

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Jacob R. Oliveira***

*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 for cannabis market modernization.**

PETITION OF:

NAME:

*Jacob R. Oliveira*

DISTRICT/ADDRESS:

*Hampden, Hampshire and Worcester*

**SENATE . . . . . No.**

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[Pin Slip]

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**The Commonwealth of Massachusetts**

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

An Act for cannabis market modernization.

*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 so appearing, is hereby  
2 amended by inserting as new definitions:-

3           “Agent registration card”, the identification card currently and validly issued by the  
4           commission to a marijuana establishment or laboratory employee or agent, but not to a  
5 licensee, which shall entitle the holder to perform services marijuana establishments or  
6 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           “Person or Entity Having Direct Control”, any person or entity having direct control over  
10 the operations of a marijuana establishment, which satisfies one or more of the following criteria:

11           (a) An owner;

12 (b) A person or entity that possesses a voting interest of 25 percent or greater in a  
13 marijuana establishment;

14 (c) A close associate;

15 (d) A person or entity that has the right to control or authority, through contract or  
16 otherwise including, but not limited to: (1) To appoint more than 50% of the directors or their  
17 equivalent; (2) To appoint or remove corporate-level officers or their equivalent; or (3) To earn  
18 25 percent or more of the profits or collect more than 25 percent of the dividends.

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

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

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

29 SECTION 3. Section 1 of chapter 94G of the General Laws, as so appearing, is hereby  
30 amended by inserting after the definition of “Production batch” the following definition:-

31 “Owner”, any person or entity owning directly or indirectly through parent or holding  
32 company, or otherwise, 25 percent or more of the interest in a licensee.

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

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

40 SECTION 5. Section 4 of chapter 94G, as so appearing, is hereby amended by inserting  
41 after paragraph (6) of subsection (c) the following paragraph:-

42 (7) require a marijuana retailer to check identification of any consumer or patient at any  
43 location except the point of sale.

44 SECTION 6. Section 6 of chapter 94G, as so appearing, is hereby amended by adding  
45 after the word “Laws” as so appearing in subsection (b) the following words:-

46 provided that the commission shall not renew and shall not grant any extension of the  
47 license’s expiration date to any applicant for renewal that has not provided a certificate of good  
48 standing and tax compliance from the department of revenue dated on or before the date of  
49 expiration of the license. The commission shall suspend or revoke the license of any applicant  
50 for renewal who fails to comply with this section pursuant to section 4 of this chapter.

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

53 (1) possessing, using, purchasing, processing and/or manufacturing not more than the 2  
54 ounce equivalency of marijuana, marijuana concentrate, edible, beverage, and other ingestible  
55 products combined;

56 SECTION 8. Section 12 of chapter 94G, as so appearing, is hereby amended by inserting  
57 the following subsections:-

58 (i)(1) Any employee, agent, volunteer or other person required by the regulations  
59 promulgated pursuant to section 4 shall register with the commission prior to engaging in any  
60 on-site services to a marijuana establishment or laboratory related to the cultivation, harvesting,  
61 preparation, packaging, storage, testing or dispensing of marijuana. The commission shall issue  
62 a single agent registration card to an individual, which agent registration card shall entitle the  
63 holder to provide such services at one or more marijuana establishments or laboratories. An  
64 agent registration card shall be valid for seven years from the date of issuance. A licensee shall  
65 verify the validity of the agent registration cards, but shall not be required to obtain agent  
66 registration cards on behalf of its employees, agents, volunteers or other persons required by the  
67 regulations promulgated pursuant to section 4.

68 (2) The commission shall not require a fee for agent registration card requests made by a  
69 verified employee of any social equity businesses.

70 SECTION 9. Section 15 of chapter 94G, as so appearing, is hereby amended by inserting  
71 in the first sentence of subsection (a) paragraph (1) after the word “resources” the following  
72 words:- provided that the commission shall not require sampling of any batch of marijuana less  
73 than 40 pounds.

74 SECTION 10. Section 16 of chapter 94G of the General Laws is hereby amended by  
75 striking out the existing language in its entirety and inserting in place thereof the following  
76 section:-

77 Section 16. (a) No Person or Entity having Direct or Indirect Control may become a  
78 licensee or Person or Entity having Direct or Indirect Control of more than 9 marijuana retailers,  
79 3 medical marijuana treatment center licenses, 3 marijuana product manufacturer licenses and 3  
80 marijuana cultivator licenses, provided further that the commission shall not grant any license  
81 where such licensee or Person or Entity having Direct or Indirect Control would become a  
82 licensee or Person or Entity having Direct or Indirect Control of four or more marijuana retailers  
83 through the application for a new license. A licensee or Person or Entity having Direct or  
84 Indirect Control may only become a licensee or Person or Entity having Direct or Indirect  
85 Control of four or more marijuana retailers through a change of ownership or control request of a  
86 marijuana retailer license in good standing with the commission on the effective date of this  
87 section;

88 SECTION 11. Chapter 94G, as so appearing, is hereby further amended by adding the  
89 following sections:-

90 Section 23. (a) Notwithstanding section 4(a)(x) and section 5 of this chapter, or any other  
91 general or special law, rule, regulation, or order to the contrary, from the effective date of this  
92 section until 180 days after the publication of the report Joint Committee on Cannabis Policy of  
93 the General Court pursuant to subsection (b), the commission shall not issue any marijuana  
94 retailer, marijuana cultivator or marijuana product manufacturer license to any person, except  
95 through the grant of an application for change of ownership or control, unless such person has

96 submitted a marijuana establishment license application that has been deemed complete by the  
97 commission prior to the effective date of this section or unless such person is a participant in the  
98 social equity program established by section 22 of this chapter.

99 (b) The Joint Committee on Cannabis Policy of the General Court shall conduct and  
100 publish a study analyzing the profitability and economic health of businesses licensed under this  
101 chapter. The study shall analyze the appropriate number of licenses to be licensed under this  
102 chapter, the adequacy of cannabis supply for patients and consumers, or whether an oversupply  
103 harms market participants, and the adequacy of the commission's enforcement of its regulations  
104 with respect to cultivation tiers.

105 (c) This section shall be effective upon passage.

106 SECTION 12. Chapter 94G, as so appearing, is hereby further amended by adding the  
107 following sections:-

108 Section 24. (a) As used in sections 23-24, the following words shall, unless the context  
109 clearly requires otherwise, have the following meanings:-

110 "Artificially derived", the creation of a chemical substance by a chemical reaction that  
111 changes the molecular structure of any chemical substance.

112 "Cannabidiol (CBD)" means a nonpsychoactive cannabinoid found in the cannabis sativa  
113 plant. CBD has the formula C<sub>21</sub>H<sub>30</sub>O<sub>2</sub> and chemical structure, inclusive of stereochemical  
114 variations. CBD is not tetrahydrocannabinol.

115 "Cannabinoids" means compounds structurally defined as a diverse class of C<sub>21</sub> or C<sub>22</sub>  
116 terpenophenolic compounds found in Cannabis sativa L., their carboxylic acids, analogs, and

117 transformation products. Cannabinoids, for the purposes of this chapter, shall include structurally  
118 unrelated cannabimimetic compounds. The main cannabinoids found in cannabis plants are  
119 Tetrahydrocannabinol (THC) and Cannabidiol (CBD). In addition to THC and CBD, there are  
120 more than 100 cannabinoids that could be identified.

121 “Cannabimimetic”, a compound that is not structurally a cannabinoid, but which can  
122 elicit a biological response similar to those produced by cannabinoids by acting directly or  
123 indirectly on cannabinoid receptors in the body.

124 “Delta-8-tetrahydrocannabinol (Delta-8-THC)”, a psychoactive cannabinoid compound  
125 found in the Cannabis sativa plant, but does not occur in naturally significant amounts. It has the  
126 chemical formula  $C_{21}H_{30}O_2$  and the chemical structure inclusive of stereochemical variations.

127 “Delta-9-tetrahydrocannabinol (Delta-9-THC)”, a psychoactive cannabinoid compound  
128 found in the Cannabis sativa plant, and the primary psychoactive compound found in marijuana.  
129 Delta-9 THC has the formula  $C_{21}H_{30}O_2$  and the chemical structure inclusive of stereochemical  
130 variations.

131 “Dry weight basis”, a method of determining the percentage of a chemical in a substance  
132 after removing the moisture from the substance. The ratio of the amount of moisture in a sample  
133 to the amount of dry solid in a sample.

134 “Decarboxylation”, a process of treating a cannabis material or product to remove  
135 carboxyl groups from the cannabinoids native in the plant, to form transformation products such  
136 as THC and CBD. Decarboxylation is commonly accomplished by application of heat.  
137 Decarboxylation is not considered a synthetic process.



138 “Hemp-derived cannabinoid product”, a product derived from hemp intended for human  
139 consumption, by means including, but not limited to ingestion, injection or inhalation, that  
140 contains more than .5 milligrams of total tetrahydrocannabinol (THC) per any serving or other  
141 individual unit, and 2.5 milligrams per multi-serving package, container, or packages or  
142 containers sold as a single unit.

143 “Intoxicating tetrahydrocannabinols”, naturally occurring, synthetically derived,  
144 artificially derived, isomerized, or synthetically converted tetrahydrocannabinols which, when  
145 consumed, have the potential to induce disturbances in nervous system function and may result  
146 in changes in cognition, perception, judgement, mood, consciousness, or behavior, that resolve  
147 with time.

148 “Isomers”, molecules or polyatomic ions with identical molecular formulae (i.e., the  
149 same number of atoms of each element) but distinct arrangements of atoms in space.

150 “Isomerization”, is the process in which a molecule, polyatomic ion or molecular  
151 fragment is transformed into an isomer with a different chemical structure.

152 “Tetrahydrocannabinol (THC)”, (i) all naturally, synthetically or artificially derived  
153 tetrahydrocannabinols, or any structural, optical or geometric isomers or analogs of  
154 tetrahydrocannabinols, which include but are not limited to, Delta-1 tetrahydrocannabinol; Delta-  
155 6 tetrahydrocannabinol; Delta 3,4 tetrahydrocannabinol; Delta-8 tetrahydrocannabinol; Delta-9  
156 tetrahydrocannabinol; Delta-10 tetrahydrocannabinol, Delta-11 tetrahydrocannabinol; (ii) any  
157 other intoxicating tetrahydrocannabinols, (iii) any other naturally or artificially derived  
158 cannabinoid that has an intoxicating or psychoactive effect; and (iv) any other chemically similar  
159 compound, substance, derivative, or isomer of tetrahydrocannabinol.

160 “Tetrahydrocannabinolic acid (THCA)”, a naturally occurring cannabinoid compound  
161 found in the cannabis sativa plant. THCA is the precursor to THC through decarboxylation.  
162 THCA has the chemical formula C<sub>22</sub>H<sub>30</sub>O<sub>4</sub>.

163 (b) No person may engage in the sale or transfer of hemp-derived cannabinoid products  
164 or Tetrahydrocannabinolic acid (THCA) without receiving an intoxicating hemp endorsement  
165 from the commission. The commission shall impose and collect fees pursuant to section 4 for  
166 intoxicating hemp endorsements.

167 (c) The commission shall promulgate any necessary regulations to implement this section  
168 within 90 days of the effective date.

169 (d) This section shall not be construed to prevent the cultivation and production of hemp  
170 pursuant to sections 116-123 of chapter 128 of the General Laws, or to prevent the interstate  
171 transportation of hemp or hemp-derived products in compliance with federal law.

172 Section 24. Whoever violates section 23(b) shall be punished by imprisonment for not  
173 more than 1 year in the house of correction or by a fine of not more than \$25,000 per day, or by  
174 both such fine and imprisonment.

175 SECTION 13. Chapter 94G of the General Laws, as so appearing, is hereby amended by  
176 inserting after section 24 the following section:-

177 Section 25. It shall be unlawful for any licensee under this chapter to receive credit,  
178 directly or indirectly, for marijuana or marijuana products sold or delivered to any licensee  
179 engaged in the sale of marijuana or marijuana products for a period of not more than sixty days.  
180 Nothing in this chapter shall require any licensee to extend credit to any other licensee. The

181 credit period shall be calculated from the date of the delivery of the marijuana or marijuana  
182 products to the purchasing licensee to the date when the purchasing licensee discharges in full  
183 the indebtedness for which the credit was extended. If any licensee does not discharge in full any  
184 such indebtedness within such sixty day period, the indebtedness shall be overdue and such  
185 licensee shall be delinquent within the meaning of this section. Within three days after a licensee  
186 becomes delinquent, the licensee who extended the credit shall mail a letter of notice by certified  
187 mail to the commission and a copy thereof to the delinquent licensee. The notice shall contain  
188 the name of the delinquent licensee, the date of delivery of the marijuana and marijuana  
189 products, the amount of the indebtedness remaining undischarged, and all available proof of the  
190 indebtedness and delinquency. Within five days after receipt of such a letter of notice, the  
191 commission shall post on its website the name and address only of the delinquent licensee in a  
192 complete and current delinquent list containing the names and addresses of all delinquent  
193 licensees. Such posting shall constitute notice to all licensees of the delinquency of such licensee.

194         If a licensee is seriously damaged in his business by riot, insurrection, civil disturbance,  
195 fire, explosion or by an act of God, so-called, the licensee may file an application with the  
196 commission requesting that the provisions of the first paragraph of this section be suspended as  
197 to him for a reasonable period. The commission shall set down the application for hearing within  
198 twenty-one days and shall notify all licensees engaged in selling to said applicant of the hearing  
199 and give all interested parties the right to be heard. Pending such hearing, the commission may,  
200 after an investigation and determination that the facts as stated by the licensee in his application  
201 would constitute reasonable grounds for relief, order that such licensee shall not be posted as  
202 delinquent. If the commission finds it is in the public interest to do so, it may suspend the  
203 application of said first paragraph with respect to the applicant for such period as it may consider

204 to be reasonable and in the public interest. Such action shall not deprive licensees of all legal  
205 rights available to them for the collection of the indebtedness and shall be contingent on such  
206 terms and conditions as the commission shall determine.

207 No licensee under this chapter shall sell or deliver, directly or indirectly, marijuana or  
208 marijuana products to a licensee whose name is posted on the delinquent list, except for payment  
209 in cash on or before delivery, and no licensee who is posted on the delinquent list shall purchase  
210 or accept delivery of any marijuana or marijuana products except for payment in cash on or  
211 before delivery.

212 The commission shall not authorize a change of ownership or control of a licensee on the  
213 delinquent list until all delinquencies are satisfied and the commission has removed the licensee  
214 from the delinquent list under this section, except for approval of court-appointed receivers or  
215 trustees under a voluntary assignment for the benefit of creditors, provided that prior approval of  
216 such assignment is obtained from the commission after notice to all creditors has been given and  
217 reasonable time allowed for objections by all creditors.

218 Upon full discharge of the indebtedness for which a licensee was posted, the licensee  
219 who filed the letter of notice of delinquency shall, within twenty-four hours thereafter, notify the  
220 commission, by mailing a letter by certified mail addressed to the commission of the discharge of  
221 the indebtedness. The commission shall immediately strike the name of the delinquent licensee  
222 from the list.

223 Notwithstanding and in lieu of any other penalty in any other provision of this chapter,  
224 any person who violates any provision of this section shall be punished by a fine of not more  
225 than five thousand dollars.

226           The provisions of this section shall apply to all credit extended after April the first, two  
227 thousand and twenty.

228           The commission shall promulgate any necessary regulations to implement this section  
229 within 90 days of the effective date.

230           SECTION 14. Chapter 128 of the General Laws, as so appearing, is hereby amended by  
231 inserting after section 124 the following section:-

232           Section 125. The attorney general may make a complaint or seek indictment against any  
233 person for the sale of hemp or hemp-derived products that are not approved for use, ingestion, or  
234 inhalation by consumers by the Department and the Department of Public Health where such  
235 person does not hold a license authorizing the sale of such hemp or hemp-derived products from  
236 the Department or the Cannabis Control Commission. Any person, 90 days after the filing of a  
237 complaint with the attorney general, or sooner if the attorney general assents in writing, and  
238 within 3 years after the sale of hemp or hemp-derived products, may institute and prosecute in  
239 his own name and on his own behalf, or for others similarly situated, a civil action for injunctive  
240 relief to enjoin the sale of such hemp or hemp-derived products and any other relief the court  
241 may deem just and equitable. Any person instituting such action shall be deemed aggrieved and  
242 jurisdiction for such action shall lie in the superior court department whether or not the person  
243 has suffered monetary damages. Any person who prevails in such an action shall be awarded  
244 treble damages, if any, the costs of the litigation and reasonable attorneys' fees.