

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michael S. Day

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 regulate hemp-derived beverages like alcohol.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>1/14/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act to regulate hemp-derived beverages like alcohol.

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. Chapter 138 of the General Laws is hereby amended by inserting after
2 section 78 the following sections:-

3 Section 79. Definitions applicable to sections 79 through 84, inclusive

4 As used in this section, the following words shall have the following meanings unless the
5 context clearly requires otherwise:

6 “Artificially-derived cannabinoid”, a chemical substance that is created by a chemical
7 reaction that changes the molecular structure of any chemical substance derived from the
8 cannabis plant. “Artificially-derived cannabinoid” does not include: a naturally occurring
9 chemical substance that is separated from the cannabis plant by a chemical or mechanical
10 extraction process; or a cannabinoid that is produced by decarboxylation from a naturally
11 occurring cannabinoid acid without the use of a chemical catalyst.

12 “Cannabinoid”, any of several compounds produced by the cannabis plant that have
13 medical and psychotropic effects. This includes but is not limited to cannabidiol (CBD) and
14 tetrahydrocannabinol (THC).

15 “Certificate of analysis”, a document produced by an independent testing laboratory
16 listing the quantities of the various analytes for which testing was performed.

17 “Container” means an object that is offered, intended for sale or sold to a consumer and
18 directly contains an infused beverage product, and does not include an object or packaging that
19 indirectly contains, or contains in bulk for transportation purposes, an infused beverage.

20 “Hemp”, as defined in section 1 of chapter 94G.

21 “Independent testing laboratory”, a laboratory that does not have a direct or indirect
22 interest in the entity whose product is being tested; does not have a direct or indirect interest in a
23 facility that cultivates, processes, distributes, dispenses, or sells infused beverages or infused
24 beverage products in the state and is accredited by a third-party accrediting body as a competent
25 testing laboratory pursuant to ISO/IEC 17025 of the International Organization for
26 Standardization.

27 “Infused beverage”, a beverage intended for human consumption that is not an alcoholic
28 beverage, as defined in section 1, that contains, or is advertised, labeled or offered for sale as
29 containing an intoxicating cannabinoid and may contain one or more non-intoxicating
30 cannabinoids. Infused beverage shall not be considered “food” as defined in section 1 of chapter
31 94.

32 “Infused beverage product”, an infused beverage in a container intended for retail sale.
33 An infused beverage product shall not be considered “food” as defined in section 1 of chapter 94.

34 “Infused beverage product class”, a group of infused beverage products that have all
35 ingredients in common; and are produced by or for the same company.

36 “Intoxicating cannabinoid”, a cannabinoid with intoxicating properties that changes the
37 function of the nervous system and results in alterations of perception, cognition, or behavior.

38 “Intoxicating cannabinoid” shall include, but shall not be limited to, delta-6-
39 tetrahydrocannabinol, delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol, delta-10-
40 tetrahydrocannabinol, and delta-9-tetrahydrocannabinolic acid A.

41 “Non-intoxicating cannabinoid”, a cannabinoid without intoxicating properties that
42 changes the function of the nervous system and results in alterations of perception, cognition, or
43 behavior. “Non-intoxicating cannabinoid” shall include, but shall not be limited to, cannabidiol,
44 cannabidiolic acid, cannabidivarin, cannabidivarinic acid, cannabichromene, cannabichromenic
45 acid cannabigerolic acid cannabigerol, and cannabinol.

46 “Transportable hemp concentrate”, the product of any chemical or physical process
47 applied to naturally occurring biomass that concentrates or isolates the cannabinoids contained in
48 the biomass; is derived from the hemp plant that, based on sampling that was collected no more
49 than 30 days before the day on which the hemp plant was harvested, contains a combined
50 concentration of total THC and any THC analog of less than 0.3% on a dry weight basis; has a
51 THC and THC analog concentration total that is less than 20% when concentrated from the hemp
52 plant to the purified state; and is intended to be processed into an infused beverage product.

53 Section 80. Manufacture of infused beverages

54 (a) No person shall manufacture an infused beverage that is intended to be sold or offered
55 for sale in the commonwealth unless such person holds an infused beverage manufacturer
56 endorsement or a certificate of compliance issued by the commission pursuant to this section.
57 The commission may impose a fine of up to \$10,000 on a person that advertises, announces,
58 establishes, maintains or is concerned in establishing or maintaining an infused beverage
59 manufacturing operation without an endorsement granted by the commission. Each day during
60 which a violation continues shall constitute a separate offense. The commission may conduct
61 surveys and investigations to enforce compliance with this section.

62 (b) The commission shall issue for a term of one year, and renew for a like term, an
63 endorsement to manufacture infused beverages under this section to an entity that submits to the
64 commission, in a form and manner prescribed by the commission, an application that
65 demonstrates eligibility for an endorsement under this section. Such an endorsement shall be
66 subject to suspension, revocation or refusal to renew for cause. Any application for an
67 endorsement under this section, or renewal thereof, shall be accompanied by an application
68 processing fee in the amount of five thousand dollars. The commission shall approve or deny
69 such an application within thirty days of submission.

70 (c) The commission shall not issue an endorsement under this section unless the applicant
71 holds an unencumbered license to: (i) manufacture alcoholic beverages issued under section 19
72 of this chapter, (ii) manufacture marijuana-infused products issued by the cannabis control
73 commission under chapter 94G, or (iii) manufacture hemp products issued by the department of
74 agricultural resources under chapter 128.

75 (d) No holder of an endorsement or certificate of compliance under this section shall sell
76 an infused beverage or infused beverage product to any person in the commonwealth unless such
77 person holds an endorsement or certificate of compliance from the commission to manufacture
78 infused beverages under this section or to sell infused beverage products at wholesale issued
79 under section 81.

80 (e) A holder of an endorsement issued under this section may utilize existing facilities
81 and equipment to manufacture infused beverages and infused beverage products in accordance
82 with regulations promulgated by the commission. No infused beverage manufacturer shall obtain
83 any hemp or hemp product for the purpose of manufacturing any infused beverage that is
84 intended to be manufactured, sold or offered for sale in this state unless such hemp product is in
85 the form of transportable hemp concentrate, and no such infused beverage manufacturer shall use
86 any hemp product other than transportable hemp concentrate to manufacture any such infused
87 beverage or infused beverage product.

88 (f) The commission shall issue a certificate of compliance to an out of state entity
89 authorized by its home state to manufacture or distribute alcoholic beverages or hemp products;
90 provided, however, that such certificate shall be issued upon the condition that the holder shall
91 furnish from time to time as the commission may require, but in no event more often than once
92 each month, information concerning all shipments or sales of infused beverage products made by
93 them into the commonwealth, and that they comply with the provisions of this chapter and any
94 rules or regulations promulgated hereunder that pertain to a licensee of the same class, type or
95 character, doing business in this commonwealth under a license issued by the commission. The
96 commission may suspend, cancel or revoke any certificate issued hereunder for a violation of the
97 terms or conditions thereof. All certificates shall be issued to expire December thirty-first of the

98 year of issuance and the fee therefor shall be no less than \$200. The commission shall issue a
99 certificate of compliance within thirty days of application submission.

100 Section 81. Wholesale of infused beverage products

101 (a) No person shall sell an infused beverage product at wholesale in the commonwealth
102 unless such person holds an infused beverage product wholesaler and importer endorsement
103 issued by the commission pursuant to this section. The commission may impose a fine of up to
104 \$10,000 on any person that advertises, announces, establishes, maintains or is concerned in
105 establishing or maintaining an infused beverage wholesaler without an endorsement granted by
106 the commission. Each day during which a violation continues shall constitute a separate offense.
107 The commission may conduct surveys and investigations to enforce compliance with this
108 section.

109 (b) The commission shall issue for a term of one year, and renew for a like term, an
110 endorsement to import or sell infused beverage products at wholesale to an entity that submits to
111 the commission, in a form and manner prescribed by the commission, an application that
112 demonstrates eligibility for an endorsement under this section. Such an endorsement shall be
113 subject to suspension, revocation or refusal to renew for cause. Any application for an
114 endorsement under this section, or renewal thereof, shall be accompanied by an application
115 processing fee in the amount of five thousand dollars. The commission shall approve or deny
116 such an application within thirty days of submission.

117 (c) The commission shall not issue an endorsement under this section unless the applicant
118 holds an unencumbered license to import or sell alcoholic beverages at wholesale issued under
119 section 18 of this chapter.

120 (d) No holder of an endorsement under this section shall sell an or infused beverage
121 product to any person unless such person holds an endorsement from the commission to retail
122 infused beverages under section 82.

123 Section 82. Retail of infused beverage products

124 (a) No person shall sell, or offer for sale, at retail an infused beverage product unless such
125 person holds an infused beverage product retailer endorsement issued by the commission
126 pursuant to this section. No infused beverage product shall be sold, or offered for sale, at retail to
127 any individual by way of any indirect means, including, but not limited to, by way of mail or any
128 telephonic or other electronic means. The commission may impose a fine of up to \$10,000 on a
129 person that advertises, announces, establishes, maintains or is concerned in establishing or
130 maintaining a retail establishment that sells, or offers for sale, at retail infused beverage products
131 in violation of this subsection. Each day during which a violation continues shall constitute a
132 separate offense. The commission may conduct surveys and investigations to enforce compliance
133 with this section.

134 (b) The commission shall issue for a term of one year, and renew for a like term, an
135 endorsement to sell infused beverage products at retail to an entity that submits to the
136 commission, in a form and manner prescribed by the commission, an application that
137 demonstrates eligibility for an such endorsement under this section. Such an endorsement shall
138 be subject to suspension, revocation or refusal to renew for cause. Any application for an
139 endorsement under this section, or renewal thereof, shall be accompanied by an application
140 processing fee in the amount of five hundred dollars. The commission shall approve or deny such
141 an application within thirty days of submission.

142 (c) The commission shall not issue an endorsement under this section unless the applicant
143 holds an unencumbered license to: (i) sell all alcoholic beverages or beer and wine at retail under
144 this chapter, (ii) operate a medical marijuana treatment center issued by the cannabis control
145 commission under chapter 94I, or (iii) operate a retail adult-use marijuana establishment issued
146 by the cannabis control commission under chapter 94G.

147 (d) No holder of an endorsement under this section shall purchase infused beverage
148 products to be sold at retail from any person unless such person holds an endorsement to
149 wholesale infused beverage products issued by the commission under section 81.

150 Section 83. Age restriction

151 No infused beverage product shall be sold to any individual who is younger than twenty-
152 one years of age. No owner, agent or employee of a business authorized to sell infused beverage
153 products shall sell any infused beverage products to an individual without first verifying the
154 individual's age with a valid government-issued driver's license or identity card to establish that
155 such individual is twenty-one years of age or older.

156 Section 84. Infused beverage product registration; standards for infused beverage
157 products

158 (a) No infused beverage product shall be sold in the commonwealth unless such product
159 is registered with the commission and complies with this section. The commission shall publish a
160 publicly available list of registered infused beverage products.

161 (b) The commission shall register an infused beverage product following submission of
162 an application, in a form and manner prescribed by the commission, that demonstrates

163 compliance with this section. At a minimum, such application shall include: (i) the name and
164 address of the applicant; (ii) the name and address of the brand or company whose name shall
165 appear on the label of the infused beverage product; (iii) the name of the infused beverage
166 product; (iv) the name and address of the origin of the infused beverage product with which the
167 final product was manufactured; (v) a complete copy of the front and back of the label that will
168 appear on the infused beverage product; and, (iv) a certificate of analysis from an accredited
169 third-party laboratory for the lot for each product. Such registration shall be subject to
170 suspension or revocation for cause. Any initial application for registration under this section shall
171 be accompanied by a registration processing fee in the amount of two hundred dollars. The
172 commission shall approve or deny such an application within thirty days of submission. Any of
173 the following shall require a new product registration and fee: (i) a change in the chemical
174 composition or formula of an infused beverage product; (ii) a change to the serving size or
175 directions for use of an infused beverage product; or, (iii) any change to the label of an infused
176 beverage product.

177 (c) No Infused beverage product may be distributed or sold in the commonwealth unless
178 such product:

179 (1) has a certificate of analysis prepared by an independent testing laboratory that states
180 the infused beverage or infused beverage product is from a batch that has been tested for, and
181 does not contain more than trace amounts of, pesticides, residual solvents, metals, harmful
182 pathogens, and toxicants;

183 (2) accurately reflects testing results and contains less than a ten percent variance of the
184 concentration of total cannabinoid content as listed on the product label;

185 (3) is distributed or sold in a container that is: (i) suitable to contain products for human
186 consumption; (ii) is not attractive to children; and, (iii) is tamper evident; and,

187 (4) complies with the labeling and warning requirements specified in subsection (d).

188 (d) No Infused beverage product may be distributed or sold in the commonwealth unless
189 the label of such product:

190 (1) is plainly identifiable to a reasonable consumer that the product is an infused
191 beverage product;

192 (2) includes a scannable barcode or quick response code linked to the certificate of
193 analysis of the infused beverage from an independent testing laboratory;

194 (3) includes the expiration date, brand name, list of ingredients and the name, telephone
195 number and email address of the product manufacturer;

196 (4) specifies the number of milligrams of each cannabinoid per serving and serving size,
197 if specific cannabinoids are contained within or marketed for the product;

198 (5) does not include any claim that the product may be used or is effective for the
199 prevention, treatment, or cure of a disease or that it may be used to alter the structure or function
200 of human or animal bodies unless such claim has been approved by the federal Food and Drug
201 Administration; and,

202 (6) includes a warning label containing the following or substantially similar language: (i)
203 a statement that the product has not been evaluated or approved by the United States Food and
204 Drug Administration (unless such approval has been secured); (ii) the potential for the product to
205 cause the consumer to fail a drug test for THC; (iii) a statement that products containing THC

206 may cause impairment and impact a consumer’s ability to operate a vehicle; (iv) a statement that
207 the product is not recommended for use by pregnant or breastfeeding women; (v) a statement
208 that product use may result in health risks and medication interactions; (vi) a statement in capital
209 letters to KEEP THIS PRODUCT OUT OF REACH OF CHILDREN; and (vii) a statement or
210 infographic that the product is intended only for individuals age 21+.

211 (e) The commission shall establish by regulation a maximum amount of intoxicating
212 cannabinoids per infused beverage product container; provided, however, that such maximum
213 amount per container established by the commission shall be 5 milligrams per container or shall
214 equal the container limit for marijuana-infused beverage products established by the cannabis
215 control commission under chapter 94G, whichever is greater.

216 Section 85 Taxation of infused beverages

217 (a) An infused beverage product excise tax will be levied on all infused beverage
218 products at a rate of \$2.20 per gallon. Manufacturers must file their tax at a schedule specified by
219 the department of revenue and pay for products manufactured in Massachusetts for sale in
220 Massachusetts. Out of state businesses wholesalers must file at a schedule specified by the
221 department of revenue and pay for infused beverage products shipped into Massachusetts for sale
222 in Massachusetts. Infused beverage products shall be exempt from sales tax. Infused beverage
223 products stored or manufactured in Massachusetts intended for or sold outside Massachusetts
224 shall not be subject to an excise tax.

225 (b) The administration of the tax imposed by this section shall be vested in the
226 commissioner of revenue and governed by the provisions of chapter 62C. All sums received
227 under sections 80 to 85, inclusive, including all sums received as penalties, forfeitures, interest,

228 costs of suits and fines, less all amounts allowed as refunds and abatements under sections 79 to
229 85, inclusive, shall be credited as follows:

230 (1) 20 per cent shall be credited to the commission for implementation and enforcement
231 of sections 79 to 85, inclusive, including, but not limited to, infused beverage product licensing,
232 oversight and enforcement.

233 (2) 20 per cent shall be credited to the department of public health for the purposes of
234 public education regarding illicit hemp products and for the purposes of funding enforcement
235 efforts by local boards of health regarding illicit hemp products.

236 (3) The balance shall be credited to the General Fund.

237 Section 86. Regulations for the implementation of sections 70 to 86, inclusive

238 The commission shall promulgate regulations for the implementation sections 79 to 86,
239 inclusive. The commission may, in its discretion, promulgate regulations regarding the
240 advertisement, manufacture, distribution, importation, retail, and labelling of infused beverage
241 products; provided however, such regulations shall not conflict with sections 79 to 85, inclusive,
242 and otherwise shall not be more restrictive than regulations promulgated by the commission
243 under this chapter governing the advertisement, manufacture, distribution, importation, retail,
244 and labelling of alcoholic beverages.

245 SECTION 2. The alcoholic beverages control commission, established under section 70
246 of chapter 10, shall promulgate regulations to implement section 1 not later than 180 days
247 following the effective date of this Act.