

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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 regulating the sale of hemp products to protect public health.

PETITION OF:

NAME:

Joanne M. Comerford

DISTRICT/ADDRESS:

Hampshire, Franklin and Worcester

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act regulating the sale of hemp products to protect public health.

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 64N of the General Laws, as appearing in the 2022 Official
2 Edition, is hereby amended by striking out section 1 and inserting in place thereof the following
3 section:-

4 Section 1. As used in this chapter, the following words shall, unless the context clearly
5 requires otherwise, have the following meanings:

6 (a) "Commissioner", the commissioner of revenue.

7 (b) "Hemp products", as defined in section 1 of chapter 94G.

8 (c) "Marijuana," "Marijuana establishment," "Marijuana product" and "Marijuana
9 retailer", as defined in section 1 of chapter 94G.

10 (d) "Social equity business", a marijuana retailer that is a social equity business, as
11 defined in section 1 of chapter 94G.

12 SECTION 2. Chapter 64N of the General Laws, as so appearing, is hereby further
13 amended by inserting, after section 2, the following section:-

14 Section 2A. A retailer shall impose a fee at a rate of 10.75 per cent of the total sale price
15 received by the retailer as a consideration for the sale of hemp products on anyone other than a
16 marijuana establishment. The fee shall be levied in addition to state tax imposed upon the sale of
17 property or services as provided in section 2 of chapter 64H and shall be paid by a retailer to the
18 commissioner at the time provided for filing the return required by section 16 of chapter 62C.

19 SECTION 3. Section 4 of chapter 64N, as so appearing, is hereby amended by striking
20 out the phrase “marijuana or marijuana products”, and inserting in place thereof, the following
21 phrase:- “marijuana, marijuana products or hemp products”.

22 SECTION 4. Section 5 of chapter 64N, as so appearing, is hereby amended by inserting,
23 after the second instance of the phrase “revenue collected pursuant to”, the following phrase:-
24 “section 2A of this chapter or”.

25 SECTION 5. Said section 5 of said chapter 64N, as so appearing, is hereby further
26 amended by inserting, after the first sentence, the following sentence:-

27 The commissioner shall deposit revenue collected pursuant to section 2A of this chapter
28 in the Hemp Product Education Fund established in section 14B of chapter 94G.

29 SECTION 6. Chapter 94 of the General Laws, as appearing in the 2022 Official Edition,
30 is hereby amended by inserting, after section 329, the following 6 sections:-

31 Section 330. As used in this section and sections 331 to 335, inclusive, the following
32 words and phrases shall have the following meanings:-

33 "Governmental entity", an official body of the commonwealth, or of a county, city or
34 town within the commonwealth.

35 "Non-ingestible hemp product", a final product derived from hemp, including hemp
36 harvested, processed, manufactured or sold pursuant to section 118 of chapter 128, that is not
37 intended to be ingested, inhaled or otherwise introduced into the human body, other than through
38 topical administration or application, and that does not cause an altered mental state or other
39 intoxicating effect when ingested, inhaled or otherwise introduced into the human body, even if
40 this is not among its stated purposes.

41 "Person", a natural person, corporation, association, partnership or other legal entity.

42 Section 331. (a) No non-ingestible hemp product shall be sold or otherwise transferred:

43 (i) That is advertised as consumable by ingestion, inhalation or otherwise
44 introducible into the human body other than through topical administration or application;

45 (ii) That is advertised as causing or having the ability to cause an altered mental state
46 or other intoxicating effect when ingested, inhaled or otherwise introduced into the human body;

47 (iii) In packaging that includes any markings or images indicating that it may cause an
48 altered mental state or other intoxicating effect;

49 (iv) In packaging that closely resembles the packaging of candy or other food products
50 marketed towards children; or

51 (v) That is adulterated, except that hemp included in a non-ingestible hemp product
52 under this chapter shall not be considered an adulterant.

53 (b) Excepting prescription drugs as defined in section 1 of Chapter 94C, marijuana and
54 hemp products sold pursuant to chapter 94G, products sold in marijuana establishments, and
55 non-ingestible hemp products, a product containing any cannabinoid may not be sold or
56 otherwise transferred.

57 Section 332. If a local board of health has reason to suspect a product is in violation of
58 sections 330 to 335, inclusive, that board shall conduct examinations and investigations and may
59 take samples of products for analysis to determine compliance with the provisions of sections
60 330 to 335, inclusive. If that board determines that a violation of the provisions of sections 330
61 to 335, inclusive, has occurred, they shall take enforcement action. If requested by a local board
62 of health, the department of public health may furnish advice and assistance to the board and
63 may coordinate further for the purposes of investigating suspected violations.

64 Section 333. (a) For a first violation of the provisions of sections 330 to 335, inclusive,
65 enforcement actions shall consist of removal from the premises all products that the department
66 determines violate sections 330 to 335, inclusive, as well as a written warning to the violating
67 person that repeated violations may result in revocation of operating permits and licenses. This
68 warning may include a requirement for the violating person to complete an informational course
69 that explains the laws and regulations surrounding the sale of hemp products and products that
70 contain cannabinoids. If an informational course is required as an enforcement action for a first
71 violation, it shall be administered by the local board of health that made the initial determination
72 of a violation. Failure of the violating person to complete a required course within 6 months of
73 the reception of this warning may be considered a separate violation of the provisions of sections
74 330 to 335, inclusive.

75 (b) For repeated violation s of the provisions of sections 330 to 335, inclusive, either as a
76 result of repeated investigations by a local board of health or the failure to complete an
77 informational course administered following a first violation, enforcement actions shall include,
78 but not be limited to, removal from the premises of all products that the department determines
79 violate sections 330 to 335, inclusive, and the destruction of these products. The local board of
80 health that made the determination of these repeated violations may, within 30 days of a
81 determination that a product is in violation of section 330 to 335, inclusive, send written notice
82 of this violation to all governmental entities that have issued a permit or license to any violating
83 person; provided that this may include governmental entities that issue a permit or license to a
84 person after a determination is made but before written notices are sent. Repeated violations of
85 sections 330 to 335, inclusive, may be considered by a governmental entity as grounds for
86 suspension or revocation of any permit or license issued by this entity that relates to the
87 production or sale of food, alcohol, tobacco, cosmetics or drugs.

88 Section 334. Local boards of health may establish civil administrative fines for repeated
89 violations of sections 330 to 335, inclusive. A person aggrieved by the assessment of a fine under
90 this section may appeal to the full board from which it was assessed not later than 21 days after
91 the receipt of the notice of the fine. Appeals shall be given a speedy hearing before the local
92 board of health from which it was assessed.

93 Section 335. (a) Local boards of health may make rules and regulations to carry out the
94 provisions of sections 330 to 335, inclusive; provided, that these rules or regulations are not
95 inconsistent with rules or regulations of the department of public health, the cannabis control
96 commission or the department of agricultural resources.

97 (b) Whenever changes are made regarding a local board of health's enforcement of the
98 provisions of said sections, local boards of health shall send written communication of these
99 changes to all persons within their jurisdiction that have active permits or licenses relating to
100 food, alcohol, tobacco, cosmetics or drugs in a timely manner.

101 (c) Nothing in this section shall be construed to exempt from penalty any person found
102 responsible for a violation of sections 330 to 335, inclusive, as a result of not receiving a written
103 communication described in subsection (b); provided, that the responsible local board of health
104 made a good faith effort to provide this information to those who are entitled to it under
105 subsection (b).

106 SECTION 7. Section 1 of chapter 94C of the General Laws, as appearing in the 2022
107 Official Edition, is hereby amended striking the definition of "Marihuana" and inserting in its
108 place the following definition:-

109 "Marihuana", all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds
110 thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt,
111 derivative, mixture, or preparation of the plant, its seeds or resin; provided, this shall not include
112 the mature stalks of the plant, industrial hemp as defined in section 116 of chapter 128, fiber
113 produced from the stalks, oil, or cake made from the seeds of the plant, any other compound,
114 manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin
115 extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of
116 germination; and provided further, this shall not include hemp products as defined by chapter
117 94G or non-ingestible hemp products as defined by chapter 94 which are compliant with all
118 applicable state laws and regulations.

119 SECTION 8. Section 1 of chapter 94G of the General Laws, as appearing in the 2022
120 Official Edition, is hereby amended by striking the definition of hemp and inserting in its place
121 the following 2 definitions:-

122 “Hemp”, the plant of the genus Cannabis and any part of that plant, including all
123 derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, but not including
124 the seeds thereof, whether growing or not, with a total tetrahydrocannabinol concentration,
125 including tetrahydrocannabinolic acid, of not more than 0.3 percent in the plant on a dry weight
126 basis. This does not include tetrahydrocannabinols present in the finished dosage formulation of
127 a drug product that has been approved by the United States Food and Drug Administration.

128 “Hemp product”, any intermediate or final product derived from hemp harvested,
129 processed, manufactured or sold pursuant to section 118 of chapter 128 and section 12(f) of
130 chapter 94G, but not from industrial hemp, that is prepared in a form available for commercial
131 sale and intended for human consumption, including but not limited to edible products such as
132 food and beverages and inhalable products such as flower, distillations and vaporizers; provided,
133 however, that this definition shall not include non-ingestible hemp products as defined by
134 chapter 94.

135 SECTION 9. Said section 1 of said chapter 94G, as so appearing, is hereby further
136 amended by striking the definition of “Marijuana” or “Marihuana” and inserting in its place the
137 following definition:-

138 “Marijuana” or “Marihuana”, all parts of the plant Cannabis sativa L., whether growing
139 or not; the seeds thereof; and resin extracted from any part of the plant; and every compound,
140 manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin; provided, this

141 shall not include the mature stalks of the plant, industrial hemp as defined in section 116 of
142 chapter 128, fiber produced from the stalks, oil or cake made from the seeds of the plant, any
143 other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks,
144 except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is
145 incapable of germination; and provided further, this shall not include hemp products as defined
146 by chapter 94G or non-ingestible hemp products as defined by chapter 94 which are compliant
147 with all applicable state laws and regulations.

148 SECTION 10. Subsection (a 1/2) of section 4 of said chapter 94G, as so appearing, is
149 hereby amended by inserting, after paragraph (xxxviii), the following 2 clauses:

150 (xxxix) establish standards for allowing the sale of hemp products to consumers by
151 marijuana establishments; and

152 (xxxx) establish standards for the manufacture, packaging and transportation of hemp
153 products; provided, when applicable, that these standards are as strict or stricter than the
154 standards adopted for marijuana products.

155 SECTION 11. Section 12 of said chapter 94G, as so appearing, is hereby amended by
156 striking subsection (f) and inserting in its place the following subsection:-

157 (f) No marijuana establishment shall cultivate, manufacture, sell or otherwise transact
158 business with any products containing cannabinoids other than those that were produced,
159 distributed and taxed in compliance with this chapter or any hemp and hemp products cultivated
160 and manufactured in compliance with a license from the department of agricultural resources
161 pursuant to chapter 128 and in compliance with regulations set forth by the United States
162 Department of Agriculture. No hemp product shall contain more than 100 parts per million or

163 100 micrograms per gram of any cannabinoid which is not naturally produced by hemp plants
164 above this concentration.

165 SECTION 12. Chapter 94G, as so appearing, is hereby further amended by inserting,
166 after section 14A, the following section:-

167 Section 14B. (a) There shall be established and set up on the books of the commonwealth
168 a separate fund, to be known as the Hemp Product Education Fund. It shall consist of all monies
169 received on account of the commonwealth as a result of revenue generated by the fee imposed by
170 section 2A of chapter 64N, subject to the provisions described in section 5 of Chapter 64N,
171 interest earned or other income on balances in the fund, any appropriations authorized by the
172 general court specifically designated to be credited to the fund, and gifts, grants and donations
173 from public or private sources.

174 (b) Money in the fund shall be expended for the implementation, administration and
175 enforcement of sections 330 to 335, inclusive, of chapter 94 by local boards of health. This shall
176 include, but not be limited to:

177 (i) the creation or adoption of an informational course that may be used as an educational
178 resource or as part of an enforcement action following a violation of sections 330 to 335,
179 inclusive;

180 (ii) the investigation of alleged violations of sections 330 to 335, inclusive;

181 (iii) the development of relevant rules and regulations;

182 (iv) the creation and dissemination of relevant informational material;

183 (v) the training of staff to investigate and enforce relevant rules, regulations and laws;
184 and
185 (vi) the administration of any relevant enforcement actions.

186 SECTION 13. Section 116 of chapter 128, as appearing in the 2022 Official Edition, is
187 hereby amended by striking the definition of “Hemp” and inserting in its place the following
188 definition:-

189 “Hemp”, the plant of the genus Cannabis and any part of that plant, including the seeds
190 thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers,
191 whether growing or not, with a total tetrahydrocannabinol concentration, including
192 tetrahydrocannabinolic acid, of not more than 0.3 percent in the plant on a dry weight basis.

193 SECTION 14. Not later than 90 days following the effective date of this act, local boards
194 of health shall communicate in writing information regarding the requirements of sections 330 to
195 335, inclusive, of chapter 94 of the General Laws, as inserted by this act, that relate to hemp
196 product definitions and sales, as well as the details of violating said sections and the penalties for
197 violations, to persons within their jurisdiction who may be impacted by said sections.