

## Amended Vape Quarantine Frequently Asked Questions

### Patients and Consumers:

#### **Can I buy a marijuana vape pen or cartridge?**

As of December 12, 2019, the Cannabis Control Commission (Commission) allowed the release from quarantine for certain marijuana vape products and has allowed the sale of medical and adult use devices used to vape flower; devices used to vape concentrate that do not have any usable cannabis (e.g. empty vape pens); and regulated vape products, such as cartridges, that are manufactured starting on December 12, 2019 that meet certain conditions. Prior to sale, newly manufactured products must pass screening for vitamin E acetate and other contaminants required under the Commission's testing protocols. The Commission's quarantine of all other vape products manufactured prior to December 12, 2019 remains in effect.

#### **Are vaporizers safe?**

The Commission continues to test vape products as part of an ongoing investigation and recommends that patients and consumers educate themselves about the risks and stay up-to-date on the latest findings. The US Centers for Diseases Control and Prevention (CDC) has identified vitamin E acetate as a chemical of concern among people with e-cigarette, or vaping, product use associated lung injury (EVALI). No Massachusetts case with a confirmed injury has so far identified using vaping products that were purchased from a licensed Medical Marijuana Treatment Center (MTC) or Marijuana Establishment (ME) from our state. The CDC's investigation remains active and ongoing.

Going forward, when selling vaping products, marijuana retailers and dispensaries must include a written insert that identifies the product's manufacturer, battery, and other known components, and discloses the materials used in their atomizer coil so consumers can make educated purchasing decisions. Patients may wish to consult with their clinician regarding vaporizer use and their course of treatment.

#### **Why is the Commission concerned if it has not identified the presence of vitamin E acetate in the Massachusetts regulated market?**

As part of its ongoing investigation, the Commission continues to test products for the presence of contaminants, including vitamin E acetate, and heavy metals to understand whether products that remain under quarantine may return to store shelves. The Commission's latest findings can be found here: <https://mass-cannabis-control.com/documents/>.

#### **I purchased a cartridge from the regulated market before the quarantine. What should I do with it?**



Independent Testing Laboratories have not detected vitamin E acetate in any of the regulated products that have been tested so far, however, early test results have raised a concern that impermissible amounts of heavy metals may develop in cartridges over an unidentified period of time. Patients or consumers who are concerned about a product they bought previously should consult with the MTC or ME that sold the product.

## **Licensees:**

### **Can I sell vaporizer cartridges that have been quarantined?**

No, vaporizer cartridges that were manufactured prior to December 12 and were contained in the Commission's original quarantine order may not be sold due to concerns of heavy metal leaching into THC oil that could be caused by prolonged exposure to plastic or glass cartridges or casing, or contact with the metal materials in vaporizers. The Commission has performed heavy metal reanalysis on quarantined vape products and confirmed heavy metal contamination is present in some cases, making products unsuitable for sale and unsafe consumption. As a result, the Commission's investigation into quarantined vape products remains ongoing.

### **What should I do with the marijuana vape products currently in quarantine?**

Marijuana vape products manufactured prior to December 12 must remain under quarantine. The Commission is currently conducting additional rounds of testing for the presence of concerning substances and contaminants. The Commission will provide additional instruction regarding how to proceed with the quarantined products.

### **May I sell vaping products that can be used for both flower and concentrates, like the Pax 3?**

Yes.

### **Can I sell vaping cartridges manufactured on December 12, 2019 or later?**

Yes, MTCs and MEs may sell newly produced concentrates so long as the final product has passed VEA testing and complies with the Commission's testing protocols. Products must also contain a warning: "This product has been tested for contaminants, including Vitamin E Acetate, with no adverse findings. WARNING: Vaporizer Products may contain ingredients harmful to health when inhaled." In addition to the warning, licensees must make information available to patients and consumers regarding the content of cartridges and vaporizing devices.

### **Can I fill a newly manufactured device (pen or cartridge) with the formulated oil, send it for laboratory testing, and once the passing results are obtained, proceed with using the test passed oil to fill the appropriate delivery device to complete production and distribute?**

Yes, MTCs and MEs must establish their own business practices but this process would comply with the amended quarantine order.

### **What terpenes must I disclose on the insert?**



Terpenes that are added as part of the manufacturing process (whether botanically-derived natural terpenes or artificially-derived synthetic terpenes) must be disclosed on the insert.

**As an Independent Testing Laboratory, do testing results require a list of specific terpenes or are licensees only required to disclose terpenes on their label?**

Independent Testing Laboratories do not need to run a separate terpene screen or identify terpene levels. A licensee must disclose all specific terpenes added (see previous question) during the manufacturing process.

**Can a product manufacturer use an existing oil batch to produce new vaporizer cartridges?**

Yes, the finished product created with an existing oil batch will need to be tested for vitamin E acetate and re-tested for heavy metals after concentrate has been injected into the cartridge.

**Can a licensee that had samples taken for testing receive results from the Commission?**

No, the test results from the Commission ongoing investigation are only available as part of the public data sets found here: <https://mass-cannabis-control.com/documents/>.

