HOUSE . . . . . No. 5403

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES

REPORT
of the
SPECIAL JOINT
COMMITTEE
on
INITIATIVE PETITIONS
on the
INITIATIVE PETITION
of
ANGIE AN-CHI TSO
AND OTHERS
FOR THE PASSAGE OF AN ACT
TO RESTORE A SENSIBLE
MARIJUANA POLICY
(see House, No. 5002)

May 4, 2026.

MAJORITY REPORT.

A majority of the Special Joint Committee on Initiative Petitions

Article 48 of the Amendments to the Constitution of the Commonwealth allows voters to propose laws or constitutional amendments through initiative petitions, commonly called ballot questions. After gathering the required signatures and submitting certified signatures to the Secretary of the Commonwealth, a petition is formally presented to the Legislature for consideration. It is then referred to a committee, in this case, the Special Joint Committee on Initiative Petitions.

Under Article 48, the committee must report to the Legislature on each petition before the first Wednesday in May. Unlike the standard legislative process, the Legislature may only approve or reject an initiative petition as submitted, without making changes.

The Committee held a hearing on Initiative Petition 25-10, House 5002, *Initiative Petition for a Law Relative to Regulating Marijuana*, on March 23, 2026. The Special Joint Committee on Initiative Petitions held public hearings throughout March 2026 to gather testimony and inform its review. The Committee considered input from subject matter experts, proponents and opponents of the Petition, as well as members of the public. The full hearing record and supporting documentation is available to the public at malegislature.gov/Events/Hearings/Detail/5602.

On May 4, 2026, a majority of the Special Joint Committee on Initiative Petitions ("the Committee") voted to recommend that the General Court **take no action** on Initiative Petition 25-10/House 5002, *Initiative Petition for a Law Relative to Regulating Marijuana* ("the Petition").

In reaching this determination, the Committee conducted a comprehensive review of the proposed measure, including a detailed analysis of its language, structure, and intended effect, and the legal framework it seeks to modify. The Committee also evaluated testimony and documentary evidence presented during the public hearing, along with written submissions from subject matter experts, public health professionals, industry representatives, municipal officials, law enforcement stakeholders, and members of the public. In addition, the Committee considered the potential legal, health, social, and economic implications of the proposal, including its interaction with existing statutes and regulatory structures.

After this review, a majority of the Committee raised substantial concerns regarding the structure, scope, and anticipated impacts of the Initiative Petition. The proposal seeks to modify the 2016 ballot initiative approved by the voters of the Commonwealth that legalized, regulated, and imposed taxation on the retail sale of adult-use recreational marijuana in Massachusetts. The Committee notes that this existing framework represents a comprehensive regulatory system that has been developed over time to balance public health protections, consumer access, and a legal, taxed marketplace for cannabis products.

The Petition introduces significant changes to the Commonwealth's established cannabis regulatory structure. However, the Committee finds that the proposal lacks sufficient detail regarding implementation and enforcement mechanisms, including how existing regulatory authority would be modified, transferred, or eliminated. This absence of clarity creates legal

uncertainty with respect to the continued applicability of current statutes and regulations, as well as the roles of state agencies responsible for oversight of the cannabis industry.

The Committee is further concerned that the proposed changes would remove or substantially alter existing public health and safety safeguards. These include regulatory measures designed to limit youth access to cannabis products, reduce impaired driving risks, and ensure product testing, labeling, and potency standards. Testimony presented to the Committee highlighted concerns that weakening or eliminating these safeguards could increase public health risks and undermine efforts to promote responsible use within a legal market.

In addition, the Petition would have significant implications for licensing, taxation, and the overall structure of the regulated cannabis marketplace. The Committee heard evidence indicating that abrupt changes to the current system could disrupt licensed businesses operating in compliance with existing law, create uncertainty in the investment environment, and affect the stability of both large and small operators in the industry. Testimony also raised concerns with the proposal regarding substantial impacts on state and local revenue streams derived from cannabis taxation and licensing fees, which currently support a range of public programs and local initiatives, as well as the regulatory structure.

Finally, the Committee notes that the transition from a regulated and taxed adult-use market to an alternative legal framework, as contemplated by the Petition, would require extensive administrative planning, regulatory restructuring, and legislative clarification to avoid disruption to enforcement and oversight functions. The majority of the Committee therefore finds that, as drafted, the proposal does not adequately address these operational, fiscal, and public safety considerations.

It is important to note that Article 48 of the Amendments to the Massachusetts Constitution, which governs the initiative petition process, requires the Attorney General to provide initial certification of initiative petitions that meet the specific and limited requirements listed in Article 48. In making a decision on whether to initially certify an initiative petition, the Attorney General does not evaluate a petition's broader constitutionality; her certification decision is limited only to the narrow criteria listed in Article 48. Thus, this Petition has been certified by the Attorney General under Article 48, but it has not been evaluated by her or the courts for its constitutionality at this time.

For these reasons, a majority of the Committee recommends that the General Court **take no action** on Initiative Petition 25-10, House 5002, *Initiative Petition for a Law Relative to Regulating Marijuana.*

Senators.
Cindy F. Friedman
Brendan P. Crighton
Paul R. Feeney
Barry R. Finegold

Representatives.
Alice Hanlon Peisch
Kate Hogan
Frank A. Moran
Michael S. Day
David T. Vieira