



# ALABAMA DEPARTMENT OF AGRICULTURE & INDUSTRIES

## AGRICULTURAL COMPLIANCE SECTION

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## CURRENT POLICY ON USE OF HEMP PRODUCTS IN ANIMAL FEED

The Agricultural Compliance Section of the Alabama Department of Agriculture and Industries, Division of Food Safety and Agricultural Compliance is responsible for the regulation of commercial feed for animals in the state of Alabama. Pursuant to the Alabama Feed Law and Regulations (Code of Alabama §2-21-16 - §2-21-34 and Alabama Administrative Code 80-1-5 ),

Pursuant to American Association of Feed Control Officials (AAFCO), March 5, 2017 updated July 16, 2020, the Agricultural Compliance Section does not currently allow the use of any hemp products including hemp seeds, hemp oil or hemp seed meal in products intended for the feeding of animals. The 2021 Official Publication of AAFCO also does not include definitions for any hemp product and Alabama statutes and regulations reference this manual in Code of Alabama §2-21-25 (1) and Alabama Administrative Rules 80-1-5.03.

Hemp processors wishing to introduce hemp products into the Alabama animal feed market can pursue a new ingredient definition through AAFCO

([http://www.aafco.org/Portals/0/SiteContent/Regulatory/Committees/Ingredient-Definitions/definition\\_request\\_guidelines\\_020112.pdf](http://www.aafco.org/Portals/0/SiteContent/Regulatory/Committees/Ingredient-Definitions/definition_request_guidelines_020112.pdf)).

The Food and Drug Administration's self-affirmed GRAS (generally recognized as safe) program is another avenue for hemp products to potentially reach the animal feed market

(<https://www.fda.gov/food/food-ingredients-packaging/generally-recognized-safe-gras>).

Our feed program requires firms claiming self-affirmed GRAS to submit the scientific substantiation and data packet used to meet all safety and efficacy requirements of GRAS.

We acknowledge that industrial hemp production in Alabama may produce products suitable for animal feed. However, based on the lack of ingredient definitions reviewed and accepted by AAFCO and without an accepted self-affirmed GRAS submission, we are not accepting hemp products as single ingredients or as a component of any animal feed including pet foods at this time. We are open to reviewing this policy in the future.

Scott Absher  
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# **AAFCO Guidelines on Hemp in Animal Food**

## **Original Release Date: March 5, 2017**

## **Updated July 16, 2020**

**For more information, visit the website [aaftco.org](http://aaftco.org).**

### **Changes to Hemp Production in the 2018 Farm Bill**

Sections 10113 and 10114. Page 429–435

Subtitle G – Hemp Production

The Agricultural Improvement Act of 2018, also referred to as the “Farm Bill,” expanded the legal production opportunities of hemp in the United States, compared with the 2014 Farm Bill, which restricted the cultivation of hemp to “institutions of higher education” and state departments of agriculture under pilot programs.

In the Farm Bill, hemp was removed from the list of controlled substances, but marijuana still remains federally illegal in the United States. “Hemp” is defined as the plant *Cannabis sativa* L., and any part of the plant, including seeds, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol (THC) of no more than 0.3% on a dry-weight basis.

Responsibility for managing the production and utilization of hemp resides with the Secretary of Agriculture and the USDA. Through the Farm Bill, a shared state and federal regulatory authority was established. Each state department of agriculture may develop and submit a plan to the USDA for approval that outlines the propagation of hemp in that state. However, the requirements for a state management plan focus primarily on the cultivation of hemp and do not address the production and use of hemp as a feed ingredient. As such, like any other potential feed ingredient, hemp is still subject to the same level of review and approval as any other new feed ingredient.

### **What does this mean for animal feed and pet food?**

**As of July 2020, hemp and hemp products may not be used in animal feed or pet food in the United States.** The 2018 Farm Bill did not grant the right to use hemp and hemp products in food for humans or animals. The FDA has regulatory authority over food products.

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### **Explain the US animal feed and pet food ingredient definition process.**

Ingredients used in animal food (pet, livestock, and poultry) in the United States undergo a scientific review by the company proposing the ingredient for definition. The purpose of the scientific review is to scientifically document the safety of the ingredient for the intended use in the intended species prior to it being allowed for sale or distribution. The most comprehensive list of ingredients defined for animal food use is found in the Association of American Feed Control Officials *Official Publication* (AAFCO OP).

Ingredient definitions and their common names come into the AAFCO OP through one of three routes.

- Food Additive Petition to the FDA (FAP) filed with FDA CVM;
- FDA CVM Letter of No Questions issued in response to a Generally Recognized as Safe (GRAS) dossier submitted to CVM by the company requesting the ingredient; and
- AAFCO defined ingredient, which is the most popular route.

There is no enrollment fee to industry for any of these routes because the scientific studies of the ingredient are completed by the company ahead of the filing of the documentation for the selected ingredient approval route. Each of these routes includes some level of a safety and utility review done by the FDA/CVM.

States allow feeds to be made with ingredients defined according to the AAFCO OP. Industry develops product formulations and procures for ingredients based on the definitions in the AAFCO OP. The common ingredient name established by AAFCO is reflected in the feed's ingredient statement.

### **Current Hemp Production Situation**

Because hemp is no longer considered a schedule 1 drug, interest in industrial hemp products and production is rapidly increasing in the United States. In 2015 AAFCO asked the hemp industry to come forward and present information for the scientific review to establish definitions for animal foods made from the industrial hemp plant. We expected information on hemp seed oil, hemp seed meal, and whole hemp seeds. Although there are private companies and organizations working on applications, to date, industry has not submitted any data showing that ingredients derived from the hemp plant are safe and useful in animal food. AAFCO encourages industry to submit their data promptly.

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Regulatory members continue to ask for the information prior to distribution of hemp-based products in their state. The safety concerns that must be addressed through scientific studies in the species for which the ingredient is proposed as a feed ingredient relate to the presence of certain compounds, including THC (tetrahydrocannabinol) and CBD (cannabidiol), in parts of the hemp plant.

One thing has become clear through collaborative discussions with the hemp industry and the FDA: materials and products that are CBD-infused need to be treated as drugs because the intended uses are largely associated with drug claims. This means that parts of the hemp plant will not be appropriate for approval as an animal feed ingredient. As such, products that contain CBD as a feed ingredient could be labeled adulterated or misbranded and be subject to regulatory actions by state agencies.

Quoting from the FDA and Marijuana website: “FDA has therefore concluded that it is a prohibited act to introduce or deliver for introduction into interstate commerce any food (including any animal food or feed) to which cannabidiol has been added.”

Aside from CBD, there are parts of the plant, such as the hemp seeds, that have the potential be approved for animal feed. AAFCO continues to encourage interested parties to work on submitting a proper application either through the AAFCO or the FDA review process.

### **Who is AAFCO?**

The Association of American Feed Control Officials (AAFCO) is a nonprofit organization whose members are government agencies representing US states, the Food and Drug Administration (FDA) Center for Veterinary Medicine (CVM), and the Canadian Food Inspection Agency (CFIA). AAFCO works cooperatively with industry and consumers to recognize animal feed ingredients with the following outcomes very clearly in focus:

- Diet appropriate for the animal species that will eat the food; ingredients are appropriate for the intended species and use;
- Safety of the ingredient validated by scientific data; and
- Encouragement of interstate commerce by promoting the adoption of common language among state laws.

The most important aspect of feed regulation is to provide protection for the consumer. We accomplish this by providing an open forum for discussions of regulatory sciences in

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which regulators, the industry, and consumers can enhance the assurance of animal feed safety, quality, and effectiveness.

### **For further information:**

AAFCO Ingredient Definition Process: <https://www.aafco.org/Regulatory>

AAFCO Hemp Seed Oil Investigator: [Richard Ten Eyck](#)

AAFCO Hemp Seed Meal, Whole Hemp Seed Investigator: [Falina Hutchinson](#)

FDA Food Additive Petitions:

<http://www.fda.gov/AnimalVeterinary/DevelopmentApprovalProcess/ucm056809.htm>

FDA GRAS Notification:

<http://www.fda.gov/AnimalVeterinary/Products/AnimalFoodFeeds/GenerallyRecognizedasSafeGRAS/Notifications/default.htm>

FDA and Marijuana: Questions and Answers

<http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm421168.htm#dietsuppsexclude>