Edible Hemp Products (EHP) Inspections

- ❖ Primary purpose: Enforcement of the Law.
- ❖ Assist in determining if sellers of Edible Hemp Products have taken the required steps to lawfully sell those products.
- ❖ Evaluate Edible Hemp Products offered for sale by retailers, distributors (wholesalers), and manufacturers for compliance with the requirements in the law.
- ❖ Education on the laws - inspectors will provide resources and contact information to answer questions.

Contact Information

- OHE general contacts:
 - Email: hempenforcement@vdacs.virginia.gov
 - Phone: 804-786-1382
- Lisa Ramsey, Interim Program Manager:
 - Work cell number 540-521-2752
 - Email: Lisa.Ramsey@vdacs.virginia.gov

Contact Information

- VDACS Industrial Hemp Program

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

- hemp@vdacs.virginia.gov

- 804.786.1241

Additional Resources

VDACS Office of Hemp Enforcement web page

<https://www.vdacs.virginia.gov/food-hemp-product-enforcement.shtml>

- <https://www.vdacs.virginia.gov/pdf/hemp-product-legislation-letter.pdf>

AFDO Cannabis Synthetics 101

- <https://www.youtube.com/watch?v=tH9a0CoOS0I&t=3s>
- https://www.afdo.org/wp-content/uploads/2023/10/231012_AFDO_Synthetics-Webinar-101_Combined.pdf

Questions

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