

DRAFT Excerpt - Summary Table of State Laws and Regulations Governing Intoxicating Hemp-Cannabinoid Drinks in Select Jurisdictions

	State (date of last update)	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 ** July 1, 2025	Prohibited	Department of Public Health Emergency Hemp Regulations DPH-24-005E (September 2024) Note: Initially imposed under emergency rulemaking. Recently extended through June of 2025. By notice published on June 13, 2025, the California Department of Public Health proposes to make these regulations permanent, banning any detectable amount of THC. Subject to 45-day written public comment period.	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. Include Delta-9 THC but also over 30 different intoxicating cannabinoids that are included within the new regulatory definition of THC – including Delta-5, 6, 7, 8, 10 and 11 and any “metabolites, derivatives, salts, isomers, and any salt or acid of an isomer” of those cannabinoids. “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	Industrial hemp final form food products intended for human consumption cannot be offered or sold to individuals under 21 years of age. On May 8, 2025, Governor Gavin Newsom issued press release identifying that the California Department of Alcoholic Beverage Control has seen 99.7% compliance among businesses licensed by the State. Since September 2024, ABC agents have visited 11,445 businesses and removed 7,151 illegal products from shelves at 148 locations.
2	Tennessee ** July 1, 2025	Highly Restrictive	HB 1376/SB1413 enacted in May 2025 and takes effect January 1, 2026 and modifies state’s framework for regulating HDC Products by, among other things, transferring responsibility for regulating such products from DOA to the alcoholic beverage	HDC Product is a product that contains or that is labeled as containing a hemp-derived cannabinoid and that is produced, marketed, or otherwise intended to be ingested orally, inhaled, or absorbed through the skin.	All HDC Products must be tested by independent testing laboratories. ABC to promulgate rules for HDC product testing. all HDC Products sold at retail must be contained in child resistant packaging and: If the HDC Products is a beverage product, must utilize a traditional pull-tab, an aluminum can device currently approved for	All entities engaged in the manufacturing, producing wholesale distribution or sales of HDC Products must obtain a license from the ABC. Retail sales may only be conducted by licensed retailers (by ABC), and only to individuals	ABC has issued guidance and a FAQ on the upcoming transition of hemp product regulation. ABC intends to promulgate rules that substantially align with the Department of Agriculture’s existing safety standards related to product testing and labeling to help

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			commission (“ABC”) and the Department of Revenue.	Prohibits the manufacture, production and sales of HDC Products containing a total THC concentration in excess of 0.3% on a dry weight basis. “Total THC” means a combination of tetrahydrocannabinol, tetrahydrocannabinolic acid, a THC component, or a derivative thereof. HDC Products may not contain synthetic cannabinoids. An ingestible HDC Product containing a hemp-derived cannabinoid must not: (1) Be sold in a serving that contains more than twenty-five (25) milligrams, in the aggregate, of one (1) or more hemp-derived cannabinoids; (2) If the HDCP product is a hemp-derived cannabinoid beverage product, be sold: (A) In a concentration greater than two hundred fifty (250) milligrams, in the aggregate, of one (1) or more hemp-derived cannabinoids, per seven hundred fifty milliliters (750 ml) by volume; (B) In a container with a volume greater than seven hundred fifty milliliters (750 ml); or (C) In a container that contains more than two (2) servings, with the exception of a seven hundred fifty milliliter (750 ml) container; or (3) Be formed into the shape of an animal or cartoon character.	soft drinks and malt beverages, or a screw-top or cork-style cap used for containers of wine and other alcoholic beverage products. For HDC Products other than beverage products, must be packaged in a single package, container, or cartridge that contains no more than the milligram equivalent of ten (10) servings, or two hundred fifty (250) milligrams of hemp-derived cannabinoids, in the aggregate, in a manner to be determined by the commission by rule. HDC Product labels must contain the following: • A list of ingredients and possible allergens and a nutritional fact panel; • A conspicuous warning statement having a minimum font size of 11-point font concerning the risk of impairment from consumption of the product, keeping the product out of the reach of children, and other warning information as required by rule of the commission; • If the product is ingestible, the amount of hemp-derived cannabinoid in each serving of the product, measured in milligrams; • The total amount of hemp-derived cannabinoid in the entire package, measured in milligrams; • The net weight of the product; • A quick response (QR) code that can be scanned to access a website providing the product's batch number, date received, date of testing completion, method of analysis for the testing report required under § 57-7-107, including information regarding results of the product's full-	aged 21 and over. Retail locations restricted to establishments holding licenses from the ABC and other establishments that limit entry to individuals who are 21+ and all HDC Products are required be maintained by a retailer behind a barrier. Direct to consumer shipping and delivery services are unlawful.	ensure continuity in compliance and safety standards during the transition period. Tax upon the sale of HDC Products at wholesale in the amount of one cent (1¢) per milligram of hemp-derived cannabinoid in each HDCP sold at wholesale in this state. Additional tax at the rate of six percent (6%) of the sales price of HDC Products when sold at retail in this state.

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					panel and potency tests conducted pursuant to § 57-7-107(a); and An expiration date. ABC may promulgate additional rules for packaging, labeling and displays of HDC Products offered for sale in the state.		
3	Alabama ** July 1, 2025	Highly Restrictive	HB 445 was enacted on May 27, 2025. Alabama Alcoholic Beverage Control Board (“ABC”) will be the regulator with prime authority. Local governing bodies of county or municipality where a business is located needs to first approve the application before ABC will issue a retail license. Grocery stores will be allowed to sell products, in addition to businesses with a valid retail liquor license for off-premises consumption, standalone location hemp stores, and pharmacies. Direct to consumer sales are prohibited. For beverages, would permit up to 10 mg of total THC (per 12 fl. oz.). For other edibles, one package may not contain more than 40 mg of total THC. The ABC is responsible for issuing licenses to oversee the manufacturing, distribution, and sales of hemp consumables.	Applies to “consumable hemp products,” which means a finished product that is intended for human or animal consumption that contains any part of the hemp plant or any compound, concentrate, extract, isolate, or resin derived from hemp. Limits of 10 mg of total THC per container for single serving size of edibles and beverages (per 12 fl. oz.). Consumable hemp product excludes: Any smokable hemp product, inclusive of hemp cigarettes, hemp cigars, hemp joints, hemp buds, hemp flower, hemp leaves, ground hemp flowers, or any varieties of these terms to include any product that contains a cannabinoid, whether psychoactive or not. Any product that contains psychoactive cannabinoids that are created by a chemical synthesis, modification, or chemical conversion from another cannabinoid, utilizing non-cannabis materials. Does	Highly specific and product dependent. General principles include: - May not bear the likeness or contain cartoon-like characteristic of a real or fictitious person, animal, or fruit that appeals to children. - May not be modeled after a product or products primarily consumed by or marketed to children. - May not include a statement, artwork, or design that could reasonably mislead an individual to believe that the package contains anything other than a consumable hemp product. - Must be child-resistant. Specific labeling requirements: - List of ingredients in descending order of prominence. - Scannable barcode or QR code linked to the COA. - Manufacture date and expiration date. - Batch number. - Total milligrams of THC found in the container. - Serving size. - Total number of milligrams of THC per serving. - Specific warnings. Must be individually wrapped in single serve packaging and one carton/package may not	Retailer licenses: ABC may only issue licenses to: - Entity holding valid retail liquor license from the ABC that authorizes off-premises consumption only. - Entity holding a pharmacy license from the Alabama State Board of Pharmacy. - Entity that only sells consumable hemp products. - Retail food stores in Alabama are eligible to receive a retail license from the ABC to sell consumable hemp beverages provided that the beverages are kept separated from alcoholic beverages and behind glass. Restricts sales of consumable hemp products to only adults aged 21 and older. Online sales, direct delivery, drive-through sales, and direct shipments of consumable hemp products within or into this state are strictly prohibited. "Direct shipment" means the shipment	Excise tax of 10% at retail sale.

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				not include a cannabinoid produced via decarboxylation of naturally occurring acidic forms of cannabinoids, such as tetrahydrocannabinolic acid, into the corresponding neutral cannabinoid, through the use of heat or light, without the use of chemical reagents or catalyst, and that results in no chemical change.	contain more than 40 milligrams of total THC.	of any consumable hemp product from any producer or retailer of consumable hemp products directly to an Alabama resident. Distributor rules: While distributors need not be licensed, every distributor must maintain and make immediately available for inspection to any law enforcement officer or authorized agent of the board a copy of the certificate of analysis of each consumable hemp product being distributed by a distributor or offered for sale by a retailer.	