

This document is for guidance purposes only.

HEMP PRODUCTS

Amended 4/12/22

Categorizing hemp products:

Vaping products: The current tobacco product definition in the state law is extremely broad for vape products - anything that relies on vaporization or aerosolization, regardless if it contains nicotine. Flavored vape cannot be sold except in DoR-approved Smoking Bars for onsite consumption only.

Smoking products: The same current tobacco product definition requires that items to be smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested (conventional use) must contain either nicotine or tobacco. If a CBD or hemp product does contain either tobacco or nicotine, flavored versions can only be sold in Smoking Bars for onsite consumption. Unflavored products are exempt.

Edible products: It is against federal and state law to sell any food or drink containing CBD or hemp. Technically, the enforcer for Massachusetts is the Department of Agricultural Resources.

Delta-8 products: Technically the amount of THC in these products is low enough not to be considered marijuana. If it has no tobacco or nicotine and is not vaped, at this time, it would be a police issue.

Hemp wrap products: The current local blunt wrap definition requires a wrap to contain tobacco. These do not fit that definition. Up until 2019, cities and towns could not regulate rolling papers, but that preemption was removed in the 2018 state law update on tobacco laws. If a municipality either bans rolling paper sales, or bans flavored rolling paper sales, hemp wraps would be included.

In summary, products that violate the state law on tobacco are as follows:

- Flavored "conventional" products (not vaped) containing nicotine
- Flavored vape products regardless of tobacco or nicotine content
- Edible products are exempt as long as they do not contain nicotine