

INTOXICATING HEMP GUIDANCE

RETAILERS

DISCLAIMER: The information contained in this document does not, and is not intended to, constitute legal advice; instead, all information provided is for general informational purposes only. Information contained in this notice may not constitute the most up-to-date legal or other information. For additional questions, readers should contact an attorney to obtain advice with respect to the information provided in this document.

RETAILER NOTICE

Products containing intoxicating hemp are now illegal in Ohio.

This applies to anyone holding, selling, or offering intoxicating hemp products for sale in any retail setting in the state of Ohio. This includes retail food establishments (RFE), gas stations, food service operations (FSO), and any other retailer.

Effective October 14, 2025, all food or drink with more than 0.5 mg per serving or totaling more than 2 mg per package of any type of THC is now illegal to sell outside of a licensed cannabis dispensary.

WHAT IS INTOXICATING HEMP?

“Intoxicating hemp” means a hemp product containing more than 0.5 mg per serving or totaling more than 2 mg of any type of THC per package. No more than 0.5 mg per serving or more than 2 mg per package of Delta-8, Delta-9, THCA, and/or any other THC, in total.

“Intoxicating hemp” products include, but are not limited to, food (human and animal), drinks, candy, gummies, cookies, tinctures, and dietary supplements, with more than 0.5 mg per serving or totaling more than 2 mg per package of any type of THC.

“Intoxicating hemp” does not include products regulated under medical or recreational marijuana (Chapter 3780 or 3796 of the Revised Code.) These products are different because they are inspected and only sold to adults over the age of 21, with child-safe packaging that doesn’t appeal to children.

If a product has THC and it was not derived from hemp, it is already illegal to sell outside of a dispensary.

WHAT DO I DO IF I FIND THESE PRODUCTS ON MY SHELVES?

Retailers should immediately remove any intoxicating hemp products from store shelves, destroy the products, or return the products to the manufacturer or distributor.

continued

QUESTIONS?

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614-728-6250
foodsafety@agri.ohio.gov

Ohio Department of Health
614-644-7416
foodsafety@odh.ohio.gov



Department of
Agriculture

Department of
Health

Beginning October 14, 2025, if the Ohio Department of Agriculture (ODA) or the local health department (LHD) finds a food that is adulterated with intoxicating hemp, it will be embargoed like any other adulterated food.

An embargo tag will be placed on the product, it will be removed from shelves, it cannot be sold, and the product will be destroyed pursuant to a court order from the local county court of common pleas. Instead, the RFE or FSO can agree to voluntarily destroy an adulterated product. A Voluntary Destruction form will be filled out by the LHD and left with the operator.

When a product has been embargoed, you must leave it where ODA or the LHD put it and leave the embargo tag intact. Only the ODA or LHD can remove an embargo tag. Violating an embargo order is a misdemeanor.

SAMPLE IMAGES OF PRODUCTS*

***Disclaimer: Examples of intoxicating hemp products over the legal limit.**



Department of
Agriculture

Department of
Health