



Introduction

Cannabinoid hemp products include any product processed or derived from hemp, that is sold for its cannabinoid content including CBD products, that are intended for human consumption or application. Cannabinoid hemp products sold under the New York State Cannabinoid Hemp Program may contain a THC concentration less than or equivalent to 0.3 percent.

Purpose

This guidance document is intended to provide an overview of the permitted and prohibited cannabinoid hemp products in New York State, an outline of the product requirements and limits established in the Cannabis Law and in OCM regulations, and clarity on the regulatory requirements for cannabinoid hemp products intended for vaporization.

The New York State Cannabinoid Hemp Program regulations and Cannabis Law are available to view on the Office of Cannabis Management [website](#).

Permitted Hemp Products: Product Forms and Potency Limits

Category	Type or Form	Description	Potency Limit ¹
Hemp Flower Product	Hemp Flower Product	Any form of cannabinoid hemp product consisting of the flower, buds, leaves, or stems of the hemp plant, including trimmings, intended for retail sale to consumers 21+ with minimal processing.	N/A
Hemp Concentrate	Topicals	All products intended for topical use containing < 0.3% THC. Some examples are balms, lotions, and body oils.	N/A
	Oil for Vaporization	An inhalable form of cannabinoid hemp intended for retail sale to consumers	N/A

¹ [cb-proposed-cannabinoid-hemp-regulations-12.16.21.pdf \(ny.gov\)](#)
[part 114 cannabinoid hemp regulation 11-10-21.pdf \(ny.gov\)](#)

		21+. Examples include, distillate cartridges, disposable pre-filled vaporization pens.	
Hemp Edible Products	Food	Cannabinoid hemp food product manufactured under Part 117 of Title 21 Code of Federal Regulations. ² Examples include solid chocolate bars, gummies, etc.	25 mg of total cannabinoids per individually packaged product
	Beverage	Cannabinoid hemp beverage product manufactured under Part 117 of Title 21 Code of Federal Regulations. ³ Examples include carbonated beverages, such as seltzers, soft drinks, etc. and non-carbonated beverages such as coffees, teas, syrups, etc.	25 mg of total cannabinoids per individually packaged product
	Tinctures	A non-potable edible hemp product that is a cannabis extract solution, intended for human consumption, dissolved in alcohol, glycerin, or plant-based oil which includes a calibrated dropper or other	N/A

² [eCFR :: 21 CFR Part 117 -- Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food](#)

³ [eCFR :: 21 CFR Part 117 -- Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food](#)

Hemp Edible Products		similar device capable of accurately measuring servings.	
	Water-Soluble Edibles	Edible products which are intended to be dissolved in water before consumption. Examples include dissolving powders and effervescent tablets.	N/A
	Pills, Capsules	Includes all pills and capsules.	N/A
	Chewable, Tablet	Includes all chewables and tablets.	N/A
	Supplement	A supplement manufactured under Part 111 of Title 21 Code of Federal Regulations. ⁴	100 mg total cannabinoids per individual serving, 3,000 mg total cannabinoids per individually packaged product

⁴ [eCFR :: 21 CFR Part 111 -- Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements](#)

Hemp Product Prohibitions

Cannabinoid hemp products sold in NYS **shall not** include the following product types:

<p>Prohibited Product Types</p>	<p>Products in the form of:</p> <ul style="list-style-type: none"> o Injectables o Inhalers o Cigarettes o Cigars o Pre-rolls o Any form for the purpose of smoking o Any form packaged or combined with other items designed to facilitate smoking (e.g., rolling papers or pipes) o Any other disallowed form as determined by the Office
<p>Hemp Product Prohibitions</p>	<p>Contain more than 0.3% total Delta-9-THC concentration.</p> <p>Products not manufactured in accordance with Parts 101, 111 or 117 of Title 21 of the Code of Federal Regulations, as appropriate for the type of product being manufactured and as otherwise determined appropriate by the Office.</p> <p>Contain liquor, wine, beer, cider or meet the definition of an alcoholic beverage as defined in section 3 of the Alcohol Beverage Control Law.⁵</p> <p>Contain tobacco or nicotine in the product.</p> <p>Edible products exceeding the maximum total cannabinoid concentration per serving and per package limits set forth by the Board.</p> <p>Contain less than 80% or more than 120% of the concentration of total cannabinoid content as listed on the product label.</p> <p>Violates packaging and labeling standards in section 114.9.⁶</p> <p>Products not prepackaged and/or added to food or any other consumable products at the point of sale.</p> <p>Product is not shelf stable.</p>

⁵ [New York Alcoholic Beverage Control Law Section 3 - Definitions \(public.law\)](#)

⁶ [part 114 cannabinoid hemp regulation 11-10-21.pdf \(ny.gov\)](#)

Hemp Product Prohibitions	Product non-compliant with product testing standards in section 114.10. ⁷
	Contain synthetic cannabinoids, or cannabinoids created through isomerization, including Delta-8-THC and Delta-10-THC.
	Products not individually wrapped, premeasured, separated or delineated, without an included measuring device such as a measuring cap, cup or dropper with the product packaging. (Not applicable to flower products)
	For inhalable products: Contain any flavors or flavoring agents, except for hemp- derived terpenes.
	Products not including the Office approved symbol, in a manner that is clear and conspicuous as determined by the Office.
	Hemp flower containing any food, food ingredient, food additive, or items that are generally recognized as safe, pursuant to state or federal law and any other product, including microgreens, sprouts or certain hemp leaf products, as determined by the Office.

Regulatory Requirements for Cannabinoid Hemp Products Intended for Vaporization

All cannabinoid hemp products intended for vaporization, for retail sale to consumers twenty-one years of age or older must meet the following requirements:

- Be in a closed system with a pre-filled disposable cartridge that attaches to a rechargeable battery, or a single-use product that cannot be recharged.
- Electronic vaporization devices shall have internal or external temperature controls to prevent combustion and have a heating element made of inert material such as glass, ceramic or stainless steel and not plastic or rubber.
- Except for hemp-derived terpenes, excipients and ingredients must be pharmaceutical grade unless otherwise approved by the office, and shall not include:
 - Synthetic terpenes
 - Polyethylene glycol (PEG)
 - Vitamin E acetate
 - Medium chain triglycerides (MCT oil)
 - Medicinal compounds
 - Illegal or controlled substances

⁷ [part 114 cannabinoid hemp regulation 11-10-21.pdf \(ny.gov\)](#)

- Artificial food coloring
- Benzoic acid
- Diketones
- Any other compound or ingredient as determined by the Office.

Program Contact Information

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