

California Code of Regulations
Title 17. Public Health
Division 1. State Department of Health Services
Chapter 5. Sanitation (Environmental)
Subchapter 2.6 Industrial Hemp

ADOPT

Article 1. Definitions.

Section 23000. Definitions.

(a) For the purposes of this subchapter, the following definitions apply regarding industrial hemp:

- (1) “Detectable” means any amount of analyte, subject to the limit of detection.
- (2) “Limit of detection” means the lowest quantity of a substance or an analyte that can be reliably distinguished from the absence of that substance within a specified confidence limit.

Note: Authority cited: Sections 100275, 110065, 111921.7, 111922, 111925, and 131200, Health and Safety Code. Reference: Sections 111920, 111921.7, 111925, 111926, and 131100, Health and Safety Code.

Article 2. General Provisions

Section 23005. Age Requirement for Human Food.

A person shall not offer or sell industrial hemp final form food products intended for human consumption, including food, food additives, beverages, and dietary supplements, to a person under 21 years of age.

Note: Authority cited: Sections 100275, 110065, 111921.3, and 131200, Health and Safety Code. Reference: Sections 111921, 111921.3, and 131095, Health and Safety Code.

Section 23015. Severability.

In this subchapter, if any section, subsection, clause, sentence, or phrase of these regulations is for any reason held to be invalid or unconstitutional, or if any application of this subchapter to any person or circumstance is found to be invalid, the Department’s intent is that the invalidity or unconstitutionality not affect any other section, subsection, clause, sentence, phrase or application which can be given effect without the invalid provision or application in this subchapter.

Note: Authority cited: Sections 100275, 110065, and 131200, Health and Safety Code. Reference: Sections 110045, 111921, and 131100, Health and Safety Code.

Article 3. Manufacture

Section 23100. Serving and Package Requirements.

- (a) An industrial hemp final form food product intended for human consumption including food, food additives, beverages, and dietary supplements shall have the following:
- (1) Each serving in a package shall have no detectable amount of total THC, and
 - (2) Each package shall have no more than five servings, and
 - (3) The serving and package sizes shall be determined using the same federal standards as non-industrial hemp food products pursuant to Health and Safety Code section 111926, 110085, and 110095, unless specified in this subchapter or Part 5 of Division 104 of the Health and Safety Code.
- (b) An independent testing laboratory shall calculate and establish the limit of detection (LOD) for chemical method analyses according to any of the following methods:
- (1) Signal-to-noise ratio of between 3:1 and 2:1;
 - (2) Standard deviation of the response and the slope of calibration curve using a minimum of 7 spiked blank samples calculated as follows; $LOD = (3.3 \times \text{standard deviation of the response}) / \text{slope of the calibration curve}$; or
 - (3) A method published by the United States Food and Drug Administration (USFDA) or the United States Environmental Protection Agency (USEPA).
- (c) A manufacturer of industrial hemp final form food product shall provide documentation that includes a certificate of analysis from an independent testing laboratory to confirm the amount of total THC in the final form food product does not exceed the total THC per serving size limits as set forth in this subchapter.
- (d) A person shall not manufacture, warehouse, distribute, offer, advertise, market, or sell industrial hemp final form food products intended for human consumption including food, food additives, beverages, and dietary supplements that are above the limit of detection for total THC per serving.

Note: Authority cited: Sections 100275, 110065, 111922, 111925, and 131200, Health and Safety Code. Reference: Sections 110085, 110095, 110100, 111920, 111921, 111922, 111925, 111925.2, 111926, 111926.2, 131095, and 131100, Health and Safety Code; and Part 101, Title 21 Code of Federal Regulations.