SENATE DOCKET, NO. 1823 FILED ON: 1/20/2017

SENATE . . . . . No. 1067

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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:	
Jason M. Lewis	*Fifth Middlesex*	
Joseph D. McKenna	*18th Worcester*	*1/24/2017*
Richard J. Ross	*Norfolk, Bristol and Middlesex*	*1/25/2017*
Steven Ultrino	*33rd Middlesex*	*2/2/2017*

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SENATE . . . . . No. 1067

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1067) of Jason M. Lewis, Joseph D. McKenna, Richard J. Ross and Steven Ultrino for legislation to further regulate marijuana commercialization. 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:

SECTION 1. Subsection (a) of section 4 of chapter 94G of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out paragraph (13).

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

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

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

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

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

(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 designed to mislead the public, 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.

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

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