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Federal hemp rule could force THC drinks off shelves on Dec. 11

A revised definition would bar products with more than 0.4 milligrams of total THC per container, putting a fast-growing alcohol alternative at risk

Saturday, November 21, 2026

Low-dose hemp-derived THC beverages sold at retailers and breweries face new federal restrictions on Dec. 11 that could remove many of the products from the legal hemp market unless Congress changes the law.

The change centers on a revised federal definition of hemp that would disqualify finished products containing more than 0.4 milligrams of total THC per container, according to WTMJ. That threshold has raised concern for businesses that sell or make hemp-derived THC drinks, a fast-growing category that has been marketed as an alternative to alcohol.

On Friday, November 20, Mindy Baker, director of state and local government and industry affairs at Total Wine & More, told WTMJ's Wisconsin's Midday News that the retailer carries hemp-derived THC beverages in several formats and that customer demand differs by market. In Milwaukee-area stores, she said, some items have sold especially well, including Sprecher's THC root beer.

Baker said the company believes the products should be regulated within an existing adult-beverage framework instead of being pushed out of the market. She said state governments, including Wisconsin, have taken steps to build oversight around the products, while the federal action now threatens to override that approach.

“There’s been a lot of movement at the state level,” Baker told the program. “The federal government is sort of shutting that down right now.”

She argued that THC beverages could fit into systems already used for adult products. Baker also said prohibition is not the right answer.

The approaching Dec. 11 deadline has left retailers, distributors and producers trying to determine which products, if any, can remain on shelves if lawmakers do not act. The uncertainty reaches beyond specialty cannabis sellers because hemp-derived THC drinks have expanded into mainstream beverage retail, where they compete for cooler space and consumer spending alongside beer, wine, spirits and nonalcoholic alternatives.

That means the federal shift could affect product assortments at chains that carry the drinks and could also influence sales plans, investment decisions and new product development for brewers and other beverage companies that have moved into the category. For some businesses, the issue is not only compliance but whether a promising line of adult beverages will still be viable after Dec. 11.

WTMJ reported that some Wisconsin businesses have already felt effects linked to the coming restrictions. Indeed Brewing Co. in Milwaukee said in a social media post in October that its point-of-sale system had stopped allowing THC transactions. The brewery moved sales of those products to cash only.

That step highlights the practical problems businesses may face even before the federal deadline arrives. Payment systems, compliance software and inventory management tools can react to shifting legal standards before stores and producers have a clear final answer from Congress or regulators.

The issue has become especially important in states where hemp-derived THC beverages have grown quickly under looser rules than those governing marijuana products. Supporters of the category have argued that low-dose drinks are meant for adults and should be handled through age limits, labeling rules, serving standards and retail controls, rather than an outright market removal. Critics have said the products need tighter oversight because rules have varied widely from state to state.

Baker told WTMJ that federal regulation of THC products has been lacking, even as states have started building their own systems. Her comments reflect a broader industry complaint that businesses have been operating in a patchwork of state rules while federal policy remains unsettled.

For national retailers such as Total Wine & More, that patchwork creates a business challenge because consumer demand can vary by location, while compliance standards can shift quickly across state lines and under federal law. For local producers and breweries, the stakes may be sharper because a smaller portfolio can leave them more exposed if one category suddenly becomes restricted.

WTMJ said it has spoken with several local businesses over the past year about the coming federal action. As the deadline nears, the main question remains whether Congress will intervene in time to preserve the legal status of products that now qualify as hemp under current market practice but would fail under the new per-container THC limit.

If that does not happen, companies across the beverage trade may have to pull products, revise formulas or reconsider expansion plans in a category that had been gaining shelf space as a substitute for alcohol and as a new source of growth.