



FREQUENTLY ASKED QUESTIONS

July 16, 2019

Q: What is hemp seed oil?

A: Hemp seed oil comes from pressing oil from the seeds of the industrial hemp plant. Hemp seeds do not contain CBD or THC and have been approved by FDA to be added to food.

<https://www.fda.gov/food/cfsan-constituent-updates/fda-responds-three-gras-notice-hemp-seed-derived-ingredients-use-human-food>

Q: What is CBD oil?

A: CBD oil comes from extracting oil from the flowers of the industrial hemp plant. CBD has been approved as a drug by the U.S. Food and Drug Administration for the treatment of two forms of epilepsy. **CBD has not been approved as a food, a food additive or ingredient by the FDA.**

Q. How can I tell the difference between hemp seed oil and CBD oil?

A: Hemp seed oil products should list the words 'HEMP SEED OIL' on the label and list hemp seed oil as an ingredient. CBD oil products should list the words 'CBD OIL' or 'BROAD or FULL SPECTRUM CBD OIL' and list the amount of CBD in milligrams (mg) per dose on the label.

Q: Why can't CBD be added to food?

A: CBD has not been approved as a food, a food additive or ingredient by the FDA. Under both federal (FD&C Act, sec. 301(b)) and state Agriculture and Markets law (AML sec. 200), the addition of CBD to food is prohibited.

Q: Is it legal to sell foods with CBD added?

A: No. CBD is not an approved food, food additive or ingredient. Currently federal (FD&C Act, sec. 301(b)) and State Agriculture and Markets law (AML sec. 200) prohibit the sale of food products containing CBD.

Q: What about beverages? Can CBD be added to beverages and be sold?

A: No. CBD cannot be added to beverages and cannot be sold.

Q: Can CBD foods be sold at a restaurant or farmers' market or in a pharmacy, retail store, bodega, gas station or at a bar?

A: No. The sale of food and beverages containing CBD is prohibited in every location.

Q: Is there any way to manufacture or sell CBD products legally in New York?

A: The FDA allows CBD to be sold only by prescription as a pharmaceutical. New York State has a comprehensive program for the research and subsequent processing of industrial hemp. The state's standards for those processing CBD, outlined in the Industrial Hemp Agricultural Research Pilot Program, are more rigorous than current standards for food processing. Research partners currently authorized to conduct CBD research are required to follow the guidelines outlined in the Department's CBD research partner agreement and manufacture, label, and market their products as dietary supplements.

Entities interested in selling CBD products in New York are encouraged to consult with an attorney to understand the law and risks associated with making and selling such products. For more information on New York State's Industrial Hemp Agricultural Research Pilot Program visit: <https://www.agriculture.ny.gov/PI/PIHome.html>.