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FAUNTO (aka FRONTO) LEAF CLASSIFICATION

Amended 4/12/22

There have been disagreements by faunto leaf manufacturers and retailers as to whether or not they are covered by a local sales regulation. There are two current issues to consider:

- (1) How to address faunto leaf products that attest to be cigars but are really blunt wraps, and cigars.
- (2) How to improve your policy to end this confusion.

A policy solution is to expand your regulation's cigar definition and update the blunt wrap definition. Why?

- The goal is to better delineate between cigarettes, blunt wraps and cigars.
- Cigarettes, under Massachusetts law, have their own definition, but more importantly, Mass. Department of Revenue (DOR) has a finite number of cigarette brands approved for in-state sale. The state's cigarette definition is referenced in the cigar definition.
- Cigars and blunt wraps do not need similar approval by DOR. New products, from large or small manufacturers, are easy to introduce to the market with little state-level oversight.

DEFINITIONS:

PREVIOUS:

Blunt Wrap: Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers regardless of any content.

CURRENT:

Blunt wrap: Any product made wholly or in part from a tobacco product, manufactured or packaged with loose and removable leaves or section of a leaf, or as a hollow tube, which may be used by the consumer to wrap or contain loose tobacco or other fillers.

PREVIOUS:

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco, with or without a tip or mouthpiece, that is in a readily usable state immediately when removed from its packaging without any modification, preparation or assembly required as in a kit or roll-your-own package, and is not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1.

CURRENT (additional last sentence):

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco, with or without a tip or mouthpiece, that is in a readily usable state immediately when removed from its packaging without any modification, preparation or assembly required as in a kit or roll-your-own package, and is not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1. Tobacco leaf in such kits or roll-your-own packages shall be considered “blunt wraps” for the purpose of this regulation.

NOTES

As of the Spring of 2022, there are 184 cities and towns (73% of the state’s population) that ban blunt wraps. In 2011, Boston was sued by blunt wrap manufacturers and the city won at the Massachusetts Appeals Court. The blunt wrap manufacturers did not appeal to the Massachusetts Supreme Judicial Court.

On October 22, 2021, the Boston Public Health Commission issued a letter to its tobacco retailers that reiterated how the city enforces its regulation that bans blunt wraps. In that letter, it lists 17 products that they have determined not to be blunt wraps. Please note that Boston uses a weak blunt wrap definition. There is no obligation to follow Boston’s determination but be aware your retailers may possess this letter.

Flavored versions of either cigars or blunt wraps are banned statewide except in Mass. DOR-approved smoking bars for onsite consumption only.

It remains the retailers’ responsibility to determine which products are blunt wraps, and can not be sold, and which products are cigars, and can be sold.

A public health issue remains with blunt wraps because users may become addicted to nicotine in the blunt wrap itself even though the filler they may be using inside the blunt wraps does not contain nicotine.

The legalization of marijuana does not change a blunt wrap policy. However, while it has not been tested in the courts, state-approved marijuana dispensaries and stores cannot sell blunt wraps because these establishments are prohibited from selling tobacco, and blunt wraps are made from tobacco.