

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

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**FROM:** Massachusetts Department of Agricultural Resources, Hemp Program

**REGARDING:** Delta-8 THC

**DATE:** December 12, 2022

The Massachusetts Department of Agricultural Resources, Hemp Program (“MDAR”) has jurisdiction over the production and processing of hemp and hemp-derived products as set forth in M.G.L.c. 128, 330 CMR 32.00 and CFR Part 990. Recently, hemp derived-products containing delta-8 THC have been seen in the marketplace.

Delta-8 THC is a psychoactive chemical found in cannabis, which includes both marijuana and hemp. Delta-8 THC can occur naturally in a cannabis plant but is not found in significant quantities. Consequently, concentrated amounts of delta-8 THC (such as those seen in consumer products) are typically manufactured synthetically from hemp-derived CBD.

While the 2018 Farm Bill did remove hemp from the Controlled Substance Act, it did not impact the control status of THC or other synthetically derived cannabinoids, thus delta-8 THC remains a controlled substance regardless of the source. M.G.L.c. 128, Section 117 specifically authorizes MDAR to determine the reasonable commercial uses for hemp. As a result, MDAR has prohibited the sale and manufacture of any hemp-derived delta-8 products within or in the Commonwealth.

Additionally, the United States Food and Drug Administration (“FDA”)<sup>1</sup> has provided information regarding delta-8 and that is not an approved ingredient in any product which falls under the jurisdiction of the Federal Food, Drug, and Cosmetic Act. FDA has also advised that consumers should be aware that products containing delta-8 THC have not been evaluated or approved by the FDA for safe use in any context and may be marketed in ways that put public health risk.

For more information, please visit us online at: [www.mass.gov/industrial-hemp-program](http://www.mass.gov/industrial-hemp-program) or email us at [mahemp@mass.gov](mailto:mahemp@mass.gov).

<sup>1</sup> [5 Things to Know about Delta-8 Tetrahydrocannabinol – Delta-8 THC | FDA](#)