

Frequently Asked Questions: Industrial Hemp in Massachusetts

What is the difference between hemp and marijuana?

Hemp and marijuana are different varieties of the same plant species, *Cannabis sativa* L. Hemp is a non-psychoactive variety of the plant specifically cultivated for industrial uses. Hemp has no use as a recreational drug. Both hemp and marijuana are defined under Massachusetts law, and jurisdiction for hemp is given to the Massachusetts Department of Agricultural Resources (“MDAR”) while marijuana falls under the Cannabis Control Commission. For more information, see Massachusetts General Laws, [Chapter 128](#), Sections 116 through 123 and [Chapter 55](#) of the Acts of 2017. Under Chapter 55 of the Acts of 2017, hemp is excluded from the definition of marijuana and defined separately both there and within Massachusetts General Law, Chapter 128, Section 116 so for the purposes of state law there is also a legal distinction between the two.

Does hemp look like marijuana?

Yes. Hemp and marijuana are different varieties of the same plant species, and cannot be distinguished visually. However, due to differences in the end use product, hemp and marijuana are generally cultivated differently, resulting in plants that can look different based on the growing methods used.

Does hemp contain THC?

Plants in the genus *Cannabis* contain unique compounds called cannabinoids. There are at least 113 different cannabinoids produced by cannabis plants. The most notable of these cannabinoids is delta 9-tetrahydrocannabinol, also known as THC. THC is the primary psychoactive compound found in marijuana. While marijuana plants contain high levels of THC (typically between 5-25%), the varieties used for hemp contain very little. Hemp has been selectively bred to contain no more than 0.3% THC on a dry-weight basis.

What kinds of products are made from hemp?

Hemp is an extremely versatile plant with a multitude of uses. It can be cultivated for use as a fiber crop, seed crop, or for production of cannabinoids found in the flowers. Hemp products manufactured from the fibrous stalks and seeds include rope, clothes, food, paper, textiles, plastics, insulation, oil, and biofuel.

Is growing hemp legal?

Under Massachusetts General Laws, Chapter 128, Sections 116 through 123, growing hemp for commercial purposes in Massachusetts is now legal. However, under federal law, hemp remains a Schedule I controlled substance and is authorized only under limited circumstances and therefore growing for general commercial purposes remains illegal under federal law. There is an exception to this restriction under the 2014 Farm Bill (H.R. 2642), which defines industrial hemp and allows state agriculture departments and universities to grow industrial hemp for research purposes under an approved agricultural pilot program, if permitted under state law. Under the context of an agricultural pilot program, cultivating hemp would be legal under both state and federal law. Massachusetts law allows hemp to be grown as part of an agricultural pilot program and for commercial purposes, provided such activities are licensed or registered by MDAR. MDAR is currently licensing growing and processing activities related to industrial hemp. It will address activities that may solely require registration at a later date and is not currently issuing any registrations.

How will MDAR be able to tell if a grower is growing hemp or marijuana?

MDAR will be testing the crop prior to harvest in order to ensure that the crop contains less than 0.3% THC.

Can I grow or process hemp in Massachusetts?

Under MA state laws, any person proposing to **plant, grow, harvest, process, or sell** Industrial Hemp in Massachusetts must obtain a license issued by the Department of Agricultural Resources. Currently, there are 3 different license types available for growers, processors, and those engaged in both growing and processing. A **Grower** is a person who cultivates Industrial Hemp, and a **Processor** converts Industrial Hemp into a marketable form through extraction or manufacturing.

How do I obtain a license to grow or process hemp in Massachusetts?

Any individual or business that wants to grow or process hemp for commercial purposes in the Commonwealth can apply for a license through MDAR. The license applications are available online:

[MA Commercial Industrial Hemp PROCESSOR License Application](#)

[MA Commercial Industrial Hemp GROWER License Application](#)

[MA Commercial Industrial Hemp DUAL Grower/Processor License Application](#)

How much does a license to grow or process industrial hemp cost?

| License Type | Application Fee | License Fee |
|-----------------------|----------------------|-------------|
| Grower | \$100 non-refundable | \$300 |
| Processor | \$100 non-refundable | \$300 |
| Dual Grower/Processor | \$100 non-refundable | \$500 |

Can a municipality put restrictions on growing hemp?

Under Massachusetts General Laws, [Chapter 40A](#), Section 3, commercial agricultural use is protected from unreasonable regulations or special permit requirements under local municipal zoning ordinances or bylaws. While marijuana is expressly excluded from this protection, hemp is exempt from the definition of marijuana under Chapter 55 of the Acts of 2017, and therefore eligible for the same protection as other forms of commercial agriculture as defined in M.G.L. c. 128, Section 1A. The determination as to whether any of these zoning protections may apply is made on a case-by-case basis and determined by the specific facts surrounding your individual property and proposed use. You will need to review your municipality's zoning ordinances or bylaws to determine whether your proposed use is subject to any additional local zoning requirements.

Will the growing of marijuana or hemp be eligible for a Massachusetts General Laws, Chapter 61A tax assessment as land in agricultural or horticultural use?

The Massachusetts Department of Revenue has recently determined that the eligibility of land used to grow commercial hemp and marijuana for classification under Massachusetts General Laws, Chapter 61A, Section 2 requires clarification by the legislature and that any determination under the current law may be made by the local assessor. The Department does not have any involvement in the designation of property as agricultural or horticultural land under Massachusetts General Laws, [Chapter 61A](#). Please review the applicable sections of Massachusetts General Laws, Chapter 61A and contact your local tax assessor with any questions related to the tax designation of your property. *The federal legalization of hemp under the 2018 Farm Bill does not impact MDAR's position on its determination that further legislative changes are needed to state law, which was not impacted or changed by the federal language.*

Can marijuana or hemp be grown on an Agricultural Preservation Restriction held by MDAR?

Pursuant to [M.G.L. c. 20, Section 23](#), the Agricultural Preservation Restriction (“APR”) Program protects land that is actively devoted to agricultural or horticultural uses pursuant to the definitions set forth in Massachusetts General Laws, Chapter 61A, Sections 1 and 2. It has recently been determined that the eligibility of land used to grow commercial hemp and marijuana for classification under Massachusetts General Laws, Chapter 61A, Section 2 requires clarification by the legislature. Until such time as MDAR receives clarification regarding whether hemp related activities fall within the definition of land in horticultural use under Massachusetts General Laws, Chapter 61A, Section 2, MDAR cannot allow any such activities to take place on land under the APR Program. *The federal legalization of hemp under the 2018 Farm Bill does not change the eligibility of APR land for the cultivation of hemp.*

Does the Cannabis Control Commission have any involvement in the Hemp Program?

As the authority over hemp in the Commonwealth falls under the jurisdiction of Massachusetts General Laws, Chapter 128, MDAR is the sole authority in regulating hemp within the Commonwealth. However, due to the nature of this crop and the parallels that arise between hemp and marijuana, MDAR is working with the Cannabis Control Commission to ensure that both agencies are aware of each program’s jurisdiction and overlapping issues.

Will the Department be inspecting licensed facilities?

Yes. MDAR will conduct inspections in order to ensure compliance with Massachusetts General Laws, Chapter 128, Sections 116 through 123.

Where can I get Department-approved hemp seed?

The Department does not provide a list of approved hemp seed vendors. To qualify as an approved seed distributor, seeds must be accompanied by documentation demonstrating that they will produce hemp with a THC level of no more than 0.3 percent.

I want to purchase hemp to process in Massachusetts, is there a list of hemp growers available?

Processors may only use Industrial Hemp from a Massachusetts licensed Grower, unless otherwise authorized by federal law, and will require documentation demonstrating that such federal authorization is permitted. The Department does not provide a list of licensed Massachusetts hemp growers; however, you may be able to find more information about MA Industrial Hemp Program participants through a public records request.

What kinds of pesticide products can I use on my hemp?

Because the United States Environmental Protection Agency (“EPA”) does not allow for the use of any registered pesticide products on hemp or marijuana, Massachusetts prohibits the use of registered pesticides in *Cannabis*. There are products available which are exempt from EPA pesticide registration requirements. These products or the ingredients within them are considered minimum risk by EPA. Please refer to [EPA’s website](#) to find more information about these products and ingredients that are safe for use in *Cannabis*.

Can I get a pesticide registered for use on Cannabis in Massachusetts?

For a pesticide to be allowed for use in *Cannabis* in MA, it must be registered for use in *Cannabis* by the EPA. For more information on EPA pesticide registration, see: <https://www.epa.gov/pesticide-registration/about-pesticide-registration>