



Illinois Department of Revenue

Informational Bulletin

FY 2027-04, October 2026

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Hemp Product Changes, Effective November 12, 2026

To: All Businesses Possessing or Selling Consumable or Topical Hemp Products

Beginning **November 12, 2026**, any consumable or topical product containing more than 0.4 mg of total THC per container will no longer meet the definition of “hemp”. Such products are now “cannabis” pursuant to **Public Act 104-0463** and may only be grown and sold to consumers in this State pursuant to the **Cannabis Regulation and Tax Act**.

Products meeting the definition of a “final consumer hemp cannabinoid product” may be distributed or sold to consumers in this State pursuant to the new **Illinois Hemp Act**.

Why is this classification important?

It is unlawful in Illinois to possess or sell cannabis except as allowed under the Cannabis Regulation and Tax Act (CRTA):

- Only Illinois Department of Agriculture (IDOA) licensed cultivators under the CRTA may grow cannabis.
- Only Illinois Department of Financial and Professional Regulation (IDFPR) licensed cannabis dispensaries may sell products containing more than 0.4 mg total THC per container.
- All dispensaries, all growers, and all cannabis products, must fully comply with all CRTA requirements.

What is a “final consumer hemp cannabinoid product”?

A final consumer hemp cannabinoid product:

- does not contain any synthetic cannabinoids, meaning cannabinoids and derivatives that are not naturally occurring within the Cannabis sativa L. plant;
- does not contain any naturally occurring cannabinoids that have been synthetically manufactured outside the plant;
- does not contain more than 0.4 mg of total THC, including THCa, per container and any other cannabinoid with similar effects. See **Section 15 of the Illinois Hemp Act (410 ILCS 707/15)** for a full list of cannabinoids that are considered to have similar effects to THC; the list includes delta-8 THC, THC-P, HHC, and THC-O;
- shall not contain alcohol, tobacco, or nicotine;
- shall not be intended for smoking or vaping;
- shall consist only of ingredients recognized as safe by the U.S. Food and Drug Administration; and
- shall be prepackaged, and shall not be assembled or combined with other consumable products at point of sale.

Final consumer hemp cannabinoid products are also subject to testing, labeling, and packaging requirements.

What should businesses engaged in the business of possessing or selling consumable or topical hemp products do to prepare?

In preparation for the **November 12, 2026, effective date**, businesses should review all hemp products they distribute or offer for sale to the public in Illinois.

Any hemp product that does not meet the definition of a “final consumer hemp cannabinoid product” may not be possessed with the intent to deliver or sell unless the business is properly licensed under the CRTA.

Businesses are strongly encouraged to promptly evaluate their inventory to ensure compliance and avoid unlawful cannabis possession or sale after November 12, 2026.

How should businesses handle products that will be reclassified as “cannabis”?

Businesses should create a plan for any inventory that will be considered cannabis on and after November 12, 2026. Planning may include:

- Discontinuing orders for hemp products that will not meet Illinois Hemp Act requirements.
- Returning hemp products to supplying distributors.
- Coordinating redistribution, as some hemp products may still be sold outside of Illinois until December 11, 2026, depending on the state.

What happens if businesses do not comply?

Possessing or selling products newly classified as cannabis without proper licensing may result in violations, both civil and criminal, under the CRTA for selling cannabis without a license, including product seizure and the imposition of tax, penalty, and interest. See 410 ILCS 705/65-38. Businesses are strongly encouraged to review inventory early and prepare accordingly.

Is Illinois enforcing these changes on the same timeline as the federal government?

No. The State of Illinois plans to begin enforcement of the Illinois Hemp Act on **November 12, 2026**, regardless of the federal government’s delay of related enforcement, which is currently scheduled for December 11, 2026.

Can businesses possess and sell final consumer hemp cannabinoid products?

Yes. Consumable or topical hemp-derived cannabinoid products are permitted to be sold to consumers in the State if they meet the requirements of Section 35 of the Illinois Hemp Act.

What requirements apply to final consumer hemp cannabinoid products?

All final consumer hemp cannabinoid products must follow the testing, labeling, and packaging standards outlined in Section 35 of the Illinois Hemp Act. These changes are intended to ensure product safety, consumer transparency, and consistent regulation across Illinois.

All products must bear a label that includes:

- the product name;
- net weight or volume;
- full ingredient list;
- cannabinoid identity and quantity;
- serving information;
- batch or lot number;
- manufacturer contact information;
- an expiration date; and
- a QR code linking to the certificate of analysis.

Each hemp product shall not contain the following:

- any false or misleading claim – including that the product is a cannabis product;
- any image designed to appeal to children;
- any information that imitates the trade name or packaging of any commercial food, candy or beverage or product marketed to children; and
- any health claim.

Any product label that does not meet the above requirements shall not be offered for sale until it can be relabeled. Failure to do so is considered an unlawful practice under the Consumer Fraud and Deceptive Practices Act.

Testing

Before public sale, a representative sample from each lot must be tested by an IDOA approved laboratory in accordance with cannabis testing standards, until hemp-specific testing standards are developed. A current certificate of analysis must be made available to IDOR, retailers, and consumers through a scannable code or link on the product label.

Packaging

Products must be sold in sealed, child-resistant containers that comply with federal Consumer Product Safety Commission standards.

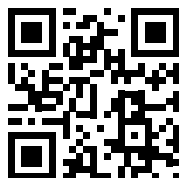
For additional requirements, see IDOA's website at agr.illinois.gov/plants/hemp.

Where can I find additional resources?

- IDOR's website at tax.illinois.gov.
- Cannabis Regulation Oversight Office website at cannabis.illinois.gov.
- IDFPR's website at idfpr.illinois.gov.
- IDOA, Division of Cannabis Regulation's website at cannabis.illinois.gov/agencies/cannabis-idoa.
- Public Act 104-0463 at ilga.gov.

Call 800-CHEAT-11 (800-243-2811) to report suspected tax crime or related violations on hemp products.

Note: If agents are unavailable when you call, you may leave a message. If you leave a message and require a response, please leave your contact information including a phone number where we can reach you. You can find more information on the **Report Tax Fraud and Related Violations** webpage.



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