

HOUSE No. 149

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 related to cannabis retail licensees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>	<i>1/16/2025</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>4/15/2025</i>

HOUSE No. 149

By Representative Cusack of Braintree, a petition (accompanied by bill, House, No. 149) of Mark J. Cusack relative to cannabis retail licensees. Cannabis Policy.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act related to cannabis retail licensees.

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 2022
2 Official Edition, is hereby amended by inserting after the definition of “Mycotoxin” the
3 following definitions:-

4 “Person or Entity Having Direct Control”, any person or entity having direct control over
5 the operations of a marijuana establishment, which satisfies one or more of the following criteria:

6 (a) An owner; (b) A person or entity that possesses a voting interest of 10 percent or
7 greater in a marijuana establishment; (c) A close associate; (d) A person or entity that has the
8 right to control or authority, through contract or otherwise including, but not limited to: (1) To
9 appoint more than 50% of the directors or their equivalent; (2) To appoint or remove corporate-
10 level officers or their equivalent; or (3) To earn 10 percent or more of the profits or collect more
11 than 10 percent of the dividends; (e) A court appointee or assignee pursuant to an agreement for
12 a general assignment or assignment for the benefit of creditors; or (f) A third-party technology

platform provider that possesses any financial interest in a marijuana delivery licensee including, but not limited to, a delivery agreement or other agreement for services.

“Person or Entity Having Indirect Control”, any person or entity having indirect control over operations of a marijuana establishment. Specifically includes any person or entity having direct control over an indirect holding or parent company of the applicant, and the chief executive officer and executive director of those companies, or any person or entity in a position indirectly to control the decision-making of a marijuana establishment.

SECTION 2. Section 1 of chapter 94G of the General Laws, as so appearing, is hereby amended by inserting after the definition of “Production batch” the following definition:-

“Owner”, any person or entity owning directly or indirectly through parent or holding company, or otherwise, 10 percent or more of the interest in a licensee,

SECTION 3. Chapter 94G of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out section 16 and inserting in place thereof the following section:-

Section 16. (a) No Person or Entity having Direct or Indirect Control may become a licensee or Person or Entity having Direct or Indirect Control of more than 6 marijuana retailers, 3 medical marijuana treatment center licenses, 3 marijuana product manufacturer licenses and 3 marijuana cultivator licenses; provided however that until 1-year from the passage of this Act, no Person or Entity having Direct or Indirect Control may become a Person or Entity having Direct or Indirect Control of more than 4 marijuana retailers, and until 2-years from the passage of this Act, no Person or Entity having Direct or Indirect Control may become a Person or Entity having Direct or Indirect Control of more than 5 marijuana retailers.

(b) The commission shall adopt regulations to establish requirements that a Person or Entity seeking to have Direct or Indirect Control of more than 3 marijuana retailers must purchase a marijuana establishment or medical marijuana treatment center license authorized to commence operations by the commission; provided that priority consideration is given to the purchase of such marijuana retailer licenses that are majority owned by a social equity business, economic empowerment business, a Massachusetts Minority Business Enterprises (MBE), Women Business Enterprises (WBE), or Veteran Business Enterprises (VBE) with valid certification from the Supplier Diversity Office of the Massachusetts Operational Services Division.