

### ***From the Land of Kansas statement on hemp products.***

In accordance with K.S.A. 2-3901 (b) (4) "Hemp products" means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption and any extract from industrial hemp intended for further processing. Final hemp products may contain a tetrahydrocannabinol concentration of not more than 0.3%. As used in this paragraph, "tetrahydrocannabinol concentration" means the same as in K.S.A. 65-6235(b)(3), and amendments thereto.

KDA permits hemp products that have been grown, produced, and processed in Kansas and that are deemed legal in our state to be marketed through KDA's *From the Land of Kansas* trademark program. To ensure the integrity of the *From the Land of Kansas* program, three hemp food products, which have all been generally recognized as safe (GRAS) by the United States Food and Drug Administration (FDA), are allowed for our members to market through the trademark program. Those three hemp food products, which contain hemp seed-derived ingredients are: hulled hemp seed, hemp seed meal and hemp seed oil.

GRAS food products are substances that are considered safe for addition to food in normal and customary amounts, and are exempted from the usual Federal Food, Drug, and Cosmetic Act (FFDCA) food additive requirements. Currently, the three products listed above are the only hemp food products that have received GRAS status from FDA.

Cosmetic products, such as lotion, topical oil, or other topical products, that contain a hemp product, may be marketed through the trademark program as long as the addition of the hemp product does not cause the cosmetic product to be adulterated or misbranded in any way and the cosmetic product complies with all other relevant requirements (highlighted below). Additionally, members should be aware that a cosmetic product that is marketed as being intended to affect the structure or function of the body or to diagnose, cure, mitigate, treat, or prevent disease could be considered a drug, which would make it ineligible for the program. FDA has only approved three cannabis-derived or cannabis-related drugs, and they are only available by prescription.

The Kansas Department of Agriculture, Food Safety and Lodging program is responsible for the regulation of human food and cosmetics in Kansas.

### **Cosmetics, Food, and Products for Human Consumption**

- Food products and dietary supplements containing hemp products other than the three GRAS products listed above or that contain cannabidiol (CBD) are not FDA approved and **are not eligible to be marketed through the program**. FDA currently does not regulate cosmetics based on them containing a hemp product or CBD. Cosmetic products containing CBD may be marketed through the program as long as they are otherwise lawful.
- Any use of CBD in a Kansas product must not have a THC content concentration of more than 0.3%.
- Products containing CBD must not be labeled or otherwise advertised as having medical or nutritional benefits.

- Products intended for human consumption are subject to regulations by the FDA and are also subject to the Kansas Food, Drug and Cosmetic Act. K.S.A. 65-636 et seq.

The Kansas Department of Agriculture, Dairy and Feed Safety program is responsible for the regulation of animal food in Kansas.

### **Feed Products for Animal Consumption**

- No industrial hemp or CBD additives have been deemed safe or approved by the FDA for animal consumption.
- All animal feed must be sold under a label approved by the KDA Dairy and Feed Safety program.
- KDA is currently rejecting any labels that contain hemp as an ingredient and a stop sale may be issued for any product that is sold without an approved label.

### **Prohibited Products**

- The following are prohibited products in our state and are unlawful according to K.S.A. 2-3908 – Unlawful Hemp Products:
- Cigarettes, cigars, chew, dip or other smokeless material containing industrial hemp;
- teas containing industrial hemp;
- liquids, solids or gases containing industrial hemp for use in vaporizing devices; and
- products with industrial hemp buds, ground floral material, ground leaf material or any extract from industrial hemp with a delta-9 tetrahydrocannabinol concentration greater than 0.3% that will be further processed. These products can only be transported between hemp producers and hemp processors; transportation of these hemp products is subject to rules and regulations by the State Fire Marshal.

FDA Responds to Three GRAS Notices for Hemp Seed-Derived Ingredients for Use in Human Food: <https://www.fda.gov/food/cfsan-constituent-updates/fda-responds-three-gras-notice-hemp-seed-derived-ingredients-use-human-food>

K.S.A. 2-3901: [https://www.ksrevisor.org/statutes/chapters/ch02/002\\_039\\_0001.html](https://www.ksrevisor.org/statutes/chapters/ch02/002_039_0001.html)

K.S.A. 2-3908: [https://www.ksrevisor.org/statutes/chapters/ch02/002\\_039\\_0008.html](https://www.ksrevisor.org/statutes/chapters/ch02/002_039_0008.html)

The above statement was created for the *From the Land of Kansas* program by the Kansas Department of Agriculture with input from the Industrial Hemp Program, Food Safety and Lodging Program, Dairy and Feed Safety Program, Compliance Education and Outreach and the Legal Division.