Toolkit · Hemp Checklist Updated November 22, 2026

Hemp Retail Compliance Checklist

The requirements for selling edible or smokable hemp products at retail in Virginia, each cited: the per-location registration and fee, the THC limits, packaging, labels, certificates of analysis, banned shapes and imitations, topical labels, under-21 sales of smokable hemp, inspections, penalties, the move to Title 4.1 on July 1, 2027, CCA guidance, and what the CCA draft rules would add.

Who needs it: Businesses that offer for sale or sell regulated hemp products (edible or smokable) at retail in Virginia; Businesses selling at retail products advertised or labeled as containing hemp-derived cannabinoids.

Rule basis: Code of Virginia §§ 3.2-4122 to 3.2-4126 (in force until repeal July 1, 2027), 4.1-600, 4.1-604 33, 4.1-1004 A 4, 4.1-1106.1, 4.1-1700 to 4.1-1704 (effective July 1, 2027), 18.2-371.2; HB 30 enactments 9, 10, 27 to 29; CCA hemp guidance pages; draft rules 3VAC10-20-130, 3VAC10-30-135, -145, -200, 3VAC10-40-20, -35, -40 D, -60 H, -70, -120, -150, -160 to -190, 3VAC10-50-20, -85, 3VAC10-60-60, 3VAC10-70-60, -70 (proposed); CCA draft provisions for CPHAC review (Nov. 2026).

Citations starting **3VAC10** are the Cannabis Control Authority's draft proposed adult-use regulations dated September 9, 2026: **proposed, not final, may change**. Citations starting **§ 4.1** are the Code of Virginia as amended by HB 30, Chapter 1 (2026). The section "What other states required or scored" is reference only and is not Virginia law.

We report what the law says. Not legal advice; see the disclaimer.

Retail sale of regulated hemp products in Virginia is governed today by Article 4 of Chapter 41.1 of Title 3.2 (§§ 3.2-4122 to 3.2-4126), which HB 30 repeals effective July 1, 2027 and which the Cannabis Control Authority administers until then. On July 1, 2027, Chapter 17 of Title 4.1 (§§ 4.1-1700 to 4.1-1704) takes effect with substantially the same requirements under the CCA Board. Sales of smokable hemp to persons under 21 are

governed by § 18.2-371.2. The CCA's draft rules would add operating requirements for registered hemp retailers. Citations to 3VAC10 are to the CCA's draft regulations dated Sept. 9, 2026 (proposed, not final; they may change before adoption). CCA guidance pages are cited as agency guidance, with the date checked.

What Virginia requires

Which law applies and who administers it (statute)

- Article 4 of Chapter 41.1 of Title 3.2 (§§ 3.2-4122 through 3.2-4126) is repealed, and Chapter 17 of Title 4.1 (§§ 4.1-1700 through 4.1-1704) takes effect, on July 1, 2027 (HB 30, 2026 Sp. Sess. I, c. 1, enactment 10).
- The amended § 3.2-4126 took effect Aug. 15, 2026 (HB 30, enactment 9).
- The CCA "shall be vested with all the powers and duties held by the Department of Agriculture and Consumer Services prior to July 1, 2027" in administering Article 4 (HB 30, enactment 27).
- Any valid, active registration issued under § 3.2-4122 before July 1, 2027 remains valid until its expiration date and is considered issued by the CCA Board (HB 30, enactment 28).
- The VDACS regulations in 2VAC5-595 on products containing industrial hemp extracts for human consumption remain in effect, administered by the CCA, until the CCA Board adopts regulations on the sale of regulated hemp products (HB 30, enactment 29).
- A "regulated hemp product" means "a hemp product intended for smoking or an edible hemp product" (Code of Virginia § 4.1-600).

Registration (statute)

- No person may offer for sale or sell at retail (i) a regulated hemp product or (ii) a substance intended for human consumption, orally or by inhalation, that is advertised or labeled as containing an industrial hemp-derived cannabinoid, without a regulated hemp product retail facility registration (§ 3.2-4122 A; same text in § 4.1-1700 A from July 1, 2027).
- A nonrefundable annual registration fee of $1,000 is required with each application (§ 3.2-4122 B; § 4.1-1700 B).
- Each registration is valid for one year from issuance and may be renewed annually with the fee (§ 3.2-4122 C; § 4.1-1700 C).
- A registration is required for each location that offers for sale or sells regulated hemp products at retail (§ 3.2-4122 D; § 4.1-1700 D).
- The application includes at minimum: (1) the applicant's name and mailing address; (2) the physical address of the facility, and the registration authorizes sales only at that location; (3) written consent allowing the regulator or its designee to enter the location to ensure compliance; (4) if edible hemp products will be sold, a copy of the permit issued under § 3.2-5100; (5) any other information required; and (6) payment of a nonrefundable application fee (§ 3.2-4122 E; § 4.1-1700 E).
- The registration section does not apply to FDA-approved products scheduled in the Drug Control Act or to products dispensed under Article 4.2 of the Drug Control Act (§ 3.2-4122 F; § 4.1-1700 F).

THC limits (statute)

- A civil penalty applies to offering or selling at retail a substance intended for human consumption, orally or by inhalation, that "(a) contains a total tetrahydrocannabinol concentration that is greater than 0.3 percent or (b) contains more than two milligrams of total tetrahydrocannabinol per package" (§ 3.2-4126 B (iii), version effective Aug. 15, 2026; same limits in § 4.1-1704 B (iii) from July 1, 2027).
- "Total tetrahydrocannabinol" means the sum, after any necessary conversion factor, of the percentage by weight of THC and of THC acid (§ 4.1-600).

Packaging, labels and certificates of analysis (statute)

No person may offer for sale or sell at retail a regulated hemp product unless it is (§ 3.2-4123 A; § 4.1-1701 A):

- Contained in child-resistant packaging, as defined in § 4.1-600, if it contains THC (§ 3.2-4123 A 1);
- Labeled in English, in a font no less than 1/16 of an inch, with (i) all ingredients; (ii) the amount that constitutes a single serving; (iii) the total percentage and milligrams of all THC in the product and the milligrams of THC per serving; and (iv) if it contains THC, that the product may not be sold to persons younger than 21 (§ 3.2-4123 A 2); and
- Accompanied by a certificate of analysis from an independent laboratory accredited to ISO/IEC 17025 by a third-party accrediting body, stating the total THC concentration of the product or its batch; the laboratory's ISO/IEC 17025 accreditation certificate "shall be available for review at the location at which the regulated hemp product is offered for sale or sold" (§ 3.2-4123 A 3).
- "Child-resistant" means significantly difficult for a typical child under five to open, not significantly difficult for a typical adult to open and reseal, and resealable for any multi-use or multi-serving product (§ 4.1-600).
- No regulated hemp product may depict or be in the shape of a human, animal, vehicle or fruit (§ 3.2-4123 B; § 4.1-1701 B).
- No regulated hemp product may, without authorization, bear or be packaged in a container bearing another manufacturer's trademark, trade name, famous mark or identifying mark (§ 3.2-4123 C; § 4.1-1701 C).

Topical hemp products (statute)

- A topical hemp product offered or sold at retail must bear a label stating it is not intended for human consumption; the civil penalty is up to $500 per day; products documented as manufactured before July 1, 2023 are excepted (§ 3.2-4124 A to C; § 4.1-1702 from July 1, 2027).

Smokable hemp and persons under 21 (statute)

- No person may sell to, distribute to, purchase for, or knowingly permit the purchase by anyone younger than 21, knowing or having reason to believe the person is under 21, any tobacco product or hemp product intended for smoking (§ 18.2-371.2 B, version effective Oct. 1, 2026).
- No person may sell hemp products intended for smoking from a vending machine (§ 18.2-371.2 B).
- No person may sell a hemp product intended for smoking to an individual who does not show, by a driver's license or similar government-issued photo ID, that the individual is at least 21; mail-order and internet sales are excepted if age is verified through a commercially available database and delivery requires the signature of a person at least 21 (§ 18.2-371.2 C).
- Civil penalties: $500 for a first violation and $2,500 for a second or subsequent violation within three years; for an employee's violation, the penalty is assessed against the establishment plus $100 against the employee (§ 18.2-371.2 D).
- Hemp products intended for smoking are sold only in sealed packages provided by the manufacturer, with the required health warning, and every retail establishment selling them posts a conspicuous sign stating that sale to anyone under 21 is prohibited by law (§ 18.2-371.2 E 1).

Inspections and penalties (statute)

- The regulator has access during business hours to registered facilities, and to any business selling at retail a substance for human consumption advertised or labeled as containing a cannabinoid, to inspect and to secure samples for examination or laboratory analysis (§ 3.2-4125 A; § 4.1-1703 A; see also § 4.1-604 33).
- A registration may be denied, suspended or revoked for violating Article 4 or for repeatedly selling marijuana, or marketing or labeling products as marijuana, on the registered premises without displaying the decal required by § 4.1-1106.1 (§ 3.2-4126 A; § 4.1-1704 A).

- A civil penalty of up to $10,000 per day applies to selling without a registration, selling after suspension or revocation, selling over the THC limits, selling in violation of § 3.2-4123, selling a substance labeled as containing a hemp-derived cannabinoid without a registration, or repeated decal violations (§ 3.2-4126 B; § 4.1-1704 B).
- No person may sell marijuana or market or label products as marijuana without a Board-issued decal prominently displayed; the civil penalty is $10,000 per day (§ 4.1-1106.1 A).
- The state marijuana tax in § 4.1-1004 A does not apply to the sale of a hemp product (§ 4.1-1004 A 4).

CCA guidance (agency web pages, not statute or regulation)

- The CCA states that a separate application and $1,000 fee is required for each location, that applicants "should expect a decision within four to five weeks," that applications without payment are not processed, and that the CCA may conduct a pre-registration inspection reviewing storage and sales areas, age-restriction procedures and point-of-sale controls, inventory, and potency, packaging, labeling and testing compliance (CCA, Hemp Registrations and Renewals, checked Nov. 22, 2026).
- The CCA states that manufacturers, wholesalers and distributors doing only business-to-business sales, and not selling online or directly to consumers, do not need a retail registration (CCA, Hemp Registrations and Renewals, checked Nov. 22, 2026).
- The CCA states that total THC is calculated as (0.877 x THCA) + delta-9 THC + other delta-9 isomers, that "no tolerance is given above the 0.3% limit; measurement uncertainty is not considered," and that "<0.3% THC" is not an acceptable label statement (CCA, Hemp Labeling and Packaging, checked Nov. 22, 2026).

- For edible hemp products, the CCA lists: an approved-source manufacturer under food safety inspection; a certificate of analysis whose batch number or unique identifier matches the product label, not modified outside the issuing laboratory; a statement of identity and net quantity in U.S. and metric units; serving size by weight or volume; an ingredients list with common names and declared allergens; the manufacturer's or distributor's name and physical address (no P.O. box); a batch code; milligrams of total THC per serving and per package and the percentage of total THC; an age restriction statement; no disease claims; and only cannabinoids meeting the 2VAC5-595-10 definition of extract, with no synthetic cannabinoids or THC isomers other than delta-9 THC (CCA, Hemp Labeling and Packaging, checked Nov. 22, 2026).
- For inhalable hemp products, the CCA lists a certificate of analysis from an ISO 17025 lab stating total THC of the batch, a batch code on the label matching the certificate, child-resistant packaging that is resealable for multiple servings, the statutory label items, the 0.3% and 2 mg limits, and no synthetic derivatives of THC (CCA, Hemp Labeling and Packaging, checked Nov. 22, 2026).

What the CCA draft rules would add (draft)

- Fees: $1,000 application and $1,000 annual registration (3VAC10-20-130, draft).
- Application: facility name and address, material owners' names and addresses, the responsible party's name and signature, and security plan details; an inspection before registration; compliance with state and local law; no registration for a private dwelling (3VAC10-30-135 A to D, draft).
- The board may deny an application that fails to disclose violations, enforcement actions or compliance issues related to a previous VDACS hemp retail registration (3VAC10-30-145 A 3, draft).
- A responsible party or designated supervisor on duty at all times during declared hours once the facility holds product; the designated supervisor's name posted conspicuously in letters not less than one inch (3VAC10-30-135 E and F, draft).

- Operational within 180 days of registration; immediate notice of application changes; an application and fee before a name change, acquisition, or change of location, structure or approved security system; 30 days' notice to the board and a posted notice before closing; disposition of products and records reported (3VAC10-30-200 B to J, draft).
- Products containing THC sold only in a child-resistant, secure and light-resistant container (3VAC10-40-20 A, draft); immediate notice of closures longer than two business days (3VAC10-40-20 D, draft); a written alcohol-free, drug-free and smoke-free workplace policy (3VAC10-40-20 E, draft).
- No operations outside the registered address; no facility may "produce or manufacture regulated hemp products for use" (the draft clause ends there); no samples; no endorsing or giving anything of value to practitioners; the sales area closed unless the owner, responsible party or designated supervisor is present; only employees behind the counter or in storage areas; no drive-through, curbside or vending-machine sales (3VAC10-40-35, draft).
- A record of all products received, transferred, disposed of, sold or distributed (3VAC10-40-40 D, draft); an initial inventory and a complete record of all products with all certificates of analysis "prepared and submitted to the authority monthly" (3VAC10-40-60 H, draft); electronic records that are confidential, protected against unauthorized changes and recoverable (3VAC10-40-70 A, draft).
- The responsible party serves only one facility, full time and on site; posts the registration and the price of all products; and the board is notified of the responsible party's departure within 48 hours with a replacement named within 14 days (3VAC10-40-120 B, E 5, H, draft).
- Reportable events: theft, diversion, loss, inventory discrepancies, unauthorized destruction and lost or altered records reported immediately with a signed statement within 24 hours; alarm responses, breaches and alarm outages over eight hours reported by the next business day with a written report within 10 business days (3VAC10-40-150, draft).
- Advertising rules in 3VAC10-40-160 to -190 name regulated hemp product retail facilities; see the Advertising compliance checklist.

- No THC product may contain other controlled substances or added alcohol, caffeine or nicotine (sugar and naturally occurring caffeine excepted); no hemp product intended for smoking or vaporizing may contain vitamin E acetate (3VAC10-50-20 A and C, draft).
- No consumption on the premises; no sale of a THC product to a person known or reasonably believed to be under 21 or intoxicated; ID must meet § 4.1-1104, and altered or expired ID is not valid (3VAC10-50-85 A to D, draft).
- A certificate of analysis for every product offered, from an independent laboratory meeting 2VAC5-595-50 E; products pass total THC (no more than 0.3% and no more than 2 mg per package), microbiological, mycotoxin (under 20 ppb), heavy metal (arsenic and lead under 10 ppm, cadmium under 4.1 ppm, mercury under 2 ppm), residual solvent (a 22-solvent table) and pesticide standards; certificates available to consumers and the board on request; the CCA may collect random samples (3VAC10-60-60, draft).
- Labels in type no smaller than 6 point with: product name and certificate of analysis ID and test date; serving size; terpenes profile and all active and inactive ingredients, including THC, THC-A, CBD and CBDA; total percentage and milligrams of THC per serving and per product; a pass rating or QR code to the certificate; any cautionary statement the CCA requires; a prominently printed expiration date; and directions for use and storage; inhalable cartridges bear a universal symbol at least 1/4 inch square; no “organic” claim without 7 CFR Part 205 certification (3VAC10-70-60, draft).
- Packaging that is child-resistant (16 CFR 1700.1(b)(4)), tamper-resistant and light-resistant, and does not resemble candy, snack, baked good or beverage packaging or appeal to persons under 21 (3VAC10-70-70, draft).
- The CPHAC review version would add the universal symbol stamped on each single serving of THC hemp products, limit QR codes to the certificate and health warnings, and require the label notice “WARNING: This product contains THC and may have intoxicating effects” in no less than 6-point font (CCA draft provisions for CPHAC review, Nov. 2026: 3VAC10-70-60(C)(7), (E), 3VAC10-70-70(E)).

Records and forms the rules name

Registration application contents (§ 3.2-4122 E)

Item	Ready
Applicant name and mailing address	
Physical address of the facility	
Written consent to entry for compliance inspections	
Copy of the § 3.2-5100 permit (if selling edible hemp products)	
Any other information required	
Nonrefundable application fee	

Label check (§ 3.2-4123 A 2)

Item	On label
All ingredients	
Amount that constitutes a single serving	
Total percentage and milligrams of all THC	
Milligrams of THC per serving	
“May not be sold to persons younger than 21” statement (if it contains THC)	
English, font no less than 1/16 inch	

At the point of sale (§ 3.2-4123 A 3; § 18.2-371.2 E 1)

Item	Present
Certificate of analysis for each product or batch, stating total THC	
Laboratory's ISO/IEC 17025 accreditation certificate available for review	
Under-21 sign (stores selling hemp products intended for smoking)	

What the law does not say

- § 4.1-604 43 directs the CCA to create a decal for retail marijuana stores, microbusinesses, pharmaceutical processors and cannabis dispensing facilities; that subdivision does not name regulated hemp product retail facilities.
- Article 4 of Title 3.2 does not set a minimum age for buying edible hemp products; the label must state that THC products may not be sold to persons younger than 21 (§ 3.2-4123 A 2), and § 18.2-371.2 addresses hemp products intended for smoking.
- The statute does not set a processing time for registrations; the CCA's four-to-five-week figure is agency guidance.

What other states required or scored

Not required in Virginia. Shown so applicants can see what other regulators asked for.

New York (9 NYCRR Part 114, cannabinoid hemp)

- New York requires cannabinoid hemp retailers to sell only products manufactured, packaged, labeled and tested under Part 114 (9 NYCRR 114.11(a)).
- Retailers may not sell products labeled or advertised for smoking, such as cigarettes, cigars, pre-rolls, or products packaged with smoking accessories (9 NYCRR 114.11(b)).

- Products with more than 0.5 milligrams of total THC per serving, concentrated products for inhalation, and flower products may not be sold to anyone under 21, and retailers keep safeguards to confirm the person presenting proof of age matches the ID (9 NYCRR 114.11(b); 114.16(a)).
- The retail license and required signs are posted conspicuously at each location (9 NYCRR 114.11(c)).
- Cannabinoid hemp products are displayed "in a manner that distinguishes them from non-cannabinoid hemp products" (9 NYCRR 114.11(d)).
- Retailers keep records of where products were purchased, and the Office may inspect retail locations and take samples (9 NYCRR 114.11(e)-(f)).
- Retailers may not sell a product that is a "potentially hazardous food" or a product to be added to food at the point of sale (9 NYCRR 114.16(b), (d)).
- Laboratory testing caps total THC concentration at 0.3% and bars sale of products with contaminants above permitted levels (9 NYCRR 114.10(d), (g)).

New Jersey (P.L.2025, c.215 as amended by P.L.2026, c.7; CRC interim guidance)

- New Jersey's Cannabis Regulatory Commission states that from April 13, 2026, products exceeding 0.4 milligrams of total THC per container, or hemp above 0.3 percent total THC dry weight, are treated as cannabis (NJ CRC, Intoxicating Hemp-Derived Products FAQ).
- Cannabinoids that are not naturally produced by the plant, or that were chemically synthesized, are prohibited (NJ CRC, Intoxicating Hemp-Derived Products FAQ).
- Selling any hemp-derived product or intoxicating hemp beverage online, and selling intoxicating hemp beverages through vending machines, are prohibited (NJ CRC, Intoxicating Hemp-Derived Products FAQ).
- Selling or distributing to a person under 21 any product for human consumption with "any detectable amount" of THC is unlawful (NJ CRC, Intoxicating Hemp-Derived Products FAQ).
- Hemp-derived cannabinoid products within the new limits may be sold by licensed Class 5 Cannabis Retailers if they meet the Commission's testing, packaging and labeling rules (NJ CRC, Intoxicating Hemp-Derived Products FAQ).

- Intoxicating hemp beverages may be sold by certain alcohol licensees or Class 5 retailers until November 13, 2026, with caps from May 31, 2026 of 5 milligrams total THC per serving and 10 milligrams per container (with a stated exception for certain 750 ml resealable bottles) (NJ CRC, Intoxicating Hemp-Derived Products FAQ).
- The Commission describes the FAQ as "interim guidance on the new law until the Commission issues regulations" (NJ CRC, Intoxicating Hemp-Derived Products FAQ).

Ohio (OAC 1301:18-11-01)

- Ohio's Division of Cannabis Control, with the Department of Agriculture, publishes lists of cannabinoids for purposes of R.C. 928.01, including tetrahydrocannabinol class cannabinoids naturally occurring in the plant and "all other known cannabinoids with similar effects to, or marketed to have similar effects to," THC class cannabinoids (OAC 1301:18-11-01(A)).
- The listed THC-type cannabinoids include delta-9 and delta-8 tetrahydrocannabinol forms and their acids (OAC 1301:18-11-01(A)(1)(a)-(b)).

Sources checked 2026-11-22.

- 9 NYCRR 114.11, Requirements for cannabinoid hemp retailers (Cornell LII mirror)
- 9 NYCRR 114.16, Cannabinoid hemp retailer prohibitions (Cornell LII mirror)
- 9 NYCRR 114.10, Laboratory testing requirements for cannabinoid hemp (Cornell LII mirror)
- NJ Cannabis Regulatory Commission, Intoxicating Hemp-Derived Products FAQ
- OAC 1301:18-11-01, Ohio Revised Code 928.031 Cannabinoids

Sources

- Code of Virginia § 3.2-4122 (Regulated hemp product retail facility registration; fee; repeal effective July 1, 2027)
- Code of Virginia § 3.2-4123 (Product packaging, labeling, and testing; repeal effective July 1, 2027)

- Code of Virginia § 3.2-4124 (Topical hemp products; repeal effective July 1, 2027)
- Code of Virginia § 3.2-4125 (Access to retail facilities; repeal effective July 1, 2027)
- Code of Virginia § 3.2-4126 (Civil penalties; version effective Aug. 15, 2026)
- Code of Virginia § 4.1-600 (Definitions)
- Code of Virginia § 4.1-604 (Powers and duties of the Board)
- Code of Virginia § 4.1-1004 (Marijuana taxes; exceptions)
- Code of Virginia § 4.1-1106.1 (Selling without decal; civil penalty)
- Code of Virginia § 4.1-1700 (Regulated hemp product retail facility registration; effective July 1, 2027)
- Code of Virginia § 18.2-371.2 (Tobacco and hemp products intended for smoking; persons under 21; version effective Oct. 1, 2026)
- Code of Virginia § 4.1-1104 (Persons to whom marijuana may not be sold; proof of legal age; effective July 1, 2027)
- Code of Virginia § 4.1-1701 (Product packaging, labeling, and testing; effective July 1, 2027)
- Code of Virginia § 4.1-1702 (Topical hemp products; effective July 1, 2027)
- Code of Virginia § 4.1-1703 (Authority access to retail facilities; effective July 1, 2027)
- Code of Virginia § 4.1-1704 (Civil penalties; effective July 1, 2027)
- HB 30 (2026 Sp. Sess. I, c. 1), Item 4-14 enactment clauses (enactments 9, 10, 27, 28, 29)
- CCA: Regulated Hemp Products Labeling and Packaging Information (checked Nov. 22, 2026)
- CCA: Hemp Registrations and Renewals (checked Nov. 22, 2026)
- CCA draft adult-use regulations, Sept. 9, 2026 (proposed, not final): hemp retail provisions in 3VAC10-20 to 3VAC10-70
- CCA, Draft Regulation Provisions for CPHAC Review (Nov. 2026)

From Virginia Cannabis Hub, an independent publication not affiliated with the CCA. General information, not legal advice; have a Virginia-licensed attorney review. Draft rules are proposed, not final, and may change. Checked against sources on November 22, 2026.