

**HOUSE . . . . . No. 3195**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Denise Provost*

*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 improving taxation and regulation of marijuana.

PETITION OF:

NAME:

*Denise Provost*

DISTRICT/ADDRESS:

*27th Middlesex*

**HOUSE . . . . . No. 3195**

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By Ms. Provost of Somerville, a petition (accompanied by bill, House, No. 3195) of Denise Provost relative to the regulation and taxation of marijuana. Marijuana Policy.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act improving taxation and regulation of marijuana.

*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 3 of Chapter 334 of the acts of 2016 is hereby amended by striking  
2 all language in Section 3 of Chapter 334 of the acts of 2016 that inserted Section 76 and Section  
3 77 of Chapter 10 of the General Laws.

4           SECTION 2. Section 4 of chapter 334 of the acts of 2016, is hereby amended by striking  
5 out the figure “4.” and inserting in place thereof the following figure: “3.”

6           SECTION 3. State excise imposition; rate; payment. Section 2 of Chapter 64N of the  
7 General Laws inserted by Chapter 334 of the acts of 2016, is hereby amended by striking out the  
8 words “rate of 3.75” and inserting in place thereof the following words: “rate of 2.0”

9           SECTION 4. Said section 2 of Chapter 64N of the General Laws inserted by Chapter 334  
10 of the acts of 2016, is hereby further amended by striking out the words “General Laws” and  
11 inserting in place thereof the following words: “General Laws. The provisions of chapter 64I of

12 the General Laws shall apply to the storage, use or other consumption in the commonwealth of  
13 marijuana.”

14 SECTION 5. Application of tax revenue. Section 5 of Chapter 64N of the General Laws  
15 inserted by Chapter 334 of the acts of 2016, is hereby amended by striking out the word  
16 “appropriation. ” and inserting in place thereof the following words: “appropriation. Of the tax  
17 collected pursuant to Chapters 64H and 64I of the General Laws, less all amounts allowed as  
18 refunds and abatement, 12.5% shall be credited to the Agricultural Reserve and Security Fund  
19 established in section 2III of chapter 29 of the General Laws and 12.5% shall be credited to the  
20 Commonwealth Substance Abuse Prevention and Treatment Fund established in section 2BBBB  
21 of chapter 29 of the General Laws and spent for the purposes thereof subject to appropriation by  
22 the legislature.”

23 SECTION 6. Section 5 of chapter 334 of the acts of 2016, is hereby amended by striking  
24 out the figure “5.” and inserting in place thereof the following figure: “4.”

25 SECTION 7. Section 1 of chapter 94C of the General Laws is amended by inserting after  
26 the words “any part of the plant” the following words, “that contain tetrahydrocannabinol.”  
27 Section 1 is further amended by inserting after the word “resin” the following words, “that  
28 contain tetrahydrocannabinol” Section 1 is further amended by amending the definition of  
29 "Tetrahydrocannabinol" by striking the words “except when it has been established that the  
30 concentration of delta-9 tetrahydrocannabinol in said marijuana exceeds two and one-half per  
31 cent.”

32 SECTION 8. Subsection (a) of section 1 of chapter 94G of the General Laws, inserted by  
33 section 5 of chapter 334 of the acts of 2016, is hereby amended by striking out the figure “(a)”  
34 and inserting in place thereof the following figure “(c)”

35 SECTION 9. Section 1 of Chapter 94G of the General Laws is hereby amended by  
36 inserting the figure and words: “ (a) “Cannabis café”, an establishment licensed as a common  
37 victualler or innholder pursuant to section 2 of chapter 140 and licensed pursuant to this chapter  
38 to engage in retail sale of marihuana including foods prepared with marijuana as an ingredient  
39 for consumption by customers on the premises.”

40 Section 2. Subsection (a) of section 1 of chapter 94G of the General Laws is hereby  
41 amended by striking out the figure “(a)” and inserting in place thereof the following figure “(b)”

42 Section 3. Subsection ( c) of section 1 of Chapter 94G is repealed.

43 Section 4. Subsection (b) of section 1 of chapter 94G of the General Laws is hereby  
44 amended by striking out the figure “(b)” and inserting in place thereof the following figure “(c)”

45 Section 5. Said subsection (i) of section 1 of chapter 94G of the General Laws is hereby  
46 further amended by striking out the words “”Marijuana cultivator”, an entity” and all words  
47 thereafter and inserting in place thereof the following words “ “Marijuana cultivator”, an entity  
48 or a farmer who intends to sell marijuana seeds, plants or marijuana whether at wholesale to  
49 marijuana product producers or retailers, or to persons 21 years of age registered with the  
50 commissioner as a retailer in accordance with chapter 94G G.L.”

51           Section 6. Said subsection (j) of section 1 of chapter 94G of the General Laws is hereby  
52 further amended by striking out the word: “retailer” in the definition for “Marijuana  
53 establishment” and inserting in place thereof the following words: “retailer or cafe”

54           Section 7. Section 1 of chapter 94G of the General Laws is hereby amended by inserting  
55 the figure and words: (q) “Marijuana farm”, a parcel of 5 acres or more, or a parcel of 2 acres or  
56 in an area zoned for agriculture, horticulture, floriculture or viticulture as set forth in the first  
57 paragraph of section 3 of chapter 40A of the Section 16. General Laws G.L. c. 40A, on which a  
58 farmer intends to cultivate cannabis registered with the commissioner of agricultural resources.”

59           Section 8. Section 1 of chapter 94G of the General Laws is hereby amended by inserting  
60 the figure and words: (r) “Marijuana farmer’s market”, a public market for the primary purpose  
61 of connecting and mutually benefiting Massachusetts marihuana farmers, communities, and adult  
62 shoppers while promoting and selling products grown and raised by participating farmers.”

63           Section 9. Said subsection (k) of section 1 of chapter 94G of the General Laws is hereby  
64 further amended by striking out all language after the words: “Marijuana product manufacturer”  
65 and inserting in place thereof the following words: “a person or business entity licensed by the  
66 department of public health under Chapter 94G Section 4 (b), as described in SECTION 14,  
67 authorized to purchase marijuana at wholesale from a marijuana farmer for the purpose of  
68 manufacturing and selling marijuana products to a marijuana retailer.”

69           Section 10. Said subsection (n) of section 1 of chapter 94G of the General Laws is hereby  
70 further amended by striking all language in the definition for “Marijuana retailer” and inserting  
71 in place thereof the following words: “a person, or an entity, including a cannabis café, licensed  
72 to purchase and deliver marijuana, raw marijuana, and marijuana products from marijuana

73 establishments and to deliver, sell or otherwise transfer marijuana, raw marijuana, and marijuana  
74 products from marijuana establishments and to consumers, and who has registered each location  
75 at which sales are conducted with the commissioner as required under this chapter.”

76 Section 11. Section 1 of chapter 94G of the General Laws is hereby amended by inserting  
77 the figure and words: (s) “Medical marijuana treatment center” or “MMTC”, a not-for-profit  
78 entity established pursuant to Chapter 369 of the Acts of 2012 and department of public health  
79 regulations.”

80 Section 12. Section 1 of chapter 94G of the General Laws is hereby amended by inserting  
81 the figure and words: (t) “Raw marijuana”, the plant severed from its roots, including the leaves  
82 and flowers, recognizable as vegetable matter.”

83 Section 13. Section 1 of chapter 94G of the General Laws is hereby amended by inserting  
84 the figure and words: (u) “Secret shopper program”, at a minimum, 6 visits per year to a retail  
85 sales outlet by a person retained by a retailer, where the person poses as a customer in order to  
86 ensure compliance by the outlet's employees with laws prohibiting the sale of marijuana or  
87 marijuana products to juveniles and minors, with each visit made on a different day and at a  
88 different time, and, where practical, to a different outlet employee.”

89 SECTION 10. Subsection (e) of section 2 of chapter 94G of the General Laws, inserted  
90 by section 5 of chapter 334 of the acts of 2016, is hereby amended by striking out the word  
91 “employees.” and inserting in place thereof the following words:- o employees, provided that the  
92 employer maintains employment practices regarding adult off-duty consumption of marijuana  
93 that is treated equal to their employment practices regarding adult off-duty consumption of

94 alcoholic beverages, unless the employer proves that equal treatment in such activities would  
95 cause loss of monetary benefit under federal law or regulations.

96 SECTION 11. Section 1. Section 3 of chapter 94G of the General Laws, inserted by  
97 section 5 of chapter 334 of the acts of 2016, is hereby amended by inserting the following figures  
98 and language: “No municipality shall enact any bylaw or ordinance, rule or regulation that  
99 imposes additional requirements upon: marijuana farms than imposed upon any other farm  
100 engaged in horticulture; marijuana farmer’s market on an appropriate site, except that the  
101 municipal licensing authority may require a daily fee for a license to hold such a farmer’s  
102 market, not to exceed \$100; marijuana products producers than imposed upon any other food  
103 processing use, or additional requirements on retailers than those imposed upon sellers of  
104 tobacco products; cannabis cafés beyond those imposed upon common victuallers licensed to sell  
105 alcoholic beverages for on-premises consumption. No municipality shall enact any bylaw or  
106 ordinance, rule or regulation that prohibits the use by lawful owners or tenants 21 years of age or  
107 older of residential property in the exercise of their right to cultivate marijuana, possess it for  
108 their personal use and that of their household members and guests 21 years of age and older that  
109 imposes additional requirement upon such use. No municipality shall enact any bylaw, ordinance  
110 or regulation that imposes any penalty greater than that imposed upon those possessing an open  
111 container of alcoholic beverage in public, for publicly consuming marihuana or for displaying an  
112 open container of marijuana or marijuana product in public, and any such ordinance or bylaws  
113 shall in the first instance be enforced by the noncriminal disposition process in section 21D of  
114 chapter 40 of the General Laws.”

115 Section 2. Section 3 of Chapter 94G is further amended by adding, after paragraph (d) the  
116 following new paragraph, (e) Licenses of cannabis cafés authorizing sale of marijuana to be

117 consumed on premises; suspension or revocation; hours of sale; liability insurance; excise tax on  
118 gross sales In any municipality that approves the licensing of cannabis cafés the local licensing  
119 authority shall grant licenses. No license shall be granted for more than 1 year and may be  
120 renewed annually. Notwithstanding the provisions of section 22 of chapter 270, the patrons may  
121 smoke marijuana and marijuana products in such licensed premises. A cannabis café may allow a  
122 patron to retain and take off the premises only so much as may remain of marijuana or marijuana  
123 product purchased by them in conjunction with a meal and not totally consumed during such  
124 meal. Such remaining marijuana or marijuana product must be sealed in a one-time-use tamper-  
125 proof transparent bag, with a receipt affixed thereto that prominently displays the date of  
126 purchase of the meal and the purchase of the marijuana or marijuana product. The local licensing  
127 authority may impose a fee no greater than that imposed on applicants for a license for an on-  
128 premises all-alcoholic-beverages license. It may also establish a process similar to but no more  
129 rigorous than that imposed on an applicant for an on premises all-alcoholic-beverages license.  
130 Upon approval of a license the licensing authorities shall set the hours during which the café may  
131 be open for business during which marijuana may be served, either generally or specially for  
132 each licensee; provided, however, that no license shall authorize operation between the hours of  
133 2 a.m. and 8 a.m. and that no such licensee shall be barred from being open between the hours of  
134 11 a.m. and 11 p.m.; provided, further, that any such licensee or the licensee's manager shall not  
135 be prohibited from being on the licensed premises at any time; provided, further, that the  
136 employees, contractors or subcontractors shall not be prohibited from being upon such premises  
137 at any time for the purpose of cleaning, making renovations, making emergency repairs to or  
138 providing security for such premises or preparing food for the day's business or opening or  
139 closing the business in an orderly manner. The licensing authority shall not decrease the hours



140 during which sales may be made by a licensee until after a public hearing concerning the public  
141 need for such decrease; provided, however, that a licensee affected by any such change shall be  
142 given 2 weeks notice of the public hearing. The licensee shall cause to be displayed a copy of the  
143 certificate of licensure. A license granted under this section may be suspended or revoked for  
144 cause by the local licensing authority after notice and a hearing; however, no action shall be  
145 taken on account by such authority with respect to that business's common victualler's license. A  
146 licensee aggrieved by the action of a local authority suspending or revoking such license may  
147 appeal within 30 days to the superior court division having jurisdiction in accordance with  
148 section 14 of chapter 30A. The local licensing authorities may accept the surrender of a license  
149 issued under this section, but no refund of any fees paid shall be authorized. No license issued  
150 under this section shall be subject to any condition or requirement varying the occupancy of the  
151 licensed premises as certified by any person or state or local agency charged with the  
152 administration or enforcement of the state building code or any of its rules or regulations. A  
153 licensee may provide on-premises sample marijuana tasting; provided, however, that the licensee  
154 shall not solicit orders for off-premises consumption; and provided further, that any such tasting  
155 shall be limited to one-twentieth of a gram, and food shall be served in conjunction with any  
156 such tasting. The licensee shall register the location with the commissioner under section 67 of  
157 chapter 62C. In addition to the tax imposed by section 64N on marijuana not infused into a meal  
158 and the tax on meals imposed by chapter 64H and if applicable 64L, there shall be levied,  
159 assessed and collected an excise at the rate of 0.75 per cent of such taxpayer's gross receipts. No  
160 license shall be issued or renewed under this section until the applicant or licensee provides  
161 proof of coverage under a liability bond or general liability insurance policy for bodily injury or  
162 death for a minimum amount of \$1,000,000 on account of injury to or death of 1 person, and

163 \$2,500,000 on account of any 1 accident resulting in injury to or death of more than 1 person.  
164 Proof of the insurance coverage required by this section shall be made by filing a certificate of  
165 insurance in a form acceptable to the local licensing authority. The insurance shall be subject to  
166 sections 5 and 6 of chapter 175A of the General Laws. The number of licenses issued in any city  
167 or town under this section and section 63 may not exceed the number of licenses it may issue for  
168 the sale of alcoholic beverages for on premises consumption.

169 SECTION 12. -Section 4 of Chapter 94G of Chapter 334 of the acts of 2016 is hereby  
170 amended by striking all figures and language in Section 4 of the General Laws, inserted by  
171 section 5 of Chapter 94G of Chapter 334 of the acts of 2016 that inserted Section 76 and Section  
172 77 of Chapter 10 of the General Laws, and inserting in place thereof the following figures and  
173 language: “Section 4. Registration of Retailers”

174 SECTION 13. Section 4 of Chapter 94G of the General Laws, inserted by section 5 of  
175 Chapter 334 of the acts of 2016 is hereby amended by inserting subsection (a) and the following  
176 language: “Regulatory authority for the promulgation of regulations for marijuana shall be  
177 placed within the following agencies: Department of Agricultural Resources (DOAR),  
178 Department of Revenue (DOR), and the Department of Public Health (DPH). Marijuana  
179 cultivators shall be regulated by DOAR and DOR. Marijuana product manufacturers shall be  
180 regulated by DPH and DOR. Marijuana retailers shall be regulated by the DOR.”

181 SECTION 14. Section 4 of Chapter 94G of the General Laws, inserted by section 5 of  
182 Chapter 334 of the acts of 2016 is hereby amended by inserting subsection (b) and the following  
183 language: “No person shall engage in the business of a marijuana products producer unless each  
184 place of business is licensed by the department of public health, which license shall be granted if

185 the applicant establishes that it will prepare, test, package and label its products in conformance  
186 with the department’s regulations for MMTCs as amended from time to time. For the first year  
187 after the effective date of this act the annual fee for such a license shall be \$1,500.00 for each  
188 place of business. Thereafter, pursuant to chapter 94G of the General Laws, the secretary of  
189 administration and finance shall establish the annual fee, but in no event shall it increase more  
190 than 50% from year to year.”

191 SECTION 15. Section 4 Chapter 94G of the General Laws, inserted by section 5 of  
192 Chapter 334 of the acts of 2016 is hereby amended by inserting subsection (c) and the following  
193 language: “No person shall engage in the business of retail sale of marijuana unless a registration  
194 shall have been issued to him for each place of business in accordance with section 67 of chapter  
195 62C. Such registration shall specify as the tax type “sales tax on marijuana.” A MMTC may  
196 register as a retailer and collect sales tax only from adults not registered as a patient.”

197 SECTION 16. Section 5 and Section 6 of . Chapter 94G of the General Laws, inserted by  
198 section 5 of Chapter 334 of the acts of 2016 are repealed.

199 SECTION 17. Section 1. Chapter 94G of the General Laws, inserted by section 5 of  
200 Chapter 334 of the acts of 2016 is amended by adding the following new Section, Section 5. (a)  
201 No person shall cultivate marijuana for commercial purposes unless the land on which it is  
202 grown is registered with the department of agricultural resources as a marijuana farm under  
203 chapter 128, section 116 and the marijuana farmer is registered with the commissioner. The  
204 marijuana farmer shall comply with all general laws applicable to the cultivation of plants  
205 intended as food for human consumption and shall prepare raw marijuana intended for sale to

206 marijuana products producers, retailers or retailed directly to persons over the age of 21 as  
207 required by general law for the preparation of produce for human consumption.

208 Section 2. (b) Chapter 128 of the general laws is amended by adding the following, Every  
209 marijuana farm as defined in section 1 of chapter 94G shall be registered with the commissioner,  
210 the fee for which shall be \$100, and such registration shall expire on March 31st of the year  
211 following the date of issuance, unless sooner revoked. Chapter 128 is further amended by adding  
212 the following section:

213 Section 3. (c) Annually on or before the 31st day of December all registered marijuana  
214 farms shall in a manner prescribed by the commissioner report their yield per acre by weight of  
215 seed and stalk, and the identity of each marijuana product manufacturer and marijuana retailer, as  
216 defined in section 1 of chapter 94G, who purchased marijuana from them, the amount of  
217 marijuana sold to them by weight and the purchase price and the amount of marijuana by weight  
218 sold by the farm at retail and the purchase price.

219 SECTION 19. 94G of Chapter 334 of the acts of 2016 is hereby amended by inserting the  
220 following new Section, Section 6: (A) Retailers shall

221 (a) deny persons under the age of 21 access to rooms in which marijuana or marijuana  
222 products are displayed for sale by verifying by means of valid government issued photographic  
223 identification that each person entering the sales room is 21 years of age or older and repeating  
224 the verification prior to sale—no such verification is required for any person who appears 27  
225 years of age or older—and, if employing 6 or more persons, shall undertake an in-house secret  
226 shopper program as a routine part of its business to test implementation and compliance with this  
227 age verification requirement;

228 (b) not use vending machines or any other electronic or mechanical device to effectuate  
229 sales of marijuana or marihuana products;

230 (c) not use self-service displays of marijuana or marijuana products;

231 (d) not display marijuana or marijuana products exposed for sale to persons outside the  
232 sales room;

233 (e) implement and operate a training program for all employees who handle exchanges of  
234 marijuana or marihuana products regarding compliance with laws prohibiting the sale of  
235 marijuana or marijuana products to juveniles and minors;

236 (f) post a copy of the penalties set forth in subdivision (1) of section 24 of chapter 90 for  
237 driving under the influence and for the sale, delivery or furnishing marijuana or marijuana  
238 products to a juvenile or minor. Said copies shall be posted conspicuously by the owner or  
239 person in charge of the respective establishment.

240 (g) place purchases in sealed containers;

241 (h) affix to all packages containing marijuana a label in boldface font of not less than 10  
242 points, with these warnings, in boldface: "For adults only. Keep out of reach of children", "May  
243 be habit-forming", "It is a crime to operate a motor vehicle, recreational vehicle, boat or aircraft  
244 if impaired by consumption of this product" and "This product must be stored in a locked  
245 container when you are not present."

246 (B) Advertising

247 (a) Outdoor advertising, including advertising in enclosed stadiums and advertising from  
248 within a retail establishment that is directed toward or visible from the outside of the

249 establishment, in any location that is within a 1,000-foot radius of any public playground,  
250 playground area in a public park, elementary school or secondary school is prohibited.

251 (b) Point-of-sale advertising of marijuana or marijuana products outside of the sales room  
252 may be placed on the premises, provided that no portion of such advertising is placed lower than  
253 5 feet from the floor of any retail establishment which is located within a 1,000-foot radius of  
254 any public playground, playground area in a public park, elementary school or secondary school,  
255 and which is not an adult-only retail establishment.

256 (c) The use of cartoon characters in any advertisement is prohibited.

257 (d) No signs or other printed matter advertising any brand or kind of marijuana or  
258 marijuana product shall be displayed on the exterior or interior of any licensed premises where  
259 such a brand or kind of marijuana or marijuana product is not regularly and usually kept for sale.

260 (e) The use of vehicles equipped with either radio or loudspeakers for the advertising of  
261 marijuana or marihuana products is prohibited. The use of radio or loudspeaker equipment in any  
262 licensed premises for the purpose of attracting attention to the sale of marijuana or marijuana  
263 products therein is also prohibited. Any retailer that violates the provisions of this section shall  
264 be subject to a civil penalty of \$1000 but not to any other form of criminal or civil punishment or  
265 disqualification. Enforcement shall be in a manner consistent with the provisions of section 21D  
266 of chapter 40 of the General Laws.”

267 SECTION 19. Section 1. Clause (1) of subsection (a) of section 7 of chapter 94G of the  
268 General Laws, inserted by section 5 of chapter 334 of the acts of 2016, is hereby amended by  
269 striking out the words “1 ounce or less of” Said clause (1) of subsection (a) of section 7 of  
270 chapter 94G of the General Laws, inserted by section 5 of chapter 334 of the acts of 2016, is

271 hereby further amended by striking out the words “except that not more than 5 grams of  
272 marijuana may be in the form of marijuana concentrate” and inserting in place thereof the  
273 following words:-or a form of marijuana concentrate.

274 Section 2. Clause (2) of subsection (a) of section 7 of chapter 94G of the General Laws,  
275 inserted by section 5 of chapter 334 of the acts of 2016, is hereby amended by striking out the  
276 words “up to 10 ounces of” and is hereby further amended by striking out the words “not more  
277 than 6” and further amended by striking out the words “so long as not more than 12 plants are  
278 cultivated on the premises at once”

279 Section 3. Clause (4) of subsection (a) of section 7 of chapter 94G of the General Laws,  
280 inserted by section 5 of chapter 334 of the acts of 2016, is hereby further amended by striking  
281 out the words “up to 1 ounce of marijuana, except that not more than 5 grams of marijuana may  
282 be in the form of marijuana concentrate” and inserting in place thereof the following words:-  
283 “marijuana or a form of marijuana concentrate.”

284 Section 4. Subsection (d) of section 7 of chapter 94G of the General Laws, inserted by  
285 section 5 of chapter 334 of the acts of 2016, is hereby amended by striking out the word  
286 “responsibility.” and inserting in place thereof the following words:- “responsibility. A parent’s  
287 conduct related to marijuana permitted under chapter 94G shall not be considered misconduct in  
288 making an order or judgment relative to visitation or custody of a child.”

289 SECTION 20. Section 1. Section 13 of chapter 94G of the General Laws, inserted by  
290 section 5 of chapter 334 of the acts of 2016, is hereby amended by striking out all language in  
291 subsection (b) Restrictions on personal possession

292 Section 2. Subsection (c) of section 13 of chapter 94G of the General Laws, inserted by  
293 section 5 of chapter 334 of the acts of 2016, is hereby amended by striking out the figure “(c)”  
294 and inserting in place thereof the following figure: “(b).”

295 Section 3. Subsection (d) of section 13 of chapter 94G of the General Laws, inserted by  
296 section 5 of chapter 334 of the acts of 2016, is hereby amended by striking out the figure “(d)”  
297 and inserting in place thereof the following figure: “(c).”

298 Section 4. Subsection (e) of section 13 of chapter 94G of the General Laws, inserted by  
299 section 5 of chapter 334 of the acts of 2016, is hereby amended by striking out the figure “(e)”  
300 and inserting in place thereof the following figure: (d).”

301 Section 6. Said subsection (e) of section 13 of chapter 94G of the General Laws, inserted  
302 by section 5 of chapter 334 of the acts of 2016, is hereby further amended by striking out the  
303 words “age and who cultivates more than 6 but not more than 12 marijuana plants or who  
304 possesses an amount of marijuana outside of his or her place of residence having a weight of  
305 more than 1 ounce but not more than 2 ounces shall be subject only to a civil penalty of not more  
306 than \$100 and forfeiture of the marijuana not allowed by section 8 of this chapter, but shall not  
307 be subject to any other form of criminal or civil punishment or disqualification solely for this  
308 conduct.” and inserting in place thereof the following words: “age, may cultivate an unlimited  
309 amount of marijuana inside of his or her place of residence, and shall not be subject to any form  
310 of criminal or civil punishment for cultivating and possessing any amount marijuana.”

311 Section 7. Subsection (f) of section 13 of chapter 94G of the General Laws, inserted by  
312 section 5 of chapter 334 of the acts of 2016, is hereby amended by striking out the figure “(f)”  
313 and inserting in place thereof the following figure: (e).”



314 SECTION 20. Section 1.Said subsection (f) of section 13 of chapter 94G of the General  
315 Laws, inserted by section 5 of chapter 334 of the acts of 2016, is hereby further amended by  
316 striking out the word “offense.” and inserting in place thereof the following words: “offense.”  
317 Such an offender shall also undergo a substance abuse evaluation conducted by a licensed  
318 alcohol and drug counselor as defined in section 1 of chapter 111J, and a report of the evaluation  
319 shall be provided to the parents or legal guardian and to the offender if over the age of 16.

320 Section 2. section 13 of Chapter 94G is further amended by adding the following new  
321 section, Section (h) Any person 21 years of age or older who fails to comply with the provisions  
322 of chapter 94G of the G.L. and as a result of such noncompliance a person under the age of 21,  
323 not his spouse, who was a foreseeable trespasser or guest acquires marijuana shall be punished  
324 by a fine of not more than \$2,000 or by imprisonment for not more than 1 year or both.

325 Section 3. section 13 of Chapter 94G is further amended by adding the following new  
326 section, Section (I) Any person 21 years of age or older who knowingly allows a person under 21  
327 years of age, to consume marijuana on premises or property owned or controlled by the person  
328 charged shall be punished by a fine of not more than \$2,000 or by imprisonment for not more  
329 than 1 year or both.

330 Section 4. Section 13 of Chapter 94G is further amended by adding the following new  
331 section, Section (j) (1) Any person 21 years of age or older who sells, distributes or delivers  
332 marijuana to a person they know or should know is under 21 years of age, shall be punished by a  
333 fine of not more than \$3,000 or by imprisonment for not more than 2 years or both. (2) Any  
334 person convicted of violating subsection (1) of this section after one or more prior convictions, or  
335 of any offense of any other jurisdiction, federal, state, or territorial, which is the same as or

336 necessarily includes the elements of said offense, shall be imprisoned in state prison for not more  
337 than 5 years or a house of correction for not more than 2 years, or a fine of not less than \$3,000  
338 nor more than \$5,000 or both such fine and imprisonment.”

339           Section 5. Section 13 of chapter 94G of the General Laws, inserted by section 5 of  
340 chapter 334 of the acts of 2016, is hereby amended by adding the following figure and language:  
341 “ (k) Whoever intentionally administers marijuana or causes marijuana to be ingested by a  
342 person without that person’s knowledge and consent, or whoever intentionally leaves unattended  
343 marijuana in a public place shall be punished by a term of imprisonment in the state prison for  
344 not less than two and one-half nor more than 5 years or by imprisonment in a jail or house of  
345 correction for not less than 1 nor more than two and one-half years and a fine of not less than  
346 \$500 nor more than \$10,000.”

347           Section 7. Section 13 of chapter 94G of the General Laws, inserted by section 5 of  
348 chapter 334 of the acts of 2016, is hereby amended by adding the following figure and language:  
349 “(m) The delivery of marijuana in or from a building, booth, stand or other place, except a  
350 private dwelling-house, such delivery in any case being to a person not a resident therein, shall  
351 be prima facie evidence that such delivery is a sale.”

352           Section 8. Section 13 of chapter 94G of the General Laws, inserted by section 5 of  
353 chapter 334 of the acts of 2016, is hereby amended by adding the following figure and language:  
354 “(n) Issuance of search warrant for marijuana kept or deposited contrary to law Search warrants  
355 may issue upon the application of 2 persons of full age under oath setting forth the facts upon  
356 which they rely for their belief that marijuana described in the application is kept or deposited by  
357 a person named therein in the place specified therein and intended for sale contrary to law. In all

358 other respects such application, warrant and execution shall comply with the provisions of  
359 sections 1, 2, 2A, 2B and 3 of chapter 276.”

360 SECTION 22. Chapter 94G of the General Laws, inserted by section 5 of chapter 334 of  
361 the acts of 2016, is amended by adding at the end thereof the following new Section, Section 15,  
362 Chapter 334 of the Acts of 2016 and the inserted chapter 94G of the general laws and the  
363 amended sections to chapter 94G of the general laws shall apply retroactively to:

364 (a) all unpaid citations for violation of section 32L of chapter 94C;

365 (b) all criminal actions pending in the courts of the commonwealth alleging a person 21  
366 years of age or older at the time of offense violated section 34 of chapter 94C;

367 (c) all criminal actions pending in the courts of the commonwealth alleging a person 21  
368 years of age or older at the time of offense violated section 32C of chapter 94C by means of  
369 cultivating marijuana where there is insufficient proof that the defendant intended to distribute it  
370 for profit.

371 (d) all criminal actions pending in the courts of the commonwealth alleging a person 21  
372 years of age or older at the time of offense violated section 40 of chapter 94C where the  
373 defendant was the customer and there is insufficient proof that the defendant intended to  
374 distribute it for profit.

375 SECTION 23. Chapter 94G of the General Laws, inserted by section 5 of chapter 334 of  
376 the acts of 2016, is amended by adding at the end thereof the following new section, Section 16.  
377 The commissioner of banks shall promulgate rules and regulations establishing standards relative  
378 to the provision of banking services by banks or credit unions under his supervision for the

379 provision of banking services to entities authorized to engage in marijuana commerce under  
380 chapter 94C of the general laws. Such regulations to be established by July 1, 2017.

381 SECTION 24: Section 10 of chapter 209C of the general laws is amended by adding the  
382 following subsection: (g) In making an order or judgment relative to visitation or custody of  
383 child, a parent’s conduct related to marijuana permitted under chapter 94C shall not be  
384 considered misconduct.

385 SECTION 25. Section 14 of chapter 139 of the general laws is hereby amended by  
386 inserting after the word “thirty-eight” the words—“illegal keeping or sale of marijuana, as  
387 defined in chapter 94C,”.

388 SECTION 26. Section 3 of chapter 40A of the General Laws, as inserted by section 1 of  
389 chapter 351 of the acts of 2016, is hereby amended by striking out, in lines 39 - 42, the words  
390 “thereof provided, however, that the terms agriculture, aquaculture, floriculture or horticulture  
391 shall not include the growing, cultivation, distribution or dispensation of marijuana as defined in  
392 section 2 of Chapter 369 of the Acts of 2012, marijuana as defined in section 1 of chapter 94C or  
393 marijuana or marijuana as defined in section 1 of chapter 94G.” and inserting in place thereof the  
394 following word: ‘thereof;’

395 SECTION 27. Section 62 of chapter 149 of the General Laws is hereby amended as  
396 follows: (a)inserting after the word “bottled” in clause (13) — “or if under the age of 21 in the  
397 cultivating of cannabis or harvesting of cannabis or the production and packaging of marijuana  
398 products”; and (b)inserting after the word “liquors” in clause (14) —“or if under the age of 21  
399 marijuana or marijuana products”.

400 SECTION 28. The provisions of sections 186, 187, 188-190, 192 and 193 of chapter 94 of  
401 the General Laws in the case of food shall apply to marijuana and marijuana products; however,  
402 marijuana shall not be considered for purposes hereof a poisonous or deleterious substance.

403 SECTION 29. Section 187 of chapter 94 of the General Laws is hereby amended by  
404 striking the words "cannabis" and "marijuana" following the words, "Fifth, if it is for use by man  
405 and contains any quantity of the narcotic or hypnotic substance."

406 SECTION 3. The first paragraph of section 24J of chapter 90 of the General Laws is  
407 hereby amended by inserting after the word "liquor" the words "or marijuana". The first  
408 paragraph of section 24J is further amended by inserting after the words "served alcohol" in the  
409 first paragraph the words "or marijuana". The first paragraph of section 24J is further amended  
410 by inserting after the words "alcohol on the premises" the words "or marijuana on the premises".  
411 The second paragraph of section 24J is amended by inserting after the word "shall" the words "in  
412 the case of alcohol". The second paragraph of section 24J is amended by inserting after the word  
413 "commission," the words "or in the case of marijuana to the local licensing authority and".

414 SECTION 31. Severability - The provisions of this law are severable and if any clause,  
415 sentence, paragraph or section of this measure, or an application thereof, shall be adjudged by  
416 any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or  
417 invalidate the remainder thereof but shall be confined in its operation to the clause, sentence,  
418 paragraph, section or application adjudged invalid. We the undersigned state under the pains and  
419 penalties of perjury that we have personally read the final text of this proposed statute, fully  
420 subscribe to its contents, are qualified voters of the commonwealth at the addresses printed

421 below our names, and freely and voluntarily agree to be one of its original signers as required by  
422 Amendment Article 48 of the Constitution of the Commonwealth of Massachusetts.