



Agriculture and Markets

ANDREW M. CUOMO
Governor

RICHARD A. BALL
Commissioner

July 19, 2019

Dear Food License and Dairy Permit Holders,

This notice serves to clarify the New York State's Department of Agriculture and Markets' (Department) position on the inclusion of cannabidiol (CBD) in food products. The Department's policy is:

No food or beverage product may be made or sold in New York State if it contains CBD as a food, a food additive or an ingredient.

Food or beverage products that are found by Department inspectors, in either a processing facility or in the marketplace, to contain CBD are considered adulterated (FD&C Act, sec. 301(b) and AML, sec. 200). These products are subject to enforcement actions taken by the Department or the U.S. Food and Drug Administration (FDA). Enforcement actions may include:

- Voluntary removal of products
- Seizure and/or destruction of products
- Issuance of a fine and/or a failing sanitary inspection

Please do not hesitate to reach out to our Division of Food Safety and Inspection at FSIWebInquiries@agriculture.ny.gov or our Division of Milk Control at MCDS@agriculture.ny.gov or (518) 457-1772 with any questions. For a list of frequently asked questions regarding CBD in food please also visit our website at: https://www.agriculture.ny.gov/FS/general/food_businesses_resources.html#industry.

Regards,

Jennifer Trodden MS, CSP
Deputy Commissioner