

Summary Table of State Laws and Regulations Governing Intoxicating Hemp-Cannabinoid Drinks in Select Jurisdictions – CA and NY Teasers

#	State	Extent of Regulatory Controls: - Permissive - Somewhat Restrictive - Highly Restrictive - Prohibited	Applicable Statute/Reg/Executive Order/Attorney General/Guidance Citation	THC Potency/Dosage Limitation Other Permissible Form Factors	Packaging/Labeling Rules	Product/Manufacturer/Retailer Registration Requirements	Relevant Notes
1	California Last Update: May 7, 2025	Prohibited <u>Abstract:</u> Regulations for hemp-derived food, beverage and dairy products ban any detectable amount of THC or other intoxicating cannabinoids per serving, ban sales to people under 21, and limit servings to 5 per package. Regulations do not ban hemp-derived CBD products with no detectable THC or other intoxicating cannabinoids.	California Department of Public Health Emergency Hemp Regulations (initially promulgated in September 2024) Note: Initially imposed under emergency rulemaking. Emergency readopt extended through September of 2025.	It is prohibited to manufacture, warehouse, distribute, offer, advertise, market, or sell industrial hemp final form food products intended for human consumption that exceed the limit of detection for total THC per serving. Each serving in a package must have no detectable amount of total THC . “Detectable” means any amount of analyte, subject to the limit of detection. “Limit of detection” means the lowest quantity of a substance or an analyte that can be reliably distinguished from the absence of that substance within a specified confidence limit.	Each package is limited to a maximum of five servings and each serving in a package must have no detectable amount of total THC. Manufacturers must provide documentation that includes a certificate of analysis from an independent testing laboratory to confirm the amount of total THC in the final form food product does not exceed the total THC per serving size limits.	N/A – products with detectable amounts of THC are prohibited in the state.	Industrial hemp final form food products intended for human consumption cannot be offered or sold to individuals under 21 years of age.
2	New York Last Update: May 7, 2025	Highly Restrictive <u>Abstract:</u> All cannabinoid hemp products are subject to minimum 15-to-1 CBD to THC ratio, with which most hemp beverage formulations do not comply. Hemp cannabinoid product distributors and retailers must register with the Office of Cannabis Management.	Marijuana Regulation and Tax Act . Part 114 of Title 9 of Official Compilation of Code Rules and Regulations .	All cannabinoid hemp products distributed or offered for retail sale in New York state must contain no more than a total of 0.3% of Delta-9 THC concentration. All products must contain a ratio of CBD to THC that is 15:1 or higher. However, for concentrated cannabinoid hemp products, if CBD is not the primary marketed cannabinoid, the sum of	All cannabinoid hemp products distributed or offered for retail sale in New York State must include the following information on the product label or packaging: (1) if the cannabinoid hemp product is an orally consumed product, comply with the requirements in Title 21 Code of Federal Regulations Part 101 and include a nutritional or supplement fact panel that is based on the number of servings within the container; (2) a list of all ingredients in descending order of predominance by weight in the product; (3) except for flower products, topical products, and concentrated cannabinoid hemp products	Yes. Both retailers and distributors of cannabinoid hemp products must register with the Office of Cannabis Management (the agency that regulates the state’s cannabinoid hemp program). If an entity is selling a cannabinoid hemp product to consumers in New York State and selling cannabinoid hemp products manufactured out-of-	Even those entities which solely conduct online cannabinoid hemp product sales to consumers in New York State must obtain a cannabinoid hemp retailer permit. Entities must have sufficient safeguards in place to verify that an individual presenting or submitting proof of age matches the identification and is twenty-one (21) years of age or older in order to purchase cannabinoid hemp products.

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				cannabinoids excluding THC must have a ratio of 15:1 THC or higher. 1mg of THC per serving and 10 mg THC per package. 100mg total cannabinoids per serving and 3,000 mg cannabinoids per package.	intended for inhalation or vaporization, the number of servings per package or container, including the milligrams per serving of: (i) CBD; (ii) “Total THC” or “THC” which for the purposes of product labeling may be rounded and shall include detectable levels of total Δ9-Tetrahydrocannabinol, Δ8-Tetrahydrocannabinol and Δ10-Tetrahydrocannabinol; and (iii) any other marketed cannabinoid; (4) an expiration or best by date if applicable; (5) a lot or batch number; (6) the name of the cannabinoid hemp processor or out of state manufacturer, packer or distributor; (7) a scannable bar code or QR code linked to a downloadable certificate of analysis, or linked to a website where the certificate of analysis can be downloaded; (8) the state(s) or if outside of the United States of America, country of origin from which hemp used in the product was sourced; and (9) a means for reporting serious adverse events or side effects. All cannabinoid hemp products must be packaged in tamper-evident packaging that minimizes oxygen and light exposure to prevent degradation of the product and cannabinoids. All cannabinoid hemp products must be accompanied by the following: (1) recommended size of a serving except for flower products, topical products, and concentrated cannabinoid hemp product intended for inhalation or vaporization; and (2) clear usage instructions. All cannabinoid hemp products claiming to be “craft”, “isolate,” “full spectrum,” “broad	state to cannabinoid hemp retailers in New York State, both a cannabinoid hemp retailer license and distributor permit is required.	

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					spectrum,” or “distillate” must comply with the applicable definition contained in Part 114. All cannabinoid hemp products offered for retail sale must include the following warnings on the product label or packaging, in a manner that is clear and conspicuous that: (1) must be kept out of the reach of children and pets; (2) this product is derived from hemp and may contain THC which could result in a failed drug test. Provided however, this warning may be omitted for cannabinoid hemp products that are: topically applied; made exclusively using an “isolate;” or made from “broad spectrum” hemp extract; (3) this product has not been evaluated by the Food and Drug Administration for safety or efficacy; (4) if you are pregnant or nursing you should consult your healthcare provider before use; (5) for cannabinoid hemp products intended to be inhaled or vaporized, a warning stating that smoking or vaping is hazardous to your health; and (6) any other warning required by the Office of Cannabis Management. All information required to be listed on cannabinoid hemp product labeling or packaging in accordance with section 114.9 shall be displayed: (1) in the English language; and (2) in text no smaller than 4.5-point font.		