

Hemp Products

What is a Hemp Product?

A “Hemp product” is any product made with hemp, including cosmetics, personal care products, dietary supplements or food intended for human or animal consumption, cloth, cordage, fiber, fuel, paint, paper, particleboard, and any product containing one or more cannabinoids derived from hemp, including cannabidiol.

“Hemp” means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths percent on a dry weight basis.

Is a license needed to make hemp products?

A hemp processor must be licensed and inspected by the Ohio Department of Agriculture.

Who does not need a hemp processing license?

A university authorized by the director to process hemp for research purposes.

Any person who is a subordinate employee or immediate family member of the licensed processor that are acting under the instructions and control of the licensed processor within the licensed facility.

What are the requirements for the labeling of hemp products?

A hemp processor is required to label all of their products properly, which includes the following information on the label of each hemp product offered or distributed for sale:

1. Statement of Identity – name of the product
2. Net Quantity of Contents – the net weight, in both U.S. Customary System and International System
3. Ingredient List – ingredients of the food product, listed in descending order of predominance by weight
4. Statement of Responsibility – name and address, including city state and zip code, of the business.
5. Unique batch or lot code –code that is permanent and visible to the naked eye that specifies the establishment where packed; the product contained therein; and the year, day and period during which it was packed.
6. When product contains cannabinoids, a statement indicating consumers should consult a licensed healthcare professional if pregnant, breast feeding, currently taking medications, or under 18 years of age.
 - a. This statement shall appear prominently and conspicuously as compared to other words, statements, or designs on the information panel of the immediate container label. Where the immediate container is not the retail package, this statement must also appear prominently and conspicuously on the information panel of the retail package label.
 - b. This statement is not required on products derived exclusively from hemp seed oil.

Specific labeling requirements for food and dietary supplements

1. Total milligrams and milligrams per unit serving for all cannabinoids (e.g., CBD, THC, CBG, etc.) identified on the product label.
2. Hemp products classified as food must meet nutrition labeling requirements in 21 C.F.R. 101.9.
3. Hemp products classified as dietary supplements must meet the nutrition labeling requirements 21 C.F.R. 110.36.

Specific labeling requirements for cosmetics

1. Total milligrams and milligram per unit for all cannabinoids (e.g., CBD, THC, CBG, etc.) identified on the product label.
2. Hemp products classified as cosmetics must meet the labeling requirements in 21 C.F.R. Part 701 and 21 C.F.R. Part 714.

Claims: Claims on product labels and in labeling, such as websites, cannot directly express or imply use in the cure, mitigation, treatment, or prevention of disease or symptoms of disease.

Is there a license fee?

Yes. The application fee is \$100.00 per license application. The annual fee for processors using cannabinoids in human food, dietary supplements, cosmetics and personal care products for each processing site is \$500.00 for wholesale production; and \$250.00 for retail production.

For licensing, contact ODA Hemp Program at (614) 728-2101; E-mail: hemp@agri.ohio.gov

To arrange for an inspection, contact: ODA Division of Food Safety at (614) 728-6250; E-mail: foodsafety@agri.ohio.gov

BASIC REQUIRED HEMP PRODUCT LABELING COMPONENTS

LABEL EXAMPLE

Labels must comply with all applicable state and federal regulations. All information on the label must be truthful and not misleading. This label example is just one way to present the required information.

Ingredient List – Ingredients shall be listed by common or usual name in descending order of predominance by weight. Meaning, the ingredient that weighs the most is listed first, followed by the next heaviest ingredient, with the ingredient that weighs the least listed last. Any ingredient that is composed of two or more ingredients (sub-ingredients) must list those sub-ingredients parenthetically following the name of the ingredient. The label of any food that contains an ingredient that is or contains a protein from a “major food allergen” shall declare the presence of the allergen by its common or usual name either in the list of ingredients or placing the word “Contains” followed by the name of the food source from which the allergen is derived immediately after or adjacent to the list of ingredients (e.g. Contains: milk, eggs, wheat, soy).

Ref: CFR 21, Part 101.4; FALCPA – Public Law 108-282, Title 2

Statement of Identity – The *Statement of Identity* is the name of the food. The name shall be the common or usual name of the food and shall accurately identify or describe the basic nature of the food or its characterizing properties or ingredients. Foods that have a Standard of Identity must conform to all requirements of the standard

Ref: CFR 21, Part 101.3

Statement of Responsibility

Shall include the:

Business Name
Street Address
City, State, Zip Code

All information in the *Statement of Responsibility* shall be continuous. If the business name is listed in the local telephone directory, the street address may be omitted. If the business name is listed in the local telephone directory, a Post Office Box may be used in place of the street address.

Telephone numbers, web-site addresses, and e-mail addresses are permitted, but not required. This type of extra information shall not be placed between the *Ingredient List* and the *Statement of Responsibility*.

Ref: CFR 21, Part 101.5

Dark Chocolate Bar with CBD

30mg CBD per square; 60mg CBD per bar

70% Cocoa

INGREDIENTS: chocolate, sugar, cocoa butter, soy lecithin (an emulsifier), vanilla, full spectrum CBD hemp extract.

Consult a licensed healthcare professional if pregnant, breast feeding, currently taking medications, or under 18 years of age.

Agriculture Chocolate Co.
8995 E. Main Street
Reynoldsburg, OH 43068

RPDCCBD2459009.59792

NET WT 2 OZ (56 g)

Unique batch or lot code

A code that is permanent and visible to the naked eye that specifies the establishment where packed; the product contained therein; and the year, day and period during which it was packed (e.g. 2459009.59792).

Ref: OAC 901:14-2-17

Net Quantity of Contents

The term “NET WEIGHT” - or an appropriate abbreviation - shall be used when stating the *Net Quantity of Contents* in terms of weight. The *Net Quantity of Contents* shall be declared in both the U.S. Customary System and the SI (metric system). The second declaration shall be stated parenthetically.

The quantity of contents shall be placed on the principal display panel. It shall be within the bottom 30 percent of the area of the label panel in lines that are generally parallel to the bottom of the package as it is designed to be displayed.

Ref: CFR 21, Part 101.7

ODA – Ohio Department of Agriculture
CFR – Code of Federal Regulations
ORC – Ohio Revised Code
OAC – Ohio Administrative Code
FALCPA – Food Allergen Labeling and Consumer Protection Act

The principal display panel (PDP) is that portion of the package label that is most likely to be seen by the consumer at the time of purchase. The information panel is the label panel to the right of the PDP.

The 8 major food allergens are milk, eggs, tree nuts (e.g., almonds, walnuts, pecans), peanuts, wheat, soybeans, fish and Crustacean shellfish.

Consumer Statement

This statement shall appear prominently and conspicuously information panel of the immediate container label. If there is no information panel the statement must appear on the principal display panel (PDP).

Where the immediate container is not the retail package, this statement must also appear prominently and conspicuously on the information panel of the retail package label.

Ref: OAC 901:14-2-17