

HOUSE No. 1051

The Commonwealth of Massachusetts

PRESENTED BY:

Linda Dean Campbell

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 the safe regulation of legal marijuana.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>1/18/2017</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>1/26/2017</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>1/24/2017</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/25/2017</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>2/3/2017</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>1/26/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/3/2017</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/3/2017</i>

HOUSE No. 1051

By Mrs. Campbell of Methuen, a petition (accompanied by bill, House, No. 1051) of Linda Dean Campbell and others relative to the regulation of legal marijuana. Marijuana Policy.

The Commonwealth of Massachusetts

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

An Act relative to the safe regulation of legal marijuana.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are to establish forthwith amendments to the marijuana regulation and taxation law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 76 of chapter 10 of the General Laws is hereby amended by adding
2 the following subsection:-

3 (i) The commissioner and associate commissioners shall be state employees for the
4 purposes of chapters 268A and 268B.

5 SECTION 2. Section 77 of said chapter 10 is hereby amended by striking out subsection
6 (a) and inserting in place thereof the following subsection:-

7 (a) There shall be a cannabis advisory board to study and make recommendations on
8 the regulation of marijuana and marijuana products. The board shall consist of 21 members
9 appointed by the governor and shall consist of the following members or their designees: 1

10 expert in marijuana cultivation, 1 expert in marijuana retailing, 1 expert in marijuana product
11 manufacturing, 1 expert in marijuana testing, 1 board member or officer of a medical marijuana
12 treatment center, 1 registered medical marijuana patient or marijuana consumer, 2 experts in
13 public health, 2 experts in law enforcement, 2 experts in social welfare or social justice, 2
14 designees of the Massachusetts Municipal Association, the President of the Massachusetts
15 District Attorney's Association or designee, 1 expert in substance abuse and treatment, 1 expert
16 in mental health care, the Massachusetts Speaker of the House or designee, the Massachusetts
17 Senate President or designee, the Executive Director of the Massachusetts Sheriffs' Association
18 or designee, and 1 attorney with experience providing legal services to marijuana businesses,
19 marijuana consumers or medical marijuana patients in the commonwealth. Members of the board
20 shall serve terms of 2 years. Members of the board shall serve without compensation but shall be
21 reimbursed for their expenses actually and necessarily incurred in the discharge of their official
22 duties. Members of the board shall be special state employees for the purposes of chapters 268A
23 and 268B. The board shall meet at the discretion of the commission. A majority of the members
24 of the board present and voting shall constitute a quorum.

25 SECTION 3. Section 1 of chapter 94G is hereby amended by inserting after subsection
26 (n) the following subsection:-

27 (n 1/2) "Outdoor space", an outdoor area, open to the air at all times and cannot be
28 enclosed by a wall or side covering.

29 SECTION 4. Subsection (c) of section 13 of said chapter 94G is hereby amended by
30 striking out the first sentence and inserting in place thereof the following 2 sentences:- No person

31 shall smoke, consume or use marijuana in a public place or an outdoor space. No person shall
32 smoke marijuana where smoking tobacco is prohibited.

33 SECTION 5. Chapter 94G of the General Laws is hereby amended by adding the
34 following section:-

35 Section 15. No applicant for a marijuana cultivator license, a marijuana product
36 manufacturer license, marijuana testing facility license or a marijuana retailer license, nor any
37 holding, intermediary or subsidiary company thereof, nor any officer, or director of an applicant
38 for any such license or of any holding, intermediary or subsidiary company thereof nor any
39 person or agent on behalf of any such applicant, company or person, nor any experienced
40 marijuana establishment operator, shall directly or indirectly, pay or contribute any money or
41 thing of value to: (i) an individual who holds a municipal, county or state office; (ii) any
42 candidate for nomination or election to any public office in the commonwealth, including a
43 municipal office; or (iii) any group, political party, committee or association organized in
44 support of any such candidate or political party; provided, however, that the provisions of this
45 section shall not prohibit an individual who is a candidate for public office from contributing to
46 the candidate's own campaign.

47 SECTION 6. Notwithstanding any general or special law to the contrary, no person may
48 apply for, and the cannabis control commission shall not accept, an application or issue a: (i)
49 marijuana cultivator license; (ii) marijuana product manufacturer license, (iii) marijuana testing
50 facility license or (iv) marijuana retailer license from cannabis control commission if a city or
51 town, by a vote of its city council, board of selectmen or board of alderman, has voted to declare
52 a moratorium on the location, operation or licensing of any: (i) marijuana cultivator; (ii)

53 marijuana product manufacturer, (iii) marijuana testing facility or (iv) marijuana retailer, as those
54 terms are defined in chapter 94G of the General Laws, within such city or town. Once declared,
55 the moratorium shall take effect. The moratorium shall remain in effect until regulations adopted
56 by the cannabis control commission are published in accordance with section 6 of chapter 30A of
57 the General Laws. For the purposes of this section, the cannabis control commission shall not
58 adopt emergency regulations.