

CORRECTED

HOUSE No. 3932

The Commonwealth of Massachusetts

INITIATIVE PETITION OF RICHARD M. EVAN AND OTHERS.

OFFICE OF THE SECRETARY.
BOSTON, JANUARY 6, 2016.

Steven T. James
Clerk of the House of Representatives
State House
Boston, Massachusetts 02133

Sir: - I herewith transmit to you, in accordance with the requirements of Article XLVIII of the Amendments to the Constitution, an initiative petition for a law named "The Regulation and Taxation of Marijuana Act," signed by ten qualified voters and filed with this department on or before December 2, 2015, together with additional signatures of qualified voters in the number of 70,739 being a sufficient number to comply with the Provisions of said Article.

Sincerely,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

AN INITIATIVE PETITION.

Pursuant to Article XLVIII of the Amendments to the Constitution of the Commonwealth, as amended, the undersigned qualified voters of the Commonwealth, ten in number at least, hereby petition for the enactment into law of the following measure:

HOUSE No. 3932

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act The Regulation and Taxation of Marijuana Act.

Be it enacted by the People, and by their authority, as follows:

1 THE REGULATION AND TAXATION OF MARIJUANA ACT

2 SECTION 1. The purpose of this Act is to control the production and distribution of
3 marijuana under a system that licenses, regulates and taxes the businesses involved in a manner
4 similar to alcohol and to make marijuana legal for adults 21 years of age or older. Its intent is to
5 remove the production and distribution of marijuana from the illicit market and to prevent the
6 sale of marijuana to persons under 21 years of age by providing for a regulated and taxed
7 distribution system. To the fullest extent possible, its terms are to be interpreted in accordance
8 with the purpose and intent set forth in this section.

9 SECTION 2. This act may be known as “The Regulation and Taxation of Marijuana
10 Act.”

11 SECTION 3. Chapter 10 of the General Laws is hereby amended by inserting after
12 section 75 the following sections:

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13 Section 76. Cannabis Control Commission; members; appointment; terms; chairman;
14 secretary

15 (a) There shall be a commission known as the cannabis control commission to have
16 general supervision and sole regulatory authority over the conduct of the business of marijuana
17 establishments as defined in chapter 94G of the General Laws. The commission shall consist of 1
18 commissioner and 2 associate commissioners who shall be appointed by the treasurer. Not more
19 than 2 members of the commission shall be of the same political party. The commissioner shall
20 serve a term co-terminous with the treasurer. The associate commissioners shall serve a term of 4
21 years. Any vacancy occurring for any reason other than the expiration of a term shall be filled for
22 the unexpired term in the same manner as the original appointment.

23 (b) The treasurer shall appoint commissioners based on their experience or expertise in
24 public health, law enforcement, social justice, the regulation and business of consumer
25 commodities and the production and distribution of marijuana and marijuana products.

26 (c) The commissioner shall serve as chair and shall preside over all official activities of
27 the commission.

28 (d) The treasurer may remove any member for neglect of duty, misconduct or
29 malfeasance in office, after providing the member with a written statement of the charges and an
30 opportunity to be heard.

31 (e) Two members shall constitute a quorum for conducting the business of the
32 commission. A vacancy shall not impair the right of the remaining members to exercise the
33 powers of the commission.

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34 (f) The commission may expend for such investigators and clerical and other assistants as
35 may be necessary for the performance of its duties. The commissioner may appoint a chief
36 investigator and other investigators, who shall be exempt from chapter 31 of the General Laws,
37 to enforce or cause to be enforced the penalties provided by law against a marijuana
38 establishment that violates chapter 94G of the General Laws and shall make all necessary and
39 appropriate investigations for that enforcement.

40 (g) All records of the commission shall be considered public records within the meaning
41 of chapter 66 of the General Laws.

42 Section 77. Cannabis Advisory Board

43

44 (a) There shall be a cannabis advisory board to study and make recommendations on the
45 regulation of marijuana and marijuana products. The board shall consist of 15 members
46 appointed by the governor and shall consist of: 1 expert in marijuana cultivation, 1 expert in
47 marijuana retailing, 1 expert in marijuana product manufacturing, 1 expert in marijuana testing, 1
48 board member or officer of a medical marijuana treatment center, 1 registered medical marijuana
49 patient, 1 individual who represents marijuana retail consumers, 2 experts in public health, 2
50 experts in law enforcement, 2 experts in social welfare or social justice, and 2 attorneys with
51 experience providing legal services to marijuana businesses, marijuana consumers or medical
52 marijuana patients in the commonwealth. Members of the board shall serve terms of 2 years.
53 Members of the board shall serve without compensation but shall be reimbursed for their
54 expenses actually and necessarily incurred in the discharge of their official duties. Members of
55 the board shall not be state employees for purposes of chapter 268A of the General Laws by

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56 virtue of their service on the advisory board. The board shall meet at the discretion of the
57 commission. A majority of the members of the board present and voting shall constitute a
58 quorum.

59 (b) The cannabis advisory board shall:

60

61 (1) advise the commission on marijuana cultivation, processing, manufacture, transport,
62 distribution, testing and sale;

63 (2) consider all matters submitted to it by the commission;

64 (3) on its own initiative, recommend to the commission guidelines, rules and regulations
65 and any changes to guidelines, rules and regulations that the board considers important or
66 necessary; and

67 (4) advise on the preparation of regulations under chapters 64N and 94G.

68 (c) All records of the cannabis advisory board shall be public records under chapter 66 of
69 the General Laws.

70 SECTION 4. The General Laws are hereby amended by inserting after chapter 64M the
71 following chapter:

72 CHAPTER 64N.

73 MARIJUANA TAX.

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74 Section 1. Definitions. As used in this chapter, the following words shall, unless the
75 context clearly requires otherwise, have the following meanings:

76 (a) “Commissioner”, the commissioner of revenue.

77 (b) “Marijuana,” “Marijuana establishment,” “Marijuana product” and “Marijuana
78 retailer”, as defined in chapter 94G of the General Laws.

79 Section 2. State excise imposition; rate; payment. An excise tax is hereby imposed upon
80 the sale of marijuana or marijuana products by a marijuana retailer to anyone other than a
81 marijuana establishment at a rate of 3.75 per cent of the total sales price received by the
82 marijuana retailer as a consideration for the sale of marijuana or marijuana products. The excise
83 tax shall be levied in addition to state tax imposed upon the sale of property or services as
84 provided in section 2 of chapter 64H of the General Laws and shall be paid by a marijuana
85 retailer to the commissioner at the time provided for filing the return required by section 16 of
86 chapter 62C of the General Laws.

87 Section 3. Local tax option. Any city or town may impose a local sales tax upon the sale
88 or transfer of marijuana or marijuana products by a marijuana retailer operating within the city or
89 town to anyone other than a marijuana establishment at a rate not greater than 2 per cent of the
90 total sales price received by the marijuana retailer as a consideration for the sale of marijuana or
91 marijuana products. A marijuana retailer shall pay a local sales tax imposed under this section to
92 the commissioner at the same time and in the same manner as the sales tax due to the
93 commonwealth.

94 All sums received by the commissioner under this section shall not be considered
95 received on account of the commonwealth and shall at least quarterly be distributed, credited and

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96 paid by the state treasurer upon certification of the commissioner to each city or town that has
97 adopted this section in proportion to the amount of such sums received from the sale or transfer
98 of marijuana and marijuana products in the city or town.

99 Section 4. Exemptions. This chapter shall not apply to the sale of marijuana or marijuana
100 products by a medical marijuana treatment center or a registered personal caregiver to a
101 qualifying patient or personal caregiver pursuant to chapter 369 of the acts of 2012, nor to any
102 unlawful sale subject to taxation pursuant to chapter 64K of the General Laws.

103 Section 5. Application of tax revenue. The commissioner shall deposit revenue collected
104 pursuant to this chapter, other than revenue collected pursuant to section 2 of chapter 64H of the
105 General Laws, in the Marijuana Regulation Fund established by chapter 94G of the General
106 Laws and it shall be subject to appropriation.

107 SECTION 5. The General Laws are hereby amended by inserting after chapter 94F the
108 following chapter:

109 CHAPTER 94G

110 REGULATION OF THE USE AND DISTRIBUTION OF MARIJUANA

111 NOT MEDICALLY PRESCRIBED

112 Section 1. Definitions

113 As used in this chapter, the following words shall, unless the context clearly requires
114 otherwise, have the following meanings:

115 (a) “Consumer”, a person who is at least 21 years of age.

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116 (b) "Controlling person", an officer, board member or other individual who has a
117 financial or voting interest of 10 per cent or greater in a marijuana establishment.

118 (c) "Commission", the cannabis control commission established by section 76 of chapter
119 10 of the General Laws.

120 (d) "Experienced marijuana establishment operator", (i) a medical marijuana treatment
121 center as defined in chapter 369 of the acts of 2012 with a registration in good standing, or (ii) a
122 reorganized marijuana business established by a vote of at least 2/3 of the board of directors of
123 an entity that submitted an application for a registration to operate a medical marijuana treatment
124 center to the department of public health before October 1, 2015 and was issued a provisional
125 registration to operate a medical marijuana treatment center by the department of public health
126 before the effective date of this chapter.

127 (e) "Hemp", the plant of the genus Cannabis or any part of the plant, whether growing or
128 not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 per cent on a dry
129 weight basis of any part of the plant of the genus Cannabis, or per volume or weight of marijuana
130 product, or the combined per cent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic
131 acid in any part of the plant of the genus Cannabis regardless of moisture content.

132 (f) "Manufacture", to compound, blend, extract, infuse or otherwise make or prepare a
133 marijuana product.

134 (g) "Marijuana" or "Marihuana", all parts of any plant of the genus Cannabis, not
135 excepted below and whether growing or not; the seeds thereof; and resin extracted from any part
136 of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the

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137 plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of
138 the General Laws; provided that "Marijuana" shall not include:

139 (1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from
140 the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation
141 of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of
142 the plant that is incapable of germination;

143 (2) Hemp; or

144 (3) The weight of any other ingredient combined with marijuana to prepare topical or oral
145 administrations, food, drink or other products.

146 (h) "Marijuana accessories", equipment, products, devices or materials of any kind that
147 are intended or designed for use in planting, propagating, cultivating, growing, harvesting,
148 manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing,
149 packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing
150 marijuana into the human body.

151 (i) "Marijuana cultivator", an entity licensed to cultivate, process and package marijuana,
152 to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana
153 establishments, but not to consumers.

154 (j) "Marijuana establishment", a marijuana cultivator, marijuana testing facility,
155 marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-
156 related business.

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157 (k) "Marijuana product manufacturer", an entity licensed to obtain, manufacture, process
158 and package marijuana and marijuana products, to deliver marijuana and marijuana products to
159 marijuana establishments and to transfer marijuana and marijuana products to other marijuana
160 establishments, but not to consumers.

161 (l) "Marijuana products", products that have been manufactured and contain marijuana or
162 an extract from marijuana, including concentrated forms of marijuana and products composed of
163 marijuana and other ingredients that are intended for use or consumption, including edible
164 products, beverages, topical products, ointments, oils and tinctures.

165 (m) "Marijuana testing facility", an entity licensed to test marijuana and marijuana
166 products, including certification for potency and the presence of contaminants.

167 (n) "Marijuana retailer", an entity licensed to purchase and deliver marijuana and
168 marijuana products from marijuana establishments and to deliver, sell or otherwise transfer
169 marijuana and marijuana products to marijuana establishments and to consumers.

170 (o) "Process" or "processing", to harvest, dry, cure, trim and separate parts of the
171 marijuana plant by manual or mechanical means, except it shall not include manufacture as
172 defined in subsection (f) of this section.

173 (p) "Unreasonably impracticable", that the measures necessary to comply with the
174 regulations, ordinances or by-laws adopted pursuant to this chapter subject licensees to
175 unreasonable risk or require such a high investment of risk, money, time or any other resource or
176 asset that a reasonably prudent businessperson would not operate a marijuana establishment.

177 Section 2. Limitations

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178 (a) Operating under the influence. This chapter does not amend existing penalties for
179 operating, navigating or being in actual physical control of any motor vehicle, train, aircraft,
180 motorboat or other motorized form of transport or machinery while impaired by marijuana or a
181 marijuana product or for consuming marijuana while operating, navigating or being in actual
182 physical control of any motor vehicle, train, aircraft, motorboat or other motorized form of
183 transport or machinery.

184 (b) Transfer to or possession by a person under 21 years of age. This chapter shall not be
185 construed to permit the knowing transfer of marijuana, marijuana products or marijuana
186 accessories, with or without remuneration, to a person under 21 years of age or to allow a person
187 under 21 years of age to possess, use, purchase, obtain, cultivate, process, manufacture, deliver
188 or sell or otherwise transfer marijuana or marijuana accessories.

189 (c) Manufacture of products. Unless done pursuant to a marijuana product manufacturer
190 license issued by the commission, this chapter does not authorize a person to manufacture
191 marijuana or hemp by means of any liquid or gas, other than alcohol, that has a flashpoint below
192 100 degrees Fahrenheit.

193 (d) Property. This chapter shall not be construed to:

194 (1) prevent a person from prohibiting or otherwise regulating the consumption, display,
195 production, processing, manufacture or sale of marijuana and marijuana accessories on or in
196 property the person owns, occupies or manages, except that a lease agreement shall not prohibit a
197 tenant from consuming marijuana by means other than smoking on or in property in which the
198 tenant resides unless failing to do so would cause the landlord to violate a federal law or
199 regulation;

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200 (2) prevent the commonwealth, a subdivision thereof or local government agency from
201 prohibiting or otherwise regulating the possession or consumption of marijuana or marijuana
202 accessories within a building owned, leased or occupied by the commonwealth, a political
203 subdivision of the commonwealth or an agency of the commonwealth or a political subdivision
204 of the commonwealth; or

205 (3) authorize the possession or consumption of marijuana or marijuana accessories on the
206 grounds of or within a public or private school where children attend classes in preschool
207 programs, kindergarten programs or grades 1 to 12, inclusive, or on the grounds of or within any
208 correctional facility.

209 (e) Employment. This chapter shall not require an employer to permit or accommodate
210 conduct otherwise allowed by this chapter in the workplace and shall not affect the authority of
211 employers to enact and enforce workplace policies restricting the consumption of marijuana by
212 employees.

213 (f) Negligent conduct. This chapter shall not amend existing penalties for conduct
214 involving the performance of any task while impaired by marijuana that would constitute
215 negligence or professional malpractice and shall not prevent the imposition of any civil, criminal
216 or other penalty for such conduct.

217 (g) Relation to medical use of marijuana. This chapter shall not be construed to affect the
218 provisions of chapter 369 of the acts of 2012, relating to the medical use of marijuana as enacted
219 by the people in the state election in 2012.

220 (h) Adulteration and misbranding. This chapter shall not exempt marijuana or marijuana
221 products from sections 186 to 195, inclusive, of chapter 94 of the General Laws, relating to the

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222 adulteration and misbranding of food, drugs and various articles. Marijuana included in a
223 marijuana product manufactured in compliance with the regulations under this chapter shall not
224 be considered an adulterant.

225 Section 3. Local control

226 (a) A city or town may adopt ordinances and by-laws that impose reasonable safeguards
227 on the operation of marijuana establishments, provided they are not unreasonably impracticable
228 and are not in conflict with this chapter or with regulations made pursuant to this chapter and
229 that:

230 (1) govern the time, place and manner of marijuana establishment operations and of any
231 business dealing in marijuana accessories, except that zoning ordinances or by-laws shall not
232 prohibit placing a marijuana establishment which cultivates, manufactures or sells marijuana or
233 marijuana products in any area in which a medical marijuana treatment center is registered to
234 engage in the same type of activity;

235 (2) limit the number of marijuana establishments in the city or town, except that a city or
236 town may only adopt an ordinance or by-law by a vote of the voters of that city or town if the
237 ordinance or by-law:

238 (i) prohibits the operation of 1 or more types of marijuana establishments within the city
239 or town;

240 (ii) limits the number of marijuana retailers to fewer than 20 per cent of the number of
241 licenses issued within the city or town for the retail sale of alcoholic beverages not to be drunk
242 on the premises where sold under chapter 138 of the General Laws; or

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243 (iii) limits the number of any type of marijuana establishment to fewer than the number
244 of medical marijuana treatment centers registered to engage in the same type of activity in the
245 city or town.

246 (3) restrict the licensed cultivation, processing and manufacturing of marijuana that is a
247 public nuisance;

248 (4) establish reasonable restrictions on public signs related to marijuana establishments;
249 and

250 (5) establish a civil penalty for violation of an ordinance or by-law enacted pursuant to
251 this subsection, similar to a penalty imposed for violation of an ordinance or by-law relating to
252 alcoholic beverages.

253 (b) The city council of a city and the board of selectmen of a town shall, upon the filing
254 with the city or town clerk of a petition (i) signed by not fewer than 10 per cent of the number of
255 voters of such city or town voting at the state election preceding the filing of the petition and (ii)
256 conforming to the provisions of the General Laws relating to initiative petitions at the municipal
257 level, request that the question of whether to allow, in such city or town, the sale of marijuana
258 and marijuana products for consumption on the premises where sold be submitted to the voters
259 of such city or town at the next biennial state election. If a majority of the votes cast in the city or
260 town are not in favor of allowing the consumption of marijuana or marijuana products on the
261 premises where sold, such city or town shall be taken to have not authorized the consumption of
262 marijuana and marijuana products on the premises where sold.

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263 (c) No city or town shall prohibit the transportation of marijuana or marijuana products or
264 adopt an ordinance or by-law that makes the transportation of marijuana or marijuana products
265 unreasonably impracticable.

266 (d) No agreement between a city or town and a marijuana establishment shall require
267 payment of a fee to that city or town that is not directly proportional and reasonably related to the
268 costs imposed upon the city or town by the operation of a marijuana establishment. Any cost to a
269 city or town by the operation of a marijuana establishment shall be documented and considered a
270 public record as defined by clause Twenty-Sixth of section 7 of chapter 4 of the General Laws.

271 Section 4. The Cannabis Control Commission

272 (a) The commission shall, in consultation with the cannabis advisory board and in
273 accordance with chapter 30A of the General Laws, adopt regulations consistent with this chapter
274 for the administration, clarification and enforcement of laws regulating and licensing marijuana
275 establishments. The regulations shall include:

276 (1) procedures for the issuance and renewal of licenses to operate marijuana
277 establishments;

278 (2) a schedule of application, license and renewal fees in an amount necessary to pay for
279 all regulation and enforcement costs of the commission; provided however that fees may be
280 relative to the volume of business conducted or to be conducted by the marijuana establishment
281 and shall not exceed:

282 (i) For an initial application, \$3,000;

283 (ii) For a license for a retail marijuana store, \$15,000;

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284 (iii) For a license for a marijuana product manufacturer, \$15,000;

285 (iv) For a license for a marijuana cultivator, \$15,000; and

286 (v) For a license for a marijuana testing facility, \$10,000.

287 (3) qualifications for licensure and minimum standards for employment that are directly
288 and demonstrably related to the operation of a marijuana establishment and similar to
289 qualifications for licensure and employment standards in connection with alcoholic beverages as
290 regulated under chapter 138 of the General Laws; provided that a prior conviction solely for a
291 marijuana-related offense or for a violation of section 34 of chapter 94C of the General Laws
292 shall not disqualify an individual or otherwise affect eligibility for employment or licensure in
293 connection with a marijuana establishment, unless the offense involved the distribution of a
294 controlled substance, including marijuana, to a minor;

295 (4) procedures and policies to promote and encourage full participation in the regulated
296 marijuana industry by people from communities that have previously been disproportionately
297 harmed by marijuana prohibition and enforcement and to positively impact those communities;

298 (5) requirements for the security of marijuana establishments, including security, lighting,
299 video and alarm requirements and requirements for the secure transportation and storage of
300 marijuana, marijuana plants and marijuana products, provided that the requirements shall not
301 prohibit the cultivation of marijuana outdoors or in greenhouses;

302 (6) requirements to prevent the sale of marijuana and marijuana products to persons
303 under 21 years of age;

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304 (7) requirements for record keeping by marijuana establishments and procedures to track
305 marijuana and marijuana products cultivated, processed, manufactured, delivered or sold by
306 marijuana establishments;

307 (8) health and safety standards for the cultivation, processing, manufacture and
308 distribution of marijuana and marijuana products, including standards regarding sanitation for the
309 preparation, storage, handling and sale of food products and reasonable limitations on the use of
310 organic and non-organic pesticides;

311 (9) requirements for the packaging of marijuana and marijuana products, which shall
312 include special packaging requirements to protect children from ingesting marijuana or
313 marijuana products and requirements for dividing each serving within a package containing
314 multiple servings in a manner that allows consumers to easily identify a single serving;

315 (10) requirements for the labeling of a package containing marijuana or marijuana
316 products that shall include a symbol or other easily recognizable mark indicating that the
317 package contains marijuana and an identification of the marijuana cultivator or the marijuana
318 product manufacturer who produced the marijuana or marijuana product, and for the labeling of
319 a package containing marijuana products, the amount of tetrahydrocannabinol in a package and
320 in each serving of a marijuana product, the number of servings in a package and a list of
321 ingredients and possible allergens;

322 (11) requirements for the testing of random samples of marijuana and marijuana products
323 to verify that marijuana and marijuana products are accurately labeled and to verify that products
324 intended for human consumption do not contain contaminants that are in excess of typical
325 standards applied to other commercially available products intended for human consumption;

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326 (12) requirements for safe disposal of excess, contaminated, adulterated or deteriorated
327 marijuana or marijuana products;

328 (13) reasonable restrictions on signs, marketing, displays and advertising with respect to
329 marijuana, marijuana products and marijuana accessories, including prohibiting marketing or
330 advertising designed to appeal to children;

331 (14) procedures and requirements to enable the transfer of a license for a marijuana
332 establishment to another qualified person or to another suitable location, which shall not be more
333 restrictive than laws governing the transfer of a license for the sale of alcoholic beverages under
334 chapter 138 of the General Laws; and

335 (15) provisions for: enforcing this chapter, including penalties for civil violations for the
336 failure to comply with any regulation made pursuant to this section or for any violation of section
337 13 of this chapter; collecting fees and penalties imposed; suspending the license of a marijuana
338 establishment that include provisions to allow for the continued maintenance and security of any
339 marijuana and marijuana products; terminating the license of a licensee; and appealing civil
340 penalties or licensing actions.

341 (b) In furtherance of the intent of this act, the commission may also adopt regulations in
342 accordance with chapter 30A of the General Laws which:

343 (1) establish and provide for issuance of additional types or classes of licenses to operate
344 marijuana-related businesses, including licenses that authorize only limited cultivation,
345 processing, manufacture, possession or storage of marijuana or marijuana products, limited
346 delivery of marijuana or marijuana products to consumers, licenses that authorize the
347 consumption of marijuana or marijuana products on the premises where sold, licenses that

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348 authorize the consumption of marijuana at special events in limited areas and for a limited time
349 and licenses intended to facilitate scientific research or education;

350 (2) regulate the cultivation, processing, distribution and sale of hemp by marijuana
351 establishments; and

352 (3) limit the total amount of marijuana cultivated within the commonwealth, if the
353 commission determines after an analysis of the current and anticipated supply of and demand for
354 marijuana and marijuana products, that a limit on the amount of marijuana cultivated within the
355 commonwealth is necessary to minimize illicit markets for marijuana. If the commission limits
356 the total amount of marijuana that may be cultivated within the commonwealth, the commission
357 shall reconsider that determination biannually and shall not set the limit at a level below that
358 which is necessary to provide an adequate supply of marijuana and marijuana products in the
359 commonwealth. No such limit shall be imposed if the import or export of marijuana to or from
360 the commonwealth is not prohibited by federal law.

361 (c) Regulations made pursuant to this section shall not:

362 (1) prohibit the operation of a marijuana establishment either expressly or through
363 regulations that make operation of a marijuana establishment unreasonably impracticable;

364 (2) require testing of marijuana or marijuana products before the commission has licensed
365 any marijuana testing facilities or, if such facilities have been licensed, before such facilities are
366 capable of performing any required tests in a timely manner;

367 (3) require a customer to provide a marijuana retailer with identifying information other
368 than identification to determine the customer's age and shall not require the marijuana retailer to

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369 acquire or record personal information about customers other than information typically required
370 in a retail transaction;

371 (4) prohibit a medical marijuana treatment center and an experienced marijuana
372 establishment operator from operating a medical marijuana treatment center and a marijuana
373 establishment at a shared location;

374 (5) prohibit marijuana establishments from transferring or acquiring marijuana seeds,
375 clones, cuttings, plants or plant tissue from other marijuana establishments or from medical
376 marijuana treatment centers or prohibit a marijuana establishment from transferring or otherwise
377 selling marijuana to a marijuana retailer, a marijuana product manufacturer or a marijuana
378 cultivator; or

379 (6) prohibit marijuana establishments from using inorganic cultivation methods.

380 (d) The commission shall administer the laws and regulations relating to licensing in this
381 chapter.

382 (e) The commission may suspend or revoke the license of a licensee under regulations
383 made pursuant to this chapter upon written notice of a violation and, if applicable, an opportunity
384 to cure any violation within 30 days of such notice. All licensees shall be entitled to an
385 adjudicatory hearing pursuant to chapter 30A of the General Laws prior to suspension of a
386 license for longer than 5 days or the revocation of a license.

387 (f) The commission shall enforce the laws and regulations relating to the cultivation,
388 processing, manufacture, delivery, storage, sale and testing of marijuana and marijuana products
389 by marijuana establishments. The commission shall conduct investigations of compliance with

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390 this chapter and shall perform regular inspections of marijuana establishments and the books and
391 records of marijuana establishments as necessary to enforce this chapter. The commission shall
392 cooperate with appropriate state and local organizations to provide training to law enforcement
393 officers of the commonwealth and its political subdivisions.

394 (g) The commission shall hold a public hearing before the adoption, amendment or repeal
395 of any regulation. Adjudicatory proceedings shall be conducted pursuant to chapter 30A of the
396 General Laws and to standard rules of adjudicatory procedure established pursuant to section 9
397 of chapter 30A of the General Laws.

398 (h) The commission shall annually publish a full report of its action during each year
399 containing a comprehensive description of its activities and including the number of licenses of
400 each class issued, actions taken pursuant to clause (4) of subsection (a) of this section and a
401 statement of revenue and expenses of the commission.

402 (i) The commission shall annually review the tax rate established by chapter 64N of the
403 General Laws and may make recommendations to the General Court as appropriate regarding
404 changes to the tax rate that further the intent of this act. The commission may study marijuana
405 commerce and make recommendations to the General Court regarding changes in the laws of the
406 commonwealth that further the intent of this act by filing those recommendations with the clerk
407 of the house and senate who shall forward the recommendations to the joint committee on
408 consumer protection and professional licensure, the joint committee on revenue and any other
409 committee deemed appropriate by the commission.

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410 (j) The commission shall deposit all license, registration and monetary penalties collected
411 pursuant to this chapter in the Marijuana Regulation Fund established by section 15 of this
412 chapter.

413 (k) The commission and the department of public health shall work collaboratively to
414 ensure that the production and distribution of marijuana is effectively regulated in the
415 commonwealth in furtherance of the intent of this act.

416 Section 5. Licensing of marijuana establishments

417 (a) Upon receipt of a complete marijuana establishment license application and the
418 application fee, the commission shall forward a copy of the application to the city or town in
419 which the marijuana establishment is to be located, determine whether the applicant and the
420 premises qualify for the license and has complied with this chapter and shall, within 90 days:

421 (1) issue the appropriate license; or

422 (2) send to the applicant a notice of rejection setting forth specific reasons why the
423 commission did not approve the license application.

424 (b) Except as provided in subsection (c) of this section, the commission shall approve a
425 marijuana establishment license application and issue a license if:

426 (1) the prospective marijuana establishment has submitted an application in compliance
427 with regulations made by the commission, the applicant satisfies the requirements established by
428 the commission, the applicant is in compliance with this chapter and the regulations made by the
429 commission and the applicant has paid the required fee;

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430 (2) the commission is not notified by the city or town in which the proposed marijuana
431 establishment will be located that the proposed marijuana establishment is not in compliance
432 with an ordinance or by-law consistent with section 3 of this chapter and in effect at the time of
433 application;

434 (3) the property where the proposed marijuana establishment is to be located, at the time
435 the license application is received by the commission, is not located within 500 feet of a pre-
436 existing public or private school providing education in kindergarten or any of grades 1 through
437 12, unless a city or town adopts an ordinance or by-law that reduces the distance requirement;
438 and

439 (4) an individual who will be a controlling person of the proposed marijuana
440 establishment has not been convicted of a felony or convicted of an offense in another state that
441 would be a felony in the commonwealth, except a prior conviction solely for a marijuana offense
442 or solely for a violation of section 34 of chapter 94C of the General Laws, unless the offense
443 involved distribution of a controlled substance, including marijuana, to a minor.

444 (c) If a city or town limits the number of marijuana establishments that may be licensed
445 in the city or town pursuant to clause (2) of subsection (a) of section 3 of this chapter and that
446 limit prevents the commission from issuing a license to all applicants who meet the requirements
447 of subsection (b) of this section:

448 (1) until January 1, 2018, the commission shall issue licenses first to applicants with the
449 most experience operating medical marijuana treatment centers and then by lottery among
450 qualified applicants; or

CORRECTED

451 (2) on and after January 1, 2018, the commission shall issues licenses by lottery among
452 qualified applicants.

453 The lottery shall also designate the priority order of unselected applicants in the event
454 that a license becomes available within a year.

455 Section 6. Expiration and renewal

456 (a) License term. Unless the commission authorizes the renewal of a license for a longer
457 period, all licenses under this chapter shall be effective for 1 year from the date of issuance.

458 (b) Renewal. The commission shall issue a renewal license within 30 days of receipt of a
459 renewal application and renewal license fee from a marijuana establishment to licensees in good
460 standing and who have filed any tax returns required pursuant to chapter 64N of the General
461 Laws.

462 Section 7. Personal use of marijuana

463 (a) Notwithstanding any other general or special law to the contrary, except as otherwise
464 provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted,
465 penalized, sanctioned or disqualified under the laws of the commonwealth in any manner, or
466 denied any right or privilege and shall not be subject to seizure or forfeiture of assets for:

467 (1) possessing, using, purchasing, processing or manufacturing 1 ounce or less of
468 marijuana, except that not more than 5 grams of marijuana may be in the form of marijuana
469 concentrate;

470 (2) within the person's primary residence, possessing up to 10 ounces of marijuana and
471 any marijuana produced by marijuana plants cultivated on the premises and possessing,

CORRECTED

472 cultivating or processing not more than 6 marijuana plants for personal use so long as not more
473 than 12 plants are cultivated on the premises at once;

474 (3) assisting another person who is 21 years of age or older in any of the acts described in
475 this section; or

476 (4) giving away or otherwise transferring without remuneration up to 1 ounce of
477 marijuana, except that not more than 5 grams of marijuana may be in the form of marijuana
478 concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or
479 promoted to the public.

480 (b) Notwithstanding any other general or special law to the contrary, except as otherwise
481 provided in this chapter, if the import or export of marijuana to or from the commonwealth is not
482 prohibited by federal law, a person 21 years of age or older shall not be arrested, prosecuted,
483 penalized, sanctioned or disqualified under the laws of the commonwealth in any manner, or
484 denied any right or privilege and shall not be subject to seizure or forfeiture of assets for
485 possessing, using, purchasing, cultivating, processing or manufacturing any amount of marijuana
486 or marijuana products for personal use.

487 (c) Notwithstanding any other general or special law to the contrary, except as otherwise
488 provided in this chapter, a person shall not be arrested, prosecuted, penalized, sanctioned or
489 otherwise denied any benefit and shall not be subject to seizure or forfeiture of assets for
490 allowing property the person owns, occupies or manages to be used for any of the activities
491 conducted lawfully under this chapter or for enrolling or employing a person who engages in
492 marijuana-related activities lawfully under this chapter.

CORRECTED

493 (d) Absent clear, convincing and articulable evidence that the person's actions related to
494 marijuana have created an unreasonable danger to the safety of a minor child, neither the
495 presence of cannabinoid components or metabolites in a person's bodily fluids nor conduct
496 permitted under this chapter related to the possession, consumption, transfer, cultivation,
497 manufacture or sale of marijuana, marijuana products or marijuana accessories by a person
498 charged with the well-being of a child shall form the sole or primary basis for substantiation,
499 service plans, removal or termination or for denial of custody, visitation or any other parental
500 right or responsibility.

501 (e) The use of marijuana shall not disqualify a person from any needed medical procedure
502 or treatment, including organ and tissue transplants.

503 (f) Notwithstanding any general or special law to the contrary, except as otherwise
504 provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted,
505 penalized, sanctioned or disqualified and is not subject to seizure or forfeiture of assets for
506 possessing, producing, processing, manufacturing, purchasing, obtaining, selling or otherwise
507 transferring or delivering hemp.

508 (g) For the purposes of this section, "marijuana concentrate" shall mean the resin
509 extracted from any part of the plant of the genus Cannabis and every compound, manufacture,
510 salt, derivative, mixture or preparation of that resin but shall not include the weight of any other
511 ingredient combined with marijuana to prepare marijuana products.

512 Section 8. Marijuana accessories authorized

513 Notwithstanding any general or special law to the contrary, except as otherwise provided
514 in this chapter, a person 21 years of age or older shall not be arrested, prosecuted, penalized,

CORRECTED

515 sanctioned or disqualified and shall not be subject to seizure or forfeiture of assets for
516 possessing, purchasing or otherwise obtaining or manufacturing marijuana accessories or for
517 selling or otherwise transferring marijuana accessories to a person who is 21 years of age or
518 older.

519 Section 9. Lawful operation of marijuana establishments

520 (a) Notwithstanding any general or special law to the contrary, except as otherwise
521 provided in this chapter, the following people involved in the distribution of marijuana as
522 authorized by this chapter shall not be arrested, prosecuted, penalized, sanctioned or disqualified
523 and shall not be subject to seizure or forfeiture of assets for activities specified for:

524 (1) a marijuana retailer or an owner, operator, employee or other agent acting on behalf
525 of a marijuana retailer possessing or testing marijuana or marijuana products; purchasing, selling
526 or otherwise transferring or delivering marijuana or marijuana products to or from a marijuana
527 establishment; or selling or otherwise transferring or delivering marijuana or marijuana products
528 to a consumer;

529 (2) a marijuana cultivator or an owner, operator, employee or other agent acting on behalf
530 of a marijuana cultivator cultivating, propagating, breeding, harvesting, processing, packaging,
531 testing, storing or possessing marijuana or marijuana products, or selling or otherwise
532 transferring, purchasing or delivering marijuana and marijuana products to or from a marijuana
533 establishment;

534 (3) a marijuana product manufacturer or an owner, operator, employee or other agent
535 acting on behalf of a marijuana product manufacturer packaging, processing, manufacturing,
536 storing, testing or possessing marijuana or marijuana products, or delivering, selling or otherwise

CORRECTED

537 transferring and purchasing marijuana or marijuana products to or from a marijuana
538 establishment; or

539 (4) a marijuana testing facility or an owner, operator, employee or other agent acting on
540 behalf of a marijuana testing facility possessing, processing, storing, transferring or testing
541 marijuana or marijuana products.

542 (b) Notwithstanding any general or special law to the contrary, except as otherwise
543 provided in this chapter, a person acting in the person's capacity as an owner, employee or other
544 agent of a marijuana retailer who transfers marijuana or marijuana accessories to a person under
545 21 years of age shall not be subject to arrest or prosecution, penalty, sanction or disqualification,
546 or seizure or forfeiture of assets, if the person reasonably verified that the recipient appeared to
547 be 21 years of age or older by means of government-issued photographic identification
548 containing a date of birth.

549 Section 10. Contracts pertaining to marijuana enforceable

550 It is the public policy of the commonwealth that contracts related to the operation of
551 marijuana establishments under this chapter shall be enforceable. A contract entered into by a
552 licensee or its agents as permitted pursuant to a valid license issued by the commission, or by
553 those who allow property to be used by a licensee or its agents as permitted pursuant to a valid
554 license issued by the commission, shall not be unenforceable or void exclusively because the
555 actions or conduct permitted pursuant to the license is prohibited by federal law.

556 Section 11. Provision of professional services

CORRECTED

557 A person engaged in a profession or occupation subject to licensure shall not be subject
558 to disciplinary action by a professional licensing board solely for providing professional services
559 to prospective or licensed marijuana establishments related to activity under this chapter that is
560 not subject to criminal penalty under the laws of the commonwealth.

561 Section 12. General marijuana establishment operation

562 (a) In addition to requirements established by regulation pursuant to section 4 of this
563 chapter or by a city or town pursuant to section 3 of this chapter, a marijuana establishment shall:

564 (1) secure every entrance to the establishment so that access to areas containing
565 marijuana is restricted to employees and others permitted by the marijuana establishment to
566 access the area and to agents of the commission or state and local law enforcement officers and
567 emergency personnel; and

568 (2) secure its inventory and equipment during and after operating hours to deter and
569 prevent theft of marijuana, marijuana products and marijuana accessories.

570 (b) No marijuana establishment may cultivate, process, test, store or manufacture
571 marijuana or marijuana products at any location other than at a physical address approved by the
572 commission and within an area that is enclosed and secured in a manner that prevents access by
573 persons not permitted by the marijuana establishment to access the area. A greenhouse or
574 outdoor marijuana cultivation area shall have sufficient security measures to demonstrate that
575 outdoor areas are not readily accessible by unauthorized individuals, including perimeter security
576 fencing designed to prevent unauthorized entry.

CORRECTED

577 (c) No marijuana establishment shall allow cultivation, processing, manufacture, sale or
578 display of marijuana or marijuana products to be visible from a public place without the use of
579 binoculars, aircraft or other optical aids.

580 (d) No marijuana establishment shall refuse representatives of the commission the right at
581 any time of operation to inspect the entire licensed premises or to audit the books and records of
582 the marijuana establishment.

583 (e) No marijuana establishment shall allow any person under 21 years of age to volunteer
584 or work for the marijuana establishment.

585 (f) No marijuana establishment shall cultivate, manufacture, sell or otherwise transact
586 business with any products containing cannabinoids other than those that were produced,
587 distributed and taxed in compliance with this chapter.

588 Section 13. Penalties

589 (a) Restrictions on personal cultivation. No person shall cultivate or process marijuana
590 plants pursuant to section 8 of this chapter if the plants are visible from a public place without
591 the use of binoculars, aircraft or other optical aids or cultivate or process marijuana plants
592 outside of an area that is equipped with a lock or other security device. A person who violates
593 this subsection shall be punished by a civil penalty of not more than \$300 and forfeiture of the
594 marijuana, but shall not be subject to any other form of criminal or civil punishment or
595 disqualification solely for this conduct.

596 (b) Restrictions on personal possession. No person shall possess more than 1 ounce of
597 marijuana or marijuana products within the person's place of residence pursuant to section 8 of

CORRECTED

598 this chapter unless the marijuana and marijuana products are secured by a lock. A person who
599 violates this subsection shall be punished by a civil penalty of not more than \$100 and forfeiture
600 of the marijuana.

601 (c) Restrictions on public consumption of marijuana. No person shall consume marijuana
602 in a public place or smoke marijuana where smoking tobacco is prohibited. A person who
603 violates this subsection shall be punished by a civil penalty of not more than \$100. This
604 subsection shall not apply to a person who consumes marijuana or marijuana products in a
605 designated area of a marijuana establishment located in a city or town that has voted to allow
606 consumption on the premises where sold and shall not be construed to limit the medical use of
607 marijuana.

608 (d) Possession of marijuana in motor vehicles. No person shall, upon any way or in any
609 place to which the public has a right of access, or upon any way or in any place to which
610 members of the public have access as invitees or licensees, possess an open container of
611 marijuana or marijuana products in the passenger area of any motor vehicle. A person who
612 violates this subsection shall be punished by a civil penalty of not more than \$500. For purposes
613 of this section, “open container” shall mean that the package containing marijuana or marijuana
614 products has its seal broken or from which the contents have been partially removed or
615 consumed and “passenger area” shall mean the area designed to seat the driver and passengers
616 while the motor vehicle is in operation and any area that is readily accessible to the driver or
617 passenger while in a seated position; provided however that the passenger area shall not include
618 a motor vehicle’s trunk, locked glove compartment or the living quarters of a house coach or
619 house trailer, or if a motor vehicle is not equipped with a trunk, the area behind the last upright
620 seat or an area not normally occupied by the driver or passenger.

CORRECTED

621 (e) Possession or cultivation of excess marijuana. Notwithstanding chapter 94C of the
622 General Laws and until the import or export of marijuana to or from the commonwealth is not
623 prohibited by federal law, a person who is at least 21 years of age and who cultivates more than 6
624 but not more than 12 marijuana plants or who possesses an amount of marijuana outside of his or
625 her place of residence having a weight of more than 1 ounce but not more than 2 ounces shall be
626 subject only to a civil penalty of not more than \$100 and forfeiture of the marijuana not allowed
627 by section 8 of this chapter, but shall not be subject to any other form of criminal or civil
628 punishment or disqualification solely for this conduct.

629 (f) Procurement of marijuana by a person under 21 years of age. A person under 21 years
630 of age, except a qualifying patient holding a valid registration card for the medical use of
631 marijuana, who purchases or attempts to purchase marijuana, marijuana products or marijuana
632 accessories, or makes arrangements with any person to purchase or in any way procure
633 marijuana, marijuana products or marijuana accessories, or who willfully misrepresents such
634 person's age, or in any way alters, defaces or otherwise falsifies identification offered as proof of
635 age, with the intent of purchasing marijuana, marijuana products or marijuana accessories, shall
636 be punished by a civil penalty of not more than \$100 and shall complete a drug awareness
637 program established pursuant to section 32M of chapter 94C of the General Laws. The parents or
638 legal guardian of any offender under the age of 18 shall be notified in accordance with section
639 32N of chapter 94C of the General Laws and the failure within 1 year of the offense of such an
640 offender to complete a drug awareness program may be a basis for delinquency proceedings for
641 persons under the age of 17 at the time of the person's offense.

CORRECTED

642 (g) Enforcement. Civil penalties imposed pursuant to this section shall be enforced by
643 utilizing the non-criminal disposition procedures provided in section 32N of chapter 94C of the
644 General Laws.

645 Section 14. Marijuana Regulation Fund

646 (a) There shall be established and set up on the books of the commonwealth a separate
647 fund, to be known as the Marijuana Regulation Fund. It shall, subject to appropriation, consist of
648 all monies received on account of the commonwealth as a result of applications for and licensing
649 of marijuana establishments, all civil penalties received for violations of this chapter, revenue
650 generated by the state tax imposed by section 2 of chapter 64N of the General Laws and interest
651 earned or other income on balances in the fund.

652 (b) Subject to appropriation, the fund shall be expended first for the implementation,
653 administration and enforcement of this chapter by the commission and by the cities and towns
654 that authorize the operation of marijuana establishments within their jurisdictions. Subject to
655 appropriation, at the end of a fiscal year, unexpended balances may be redeposited in the General
656 Fund after all necessary funds are expended for the implementation, administration and
657 enforcement of this chapter.

658 SECTION 6. Notwithstanding any general or special law to the contrary, if the cannabis
659 control commission fails to adopt regulations necessary for the implementation of this chapter on
660 or before January 1, 2018, each medical marijuana treatment center may begin to possess,
661 cultivate, process, manufacture, package, purchase or otherwise obtain and test marijuana and
662 marijuana products and may deliver, sell or otherwise transfer marijuana to any person who is at
663 least 21 years of age until the commission adopts the regulations necessary for implementation of

CORRECTED

664 this chapter and begins to issue licenses to operate marijuana establishments pursuant to section
665 5 of this chapter.

666 SECTION 7. The state treasurer shall make the initial appointments to the cannabis
667 control commission under section 76 of chapter 10 of the General Laws by March 1, 2017. The
668 initial appointments shall include 1 member who shall serve an initial term of 2 years.

669 SECTION 8. The governor shall make the initial appointments to the cannabis advisory
670 board under section 77 of chapter 10 of the General Laws by February 1, 2017. Seven of the
671 initial appointees, as determined by the governor, shall serve for a term of 1 year.

672 The cannabis advisory board shall meet not less frequently than quarterly until January 1,
673 2020.

674 SECTION 9. The cannabis control commission shall promulgate the initial regulations
675 under section 4 of chapter 94G of the General Laws not later than September 15, 2017.

676 SECTION 10. The commission shall begin accepting applications:

677 (a) for marijuana testing facility licenses, by October 1, 2017;

678 (b) from each experienced marijuana establishment operator for 1 marijuana cultivator
679 license, 1 marijuana product manufacturer license and 1 marijuana retailer license, by October 1,
680 2017;

681 (c) if fewer than 75 provisional registrations to operate medical marijuana treatment
682 centers have been issued on October 1, 2017, from all applicants for marijuana retailer,
683 marijuana product manufacturer and marijuana cultivator licenses, on and after January 1, 2018;

CORRECTED

684 (d) from all applicants for marijuana retailer licenses or for marijuana product
685 manufacturer licenses, on and after October 1, 2018; and

686 (e) from all applicants for marijuana cultivator licenses, on and after October 1, 2019.

687 SECTION 11. If the commission accepts applications pursuant to subsection (c) of
688 section 10 of this act, it shall license no more than 75 marijuana retailers, 75 marijuana product
689 manufacturers and 75 marijuana cultivators until additional applications are accepted pursuant to
690 subsection (d) or subsection (e) of section 10 of this act. If this section prevents the commission
691 from issuing licenses to all applicants who meet the requirements of this act, the commission
692 shall issue licenses first to qualified applicants who submitted applications for registrations to
693 operate medical marijuana treatment centers to the department of public health by October 1,
694 2015 and then by lottery among qualified applicants.

695 SECTION 12. This act shall take effect on December 15, 2016.

CORRECTED

FIRST TEN SIGNERS

<u>NAME</u>	<u>RESIDENCE</u>	<u>CITY OR TOWN</u>
Richard M. Evan	299 Burts Pit Road	Northampton
Richard Harding, Jr.	189 Windsor Street	Cambridge
Will Luzier	26 Riverdale Street	Boston
Shanel Lindsay	11 Madison Avenue	Sharon
Whitney A. Taylor	10 Thacher Street, Unit # 516	Boston
Kristopher T. Krane	219 Kittredge Street	Boston
Thomas Nolan	21 Father Francis Gilday Street, # 302	Boston
Adam D. Fine	340 St. George Street	Duxbury
Shaleen Title	33 Bowers Avenue	Malden
Thomas Kiley	159 Monroe Road	Quincy

CORRECTED

CERTIFICATE OF THE ATTORNEY GENERAL.

September 2, 2015.

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

RE: Initiative Petition No. 15-27: The Regulation and Taxation of
Marijuana Act.

Dear Secretary Galvin:

I accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

MAURA HEALEY,
Attorney General.

CORRECTED

Summary of 15-27.

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments. The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

CORRECTED

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

The proposed law would take effect on December 15, 2016.