



Alabama Department of Public Health
Bureau of Environmental Services

Position on Enforcement of CBD in foods
September 30, 2022

The Alabama Department of Public Health (ADPH) typically encounters CBD in food through routine inspections of its permitted retail food establishments and food manufacturers, and through complaints. Additionally, we may receive questions from food manufacturers and retail establishments inquiring if they can add CBD to foods manufactured and packaged for resale, or at the point of sale to the consumer. Among various edibles, commonly encountered food items include baked goods, coffee and beer.

Based on the Public Notice issued by the Attorney General's Office, most recently updated August 14, 2019, ADPH's position has been to issue a Do Not Sell – Food Condemnation Order when we discover food that includes CBD in ADPH-permitted food establishments. ADPH has allowed food establishments to sell food or drinks and allow a customer to add their own separately purchased CBD to the food or beverage. A food service establishment can separately sell CBD, assuming it is of the legal strength.

ADPH has not taken any action against out-of-state food manufacturers that operate where CBD may be allowed as a food additive because the manufacturer is not under Alabama jurisdiction. These matters are reported to the FDA for possible enforcement action. ADPH does issue Do Not Sell – Food Condemnation Orders to the retailer and they are informed that CBD is not an approved additive.

Currently, CBD is not Generally Recognized as Safe (GRAS) by FDA and therefore is not approved as a food additive in Alabama, as stated below:

“Selling unapproved products with unsubstantiated therapeutic claims can put patients and consumers at risk. These products have not been shown to be safe or effective, and deceptive marketing of unproven treatments may keep some patients from accessing appropriate, recognized therapies to treat serious and even fatal diseases. Additionally, because they are not evaluated by the FDA, there may be other ingredients that are not disclosed, which may be harmful.”¹

Although some states have enacted legislation that allows CBD in food, the practice remains illegal in Alabama.

¹ Statement from FDA Commissioner Scott Gottlieb, M.D., 04/02/2019, available at <https://www.fda.gov/news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-new-steps-advance-agencys-continued-evaluation>