

INDUSTRIAL HEMP DERIVED PRODUCTS—Frequently Asked Questions

1. WHAT PRODUCTS AM I ALLOWED TO MANUFACTURE, PACK, AND HOLD IN CALIFORNIA WITH AN INDUSTRIAL HEMP ENROLLMENT AND OVERSIGHT (IHEO) AUTHORIZATION?

- Shelf-stable food (e.g., baked goods, candy, confections, dried mixes, etc.)
- Dietary supplements taken by mouth (e.g., botanical, herbs, powders, amino acids, etc.)
- Cosmetics (e.g., lotions, balms, makeup, salves, cleansers, etc.)
- Pet food (e.g., food for animals NOT including livestock)
- Beverages
- Inhalers, ONLY for out-of-state sales
- Raw hemp extract

2. MAY I MAKE INDUSTRIAL HEMP PRODUCTS FROM MY HOME?

No. Industrial Hemp (IH) products must be made at a suitable, commercial location.

3. WILL AN IHEO AUTHORIZATION ALLOW ME TO PROCESS OR SELL RECREATIONAL OR ADULT-USE MARIJUANA?

No. This is not a license to sell cannabis. The Industrial Hemp Compliance program only regulates products derived from industrial hemp.

4. I AM REGISTERED WITH THE DEPARTMENT OF CANNABIS CONTROL (DCC) TO MAKE CANNABIS EDIBLES. MAY I ALSO MAKE INDUSTRIAL HEMP EDIBLES AT MY FACILITY UNDER THE AUTHORITY GRANTED IN AB 45?

No. At this time, industrial hemp food and cosmetic products may not be made at facility which also manufactures cannabis products.

5. DO I NEED AN IHEO AUTHORIZATION TO SELL INDUSTRIAL HEMP PRODUCTS AT MY STORE (E.G. GROCERY STORE, MARKETS, ETC.?)

No. An IHEO is required for manufacturers of Industrial Hemp (IH) products and IH extracts. Retailers subject to the California Retail Food Code must ensure they obtain their packaged IH products from CDPH licensed sources. All IH products sold in stores must remain unopened and in their original IH Manufacturer package.

6. I OPERATE A CAFÉ /RESTAURANT. MAY I ADD INDUSTRIAL HEMP (IH) EXTRACTS (E.G. CBD) TO THE FOOD AND BEVERAGES I ADVERTISE ON MY MENU?

No. The law requires all IH products to be prepackaged and shelf stable. Manufacturing IH products at retail cafés and restaurant is not allowed.

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Food facility operators may supply IH products separately if they are in their original package from the IH Manufacturer.

7. WHAT IS THE DIFFERENCE BETWEEN MARIJUANA (TERMED “CANNABIS” IN CALIFORNIA LAW) AND INDUSTRIAL HEMP?

Industrial Hemp and marijuana are both *Cannabis sativa* L. However, they are differentiated by their variety of *Cannabis sativa* and their varying levels of cannabinoid composition. Marijuana contains tetrahydrocannabinol (THC), including, but not limited to Delta-8-tetrahydrocannabinol, Delta-9-tetrahydrocannabinol, and Delta-10-tetrahydrocannabinol, that has a psychoactive effect on the user. Marijuana may have greater than 0.3% THC. On the other hand, industrial hemp must have 0.3% or less THC and has no psychoactive impact.

8. WHAT ARE THE CURRENT REQUIREMENTS TO MANUFACTURE AND SELL INDUSTRIAL HEMP PRODUCTS IN CALIFORNIA?

You must meet these requirements to sell in California:

- Possess a license or registration for your specific commodity (such as Processed Food Registration).
- Obtain an IHEO authorization for each commodity
- Comply with California law and federal law including but not limited to California Food and Agriculture (CDFA) law; California Department of Public Health (CDPH) law, such as the Sherman Food, Drug and Cosmetic Law; and the 2018 Farm Bill.
- Currently, inhaler industrial hemp products may not be sold in California
- Hemp products must be sold in unopened original packaging

9. THE LABELS I CURRENTLY USE FOR MY INDUSTRIAL HEMP PRODUCTS DO NOT CONTAIN ALL REQUIRED ELEMENTS OUTLINED IN AB 45. MAY I CONTINUE TO USE MY OLD LABELS UNTIL I RUN OUT?

Existing labeling requirements applicable to specific commodities must be followed. Food product labels must comply with Title 21, CFR part 101-Food Labelling. Required information on food labels include a statement of identity, ingredient list in descending order of predominance by weight, net quantity of product in the package, an address for the responsible party and a nutrition facts panel, when applicable.

New labeling requirements established pursuant to AB 45 for food and cosmetic products which contain industrial hemp (e.g., batch numbering, scannable QR code, cannabinoid concentration, warning statements, etc.) must be in place by January 7, 2022.

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10. WHAT IS INDUSTRIAL HEMP (IH)?

“Industrial Hemp” means an agricultural product, whether growing or not, that is limited to type of the plant *Cannabis sativa* L. and any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis. “Industrial hemp” does not include cannabinoids produced through chemical synthesis.

11. WHAT ARE SOME USES OF INDUSTRIAL HEMP?

Industrial hemp has many potential uses including paper, ropes, linens and textiles for clothing and shoes, bioplastic alternatives to automotive and construction fiberglass, painting oils, soaps, nutritional supplementation, seed milk and chemical extracts such as cannabidiol (CBD).

12. WHAT IS AN “INDUSTRIAL HEMP PRODUCT”?

It is a finished product (e.g., cosmetic, food, food additive, pet food dietary supplement, beverage, or herb) that is fit for human or animal consumption and contains industrial hemp. The finished product cannot include tetrahydrocannabinol (THC) isolate as an added ingredient.

13. WHAT IS “RAW HEMP PRODUCT”?

It is a product that is derived from industrial hemp that is intended to be included in a food, beverage, pet food, dietary supplement, or cosmetic.

14. WHO IS THE REGULATORY AUTHORITY FOR INDUSTRIAL HEMP PRODUCTS INTENDED FOR HUMAN CONSUMPTION OR FOR PET FOOD?

The California Department of Public Health (CDPH) has regulatory authority over industrial hemp PRODUCTS outlined in AB 45. Businesses engaged in the manufacturing, packing, or holding of industrial hemp products are required to register with CDPH. However, if you intend to grow industrial hemp as a CROP, you should contact the California Department of Food and Agriculture (CDFA).

The Los Angeles County Department of Public Health-Environmental Health Division (DPH-EH) serves as the local enforcement agency for 85 cities within the County of Los Angeles. DPH-EH is responsible for the enforcement of the California Retail Food Code (Cal Code) as well as applicable regulations pertaining to food.

15. WHERE CAN I FIND MORE INFORMATION?

Refer to [Industrial Hemp Compliance Program - FAQs](#) on the CDPH website for additional information. You may also contact the DPH-EH Industry Engagement Program at 626-430-5320.