



Permitted and Prohibited Cannabinoid Hemp Product Forms Guidance Document

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. All cannabinoid hemp products sold under the New York State Cannabinoid Hemp Program may contain a Delta-9 THC concentration less than or equivalent to 0.3 percent.

Purpose

This guidance document is intended to provide the following an overview of the permitted and prohibited cannabinoid hemp products for sale and distribution in New York State, an outline of the product requirements and potency limits established in the Cannabis Law and in OCM regulations, and clarity on the regulatory requirements for cannabinoid hemp products intended for vaporization. The complete text of the New York State Cannabinoid Hemp Regulations can be viewed 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.	≤ 0.3% Delta-9-THC concentration

¹ <https://cannabis.ny.gov/marihuana-regulation-and-taxation-act-mrta>

Hemp Topical Product	Hemp Topical Product (does not include cosmetics ²)	Any form of cannabinoid hemp product that is applied externally to the skin.	≤ 0.3% Delta-9-THC concentration
Concentrated Cannabinoid Hemp Product	Concentrated Cannabinoid Hemp Product	A concentrated form of cannabinoid hemp intended for retail sale to consumers 21+. Examples include, oil cartridges, pre-filled vaporization pens, shatter, crumble, wax, resin.	≤ 0.3% Delta-9-THC concentration; 15:1 CBD to THC or higher (if CBD is not the primary marketed cannabinoid, the sum of cannabinoids excluding THC must have a ratio of 15:1 THC or higher).
Orally Consumed Cannabinoid Hemp Product	Orally Consumed Cannabinoid Hemp Product	Any cannabinoid hemp product intended for use or consumption through ingestion, including sublingual or oral absorption. Examples include food, beverages, supplements, etc.	≤ 0.3% Delta-9-THC concentration; 15:1 CBD to THC or higher (if CBD is not the primary marketed cannabinoid, the sum of cannabinoids excluding THC must have a ratio of 15:1 THC or higher); 1 milligram THC per serving and 10 milligrams THC per package; 100 milligrams total cannabinoids per serving and 3,000 milligrams total

² Hemp cosmetic products are not under the Office’s oversight. A cannabinoid hemp retail license from the Office is not required to sell hemp cosmetic products. A cosmetic is defined as meeting the requirements of section 321 of Title 21 of the United States Code and recognized as such by the Office (defined below).

The term “cosmetic” means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

[21 U.S.C. § 321 - U.S. Code Title 21. Food and Drugs § 321 | FindLaw](https://cannabis.ny.gov/marihuana-regulation-and-taxation-act-mrta)
<https://cannabis.ny.gov/marihuana-regulation-and-taxation-act-mrta>

			<p>cannabinoids per package.</p> <p>Note: Cannabinoid hemp beverages are limited to a single serving per package, however multiple packages of beverage products can be sold together. Each can (package) must contain no more cannabinoids than the maximum allowed in a single serving of an orally consumed cannabinoid hemp product.</p>
Orally Consumed Cannabinoid Hemp Product	Cannabinoid Hemp Tincture	<p>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 similar device capable of accurately measuring servings.</p>	<p>≤ 0.3% Delta-9-THC concentration;</p> <p>15:1 CBD to THC or higher (if CBD is not the primary marketed cannabinoid, the sum of cannabinoids excluding THC must have a ratio of 15:1 THC or higher);</p> <p>1 milligram THC per serving;</p> <p>100 milligrams THC per package;</p> <p>4,000 milligrams total cannabinoids per package.</p>

Hemp Product Prohibitions

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

Prohibited Product Types	<p>Products in the form of:</p> <ul style="list-style-type: none"> ○ Injectables ○ Inhalers ○ Cigarettes ○ Cigars ○ Pre-rolls ○ Any form for the purpose of smoking
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	<ul style="list-style-type: none"> ○ Any form packaged or combined with other items designed to facilitate smoking (e.g. rolling papers or pipes) ○ Any other disallowed form as determined by the Office
Hemp Product Prohibitions	Contain more than 0.3% total Delta-9-THC concentration.
	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.
	Contain liquor, wine, beer, cider or meet the definition of an alcoholic beverage as defined in section 3 of the Alcohol Beverage Control Law. ³
	Contain tobacco or nicotine in the product.
	Products exceeding the maximum total cannabinoid concentration and total THC per serving and per package limits set forth by the Office.
	Product non-compliant with product requirements as set forth in 114.8. ⁴
	Contain less than 80% or more than 120% of the concentration of total cannabinoid content as listed on the product label.
	Violates packaging and labeling standards in section 114.9. ⁵
	Products not prepackaged and/or added to food or any other consumable products at the point of sale.
	Potentially hazardous food.
	Product non-compliant with product testing standards in section 114.10. ⁶
	Contain synthetic cannabinoids, artificially derived cannabinoids, or cannabinoids created through isomerization, including, but not limited to, Delta-8-THC and Delta-10-THC.
	Products with <u>multiple servings</u> not individually wrapped, premeasured, separated or delineated, without an included measuring device such as a measuring cap, cup or dropper with the product packaging. Hash marks do not qualify not as a measuring device. This requirement <u>does not</u> apply to: <ul style="list-style-type: none"> • flower products • topical products • concentrated cannabinoid hemp products intended for inhalation or vaporization

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

⁴ <https://cannabis.ny.gov/marihuana-regulation-and-taxation-act-mrta>

⁵ <https://cannabis.ny.gov/marihuana-regulation-and-taxation-act-mrta>

⁶ <https://cannabis.ny.gov/marihuana-regulation-and-taxation-act-mrta>

	Products with <u>multiple servings</u> not packaged in a manner that a single serving is readily identifiable or packaged resealable packaging. Note: Cannabinoid hemp beverages are limited to a single serving per package, however multiple packages of beverage products can be sold together.
	For inhalable/vaporized products: contain any flavors or flavoring agents, except for hemp-derived terpenes

Please be aware, the New York State regulations do not prohibit the processing of cannabinoid hemp products that do not meet the regulatory requirements set forth in Part 114, however all cannabinoid hemp products sold and distributed in New York State must meet the regulatory requirements set forth in Part 114. Please be advised that any such products in possession by a New York State cannabinoid hemp licensee must be clearly labeled that they are not for sale in New York’s Cannabinoid Hemp Program and must not be in a location at the licensed premises where they are offered or accessible to consumers. They must be separate and distinct and not available for sale in New York State.

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

Regulatory Requirements for Cannabinoid Hemp Products Intended for Inhalation or Vaporization

All concentrated cannabinoid hemp products intended for inhalation or 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
 - Artificial food coloring
 - Benzoic acid
 - Diketones
 - Any other compound or ingredient as determined by the Office in regulation.

Program Contact Information

Website: <https://cannabis.ny.gov/cannabinoid-hemp>

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The Office reserves the authority to issue changes, corrections, and amendments to this guidance. Revised editions of guidance will be posted on the Office's website and notice will be sent to licensees. The Office may provide licensees a period of time to come into compliance with such changes and, if such time is provided, the Office will communicate that period to licensees.

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