

## THC and CBD in Alcoholic Beverages

### INTRODUCTION

The purpose of this bulletin is to provide clarification to license and permit holders selling and serving alcoholic beverages about the applicable state regulations and federal guidance regarding the use of Tetrahydrocannabinol (THC) and Cannabidiol (CBD) products in alcoholic beverages.

### BACKGROUND

The recent popularity of THC and CBD, substances extracted from the plants of the genus Cannabis, has led to inquiries regarding the legality of these substances in alcoholic beverages products. The use of THC and CBD is restricted in Iowa.

### DISCUSSION

**THC is considered a schedule I substance and is illegal in Iowa.**

- Iowa Code section 124.204 lists THC as a schedule I hallucinogenic substance.

**CBD is only legal under the Medical Cannabidiol Act.**

- Iowa Code section 124.401 states that a person may recommend, possess, use, dispense, deliver, transport, or administer CBD if in accordance with the provisions of Iowa Code chapter 124E, Medical Cannabidiol Act.

**A person holding an alcohol license/permit and the licensed premises must adhere to all laws.**

- A license/permit holder must be a person of good moral character. A person of good moral character will comply with all laws, ordinances, and regulations in Iowa Code chapter 123.
- The licensed premises must conform to all applicable laws, ordinances, resolutions, and health and fire regulations.
- A person holding an alcohol license/permit shall not knowingly permit or engage in any criminal activity on the premises covered by a license/permit.
- Mixed drinks or cocktails shall not include hallucinogenic or controlled substances.

### CONCLUSION:

- **THC and CBD are prohibited in alcoholic beverages sold by license/permit holders in the state of Iowa.**

### VIOLATIONS:

- An alcohol license/permit holder who is found to be in violation of Iowa laws or rules may be subject to criminal penalties and administrative sanctions including, but not limited to civil penalty, license/permit suspension, or license/permit revocation.

## **REFERENCES BY OTHER AGENCIES:**

### **Iowa Department of Public Health (IDPH)**

IDPH is responsible for administering and enforcing Iowa Code section 124E, the Medical Cannabidiol Act. IDPH issued a [position statement](#) on December 1, 2018, addressing the use of medical and non-medical CBD products in the state of Iowa.

### **Iowa Department of Inspections and Appeals (DIA)**

The Food and Consumer Safety Bureau with the DIA is responsible for administering and enforcing the Iowa Food Code, Iowa Code Section 137F, by conducting food safety inspections at food establishments and food processing plants. DIA issued a [regulatory notice](#) on May 15, 2019, addressing CBD in food products.

### **Food and Drug Administration (FDA)**

The FDA offers an [FAQ](#) that states that it is unlawful under the Federal Food, Drug, and Cosmetic Act (FD&C Act) to introduce food containing added THC or CBD into interstate commerce, or to market THC or CBD products as, or in, dietary supplements, regardless of whether the substances are hemp-derived.

### **Tax and Trade Bureau (TTB)**

The TTB issued an [industry circular](#) on April 25, 2019, stating it remains TTB's policy that it will not approve any formulas for alcohol beverages that contain ingredients that are controlled substances under the Controlled Substances Act (CSA). Even if an ingredient derived from cannabis is not a controlled substance because it meets the 2018 farm bill definition of "hemp," TTB continues to consult with the FDA to determine if the use of hemp ingredients would violate the FD&C Act. The FDA has issued public statements explaining why some "hemp" ingredients are not permitted in food/drinks under the FD&C Act, which FDA administers.

### **Drug Enforcement Administration (DEA)**

The DEA issued a [statement](#) clarifying the new drug code 7350 for marijuana extract. This clarifying statement indicates, cannabinoids, such as THC, cannabiniols (CBN) and CBD, are found in the parts of the cannabis plant that fall within the Controlled Substance Act definition of marijuana, such as the flowering tops, resin, and leaves.

#### **References and useful information:**

**State Law:** 123.1, 123.2, 123.3, 123.30, 123.49, 124.204, 124.401

**State Rules:** 185 Iowa Administrative Code section 4.2(123)

**Website Links:** <https://abd.iowa.gov/alcohol/abd-regulatory-bulletins>

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