



COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

PO Box 1163, Richmond, Virginia 23218

www.vdacs.virginia.gov

Jewel H. Bronaugh, Ph.D.
Commissioner

July 15, 2019

Dear Registered Industrial Hemp Processor:

On May 16, 2019, I distributed a letter to those who were registered as Industrial Hemp Processors at that time, advising that, due to both federal and state food safety-related laws and limitations that currently exist therein, the Virginia Department of Agriculture and Consumer Services (VDACS) was not able to approve the manufacture, distribution, or sale of (i) a food product or dietary supplement containing a hemp-derived extract, including CBD oil, or (ii) a hemp-derived extract intended for human consumption that is produced by a Registered Industrial Hemp Processor. Many of you understandably expressed concern and frustration over VDACS's advisement. Not only did I hear your concerns, but Governor Northam heard your concerns. In light of what may be a lengthy federal process regarding hemp-derived extracts, the Northam Administration is providing proactive leadership by authorizing VDACS to join those states who have begun to address product quality and consumer safety concerns through the regulation of hemp products intended for human consumption while supporting the responsible development of a burgeoning industry.

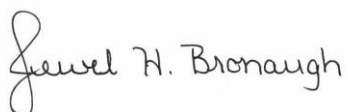
As is common knowledge, products that claim to be hemp-derived extracts, including cannabidiol (CBD) oil, are currently being produced in other states and sold throughout the nation. In the absence of national standards for these products, it is difficult for consumers to make informed decisions before purchasing these products. It appears unlikely that the U.S. Food and Drug Administration will act in the near future to provide a regulatory framework for cannabis-derived products intended for human consumption. Out of concern for public safety and in response to the concerns that Registered Industrial Hemp Processors have presented to the Northam Administration over the past few months, the Administration has directed VDACS to treat hemp-derived extracts intended for human consumption as approved food additives and to place qualifying Registered Industrial Hemp Processors under food safety inspection so that inspected and approved processors may manufacture a hemp-derived extract intended for human consumption.

Section 2.2-103(A) of the Code of Virginia authorizes the Governor to formulate policies of the executive branch. Under this authority, the Northam Administration has formulated a policy for VDACS to follow in order to provide some regulatory oversight over hemp-derived extracts intended for human consumption.

VDACS's Food Safety Program administers the Virginia Food and Drink Law and regulations. A subsequent letter from the Food Safety Program will explain the steps you should follow if you would like to manufacture a product intended for human consumption.

I appreciate your efforts to advocate on behalf of Virginia's hemp industry and the Northam Administration's willingness to provide a path forward for Registered Industrial Hemp Processors interested in producing hemp-derived extracts intended for human consumption. VDACS looks forward to continuing our work with you as this exciting new industry develops.

Sincerely,

A handwritten signature in black ink that reads "Jewel H. Bronaugh". The signature is written in a cursive style with a large initial "J" and a distinct "H".

Jewel H. Bronaugh, Ph.D.
Commissioner