

Where's My CBD Latte?

Ask your local board of health

BY DEBBIE WAY

Products like salves and supplements infused with CBD are sold in the local grocery and pet food store. So why can't I get a shot of locally grown CBD tincture at my juice bar or coffee shop? As with most things cannabis related, the answer is in the legislative details.

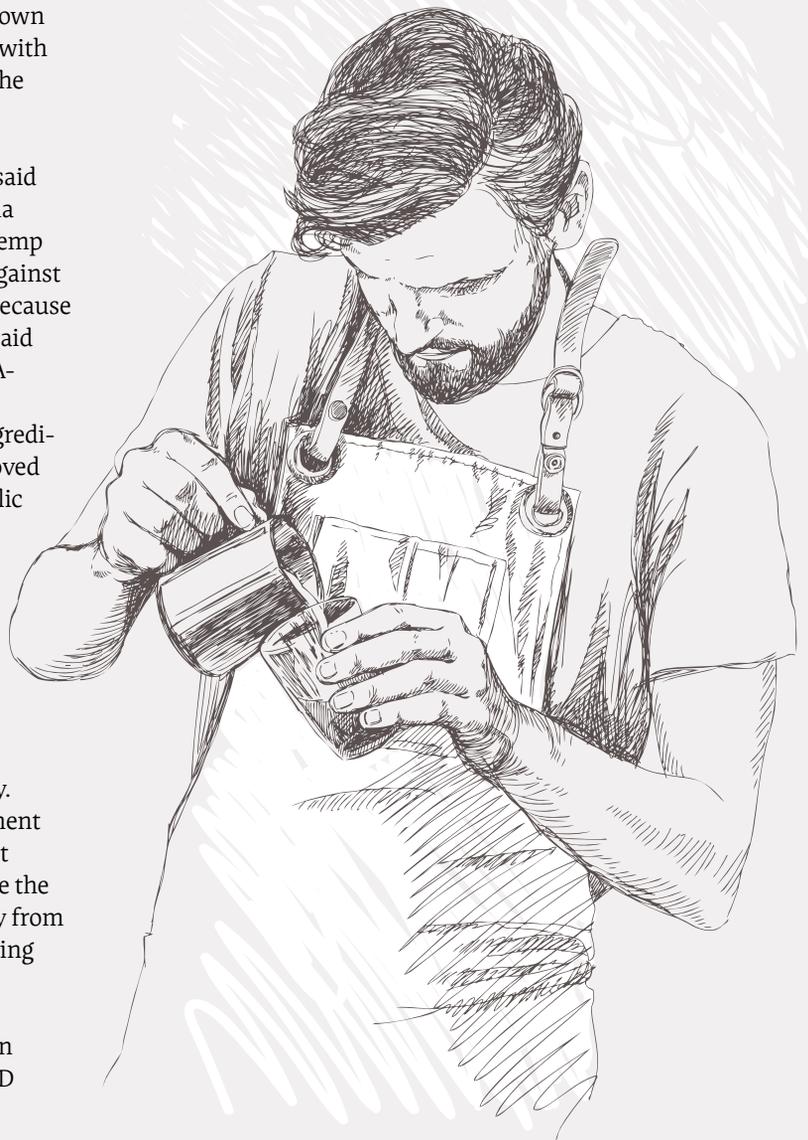
"The simple answer to that is because the [Massachusetts] Department of Public Health said that you can't. That's the bottom line," says Julia Agron, director of the Northeast Sustainable Hemp Association. Hemp-derived CBD is currently against Massachusetts regulations. "The DPH said so because the FDA [U.S. Food and Drug Administration] said so. The FDA said so because Epidiolex is an FDA-regulated drug."

Epidiolex is an epilepsy drug whose active ingredient is cannabis-derived CBD. Like all FDA-approved medications, it's been thoroughly tested for public safety. That's where the problem begins.

"There was one test that showed that CBD could cause liver damage in mice; that test gave them the highest human dose of Epidiolex possible," says Agron. "Is it reasonable to say that, as a result, CBD should not be available to the consumer? I don't think so, personally."

CBD lattes are not against the law, by the way. The Massachusetts DPH simply issued a statement against them. But the DPH isn't an enforcement agency, leaving local boards of health to enforce the recommendation however they wish. "Literally from town to town you have different regulations being enforced," Agron says.

The other issue? "This really only applies to hemp-derived CBD," she says. "Dispensaries can continue to make and sell cannabis-derived CBD in edibles, drinks, whatever they want."



Everything cannabis is protected by our specific state regulations around cannabis, whereas with hemp, we have deferred to the FDA.”

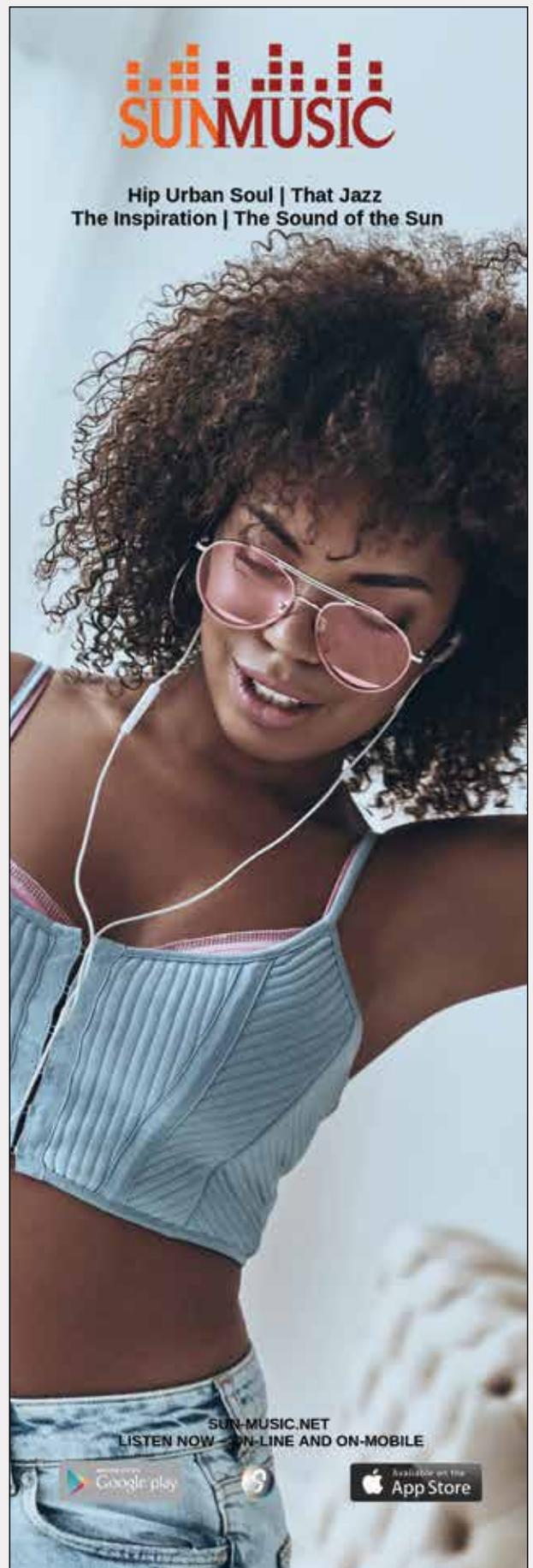
This dichotomy concerns Agron and other hemp farmers. “For me, I’m a small-scale hemp farmer, and when we applied for our license, none of these policy statements had been issued yet.” She and many other hemp farming hopefuls started businesses with the belief that they’d soon be making CBD-infused chocolate, tinctures, drink supplements, and more. Topicals are the one product explicitly allowed, but how much salve does one state need?

Where that hemp is grown is yet another issue. Unlike cannabis grow facilities, which are often entirely indoors, hemp is farmed on farmland. Some growers would love to use Agricultural Preservation Restriction (APR) land, which has deed restrictions on it so that it can be used only as farmland. However, the current APR program doesn’t allow hemp as a crop because hemp was illegal when the program was created. The restriction is essentially an administrative oversight, and one that’s already being corrected. A bill to allow hemp to be grown on APR land passed the Massachusetts House of Representatives unanimously but has been sitting and waiting for the state senate to vote on it since the summer of 2019.

Another hemp-related law, one that would help clear up these gray areas, is (at press time) in the Ways and Means Committee. “It would essentially codify [that] hemp is an agricultural product; everything that’s derived from it is an agricultural product, not an adulterant,” Agron says. “That would then explicitly allow edibles and beverages.”

Once the law is passed, fingers crossed that you’ll no longer have to cross state lines to get your double-shot cappuccino with a dropper of local-farm-grown anxiety reduction.

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