



Hemp-Derived Beverage Legality Analysis: On-Premise Consumption

This analysis includes state law only. Certain localities impose additional requirements or prohibitions regarding the on premise sale of hemp beverages. Please contact VLLP to confirm applicable local requirements. Some states that are SILENT regarding consumable hemp permissibility have aggressive local enforcement due to local prosecution and law enforcement priorities, including violations of the states' controlled substance laws. For example, the Lancaster County DA in Pennsylvania has been seizing hemp products from retailers. There are similar prosecutions reported in NC, SC and TX, as well. In some states, there are restrictions regarding the legality of beverage sales on public property.



STATE EXPRESSLY PERMITS THE SALE OF HEMP DELTA-9 THC BEVERAGES AND THE SALE FOR ON-SITE CONSUMPTION

STATE EXPRESSLY PERMITS THE SALE OF HEMP DELTA-9 THC BEVERAGES BUT IS SILENT ON THE SALE FOR ON-SITE CONSUMPTION

STATE LAW IS SILENT REGARDING THE SALE OF HEMP DELTA-9 THC BEVERAGES FOR ON-SITE CONSUMPTION

STATE PERMITS SALE OF HEMP DELTA-9 THC BEVERAGES BUT PROHIBITS ON-SITE CONSUMPTION

STATE PROHIBITS SALE OF HEMP DELTA-9 THC BEVERAGES

IMPORTANT INFORMATION: The following chart outlines relevant state laws governing the legality of on-premise sales of hemp-delta 9 beverages. Please note that this chart focuses whether a state allows on-premise sales of hemp beverages. This chart does not include all potentially applicable laws governing the production, sale, and marketing of hemp beverages in a state including but not limited to testing, packaging, labeling, prohibitions on synthetic or converted cannabinoids, etc. Note that many states prohibit converted or synthetic cannabinoids, which may include certain hemp-derived D9 ingredients. In any state where hemp beverages are sold on-premise, the product must be compliant with all other applicable state laws. A summary of these requirements can be found in the Hemp Beverage Retail Sales Guide. The requirements stated herein are explicitly applicable to hemp-derived cannabinoid products and are in addition to any other applicable state and local laws as well as federal law. The determinations contained herein are based on Vicente LLP's interpretations of current state law, regulation, guidance, and/or discussions, emails, or other correspondence with state or federal regulators. This is meant for informational purposes only and is not legal advice. A product-specific legal analysis should be conducted by legal counsel before making a determination as to whether a specific product is lawful to sell in a particular jurisdiction. The information contained herein is valid as of August 7, 2025.

STATE	HEMP DELTA 9 THC BEVERAGE PERMISSIBLE (YES/NO)	CANNABINOID MILLIGRAM OR RATIO LIMITATION (YES/NO)	LICENSE, REGISTRATION, OR PERMIT REQUIRED TO SELL HEMP BEVERAGES? (YES/NO)	ON-SITE CONSUMPTION (YES/NO/SILENT)	CAN HEMP BEVERAGES BE SOLD IN AN ALCOHOL LICENSED VENUE? (YES/NO) (i.e bars, restaurants, events)	AGE RESTRICTION (YES/NO)	STATE LIQUOR LICENSING AUTHORITY AND RELATED PROHIBITIONS	UNUSUAL REQUIREMENTS	APPLICABLE LEGISLATIVE / RULEMAKING ACTS / RECENT ENFORCEMENT ACTIONS / LITIGATION	STATE TYPE: ADULT-USE / MED / BOTH	STATE REGULATORY AGENCY (Alcohol and /or Hemp)	PRODUCT PERMISSIBILITY CITATIONS
ALABAMA	YES Ala. Code § 80-10-21 (https://admincode.legislature.state.al.us/administrative-code/80-10-21) AL HB 445 (https://alison.legislature.state.al.us/files/pdf/SearchableInstruments/2025RS/HB445-enr.pdf)	YES Cannabinoid limitations vary by product type. Starting January 1, 2026, all consumable hemp products must be tested and conform to the concentration limits set forth herein. Beverages: 10 total mg THC/serving. A beverage serving size may not exceed 12 fluid ounces or 355 milliliters and one carton of beverages may not contain more than four 12-ounce containers.	YES	NO (Effective January 1, 2026) A retailer (A person located in this state and licensed by the board which sells consumable hemp products at retail in this state) may not sell any consumable hemp product for consumption on the licensed premises or conduct any tastings for customers. HB445 Note that will this is not currently in effect, given the prospective implementation of the law and clear prohibition, it has been identified as a prohibited state.	NO (HB 445; Ala. Code § 28-12-45(a)(1))	YES - 21+ (HB 445; Ala. Code § 28-12-48(a)) Effective January 1, 2026, consumable hemp products may be sold in this state by retailers licensed by the board in accordance with this article to adults 21 years of age or older. (HB 445; Ala. Code § 28-12-40)	Ala. Code § 28-12-40 The Alabama Alcoholic Beverage Control Board shall regulate the sale, distribution, and consumption of alcoholic beverages in this state. The board shall also regulate the sale, distribution, and consumption of hemp products that are synthesized from non-cannabis material, alcohol, or other intoxicants. The board shall also regulate the sale, distribution, and consumption of hemp products that are synthesized from cannabis material, alcohol, or other intoxicants.	Consumable hemp products must be packaged in child-resistant containers, and products sold in-store must be located in a secure area accessible only to persons 21 years of age or older. (HB 445; Ala. Code § 28-12-48(a))	Effective January 1, 2026, consumable hemp products may be sold in this state by retailers licensed by the board in accordance with this article to adults 21 years of age or older. (HB 445; Ala. Code § 28-12-40) The bill authorizes the Alcoholic Beverage Control Board to license consumable hemp product retailers and prohibits onsite consumption, DTC and delivery sales, as well as products that are smokable, include cannabinoids chemically synthesized from non-cannabis material, alcohol, or other intoxicants. The act took effect on July 1, 2025, with additional provisions, including retail licensing requirements, effective January 1, 2026.	MED	Alabama Department of Agriculture & Industries ("ADAI") Alabama Alcoholic Beverage Control Board	Ala. Code § 80-10-21 (https://admincode.legislature.state.al.us/administrative-code/80-10-21) AL HB 445 (https://alison.legislature.state.al.us/files/pdf/SearchableInstruments/2025RS/HB445-enr.pdf)

In-Depth State On-Premise Consumption Analysis Example



STATE	STATE HAS A PRODUCT LABELING OR PACKAGING REQUIREMENT FOR FOOD/BEVERAGES	STATE REQUIRE FINISHED PRODUCT OR INGREDIENT TESTING	STATE REQUIRES A REGISTRATION/ ENDORSEMENT: RETAIL OR PRODUCT SPECIFIC
ALABAMA	YES (Ala. Code § 13A-12-214.4)	NO	NO Ala. Admin. Code r. 80-10-21-.01 et seq. (https://www.ams.usda.gov/sites/default/files/media/AlabamaHempPlan.pdf)