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BRAD LITTLE, GOVERNOR
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MEMORANDUM

From: Idaho State Department of Agriculture (ISDA)
To: Animal Feed Retailers, Manufacturers, and Distributors
Date: July 20, 2022
Re: Hemp Products in Animal Feed & Remedies

There has been significant interest in hemp and hemp-derived products in animal feed. This memorandum is meant to provide an update about the regulatory status of these products in Idaho.

State and Federal Regulation

Hemp or hemp-derived products, including CBD, are not recognized by the U.S. Food and Drug Administration (FDA) or the Association of American Feed Control Officials (AAFCO) as legal feed ingredients. Similarly, Idaho law does not recognize hemp as a feed or remedy ingredient. Safe levels of hemp and hemp-derived products in animal feed have not yet been established under federal or state law. As such, these products are not approved feed ingredients and cannot lawfully be added to or incorporated into commercial feed. This includes feeds, treats and remedies intended for pets, livestock, or any other animal.

In 2021, the Idaho Legislature passed House Bill 126, which legalized the licensed production and handling of hemp in Idaho. However, the new law did not legalize hemp in every setting or product type. As hemp manufacturing begins to take place in Idaho, ISDA is working with new hemp licensees and animal feed companies to understand what is legal in the state.

Interest in hemp animal feeds and remedies has grown significantly, and these products are known to be available online and in retail stores. We recognize that some states have adopted laws and rules that allow for hemp to be included in human and animal foods.

Across the U.S., the animal feed industry, feed regulators and animal health officials have come together to push for more research of hemp products in order to develop uniform regulation. In February 2022, AAFCO, the American Veterinary Medical Association, along with 15 other animal health and feed industry groups, co-authored a joint open letter aimed at addressing health concerns of hemp in animal feeds including safety of food-producing animals consuming unproven products in the human food chain.

Commercial Feeds in Idaho

Under Idaho law, ISDA is charged with ensuring commercial feeds for livestock and pets are safe, nutritious, and labeled correctly. Idaho Code 25-2712 (1) states that it is unlawful to “manufacture or distribut[e] any commercial feed that is adulterated or misbranded.” Therefore, pursuant to state law and consistent with the FDA and AAFCO, the ISDA has not approved hemp or hemp-derived products for animal use.

Animal Remedies (Supplements)

Animal remedies are products intended to support animal health, structure or function and are often mixed into animal feeds or administered as dosage-type supplements. Animal remedies in Idaho are exempted from feed requirements except when these products are misbranded with nutritive claims or are considered adulterated. Animal remedies containing hemp are adulterated and are being unlawfully marketed and distributed in Idaho.

Animal Feed and Remedy Enforcement

ISDA enforces animal feed law across the state. We recognize that many retailers have been distributing products with hemp or hemp-derived ingredients under the assumption these products are allowed in Idaho. ISDA appreciates the collaborative relationship we have with our customers, and we want to give customers time to comply with the law.

Effective November 1, 2022, ISDA will be inspecting for hemp and hemp-derived animal feeds and remedies. These products are not legal in Idaho, and if found on or after November 1, 2022, will be subject to a stop sale and further action from the department.

ISDA Information

The ISDA's Commercial Feed Program has been in place since 1953 working to implement feed laws and protect Idaho's animal feed supply. The program works cooperatively with FDA, AAFCO, industry, and regulatory partners across the nation to define feed ingredients, develop label standards, and to promote uniformity in the regulation of animal feeds in every state.

Contact

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Additional Resources

Frequently Asked Questions - <https://www.aaferg.org/Home/hempinanimalfeed>
Hemp Feed Coalition - <https://hempfeedcoalition.org/>
FDA Regulation of Cannabis-Derived Products- <https://www.fda.gov/news-events/public-health-focus/fda-regulation-cannabis-and-cannabis-derived-products-including-cannabidiol-cbd#food>