

HOUSE No. 4001

The Commonwealth of Massachusetts

PRESENTED BY:

Mark J. Cusack

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 hemp and hemp products in the commonwealth.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---------------------------------|---|
| <i>Mark J. Cusack</i> | <i>5th Norfolk</i> |
| <i>Aaron Vega</i> | <i>5th Hampden</i> |
| <i>Adam G. Hinds</i> | <i>Berkshire, Hampshire, Franklin and Hampden</i> |
| <i>Stephan Hay</i> | <i>3rd Worcester</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> |
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> |
| <i>Natalie M. Blais</i> | <i>1st Franklin</i> |
| <i>Mindy Domb</i> | <i>3rd Hampshire</i> |
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> |
| <i>Kevin G. Honan</i> | <i>17th Suffolk</i> |
| <i>Maria Duaine Robinson</i> | <i>6th Middlesex</i> |
| <i>William J. Driscoll, Jr.</i> | <i>7th Norfolk</i> |
| <i>Andres X. Vargas</i> | <i>3rd Essex</i> |
| <i>Steven Ultrino</i> | <i>33rd Middlesex</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> |
| <i>Daniel J. Ryan</i> | <i>2nd Suffolk</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> |

| | |
|------------------------------------|-----------------------|
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> |
| <i>Paul W. Mark</i> | <i>2nd Berkshire</i> |
| <i>John Barrett, III</i> | <i>1st Berkshire</i> |
| <i>Patrick Joseph Kearney</i> | <i>4th Plymouth</i> |
| <i>Lenny Mirra</i> | <i>2nd Essex</i> |
| <i>Paul A. Schmid, III</i> | <i>8th Bristol</i> |
| <i>Liz Miranda</i> | <i>5th Suffolk</i> |
| <i>Smitty Pignatelli</i> | <i>4th Berkshire</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> |
| <i>Daniel R. Carey</i> | <i>2nd Hampshire</i> |

HOUSE No. 4001

By Mr. Cusack of Braintree, a petition (subject to Joint Rule 12) of Mark J. Cusack and others for legislation to further regulate hemp and hemp products. Cannabis Policy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to hemp and hemp products in the commonwealth.

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, as appearing in the 2018
2 Official Edition, is hereby amended by striking out lines 4-5 and inserting in place thereof the
3 following definition:

4 “Cannabidiol” or “CBD”, the compound by the same name derived from the hemp
5 variety of the Cannabis sativa L. plant.

6 SECTION 2. Section 1 is hereby further amended striking out lines 49-55 and inserting in
7 place thereof the following definition:

8 “Hemp”, the plant Cannabis sativa L. and any part of that plant, including the seeds
9 thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers,
10 whether growing or not, with the federally defined THC level for hemp. Hemp shall be
11 considered an agricultural commodity.

12 SECTION 3. Section 116 of chapter 128 of the General Laws, as appearing in the 2018
13 Official Edition, is hereby amended by striking out the lines 4-12, and inserting in place thereof
14 the following definitions:

15 “Cannabidiol” or “CBD”, the compound by the same name derived from the hemp
16 variety of the Cannabis sativa L. plant.

17 “Hemp”, the plant Cannabis sativa L. and any part of that plant, including the seeds
18 thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers,
19 whether growing or not, with the federally defined THC level for hemp. Hemp shall be
20 considered an agricultural commodity.

21 “Hemp Products”, all products with the federally defined THC level for hemp derived
22 from, or made by, processing hemp plants or plant parts, that are prepared in a form available for
23 commercial sale, including, but not limited to cosmetics, personal care products, food intended
24 for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, particleboard, plastics,
25 and any product containing one or more hemp-derived cannabinoids, such as cannabidiol.

26 “Industrial Hemp”, the equivalent in all meanings to hemp, as defined in this section.

27 “Tetrahydrocannabinol” or “THC”, notwithstanding any other provision of the law, the
28 THC that is found in hemp shall not be considered to be THC in qualifying as a controlled
29 substance.

30 SECTION 4. Chapter 128 of the General Laws, as appearing in the 2018 Official Edition,
31 is hereby amended by striking out sections 117-123, and inserting in place thereof the following
32 sections:

33 Section 117. (a) Industrial hemp may be planted, grown, harvested, possessed,
34 processed, bought, sold or researched subject to sections 116 to 123, inclusive. The planting,
35 growing, harvesting, possessing, processing or research of industrial hemp as an agricultural
36 product shall be subject to the supervision and approval of the department pursuant to sections
37 116 to 123, inclusive.

38 (b) A person planting, growing, harvesting, possessing or processing industrial hemp
39 shall: (i) be licensed by the department; and (ii) only acquire hemp seeds from a distributor
40 approved by the department.

41 (c) Industrial hemp shall only be used for the following: (i) research purposes; and (ii)
42 commercial purposes.

43 (d) No person shall produce or distribute industrial hemp seed without a license issued
44 by the department.

45 (e) A person utilizing industrial hemp for research conducted under an agricultural pilot
46 program or other agricultural or academic research shall register with the department.

47 (f) An application for a license issued pursuant to subsection (b) or (d) shall include, but
48 not be limited to: (i) the name and address of any applicants; (ii) the name and address of the
49 industrial hemp operation of the applicant; (iii) the global positioning system coordinates and
50 legal description of the property used for the industrial hemp operation; (iv) the acreage size of
51 the field where the industrial hemp will be grown, if applicable; (v) a written consent allowing
52 the department to conduct both scheduled and random inspections of and around the premises on
53 which the industrial hemp is being sown, grown, harvested, stored and processed; (vi) a
54 nonrefundable application fee in an amount which shall be established by the commissioner; (vii)

55 any other information as may be required pursuant to subsection (e); and (vii) any other
56 information as may be required by the commissioner.

57 (g) All documents included in an application for licensure submitted under subsection (f)
58 except for the address of a licensee's cultivation or production facilities and any documents
59 describing, depicting or otherwise outlining a licensee's security schematics or global positioning
60 system coordinates, which are considered by the department to be confidential in nature due to
61 their public safety implications, shall be considered public records for the purposes of chapter 66.

62 Section 118. (a) After receipt, review and approval of an application for licensure
63 pursuant to section 117, the commissioner may grant an annual license upon issuance of written
64 findings that the requirements of sections 116 to 123, inclusive, have been satisfied and upon the
65 issuance of written findings that issuing the license will be in the best interest of the
66 commonwealth.

67 (b) The commissioner shall deny an application for a license filed pursuant to section
68 117 if the applicant: (i) fails to satisfy the minimum qualifications for licensure pursuant to
69 sections 116 to 123, inclusive; or (ii) for good cause shown.

70 Section 119. The commissioner shall suspend, revoke or refuse to renew the license of a
71 person who violates sections 116 to 123, inclusive, following appropriate process in accordance
72 with chapter 30A.

73 Section 120. (a) The department and the commissioner shall promulgate rules and
74 regulations for the implementation, administration and enforcement of sections 116 to 123,
75 inclusive.

76 (b) Pursuant to section 2 of chapter 30A, the department may promulgate, amend or
77 repeal any regulation promulgated under this chapter as an emergency regulation if the
78 regulation is necessary to protect the interests of the commonwealth in regulating industrial
79 hemp.

80 Section 121. The department may inspect and have access to the equipment, supplies,
81 records, real property and other information deemed necessary to carry out the department's
82 duties under sections 116 to 123, inclusive, from a person participating in the planting, growing,
83 harvesting, possessing, processing, purchasing or researching of hemp, industrial hemp. The
84 department may establish an inspection and testing program to determine delta-9
85 tetrahydrocannabinol levels and ensure compliance with the limits on delta-9
86 tetrahydrocannabinol concentration.

87 Section 122. (a). Hemp-derived cannabinoids, including CBD, are not considered
88 controlled substances or adulterants.

89 (b) Products containing one or more hemp-derived cannabinoids, such as CBD, intended
90 for ingestion are to be considered foods, not controlled substances or adulterated products.

91 (c) Retail sales of hemp products may be conducted when the products and the hemp
92 used in the products were grown and cultivated legally in another state or jurisdiction and meet
93 the same or substantially the same requirements for processing hemp products or growing hemp
94 under the State Hemp Program.

95 (d) Notwithstanding any other law, derivatives of hemp, including hemp-derived
96 cannabidiol, may be added to cosmetics, personal care products, and products intended for

97 human or animal consumption, and such an addition is not considered an adulteration of such
98 products.

99 (e) Hemp products may be legally transported across state lines, and exported to foreign
100 nations, consistent with U.S. federal law and the laws of respective foreign nations.

101 (f) Marijuana, does not include hemp or hemp products as defined in Sec. 116

102 (g) The THC found in hemp and being within the federally defined THC level for hemp
103 shall not be considered to be THC in qualifying as a controlled substance.

104 Section 123. The department may establish civil administrative fines for violations of
105 sections 116 to 123, inclusive. A person aggrieved by the assessment of a fine under this section
106 or a licensure action under section 119 may appeal by filing a notice of appeal with the
107 department not later than 21 days after the receipt of the notice of the fine or licensure action.
108 The adjudicatory hearing shall be conducted in accordance with chapter 30A.