



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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Division of Public Health

March 4, 2019

MEMORANDUM

TO: Registered Environmental Health Specialists, Program Supervisors, and Managers

FROM: Shane Smith, REHS, Branch Head
Food Protection and Facilities Branch

SUBJECT: Guidance Regarding the Use of CBD in Food and Drink Products

Local health departments (LHD) are responsible for regulating retail food establishments according to the NC Food Code Manual that is based on FDA's 2009 Food Code. Section 3-202.12 of the NC Food Code states, in part, that food may not contain unapproved food additives. In addition, Section 3-302.14 requires food to be protected from the addition of unsafe or unapproved food additives.

The use of cannabidiol (CBD) as a supplement has been growing in popularity. CBD is a derivative of cannabis and is the active ingredient of an epileptic medication, Epidiolex, that was recently approved by the US Food and Drug Administration (FDA). To-date, the FDA has not provided guidance which states that CBD is an approved food additive. Therefore, adding CBD to food violates federal law and the State's Food Code. In addition, the North Carolina Department of Agriculture and Consumer Services has notified entities within their jurisdiction that CBD is considered a drug and therefore it cannot be legally added to any human or animal food for sale. The NC Department of Health and Human Services has determined that CBD shall not be used in food or drink products within food establishments under the Department's jurisdiction. During the next routine food establishment inspection, local authorized agents should ensure that the person in charge is aware of this interpretation and should document the outcome. Subsequent inspections for establishments that use CBD in food or drink products may result in point deductions or other regulatory action.

The FDA is continuing to work on reviewing this issue within the scope of the FDA Food Code and updates will be provided as applicable. Please contact your Environmental Health Regional Specialist if you have any questions regarding this memorandum.

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