



## Retail CBD Sales

*Cannabinoids, such as cannabidiol (“CBD”), are a group of chemicals concentrated in the female flower of genus Cannabis plants. While CBD can be extracted from marijuana or hemp, both of which are in the genus Cannabis, Connecticut law only permits the retail sale of hemp-derived CBD.*



*Delta-9 tetrahydrocannabinol (“THC”) is a naturally occurring compound in Cannabis that is responsible for producing psychoactive effects. While CBD is chemically similar to THC, it does not have the same psychoactive effects.*

### State Law

Prior to the passage of [PA 19-3](#), under state law, CBD fell within the definition of “marijuana” and “cannabis-type substances” and thus was a controlled substance that could only be sold by medical marijuana dispensaries. Now the retail sale of CBD is generally legal under state law, as long as it is manufactured from hemp with THC concentrations below 0.3%, on a dry weight basis.

- State law requires anyone converting hemp plants into CBD intended for human ingestion, inhalation, or absorption to obtain a Department of Consumer Protection (DCP) [manufacturer](#) license
- Purchasing CBD from a lawfully authorized manufacturer and incorporating it into a consumable or other product does not require a manufacturer license, but if manufacturing the product would otherwise require a DCP credential, one is still required (e.g., making cookies for retail sale, whether they contain CBD or not)
  - According to DCP, other credentials that may be required include [Manufacturer of Electronic Cigarettes](#), [Manufacturer of Cosmetics](#), or a credential from the [Food Division](#)
- Growing hemp requires a Department of Agriculture [producer](#) license, as does processing hemp for animal food or textiles
- Legally obtained hemp and CBD products may be sold at retail without a license

State law prohibits any advertising, labeling, or marketing of hemp consumables that claims “health impacts, medical effects or physical or mental benefits.”

(In addition to the major changes passed in [PA 19-3](#), recently enacted [PA 20-2](#) (Sept. S.S.) made changes to the state’s hemp program to align it with federal requirements.)

## Federal Law

The Agriculture Improvement Act of 2018 removed hemp — defined as cannabis and cannabis derivatives with low concentrations of THC (no more than 0.3% on a dry weight basis) — from the definition of marijuana in the federal Controlled Substances Act, thus legalizing agricultural hemp production, including the production of hemp-derived CBD (Pub. L. 115-334, “2018 Farm Bill”). While food products and dietary supplements containing CBD are widely available, it is currently illegal under the federal Food, Drug, and Cosmetic Act (FD&C Act) to introduce CBD into the interstate commerce food supply or market it as a dietary supplement, regardless of whether the CBD is hemp-derived. Cosmetics generally may contain CBD. (Generally, “interstate commerce” means the product will cross state lines.)



### **Can one sell human or animal food to which hemp-derived CBD has been added?**

No, food that will be introduced into interstate commerce cannot contain CBD. With certain exceptions, the FD&C Act prohibits adding to [food](#), until the FDA issues authorizing regulations, any substance that is (1) an active ingredient in a drug product that has been approved by the FDA under specified provisions, or (2) a drug for which substantial clinical investigations have been instituted and for which the existence of such investigations has been made public. Because CBD falls within this prohibition, it cannot be added to food until the FDA issues regulations approving its use in food.



### **Can one sell dietary supplements to which hemp-derived CBD has been added?**

No, dietary supplements containing CBD are prohibited until the FDA opts to issue regulations allowing them. Unless an exception applies, supplements cannot contain the same active ingredients (e.g., CBD) as a drug product. (The FDA determined no exception applies to CBD.) Generally, [dietary supplements](#) are products that contain one or more vitamins; minerals; herbs or botanicals; amino acids; substances used to supplement human diets; or a concentrate, metabolite, constituent, extract, or combination of these substances. Dietary supplements are distinct from drug products. (A product is a drug if it is intended to affect the structure or function of the body or diagnose, cure, mitigate, treat, or prevent disease.)



### **Can one sell cosmetics to which hemp-derived CBD has been added?**

Yes, as the FDA has neither prohibited nor restricted CBD use in cosmetics. [Cosmetics](#) are (1) articles, excluding soap, intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to any part of the human body for cleansing, beautifying, promoting attractiveness, or altering appearance; and (2) articles intended for use as a component in any of the preceding. (A product is a drug, not a cosmetic, if it is intended to have a therapeutic use, as mentioned above.) Cosmetic products are generally not subject to FDA premarket approval. While regulations prohibit or restrict certain cosmetic ingredients, CBD is neither prohibited nor restricted. However, CBD, like any cosmetic ingredient, cannot be added to a cosmetic if it is rendered dangerous when used under customary conditions.

**Learn  
More**

“Legality of Retail CBD Products under Federal Law,” OLR Report [2019-R-0021](#)

“Issue Brief: Hemp Production in Connecticut,” OLR Report [2020-R-0278](#)

FDA’s [website](#) with extensive Q&A

DCP’s [flyer](#) with extensive Q&A

