

Guidance for Inhalable Hemp Products from the VDACS Office of Hemp Enforcement

October 2025

Requirements for Inhalable Hemp Products

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)

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)

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). Minor exceptions to this prohibition, to which VDACS will not object, are listed on page 5.

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)

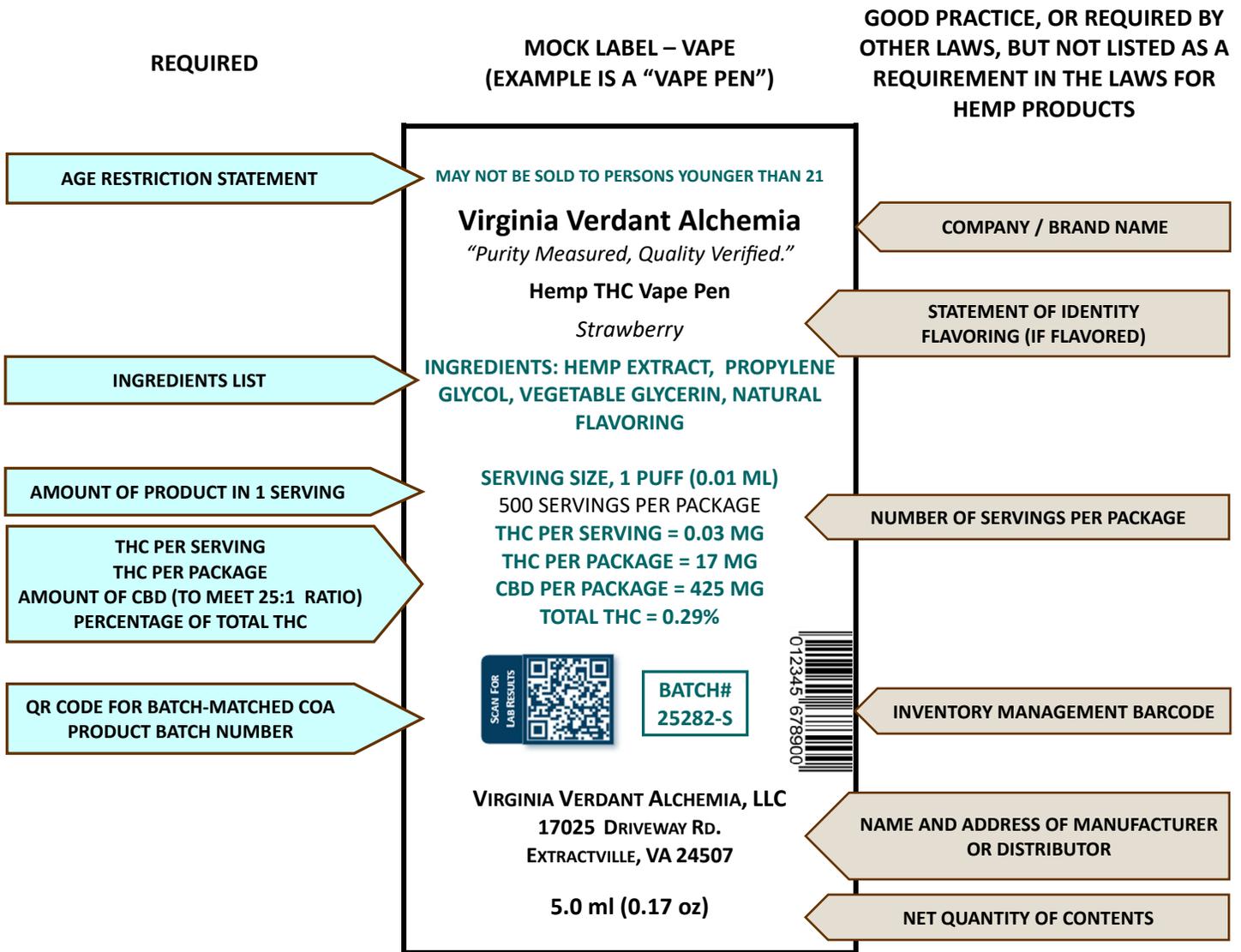
Inhalable hemp products may not contain a Total THC concentration that exceeds 0.3%. § 3.2-4126(B)(iii)(a).

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

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).

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).

Mock Label - Inhalable (VAPE) Containing THC:



Additional Labeling Information:

There is no requirement for where any of this information is to be placed on the label of an inhalable product.

Required information must be presented in a **font that is no less than 1/16 inch in height.**

The use of a QR code is not specifically required. What is required in law is that a **COA, representative of the product batch, must accompany each product sold to consumers.** Two acceptable ways to meet this requirement:

- 1) **QR Code** that takes the consumer to the COA in a reasonably convenient manner;
- 2) **Hard Copy** that is included with each packaged product sold.

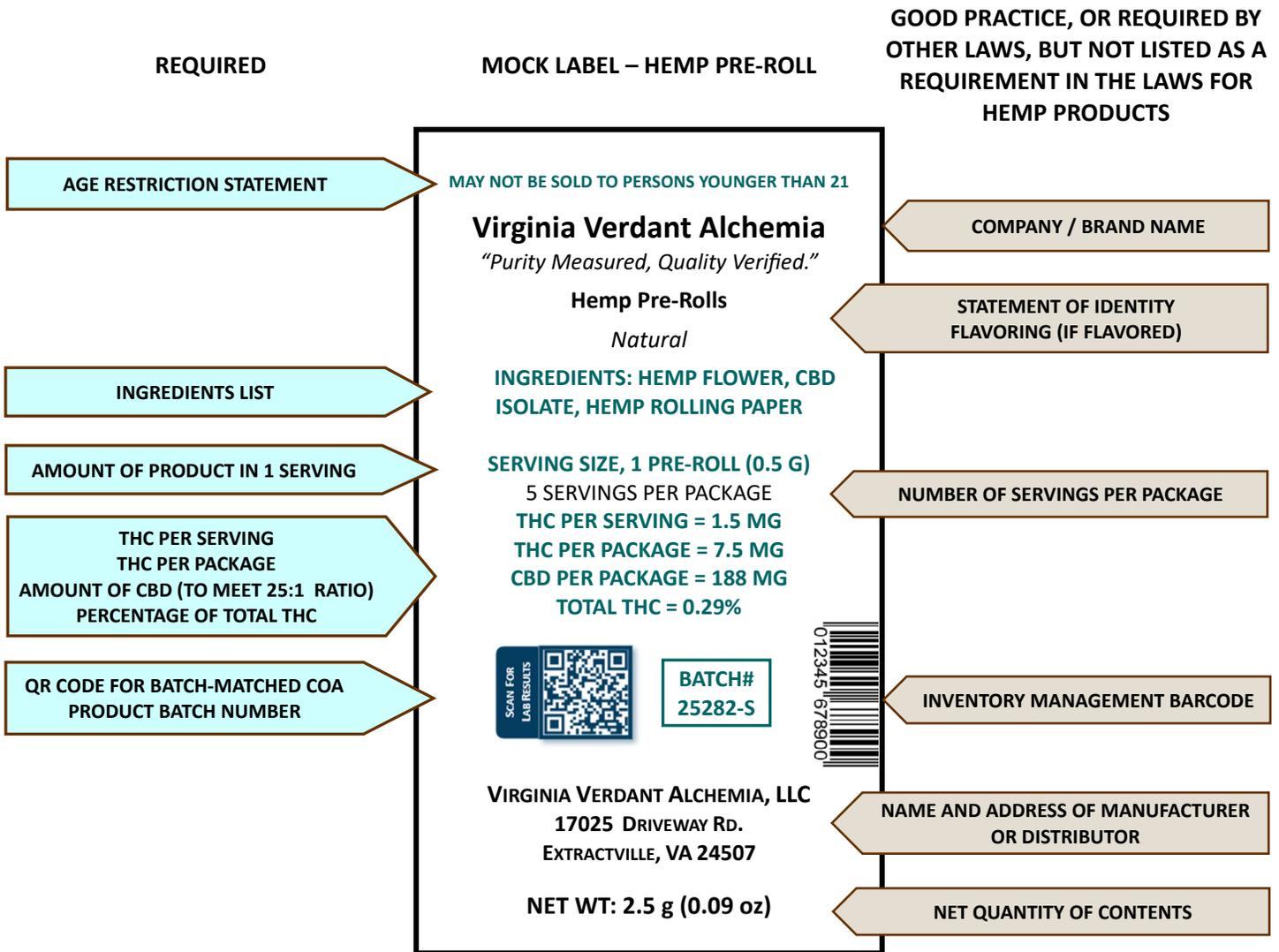
The following methods do **not** meet the requirement: Merely having the COA available for review at the retail location or printing only a website address on the label for the consumer to manually search for the COA.

Analytical Labs Certificate of ISO/IEC 17025 Accreditation: Although the law states that retailers must have a copy of the testing laboratory’s ISO 17025 accreditation, VDACS is not requiring retailers to have this documentation. VDACS independently verifies the accreditation status of laboratories and maintains that information internally on behalf of retailers.

Packaging requirements: Child-resistant packaging is required for any product containing THC; additionally, the packaging must be resealable if the product contains more than one serving.

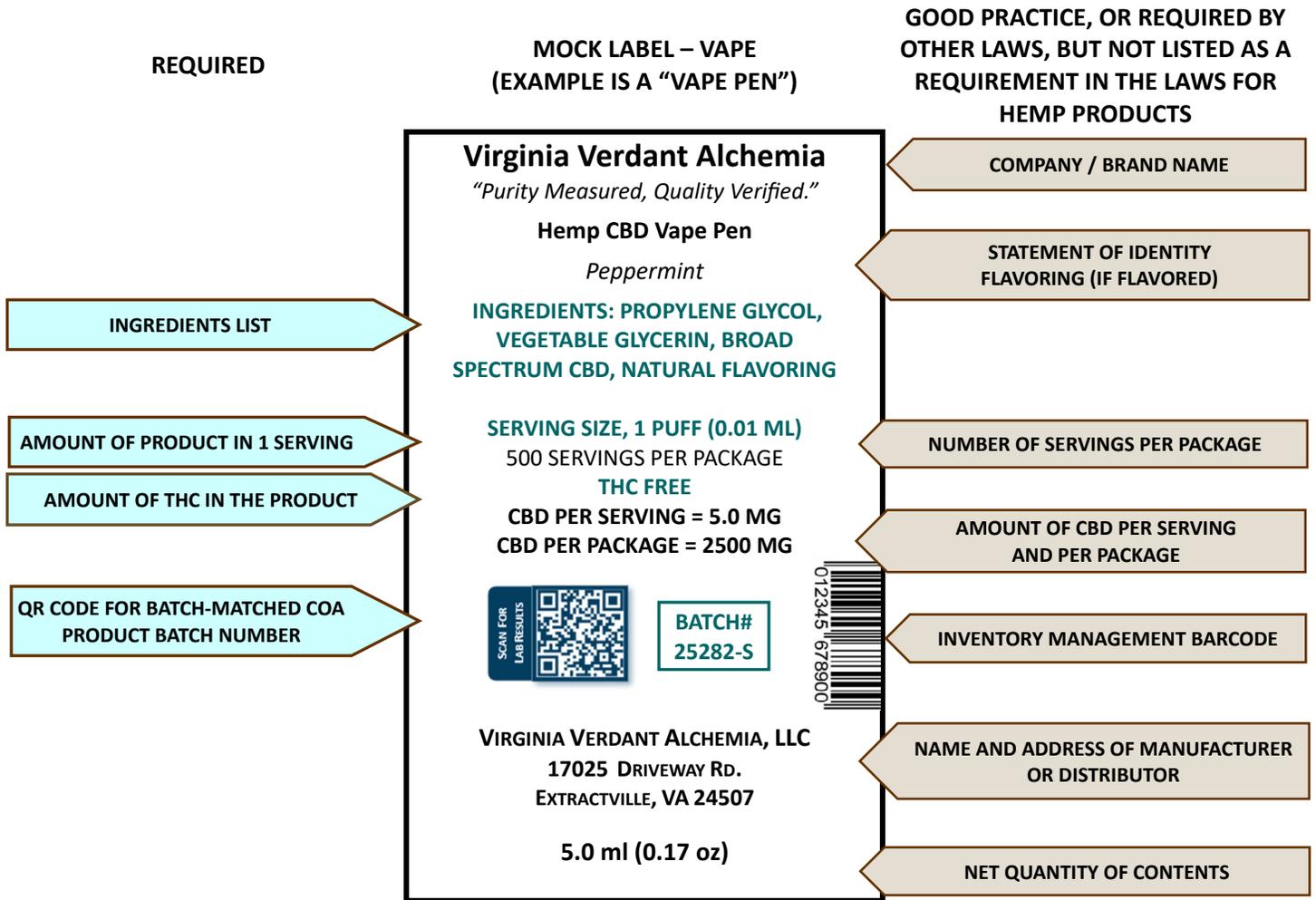
The product may not have images of a human, animal, vehicle, or fruit. Minor exceptions to this prohibition, to which VDACS will not object, are listed on page 5.

Mock Label - Inhalable (PRE-ROLLS) Containing THC:



See "Additional Labeling Information" on page 2.

Mock label – Inhalable (VAPE) Without THC:



See “Additional Labeling Information” on page 2.

The Code of Virginia § 3.2-4123(B) states “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”. - Applicable to edible and inhalable hemp products -

Minor exceptions to the prohibition in § 3.2-4123(B), to which VDACS will not object, are listed here:

Human		Animal	
Not Compliant	No Objection	Not Compliant	No Objection
<p>Depictions of recognizable human or humanoid figures are prohibited. This includes human-like creatures, such as aliens with human features or cartoon-style human figures. It also includes images of fully covered human or human-like figures, for example an astronaut in full gear, and any apparent human or human-like body parts such as faces, eyes, mouths, hands, or feet.</p>	<p>Stick figures without facial features.</p> <p>Single solid color line drawings on a single solid color background, without facial features, and with a line density not exceeding 15% overall or in any quadrant.</p> <p>Items of clothing that do not suggest a fully covered human (examples: boots, hat, shirt, pants).</p> <p>Abstract images that only suggest a human, and with no facial features.</p>	<p>Depictions of recognizable animals or animal-like figures are prohibited. This includes animals or animal-like creatures with distinct facial features, such as eyes, noses, or mouth (for example, a dragon with animal features).</p>	<p>Animal parts that the animal would normally shed without harm to it, such as feathers or antlers.</p> <p>Single solid color line drawings on a single solid color background, without facial features, and with a line density not exceeding 15% overall or in any quadrant.</p> <p>Indistinct or small animal depictions, such as a cow appearing in the background of a large pasture scene.</p> <p>Abstract images that only suggest an animal form and have no facial features.</p>
Vehicle		Fruit	
Not Compliant	No Objection	Not Compliant	No Objection
<p>Depictions of recognizable vehicles or vehicle-like figures are prohibited. This includes images of cars, trucks, buses, bicycles, motorcycles, airplanes, trains, boats, and similar modes of transportation.</p>	<p>Single solid color line drawing on a single solid color background, without human or animal features, and with a line density not exceeding 15% overall or in any quadrant.</p> <p>Abstract or stylized images that only suggest the concept of movement or transportation but do not depict an actual vehicle.</p> <p>Indistinct or small vehicle depictions that appear in the background of a larger scene.</p>	<p>Depictions of realistic or recognizable fruits are prohibited. This includes images of whole or sliced fruit, fruit with detailed or shaded features, and cartoon-style fruit with facial features or other human or animal characteristics.</p>	<p>Fruits that are traditionally considered to be vegetables, such as tomato, pepper, cucumber, avocado, and squash other than pumpkin.</p> <p>Single solid color line drawing on a single solid color background, and with a line density not exceeding 15% overall or in any quadrant of the image.</p> <p>Abstract images that only suggest fruit(s).</p>

“Line density” means the percentage of total image area occupied by linework, as determined using an 8-bit grayscale analysis method (e.g., ImageJ or equivalent), comparing dark (line) pixels to total pixels in the cropped image area.

“Single solid color” means one uniform hue without any variation in tint, shade, or tone.

Image quadrants shall be determined by dividing the bounding box of the image into four equal rectangles.

Links And Contact Information

[Code of Virginia, Title 3.2, Chapter 41.1, Article 4. Regulated Hemp Products](#)

[Code of Virginia Title 59.1, Chapter 17. Virginia Consumer Protection Act - § 59.1-200. Prohibited practices Items 69-73](#)

[VDACS Office of Hemp Enforcement webpage: https://www.vdacs.virginia.gov/food-hemp-product-enforcement.shtml](#)

[Regulated Hemp Product Retail Facility Registration Application](#)

Contact Information for Additional Questions:

VDACS Office of Hemp Enforcement Phone: (804) 786-1382

Email: HempEnforcement@vdacs.virginia.gov