Industrial Hemp in Food and Dairy Products

Manufacturers, distributors, and retailers of food products are regulated under the Michigan Department of Agriculture and Rural Development's (MDARD) Bureau of Food Safety and Animal Health (BFA). BFA enforces the laws and regulations governing food and feed safety and animal health in Michigan and serves as a key link in the federal-state-local food safety system. The bureau consists of three divisions: the Human Food Division; the Dairy, Feed, and Produce Division; and the Animal Industry Division. These divisions work in tandem to ensure the safety and wholesomeness of the food and feed supply; respond to complaints, recalls, and emergencies; ensure the safety and humane treatment of livestock, poultry, aquaculture, equine, and companion animals in our state; and provide education and outreach opportunities for our regulated businesses and consumers.

Food products containing hemp or hemp-derived products, including cannabidiol (CBD):

Consumable hemp and CBD products have flooded the market in recent years. However, this does not mean all these products are lawful or can be legally produced and sold in Michigan or across state lines. The 2018 U.S. Farm Bill states the Food and Drug Administration (FDA) has regulatory authority over the production, distribution, and sale of hemp, which means hemp products must meet applicable FDA requirements. In Michigan, MDARD has the authority to enforce these FDA standards.

FDA has advanced three hemp seed-derived food products through its Generally Recognized as Safe (GRAS) process. Since hemp seeds do not naturally contain CBD or Tetrahydrocannabinol (THC), hemp seed products – hulled hemp seed, hemp seed protein powder, and hemp seed oil – can legally be used in the U.S.

Regulatory Authority:

- Food Law, Act 92 of 2000, as amended, which adopted:
  - o 2009 Michigan Modified Food Code
  - o U.S. Food and Drug Administration (FDA) Code of Federal Regulations (CFR)
- Industrial Hemp Growers Act 220

Summary of regulatory requirements:

- Each physical location where food is held/produced/distributed in Michigan is required to obtain a Michigan food establishment license, whether it is a retail, manufacturing, storage, or distribution location.
- Food packaged for sale must meet applicable state and federal labeling requirements.
- Establishments are subject to regulatory food safety inspections and product sampling.
- Manufacturing establishments must comply with the FDA Food Safety Modernization Act and applicable federal regulations.

Hemp in Food and Dairy Products

Any food products made with hemp seed ingredients are subject to the same FDA requirements as other food and Food Safety Modernization Act (PL 111-353) safeguards. In Michigan, all food production, including foods made with hemp seed-derived products, is subject to Michigan Food Law and licensing requirements. This includes following applicable food safety practices identified in the federal Food Code and/or Code of Federal Regulations (CFR).

The FDA has not approved CBD or THC for use in food, drink, dietary supplements, or animal feed. Any product derived from industrial hemp with a THC concentration above 0.3 percent is classified as marijuana and regulated under applicable laws through the Michigan Department of Licensing and Regulatory Affairs, Cannabis Regulatory Agency (CRA).

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Frequently Asked Questions

Can I add hemp seed protein powder to my food product?

Yes. Hemp seed protein powder, as well as hulled hemp seeds and hemp seed oil, are FDA approved ingredients. Be sure it is included in the ingredient list and is from an approved source.

Can I grow my own hemp to add to my food items intended for sale?

Yes, but the growing operation must be registered by MDARD with a Hemp Grower Registration, and the manufacturing operation must obtain an CRA Hemp Processor-Handler License and a Food Establishment License from MDARD or the local health department. Hemp ingredients, in food, must meet the FDA GRAS standard as stated above.

However, if products do not meet the FDA GRAS standards, the operation must reach out to CRA to determine licensing requirements in a CRA regulated facility.

How do I know if the hemp product I purchased is an 'approved source' and is free from THC?

You should purchase products from a reputable supplier or request a Certificate of Analysis from a certified testing laboratory from the supplier.

Can I add CBD to my brownies to sell at the farmers market?

No. CBD is not an approved ingredient and cannot lawfully be added to or included in a food product.

Can I sell hemp-containing products under the Cottage Food Exemption (CFE)?

Yes. If you obtain the hemp product from an approved source, meet all the criteria to operate under the CFE, and your product and product labeling are compliant with the CFE. Products can not contain CBD or ingredients containing THC. Hemp ingredients must meet the FDA GRAS standard as stated above.

Can I add hemp to animal feed?

A person can choose to supplement their own pet's food with hemp or hemp-derived products, but safe levels for animal consumption have not been established. Hemp is not an approved feed ingredient for commercial use. Please refer to Hemp in Animal and Pet Feed.

RESOURCES:

- For Hemp Processor-Handler licensing questions, contact the Cannabis Regulatory Agency at 517-284-0815 or CRA-Hemp@michigan.gov or visit www.michigan.gov/HempProcessing.
- For hemp grower registration and questions, contact MDARD at 800-292-3939, MDARD-IndustrialHemp@michigan.gov, or www.michigan.gov/HempGrowing.
- For more information about Michigan's Bureau of Food Safety and Animal Health, visit www.michigan.gov/mdard.