

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 modernize the cannabis regulatory environment.

PETITION OF:

NAME:

William N. Brownsberger

DISTRICT/ADDRESS:

Suffolk and Middlesex

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act to modernize the cannabis regulatory environment.

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 before the definition of “Cannabinoid” the
3 following definition:-

4 "Agent registration card”, the identification card currently and validly issued by the
5 commission to a marijuana establishment or laboratory employee or agent, but not to a licensee,
6 which shall entitle the holder to perform services marijuana establishments or laboratories.

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

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

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

13 (a) An owner;

14 (b) A person or entity that possesses a voting interest of 10 percent or greater in a
15 marijuana establishment;

16 (c) A close associate;

17 (d) A person or entity that has the right to control or authority, through contract or
18 otherwise including, but not limited to: (1) To appoint more than 50% of the directors or their
19 equivalent; (2) To appoint or remove corporate-level officers or their equivalent; or (3) To earn
20 10 percent or more of the profits or collect more than 10 percent of the dividends.

21 (e) A court appointee or assignee pursuant to an agreement for a general assignment or
22 assignment for the benefit of creditors; or

23 (f) A third-party technology platform provider that possesses any financial interest in a
24 marijuana delivery licensee including, but not limited to, a delivery agreement or other
25 agreement for services.

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

31 SECTION 3. Section 4 of chapter 94G subsection (a1/2)(xxix), as so appearing, is hereby
32 amended by inserting in subsection (a1/2)(xxix)(6) after the word “marijuana” the following
33 words:-

34 ; provided that the commission shall not prohibit advertising, marketing and branding of
35 sales, discounts, and customer loyalty programs within a Marijuana Establishment, through a
36 Delivery service, on an internet website maintained by a Marijuana Establishment, or through an
37 opt-in email marketing campaign;

38 SECTION 4. Section 7 of chapter 94G, as so appearing, is hereby amended by striking
39 paragraph 1 of subsection (a) and inserting in place thereof the following words:-

40 (1) possessing, using, purchasing, processing and/or manufacturing not more than 3
41 ounces or less of marijuana, except that not more than 15 grams of marijuana may be in the form
42 of marijuana concentrate and not more than 1.5 grams of Tetrahydrocannabinol (THC) may be
43 contained in a single or multiple edible, beverage or other ingestible products.

44 SECTION 5. Section 12 of chapter 94G, as so appearing, is hereby amended by inserting
45 the following subsection:-

46 (i)(1) Any employee, agent, volunteer or other person must register with the commission
47 prior to engaging in any on-site services to a marijuana establishment or independent testing
48 laboratory. The commission shall issue a single agent registration card to an individual, which
49 agent registration card shall entitle the holder to provide such services at one or more marijuana
50 establishments or independent testing laboratories. An agent registration card shall be valid for
51 six years from the date of issuance. An agent shall be required to sign and submit a self-
52 attestation form to the commission every 2 years from the date of issuance to verify the agent's
53 compliance with all agent registration card requirements. A licensee shall verify the validity of
54 the agent registration cards.

55 (2) The commission shall not require a fee for agent registration card requests made by
56 any social equity program participants and/or verified employee(s) of any social equity
57 businesses.

58 SECTION 6. Section 15 of chapter 94G, as so appearing, is hereby amended by inserting
59 in the first sentence of subsection (a) paragraph (1) after the word “resources” the following
60 words:-

61 ; provided that the maximum batch size required by the Commission shall not be smaller
62 than 40 pounds.

63 SECTION 7. Section 15 of chapter 94G, as so appearing, is hereby amended by inserting
64 in the last sentence of subsection (a) paragraph (1) after the word “ingredients.” the following
65 words:-

66 The commission, in collaboration with Independent Testing Labs and Marijuana
67 Establishments, shall review such regulations and testing protocols, including, but not limited to,
68 its testing batch size requirements, residual and pesticide limits, and “Total Viable Aerobic
69 Bacteria (CFU/g)” and “Total Yeast and Mold (CFU/g)” tests, on an annual basis to ensure
70 compliance with the most recent industry standards, research, data, and typical microbial
71 composition in an outdoor grow in New England using best cultivation practices. The
72 commission shall report its findings and plans to update such regulations and testing protocols to
73 the relevant appointing authorities and the state legislature on a bi-annual basis.

74 SECTION 8. Section 15 of chapter 94G, as so appearing, is hereby amended by inserting
75 in the first sentence of subsection (a) paragraph (1) after the word “ingredients.” the following
76 words:-

77 The commission shall not require testing of environmental media (e.g. soils, solid
78 growing media, and water) beyond finished marijuana and marijuana product testing.

79 SECTION 9. Section 16 of chapter 94G of the General Laws is hereby amended by
80 striking out the existing language in its entirety and inserting in place thereof the following
81 section:-

82 Section 16. (a) No Person or Entity having Direct or Indirect Control may become a
83 licensee or Person or Entity having Direct or Indirect Control of more than 6 marijuana retailers,
84 3 medical marijuana treatment center licenses, 3 marijuana product manufacturer licenses and 3
85 marijuana cultivator licenses; provided however that any licensee or any person or entity having
86 direct or indirect control may become a person or entity having direct or indirect control of up to
87 4 additional marijuana retailer licenses or medical marijuana treatment center licenses if (i) such
88 marijuana retailer licenses are majority owned by a social equity business, economic
89 empowerment business, a Massachusetts Minority Business Enterprises (MBE), Women
90 Business Enterprises (WBE), or Veteran Business Enterprises (VBE) with valid certification
91 from the Supplier Diversity Office of the Massachusetts Operational Services Division as a
92 Disadvantaged Business Enterprise (DBE); and (ii) such person or entity owns directly or
93 indirectly through a parent or holding company, trust, or otherwise, no more than 35 percent of
94 the interest of the business; provided however that until 1-year from the passage of this Act, no
95 Person or Entity having Direct or Indirect Control may become a Person or Entity having Direct
96 or Indirect Control of more than 4 marijuana retailers, and until 2-years from the passage of this
97 Act, no Person or Entity having Direct or Indirect Control may become a Person or Entity having
98 Direct or Indirect Control of more than 5 marijuana retailers.

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

108 SECTION 10. Chapter 94G of the Massachusetts General Laws shall be amended by
109 adding after Section 22, the following section:

110 Section 23.

111 (a) The Commission shall collect, compile, and make available to the public on its Open
112 Data Platform, the following data from independent testing laboratories as defined in Section 15
113 of this Chapter:

114 Industry average for,

- 115 1) Failure rates for Pesticides
- 116 2) Failure rates for Heavy metals
- 117 3) Failure rates for Microbiological contaminants
- 118 4) Failure rates for Residual solvents

- 119 5) Failure rates for Mycotoxins
- 120 6) Total THC for flower
- 121 7) Total THC for Marijuana Vaporizer Devices
- 122 8) Total THC for concentrates

123 Per licensed Independent Testing Laboratory, their average for

- 124 1) Failure rates for Pesticides
- 125 2) Failure rates for Heavy metals
- 126 3) Failure rates for Microbiological contaminants
- 127 4) Failure rates for Residual solvents
- 128 5) Failure rates for Mycotoxins
- 129 6) Total THC for flower
- 130 7) Total THC for Marijuana Vaporizer Devices
- 131 8) Total THC for concentrates

132 (b) The initial data report shall include all prior Independent Testing Laboratory data
133 submitted to the Commission. The initial report shall be published per Independent Testing
134 Laboratory per quarter inclusive of reports. Subsequent data reports shall be updated and
135 published on a quarterly basis detailing information from the preceding quarter.

136 (c) The Commission shall investigate and publicly report the reason for the discrepancy
137 for individual Independent Testing Laboratories that are statistically significant outliers in terms
138 of their testing results.

139 (d) The Commission shall promulgate regulations in accordance with this section no later
140 than one year after the effective date of this act.

141 SECTION 11. Section 34 of Chapter 94C of the General Laws, as so appearing, is hereby
142 amended by striking the words “one ounce of marihuana” in line 18 and inserting in place
143 thereof the following words:- “three ounces of marijuana”.

144 SECTION 12. The commission shall promulgate or amend regulations as necessary to be
145 consistent with Section 1-11 not later than 365 days from the effective date of this act.