

**§2158. Addition of certain substances limited**

Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice, must be deemed to be unsafe for purposes of the application of section 2156, subsection 1, paragraph B; but when such substance is so required or cannot be avoided, the Commissioner of Agriculture, Conservation and Forestry shall adopt rules limiting the quantity therein or thereon to such extent as the commissioner finds necessary for the protection of public health, and any quantity exceeding the limits so fixed must be deemed to be unsafe for purposes of the application of section 2156, subsection 1, paragraph B. While such a rule is in effect limiting the quantity of any such substance in the case of any food, such food may not, by reason of bearing or containing any added amount of such substance, be considered to be adulterated within the meaning of section 2156, subsection 1, paragraph A. In determining the quantity of such added substance to be tolerated in or on different articles of food, the commissioner shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances. Goods that are prepared by a caregiver under section 2152, subsection 4-A, paragraph G or in a food establishment that is a licensed facility under section 2167 and that contain cannabis for medical use by a qualifying patient, pursuant to chapter 558-C, are not considered to be adulterated under this subchapter. [PL 2017, c. 452, §2 (AMD); PL 2021, c. 669, §5 (REV).]

**SECTION HISTORY**

PL 1979, c. 731, §19 (AMD). PL 2009, c. 631, §5 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. A, §3 (AMD). PL 2011, c. 657, Pt. W, §6 (REV). PL 2017, c. 452, §2 (AMD). PL 2021, c. 669, §5 (REV).

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