



# CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
BUREAU OF ENVIRONMENTAL HEALTH



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## **CBD IN RETAIL FOOD AND ADDITIVES, PET FOOD, AND DIETARY SUPPLEMENTS**

The City of Long Beach has received numerous inquiries from retail food processors, markets, health food stores, pet food stores, and others who are interested in using *industrial hemp-derived* cannabidiol (CBD) in non-cannabis products (retail food, beverages, dietary supplements, pet food, etc). Since the passage of the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) in 2017, there has been some confusion on the legal use of CBD and CBD oil in retail food and other non-cannabis products in California.

Food products containing *legal* cannabis are excluded from the retail food laws, as they are defined as “cannabis edibles” (not food) and licensed under separate laws and permitting structures. This Informational Bulletin will address some of the questions regarding CBD use in retail food facilities, health food stores, and pet stores.

### **CBD in Retail Food and Pet Food:**

The California Health and Safety Code (CalCode) addresses food sales at the retail level and is enforced by the local health officer. In the City of Long Beach, the enforcement agency is the Long Beach Health Department’s Bureau of Environmental Health. When addressing approved foods and approved food additives, CalCode defers to the United States Food and Drug Administration (FDA).

The FDA has concluded that CBD is prohibited as an additive or food regardless of the source of the CBD. This includes *Hemp*-derived products. *Hemp*-derived products are not approved for food nor are they Generally Recognized as Safe by the FDA. Under no circumstances should CBD be added to any consumable product by a licensed food facility. In addition to food and additives in retail food facilities, this FDA ruling also prohibits CBD as an additive in pet food.

For more information, see the *FAQ on Industrial Hemp and Cannabidiol (CBD) in Food Products* from the California Department of Public Health Food and Drug Branch (CDPH-FDB)

<https://www.cdph.ca.gov/Programs/CEH/DFDCS/Pages/FDBPrograms/FoodSafetyProgram/RetailFoodProgram.aspx>

### **Dietary Supplements:**

The FDA has asserted products containing CBD cannot be sold as dietary supplements. Based on available evidence, the FDA has concluded that THC and CBD product are excluded from the dietary supplement definition. In addition, the FDA has also determined it is not legal to sell in interstate commerce any food to which CBD has been added. For more information on the FDA's ruled regarding CBD in dietary supplements see the FDA website at:

[https://www.fda.gov/newsevents/publichealthfocus/ucm421168.htm#dietary\\_supplements](https://www.fda.gov/newsevents/publichealthfocus/ucm421168.htm#dietary_supplements)

### **Enforcement:**

The Health Department's Bureau of Environmental Health, which is responsible for regulating retail food, including processors, restaurants, markets, farmer's markets, bakeries, food trucks, etc. will take enforcement action when it receives complaints or observes violations of the CalCode during routine inspections. In addition, referrals to the FDA and/or CDPH-FDB will be made for substantiated complaints concerning dietary supplements and pet food.

### **Conclusion:**

As California's Retail Food Law defers to the FDA for approved food additives and foods, until the FDA rules that industrial hemp-derived CBD oil and CBD products can be used as a food or California makes a determination that they are safe to use for human and animal consumption, CBD products are not an approved food, food ingredient, including pet food, food additive or dietary supplement.