



Georgia Food Service Rules and Regulations Hemp Products FAQ

The Georgia Food Service Rules and Regulations – Chapter 511-6-1 requires Food Service Establishments (i.e., restaurants, coffee shops, cafés, etc.) that use additives in any food offered for sale or service to the public shall be approved or Generally Recognized as Safe (GRAS) substances. At this time, the Food and Drug Administration (FDA) has ***“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 THC or CBD has been added.”***

What is considered “food” in Georgia?

“Food” encompasses all edible products that are prepared raw, cooked, or processed for human consumption. In Georgia, this includes ice, beverages, any ingredient intended for use or sale for human consumption, and chewing gum.

What is Hemp, and is it legal in Georgia?

Hemp refers to the cannabis plant (*Cannabis sativa L.*) and its derivatives, characterized by very low levels of delta-9-THC, not exceeding the legal limit of 0.3%. This includes the plant itself and all its parts, such as seeds, derivatives, extracts, isomers, acids, salts, and salts of isomers, whether the plant is growing or not¹.

The Georgia Legislature recently passed [SB 494](#), which Governor Kemp signed into law. This law introduces substantial changes to the hemp industry. The Georgia Department of Agriculture’s (GDA) [Hemp Program](#) regulates the growing, processing, testing, manufacturing, wholesale, and retail sales of consumable hemp products.

What is a consumable hemp product?

Hemp products are derived from or made by processing hemp plants or their parts and are prepared for legal commercial sale. All consumable hemp product(s) must adhere to the federally defined THC level for hemp, ensuring the total delta-9-THC concentration does not exceed the legal limit.

Are consumable hemp products allowed in food service establishments (i.e., restaurants, cafés, etc.)?

GDA regulates consumable hemp products, which must have a THC level of no more than 0.3 percent. Starting October 1, 2024, businesses selling these products to consumers must obtain a Retail Consumable Hemp License from GDA and ensure the products are sold or served only in packaged form. These products cannot be added to any food or alcoholic beverages according to O.C.G.A § 2-23-9.2. Restaurants with a Retail Consumable Hemp License can sell these products as packaged items within their establishments. District/county environmental health specialists will

¹ [Georgia Department of Agriculture – Chapter 40-32-1 Hemp Growers and Processors/General Provisions](#)

notify GDA about any food service establishments selling these products and ensure they are not used as food ingredients. Restaurants or food service establishments selling these products without a license or adding them to food are subject to local Health Authority or GDA enforcement actions.

If you apply for a Retail Consumable Hemp License, be advised of the following:

- Food Products and Alcohol: Consumable hemp products that constitute or are a component of food products or beverages containing alcohol or constituting an alcoholic beverage are ***prohibited for sale or distribution in Georgia (O.C.G.A. § 2-23-9.2)***.
- Consumable Hemp Products in the Form of Gummies: Hemp contained within gummies ***is permitted for sale and distribution in Georgia***, so long as the gummy is not a food product component (***O.C.G.A. § 2-23-9.2***).
- Consumable Hemp Products in the form of Oil Based Tinctures: Hemp contained within consumable base oils that are not components of a food product ***are permitted for sale and distribution in Georgia (O.C.G.A. § 2-23-9.2)***.

What hemp products are allowed in food service establishments (i.e., restaurants, cafés, etc.)?

Currently, three hemp products are designated as [Generally Recognized as Safe \(GRAS\)](#) – they are (1) [hulled hemp seeds](#), (2) [hemp seed protein powder](#), and (3) [hemp seed oil](#). These three products, all from the hemp plant seed, contain only trace amounts of extracts like THC and CBD and have been evaluated by the FDA. Therefore, these three products can be sold as food or added as ingredients to foods and sold in Georgia. (Note: *These hemp products are approved food additives and do not require a license to sell or serve in a food service establishment.*)

Where can I find more information?

- More information about the [GDA Hemp Program](#) can be found on their website's [FAQ page](#).
- More information about GDA's Retail Consumable Hemp License requirements can be found [here](#).
- FDA's regulation of cannabis and cannabis-derived products can be found [here](#).
- A copy of the Georgia Food Service Regulations can be downloaded from this [page](#).

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