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Maine CDC Health Inspection Program Policy for CBD Compliance

This notice is to inform Maine licensed eating establishments of the criteria that Maine Center for Disease Control and Prevention health inspectors will be using when inspecting CBD products in eating establishments pursuant to PL 2019 c. 528 [LD 1749]. It is legal, per the Maine Food Code, for licensees to sell edible products containing hemp-derived CBD, subject to the following conditions outlined below:

Clear Labels Required for Packaged Products

- Per 22 MRS §2157(15), packaged food, food additives, or food products must be clearly labeled by including:
 - The ingredient it contains (hemp or CBD) and amount by weight or volume;
 - The name and address of the source of the hemp from which the cannabidiol was derived;
 - 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.

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; 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.

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.

Approved Source

- Source CBD may be produced under Maine's hemp program or brought into Maine from another state that has a Farm Bill 2014 hemp program. The eating establishment must have the state hemp program number available to identify the source CBD licensee.
- The delta-9-THC content of any hemp, CBD extract, or product must be less than 0.3%.

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.
Ingestible products sold at retail in Maine must be produced in Maine.

Beginning January 1, 2020, the Health Inspection Program will enforce this policy, 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 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.

A webinar to provide information on these guidelines will be offered at 11:00 a.m. on Friday, November 22, 2019. To join the webinar, which will be presented via Zoom, go to:

<https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fzoom.us%2Fj%2F886750769%3Fpwd%3Dc1VhZTFLt3UxL0JUNXZEK2k3cmFzZ09&data=02%7C01%7CRobert.Long%40maine.gov%7C8a9f9332b62642dfd6cf08d763b42345%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637087497641604571&sdata=XiFXzppcsGT1fHkR6OdnJOMeLshV25YlyFBBikb6o44%3D&reserved=0>

Meeting ID: 886 750 769
Password: 684000

To call in, dial:
+1 646 558 8656
Meeting ID: 886 750 769

The webinar will be recorded and posted on the Maine CDC website.