

Hemp Derived Synthetic Marijuana: The “Whys”

Montana Code Annotated (MCA) 16-12-117 is a complex law. As inspectors with the Cannabis Control Division (CCD) have traveled around the state, it's been discovered that there is confusion about which products have been banned and why.

Here are 3 common reasons why a product may be outlawed by MCA 16-12-117.

1. The Synthetic Process

If a product contains cannabinoids that have been produced through a synthetic process, it is prohibited for sale. In short, there are processes that take legal hemp CBD isolate and put it through a chemical synthetic process that results in a product that may produce effects that mimic those of consuming marijuana products. These synthetic processes are unregulated, unproven, use toxic reagents, and are unsafe. These products can be highly intoxicating and have the potential to be obtained by persons under 18 years of age.

2. Total THC

To be deemed Farm Bill compliant hemp must contain 0.3 % delta-9-THC or less. However, the state of Montana defines hemp as any product that contains 0.3% delta-9 total THC or less. Once the Total THC exceeds 0.3 %, those items are no longer legal for sale in Montana.

3. Exceeds THC Concentration Limits

These products are edible in nature. MCA 16-12-117 limits the concentration of THC in hemp products to not exceed 0.5 mg per serving and 2.0 mg per package. These violations appear to be the most prevalent found during inspections. Most products openly list the amount of THC per serving and per package. If the THC concentration exceeds Montana's limits, it is no longer legal for sale.

Typical Examples

Products that contain:

Delta-8-THC
Delta-10-THC
THC-A diamonds
THC-O acetate
HHC
CBN

Pre-rolls

Vapor devices with
high levels of THC-A
Items infused with
Delta-9-THC-A diamonds

Gummies

Drinks
Caramels
Suckers
Other edible products.

Rule of Thumb

The industry is changing daily with new formulations, cannabinoids, products, and even marketing strategies. It may be seemingly impossible to keep up, but if a hemp-based product is making any claims that the product will produce the same euphoric feeling as one would experience from consuming legal marijuana, it should be examined with a suspicious eye regarding its legal standing in Montana.

This document is not intended to cover every product on the market - new products are continually entering the marketplace.

Contact

Phone: (406) 444-0596
Email: DORCCD@MT.GOV