

**Introduction to VDACS
Office of Hemp
Enforcement (OHE)**

The State of Cannabis in Virginia

Virginia Department of Agriculture

- Industrial Hemp Program – (*plant material*)
- Hemp Enforcement Program – (*finished products*)

Industrial Hemp

- Registered Industrial Hemp Growers may grow industrial hemp **only** on the land described in their Grower Registration.
- Growers must report hemp crop acreage to USDA-FSA **and** VDACS.
- Growers may not place any industrial hemp into commerce until you receive a ***Fit for Commerce certificate*** from VDACS.
- Industrial Hemp **can only be sold to an individual who has an Industrial Hemp Grower, Processor or Handler Registration**. Industrial hemp sold to a person without a registration would be considered marijuana which is not legal to be sold in Virginia.
- An individual that has an Industrial Hemp Processor Registration that produces a hemp product needs a Hemp Product Retail Facility Registration and a food safety permit. (Ex: hemp extract, tincture, supplement, edible.)

Industrial Hemp

- **Cannabis in the possession of someone who does not have an industrial hemp registration – regardless of the THC concentration of the cannabis – likely meets the Criminal Code’s definition of “marijuana.”**
- *The Virginia Department of Agriculture and Consumer Services encourages anyone considering selling cannabis, regardless of its THC concentration, to someone who does not possess an industrial hemp registration to consult with an attorney before doing so.*

Establishing a Regulatory Framework for Hemp Products

2018

US Farm Bill authorized the production of hemp and removed hemp from the Drug Enforcement Administration's schedule of controlled substances

2019

VDACS Food Safety Program began treating hemp extracts intended for human consumption as a food or food ingredient. Additional laws and regulations were adopted that created requirements for hemp products.

2022

The industry had changed from making full spectrum products and ingredients that come naturally from hemp to making food products that contained synthetic cannabinoids (Delta 8). The marketplace flooded with products that mimicked candies and snacks that were getting into the hands of children, and even unsuspecting adults were made sick by these products.



Establishing a Regulatory Framework for Hemp Products

2023

July 1, 2023
VDACS begins enforcement of edible hemp products with significant civil penalties through a new VDACS Program, the Office of Hemp Enforcement.

2024

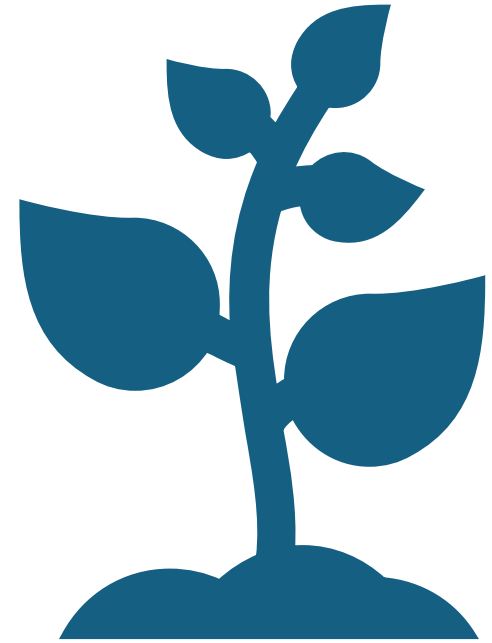
VDACS The Office of Hemp Enforcement begins issuing Retail Facility Registrations for any individual who wants to offer for sale a regulated hemp product.

2025

Enforcement began on Inhalable Hemp Products Va Code Article 4

Office of Hemp Enforcement

- ❖ Purpose: Serve and protect the citizens of Virginia by ensuring the safety of Edible Hemp Products (EHPs) that are made, distributed, or offered for sale in Virginia. This is done by upholding compliance to The Virginia Food and Drink Law.
- ❖ Action: We are currently conducting Regulated Hemp Product inspections throughout the state.



Current VA Law Requirements

The law we are enforcing, The Virginia Food and Drink Law, was updated July 1, 2023, to include:

- ❖ When offered for retail sale, a hemp product may not exceed 0.3 percent total tetrahydrocannabinol (THC) and may not have more than 2 mg of THC per package, or when there is more than 2 mg, there must be 25 mg of CBD for every 1 mg of THC. (25:1 ratio)
- ❖ Edible hemp products that contain THC must be in child-resistant packaging.
- ❖ Edible hemp products must bear a label with specific information and be accompanied by a certificate of analysis produced by an independent, ISO 17025 accredited laboratory.
- ❖ Civil penalties of up to \$10,000 per violation of the Food and Drink Law.
- ❖ Prohibition on the sale or offering for sale of a substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of THC.
- ❖ Edible Hemp Products Disclosure Form.
- ❖ A VDACS Food Permit may be required to sell these products unless the retail establishment is exempt.

Hemp Product Retail Facility Registration

*(effective
November 2024)



- **Notable requirements to be aware of include but are not limited to:**
- A regulated hemp product retail facility registration shall be required for **each location** that offers for sale or sells at retail regulated hemp products.
- Each registration is issued per location, and a registration must be issued for each location of a temporary event.
- Each registration requires a separate application and application fee.
- ❖ Cost: \$1,000 annually
- ❖ Registration is required for any individual selling direct to the consumer:
 - ❖ Edible Hemp Products (including tinctures, extracts, gummies, candies, supplements) for human consumption.
 - ❖ Hemp Products intended for smoking (vape, pre-rolls, THC-A flower).

Virginia Department of Agriculture and Consumer Services
Office of Hemp Enforcement

P.O. Box 1163, Richmond, VA 23218 | (804) 786-1382 | HempEnforcement@vdacs.virginia.gov

REGULATED HEMP PRODUCT RETAIL FACILITY REGISTRATION

ISSUED
00/00/2025

EXPIRES
00/00/2026

Hemp BID
XXXXXXX

This registration is issued pursuant to Va. Code § 3.2-4122. Registrant may offer for sale or sell at retail a regulated hemp product. The registrant shall bear the responsibility for ensuring compliance with all applicable laws and regulations of the Commonwealth of Virginia governing the sale of regulated hemp products. In the event of noncompliance, both the business entity and any individuals legally liable shall be held jointly and severally responsible for violations of the applicable provisions set forth in the Code of Virginia.

Registrant: _____

A regulated hemp product retail facility registration shall be required for each location that offers for sale or sells at retail regulated hemp products.

THE REGISTERED LOCATION IS: **1234 HEMP BUD Highway, Bristol, VA 24202**

ISSUED BY: Nikeya Thomas
VDACS OHE Program Manager

COMPLIANCE WITH VIRGINIA LAWS REGARDING REGULATED HEMP PRODUCTS IS SOLELY THE RESPONSIBILITY OF THE ABOVE NAMED REGISTRANT AND INDIVIDUALS OF THE ENTITY. ISSUANCE OF REGISTRATION DOES NOT DENOTE THAT ALL PRODUCTS SOLD ARE SAFE OR COMPLIANT WITH STATE LAW.

Official Printed Copy Registration

*Does not have to be posted but must be on premises.

Inspection and Compliance Framework

Inspections

Gather business information and take photographs of all EHPs onsite.

Provide informational handouts outlining the requirements to sell EHPs in Virginia and contact information for our office.

Review facility conditions and evaluate other retail food safety requirements

Product Review

Products are analyzed for compliance to the Virginia Hemp Laws regarding labeling, packaging and THC content. We also review certificates of analysis, for each EHP and INHP.

Notice of Violation

Notice of Alleged Violation and Penalty Assessment for violations of the Law.

Assessment of civil penalty for the violations documented during the inspection of the establishment.

Inspection and Compliance Framework

IFFC

Can request an informal fact-finding conference pursuant to Code of Virginia § 2.2-4019 to appeal the factual basis of the assessment.

Case Decision

A case decision regarding whether or not conditions during inspection violated the Law and Regulations, and give consideration to the evidence, statements and corrective measures. A reassessment of the civil penalties is appropriate if corrective measures are taken.

Formal Hearing

May request a Formal Administrative Hearing pursuant to Code of Virginia § 2.2-4020 to appeal the factual basis of the case decision. (15 days)

Civil Penalties

Violation		Penalty	
Authority	Category of Violation	1 st Violation	2 nd and Subsequent Violations
Va. Code § 3.2-5145.2:1(B)(vi) Va. Code § 3.2-5126(A)(5)	Refusal to permit entry to or inspection of or to permit the taking of a sample from a place in which food, including a substance intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid, is being offered for sale.	\$1,000	\$5,000
Va. Code § 3.2-5145.2:1(B)(i) Va. Code § 3.2-5145.2:1(B)(ii)	Manufacturing, offering for sale, or selling an industrial hemp extract or food containing an industrial hemp extract without a Hemp Food Safety Permit.	\$500	\$1,000
Va. Code § 3.2-5145.2:1(B)(iii)	Manufacturing, offering for sale, or selling an industrial hemp extract or food containing an industrial hemp extract without submitting an Edible Hemp Products Disclosure Form.	\$500	\$1,000

<p>Va. Code § 3.2-4126 (B)(iii) Va. Code § 3.2-5145.2:1(B)(iv)</p>	<p>Offering for sale or selling at retail a substance intended for human consumption, orally or by inhalation, that (a) contains a total THC concentration greater than 0.3 percent or (b) contains more than two milligrams of total THC per package and does not contain an amount of cannabidiol that is at least 25 times greater than the amount of total THC per package.</p>	<p>\$1,000; potential referral to law enforcement</p>	<p>\$5,000; potential referral to law enforcement</p>
<p>Va. Code § 3.2-4123(B) Va. Code § 3.2-4126 (B)(iv)</p>	<p>Offering for sale or sell a regulated hemp product that depicts or is in the shape of a human, animal, vehicle, or fruit</p>	<p>\$500</p>	<p>\$2,000</p>

Field Inspectors obtain photographic evidence of product.



Field Inspectors complete preliminary label review and send to Richmond Field Office Compliance team for full review



Compliance team identifies and confirms high THC products using COAs



Products >0.3%

Referral made to police department in store's jurisdiction

Law Enforcement Referrals

- VDACS enforces civil penalties.
- Once the referral for any products outside of the legal THC limits has been received, the police department determines criminal enforcement actions.

Human, Animal, Vehicle, Fruit - Guidance 2025 (Unacceptable Images)



Violation		Penalty	
Authority	Category of Violation	1 st Violation	2 nd and Subsequent Violations
Va. Code § 3.2-4126(B)(iv)	Offering for sale or selling at retail a regulated hemp product that is not packaged or labeled in accordance with Va. Code § 3.2-4123 or offered for sale with the documentation required by Va. Code § 3.2-4123.	\$500	\$2,000
Va. Code § 3.2-5145.2:1(B)(vi)	Manufacturing, offering for sale, or selling an industrial hemp extract or food containing an industrial hemp extract that is not labeled or packaged in accordance with Va. Code § 3.2-5145.4:1 or offered for sale with the documentation required by Va. Code § 3.2-5145.4:1.	\$500	\$2,000

Unlabeled Product Examples





Regulated Hemp Products

- "Regulated hemp product" means a hemp product **intended for smoking** or an edible hemp product.
- Businesses selling only inhalable hemp products are required to register.
- VDACS has began enforcement of Inhalable hemp products November of 2025.
- Many inhalable hemp products offered for sale have been found in violation of the law, some even appear to be in packaging that are marketed towards persons underage. Examples to follow.





A Multitude of Hemp Products for Inhalation

- Flower Based Products
- Concentrates for Inhalation
- Vape Products
- Herbal Blends with THC Infusion
- Hemp Wraps

Flower Based Products

- Hemp Flower, with or without added cannabinoids



THCA - BLACK & WHITE, NOT GRAY

THCA is counted toward the **total THC** content of a product. Any product that exceeds a total THC concentration of 0.3% by weight meets the legal definition of **marijuana**.

THCA is non-intoxicating, but when heated, THCA converts to THC through a chemical process called “decarboxylation”.

To calculate the equivalent amount of THC from THCA the following formula is used: $\text{THCA} \times 0.877 = \text{Delta 9 THC, post decarboxylation}$.

Example: $40\% \text{ THCA} \times 0.877 = 35.08\% \text{ THC}$.

Total THC formula:

All THC isomers (Delta 8, 9, 10, etc.) + (THCA x 0.877) = Total THC

Concentrates for Inhalation

- Waxes and Budder, or Dabs
 - Soft, waxy, opaque textures
 - Used with dab rigs or vaporizers
 - To dab, you add a small amount of isolate to a hot plate or nail and inhale the vapor. CBD shatter can also be used in some vaporizers and vape pens. Can also apply to a joint.



Concentrates for Inhalation

- Shatter

- Hard, brittle glass-like concentrate
- High in $\Delta 9$ -THC
- Used in dabbing or in vaporizer



- Crumble

- Drier version of wax



Vape Products

- 510-thread cartridges (cartridge w/ battery)
 - Standard format for THC vape oil; heats oil up for vaping; variable heat settings; Does not come with Hemp/Cannabis already in it.
- Disposable vape pens
 - Single-use vapes pre-filled with THC oil; small battery heat oils during inhalation



Herbal Blends with THC Infusion

- Infused herbal cigarettes
- Blends combining THC flower with other botanicals



THE CIGARETTE, REINVENTED.



Requirements in Law for Inhalable Hemp Products (INHPs)

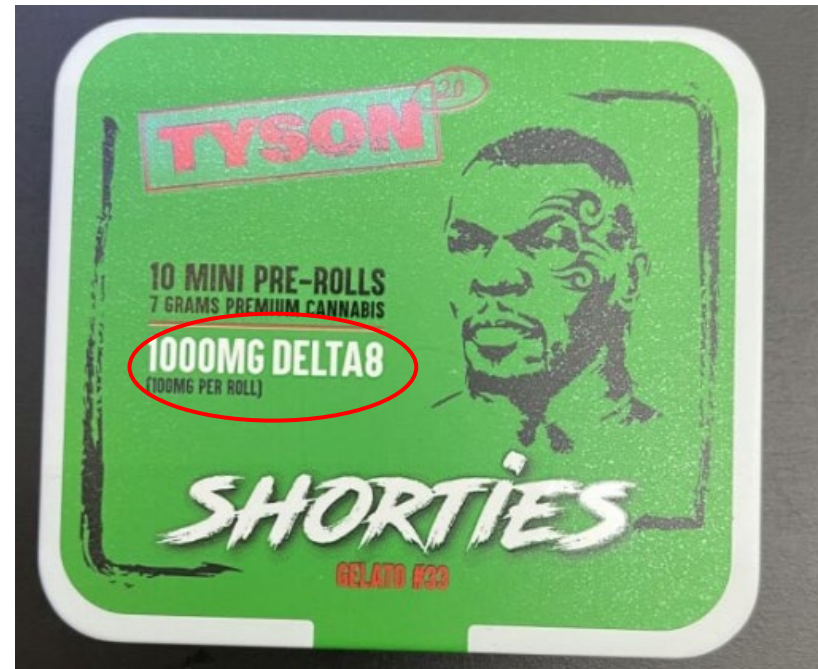
- A Regulated Hemp Product Retail Facility Registration is required for any location where hemp products are held and offered for sale. § 3.2-4122.
- Inhalable hemp products containing any THC must be contained in child-resistant packaging, and the package must be resealable if it contains multiple servings. § 3.2-4123(A)(1)
- Labeling. All ingredients contained in the substance must be listed on the label. § 3.2-4123(A)(2)(i)
- Labeling. The label must state the amount of substance in a single serving. § 3.2-4123(A)(2)(ii)

Requirements in Law for Inhalable Hemp Products (INHPs)

- Labeling. The total percentage of THC in the substance must be declared on the label. § 3.2-4123(A)(2)(iii)
- Labeling. The number of milligrams of THC in the substance must be declared on the label. § 3.2-4123(A)(2)
- Labeling. The number of milligrams of THC contained in each serving must be declared on the label. § 3.2-4123(A)(2)
- Labeling. If the product contains THC, the label must state that the product may not be sold to persons younger than 21 years of age. § 3.2-4123(A)(2)(iv)

Requirements in Law for Inhalable Hemp Products (INHPPs)

- Inhalable hemp products must be accompanied by a COA from an ISO 17025 accredited lab that states the Total THC concentration of the batch from which the substance originates. § 3.2-4123(A)(3)
 - Labeling. A Batch Code must be on the product label to match it to the COA required by § 3.2-4123(A)(3)
- No person shall offer for sale or sell a regulated hemp product that depicts or is in the shape of a human, animal, vehicle, or fruit. § 3.2-4123(B)
- **No person shall offer for sale or sell a regulated hemp product that bears any significant likeness to another manufacturer's product. § 3.2-4123(C)**



Requirements in Law for Inhalable Hemp Products (INHPs)

- Inhalable hemp products may not contain a Total THC concentration that exceeds 0.3%. § 3.2-4126(B)(iii)(a).
 - Total THC includes the combined weights of Delta 9 THC, all isomers of Delta 9 THC, and the adjusted weight of THCA. § 3.2-4112.
 - The weight of THCA is adjusted to reflect the potential THC by multiplying the weight of THCA by a factor of 0.877.
 - The Total THC is then expressed as a percentage by weight of the combined THC weights in the product.
- Inhalable hemp products may not contain more than 2 mg of Total THC per package unless it also contains an amount of CBD that is at least 25 times greater than the amount of Total THC per package. § 3.2-4126(B)(iii)(b).

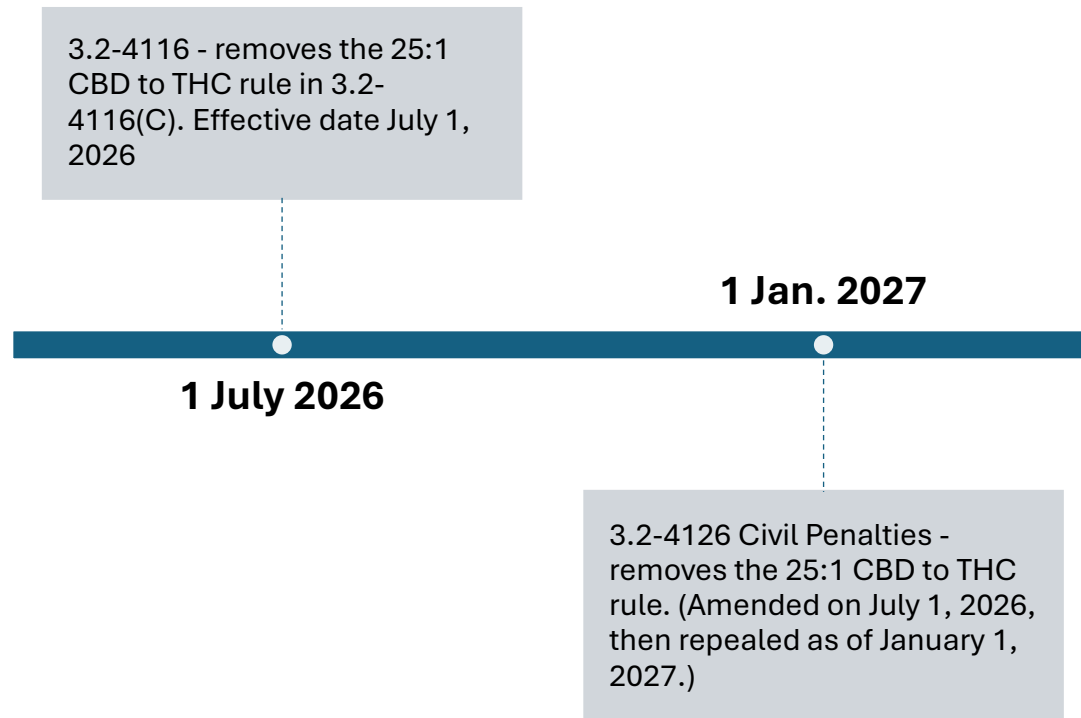
Requirements in Law for Inhalable Hemp Products (INHPs)

- Inhalable hemp products may not contain a synthetic derivative of tetrahydrocannabinol. "**Synthetic derivative**" means a chemical compound produced by man through a chemical transformation to turn a compound into a different compound by adding or subtracting molecules to or from the original compound. By the wording of this law, isomers of Delta 9 THC are not "synthetic".
§ 59.1-200 (A)(69)

2026 Legislative Updates

House Bill 642

Proposed Changes



Potential Impact

- Starting July 1, 2026 a hemp product can only contain 0.3% total THC and no more than 2 mg of THC per package.
- Will result in a substantial portion (~95%) of currently marketed edible hemp products becoming noncompliant.

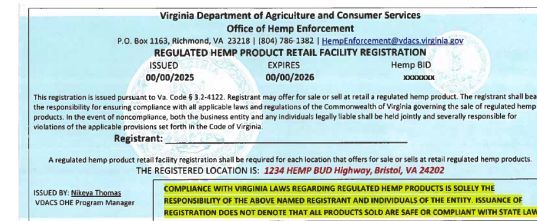
House Bill 642

Proposed Changes

- Provisions in Chapter 41.1 Article 4 (Regulated Hemp Products) move over to the CCA. OHE no longer has any jurisdiction over hemp products. *Effective January 1, 2027*
- Transition of OHE program, laws, enforcement and employees to the CCA. *Between July 1 2026, – January 1, 2027*

Potential Impact

- Regulated hemp products are under the authority of CCA and the Hemp Product Retail Facility Registrations convert over to CCA.



Senate Bill 543

Proposed Changes

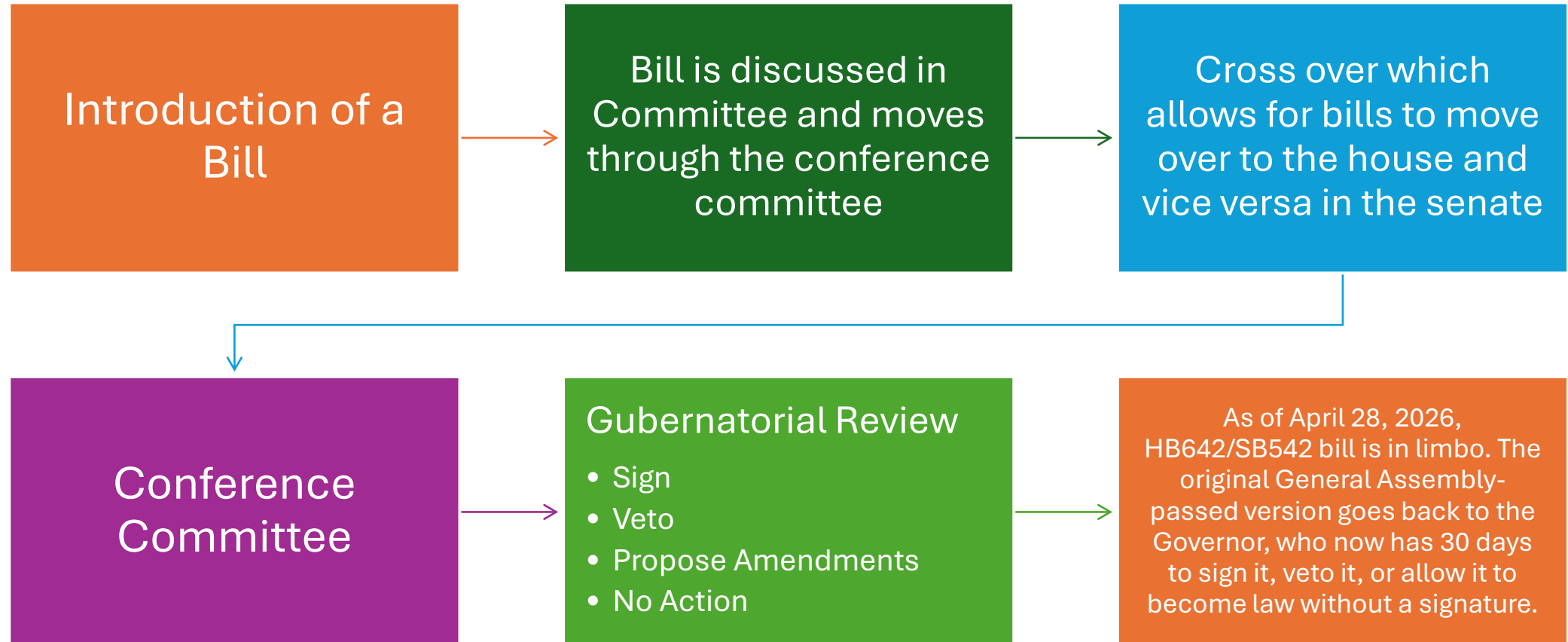
This bill would expand § 3.2-4126.B to include a civil penalty for any person who repeatedly violates provisions of the Cannabis Control Act by engaging in the sale of marijuana or marijuana products that has a regulated hemp product retail facility registration.

The bill also expands § 3.2-5145.2:1 to include that a written notice of violation be issued to any person in violation of the provisions of 3.2-5145, with 15 business days to correct the violations prior to assessment of a civil penalty by VDACS.

Impact

- Civil penalties are not assessed on the initial inspection until after 15 business days to correct the violations.
- Civil penalties are not assessed on violations regarding labeling or packaging but instead focus on THC content.
- Heavy enforcement and civil penalties are assessed on repeat violations regarding the unlawful sale of marijuana without an issued decal and violations of the Cannabis Control Act.

Virginia Legislative process



Contact Information

OHE General Contact:

- Email: hempenforcement@vdacs.virginia.gov
- Phone: 804-786-1382

Nikeya Thomas – Program Manager:

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- 804-786-4724

Thank you