



## Intoxicating Hemp-Derived Products Frequently Asked Questions (“FAQ”)

On January 12, 2026, Governor Phil Murphy signed P.L.2025, c.215, which regulates the production and sale of intoxicating hemp-derived products. The new law also repeals prior legislation on this subject, P.L. 2024, c. 73. This FAQ document is intended to serve as interim guidance on the new law until the Commission issues regulations.

**DISCLAIMER:** The purpose of this FAQ is to set forth the NJ-CRC’s understanding of the existing legal requirements under the new law. This FAQ does not impose any additional requirements that are not included in the law and does not establish additional rights for any person or entity.

### Q: What does the new law do?

**A:** The new law establishes a regulatory framework for intoxicating hemp-derived products and revises New Jersey law in light of updated federal hemp definitions. Starting on April 13, 2026, the following items will not meet the definition of “hemp”:

- (1) any viable seeds from a *Cannabis sativa* L. plant that exceeds a total THC concentration of 0.3 percent in the plant on a dry weight basis (including delta-8, delta-10, THC-A and comparable cannabinoids);
- (2) cannabinoids that are not capable of being naturally produced by a *Cannabis sativa* L. plant;
- (3) cannabinoids that are capable of being naturally produced by a *Cannabis sativa* L. plant but were chemically synthesized or manufactured; and
- (4) products exceeding 0.4 milligrams of total THC per container.

The above items will be considered “cannabis” or “marijuana” and will be subject to the State’s laws and regulations. The same will be true after November 13, 2026 for beverages derived from hemp that exceed 0.4 milligrams of total THC per container. The law also immediately prohibits the following actions:

- (1) Selling, offering to sell, or distributing any product marketed or labeled as hemp if the product exceeds the federally defined THC level for hemp.
- (2) Selling, offering to sell, or distributing any hemp-derived product or intoxicating hemp beverage online.
- (3) Selling, offering to sell, or distributing intoxicating hemp beverages through vending machines.
- (4) Selling or distributing to a person under 21 years of age a product that contains any detectable amount of THC.
- (5) Producing, selling, or distributing cannabinoids that were synthesized using a chemical process.



**Q: When does the new law take effect?**

A: The law became effective on January 13, 2026, with the following notable exceptions:

- (1) The new definitions of hemp, cannabis, and marijuana as discussed above become effective on April 13, 2026.
- (2) The prohibition on selling “intoxicating hemp beverages” becomes effective on November 13, 2026. As will be discussed further below, “intoxicating hemp beverages” are subject to additional restrictions starting on April 13, 2026.

**Q: Can hemp products containing THC be sold to anyone under 21?**

A: No. The new law states that it shall be unlawful to sell or distribute a product intended for human consumption that contains THC in **any detectable amount** to a person under 21 years of age.

**Q: Are “synthetic” cannabinoids permitted by the new law?**

A: No. The law immediately prohibits the sale of cannabinoids not naturally found in the plant, and cannabinoids that were synthesized using a chemical process in a laboratory setting (even if naturally occurring in the plant).

**Q: I am a New Jersey-licensed hemp cultivator and currently cultivate or produce “full-spectrum hemp flower or products” (e.g. gummies, tinctures) that may exceed a total THC concentration of 0.3 percent in the plant on a dry weight basis or 0.4 milligrams combined total per container of total THC. Can I sell these products to Class 5 Retailers?**

A: It depends. The new law states that, in addition to cannabis and cannabis items, a Class 5 Cannabis Retailer is authorized to sell “hemp-derived cannabinoid products” intended for human consumption, provided that the products are labeled in accordance with Commission rules. The Commission interprets this statutory provision to mean that prior to the new definition of hemp taking effect on April 13, 2026, products with more than 0.4 milligrams of total THC or exceeding 0.3 percent THC concentration may be sold by anyone, including licensed Class 5 Cannabis Retailers. Please note, however, that the Commission requires that all products sold by Class 5 Cannabis Retailers be tested, packaged and labeled in accordance with the Commission’s regulations.

Starting April 13, 2026, flower or products that exceed a total THC concentration of 0.3 percent in the plant on a dry weight basis or 0.4 milligrams of total THC per container will be legally designated as cannabis. As such, the Commission encourages New Jersey hemp cultivators who plan to produce products that exceed the limits of hemp that take effect in April 2026 to apply for a Class 1 Cannabis Cultivator and/or a Class 2 Cannabis Manufacturing license. Except as otherwise authorized under the New Jersey Hemp Farming Act, selling, producing, or distributing these products without a license from the Commission will be unlawful after April 13, 2026.



**Q: What is a hemp-derived cannabinoid product after April 13, 2026?**

A: Starting on April 13, 2026, a “hemp-derived cannabinoid product” is flower or products that are derived from hemp and contain a total THC concentration of less than 0.3 percent in the plant on a dry weight basis and less than 0.4 milligrams of total THC per container. These products may be sold by licensed Class 5 Cannabis Retailers, provided they comply with the Commission’s regulations on testing, packaging, and labeling.

**Q: Who may sell “intoxicating hemp beverages?”**

A: An “intoxicating hemp beverage” is a beverage that is produced before November 12, 2026, using hemp. The new law states that the holder of a plenary wholesale license or plenary retail distribution license issued by the New Jersey Division of Alcoholic Beverage Control (e.g., liquor distributor or retail license) or a licensed Class 5 Cannabis Retailer issued by the Commission may sell intoxicating hemp beverages until November 13, 2026.

Starting on April 13, 2026, an intoxicating hemp beverage cannot contain more than 5 milligrams of total THC per serving or not more than 10 milligrams of total THC per container. Additionally, the beverage must be tested by a testing laboratory to ensure compliance with product requirements. The testing laboratory must comply with the testing procedures established by the Commission, be ISO 17025 accredited, and be registered with the Drug Enforcement Administration.

Starting on November 14, 2026, any beverage produced using hemp that exceeds 0.4 milligrams of total THC per container is considered “cannabis,” must be produced by a licensed Class 2 Cannabis Manufacturer, and can only be sold by licensed Class 5 Cannabis Retailers.