HOUSE DOCKET, NO. 2861 FILED ON: 1/16/2025

HOUSE . . . . . No. 330

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel Cahill

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 to clarify the minimum age for the sale and purchase of adult-use products.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Daniel Cahill	*10th Essex*	*1/16/2025*

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HOUSE . . . . . No. 330

By Representative Cahill of Lynn, a petition (accompanied by bill, House, No. 330) of Daniel Cahill relative to the sale and purchase of adult-use products. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

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

An Act to clarify the minimum age for the sale and purchase of adult-use products.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Whereas the General Court of the Commonwealth of Massachusetts has recognized that it is appropriate that certain products and activities must be age-restricted within the Commonwealth, and,

Whereas under the Commonwealth's laws, the minimum age of purchase for alcohol, cannabis products, and tobacco products, and the minimum age to participate in online sports gaming, is 21 years of age, and,

Whereas the legislature intended the minimum age of 21 to apply to these products and activities uniformly throughout the Commonwealth, and

Whereas in the 2024 decision, Six Brothers, Inc. v. Town of Brookline, No. SJC-13434, the Supreme Judicial Court of Massachusetts held that the Commonwealth's laws preempt contrary local laws only where "preemptive intent may be stated expressly by the Legislature" and the "clear legislative intent" is "to preclude local action."

Therefore, to remove any doubt that the legislature intends that the Commonwealth's laws regarding the minimum age of purchase for the aforementioned products and activities preempt any different local laws and preclude local action, it is appropriate to make that intent expressly clear in a new statement of law.

SECTION 1. Chapter 138 of the General Laws is hereby amended by adding the following section:--

The minimum legal age of purchase for alcohol, cannabis products, and tobacco products is 21 years of age throughout the Commonwealth. The minimum age to participate in online sports gaming is 21 years of age throughout the Commonwealth. A consistent statewide minimum age for the purchase of these products and activities is a matter of statewide concern. The ability of adult consumers to be able to access their preferred alcohol, cannabis products, and tobacco products, or participate in online sports gaming, throughout the Commonwealth is a matter of statewide concern. The ability of retailers to sell those products and services to adult consumers is a matter of statewide concern. Notwithstanding any other provision of law, this section shall preempt, supersede, or nullify any local prohibition or restriction on the purchase or sale of alcohol, a cannabis product, or a tobacco product, or to participate in online sports gaming, based on an individual's age or date or year of birth that differs from the statewide minimum age to purchase such a product or participate in such an activity, including but not limited to any local law that prohibits or restricts the sale of such products or activities to persons who have reached the age of 21 or to persons who were born after a particular date or year.

SECTION 2. The alcoholic beverages control commission, cannabis control commission, department of public health, and gaming commission shall adopt, amend, or repeal any

regulations necessary to administer this Act, including but not limited to 105 CMR 665.010, 204 CMR 2.10, 205 CMR 250.01, and 935 CMR 500.002.

SECTION 3. This act shall take effect upon its passage.