

HOUSE No. 3184

The Commonwealth of Massachusetts

PRESENTED BY:

Hannah Kane

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 further regulating marijuana commercialization.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/20/2017</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>2/3/2017</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>2/2/2017</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/31/2017</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>	<i>1/27/2017</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/2/2017</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/2/2017</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/23/2017</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>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/23/2017</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/23/2017</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>2/2/2017</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/2/2017</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>1/26/2017</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/31/2017</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>1/30/2017</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>	<i>2/3/2017</i>

<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>	<i>1/25/2017</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/25/2017</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>1/23/2017</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>	<i>1/30/2017</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>2/3/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/2/2017</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>2/2/2017</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/21/2017</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>1/23/2017</i>

HOUSE No. 3184

By Mrs. Kane of Shrewsbury, a petition (accompanied by bill, House, No. 3184) of Hannah Kane and others for legislation to further regulate the advertisements and marketing of marijuana, marijuana products and marijuana accessories. Marijuana Policy.

The Commonwealth of Massachusetts

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

An Act further regulating marijuana commercialization.

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. Subsection (a) of section 4 of chapter 94G of the General Laws, as
2 appearing in the 2016 Official Edition, is hereby amended by striking out paragraph (13).

3 SECTION 2. Chapter 94G of the General Laws is hereby amended by inserting after
4 section 14 the following section:-

5 Section 15. (a) Advertisements or marketing of marijuana, marijuana products and
6 marijuana accessories shall not be permitted with the exception of the following:

7 (1) reasonable signage located on or within a marijuana establishment; and

8 (2) marketing activities directed to customers who have affirmatively chosen to receive
9 such marketing information through an opt-in process.

10 (i) Persons who have agreed to receive marketing materials from a marijuana
11 establishment may be sent mail, emails, or other types of communication;

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(ii) A person who has opted-in to receiving marketing materials from a marijuana establishment shall be permitted to opt- out at any time.

(3) A marijuana establishment may establish and maintain a website and a presence on a social media platform, provided that a marijuana establishment shall not advertise.

(i) A marijuana establishment’s website shall verify that the entrant is at least 21 years of age or older.

(b) Advertisements or marketing designed to appeal to minors shall be prohibited.

(c) Advertisements or marketing that is designed to mislead the public, represent the use of marijuana as having therapeutic effects, promote overconsumption or that promote a false statement shall be prohibited.

(d) Coupons, free samples, price discounts or other promotional activities, including distribution of branded merchandise, shall be prohibited.

(e) Marijuana, marijuana products and marijuana accessories shall not be provided as a prize, premium or consideration for a lottery, contest, game of chance, game of skill or competition of any kind.

(f) Any permitted advertisements or marketing shall contain a public health warning with specific language determined by the commission in consultation with the department of public health.

31 (g) The commission may further create regulations on advertisements and marketing with
32 respect to marijuana, marijuana products or marijuana accessories in order to restrict marijuana
33 commercialization.

34 (h) The provisions of this section are severable; and if any of its provisions shall be held
35 unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect
36 or impair any of the remaining provisions.