

# Cannabinoid Hemp Regulations Guidance for Licensees

*Revised January 2024*

## Overview

On November 17, 2023, the New York State Cannabis Control Board (CCB) voted to approve the adoption of regulations amending Part 114 (Cannabinoid Hemp) of Title 9 of the New York Codes, Rules and Regulations (9 NYCRR), which governs the processing and retail sale of cannabinoid hemp products in New York State. These regulations were adopted for the preservation of public health, safety, and welfare of consumers in New York State and to protect the public from intoxicating cannabinoid hemp products in New York State.

The amendments to cannabinoid hemp regulations were filed in the New York State Register and became **effective on December 13, 2023**. The complete text of the New York State Cannabis Hemp Regulations can be viewed on the Office of Cannabis Management [website](#).

This guidance is a tool to assist licensees in understanding the new regulations—it does not impose additional requirements or change the regulations. This guidance provides:

- An overview of what changed in the Cannabis Hemp Regulations;
- Expectations for Compliance; and
- Answers to Frequently Asked Questions.

## Cannabinoid Hemp Products: What Changed in Regulation

### New Definitions:

**“Attractive to individuals under twenty-one”** means attractive to individuals under twenty-one as defined in 9 NYCRR Part 128<sup>1</sup>.

**“Concentrated cannabinoid hemp product”** means the separated resin, whether crude or purified, obtained from cannabinoid hemp; or a material, preparation, mixture, compound or other substance which contains no more than three-tenths of a percent (0.3%) by weight or by volume of total THC.

**“Exit package”** means exit package as defined in 9 NYCRR Part 128.

**“Health claim”** means health claim as defined in 9 NYCRR Part 128.

**“Orally consumed product”** means any cannabinoid hemp product intended for use or consumption through ingestion, including sublingual or oral absorption.

**“Package”** means a sealed, hard or soft-bodied, receptacle in which the cannabinoid hemp product shall be placed before retail sale. Retail package does not mean: (1) inner wrapping or lining; (2) an exit package; or (3) a non-consumer package used to transfer cannabinoid hemp from one licensee to another.

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<sup>1</sup> [9 NYCRR Parts 128 and 129](#)

**“Resealable”** means a package that preserves the integrity of cannabinoid hemp products contained within, for multiple servings.

**“Tincture”** means a non-potable edible cannabinoid hemp product that is a cannabinoid hemp extract solution, intended for human consumption or ingestion, dissolved in alcohol, glycerin, or plant-based oil.

**“Total THC”** means as defined in Article 1 of the Cannabis Law<sup>2</sup>.

### **Amended Definitions:**

**“Cannabinoid hemp farm processor”** means a cannabinoid hemp processor that is licensed to cultivate hemp by the New York State Department of Agriculture & Markets and is permitted to manufacture flower products. A cannabinoid hemp farm processor shall not: (1) produce more than 1,000 pounds of dried hemp flower annually; (2) purchase or sell hemp or hemp extract other than those produced from hemp grown on their own farm; or (3) perform extraction as defined in section 114.1 of this Part.

**“Craft”** means a cannabinoid hemp product manufactured from hemp grown by a licensed hemp grower who grows less than 1,000 pounds of dried hemp flower annually and the hemp is hand trimmed, hang dried and if a flower product hand packaged

**“Manufacture”** means to prepare, treat, modify, compound, process, package or otherwise manipulate hemp or hemp extract into a cannabinoid hemp product. Manufacturing shall not include: (1) growing, cultivating, cloning, harvesting, drying, curing, grinding or trimming when authorized pursuant to article 29-A of the Agriculture and Markets Law; or (2) extraction as defined in section 114.1 of this Part.

**“Person”** means person as defined in Article 1 of the Cannabis Law<sup>3</sup>.

**“Total Δ9-Tetrahydrocannabinol concentration”** means Δ9-Tetrahydrocannabinol + (0.877 x tetrahydrocannabinolic acid)

### **Cannabinoid Hemp Product Requirements:**

Effective December 13, 2023, cannabinoid hemp products distributed within New York State or offered for retail sale in New York State must meet all of the following requirements:

- Products must be 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;
- Products must contain no more than 0.3% total Δ9-tetrahydrocannabinol (Delta 9-THC) concentration;

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<sup>2</sup> [Laws of New York \(state.ny.us\)](https://www.state.ny.us)

<sup>3</sup> [Laws of New York \(state.ny.us\)](https://www.state.ny.us)

- Except for flower products or topical products, products must contain a ratio of CBD to THC that is 15:1 or higher;
  - Note: If CBD is not the primary marketed cannabinoid, the sum of cannabinoids excluding THC must have a ratio of 15:1 THC.
- Products must accurately reflect testing results and not contain less than 80% or more than 120% of the concentration of total cannabinoid content as listed on the product label;
- Products must comply with product testing standards for cannabinoid hemp products set forth in 9 NYCRR Section 114.10;
- All cannabinoid hemp products distributed or offered for retail sale in New York State are prohibited from:
  - Containing liquor, wine, beer, cider or meet the definition of an alcoholic beverage as defined in section 3 of the Alcohol Beverage Control Law<sup>4</sup>;
  - Containing tobacco or nicotine;
  - Being in the form of an injectable, inhaler, product including cigarette, cigar, pre-roll, or any other disallowed form determined by the Office of Cannabis Management;
  - Containing synthetic cannabinoids, artificially derived cannabinoids, or cannabinoids created through isomerization, including, but not limited to,  $\Delta 8$ -tetrahydrocannabinol (Delta 8-THC) and  $\Delta 10$ - tetrahydrocannabinol (Delta 10-THC).

### **Cannabinoid Hemp Product Potency Limits Requirements:**

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. Effective December 13, 2023, cannabinoid hemp product forms must conform to the following product potency limit requirements.

| <b>Product Form</b>   | <b>Potency Limit</b>  |
|---|---|
| Cannabinoid Hemp Flower Product   | ≤ 0.3% Delta 9-THC concentration  |
| Cannabinoid Hemp Topical Product (does not include cosmetics)   | ≤ 0.3% Delta 9-THC concentration  |
| Concentrated Cannabinoid Hemp Product<br><i>(Including, but not limited to, oil cartridges, pre-filled vaporization pens, shatter, crumble, wax, resin)</i> | <ul style="list-style-type: none"> <li>□ ≤ 0.3% Delta 9-THC concentration</li> <li>□ Ratio of CBD to THC ≥ 15:1 (if CBD is not the primary marketed cannabinoid, the sum of cannabinoids excluding THC must have a ratio ≥ 15:1 THC)</li> </ul> |
| Orally Consumed Cannabinoid Hemp Product<br><i>(Including, but not limited to include food, beverages, supplements)</i>                                     | <ul style="list-style-type: none"> <li>□ ≤ 0.3% Delta 9-THC concentration</li> <li>□ Ratio of CBD to THC ≥ 15:1 (if CBD is not the primary marketed cannabinoid, the sum of cannabinoids excluding THC must have a ratio ≥ 15:1 THC)</li> </ul> |

<sup>4</sup> [New York Alcoholic Beverage Control Law Section 3 – Definitions \(public.law\)](#)

|                            |  |
|----------------------------|--|
|                            | <ul style="list-style-type: none"> <li><input type="checkbox"/> 1 milligram (mg) THC per serving and 10 mg THC per package</li> <li><input type="checkbox"/> 100 mg total cannabinoids per serving and 3,000 mg total cannabinoids per package</li> </ul>  |
| Cannabinoid Hemp Tinctures | <ul style="list-style-type: none"> <li><input type="checkbox"/> ≤ 0.3% Delta 9-THC concentration</li> <li><input type="checkbox"/> Ratio of CBD to THC ≥ 15:1 (if CBD is not the primary marketed cannabinoid, the sum of cannabinoids excluding THC must have a ratio ≥ 15:1 THC)</li> <li><input type="checkbox"/> 100 mg THC per package</li> <li><input type="checkbox"/> 4,000 mg total cannabinoids per package</li> </ul> |

For additional information on permitted cannabinoid hemp products in the New York State Cannabinoid Hemp Program please refer to the Permitted and Prohibited Product Forms Guidance document on the Office of Cannabis Management [website](#).

**Understanding the Cannabinoid to THC Ratio Requirement:**

The CBD to THC ratio indicates the proportion of cannabidiol (CBD) to tetrahydrocannabinol (THC) in a cannabinoid hemp product. For example, a 15:1 cannabinoid hemp product contains 15 times the amount of CBD than it does THC.

The Certificate of Analysis, which includes third-party test results, can be used to assess whether currently cannabinoid hemp products meet the potency requirements in the amended regulations. The CBD to THC ratio in a cannabinoid hemp product can be determined using the tested THC level, cannabinoid level, and/or CBD:THC ratio (if provided).

To calculate the CBD to THC ratio using the Certificate of Analysis for cannabinoid hemp products, identify the CBD and THC percentages or milligrams per package listed in the report.

**Using Percentages:**

- If the Certificate of Analysis includes the total CBD and THC amounts in percentages, divide the CBD percentage by the THC percentage.
- For example, if a product contains a total of 15% CBD and 1% THC in a package, the ratio would be 15:1 (CBD to THC).

**Using Milligrams:**

- If the Certificate of Analysis includes the total CBD and THC amounts in milligrams, divide the total milligrams of CBD by the total milligrams of THC.
- For example, if a product contains a total of 150 milligrams CBD and 10 milligrams THC per package, the ratio would be 150/10, resulting in 15:1 (CBD to THC).

If CBD is not the primary marketed cannabinoid, to calculate the cannabinoid to THC ratio using the Certificate of Analysis for cannabinoid hemp products, identify the total amount of each cannabinoid (excluding THC) in percentages or milligrams per package listed in the report.

#### **Using Percentages:**

- If the Certificate of Analysis includes the total of each cannabinoid and THC amounts in percentages, add the total percentage of each cannabinoid (excluding THC) and divide the total amount by the total THC percentage.
- For example, if a product contains a total of 11% CBN, 4% CBD, and 1% THC in a package, the ratio would be 15:1. (CBN & CBD to THC).

#### **Using Milligrams:**

- If the Certificate of Analysis includes the total of each cannabinoid and THC amounts in milligrams, add the total milligrams of each cannabinoid (excluding THC) and divide the total amount by the total THC percentage.
- For example, if a product contains a total of 100 milligrams CBN, 50 milligrams CBD, and 10 milligrams THC per package, the ratio would be 150/10, resulting in 15:1 (CBN & CBD to THC).

### **Cannabinoid Hemp Product Lab Testing Requirements:**

All cannabinoid hemp products must pass third-party lab testing before being sold by licensed cannabinoid hemp retailers. Lab testing ensures available cannabinoid hemp products are safer to consume and are accurately labeled for potency of the product.

Effective December 13, 2023, all cannabinoid hemp products must be tested by laboratories approved to test cannabis products pursuant to [Part 130](#)<sup>5</sup> and applicable provisions within Article 6 of the Cannabis Law, or those which maintain all the following minimum requirements:

- ISO/IEC 17025 accreditation for the premises and for the testing of one or more of the analytes determined by the Office of Cannabis Management, pursuant to Section 130.22(d) of Part 130;
- A valid scope of accreditation, issued by an accreditation body, that attests to the laboratory's competence to perform testing of one or more analytes, pursuant to Section 130.22(d) of Part 130;
- Method validation reports for all testing performed; and
- Standard operating procedures for the sampling of cannabinoid hemp products.

For more information on permitted cannabis laboratories in New York State please visit:

<https://cannabis.ny.gov/cannabis-laboratories>

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<sup>5</sup> [9 NYCRR Part 130](#)

Pursuant to Section 130.22(d) of Part 130, the Office of Cannabis Management office shall make available a list of required analytes, their acceptable limits and approved testing methods on the Office's website and in any other manner as determined by the Board.

Cannabinoid hemp product exceeding 0.3% total  $\Delta$ 9-Tetrahydrocannabinol concentration, the maximum total THC limits per serving and per package set forth in Part 114, or containing levels of any pathogen, toxicant, residual solvent, metal, or pesticide not enumerated in Section 114.10 or by New York State law, are prohibited for retail sale in New York State.

Cannabinoid hemp products sold in New York that have been lab-tested include a QR code or link to that product's lab testing results called a Certificate of Analysis (CoA). For additional information on reading a product's COA please see the following guidance issued by the Office on [How to Read a Lab Certificate of Analysis for your Cannabis Product in New York](#).

## **Cannabinoid Hemp Product Packaging and Labeling Requirements**

### **Product Packaging and Labeling Requirements:**

Effective January 1, 2024, all cannabinoid hemp products distributed (remain in New York State) or offered for retail sale in New York State must include the following information on the product label or packaging displayed in English and in text no smaller than 4.5-point font:

- A list of all ingredients in descending order of predominance by weight in the product;
- Except for flower products, topical products, and concentrated cannabinoid hemp products intended for inhalation or vaporization, the number of servings per outer package or container, including the milligrams per serving of:
  - CBD;
  - "Total THC" or "THC" which for the purposes of product labeling may be rounded and shall include detectable levels of total  $\Delta$ 9-Tetrahydrocannabinol;  $\Delta$ 8-Tetrahydrocannabinol and  $\Delta$ 10-Tetrahydrocannabinol; and any other marketed cannabinoid;
- An expiration or best by date (if applicable);
- A lot or batch number;
- The name of the cannabinoid hemp processor or out of state manufacturer, packer or distributor;
- A scannable bar code or QR code linked to a downloadable COA, or linked to a website where the COA can be downloaded;
- The state(s) or if outside of the United States of America, country of origin from which hemp used in the product was sourced;
- A means for reporting serious adverse events or side effects;
- Orally consumed product must 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;
- Recommended serving size;

- This requirement does not apply to flower products, topical products, and concentrated cannabinoid hemp product intended for inhalation or vaporization
- Clear usage instructions; and
- Any other marking, statement or symbol required by the Office of Cannabis Management.

### **Required Product Packaging and Labeling Warnings:**

Effective January 1, 2024, all cannabinoid hemp products offered for retail sale in New York must display the following required warnings in English and in text no smaller than 4.5-point font on the product label or packaging, and in a manner that is clear and conspicuous:

- *Must be kept out of the reach of children and pets;*
- *This product is derived from hemp and may contain THC which could result in a failed drug test. (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);*
- *This product has not been evaluated by the Food and Drug Administration for safety or efficacy; and*
- *If you are pregnant or nursing you should consult your healthcare provider before use*
- *For cannabinoid hemp products intended to be inhaled or vaporized: a warning stating that smoking or vaping is hazardous to your health.*

### **Product Packaging, Labeling, Marketing, and Advertising Prohibitions:**

Effective January 1, 2024, all cannabinoid hemp products offered for retail sale in New York State are prohibited from:

- Being attractive to individuals under twenty-one years of age, imitating a candy label, or using cartoons or other images popularly used to advertise to children or otherwise be marketed to individuals under twenty-one years of age.

For purposes of this guidance, "attractive to individuals under twenty-one" means labeling, packaging, advertising, and marketing that is pleasing or appealing to persons under the age of twenty-one by using or including, among other things:

- Cartoons;
- Bubble-type or other cartoon-like font;
- Bright colors that are "neon" in appearance;
- Similarities to products or words that refer to products that are commonly associated with or marketed in a manner so as to be attractive to individuals under twenty-one, including but not limited to, any imitation of food, candy, soda, drinks, cookies, or cereal, in labeling, packaging, advertising, or marketing (with the exception of cultivar names or the licensee's name, entity name, or doing business as name);

- Terms “candy” or “candies” or variants in spelling such as “kandy” or “kandeez” (with the exception of cultivar names or the licensee’s name, entity name, or doing business as name);
  - Symbols, images, characters, public figures, phrases, toys, or games that are commonly used to market products to individuals under the age of twenty-one; or
  - Images of individuals who could reasonably appear to be under the age of twenty-one.
- Including false or misleading statements, images, or other content including, but not limited to, any health claims.

For the purpose of this guidance, “health claim” means any claim on the retail package or marketing layer or in the marketing or advertising of a cannabis product, that expressly or by implication, including, but not limited to, by “third party” references, written statements (e.g., a brand name including a term such as “heart”), symbols (e.g., a heart symbol), or branding, characterizes the relationship of any cannabis product to a disease or health-related condition or symptom.

Implied health claims include those statements, symbols, branding, advertisements, or other forms of communication that suggest, within the context in which they are presented, that a relationship exists between the presence or level of a substance in the cannabis product to a disease or health-related condition or symptom.

- Including the term “organic” unless describing the product’s ingredients and in compliance with section 128.6 of [Part 128](#).
- Including the term “gluten-free” unless the product meets the term as defined in Title 21, as it relates to Food and Drugs, of the Codes of Federal Regulations section 101.91.
- Including the term “vegan” unless the product contains no animal products
- Including the term “kosher” unless the product is packaged and labeled in compliance with section 128.6 of [Part 128](#).
- Causing a reasonable consumer confusion as to whether the cannabinoid hemp product is trademarked, marked or labeled in a manner that violates any federal trademark law or regulation.
- Causing a reasonable consumer to believe that a cannabinoid hemp product is cannabis, or medical cannabis, or that a licensee is authorized to sell or dispense cannabis, or medical cannabis, as those terms are defined in [Article 1](#) of the Cannabis Law.
- Depicting cannabis products or paraphernalia.
- Promoting overconsumption.



- Violating any other prohibitions as set out by the Office of Cannabis Management.

### **Cannabinoid Hemp Advertisement Requirements:**

Effective January 1, 2024, advertisement for cannabinoid hemp product, cannabinoid hemp processors or cannabinoid hemp retailers are prohibited from:

- Containing false or misleading statements, images, or other content including, but not limited to, any health claims;
- Claiming that cannabinoid hemp or a cannabinoid hemp product can, or is intended to, diagnose, cure, mitigate, treat, or prevent disease;
- Leading a reasonable person to believe that a cannabinoid hemp product is adult-use cannabis, medical cannabis, or that a licensee is authorized to sell or dispense adult-use cannabis, or medical cannabis as defined in Section 3 of the Cannabis Law
- Having the purpose or effect of targeting or being attractive to individuals under twenty-one (21) years of age;
- Using images of children or minors consuming cannabinoid hemp products; and
- Using words, designs, or brands that resemble product commonly associated with children, minors, or marketed to children or minors.

### **Packaging Requirements for Cannabinoid Hemp Products Containing Multiple Servings:**

Effective December 13, 2023, the following packaging requirements apply to cannabinoid hemp products containing multiple servings:

Products that consist of more than a single serving must be:

- Packaged in a manner that a single serving is readily identifiable; and
- Packaged in resealable packaging.

Except for flower products, topical products, or concentrated cannabinoid hemp products intended for inhalation or vaporization, cannabinoid hemp products with multiple servings not packaged in a manner that a single serving is readily identifiable (individually wrapped, premeasured, separated or delineated) must include a measuring device with the product packaging. Examples of permitted measuring devices include: a measuring cap, cup or dropper. Hash marks on the package do not qualify as a measuring device.

Note: Cannabinoid hemp beverages are limited to a single serving per package, however multiple packages of beverage products can be sold together.

For example:

- One single serving can of a cannabinoid hemp beverage = one package.
- A six pack of single serving cans = six packages.

- Each can (package) must contain no more cannabinoids than the maximum allowed in a single serving of an orally consumed cannabinoid hemp product.

## **Retail Sales of Age-Restricted Cannabinoid Hemp Product**

Effective December 13, 2023, licensed cannabinoid hemp retailers are prohibited from offering or selling the following cannabinoid hemp products to consumers under twenty-one (21) years of age:

- Flower product;
- Concentrated cannabinoid hemp product including, but not limited to, oil cartridges, pre-filled vape devices, shatter, crumble, wax, resin, or any form intended for inhalation or vaporization;
- Any cannabinoid hemp product containing more than 0.5 milligrams of total THC per serving; or
- Any other disallowed product as determined by the Office.

Note: Cannabinoid hemp products in the form of a pre-roll, cigarette, cigar, or hemp products packaged or combined with other items designed to facilitate smoking such as rolling papers or pipes are **not allowed** in the New York State Cannabinoid Hemp Program. These products are only permitted for retail sale with appropriate licensure obtained through the New York State Adult-Use Cannabis Program.

To comply with the revised regulations, cannabinoid hemp retailers, including those conducting online sales to consumers in New York State, are required to:

- Only sell flower product, concentrated cannabinoid hemp product, and cannabinoid hemp products containing more than 0.5 milligrams of total THC per serving to individuals at least 21 years of age or older.
- 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 flower product, concentrated cannabinoid hemp product, and cannabinoid hemp products containing more than 0.5 milligrams of total THC per serving.

## **Expectations for Compliance**

### **What must licensees do to comply with the new regulations regarding cannabinoid hemp products?**

Effective December 13, 2023:

- Cannabinoid hemp products manufactured on or after December 13, 2023 are subject to the amended regulatory requirements. Licensees that manufacture these products intended for distribution and/or retail sale in New York State only should immediately

stop producing cannabinoid hemp products that are not in compliance with the new regulations.

- Licensees that sell cannabinoid hemp products in New York State must discontinue sales of products that are not in compliance with the revised regulations.
- Cannabinoid hemp distributor permittees are responsible for ensuring that all out-of-state cannabinoid hemp products sold in New York meet the amended regulatory requirements.
- Licensees with existing cannabinoid hemp products that do not meet the requirements of the amended regulation are required to immediately remove these products from the New York State supply chain.

Businesses found distributing and/or selling cannabinoid hemp products in New York State that do not comply with the regulations may be subject to penalties, fines and other administrative actions in accordance with Part 114 and Part 133 of the cannabis regulations.

### **What is the timeframe for complying with the new regulations regarding cannabinoid hemp products?**

On December 13, 2023, the Notice of Adoption to Part 114 (Cannabinoid Hemp) was filed for publication in the State Register, making regulatory amendments, which governs the processing and retail sale of cannabinoid hemp products for the New York State Cannabinoid Hemp Program, effective immediately, with the exception of the revised packaging, labeling, and advertising requirements and revised product warnings set forth in Sections 114.9(a), 114.9(b), 114.9(d), 114.9(f), 114.9(g), 114.9(h) and 114.12(a), which go into effect on January 1, 2024.

**Please be aware that failure to comply with the revised regulatory requirements within the established timeframe can result in enforcement action.**

### **Frequently Asked Questions**

#### **What does “total THC” mean?**

As defined in Article 1 of the Cannabis Law, total THC means the sum of the percentage by weight or volume measurement of tetrahydrocannabinolic acid multiplied by 0.877, plus, the percentage by weight or volume measurement of THC.

#### **How is ‘total Δ9-tetrahydrocannabinol concentration’ defined?**

Total Δ9-tetrahydrocannabinol concentration means Δ9-Tetrahydrocannabinol + (0.877 x tetrahydrocannabinolic acid)

#### **What products are permitted by the New York State Cannabinoid Hemp Program?**

For additional information on what products are permitted by the New York State Cannabinoid Hemp please refer to the Permitted and Prohibited Product Forms Guidance document on the Office of Cannabis Management [website](#).

**What products are prohibited by the New York State Cannabinoid Hemp Program?**

For additional information on what products are prohibited by the New York State Cannabinoid Hemp please refer to the Permitted and Prohibited Product Forms Guidance document on the Office of Cannabis Management [website](#).

**Why did New York State choose to limit consumer access to cannabinoid hemp products that help them with their health and well-being?**

The cannabinoid hemp regulations are not intended to prevent access to cannabinoid hemp products but rather to limit intoxicating products that are better suited for the Office’s Adult-Use Cannabis Program, where additional safeguards are in place to prevent against youth and adolescent use and protect public health, safety, and welfare of consumers in New York State. The Office’s Medical Cannabis Program is designed to support and provide access to patients in need of medical cannabis for qualifying health conditions. Certifying providers, along with pharmacists at medical cannabis dispensaries, are available to assist patients in reviewing certification recommendations and product availability and dosing. More information on how to become a certified patient can be found on the Office’s [website](#) to ensure that medical needs are being met.

**Are “craft”, “isolate,” “full spectrum,” “broad spectrum,” or “distillate” cannabinoid hemp products still permitted in the New York State Cannabinoid Hemp Program?**

Yes. All cannabinoid hemp products claiming to be “craft”, “isolate,” “full spectrum,” “broad spectrum,” or “distillate” must comply with the applicable definition in the revised regulations and meet the regulatory requirements set forth in Part 114.

**Is a cannabinoid hemp license required to produce and sell hemp cosmetic products in New York State?**

The definition of a cannabinoid hemp product in the regulations exclude-products that meet the Food and Drug Administration (FDA) definition of a cosmetic. Retailers selling cosmetic products which satisfy all of the federal regulations governing cosmetics, are allowed to sell these products in New York State without a Cannabinoid Hemp Retail License. Similarly, processors and manufacturers of cosmetic products who are purchasing extracted cannabinoid hemp oil, isolate, distillate or other intermediary hemp extract and incorporating it into cosmetic products do not need to obtain a Cannabinoid Hemp Processor License to conduct this activity. However, anyone extracting cannabinoids from hemp is required to be a licensed as Cannabinoid Hemp Processor, regardless of if such extract is being used in a cosmetic product. If uncertain whether the products you are manufacturing or selling may be regulated as cannabinoid hemp products, the Office encourages you to apply for a license. If you have further questions, please reach out to [hemp@ocm.ny.gov](mailto:hemp@ocm.ny.gov)

**I am interested in applying for a license to sell or distribute cannabinoid hemp products in New York State. Is the Office accepting applications at this time?**

Yes. The Office of Cannabis Management is accepting applications for Cannabinoid Hemp Retail Licenses, Temporary Retail Permits, Distributor Permits. For additional information on applying please visit: <https://cannabis.ny.gov/retailers-distributors>

**I am interested in applying for a license to process cannabinoid hemp products in New York State. Is the Office accepting applications at this time?**

Yes. The Office of Cannabis Management is now accepting applications for Cannabinoid Hemp Processor Licenses. There are two types of Cannabinoid Hemp Processor licenses, one for “Extracting and Manufacturing” and one for “Manufacturing Only”. For additional information on applying please visit: <https://cannabis.ny.gov/processors>

**Who can I contact if I have additional questions not answered here?**

For any additional questions regarding the New York State Cannabinoid Hemp Program please contact the Office of Cannabis Management at [hemp@ocm.ny.gov](mailto:hemp@ocm.ny.gov)

**Is child resistant packaging required for cannabinoid hemp products?**

No. Cannabinoid hemp products sold in New York State are not required to be packaged in child resistant packaging.

**Where can I find information about the changes to the packaging and labeling requirements for cannabinoid hemp products?**

Please refer to Section 114.9 in the revised regulations and pages 4-8 in this guidance document which details the revisions to the packaging and labeling requirements for cannabinoid hemp products sold in New York State.

**What are the new packaging requirements for cannabinoid hemp products containing multiple servings?**

Effective December 13, 2023, products that consist of more than a single serving must be packaged in a manner that a single serving is readily identifiable and packaged in resealable packaging. Cannabinoid hemp products with multiple servings not packaged in a manner that a single serving is readily identifiable must include a measuring device with the product packaging. The requirement for a measuring device does not apply to flower products, topical products, or concentrated cannabinoid hemp products intended for inhalation or vaporization.

Please note, orally consumed cannabinoid hemp products in the form of a beverages are limited to a single serving per package, however multiple packages of beverage products can be sold together. For additional information on packaging requirements for cannabinoid hemp products containing multiple servings, please refer to page 8 in this guidance document.

**What are the new packaging requirements for cannabinoid hemp beverages?**

Orally consumed cannabinoid hemp products in the form of a beverages are limited to a single serving per package, however multiple packages of beverage products can be sold together.

For additional information on packaging requirements for cannabinoid hemp beverages, please refer to page 9 in this guidance document.

**What qualifies as a health claim?**

Please refer to Page 8 in the guidance document for more information on health claims.

**Is a cannabinoid hemp retail establishment allowed to advertise health claims about cannabinoid hemp products?**

No. Claims regarding curing, preventing, treating, diagnosing, or affecting body function or structure are prohibited from being placed on a cannabinoid hemp product label, or any associated marketing materials, websites, or brochures.

**Are smoke or tobacco shops allowed to sell cannabinoid hemp products intended for smoking?**

A retail license is required through the New York State Adult-Use Cannabis Program to sell cannabinoid hemp products in the form of a pre-roll, cigarette, cigar, or hemp products packaged or combined with other items designed to facilitate smoking such as rolling papers or pipes.

**Can licensed cannabinoid hemp retailers add CBD or other cannabinoids into products?**

No. A cannabinoid hemp retailer is not approved to manufacture, process, package, repackage, relabel, mix, blend, or otherwise manipulate a cannabinoid hemp product. Licensed cannabinoid hemp retailers are only permitted to sell finished cannabinoid hemp products to consumers.

**Are there age restrictions for selling certain cannabinoid hemp products?**

Yes. Effective December 13, 2023, licensed cannabinoid hemp retailers are prohibited from offering or selling the following cannabinoid hemp products to consumers under twenty-one (21) years of age:

- Flower product
- Concentrated cannabinoid hemp product including, but not limited to, oil cartridges, pre-filled vape devices, shatter, crumble, wax, resin, or any form intended for inhalation or vaporization
- Any cannabinoid hemp product containing more than 0.5 milligrams of total THC per serving
- Any other disallowed product as determined by the Office.

**What forms of identification can be used to verify a customer's age?**

Valid identification for the purpose of determining a customer's age includes:

- a valid federal, state, or local government identification, including IDNYC or a NYS Benefit identification card, stating the customer's age and a photograph of the individual's face;
- a valid driver's license or non-driver identification card issued by the department of motor vehicles, the federal government, any United States territory, commonwealth or possession, the District of Columbia, a state government within the United States or a provincial government of the dominion of Canada;
- a valid passport issued by the United States government or any other country; or
- an identification card issued by the armed forces of the United States.

**Are intoxicating cannabinoids allowed in hemp products sold in New York State?**

Except for Delta-9 THC, cannabinoid hemp products processed, distributed or offered for retail sale in New York State shall not contain intoxicating cannabinoids.

**Is it legal to sell products with delta-8 THC or other synthetic cannabinoids from hemp?**

Cannabinoid hemp products are prohibited from containing synthetic cannabinoids, artificially derived cannabinoids, or cannabinoids created through isomerization, including, but not limited to,  $\Delta$ 8-tetrahydrocannabinol and  $\Delta$ 10- tetrahydrocannabinol.

**Can a licensed cannabinoid hemp retailer sell cosmetic products?**

Yes. Retailers selling cosmetic products which satisfy all of the federal regulations governing cosmetics, are allowed to sell these products in New York State without a Cannabinoid Hemp Retail License.

**Can a licensed cannabinoid retailer or distributor sell cannabinoid hemp products to retailers and/or consumers outside of New York State?**

The New York State regulations do not prohibit the sale of cannabinoid hemp products to a business or consumer located out of state. Since regulations vary by each state, to ensure you are compliant, it is important to consult the regulations of each individual state you intend to sell cannabinoid hemp product to.

**Are cannabinoid hemp products that are now prohibited in New York allowed to be sold out of state?**

The cannabinoid hemp regulations do not prevent producers and licensees from selling those products that they are no longer authorized to sell in New York State to out-of-state consumers and vendors in states that authorize the legal sale of those products.

**Can a licensed cannabinoid hemp retailer sell cannabinoid hemp products intended for smoking?**

A cannabinoid hemp retail license does not permit the sale of cannabinoid hemp products intended for smoking to consumers. A retail license is required through the New York State Adult-Use Cannabis Program to sell cannabinoid hemp products in the form of a pre-roll, cigarette, cigar, or hemp products packaged or combined with other items designed to facilitate smoking such as rolling papers or pipes.

**Can a licensed cannabinoid hemp retailer sell cannabinoid hemp products intended for vaping?**

Yes. Licensed cannabinoid hemp retailers may sell concentrated cannabinoid hemp product including, but not limited to, oil cartridges, pre-filled vape devices, shatter, crumble, wax, resin, or any form intended for inhalation or vaporization to individuals over the age of twenty-one (21).

**Can a licensed cannabinoid hemp retailer sell cannabinoid hemp products that have been manufactured in a different state or outside of the United States?**

The New York State regulations do not prohibit the sale of cannabinoid hemp products manufactured in a different state or outside of the United States however all cannabinoid hemp products sold in New York State meet the regulatory requirements set forth in Part 114.

**Can cannabinoid hemp products be sold at temporary locations, such as a farmer’s market?**

Yes. Cannabinoid hemp products may be sold at a stand at a farmer’s market. The retailer must apply for and obtain a temporary retail permit prior to selling cannabinoid hemp products to consumers. The Cannabinoid Hemp Temporary Retail Permit is valid for a limited duration of time that is less than or equal to three months and has a permit fee of \$25 per month.

**What changes were made to the testing requirements for cannabinoid hemp products?**

Please refer to Section 114.10 in the revised regulations and page 5 in this guidance document which details the revisions to the lab testing requirements for cannabinoid hemp products sold in New York State.

**How do I determine if a cannabinoid hemp product meets the 15:1 CBD to THC ratio requirement?**

The Certificate of Analysis, which includes third-party test results, can be used to assess whether currently cannabinoid hemp products meet the potency requirements in the revised regulations. The CBD to THC ratio in a cannabinoid hemp product can be determined using the tested THC level, cannabinoid level, and/or CBD:THC ratio (if provided)

**What does “primary marketed cannabinoid” mean?**

The term “primary marketed cannabinoid” refers to the main or most prominently advertised cannabinoid within a cannabinoid hemp product.

**Program Contact Information**

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