

# HEMP



**Massachusetts Department  
of  
Agricultural Resources**

# Hemp or Marijuana?



# Hemp vs. Marijuana

- Both contain THC
  - Marijuana > 0.3% THC
  - Hemp < 0.3 % THC
- Hemp is not intoxicating
- Legal definitions create distinction (not science)
- Primary Cannabinoids
  - Hemp: CBD (Cannabidiol)
  - Marijuana: THC (Tetrahydrocannabinol)
- Can only distinguish through testing



# Massachusetts Hemp Program



- Established in 2018 under state law prior to the 2018 Farm Bill
- Changes made in 2019 in response to the USDA Rule
- Regulations established for growing in 2022.

# Massachusetts Hemp Program

## Growers/Producers

- Licensing
- Background Checks
- Record keeping
- Testing
- Remediation allowance
- Can sell material to licensed CCC facility

\*State Plan approved by USDA - ensures compliance with the federal rules

\*Regulations

## Processors

- Extractors/Manufacturers
- Record keeping
- Only allowed to obtain hemp from another state if the state is in compliance with the federal rule
- Products cannot make medicinal claims
- Labeling requirements
- Testing requirements
- Can sell products to licensed CCC facility

\* Works off policy under 128 authority

# The Term “Sell”

MDAR construes the term “sell” or “sale” of hemp to include the following sale transactions:

- Massachusetts Licensed Grower to Massachusetts Licensed Grower
- Massachusetts Licensed Grower to Massachusetts Licensed Processor
- Massachusetts Licensed Processor to Massachusetts retail facility (store)
- Massachusetts licensed Grower or Processor as authorized by M.G.L. c. 94G, Sections 4 and 12 to a Person licensed by the CCC and in accordance with any guidance or regulation promulgated by the CCC.

**\*\*Does NOT include the retail sale to the consumer\*\***

# Retail Sale of Hemp-Derived Products

- ❖ Massachusetts Department of Public Health (“DPH”)
  - Jurisdiction over food manufactured and sold in Massachusetts
  - Enforcement/jurisdiction to DPH and local boards of health
  - DPH issued guidance on CBD:
    - Allowed:
      - GRAS: Hemp seed, hemp seed oil, hemp protein/powder, clothing, building material, fibers
    - Prohibited:
      - No food or beverage products containing CBD
      - No product containing CBD derived from hemp that makes therapeutic/medicinal claims
      - No product that contains hemp as dietary supplement
      - No animal feed that contains any hemp products

# ALLOWED FOR SALE TO GROWERS/PROCESSORS/RETAILERS

- ❑ Hemp Products Generally Recognized as Safe (GRAS):
  - Hemp seed, Hemp seed oil, hulled hemp, hemp seed protein/powder
- ❑ Building materials
- ❑ Items made from Hemp fiber (clothing, paper, etc.)
- ❑ Flower from a Massachusetts licensed Grower to another Massachusetts licensed Grower or Processor
- ❑ Packaged and labeled hemp flower or plant material to a Person licensed by the CCC and in accordance with any guidance or regulation promulgated by the CCC as authorized by M.G.L. c. 94G § 12
- ❑ Hemp-derived CBD products to a Person licensed by the CCC and in accordance with any guidance or regulation promulgated by the CCC as authorized by M.G.L. c. 94G § 12
- ❑ Hemp-derived CBD extract or distillate to a Person licensed by the CCC and in accordance with any guidance or regulation promulgated by the CCC as authorized by M.G.L. c. 94G § 12

# NOT ALLOWED FOR SALE TO GROWERS/PROCESSORS/RETAILERS

- ❑ Food containing CBD derived from Hemp;
- ❑ Any product containing CBD derived from Hemp that makes therapeutic/medicinal claims;
- ❑ Any product that contains Hemp as dietary supplement;
- ❑ Animal feed that contains any Hemp products;
- ❑ Unprocessed or raw plant material, including the flower, that is meant for end use by a consumer except to a Person licensed by the CCC and in accordance with any guidance or regulation promulgated by the CCC as authorized by M.G.L. c. 94G, Section 12.

**\*This is a combination of restrictions from FDA, DPH and state law\***

# QUESTIONS?



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