

# Alcohol in Candy – Chart of State Regulations

National Confectioners Association

State/Contact	Retail Restrictions and Permissible Levels	Minimum Age to Purchase
<p><b>Alabama</b></p> <p>John Richardson Department of Agriculture and Industries (334) 213-6300</p>	<p><a href="#">AL Code 20-1-23</a> Prohibits the retail sale of adulterated confectionery which includes candy containing any vinous, malt or spirituous liquor.</p>	<p>No Minimum</p>
<p><b>Alaska</b></p> <p>John Bunten, Environmental Health Officer Food Safety and Sanitation Department of Environmental Conservation (907) 451-2112</p>	<p><a href="#">AK Stat 17.20.020(c)</a> Confectionery is adulterated if it contains alcohol except in harmless coloring, harmless flavoring, or harmless resinous glaze not in excess of 0.4%. Confectionery is not considered adulterated if it contains less than 0.5% alcohol by volume that is derived from flavoring extracts.</p>	<p>No Minimum</p>
<p><b>Arizona</b></p> <p>Suzy Hamilton Department of Liquor Control (602) 542-5141</p>	<p><a href="#">AZ Rev. Stat 36-904(12)</a> Confectionery is adulterated if it contains alcohol except in harmless coloring, harmless flavoring, or harmless resinous glaze not in excess of 0.4%. Confectionery containing less than 5% alcohol by weight is not considered adulterated.</p>	<p>21</p>
<p><b>Arkansas</b></p> <p>Alcohol Beverage Control (501) 682-1105</p>	<p><a href="#">AR Code 20-56-208</a> Confectionery is adulterated if it contains alcohol except in harmless coloring, harmless flavoring, or harmless resinous glaze not in excess of 0.4%. Confectionery is not considered adulterated if it contains less than 0.5% alcohol by volume that is derived from flavoring extracts.</p>	<p>No Minimum</p>
<p><b>California</b></p> <p>Food Safety Inspection Department Of Health Services (916) 650-6500</p>	<p><a href="#">CA Health and Safety Code 110590</a> Permits the retail sale of confectionery that contains less than 5% alcohol by weight.</p>	<p>No Minimum</p>

<p><b>Colorado</b></p> <p>Susan Parachini, Wholesale Food Program Manager, Consumer Protection Department of Public Health and Environment (303) 692-3620</p>	<p><a href="#">CO Stat. 25-5-410</a> Permits the retail sale of confectionery that contains less than 6.25% alcohol by volume or 5% alcohol by weight. Confectionery contains more than 0.5% by volume may not be sold to individuals under the age of 21.</p>	<p>21</p>
<p><b>Connecticut</b></p> <p>Frank Greene, Director of Food and Standards Division, Department of Consumer Protection (860) 713-6160</p>	<p><a href="#">CT Gen.State. 21a-101</a> Permits the sale of confectionery that contains less than 0.5% alcohol derived from flavoring extracts and permits the sale of confectionery less than 0.4% alcohol derived from harmless coloring, flavoring and resinous glaze</p>	<p>No Minimum</p>
<p><b>Delaware</b></p> <p>Robert Hoffner Officer of Food Protection (302) 739-4731</p>	<p><a href="#">DE Code Title 16 Ch 33 Sec 3305</a> Confectionery is deemed to be adulterated if it contains any vinous, malt or spirituous liquor.</p>	<p>No Minimum</p>
<p><b>District of Columbia</b></p> <p>Laroy Coleman ABC Division (202) 442-4468</p>	<p><a href="#">DC Code Division VIII; Title 48; Subtitle I; Chapter 1; 48-103 (2)(O)(ii)</a> Permits the sale of confectionery containing 0.5% by volume deriving from flavoring extracts.</p>	<p>No Minimum</p>
<p><b>Florida</b></p> <p>Charles Bronson, Commissioner Department of Agriculture and Consumer Services (850) 245-5520</p>	<p><a href="#">FL Stat. Title XXXIII 500.10</a> Permits the sale of confectionery that contains less than 0.5% alcohol derived from flavoring extracts and permits the sale of confectionery less than 0.4% alcohol derived from harmless coloring, flavoring and resinous glaze. Candy containing less than 5% alcohol by volume may be sold to persons over the age of 21 so long as the candy does not contain liquid alcohol that constitutes a beverage under the beverage law. Candy containing</p>	<p>21</p>

	less than 5% alcohol by volume can only be sold to consumers directly from the manufacturer or by a vendor that is licensed to sell alcohol.	
<b>Georgia</b>  Consumer Protection Division Department of Agriculture (404) 656-3632	<a href="#">GA Code 26-2-26</a> Permits the sale of confectionery that contains less than 0.5% alcohol derived from flavoring extracts and permits the sale of confectionery containing less than 0.4% alcohol derived from harmless coloring, flavoring and resinous glaze.	No Minimum
<b>Hawaii</b>  Maurice Tamura Manager Food and Drug Division Department of Health (808) 586-4725	<a href="#">HI Rev. Stat. 328-6(20)</a> Prohibits the sale of confectionery containing alcohol in excess of 0.5% by weight to persons under 21 years old.	21
<b>Idaho</b>  Regulated within local health districts Department of Health and Welfare (208) 334-0606	<a href="#">ID Code 37-122(c)</a> Permits the sale of confectionery that contains less than 0.5% alcohol derived from flavoring extracts and permits the sale of confectionery less than 0.4% alcohol derived from harmless coloring, flavoring and resinous glaze.	No Minimum
<b>Illinois</b>  Elizabeth Watkins Division of Food, Drug and Dairies Department of Public Health (217) 782-4977	<a href="#">IL Comp. Stat. 410-620/10(c)</a> Permits the sale of confectionery that contains less than 5% by volume of alcohol.	No Minimum
<b>Indiana</b>  Scott Gilliam Alcohol and Tobacco Division (317) 233-7467	<a href="#">IN Code 16-42-2-2</a> Permits the sale of confectionery that contains not in excess of 0.5% alcohol by volume derived solely from the use of flavoring extracts.	No Minimum
<b>Iowa</b>  Judy Seib	<a href="#">IA Code 190.1</a> Defines confectionery as a “food” and regulates alcohol content according the <a href="#">federal standard</a> which permits the sale of confectionery that	No Minimum

<p>Alcohol Beverage Division (515) 281-7414</p>	<p>contains less than 0.5% alcohol by volume derived solely from flavoring extracts.</p>
<p><b>Kansas</b>  Alcohol Division, Department of Revenue (785) 296-7015</p>	<p><a href="#">KS Stat. 65-664</a> Permits the sale of confectionery that contains less than 0.5% alcohol derived from flavoring extracts and permits the sale of confectionery less than 0.4% alcohol derived from harmless coloring, flavoring and resinous glaze. No Minimum</p>
<p><b>Kentucky</b>  Mark Reid Food Manufacturing Supervisor Food and Safety Division Cabinet for Health Services (502) 564-7181</p>	<p><a href="#">KY Rev. Stat. XX 244.650</a> Permits the sale of confections or candy having liquid filling or liquid center and containing more than 0.5% but not more than 5% of alcohol by volume or weight. No confection or candy with alcohol may be sold to any person under 21 years of age. The candy must have a label that states: “Sale of this product to persons under 21 years of age is unlawful.” 21</p>
<p><b>Louisiana</b>  Dr. John Fichtel Supervisor of Food and Drugs Food Safety Department of Health 225-342-7674</p>	<p><a href="#">LA Rev. Stat. Ann. 40:607</a> Permits the sale of confectionery that contains less than 10% alcohol. Any confectionery manufactured in the state that contains more than 0.5% alcohol rendered unfit for beverage purposes must bear a label that states: “Sale of this product to persons under the legal age for purchasing (21) alcoholic beverages is unlawful.” 21</p>
<p><b>Maine</b>  Liquor Control (regulates the sale of candy containing liquor) (207) 624-7220</p>	<p><a href="#">ME Rev. Stat. 22-2156</a> Permits the sale of confectionery that contains less than 0.5% alcohol derived from flavoring extracts and permits the sale of confectionery less than 0.4% alcohol derived from harmless coloring, flavoring and resinous glaze. No Minimum</p>

<p>Mr. Dana Finnemore Analyst Division of Quality Assurance and Regulations Department of Agriculture, Food and Rural Resources (regulates the manufacture of candy) Resources (207) 287-6319</p>	
<p><b>Maryland</b>  Jody Menikheim Section Head Department of Health and Mental Hygiene (410) 767-8407</p>	<p><a href="#">MD General Health Code 21-209</a> Permits the sale of confectionery that contains not in excess of 5% alcohol by volume derived solely from the use of flavoring extracts. Prohibits the sale of confections contain more than 0.5% to persons over 21 years of age. Confections between 0.5% and 5% alcohol by volume must bear a label prohibiting the sale of the candy to people under 21. 21</p>
<p><b>Massachusetts</b>  Joan Gancarski Food Protection Program Department of Public Health (617) 983-6712</p>	<p><a href="#">MA Gen. Law 270, 8</a> The sale of candy containing a liquid or syrup that is more than 1% alcohol will be fined not more than \$100. No Minimum</p>
<p><b>Michigan</b>  Food and Dairy Division Department of Agriculture (517) 241-2461</p>	<p><a href="#">MI Comp. Laws 289.1105</a> Permits the retail sale of confectionery that contains less than 0.5% alcohol by volume solely derived from flavoring extracts. No Minimum</p>
<p><b>Minnesota</b>  Department of Public Safety</p>	<p><a href="#">MN Stat. 31.76(1)</a> Permits the sale of confectionery containing alcohol that is under 5% by volume. If the confection containing alcohol is over 0.5% it is 21</p>

(651) 201-7500	regulated and must bear a label that states, “This product may not be sold to anyone under age 21 years of age”. Confection containing over 0.5% may only be offered for sale in liquor stores.	
<b>Mississippi</b> Candy containing alcohol is regulated by the Food and Drug Administration  Food Protection Department of Health (601) 576-7689	<a href="#">MS Code Ann. 75-29-3</a> Regulates alcohol content according to the <a href="#">federal standard</a> which permits the sale of confectionery that contains less than 0.5% alcohol by volume derived solely from flavoring extracts.	No Minimum
<b>Montana</b>  Howard Reid, Supervisor Food and Consumer Safety Section Department of Health and Human Services (406) 444-5306	<a href="#">MT Code Ann. 50-31-202 (2003)</a> . Permits retail sale of confectionery that contains less than 0.5% alcohol by volume derived solely from flavoring extracts and the sale of candy made with harmless coloring, harmless flavoring, harmless resinous glaze that contains less than 0.4% alcohol.  <u>42.11.402 POLICY</u> Prohibits the sale of liquor filled candy. The rules states, “products which are packaged, labeled, or advertised in a manner that tends to blur the distinction between alcoholic and non-alcoholic products by emphasizing the features that are normally associated with non-alcoholic products and minimizing the product's alcoholic content will not be made available for sale.”	No Minimum
<b>Nebraska</b>  Sgt. Mark Costello Alcohol and Tobacco Enforcement Coordinator Enforcement Division Liquor Control Commission	<a href="#">NE Rev. Stat. § 53-194.04 (2003)</a> . Prohibits the retail sale of candy containing more than 0.5% alcohol by volume unless the manufacturer or retailer is licensed under the Nebraska Liquor Control Act. Any confections or candy sold that contain more than 0.5% alcohol must display a label containing the following statement: “Sale of this product to persons under the	21

(402) 471-2571	legal age for purchasing alcoholic liquor is unlawful.	
<b>Nevada</b>  State Health Division Bureau of Health Protection Services Department of Human Services (775) 687-6353	<a href="#">NV Rev. Stat. Ann. 585.330 (2) (2004)</a> . Permits the retail sale of confectionery that contains less than 4% alcohol by weight.	No Minimum
<b>New Hampshire</b>  Liquor Commission Enforcement Division 603-271-3521	<a href="#">NH Statutes VIII 175:5-a</a> Prohibits the sale of confectionary containing more than 0.5% alcohol by volume to any person under the age of 21.	21
<b>Missouri</b>  Division of Alcohol and Tobacco Control (573) 751-2333	<a href="#">MO Rev. Stat. VII 196.070</a> Permits the sale of candy that made with harmless coloring, harmless flavoring and harmless resinous glaze containing less than 0.4% alcohol and the sale of candy containing less than 5% alcohol.	No Minimum
<b>New Jersey</b>  Food and Drug Safety Program Department of Health (609) 588-3123	<a href="#">NJ Statutes 24:5-9</a> Permits the sale of candy made with harmless coloring, harmless flavoring, and harmless resinous glaze containing less than 0.4% alcohol by volume. Confectionery containing more than 0.5% and less then 5% alcohol is regulated as an alcoholic beverage and must bear a label that states: "Sale of this product to persons under the legal age for purchasing alcoholic beverages is unlawful."	21
<b>New Mexico</b>  Lorie Stoller Manager Food Program Field Operations Division Department of Environment (505) 827-1400	<a href="#">NM Statutes 25-2-10</a> Permits the sale of candy containing less than 2.25% by weight derived solely from the use of flavoring extracts and candy made with harmless coloring, harmless flavoring, harmless resinous glaze containing less than 0.4% alcohol.	No Minimum

<p><b>New York</b></p> <p>Joseph Corby  Director  Division of Food Safety and Inspection  Department of Agriculture &amp; Markets  (518)-457-4492</p>	<p><a href="#">NY AGM law 200</a> Permits the retail sale of confectionery that contains less than 0.5% alcohol by volume solely derived from flavoring extracts. Also, the law permits harmless coloring, harmless flavoring, and harmless resinous glaze less than 0.4% alcohol by volume. Permits the sale of confectionery containing more than 0.5% and less than 5% alcohol by volume, which is regulated as an alcoholic beverage and must bear a label that states that sale of the confectionery to underage persons is illegal, pregnant women should not consume the confectionery and persons consuming the confectionery should not operate equipment. Candy bearing more than 0.5% and less than 5% alcohol can be sold with non-alcoholic candy in packages that are at least one-half pounds or contain at least 24 pieces. Manufacturers shipping candy that is between 0.5%-5% alcohol must provide written notice with each shipment that the candy can not be sold to underage persons.</p>	<p>21</p>
<p><b>North Carolina</b></p> <p>Larry Gabriel  Food Administrator  Dairy &amp; Food Protection Branch  Department of Natural Resources  (919)-733-7366</p>	<p><a href="#">NC Gen. Stat. 12-106-129 (3)(b)</a> Permits the sale of confectionery containing any alcohol not in excess of 0.5% by volume derived solely from the use of flavoring extracts.</p>	<p>No Minimum</p>
<p><b>North Dakota</b></p> <p>Kenan Bullinger</p>	<p><a href="#">ND Cent. Code 19-02.1-09 (13)</a> Permits the sale of confectionery containing less than 0.5% by volume of alcohol derived solely from the use of flavoring</p>	<p>No Minimum</p>



<p>Director Division of Food and Lodging Department of Health (701) 328-1292</p>	<p>extracts.</p>	
<p><b>Ohio</b>  Duane Murray Food Specialist I Division of Food Safety Department of Agriculture (614) 728-6250</p>	<p><a href="#">OH Stat. 3715.59</a> Permits the retail sale of confectionery that contains less than 0.5% alcohol by volume derived solely from flavoring extracts. Permits harmless coloring, harmless flavoring and harmless resinous glaze not in excess of 0.4% alcohol by volume.</p>	<p>No Minimum</p>
<p><b>Oklahoma</b>  Ted Evans Chief Health Services Department of Health (405) 271-5243</p>	<p><a href="#">OK Stat. 63-1-1109</a> Permits the retail sale of confectionery that contains less than 0.5% alcohol by volume derived solely from flavoring extracts. Permits harmless coloring, harmless flavoring and harmless resinous glaze not in excess of 0.4% alcohol by volume.</p>	<p>No Minimum</p>
<p><b>Oregon</b>  Mike Govro Assistant Administrator Food Safety Division Department of Agriculture (503) 986-4720</p>	<p><a href="#">OR Stat. 616.235</a> Permits the retail sale of confectionery that contains less than 0.5% alcohol by volume solely derived from flavoring extracts.</p>	<p>No Minimum</p>
<p><b>Pennsylvania</b>  Mike Hydock Food and Safety Laboratory Division Department of Agriculture 717-787-4315 x207</p>	<p><a href="#">PA Stat. 31.20.3</a> Permits the sale of confectionery that contains less than 0.5% alcohol by volume.</p>	<p>No Minimum</p>

<p><b>Rhode Island</b></p> <p>Steve DiMaio, Senior Environmental Health Foods Specialist, Metro Area Food Protection Division, Department of Health (401) 222-2750</p>	<p><a href="#">RI Gen.Laws 21-31-10</a> Permits the retail sale of confectionery that contains less than 0.5% alcohol by volume derived solely from flavoring extracts. Permits harmless coloring, harmless flavoring and harmless resinous glaze not in excess of 0.4% alcohol by volume.</p>	<p>No Minimum</p>
<p><b>South Carolina</b></p> <p>Becky Walton Director of Public Information (803)-734-2182</p>	<p><a href="#">SC Code Ann. 39-25-100 (c)(2)</a> Permits the retail sale of confectionery containing less than of 0.5% alcohol by volume derived solely from the use of flavoring extracts.</p>	<p>No Minimum</p>
<p><b>South Dakota</b></p> <p>Doug Kozel Public Health Advisor Health Protection Bureau Department of Health (605) 773-3364</p>	<p><a href="#">SD Codified Laws 39-4-3 (2)</a> Prohibits the sale of confectionery if it contains any vinous, malt, or spirituous liquor.</p>	<p>No Minimum</p>
<p><b>Tennessee</b></p> <p>Buddy Woodson Food and Dairy Administrator Regulatory Services Division Department of Agriculture (615) 837-5177</p>	<p><a href="#">TN Code 53-1-104</a> Permits the retail sale of confectionery that contains less than 0.5% alcohol by volume derives solely from flavoring extracts. Permits harmless coloring, harmless flavoring and harmless resinous glaze not in excess of 0.4% alcohol by volume.</p>	<p>No Minimum</p>
<p><b>Texas</b></p> <p>Margaret Paynter Enforcement Unit</p>	<p><a href="#">TX Code 431.081</a> Permits the sale of confectionery containing alcohol not in excess of 5% by volume. Any confectionery that contains any alcohol in excess of 0.5% may not be sold to persons under 21 years of</p>	<p>21</p>

<p>Division for Regulatory Services (512)-834-6665</p>	<p>age, must bear a label that states: “Sale of this product to a person under the legal age necessary to consume an alcoholic beverage is prohibited,” may not be sold in a form containing liquid alcohol, may not be sold through a vending machine, must bear a label that states that the product does not contain more than 5% alcohol by volume and may not be sold in a business establishment which derives less than 50% of its gross sales from the sale of confectioneries.</p>	
<p><b>Utah</b>  Doug Pearson Supervisor Food Safety Program Department of Agriculture and Food (801) 538-7144</p>	<p><a href="#">UT Code Ann. § 4-5-7(3)(b)</a> Permits retail sale of confectionery that contains less than 0.5% alcohol by volume derived solely from flavoring extracts.</p>	<p>No Minimum</p>
<p><b>Vermont</b>  Alfred Burns Sanitarian Supervisor Division of Health Surveillance Department of Health (802) 863-7222</p>	<p><a href="#">VT Stat. Ann. tit. 18, § 4059</a> Permits the retail sale of confectionery that contains less than 0.5% alcohol by volume derives solely from flavoring extracts. Permits harmless coloring, harmless flavoring and harmless resinous glaze not in excess of 0.4% alcohol by volume.</p>	<p>No Minimum</p>
<p><b>Virginia</b>  James Morano, Compliance Manager Food Safety and Security Program Department of Agriculture and Consumer Services (804) 786-8899</p>	<p><a href="#">VA Code Ann. § 3.1-395</a> Permits retail sale of confectionery that contains less than 5% alcohol by volume. Permits harmless coloring, harmless flavoring and harmless resinous glaze not in excess of 0.4% alcohol by volume.</p>	<p>21</p>

<p><b>Washington</b></p> <p>Jim Pressley  Assistant Program Manager  Food Safety Program  Department of Agriculture  (360) 902-1860</p>	<p><a href="#">WA Rev. Code 69.04.240</a> Permits retail sale of confectionery that contains any alcohol from natural or artificial alcohol flavoring less than 1% of the weight of the confection.</p>	<p>No Minimum</p>
<p><b>West Virginia</b></p> <p>Linda Whaley, Program Manager  Sanitation Division  Office of Environmental Health Services  Department of Public Health  (304) 558-2981</p>	<p><a href="#">WV Code 16-7-2</a> Permits the retail sale of confectionery that contains a mixture or compound recognized as an ordinary ingredient of food, such as alcohol. Any confectionary product sold that includes alcohol must be distinctly labeled as to the mixture or compound, with the name and percent of each ingredient it contains. The law stipulates the exact size of text that must be used on the label.</p>	<p>No Minimum</p>
<p><b>Wisconsin</b></p> <p>Mike Barnett  Chief of Technical Services  Division of Food Safety  Department of Agriculture, Trade and Consumer Protection  (608) 224-4716</p>	<p><a href="#">WI Stat. 97.02 and 97.10</a> Permits retail sale of confectionery that contains less than 0.5% alcohol by volume derived solely from flavoring extracts.</p>	<p>No Minimum</p>
<p><b>Wyoming</b></p> <p>Dean Finkenbinder, Manager  Consumer Health Services  Department of Agriculture  (307) 777-6587</p>	<p><a href="#">WY 35-7-116</a> Wyoming follows the federal Food, Drug and Cosmetic Act, section 402. Under federal law, confectionery that contains less than 0.5% alcohol by volume, derived solely from flavoring extracts is permitted.</p>	<p>No Minimum</p>