

1 SECTION 1. Pursuant to the voter-approved initiative to legalize, regulate and tax marijuana for
2 recreational use, the commonwealth by this act establishes a cannabis control commission. The
3 commission shall develop a robust, competitive and legal market for recreational marijuana in
4 the commonwealth. To that end, the commission shall be responsible for establishing rules,
5 regulations and practices to receive, evaluate and issue license applications and licenses to
6 individuals and entities based on competence, capacity and integrity. The commission shall
7 enforce its rules and regulations fairly and rigorously to provide a clear and expedient path
8 toward a marketplace for the recreational use of marijuana in the commonwealth while ensuring
9 the health and safety of its people.

10 SECTION 2. Chapter 10 of the General Laws is hereby amended by striking out sections 76 and
11 77, as appearing in the 2016 Official Edition, and inserting in place thereof the following 2
12 sections:-

13 Section 76. (a) As used in this section, the following words shall have the following meanings
14 unless the context clearly requires otherwise:

15 “Commission”, the cannabis control commission.

16 “Commissioner”, a member of the cannabis control commission.

17 (b) There shall be within the department of the state treasurer a cannabis control commission.

18 The commission shall have general supervision and sole regulatory authority over the conduct of
19 the business of marijuana establishments as defined in chapter 94G. The commission shall adopt
20 rules and regulations pursuant to chapter 30A for the administration of its duties and powers and
21 for the administration, clarification and enforcement of laws regulating and licensing marijuana
22 establishments in accordance with said chapter 94G.

23 (c) The commission shall consist of: 1 person who shall be appointed by the state treasurer who
24 shall have experience in the regulation and business of consumer commodities and who shall
25 serve as chair; 1 person who shall be appointed by the governor who shall have experience in
26 public health; 1 person who shall be appointed by the attorney general who shall have experience
27 in law enforcement; and 2 persons who shall be appointed by a majority vote of the state
28 treasurer, the governor and the attorney general, 1 of whom shall have experience in social
29 justice and 1 of whom shall have experience in the production and distribution of marijuana and
30 marijuana products. The state treasurer, the governor or the attorney general may remove a
31 commissioner who was appointed by that appointing authority for neglect of duty, misconduct or
32 malfeasance in office or for inability to discharge the powers and duties of the office. The state
33 treasurer, the governor and the attorney general may, by majority vote, remove a commissioner
34 who was appointed by majority vote of the state treasurer, the governor and the attorney general
35 for neglect of duty, misconduct or malfeasance in office or for inability to discharge the powers
36 and duties of the office. Before removal, the commissioner shall be provided with a written
37 statement of the reason for removal and an opportunity to be heard.

38 (d) Each commissioner shall serve for a term of 4 years. A person appointed to fill a vacancy
39 shall be appointed in the manner specified in subsection (c) and shall serve for the remainder of
40 the unexpired term of the commissioner who position is being filled. Each commissioner shall
41 serve until a successor is appointed and shall be eligible for reappointment; provided, however,
42 that a commissioner shall not serve for more than 8 years.

43 (e) The chair of the commission shall be a full-time employee and shall receive a salary
44 commensurate with the duties of the office. All other commissioners shall serve without pay but
45 shall be reimbursed for actual expenses necessarily incurred in the performance of their duties. A

46 commissioner shall not be employed by, serve as a consultant to or member of the board of
47 directors of, or be affiliated with, have a financial stake in or otherwise be a representative of a
48 marijuana establishment while serving as commissioner.

49 (f) Three commissioners shall constitute a quorum and the affirmative vote of 3 commissioners
50 shall be necessary for action to be taken by the commission. A vacancy shall not impair the right
51 of a quorum to exercise the rights and duties of the commission.

52 (g) The commission shall be subject to the Open Meeting Law, including sections 18 to 25,
53 inclusive, of chapter 30A. The commission shall be subject to all other provisions of said chapter
54 30A and the records pertaining to the administration of the commission shall be subject to
55 section 42 of chapter 30 and section 10 of chapter 66. The commission shall be subject to
56 chapters 268A and 268B.

57 (h)(1) The commission shall appoint an executive director who shall supervise the administrative
58 affairs, general management and operations of the commission. The executive director shall
59 receive a salary commensurate with the duties of the office. Sections 9A, 45, 46 and 46C of
60 chapter 30 and chapters 31 and 150E shall not apply to the executive director.

61 (2) The executive director may appoint other officers and employees as may be necessary to the
62 operation of the commission. The executive director shall appoint and may remove agents and
63 subordinate officers as the executive director may consider necessary and may establish such
64 subdivisions within the commission as the executive director considers appropriate to fulfill the
65 purposes of the commission. Said sections 45, 46 and 46C of chapter 30 shall not apply to an
66 employee of the commission. The executive director may establish personnel policies for the
67 officers and employees of the commission.

68 (3) The executive director shall, with the approval of the commission: (i) plan, direct, coordinate
69 and execute administrative functions in conformity with the policies and directives of the
70 commission; (ii) employ professional, investigative and clerical staff as necessary; (iii) report to
71 the commission on all operations under its control and supervision; (iv) prepare an annual budget
72 and manage the administrative expenses of the commission; and (v) undertake any other
73 activities necessary to implement the powers and duties of the commission, subject to approval
74 of the commission.

75 (4) Annually, not later than December 1, the executive director shall submit to the state treasurer
76 a budget and a personnel report containing the job classifications, duties and salary of each
77 officer and employee of the commission together with personnel policies applicable to those
78 officers and employees.

79 Section 77. (a) There shall be a cannabis advisory board to study and make recommendations to
80 the cannabis control commission on the regulation and taxation of marijuana. The board shall
81 consist of: the executive director of the cannabis control commission, who shall serve as chair;
82 the commissioner of the department of revenue or a designee; the commissioner of public health
83 or a designee; the commissioner of agricultural resources or a designee; the secretary of the
84 executive office of public safety and security or a designee; the superintendent of the
85 Massachusetts state police or a designee; the president of the Massachusetts Municipal
86 Association, Inc., or a designee; the executive director of the American Civil Liberties Union of
87 Massachusetts, Inc., or a designee; 6 members who shall be appointed by the state treasurer who
88 shall have experience in marijuana cultivation, marijuana retailing, marijuana product
89 manufacturing, laboratory sciences and toxicology, representing the interests of registered
90 qualifying patients and in the prevention and treatment of substance use disorders; and 6

91 members appointed by the attorney general who shall have experience in social welfare or social
92 justice, representing the interests of employers, representing the interests of property owners,
93 providing legal services to marijuana businesses, marijuana consumers or medical marijuana
94 patients in the commonwealth and municipal law enforcement. Members of the board appointed
95 shall serve terms of 2 years. Members of the board shall serve without compensation but shall be
96 reimbursed for their expenses actually and necessarily incurred in the discharge of their official
97 duties. Members of the advisory board shall not be state employees for purposes of chapter 268A
98 by virtue of their service on the advisory board. For purposes of taking action at a meeting, a
99 majority of the members of the board present and voting shall constitute a quorum.

100 (b) The cannabis advisory board shall: (i) consider all matters submitted to it by the commission;
101 (ii) on its own initiative, recommend to the commission guidelines, rules and regulations and any
102 changes to guidelines, rules and regulations that the advisory board considers important or
103 necessary for the commission's review and consideration; and (iii) advise on the preparation of
104 regulations pursuant to this chapter.

105 (c) The chair may appoint subcommittees in order to expedite the work of the board; provided,
106 however, that the chair shall appoint: (i) a subcommittee on public health to develop
107 recommendations on packaging, labelling, advertising and related public health issues; (ii) a
108 subcommittee on public safety and community mitigation to develop recommendations on law
109 enforcement, local, property, business and consumer issues; (iii) a subcommittee on the cannabis
110 industry to develop recommendations on cultivation, processing, manufacturing, transportation,
111 distribution, seed to sale tracking and market stability; and (iv) a subcommittee on market
112 participation to develop recommendations on women, minority and veteran owned business,
113 local agriculture and growing cooperatives.

114 SECTION 3. Section 5I of chapter 18 of the General Laws, as appearing in the 2016 Official
115 Edition, is hereby amended by striking out, in lines 41 to 43, inclusive, the words “or for the
116 payment to the commonwealth of or any political subdivision thereof of any fees, fines, bail or
117 bail bonds ordered by a court” and inserting in place thereof the following words:- ; for the
118 payment to the commonwealth or a political subdivision thereof of a fee, fine, bail or bail bond
119 ordered by a court; or marijuana or marijuana products that are not prescribed for medicinal
120 purposes.

121 SECTION 4. Section 5J of said chapter 18, as so appearing, is hereby amended by striking out,
122 in line 14, the words “or on cruise ships” and inserting in place thereof the following words:- on
123 a cruise ship; or at an establishment or business that sells marijuana or marijuana products that
124 are not prescribed for medicinal purposes.

125 SECTION 5. Section 5 of chapter 64N of the General Laws, as so appearing, is hereby amended
126 by striking out, in lines 2 and 3, the words “this chapter, other than revenue collected pursuant to
127 section 2 of chapter 64H of the General Laws,” and inserting in place thereof the following
128 words:- section 2 and the revenue generated by the tax imposed by section 2 of chapter 64H on
129 the sale of marijuana and marijuana products by a marijuana retailer to anyone other than a
130 marijuana establishment.

131 SECTION 6. Section 1 of chapter 94C of the General Laws, as so appearing, is hereby amended
132 by inserting after the word “plant”, in line 225, the following words:- , industrial hemp as
133 defined in section 116 of chapter 128.

134 SECTION 7. Section 32L of said chapter 94C, as so appearing, is hereby amended by striking
135 out, in lines 2, 25, 30, 35, 36 and 45, the words “one ounce” and inserting in place thereof, in
136 each instance, the following words:- 2 ounces.

137 SECTION 8. Said section 32L of said chapter 94C, as so appearing, is hereby further amended
138 by striking out, in lines 19 and 20, the words words ““An Act Establishing a Sensible State
139 Marihuana Policy,” neither” and inserting in place thereof the following words:- section 24I of
140 chapter 90, chapter 94G and chapter 387 of the acts of 2008, neither.

141 SECTION 9. Said section 32L of said chapter 94C, as so appearing, is hereby further amended
142 by striking out, in line 23, the words “an ounce” and inserting in place thereof the following
143 words:- 2 ounces.

144 SECTION 10. Section 32M of said chapter 94C, as so appearing, is hereby amended by striking
145 out, in line 3, the words “one ounce” and inserting in place thereof the following words:- 2
146 ounces.

147 SECTION 11. Chapter 94G of the General Laws, as so appearing, is hereby amended by striking
148 out section 3 and inserting in place thereof the following section:-

149 Section 3. (a) A city or town may adopt ordinances and by-laws under subsections 1, 3, 4 and 5
150 of this section, or the voters of the municipality may adopt one of the local acceptance provisions
151 set forth in subsection 2, imposing reasonable safeguards on the operation of marijuana
152 establishments, provided they are not unreasonably impracticable and are not in conflict with this
153 chapter or with regulations made pursuant to this chapter and that:

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

159 (2) limit the number of marijuana establishments in the city or town, except that a city or town
160 may only adopt such a restriction by accepting one or more of the following ballot questions,
161 which questions may be placed on the ballot by vote of the board of selectmen or city or town
162 council, with the approval of the mayor, and subject to a municipal charter, if applicable, at a
163 regular or special election held by the city or town:

164 (i) Shall this [city or town] prohibit the operation of 1 or more types of marijuana establishments
165 within the [city or town], a summary of which appears below?

166 The summary shall be prepared by the city solicitor or town counsel, and shall include a fair and
167 concise summary of the proposed prohibition, including identification of one or more types of
168 marijuana establishments, as that term is defined in subsection (j) of section 1 of chapter 94G,
169 subject to such prohibition, all as voted by the board of selectmen or city or town council.

170 (ii) Shall this [city or town] limit the number of marijuana retailers to fewer than 20 per cent of
171 the number of licenses issued within the [city or town] for the retail sale of alcoholic beverages
172 not to be drunk on the premises where sold under chapter 138 of the General Laws, a summary
173 of which appears below?

174 The summary shall be prepared by the city solicitor or town counsel, and shall include a fair and
175 concise summary of the proposed limitation, including, if applicable, the total number of

176 marijuana retailers, as that term is defined in subsection (n) of section 1 of chapter 94G, that will
177 be authorized to operate in the municipality, all as voted by the board of selectmen or city or
178 town council.

179 (iii) Shall this [city/town] limit the number of any type of marijuana establishment to fewer than
180 the number of medical marijuana treatment centers registered to engage in the same type of
181 activity in the [city or town], a summary of which appears below?

182 The summary shall be prepared by the city solicitor or town counsel, and shall include a fair and
183 concise summary of the proposed limitation, including, if applicable, the total number of one or
184 more types of marijuana establishments, as that term is defined in subsection (j) of section 1 of
185 chapter 94G, that will be authorized to operate in the municipality, all as voted by the board of
186 selectmen or city or town council.

187 If a majority of the votes cast in the city or town on any question under this subsection are not in
188 favor, such city or town shall not have authorized the prohibition or limitation at issue. The city
189 or town clerk shall provide notice within 30 days of local acceptance to the secretary, attorney
190 general, and treasurer of the commonwealth.

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

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

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

197 (b) A city or town that has previously adopted one of the local acceptance provisions set forth in
198 subsection (a)(2) of this section may overturn that decision by a majority vote of the governing
199 body of that municipality or by adopting the local acceptance provision set forth in this
200 subsection, which may be placed on the ballot by vote of the board of selectmen or city or town
201 council, with the approval of the mayor, and subject to a municipal charter, if applicable, at a
202 regular or special election held by the city or town:

203 (i) Shall this [city or town] repeal the limitation on marijuana establishments within the [city or
204 town] previously adopted by ballot question, a summary of which appears below?

205 The summary shall be prepared by the city solicitor or town counsel, and shall include a fair and
206 concise summary of the currently limitations, the number and type of marijuana establishments
207 that would be allowed to operate upon passage, and the estimated tax revenue generated for the
208 municipality.

209 The city or town clerk shall provide notice within 30 days of local acceptance to the secretary,
210 attorney general, and treasurer of the commonwealth.

211 If a majority of the votes cast in the city or town is in favor, such city or town may still adopt
212 ordinances and by-laws under subsections 1, 3, 4, and 5 of subsection (a) of this section.

213 (c) The city council of a city and the board of selectmen or town council of a town shall, upon
214 the filing with the city or town clerk of a petition meeting the requirements of this subsection and
215 signed by not fewer than 10 per cent of the number of voters of such city or town voting at the
216 preceding biennial state election, request that the question of whether to allow, in such city or
217 town, the sale of marijuana and marijuana products for consumption on the premises where sold

218 be submitted to the voters of such city or town, shall cause the following question to be placed
219 on the ballot:

220 Shall this [city or town] allow the sale of marijuana and marijuana products, as those terms are
221 defined in section 1 of chapter 94G for consumption on the premises where sold, a summary of
222 which appears below?

223 A fair and concise summary of the question shall be prepared by the city solicitor or town
224 counsel.

225 If a majority of the votes cast in the city or town are not in favor of allowing the consumption of
226 marijuana or marijuana products on the premises where sold, such city or town shall not have
227 authorized the consumption of marijuana and marijuana products on the premises where sold.

228 The petition shall be on a form prepared by the secretary of the commonwealth, and shall be
229 submitted forthwith after filing to the board of registrars or election commissioners who shall
230 have seven days after receipt to certify the signatures of registered voters. Upon certification of
231 the signatures, the question shall be placed upon the ballot at the next occurring regular
232 municipal or state election, provided that the question may only appear on a municipal ballot for
233 an election to be held at least 35 days after certification. To have the question appear on the
234 biennial state election, the city or town clerk must provide notice, including the ballot question
235 and summary as prepared by the city solicitor or town counsel, to the secretary of the
236 commonwealth no later than the first Wednesday in August before that election.

237 (d) No city or town shall prohibit the transportation of marijuana or marijuana products or adopt
238 an ordinance or by-law that makes the transportation of marijuana or marijuana products
239 unreasonably impracticable.

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

245 SECTION 12. Clause (9) of subsection (a) of section 4 of said chapter 94G, as so appearing, is
246 hereby amended by inserting after the word “products”, in line 54, the following words:- ,
247 requirements that prohibit the use of bright colors, cartoon characters and other features designed
248 to appeal to minors.

249 SECTION 13. Clause (10) of said subsection (a) of said section 4 of said chapter 94G, as so
250 appearing, is hereby amended by inserting after the word “product”, in line 63, the following
251 words:- , a warning that marijuana and marijuana products are illegal under federal law, a
252 standard health warning developed by the department of public health.

253 SECTION 14. Clause (13) of said subsection (a) of said section 4 of said chapter 94G, as so
254 appearing, is hereby amended by striking out the word “children”, in line 78, and inserting in
255 place thereof the following words:- a person or persons less than 21 years of age or which
256 portrays anyone less than 21 years of age.

257 SECTION 15. Subsection (a) of section 4 of said chapter 94G, as so appearing, is hereby
258 amended by striking out clauses (14) and (15) and inserting in place thereof the following 6
259 clauses:-

260 (14) procedures and requirements to enable the transfer of a license for a marijuana
261 establishment to another qualified person or to another suitable location;

262 (15) provisions for the enforcement of this chapter, including: (i) penalties for civil violations for
263 the failure to comply with a regulation made pursuant to this section or for a violation of section
264 13; (ii) for the collection of fees and penalties imposed; (iii) for the suspension of a license of a
265 marijuana establishment, including provision for allowing the continued maintenance and
266 security of marijuana and marijuana products; (iv) for the termination of the license; and (v) for
267 the appeal of civil penalties or licensing actions;

268 (16) procedures and policies to promote and encourage full participation in the regulated
269 marijuana industry by farmers;

270 (17) requirements for ensuring that marijuana testing facilities are independent from marijuana
271 cultivators, marijuana product manufacturers, marijuana retailers and craft marijuana cultivation
272 cooperatives, including a prohibition on an individual who possesses an interest in or is
273 employed by a marijuana testing facility, or an immediate family member of that individual,
274 from possessing an interest in or being employed by another marijuana establishment;

275 (18) requirements that marijuana products are not manufactured in the distinct shape of a human,
276 animal or fruit or another shape designed to be especially appealing to minors; and

277 (19) requirements that prohibit marijuana product manufacturers from altering or utilizing
278 commercially-manufactured food products when manufacturing marijuana products unless the
279 food product was commercially manufactured specifically for use by the marijuana product
280 manufacturer to infuse with marijuana; provided, however, that a commercially-manufactured
281 food product may be used as an ingredient in a marijuana product if: (i) it is used in a way that
282 renders it unrecognizable as the commercial food product in the marijuana product; and (ii) there

283 is no statement or advertisement indicating that the marijuana product contains the
284 commercially-manufactured food product.

285 SECTION 16. Said section 13 of said chapter 94G, as so appearing, is hereby further amended
286 by adding the following subsection:-

287 (h) Notwithstanding chapter 94C, a person under 21 years of age, except a qualifying patient
288 holding a valid registration card for the medical use of marijuana, who cultivates not more than
289 12 marijuana plants shall be punished by a civil penalty of not more than \$100 and shall
290 complete a drug awareness program established pursuant to section 32M of chapter 94C. If such
291 person is under the age of 18, the parents or legal guardian of such person shall be notified in
292 accordance with section 32N of said chapter 94C. If a person is under the age of 17 at the time
293 of the offense and fails to complete a drug awareness program not later than 1 year after the
294 offense, that person may be subject to delinquency proceedings.

295 SECTION 17. Section 14 of chapter 94G of the General Laws, as so appearing, is hereby
296 amended by striking out, in line 8, the words “of the General Laws” and inserting in place
297 thereof the following words:- , revenue generated by the tax imposed by section 2 of chapter 64H
298 on the sale of marijuana and marijuana products by a marijuana retailer to anyone other than a
299 marijuana establishment.

300 SECTION 18. Said section 14 of said chapter 94G, as so appearing, is hereby further amended
301 by striking out subsection (b) and inserting in place thereof the following subsection:-

302 (b) Money in the fund shall be subject to appropriation. Money in the fund shall be expended for
303 the implementation, administration and enforcement of this chapter by the commission.

304 Thereafter, money in the fund shall be expended for the following purposes: (i) public and

305 mental health; (ii) public safety; (iii) the municipal police training committee established in
306 section 116 of chapter 6; (iv) the Prevention and Wellness Trust Fund established in section 2G
307 of chapter 111; and (v) programming for restorative justice, jail diversion, and workforce
308 development or alternative education in communities disproportionately impacted by high rates
309 of arrest and incarceration for offenses under chapter 94C.

310 SECTION 19. Said chapter 94G, as so appearing, is hereby amended by inserting after section
311 14 the following section:-

312 Section 15. (a) The commission shall develop a research agenda in order to understand the social
313 and economic trends of marijuana in the commonwealth, to inform future decisions that would
314 aid in the closure of the illicit marketplace and inform the commission on public health impacts
315 of marijuana. The research agenda shall include, but not be limited to: (i) patterns of use,
316 methods of consumption and general perceptions of marijuana; (ii) incidents of impaired driving
317 and hospitalization related to marijuana use including a report of the state of the science around
318 identifying a quantifiable level of marijuana-induced impairment of motor vehicle operation; (iii)
319 economic and fiscal impacts for state and local governments, which shall include the impact of
320 legalization on the production and distribution of marijuana in the illicit market as well as costs
321 and benefits to state and local revenue; (iv) ownership and employment trends in the marijuana
322 industry examining participation by racial, ethnic and socio-economic subgroups, including
323 identification of barriers to participation in the industry; (v) a market analysis examining the
324 expansion or contraction of the illicit marketplace and the expansion or contraction of the legal
325 marketplace that includes estimates and comparisons of pricing and product availability in both
326 markets; and (vi) a compilation of data on the number of arrests, prosecutions, incarcerations and
327 sanctions imposed as a result of violations of chapter 94C for possession, distribution or

328 trafficking of marijuana or marijuana products, including identification of race, gender, country
329 of origin, state geographic region and average sanctions of the individuals charged.

330 (b) The commission shall incorporate available data into its research plan and coordinate and
331 form partnerships with the department of public health, the executive office of public safety and
332 security and the executive office of labor and workforce development. The commission shall
333 annually report on the results of its research agenda and, when appropriate, make
334 recommendations for further research or policy changes. The commission shall publish the first
335 such report not later than July 1, 2019.

336 SECTION 20. Chapter 128 of the General Laws, as so appearing, is hereby amended by adding
337 the following 7 sections:-

338 Section 116. As used in sections 116 through section 121, inclusive, the following words shall,
339 unless the context clearly requires otherwise, have the following meanings:

340 “Hemp products”, products made from industrial hemp including, but not limited to, cloth,
341 cordage, fiber, food, fuel, paint, paper, particle board, plastics, seed, seed meal, seed oil and
342 certified seed for cultivation if such seeds originate from industrial hemp varieties.

343 “Hemp”, the plant of the genus cannabis and any part of the plant, whether growing or not, with
344 a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 per cent on a dry weight
345 basis, or per volume or weight of marijuana product, or the combined per cent of delta-9-
346 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus
347 cannabis regardless of moisture content.

348 “Industrial hemp”, the plant referred to as hemp as defined in this section that is used exclusively
349 for industrial purposes including, but not limited to, the fiber and seed.

350 “Person”, a natural person, corporation, association, partnership or other legal entity.

351 Section 117. (a) Industrial hemp may be planted, grown, harvested, possessed, processed,
352 bought, sold or researched subject to sections 116 through 121. The planting, growing,
353 harvesting, possessing, processing, selling or research of industrial hemp as an agricultural
354 product shall be subject to the supervision and approval of the department pursuant to sections
355 116 through 121, inclusive.

356 (b) A person planting, growing, harvesting, possessing, processing, or selling industrial hemp for
357 commercial purposes shall: (i) be licensed by the department pursuant to section 118; and (ii)
358 only acquire hemp seeds imported from a distributor registered with the United States Drug
359 Enforcement Administration and certified by the United States Department of Agriculture.

360 (c) Hemp products may be used only for the following: (i) research purposes; and (ii)
361 commercial purposes considered reasonable by the commissioner.

362 Section 118. (a) No person, other than a person utilizing hemp products for commercial purposes
363 pursuant to subsection (c) or a person utilizing industrial hemp or hemp products for research
364 pursuant to subsection (d), may plant, grow, harvest, possess, process or sell industrial hemp
365 without a license issued by the department.

366 (b) No person may produce or distribute industrial hemp seed without a license issued by the
367 department.

368 (c) A person utilizing hemp products for commercial purposes shall register with the department.

369 (d) A person utilizing industrial hemp or hemp products for research conducted under an
370 agricultural pilot program or other agricultural or academic research shall register with the
371 department.

372 (e) An application for a license issued pursuant to subsection (a) or (b) shall include, but not be
373 limited to, the following: (i) the name and address of the applicant or applicants; (ii) the name
374 and address of the industrial hemp operation of the applicant; (iii) the global positioning system
375 coordinates and legal description of the property used for the industrial hemp operation; (iv) the
376 acreage size of the field where the industrial hemp will be grown, if applicable; (v) a written
377 consent allowing a state and federal criminal history background check to be conducted; (vi) a
378 written consent allowing the department to conduct both scheduled and random inspections of
379 and around the premises on which the industrial hemp is being sown, grown, harvested, stored
380 and processed; (vii) a nonrefundable application fee in an amount established by the
381 commissioner; (viii) all other information required pursuant to subsection (d); and (ix) any other
382 information that may be required by the commissioner.

383 (f) All records related to sections 116 through 121, inclusive, except for the address of a
384 licensee's cultivation or production facilities and any documents describing, depicting or
385 otherwise outlining a licensee's security schematics or global positioning system coordinates,
386 which are considered by the department to be confidential in nature due to their public safety
387 implications, shall be considered public records for the purposes of chapter 66 of the General
388 Laws.

389 Section 119. (a) Upon receipt, review and approval of an application for licensure pursuant to
390 section 118, the commissioner may grant an annual license upon issuance of written findings that

391 the requirements of sections 116 through 121, inclusive, and any regulations promulgated
392 pursuant to those sections are satisfied and upon the issuance of written findings that issuing the
393 license will be in the best interest of the commonwealth.

394 (b) The commissioner shall deny an application for licensure filed pursuant to section 118 if the
395 applicant: (i) fails to satisfy the minimum qualifications for licensure pursuant to sections 116
396 through 121, inclusive, and any regulations promulgated pursuant to those sections; or (ii) for
397 good cause shown.

398 Section 120. The commissioner shall suspend, revoke or refuse to renew the license of a person
399 who violates sections 116 through 121, inclusive, or any regulations promulgated pursuant to
400 those sections, following appropriate process in accordance with chapter 30A.

401 Section 121. (a) The department and the commissioner shall promulgate rules and regulations for
402 the implementation, administration and enforcement of sections 117 through 121, inclusive.

403 (b) The department may, pursuant to section 2 of chapter 30A, promulgate, amend or repeal any
404 regulation promulgated under this chapter as an emergency regulation if the regulation is
405 necessary to protect the interests of the commonwealth in regulating industrial hemp.

406 SECTION 21. Chapter 334 of the acts of 2016 is hereby amended by striking out section 8.

407 SECTION 22. Section 10 of said chapter 334 of the acts of 2016, as amended by section 351 of
408 the acts of 2016, is hereby further amended by striking out the section in its entirety and inserting
409 in place thereof the following section:-

410 "SECTION 10. The commission shall begin accepting applications not later than April 1,
411 2018."

412 SECTION 23. Said chapter 334 of the acts of 2016 is hereby further amended by striking out
413 section 11.

414 SECTION 24. The state treasurer and the attorney general shall make the initial appointments to
415 the cannabis advisory board created by section 77 of chapter 10 of the General Laws not later
416 than August 1, 2017.

417 SECTION 25. There shall be a special commission to study impaired driving due to substance
418 use other than alcohol to consist of: the executive director of the cannabis control commission,
419 who will serve as the chair; the secretary of public safety and security or a designee; the
420 president of the Massachusetts District Attorneys Association or a designee; the president of the
421 Massachusetts Chiefs of Police Association Incorporated or a designee; the chief executive
422 officer and president of the AAA Southern New England; a representative from the
423 Massachusetts Bar Association; the executive director of the American Civil Liberties Union of
424 Massachusetts, Inc., or a designee; a representative from the NAACP New England Area
425 Conference; the president of the Massachusetts Medical Society or his or her designee; 1 person
426 appointed by the secretary of the executive office of health and human services who shall have
427 medical and physiological expertise; and 1 designee from the Massachusetts Life Sciences
428 Center with expertise in scientific research on the effects and testing ability of these substances.

429 The commission shall examine a variety of areas including, but not limited to, the effects of
430 marijuana consumption on driving, the effects of prescription drugs and over the counter
431 medicine on driving, the effects of other substances on driving, the admissibility of evidence of
432 impaired driving in court proceedings, a review of the available technology that may be used to
433 detect tetrahydrocannabinol, the efficacy of establishing an impairment level for

434 tetrahydrocannabinol and a review of procedures that other jurisdictions where marijuana use is
435 legal employ to detect driving under the influence of marijuana.

436 The commission shall convene its first official meeting not later than November 1, 2017. The
437 commission shall file a report including recommendations based on their findings with the clerks
438 of the senate and house of representatives not later than July 1, 2018.

439 SECTION 26. The cannabis control commission shall establish a working group and provide
440 recommendations on how to reduce energy and water usage in the recreational marijuana
441 industry not later than April 1, 2018.

442 SECTION 27. The commission shall maintain a confidential, interoperable database including, at
443 a minimum, the qualifying patients issued a registration card for medical use of marijuana, the
444 physicians and healthcare professionals registered to issue written certifications, the names of
445 medical use cannabis establishments and the quantity of marijuana for medical use dispensed to a
446 registered qualifying patient and other pertinent information. Individual names and other
447 identifying information shall be exempt from section 10 of chapter 66, and not subject to
448 disclosure, except to employees of the commission in the course of their official duties, medical
449 use cannabis establishments to facilitate dispensing of marijuana for medical use and to state or
450 local law enforcement officials for the purposes of conducting an investigation pursuant this
451 chapter.

452 SECTION 28. The department of public health, in consultation with the cannabis control
453 commission, shall create the following science-based public awareness campaigns: (i) a
454 campaign to inform the public about responsible adult use of marijuana, including information
455 on edibles and warnings about the dangers of manufacturing marijuana products at home; and (ii)

456 a campaign to educate youth about marijuana use with a goal of decreasing the youth usage rate.
457 The public awareness campaigns shall be funded from revenues received from the Marijuana
458 Regulation Fund established in section 14 of chapter 94G.

459 SECTION 29. The executive office of public safety and security shall create public awareness
460 campaigns to: (i) educate the public about impaired driving including, but not limited to,
461 impairment by the use of marijuana; and (ii) inform people eligible to have their records sealed
462 as a result of changes to criminal laws resulting from marijuana decriminalization and
463 legalization. The public awareness campaign shall be funded from revenues received from the
464 Marijuana Regulation Fund established in section 14 of chapter 94G of the General Laws

465 SECTION 30. Notwithstanding any general or special law to the contrary, a person licensed as of
466 July 1, 2017 to dispense medical use cannabis, or an application pending before the department
467 of public health which has not received provisional or final certification of registration, shall be
468 entitled to convert from a non-profit corporation organized pursuant to chapter 180 of the
469 General Laws into a domestic business corporation or a domestic other entity pursuant to chapter
470 156 of the General Laws, or any other such domestic business entity as permitted by the General
471 Laws, by adopting a plan of entity conversion in accordance with section 9.51 of chapter 156D
472 of the General Laws approved by a vote of 2/3 of the members of its board of directors at a
473 meeting duly called for the purpose or by unanimous written consent; provided, however, that
474 notwithstanding any law to the contrary, a plan of entity conversion adopted by a medical use
475 cannabis licensee or an application for a medical use cannabis license pending before the
476 commission which has not received provisional or final certification of registration shall not be
477 required to be approved in accordance with the organic law of the non-profit corporation
478 organized under said chapter 180. Articles of entity conversion shall be signed and submitted to

479 the secretary of the commonwealth in the manner prescribed in and subject to section 9.53 and
480 section 9.55 of said chapter 156D on a form prescribed by the secretary of the commonwealth,
481 and the secretary of the commonwealth shall approve all such filings submitted pursuant to this
482 section. For the purposes of converting from a non-profit corporation organized pursuant to said
483 chapter 180 into a domestic business corporation or a domestic other entity pursuant to said
484 chapter 156, notwithstanding any provision in the articles of organization applications pending
485 before the commission which have not received provisional or final certification of registration
486 to the contrary, the members of its board of directors may determine that such plan of entity
487 conversion is consistent with its purpose and such non-profit corporation shall be entitled to
488 surrender its articles of organization in connection with the plan of entity conversion.

489 Notwithstanding any law to the contrary, neither the entity conversion nor the issuance of shares,
490 interests, or other securities, obligations, rights to acquire interests or other securities, cash, other
491 property or any combination of the foregoing, set forth in or resulting from the plan of entity
492 conversion, shall be subject to taxation or result in the imposition of a tax by the commonwealth.

493 SECTION 31. Notwithstanding any general or special law to the contrary, for the purposes of
494 reviewing and approving an application for an adult use cannabis license, the commission shall
495 identify applicants who are holders of a provisional or final certificate of registration pursuant to
496 chapter 369 of the acts of 2012 and accompanying regulations. The commission shall consider
497 issuance of a provisional or final certificate of registration as achievement of accreditation status.
498 The commission shall ensure an expedited review process for applicants for an adult use
499 cannabis license who have achieved accreditation status and shall only require that such
500 applicants submit specific information not previously required, analyzed, approved and
501 recognized by the department of public health.

502 SECTION 32. Notwithstanding subsection (d) of section 76 of chapter 10 of the General Laws,
503 the initial appointments to the cannabis control board by the governor and the attorney general
504 shall be for 3 years and the initial appointments by majority vote of the state treasurer, governor
505 and attorney general shall be for 2 years.

506 SECTION 33. (a) As used in sections 33 through 37, the following terms shall, unless the
507 context clearly requires otherwise, have the following meanings:-

508 “Commission”, the cannabis control commission established pursuant to chapter 10A of the
509 General Laws.

510 “Department”, the department of public health.

511 “Program”, the department’s medical use of marijuana program.

512 (b) Notwithstanding any general or special law to the contrary, the department and the
513 commission shall develop and implement a transfer agreement providing for the orderly transfer
514 of the program, including personnel, from the department to the commission. Upon the
515 assumption of the outstanding liabilities, obligations and debt of the program by the commission,
516 the program shall be dissolved and, without further conveyance or other act, all the assets,
517 liabilities, obligations and debt, as well as all rights, powers and duties of the program shall be
518 transferred to, and assumed by, the commission.

519 (c) On the date of the transfer required by subsection (a): (i) ownership, possession and control
520 of all personal property, including, but not limited to, all equipment, books, papers,
521 memorandums, files, maps, plans, records and documents of whatever description pertaining to
522 the operation of the program which are in the possession of the program or department or

523 employees thereof shall pass to, and be vested in, the commission without consideration or
524 further evidence of transfer; and, (ii) all duly existing contracts or obligations of the program
525 which remain in force immediately before the effective date of the transfer pursuant to
526 subsection (a) shall be considered obligations of the commission. The commission may exercise
527 all rights and enjoy all interests conferred upon the program or department by such contracts or
528 obligations. In the case of collective bargaining agreements, obligations under the agreements
529 shall expire on the stated date of expiration of those agreements.

530 (d) The department shall transfer the program to the commission upon receipt of written
531 certification from the commission that the commission has in place the legal and regulatory
532 framework to regulate and oversee medical marijuana without disruption to the medical
533 marijuana industry or patient access to medical marijuana, or on December 31, 2018, whichever
534 occurs first.

535 The transfer of the assets, liabilities, obligations and debt of the program to the commission shall
536 be effective upon execution of the transfer agreement authorized herein and shall bind all persons
537 with or without notice and without any further action or documentation.

538 (e) Each employee of the program whose salary is paid partially or in full by revenues generated
539 by the program and whose salary is accounted for on the books of the program as arising from
540 revenue generated by the program as of June 1, 2017 shall become an employee of the
541 commission upon execution of the transfer agreement authorized herein, or on December 31,
542 2018, whichever occurs first.

543 (f) All applications submitted and other proceedings appropriately and duly brought before the
544 program before the effective date of this act shall continue unabated and remain in force, but
545 shall be assumed and completed by the commission.

546 SECTION 34. (a) Notwithstanding any general or special law to the contrary, each employee of
547 the program shall become an employee of the commission upon the execution of the transfer
548 agreement required pursuant to section 21, or on January 1, 2019, whichever occurs first.

549 (b) All officers and employees of the program who are transferred to the service of the
550 commission shall be transferred without impairment of seniority, retirement or other statutory
551 rights of employees, without loss of accrued rights to holidays, sick leave, vacation and other
552 benefits, except as otherwise provided in this act. Terms of service of employees of the program
553 shall not be considered interrupted by virtue of transfer to the commission.

554 (c) Nothing in this section shall be construed to confer upon any employee of the program any
555 right not held immediately before the date of said transfer to the commission, or to prohibit any
556 reduction of salary grade, transfer, reassignment, suspension, discharge, layoff or abolition of
557 position not prohibited before such date.

558 SECTION 35. Notwithstanding any general or special law to the contrary, the terms and
559 conditions of a collective bargaining agreement that is in effect upon transfer of the program
560 with respect to employees of that program shall continue in effect until the stated expiration date
561 of the agreement, at which point the agreement shall expire; provided, however, that all such
562 employees shall retain their right to collectively bargain pursuant to chapter 150E of the General
563 Laws and shall be considered employees of the cannabis control commission established
564 pursuant to chapter 10A for the purposes of said chapter 150E. Upon the effective date of this

565 act, the program shall not engage in negotiations for future collective bargaining agreements with
566 employees of the program.

567 The personnel administrator of the commonwealth, in consultation with the commission, shall
568 complete a study of job titles in the program. The personnel administrator, in consultation with
569 the commission, shall determine the appropriate job titles for former employees of the program
570 transferred to the commission. Employees transferred to the commission shall be placed in job
571 positions as determined by the personnel administrator, and shall be paid wages and receive
572 benefits consistent with the bargaining unit contract governing such job positions. Employees not
573 transferred to the commission shall be released pursuant to an applicable collective bargaining
574 agreement or policy in place upon the effective date of this act.

575 SECTION 36. Notwithstanding any general or special law to the contrary, on and after the
576 effective date of this act, the program shall not enter into a contract to employ a person as an
577 employee or officer beyond December 31, 2018.

578 SECTION 37. Notwithstanding any general or special law to the contrary, any order, rule, or
579 regulation duly promulgated, or any license, permit, certificate or approval duly granted, by or on
580 behalf of the program, shall continue in effect and shall be enforced by the commission until its
581 expiration or until superseded, revised, rescinded or cancelled by the commission.