

HOUSE No. 106

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel M. Donahue

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 establishing an internal special audit unit within the Cannabis Control Commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/19/2023</i>

HOUSE No. 106

By Representative Donahue of Worcester, a petition (accompanied by bill, House, No. 106) of Daniel M. Donahue relative to establishing an internal special audit unit within the Cannabis Control Commission. Cannabis Policy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act establishing an internal special audit unit within the Cannabis Control Commission.

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 14 of chapter 94G of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the word “commission”, in line 12, the
3 following words:- “, the internal special audit unit established under section 22”.

4 SECTION 2. Chapter 94G is hereby further amended by inserting after section 21 the
5 following sections: -

6 Section 22. (a) There shall be within the commission, but not subject to the control of the
7 commission, an internal special audit unit. The inspector general shall appoint a director of the
8 special audit unit, who shall serve as an assistant inspector general, under the supervision of the
9 inspector general, for a term of 4 years. The inspector general may remove the director for cause
10 and designate an interim director until a new director is appointed. The director shall devote full
11 time and attention to the duties of the office.

12 (b) The director may appoint and remove, subject to the approval of the inspector general,
13 such persons as are necessary to perform the functions of the unit; provided, however, that
14 section 9A of chapter 30 and chapter 31 shall not apply to any person holding such an
15 appointment. The director may appoint and remove, subject to the approval of the inspector
16 general, such expert, clerical or other assistants as the work of the unit may require. Employees
17 shall devote their full-time and attention to their duties while employed with the unit and shall be
18 subject to the rules and regulations established for employees of the office of the inspector
19 general pursuant to section 4 of chapter 12A.

20 (c) The internal special audit unit shall monitor the quality, efficiency and integrity of the
21 commission's operations, including but not limited to, operations under chapters 94G and 94I,
22 host community agreements, investigation and audit policies and procedures, organizational
23 structure and management functions and seek to prevent, detect and correct fraud, waste and
24 abuse in the expenditure of public funds. The director shall have access to all records, reports,
25 electronic data, devices, audits, reviews, papers, books, documents, recommendations and
26 correspondence of the commission or any employee of the commission including, but not limited
27 to, application materials and investigative, audit, and adjudicatory records.

28 The commission shall cooperate with the special audit unit in carrying out the special
29 audit unit's duties, including granting access to persons, documents, databases, electronic data,
30 devices and other materials deemed necessary by the director to conduct an investigation, audit
31 or review.

32 Under the direction of the inspector general, the director of the internal special audit unit
33 shall have all the powers of the inspector general pursuant to chapter 12A and any rule or
34 regulation promulgated pursuant thereto.

35 (d) The internal special audit unit shall create and provide trainings to the commission,
36 including but not limited to, trainings on conducting regulatory investigations and audits.

37 (e) The internal special audit unit shall coordinate and consult with the commission, the
38 department of agricultural resources and the department of public health on efforts related to the
39 implementation, administration and enforcement of this chapter, sections 116 to 123, inclusive,
40 of chapter 128 and the provision of pesticide control pursuant to chapter 132B.

41 (f) The director shall report and refer instances of fraud, waste or abuse of public funds to
42 the inspector general for investigation pursuant to section 8 of chapter 12A and the results of
43 such an investigation may be referred to the attorney general or state auditor for appropriate
44 action.

45 (g) The director shall submit to the inspector general, for inclusion in the annual report
46 required by section 12 of chapter 12A, a report of the unit's activities for the preceding calendar
47 year including, but not limited to, findings referred to the inspector general for investigation. The
48 inspector general shall submit his annual report to the joint committee on cannabis policy on or
49 before April 30 of each year. The commission shall make the annual report and all such reports
50 from previous years available on the commission's website.

51 Section 23. (a) The commission, the department of agricultural resources and the
52 department of public health shall enter into a memorandum of understanding related to joint or
53 coordinated implementation, consultation, collaboration, administration and enforcement actions

54 under this chapter and sections 116 to 123, inclusive, of chapter 128 and the provision of
55 pesticide control pursuant to chapter 132B.

56 (b) The memorandum of understanding shall include, but is not limited to, provisions
57 relating to (i) joint or coordinated investigations and inspections; (ii) procedures and policies on
58 the implementation of sections 116 to 123 of chapter 128; (iii) operational collaboration over the
59 administration of pesticide use on hemp, marijuana and marijuana products pursuant to chapter
60 132B; and (iv) sharing of information.

61 (c) The commission, the department of agricultural resources and the department of
62 public health shall review, and amend if necessary, the memorandum of understanding at least
63 once every 2 years.