OFFICE OF LEGISLATIVE RESEARCH
Objective Research for Connecticut's Legislature

ResearchReport

State-Regulated Hemp-Derived THC Products

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Issue

Briefly describe the hemp-derived THC products regulated under Connecticut law.

Summary

The federal 2018 Agriculture Improvement Act (2018 farm bill; P.L. 115-334) removed hemp with up to 0.3% delta-9 THC from the definition of marijuana under the federal Controlled Substances Act. Among other things, this change meant that products derived from legal hemp (hemp-derived THC products) were no longer controlled substances under federal law. (Marijuana is currently a schedule I controlled substance under the federal Controlled Substances Act, subject to the most stringent federal regulation, though it is in the process of being rescheduled under a recent presidential executive order.) This carveout subsequently allowed states to regulate these products. Connecticut is among a number of states that allows and regulates various hemp-derived THC products, including high- and moderate-THC hemp products and infused beverages, as defined under state law.

As part of legislation ending the Fall 2025 federal government shutdown, Congress narrowed the hemp carveout beginning November 12, 2026. Beginning on that date, certain hemp that is currently carved out from the Controlled Substances Act will once again be treated as marijuana and be illegal under federal law.

Federal Definition of Hemp

Currently under federal law, hemp is any part of the cannabis plant, including its seeds and derivatives, with no more than 0.3% delta-9 THC (7 U.S.C. § 1639o). (THC is the primary psychoactive compound in hemp and cannabis.)

The 2018 farm bill defined hemp based on its delta-9 THC concentration but did not specifically reference other types of THC found in the cannabis plant, such as delta-8. This created what some have referred to as a loophole in the law. The Drug Enforcement Administration (DEA) has interpreted and the Ninth Circuit Court of Appeals has held that delta-8 is within the definition of "hemp" (*AK Futures LLC* v. *Boyd St. Distro, LLC,* 35 F.4th 682 (9th Cir. 2022)). In effect, this means that a hemp product's concentration of delta-8 can exceed the 0.3% delta-9 threshold under the law and still fall within the definition of hemp. The DEA also interpreted this threshold as applying only to chemicals that occur naturally in the cannabis plant, and not from synthetic equivalents.

Among other things, the 2025 legislation narrowed the hemp carveout by:

1. expanding the definition of hemp to include cannabis and cannabis derivatives with a total THC concentration of up to 0.3%, instead of just delta-9 THC as under the prior law;
2. excluding synthetic, synthesized, or manufactured cannabinoids from the allowable hemp definition; and
3. excluding from the definition any products containing more than 0.4 milligrams (mgs) of total THC per container.

Connecticut-Regulated Hemp Products

High-THC Hemp Products

Connecticut law treats "high-THC hemp products" as cannabis or medical marijuana, subjecting them to the various applicable licensing and regulatory requirements that apply under the state's adult-use cannabis and medical marijuana laws. Among other things, these products must be tested in state-licensed laboratories, sold only by licensed cannabis establishments, and sold only to those age 21 or older (for adult-use cannabis) or to qualified patients and their caregivers (for medical marijuana).

A "high-THC hemp product" is a manufacturer hemp product (i.e., a product intended for human ingestion, inhalation, absorption, or other internal consumption) with total THC exceeding (1) one mg per-serving, with up to five mgs per container, or (2) 0.3% on a dry-weight basis for cannabis flower or cannabis trim (CGS § 21a-240(63)). For the purposes of these products and moderate-

THC products described below, THC includes all types, including those from delta-8, among others (CGS § 21a-240(59)).

Moderate-THC Hemp Products

The state also restricts sales of "moderate-THC hemp products" which are manufacturer hemp products with a total THC concentration of between 0.5 and 5 mgs, on a per container basis, other than infused beverages (CGS § 21a-426(a)(7), as amended by PA 25-101, § 20).

By law, only licensed cannabis establishments or Department of Consumer Protection (DCP)-registered vendors may sell moderate-THC hemp products (CGS § 21a-426(b), as amended by PA 25-101, § 20). To get a DCP vendor registration, a person must, among other things, generally disclose the place where the product will be sold and meet certain sales revenue requirements (e.g., at least 85% of the average gross revenue must be from moderate-THC hemp products and hemp flowers) (CGS § 21a-426(c), as amended by PA 25-101, § 20).

In addition to these sales requirements, Connecticut imposes various prohibitions and standards, labeling, and testing requirements on these vendors and products (CGS § 21a-426, as amended by PA 25-101, § 20). Among other things, the law prohibits (1) anyone from representing themselves as a vendor unless he or she has a DCP registration, (2) the product from being packaged in a misleading manner, and (3) sales to anyone under age 21. The law also requires products to meet the testing standards for manufacturer hemp products required by law or regulation, or other testing standards for these products the DCP commissioner or his designee may require.

THC-Infused Beverages

Connecticut also sets certain requirements and restrictions for manufacturing and selling THC-infused beverages, which are nonalcoholic beverages that contain up to 3 mgs of total THC per container. The beverages must be at least 12 fluid ounces and sold in packages of up to four containers. Under the law, they are not considered cannabis, marijuana, or a high- or moderate-THC product (CGS § 21a-425(16)).

Connecticut only allows THC-infused beverages to be sold at a package store, hybrid retailer (e.g., one that sells both cannabis and medical marijuana), or cannabis retailer, and prohibits sales to anyone under age 21 (CGS § 21a-425b). It generally requires anyone who manufactures any THC-infused beverage intended to be sold or offered for sale in Connecticut to have a DCP license (CGS § 21a-425a, as amended by PA 25-166, § 39). (Different licensing requirements apply to THC-infused beverage manufacturers producing THC-infused beverages for sale exclusively outside Connecticut (PA 25-166, §§ 36 & 38).)

Additionally, Connecticut prohibits selling, or offering for sale, infused beverages that, among other things, include any additive that increases the beverage's potency (e.g., caffeine); fail to meet certain testing standards; and are packaged, labeled, or advertised in a misleading way.

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