

HOUSE No. 152

The Commonwealth of Massachusetts

PRESENTED BY:

Bradford Hill

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to preventing the health harms of marijuana products.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>2/18/2021</i>

HOUSE No. 152

By Mr. Hill of Ipswich, a petition (accompanied by bill, House, No. 152) of Bradford Hill relative to health harms of marijuana products. Cannabis Policy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to preventing the health harms of marijuana products.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 94G of the General Laws is hereby amended by
2 inserting the following:

3 “Characterizing flavor” means addition of Perceptible taste or aroma post-harvest or use
4 of a brand or product name, language or image suggestive of a particular taste or aroma
5 imparted by Marijuana or a Marijuana Product including, without limitation, tastes or aromas
6 relating to any fruit, chocolate, vanilla, honey, candy, dessert, alcoholic beverage, menthol, mint,
7 wintergreen, herb, nut or spice. Marijuana or a marijuana product is presumed to have a
8 characterizing flavor if a marijuana retailer, manufacturer, manufacturer’s agent or employee
9 has: 1) made a statement or claim directed to consumers or the public, whether expressed or
10 implied, that the Marijuana or Marijuana Product or an emission or byproduct thereof, smells or
11 tastes different from Marijuana, or (2) taken action that would be reasonably expected to result in
12 consumers receiving the message that the Marijuana or marijuana, or an emission or byproduct
13 thereof, smells or tastes different from marijuana.

14 “Marijuana concentrate” means a product derived from marijuana that is produced by
15 extracting or concentrating cannabinoids from the plant through the use of: (i) Solvents; (ii)
16 Carbon dioxide; or (iii) Heat, screens, presses, or distillation.

17 “Perceptible” means perceivable by the sense of taste or smell.

18 “Potency” means the percent of active tetrahydrocannabinol (THC) by weight in cannabis
19 flowers or marijuana concentrates. The commission shall determine the criteria to measure
20 potency, including but not limited to consideration of both active form of THC, delta-9-
21 tetrahydrocannabinol (D9THC), and tetrahydrocannabinol acid (THCA), the D9THC precursor,
22 by using the following equation: $[D9THC + (THCa \times 0.877)]$ or other criteria determined by The
23 Commission.

24 “Tincture” means a cannabis-infused solution derived either directly from the cannabis
25 plant or from a processed cannabis extract that is combined with 50 percent or greater food grade
26 ethyl alcohol, glycerin, or vegetable oils that: (i) are distributed in a dropper bottle of 4 ounces or
27 less; and (ii) contain no additional non-cannabis ingredients except potable water, unless
28 approved by the Massachusetts Department of Public Health.

29 SECTION 2. Subsection (a1/2) of section 4 of chapter 94G of the General Laws is hereby
30 amended by striking clause (xxv) and inserting in place thereof the following:

31 (xxv) requirements for reasonable THC potency limits for each type of marijuana product
32 sold by a licensee and reasonable potency or dosing limits for marijuana concentrates and edible
33 products, that shall, at a minimum, include: (1) a prohibition on marijuana flower with potency in
34 excess of 10% THC; (2) a prohibition on marijuana concentrates intended for inhalation
35 following vaporization or combustion that exceed 5mg THC per metered serving, or with

36 potency exceeding 10%; (3) a prohibition on concentrated forms of marijuana products which
37 fail to clearly provide metered, or otherwise measured, standard delivered servings of 5 mg THC;
38 (4) a prohibition on packages of marijuana concentrate that exceed 20 metered or measured
39 servings of 5 mg; (5) a prohibition on any marijuana product with added sweeteners; (6) a
40 prohibition on any marijuana product with a characterizing flavor for which the primary use is
41 human inhalation of the gases, particles, vapors or byproducts released as a result of the
42 combustion, electrical ignition, or vaporization of the flavored marijuana product; (7) a
43 prohibition on any inhalable cannabinoid product containing non-cannabis-derived substances,
44 including flavors, non-cannabis terpenes, and/or chemicals that alter a legal THC product's
45 consistency, texture, or viscosity; (8) a prohibition on any liquid marijuana products intended for
46 consumption by mouth, except for tinctures; (9) a prohibition on components to strengthen the
47 intoxicating psychological effects of any marijuana product.

48 SECTION 3. Subsection (a1/2) of section 4 of chapter 94G of the General Laws is hereby
49 amended by striking clause (xxvi) and inserting in place thereof the following:

50 (xxvi) requirements for the labeling of a package containing marijuana or marijuana
51 products that shall, at a minimum, include: (1) a symbol or easily recognizable mark issued by
52 the commission that indicates the package contains marijuana or a marijuana product; (2) a
53 symbol or other easily recognizable mark issued by the commission on the package indicating to
54 children that the product is harmful to children; (3) the name and contact information of the
55 marijuana cultivator or the marijuana product manufacturer who produced the marijuana or
56 marijuana product; (4) the results of sampling, testing and analysis conducted by a licensed
57 independent testing laboratory; (5) a seal certifying the marijuana meets such testing standards;
58 (6) a unique batch number identifying the production batch associated with manufacturing,

59 processing, and cultivating; (7) a list of ingredients and possible allergens; (8) in bold, the
60 amount of delta-nine-tetrahydrocannabinol (Δ 9-THC) in the package and in each serving of a
61 marijuana product as expressed in absolute terms and as a percentage of volume; (9) the number
62 of servings in a package if there are multiple servings; (10) a use-by date, if applicable; and (11)
63 the following statement, including capitalization: "This product has not been analyzed or
64 approved by the FDA. There is limited information on the side effects of using this product, and
65 there may be associated health risks. Marijuana use during pregnancy and breast-feeding may
66 pose potential harms. It is against the law to drive or operate machinery when under the
67 influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN.**"; and (12)
68 comprehensive prominent rotating health warnings, based on the best available research on what
69 constitutes effective warnings for transmitting knowledge and achieving behavior change from
70 tobacco and cannabis warning research, including pictorial warnings if supported. These
71 regulations shall be periodically updated based on emerging science on cannabis and on warning
72 communication best practices. These warnings must also include the increased risk of psychosis,
73 schizophrenia, and suicide with use of THC-containing marijuana products, especially when
74 initiated young or used frequently.

75 SECTION 4. Section of chapter 94G of the General Laws is hereby amended by striking
76 clause (a) and inserting in place thereof the following:

77 (a) The commission shall develop a research agenda in order to understand the social and
78 economic trends of marijuana in the commonwealth, to inform future decisions that would aid in
79 the closure of the illicit marketplace and to inform the commission on the public health impacts
80 of marijuana. The research agenda shall include, but not be limited to: (i) patterns of use,
81 methods of consumption, sources of purchase and general perceptions of marijuana among

82 minors, among college and university students and among adults; (ii) incidents of impaired
83 driving, hospitalization and use of other health care services related to marijuana use, including a
84 report of the state of the science around identifying a quantifiable level of marijuana-induced
85 impairment of motor vehicle operation and a report on the financial impacts on the state
86 healthcare system of hospitalizations related to marijuana; (iii) marijuana-related Emergency
87 Department visits and hospitalizations to include those accessing psychiatric emergency services;
88 (iv) prevalence of cannabis-induced psychosis and cannabis use disorder in Massachusetts; (v)
89 testing for THC and THC metabolites, including 11-OH THC, in all suicides and homicide
90 perpetrators; (vi) prevalence of marijuana use by those in the juvenile justice population, as
91 measured by testing for THC and 11-OH THC, at the time of entry into the juvenile justice
92 system; (vii) economic and fiscal impacts for state and local governments including the impact
93 of legalization on the production and distribution of marijuana in the illicit market and the costs
94 and benefits to state and local revenue; (viii) ownership and employment trends in the marijuana
95 industry examining participation by racial, ethnic and socioeconomic subgroups, including
96 identification of barriers to participation in the industry; (ix) a market analysis examining the
97 expansion or contraction of the illicit marketplace and the expansion or contraction of the legal
98 marketplace, including estimates and comparisons of pricing and product availability in both
99 markets; (x) a compilation of data on the number of incidents of discipline in schools, including
100 suspensions or expulsions, resulting from marijuana use or possession of marijuana or marijuana
101 products; and (xi) any Massachusetts assessment of youth substance use shall include questions
102 about the types and consumption methods of marijuana products being used, frequency of
103 marijuana use, and marijuana-related psychosis symptoms; and (xii) a compilation of data on the
104 number of civil penalties, arrests, prosecutions, incarcerations and sanctions imposed for

105 violations of chapter 94C for possession, distribution or trafficking of marijuana or marijuana
106 products, including the age, race, gender, country of origin, state geographic region and average
107 sanctions of the persons charged.

108 SECTION 5. Section 14 of chapter 94G of the General Laws is hereby amended by
109 striking clause (b) and inserting in place thereof the following:

110 (b) Money in the fund shall be subject to appropriation. Money in the fund shall be
111 expended for the implementation, administration and enforcement of this chapter by the
112 commission and by the department of agricultural resources for the implementation,
113 administration and enforcement of sections 116 to 123, inclusive, of chapter 128 and the
114 provision of pesticide control pursuant to chapter 132B. Thereafter, money in the fund shall be
115 expended for: (i) public and behavioral health including but not limited to, evidence-based and
116 evidence-informed substance use prevention and treatment and substance use early intervention
117 services in a recurring grant for school districts or community coalitions who operate on the
118 strategic prevention framework or similar structure for youth substance use education and
119 prevention; (ii) at least \$3,000,000 dollars of cannabis tax revenues annually shall go to the
120 Massachusetts Department of Public Health and be used for research, development and
121 implementation of mass and social media campaigns to educate the public on health risks
122 associated with marijuana/THC consumption, including but not limited to, the risks to mental
123 health (e.g. increased risk of psychosis, schizophrenia, suicidal thoughts, etc), risk of use during
124 pregnancy, risks of early use, and use of high potency products to include risks of home
125 extraction of marijuana concentrates. The vendor selected for this public health awareness
126 campaign shall have experience with similar campaigns and shall be selected jointly by the
127 Department of Public Health and Department of Mental Health. (iii) public safety; (iv) municipal

128 police training; (v) the Prevention and Wellness Trust Fund established in section 2G of chapter
129 111; and (vi) programming for restorative justice, jail diversion, workforce development,
130 industry specific technical assistance, and mentoring services for economically-disadvantaged
131 persons in communities disproportionately impacted by high rates of arrest and incarceration for
132 marijuana offenses pursuant to chapter 94C.