

TNHAA and the Tennessee Alcoholic Beverage Commission (ABC) have entered into an agreed declaratory order that confirms that suppliers and retailers who were issued licenses by the TN Department of Agriculture on or before December 31, 2025 ("Legacy Licensees") will continue to operate under the 2023 regulatory framework until their existing licenses expire, rather than immediately transitioning to the new 2025 law when it takes effect on January 1, 2026.



TNHAA Compliance CHECKLIST

Legal Disclaimer: This document is intended for informational purposes only and is not intended to constitute legal advice. Tennessee is currently in an active rulemaking process, and certain details remain subject to change. However, we anticipate minimal adjustments to core regulatory areas such as manufacturing, potency limits, testing requirements, and packaging standards. This guide is provided to help you and your vendor partners prepare for the upcoming regulatory changes expected to take effect on January 1, 2026. We strongly recommend consulting with legal counsel for specific compliance guidance.

As a Tennessee licensee, installing a compliance program today is urgent. While the Department of Agriculture currently retains jurisdiction over manufacturing and retail sale, on January 1 the TABC will take over these aspects, with hemp cultivation remaining under the Department of Agriculture.

COMPLIANCE OVERVIEW

1. Regulations are in effect now. All products should be manufactured, distributed, and sold under current rules, which will remain substantially unchanged in 2026.
2. When the TABC takes over regulation on January 1, all products for sale must be compliant. The TABC will look back to 2025 manufacturing when inspecting for compliance.
3. To guide current compliance practices, current rules blended with the changes in dosing regulations should guide manufacturing and production. Licensees should refer to current rules for testing, packaging, and marketing for any products that are now in development, in manufacturing, or distribution.

COMPLIANCE CHECKLIST

Immediate Compliance (Now through December 31, 2025)

During this transition period, you must continue to adhere to the current regulations, which include foundational requirements that will persist under TABC oversight.

- ☐ **Ensure your manufacturing operations are conducted by a currently licensed HDC supplier under the Department of Agriculture.**
- ☐ **Conduct full panel testing on each manufactured batch .**
 - ☐ Testing must be conducted by a third-party laboratory registered with the state.
 - ☐ COAs must include:
 - ☐ The name and address of the product batch manufacturer
 - ☐ The internal product batch number
 - ☐ A pass/fail determination for each analyte required by state full panel testing rules
 - ☐ A QR code that points directly to a laboratory-hosted digital copy of the COA

- ❑ **Products must contain delta-9 THC in a concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis.**
- ❑ **Labels must include:**
 - ❑ An ingredient list
 - ❑ A batch number
 - ❑ Mandatory warning statement Required in 6-point font: **"WARNING:** Keep out of reach of children. Must be 21 or older to possess or consume. May be harmful to those who are pregnant or breastfeeding. May impair ability to drive or operate machinery. May contain unidentified substances that are harmful or toxic. This product is not approved by FDA for cure, mitigation, treatment, or prevention of any disease."
 - ❑ An additional statement for inhalable HDC products is required **"WARNING:** Inhalation of cannabis smoke has been associated with lung injury."
 - ❑ A QR code linking to a valid, Tennessee-specific full-panel COA.
- ❑ **Retail Sales: If you also engage in retail sales, these may only be conducted by HDC licensed retailers and only to individuals aged 21 and over.**

Phase 2: Preparing for TABC Regulation (Effective January 1, 2026)

In planning for compliance in 2026, use the current rules as your guide.

- ❑ **Licensing - Supplier Category**
 - ❑ Obtain a **supplier license from the TABC**
 - ❑ Consent to **reasonable inspection** by the TABC and Department of Revenue, and **sampling and testing** by the TABC, of your HDCP inventory
 - ❑ Individuals with an ownership interest in the business must submit to a **criminal history background check**, including fingerprint checks by the TBI and FBI.
- ❑ **Product Formulation & Testing:**
 - ❑ Any amount of delta-9 tetrahydrocannabinol, as long as it does not exceed 0.3% total THC on a dry weight basis, will trigger regulation as a hemp-derived cannabinoid product. Products exceeding 0.3% total THC are illegal.
 - ❑ **Total THC** is specifically defined and calculated as **$[\Delta 9\text{-THC}] + (0.877 \times [\text{THCa}])$** .
 - ❑ **Prohibited Products: THCa in a concentration exceeding 0.3% on a dry weight basis and THCP in any amount** are explicitly prohibited. Synthetic cannabinoids are also prohibited (synthetic: not extracted from hemp or hemp plant parts or derived from hemp or hemp plant parts).
 - ❑ **Mandatory Testing:** Each batch manufactured must undergo testing and obtain a certificate of analysis (COA) by a state-registered third-party laboratory.
 - ❑ **Prohibited Mixing:** HDCPs may not be mixed with alcoholic beverages.

❑ Packaging & Labeling:

- ❑ Products must satisfy child-resistant effectiveness standards.
- ❑ Serving and Package Limits:
 - ❑ Single packages or containers can contain no more than the milligram equivalent of 20 servings, or 300 milligrams of hemp-derived cannabinoids, in the aggregate.
 - ❑ Ingestibles: **a single serving must contain no more than fifteen (15) milligrams** of one or more hemp-derived cannabinoids (this does not mean CBD).
 - ❑ Cartridge products must be packaged in a single cartridge with **not more than 40 servings, not to exceed 500 milligrams per cartridge**.
 - ❑ Hemp plant parts or hemp flower must be packaged in a single package or container of **not more than one-half (0.5) of an ounce by weight**.
 - ❑ Smokeless pouches: single container of no more than **15 pouches, and no more than 6 milligrams per pouch**.
 - ❑ Beverage products have specific container size and serving limits, generally no more than 2 servings per container unless it's a resealable container with volume equal to or less than 750ml and more than 1 serving, or a keg for wholesale.
- ❑ **Labeling Requirements:** Labels must include:
 - ❑ Possible allergens and a nutritional fact panel
 - ❑ A conspicuous warning statement (minimum 11-point font) concerning risk of impairment, keeping out of reach of children, and other TABC-required warnings: "**WARNING:** Keep out of reach of children. Must be 21 or older to possess or consume. May be harmful to those who are pregnant or breastfeeding. May impair ability to drive or operate machinery. This product is not approved by FDA for cure, mitigation, treatment, or prevention of any disease."
 - ❑ An additional statement for inhalable HDC products is required "**WARNING:** Inhalation of cannabis smoke has been associated with lung injury."
 - ❑ Amount of hemp-derived cannabinoid in each serving (milligrams) for ingestible or inhalable cartridge products.
 - ❑ Total amount of hemp-derived cannabinoid in the entire package (milligrams).
 - ❑ Net weight of the product.
 - ❑ A **QR code** that links to a website providing the product's **batch number, date received, date of testing completion, and method of analysis for the testing report**, including full-panel and potency test results.
 - ❑ An expiration date.
 - ❑ For hemp plant parts or hemp flower, percentages and identity of each hemp-derived cannabinoid.
- ❑ **Prohibited Product Design/Advertising:** You cannot advertise, market, or offer for sale an HDCP by using trade dress, trademarks, branding, imagery, characters, or symbols known to appeal primarily to persons under twenty-one (21) years of age (e.g., superheroes, comic book characters, unicorns).
- ❑ **No Health Claims:** HDCPs must not be labeled or marketed to make any health-related claims, including diagnoses, cures, mitigation, or treatment of any human disease or condition.
- ❑ **Prohibited Shapes:** Ingestible HDCPs cannot be formed into the shape of an animal or cartoon character.