

The following requirements must be met when considering the sale of hemp under the statutory authority of the California Department of Food and Agriculture (CDFA).

Entities involved in non-cultivation activities may be subject to additional requirements under the Sherman Food, Drug and Cosmetic Law. For additional information regarding industrial hemp products please see the California Department of Public Health, Industrial Hemp FAQ's page: [IHCPFAQS \(ca.gov\)](#)

CDFA PLANT HEALTH AND PEST PREVENTION SERVICES

CALIFORNIA INDUSTRIAL HEMP PROGRAM

What are the requirements to cultivate hemp in California?

California Food and Agricultural Code Division 24 requires **all** hemp growers, breeders, and established agricultural research institutions to register with the county agricultural commissioner prior to cultivation of hemp, and comply with all growing, testing, and harvest requirements. Registration procedures, testing requirements, and other requirements pertaining to hemp registration are outlined in [the California Code of Regulations](#) (Title 3, Division 4, Chapter 8), and registration applications and other forms and information are available on [CDFA's Industrial Hemp Program webpage](#).

For information regarding additional local restrictions that may apply to any proposed hemp cultivation activities, contact the applicable county and/or city officials, including the respective [county agricultural commissioner's office](#).

CDFA DIVISION OF INSPECTION SERVICES

INSPECTION AND COMPLIANCE BRANCH

PRODUCE SAFETY PROGRAM

What are CDFA's Food Safety requirements for hemp producers?

CDFA conducts FDA Produce Safety Rule (PSR) inspections under an FDA cooperative agreement program (CAP). Inspections of commodities covered by the PSR (i.e., covered produce) are "activities covered under FDA's Produce Safety Rule (21 CFR Part 112)," within the meaning of the CAP.

- The scope of a PSR inspection by CDFA is limited to microbiological hazards. PSP does not address chemical characteristics such as, but not limited to, cannabinoid thresholds.
- The scope of a PSP inspection is also limited to primary production farms (devoted to growing and harvesting produce) or secondary-activities farms (provide off-site holding and packing of raw agricultural commodities (RAC) for primary production farms).

- If the operation also manufactures or processes, including freezing or chopping the original RAC, CDPH would have a role in the licensing and inspection under the Sherman Food, Drug, and Cosmetic Law.
- Hemp greens (including microgreens) for human consumption meet the definition of produce and, therefore, would be covered produce and subject to the Produce Safety Rule (PSR) (21 CFR Part 112). Hemp seed sprouts for human consumption would also be subject to the PSR, because sprouts, regardless of seed source, meet the definition of covered produce in 21 CFR 112.3.
- The cannabinoid content of these products can vary widely and there is a lack of safety data regarding their consumption. It is the responsibility of all food producers to make sure that their products are safe and not adulterated.
- If hemp greens or sprouts were to be marketed as foods, they would be held to the relevant legal standards regarding safety. Section 402(a)(1) of the Food Drug and Cosmetic Act provides that a food shall be deemed adulterated if it bears or contains any non-added poisonous or deleterious substance if the quantity of the substance in the food ordinarily renders the food injurious to health.
- Under the State of California, Sherman Food, Drug and Cosmetic Law, hemp plant would be adulterated if it bears or contains any microbial, chemical, or physical hazard that would adversely impact public health.
- Hemp leaves can contain cannabinoids such as THC and CBD, both of which can be hazardous to health. Selling food that contains non-added substances in quantities that would ordinarily make the food injurious to health is prohibited. This applies to typical conditions of use, including by certain subpopulations like pregnant women and children.

Program Contact: producesafety@cdfa.ca.gov

DIRECT MARKETING PROGRAM – CERTIFIED FARMERS’ MARKETS

Can I sell hemp at a Certified Farmers’ Market?

Yes, however, you must first register with CDFA’s Industrial Hemp Program as referenced above and comply with all laws and implementing regulations under FAC Division 24, and you must be a certified producer. Direct Marketing laws do not preclude the sale of hemp as long as it meets the definition of an agricultural product and complies with relevant Food and Agricultural Code (FAC) provisions

FAC 47000.5.

The following definitions apply to this chapter, unless otherwise specified:

- (a) (1) “Agricultural product” means a fresh or processed product produced in California, including fruits, nuts, vegetables, herbs, mushrooms, dairy, shell eggs, honey, pollen, unprocessed bees wax, propolis, royal jelly, flowers, grains, nursery stock, raw sheared wool, livestock meats, poultry meats, rabbit meats, and fish, including shellfish that is produced under controlled conditions in waters located in California.

FAC 47002

California Farmers registered or certified pursuant to this chapter as direct marketing producers may transport for sale and sell California-grown fresh fruits, nuts, and vegetables that they produce, directly to the public, and shall be exempt from size, standard pack, container, and labeling requirements at an outlet or location operated by an individual, organization, or entity that is regulated pursuant to this chapter or is recognized by a regulation adopted pursuant to Section 47001 and is otherwise authorized by local ordinances, subject to the conditions listed in FAC Section 47002 (a)-(e).

For additional information please visit <https://www.cdfa.ca.gov/is/i & c/cfm.html>

How do I place hemp into commerce other than at a Certified Farmers' Market?

California Business and Professions Code (BPC) [Section 12609](#) adopts by reference the packaging and labeling requirements recommended by the National Conference on Weights and Measures and published in the current edition of the National Institute of Standards and Technology Handbook 130, Uniform Packaging and Labeling Regulations. Businesses must label packaged commodities with identity, responsibility, and quantity (IRQ) labeling requirements. There are separate requirements for consumer (retail ready) packages and non-consumer (wholesale or master containers).

For further information go to the current version of Handbook 130 and open the link for the [Uniform Packaging and Labeling Regulation](#).

You MUST ALSO adhere to:

FAC 42950:

It is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, or sell any nuts, fresh fruits, or vegetables in bulk, or in any container or subcontainer, unless 90 percent by weight or more of such fruits, nuts, or vegetables in bulk or in any container or subcontainer, as established by the inspection of a representative sample, are free from insect injury which has penetrated or damaged the edible portion, worms, mold, or decay. This section applies only to those fruits, nuts, or vegetables for which specific quality standards are not otherwise established in this division.

Program Contact: standardization@cdfa.ca.gov

CALIFORNIA STATE ORGANIC PROGRAM/NATIONAL ORGANIC PROGRAM

Once a hemp producer has been licensed or authorized under a state, tribe or the USDA hemp plan, can the crop qualify for certification under the National Organic Program (NOP)?

Hemp produced in the U.S. that meets requirements under the *U.S. Domestic Hemp Production Program* may be certified as organic in compliance with USDA organic regulations. For imported hemp, existing regulations and guidelines continue to govern whether products may be certified as organic.

For more information on the certification of hemp as organic please visit:

<https://www.ams.usda.gov/rules-regulations/hemp/questions-and-answers>

Program Contact: CDFA_Organic@cdfa.ca.gov

FEED, FERTILIZER AND LIVESTOCK DRUGS REGULATORY SERVICES BRANCH

COMMERCIAL FEED PROGRAM

Can fresh hemp or hemp products be used in animal feed?

No. Hemp and hemp products may not be used in animal feed in California. All hemp and hemp-derived ingredients and cannabis or cannabis-derived ingredients may not be used in commercial feed or livestock drug products, as these ingredients are unapproved for livestock per the U.S. Food and Drug Administration (FDA) and subsequently have not been approved for use in livestock in California. The FDA possesses authority to regulate drug products under the Federal Food, Drug, and Cosmetic Act (FD&C Act) and Section 351 of the Public Health Service Act.

In accordance Food and Agricultural Code Section 15041 and Title 3 of the California Code of Regulations Sections 2734 and 2677, no Commercial Feed can be sold that contains a poisonous or deleterious substance and shall be deemed adulterated.

For more information, please visit <https://www.cdfa.ca.gov/is/ffldrs/CommercialFeedReg.html>

Program Contact:

Commercial Feed Regulatory Program

feed_lvstk@cdfa.ca.gov

916-900-5022

DIVISION OF MEASUREMENT STANDARDS (DMS) ENFORCEMENT BRANCH

What are the requirements for selling or processing hemp under California's weights and measures laws?

Weights and measures laws are found in Division 5 of the California Business and Professions Code (BPC). General requirements include that product may not be sold by "gross weight," according to [BPC Section 12023](#) and it is "unlawful to sell in less quantity than represented," under [BPC Section 12024](#). These two requirements exist whether the product is sold in packages or bulk, and there are specific requirements for each.

For more information on weights and measures laws and regulations, please visit <https://www.cdfa.ca.gov/dms/publications.html>.

What are DMS' requirements for bulk sales or product sent to processors?

When products are sold in bulk or sent to a processor, the transaction must be documented by a weighmaster who is licensed by the Division of Measurement Standards.

The [BPC Section 12700](#) defines a weighmaster as a person who weighs, measures, or counts a commodity and then issues a document that is used as the basis of payment for the purchase or sale of that commodity or charge for service (e.g., charge for processing). According to [BPC Section 12730 \(f\)](#), Hemp is considered a "Farm Product" and as such should be weighed by a weighmaster when sold by bulk weight or delivered to a processing or conditioning establishment. Further, [BPC Section 12717](#) requires licensed weighmasters to weigh or measure product using devices, e.g., scales, that have been approved, tested, and sealed.

To print a copy of the weighmaster laws, including licensing fees, found in BPC Division 5, , please visit [Chapter 7](#).

If you need to license as a new weighmaster (or renew), you may do so by going to the DMS website and registering at <https://www.cdfa.ca.gov/dms/programs/wm/onlinewmrenewal.html>.

What are DMS' requirements for packaging and labeling products?

All packaged goods, whether consumer packages (retail) or non-consumer packages (wholesale or from packer), are to be labeled with statements of identity, responsibility, and quantity (IRQ). Labeling Laws are found in BPC Division 5, Chapter 6. The BPC [Section 12609](#) adopts by reference the packaging and labeling requirements recommended by the National Conference on Weights and Measures and published in the current edition of the National Institute of Standards and Technology (NIST) Handbook 130, Uniform Packaging and Labeling Regulations. To assure packages are properly filled, weights and measures officials are mandated to test packaged goods according to [BPC Section 12211](#). The testing procedures for packaged goods are found in NIST Handbook 133, "Checking the Net Contents of Packaged Goods."

For a copy of California's Package Labeling laws go to Division 5, Chapter 6 ([BPC Sections 12600 to 12615.5](#)) and the current version of NIST Handbook 130 for the [Uniform Packaging and Labeling Regulation](#).

For a copy of the sampling and testing procedures, please go to [NIST Handbook 133](#), Checking the Net Contents of Packaged Goods..

If you have questions regarding packaging or labeling raw hemp or weighmaster requirements, contact DMS by phone at 916-229-3000 or by email at DMS@cdfa.ca.gov.

DIVISION OF MARKETING SERVICES

MARKET ENFORCEMENT BRANCH

When is a license required with the Market Enforcement Branch (MEB)?

Any person or entity that purchases hemp for the purpose of resale or processing needs a license from MEB.

Section 56181 of the Produce Dealers Act (Chapter 7 of Division 20 of the FAC) states that a license is required when a person purchases farm product and engages in the business of buying, receiving on consignment, soliciting for sale on commission, or negotiating the sale of farm products from a licensee or producer for the purpose of resale.

More information about licenses issued under the Produce Dealers Act can be found [here](#).

Section 55521 of the Processors Law (Chapter 6 of Division 20 of the FAC) states that a person shall not act as a processor or a cash buying processor without first obtaining a license issued under Chapter 6 or, if acting as both a handler and a processor, first obtaining a license pursuant to Section 56574 of the FAC.

More information about licenses issued under the Processors Law can be found [here](#).

I grow hemp that I then sell myself at a farmers' market (I do not supplement my own production with hemp producers by others). Do I need a license from Market Enforcement?

Growers are not required to be licensed with Market Enforcement. Only individuals and entities that purchase product for resale or for processing need a license from MEB.

In order to locate the Market Enforcement office nearest you, please visit the [Contact Market Enforcement webpage](#).