

CBD in Food Regulated under the Massachusetts Food Codes

Dear Local Board of Health,

The Department of Public Health, Bureau of Environmental Health's Food Protection Program has issued an interpretation of the MA wholesale and retail regulations regarding the addition of cannabidiol (CBD) and certain hemp derivatives to food and consumer products. The document can be found at <https://www.mass.gov/info-details/cbd-in-food-manufactured-or-sold-in-massachusetts> and is also [attached to this message](#).

As you know, DPH incorporates FDA codes for both wholesale (food manufacturing) and retail food regulations. Both the wholesale food and retail food regulations require that all food must comply with federal, state, and local law. FDA has issued a statement that CBD may not be added to foods because CBD is an active ingredient in an FDA approved medication; medications may not be added to food. FDA has stated that hulled hemp seeds, hemp seed protein and hemp seed oil are generally recognized as safe (GRAS). Therefore, under current Massachusetts law and under current FDA guidance, CBD may not be added to manufactured foods or to foods sold at retail, but can contain hemp seeds, hemp seed protein, and hemp seed oil.

Local Boards of Health still retain their authority to enforce the retail food code and have authority to determine enforcement strategies for retail establishments in their jurisdictions. The municipality also retains authority to pass regulations or ordinances that are more restrictive than the retail food code.

We plan to discuss this further in today's Local Public Health Webinar/Conference Call with DPH Commissioner Monica Bharel and hope this is helpful guidance for you.

If you have any questions, please feel free to contact the Food Protection Program at FPP.DPH@state.ma.us or 617-983-6712.

Thank you!