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Maine CDC Health Inspection Program (HIP) Policy for Products Containing Cannabinoids

This notice is to inform Maine licensed eating establishments of how Maine Center for Disease Control and Prevention Health Inspection Program inspectors will be determining whether products containing Cannabis, specifically cannabidiol (CBD), sold or offered in eating establishments, is legal under applicable State laws. Pursuant to Maine law, cannabidiol (CBD) from hemp may be added to food prepared or served by an eating establishment (HIP Licensees) subject to the following requirements in Maine Food Law:

CBD Notice for Unpackaged Products

- Per 22 MRS §2157(15), unpackaged food, food additives, or food products must:
 - Clearly note the inclusion of CBD on a notice next to the food, food additive, or product; next to the pertinent listing on a menu and the amount by weight; or, in an open manner where the food product is served, and
 - Conspicuously display a directory for use by customers, with information on the contents of all unpackaged food products sold/served that contain CBD from hemp.

Approved Source

- The delta-9-THC content of any source hemp, CBD extract, or product must be less than 0.3% as shown on a Certificate of Analysis.
- The CBD oil or extract being used must be appropriately packaged and labeled in accordance with Maine DACF requirements.

Clear Labels Required for Packaged Products

- Per 22 MRS §2157(15), packaged food, food additives, or food products must be clearly labeled by including:
 - A statement that the product contains hemp-derived cannabidiol or CBD, including the amount by weight or volume.
 - The name and address of the manufacturer. For extracts (such as CBD oil) or tinctures, the batch number.
 - A disclosure statement that the food, food additive, or food product has not been tested or evaluated for safety.

No Health Claims

- The food product label, menu, advertising, and any other related information must not include health claims that food items with hemp or CBD can diagnose, treat, cure, or prevent any disease, condition, or injury without approval pursuant to federal law.

Out of State CBD Food/Additives Prohibited

- Ingestible products (food and/or food additives) may not be imported from out of state if they already contain CBD, since that is still a violation of federal law and the Maine Food Code. The infusion of CBD into the food or food product is permitted by Maine law and this conduct must occur in Maine appropriately licensed food manufacturers only.

The Health Inspection Program will continue using these principals to educate licensees. **Beginning January 1, 2024**, the Health Inspection Program will apply this policy in its licensing determinations, and unapproved products will be prohibited from being sold from any licensed eating establishment. If the establishment continues to prepare, serve, or sell edible products that contain CBD from an unapproved source or edible products that are not honestly presented, the Department may pursue enforcement measures, which include the issuance of fines and penalties. If the establishment remains in violation following the imposition of fines and/or penalties, the Department may seek civil enforcement action through the Office of the Attorney General, that may lead to the court requiring compliance.

These guidelines may be shared, with the understanding that State and federal statutory changes and rulemaking are ongoing and may alter any of the above conditions and/or add new conditions.
