

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JUNE 22, 2017.

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JOURNAL OF THE SENATE.

Thursday, June 22, 2017.

Met at nine minutes past eleven o'clock A.M.

The Senator from Plymouth and Barnstable, Mr. deMacedo, then led the President, members, guests and staff in the recitation of the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Cyr for the purpose of an introduction. Mr. Cyr then introduced, on the Rostrum, Georgia State Senator Mike Dugan. Senator Dugan is the Majority Leader in the Georgia Senate. The Senate welcomed him with applause, he signed the guest book and he withdrew from the Chamber.

Senator Mike Dugan.

Report.

Report of the Division of Insurance (pursuant to Section 4A of Chapter 175 of the General Laws) submitting its annual home insurance report for calendar year 2015 (copies having been forwarded as required to the Senate Committee on Ways and Means, the Joint Committee on Financial Services and the Attorney General) (received June 21, 2017),-- was placed on file.

DOI,-- home insurance report. SD2238

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Brady, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael D. Brady for legislation to further regulate temporary inventory adjustments of malt beverages;

Malt beverages,-- inventory adjustments. SD2237

By Ms. Flanagan, a petition (accompanied by bill) (subject to Joint Rule 12) of Jennifer L. Flanagan and Stephan Hay for legislation to establish a sick leave bank for David Lamkin, an employee of the Department of Correction; and

David Lamkin,-- sick leave. SD2239

By the same Senator, a petition (accompanied by bill) (subject to Joint Rule 12) of Jennifer L. Flanagan for legislation to update postural screening requirements in schools;

Postural screening,-- schools. SD2240

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Walter F. Timilty, for the committee on State Administration and Regulatory Oversight, on Reorganization Plan No. 2 of 2017 (submitted by the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) to reorganize the information technology function of the Commonwealth to improve data security, safeguard privacy, and promote better service delivery (see House, No. 3731) [for Majority Report, see Senate, No. 2091],-- reported, in accordance with a provision of Senate Rule 23A,--

Reorganization Plan No. 2 of 2017.

UNCORRECTED PROOF.

recommending that said Reorganization Plan No. 2 “ought to be approved”.

Placed in the Orders of the Day for the next session, the question being “Shall this reorganization plan be approved?”

By Ms. Flanagan, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Jason Wendover, an employee of the Department of Correction (Senate, No. 2082);

Jason Wendover,--
sick leave.

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Laurie Wendover, an employee of the Department of Correction (Senate, No. 2083); and

Laurie Wendover,--
sick leave.

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Sarah Chaplin, an employee of the Department of Correction (Senate, No. 2084);

Sarah Chaplin,-- sick
leave.

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Ms. Flanagan, for the committee on Public Service, on petition, a Bill authorizing the city known as the Town of Braintree to continue the employment of Paul J. Shastany as chief of police (Senate, No. 2068) [Local approval received];

Braintree,-- chief of
police.

Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation to provide continuing investment in the life sciences industry in the Commonwealth (House, No. 3770),-- **was referred, in concurrence, to the committee on Economic Development and Emerging Technology.**

Life science,--
investment.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3762) of Brian Murray and Ryan C. Fattman (by vote of the town) that the town of Milford be authorized to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises; and

Milford,--
liquor license.

Petition (accompanied by bill, House, No. 3763) of Theodore C. Speliotis and Joan B. Lovely (by vote of the town) that the town of Danvers be authorized to grant ten additional licenses for the sale of alcoholic beverages to be drunk on the premises;

Danvers,--
liquor license.

Severally, under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3764) of Brian Murray and Ryan C. Fattman (by vote of the town) that the town of Milford be authorized to add the positions of town administrator and finance director as town meeting members;

Milford,--
town administrator.

Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Tarr) “commending the Saint Peter’s Fiesta Committee on the ninetieth anniversary of the Saint Peter’s Fiesta in the city of

Saint Peter’s Fiesta
Committee.

Gloucester.”

PAPERS FROM THE HOUSE.

The Senate Bill amending the charter of the city of Lowell (Senate, No. 1125),-- came from the House passed to be engrossed, in concurrence, *with an amendment* striking out section 1 and inserting in place there of the following section:-

Lowell charter.

“SECTION 1. Section 9 of chapter 383 of the acts of 1921 is hereby amended by striking out, in lines 8 and 9, the words “at least fifty ” and inserting in place thereof the following figure:- 150.”.

The rules were suspended, on motion of Ms. Lovely, and the House amendment was considered forthwith.

Ms. Donoghue moved that the Senate concur with the House amendment *with a further amendment* in section 2, by striking out, in line 5, the words “upon its passage” and inserting in place thereof the following words:- “on January 1, 2018;”.

**The motion was accepted; and the amendment was then adopted.
Sent to the House for concurrence in the further amendment.**

Reports of Committees.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Donald F. Humason, Jr. and Nicholas A. Boldyga for legislation to designate a section of state highway route 10 and United States highway route 202 in the town of Southwick as the Purple Heart Trail.

Southwick,-- state highway designation. SD2224

The rules were suspended, on motion of Mr. DiDomenico, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.

Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Gail Weinberg-Kraus, an employee of the Trial Court (Senate, No. 2044),-- ought to pass.

Gail Weinberg-Kraus,-- sick leave.

There being no objection, the rules were suspended, on motion of Mr. Keenan, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act establishing a sick leave bank for Gail Weinberg-Kraus, an employee of the Trial Court of the Commonwealth”.

Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Paul Geraghty, an employee of the Trial Court (House, No. 905, amended),-- ought to pass.

Paul Geraghty,-- sick leave.

There being no objection, the rules were suspended, on motion of Mr. Brownsberger, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act establishing a sick leave bank for Paul Geraghty, an employee of the Trial Court of the Commonwealth”.

UNCORRECTED PROOF.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing the Massachusetts pregnant workers fairness act (House, No. 3680),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2093.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill establishing the Massachusetts pregnant workers fairness act (House, No. 3680) (the committee on Ways and Means having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2093) shall be place in the Orders of the Day for a second reading on Thursday, June 29, 2017.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, June 26, 2017. All such amendments shall be second-reading amendments to Senate, No. 2093, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Ms. Lovely, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, June 29, for a second reading with the amendment pending.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows:

Lowell land use.

The House Bill authorizing the city of Lowell to use certain municipal land for school purposes (House, No. 3654, changed and amended),-- was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Donoghue moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2096.

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Orders of the Day.

The Orders of the Day were considered as follows:

The Senate Bill authorizing the town of Wareham to lease certain land (Senate, No. 1152),-- **was read a second time and ordered to a third reading.**

Second reading bill.

PAPER FROM THE HOUSE.

A Bill to ensure the public health and safety of patient and consumer access to medical and adult use of marijuana in the Commonwealth (House, No. 3776,-- on House, Nos. 1050, 1051, 1052, 1053, 1054, 1055, 1056 and 1057),--was read.

Marijuana.

Pursuant to an order previously adopted, the rules were suspended and the bill was read a second time.

After remarks and pending the question on ordering the bill to a third reading, the amendment previously recommended by Ms. Jehlen striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2090,-- was considered.

Messrs. Moore, O'Connor and Fattman moved that the proposed new text be amended by adding at the end thereof the following new section:-

13.

“SECTION XX: Chapter 276 of the General Laws is hereby amended by inserting, after the seventh paragraph of section 1, the following new paragraph:-

‘A search may be conducted upon probable cause incident to a civil infraction pertaining to the possession, cultivation, and storage of marijuana, marijuana products, or marijuana accessories as defined by Chapter 94G; or pertaining to alcohol and alcoholic beverages as defined by Chapter 138; or pertaining to a tobacco product as defined by chapter 270. The search may also be undertaken in order to ensure that all contraband has been forfeited to a law enforcement officer as required by law.’”

The amendment was *rejected*.

Ms. Gobi and Mr. Fattman moved that the proposed new text be amended by inserting after section 4 the following section:-

14.

“SECTION 5. Section 3 of Chapter 40A, as amended by Chapter 351 of the Acts of 2016, is hereby amended by striking out the words ‘growing, cultivation’ and inserting in place thereof the following word:- ‘retail’.”; and

In line 150, in section 11 of the bill, by inserting after the words “operation of marijuana establishments” the following words:- “not in conflict with this Chapter, or Section 3 of Chapter 40A, and”.

After remarks, the amendment was adopted.

Ms. Flanagan, Messrs. O'Connor, Keenan and Moore, Ms. O'Connor Ives and Messrs. Timilty and Humason moved that the proposed new text be amended in line 303, by inserting after the word “commission.” the following words:- “Not less than \$30,000,000 shall be expended annually on substance abuse prevention and treatment programs by the Department of Public Health.”

16.

The amendment was *rejected*.

Ms. Gobi and Messrs. O'Connor and Moore moved that the proposed new text be amended by inserting after section 11 the following section: -

18.

“SECTION 11A. Subsection (a) of section 4 of chapter 94G of the General Laws, as so appearing, is hereby amended by striking paragraph (8) in its entirety and inserting in place thereof the following paragraph:-

(8) health and safety standards, developed in consultation with the department of public health and the department of agricultural resources, for the cultivation, processing, manufacture and distribution of marijuana and marijuana products, including standards regarding sanitation for the preparation, storage, handling and sale of food products; provided however, that the authority to promulgate regulations pertaining to the use of pesticides shall remain with the department of

agricultural resources, consistent with chapter 132B;”

The amendment was *rejected*.

Ms. Chang-Diaz moved that the proposed new text be amended by adding after section 37 the following section:- 20.

"SECTION XX. Any record of a marijuana related offense which is no longer a crime shall be eligible for sealing forthwith."

The amendment was adopted.

Ms. Gobi and Mr. Moore moved that the proposed new text be amended in section 20, by striking, in line 337, the number "7" and inserting in place thereof the number :- "10"; 21.

In said section 20, by striking out, in line 384, the words "records related to sections 116 to 121, inclusive ," and inserting in place thereof the following words:- "documents included in an application for licensure submitted under subsection (e) of section 118"; and

In said section 20, by inserting at the end thereof the following 3 sections:-

"Section 122. There shall be established and set up on the books of the Commonwealth a fund to be known as the Industrial Hemp Fund, hereinafter the fund. The fund shall be credited with any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto, the proceeds of application fees for licenses issued under section 118, and such additional funds as are subject to the direction and control of the department of agricultural resources including, without limitation, all revenue received as civil administrative fines under section 124, gifts, grants, and donations from public and private sources, and any interest earned from the fund. Expenditures from the fund shall be subject to appropriation; provided, however, that the operations annual operational cost of the department as relating to industrial hemp regulation shall be funded by the fund. Any unexpended balance in the fund at the end of the fiscal year shall not revert to the General Fund but shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year.

Section 123. The department shall have the authority to inspect and have access to all equipment, supplies, papers, books, records, real and personal property, and any other information deemed necessary, from any person participating in or suspected to be participating in the planting, growing, harvesting, possessing, processing, purchasing, selling, or researching of hemp, industrial hemp, or hemp products. The department may establish an inspection and testing program to determine delta-9 tetrahydrocannabinol levels and ensure compliance with the limits on delta-9 tetrahydrocannabinol concentration.

Section 124. The department may establish civil administrative fines for violations of sections 116 through 121, inclusive, or regulations promulgated thereunder. A person aggrieved by the assessment of a fine under this section or a licensure action under section 120 may appeal that fine by filing a notice of appeal with the department within 21 days of the receipt of the notice of the fine or licensure action. The adjudicatory hearing shall be conducted in accordance with chapter 30A.”

The amendment was *rejected*.

Mr. Hinds moved that the proposed new text be amended by inserting after section 15 the following section: 23.

"SECTION XX. Section 12 of said chapter 94G is hereby amended by striking out subsection (c)."

The amendment was *rejected*.

Messrs. Lewis, O'Connor and Moore and Ms. O'Connor Ives moved that the proposed new text be amended by striking out, in line 43, paragraph (e) and inserting in place thereof the following paragraph:- 29.

“(e) The chair of the commission shall be a full-time employee and shall receive a salary commensurate with the duties of the office. All other commissioners shall serve without pay but shall be reimbursed for actual expenses necessarily incurred in the performance of their duties. A commissioner shall be prohibited from having a legal or financial interest with a marijuana establishment including, but not limited to, serving as a member of the board of directors, providing consulting, legal, marketing, accounting or tax services, or otherwise being affiliated with a marijuana establishment.”

After remarks, the amendment was adopted.

Messrs. Lewis and Moore and Ms. O'Connor Ives moved that the proposed new text be amended by striking out, in lines 152 through 155, the words:- “provided, however, that a zoning ordinance or by-laws shall not prohibit the placement of a marijuana establishment that cultivates, manufactures or sells marijuana or marijuana products in an area in which a medical marijuana treatment center is registered to engage in the same type of activity;”. 34.

The amendment was *rejected*.

Messrs. Tarr and Moore and Ms. O'Connor Ives moved that the proposed new text be amended by striking in line 197 the words “by a majority vote of the governing body of that city or town”. 38.

After remarks, the amendment was adopted.

Messrs. Tarr, O'Connor and Moore moved that the proposed new text be amended by inserting in line 44 after the word “office” the following:- “established by a majority vote of the board to classify the positions of commission members in accordance with section forty-five of chapter thirty and the salaries of commission members shall be determined in accordance with section forty-six C of said chapter thirty”. 53.

The amendment was *rejected*.

Messrs. Tarr and Moore moved that the proposed new text be amended by striking in line 66 the word “may” and inserting in place thereof:-“shall”. 55.

The amendment was adopted.

Messrs. Tarr, O'Connor and Moore moved that the proposed new text be amended by inserting in line 26 after the word “health” the following:- “or public safety or consumer protection”. 57.

The amendment was *rejected*.

Messrs. Lewis, O'Connor, Moore and Timilty moved that the proposed new text be amended by striking section 18 and inserting in place thereof the following section:- 60.

“SECTION 18. Said section 14 of said chapter 94G, as so appearing, is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:

(b) Money in the fund shall be subject to appropriation. Money in the fund shall be expended for the implementation, administration and enforcement of this chapter by the commission. Thereafter, money in the fund shall be expended in the following ways: (i) no less than 20 percent shall be expended annually for a youth substance abuse education and prevention grant program as described in subsection (c) of this section; (ii) no less than 10 percent shall be expended annually for a

public safety grant program to be administered by the executive office of public safety and security for the purpose of training drug recognition experts, crisis intervention teams or other public safety purposes in order to facilitate the enforcement of this chapter; (iii) no less than 10 percent shall be expended for the Prevention and Wellness Trust Fund established in section 2G of chapter 111; and (iv) that no less than 20 percent shall be expended annually for programming for restorative justice, jail diversion, and workforce development or alternative education in communities disproportionately impacted by high rates of arrest and incarceration for offenses under chapter 94C.

(c) The youth substance abuse education and prevention grant program shall be administered by the department of public health. Grants shall be awarded to school districts or community coalitions based on need. Communities disproportionately impacted by substance abuse, mental illness or poverty shall receive priority.

Applications for grants from school districts shall include the following: (i) the target student grade range and number of participating students; (ii) a list of teachers on the implementation team; (iii) a description of the curriculum and proposed activities to be implemented including target learning objectives; (iv) a timeline of the program; (v) a proposed budget; and (vi) signatures of the superintendent and principal, or principals, of the schools included in the application.

Not later than a year after receiving the grant funding, awardees shall submit a report that shall include the number of students who participated in the program; the average time spent per student; and a description of the impact of the grant with any relevant data.

In order to qualify for a grant, the community coalition shall be a recognized community coalition in the commonwealth operating on the strategic prevention framework to address youth substance abuse. Applications for grants from community coalitions shall include the following: (i) the target community population; (ii) a memorandum of understanding from no less than 3 participating community partners; and (iii) a plan for proposed activities to include objectives, timeline, intended outcome measures and proposed budget.

Not later than a year after receiving the grant funding, an awardee shall submit a report that shall include impact as measured against stated objectives.”

The amendment was *rejected*.

Mr. O'Connor moved that the proposed new text be amended in section 2 by inserting at the end of subsection 76(d) the following sentence:- "State, municipal, and federal elected officials are barred from appointment to the Commission for one year after they have officially left their respective offices."

61.

The amendment was *rejected*.

Messrs. O'Connor and Moore moved that the proposed new text be amended in section 11 by striking subsection 3(a) and inserting thereof the following new subsection:-

62.

“A city or town may adopt ordinances and by-laws to further restrict or regulate the operation of marijuana establishments, provided that a zoning ordinance or by-law shall not prohibit the placement of a marijuana establishment that cultivates, manufactures or sells marijuana or marijuana products in an area in which a medical marijuana treatment center is registered to engage in the same type of activity, and that:”; and

Section 11 is hereby further amended by inserting after subsection 3(a) the following new subsection:-

“(X) Any ordinance or by-law that is adopted by a city or town to further restrict or regulate the operation of marijuana establishments, provided that a zoning ordinance or by-law shall not prohibit the placement of a marijuana establishment that cultivates, manufactures or sells marijuana or marijuana products in an area in which a medical marijuana treatment center is registered to engage in the same type of activity, may not be overridden by the Commission.”

The amendment was *rejected*.

Messrs. Lewis, O'Connor and Moore moved that the proposed new text be amended by striking section 19 and inserting in place thereof the following section:-

63.

“SECTION 19. Said chapter 94G, as so appearing, is hereby amended by inserting after section 14 the following section:-

Section 15. (a) The commission shall develop a research agenda in order to understand the social and economic trends of marijuana in the commonwealth, to inform future decisions that would aid in the closure of the illicit marketplace and inform the commission on public health impacts of marijuana. The research agenda shall include, but not be limited to: (i) patterns of use, methods of consumption, source of purchase, and general perceptions of marijuana, including consumption in combination with other substances; (ii) incidents of impaired driving, hospitalization and use of other health care services related to marijuana use including a report of the state of the science around identifying a quantifiable level of marijuana-induced impairment of motor vehicle operation and assessing other evidence-based methods for identifying marijuana-induced impairment; (iii) economic and fiscal impacts for state and local governments, which shall include the impact of legalization on the production and distribution of marijuana in the illicit market as well as costs and benefits to state and local revenue and the impact of the marijuana industry on at-risk populations; (iv) ownership and employment trends in the marijuana industry examining participation by racial, ethnic and socio-economic subgroups, including identification of barriers to participation in the industry; (v) a market analysis examining the expansion or contraction of the illicit marketplace and the expansion or contraction of the legal marketplace that includes estimates and comparisons of pricing and product availability in both markets; (vi) assessment of the impact of marketing strategies used by marijuana retailers on attitudes towards and levels of use of marijuana, especially among youth; (vii) a compilation of data on the number of arrests, prosecutions, incarcerations and sanctions imposed as a result of violations of chapter 94C for possession, distribution or trafficking of marijuana or marijuana products, including identification of race, gender, country of origin, state geographic region and average sanctions of the individuals charged; (viii) assessment of the effectiveness of prevention strategies, including educational campaigns, in publicly-funded mass media campaigns, and school- and community-based prevention programs; and (ix) an assessment of the role of marijuana use in relation to abuse and addiction, especially in relation to the use of prescription and non-prescription opioids.

(b) The commission shall incorporate available data into its research plan, including the baseline study conducted pursuant to chapter 351 of the acts of 2016, and coordinate and form partnerships with the department of public health, the executive office of public safety and security and the executive office of labor and workforce development. The commission shall annually report on the results of its research agenda and, when appropriate, make recommendations for further research or policy changes. The commission shall publish the first such report not

later than July 1, 2019.”

The amendment was *rejected*.

Messrs. Keenan, O'Connor, Moore and Timitly moved that the proposed new text be amended by striking section 14 and inserting in place thereof the following: 64.

“SECTION 14. Clause (13) of said subsection (a) of said section 4 of said chapter 94G, as so appearing, is hereby amended by striking out the words ‘to appeal to children’ in line 78 and inserting in place thereof the following words:- or placed in a location to be especially appealing to a person or persons less than 21 years of age or which portrays anyone less than 21 years of age.”

The amendment was *rejected*.

Ms. Forry and Mr. O'Connor moved that the proposed new text be amended by inserting the following new section: 67.

"SECTION XX The Cannabis Control Commission shall provide recommendations related to the costs associated with the purchase of medicinal marijuana by veterans of the United States military and individuals receiving health insurance benefits through the United States Department of Veterans' Affairs. The Commission shall make recommendations relative to improving cost-effective access to medicinal marijuana and individuals receiving health insurance benefits through the United States Department of Veterans' Affairs to the Cannabis Control Commission no later than September 1, 2018."

After remarks, the amendment was adopted.

Messrs. O'Connor and Moore moved that the proposed new text be amended by inserting at the end the following section:- 74.

“SECTION 39. Chapter 94G of the General Laws is hereby amended by adding the following section:-

Section XX. Border State Impact Study.

Notwithstanding any general or special law to the contrary, there shall be a special commission to study the potential impacts on bordering states that may result from the legalization of recreational marijuana in Massachusetts. Topics of study shall include, but not be limited to, increases in funding to law enforcement agencies, increases in arrests for drug possession, and increases in marijuana distribution within states where marijuana is illegal.

The special commission shall consist of: the secretary of the executive office of public safety and security, or their designee; the commissioner of the department of public health, or their designee; the superintendent of the Massachusetts State Police, or their designee; the president of the New England Association of Chiefs of Police, or their designee; the president of the New England Society for Healthcare Communications, or their designee; two members of the House of Representatives, one of whom to be appointed by the Speaker of the House of Representatives, and the other to be appointed by the minority leader; two members of the Senate, one of whom to be appointed by the President of the Senate, and the other to be appointed by the minority leader; provided, however, that the first meeting of the commission shall take place not later than December 1, 2017.

The special commission shall submit its findings and recommendations for how to mitigate or prevent any potential impacts on bordering states, together with drafts of any legislation, to the clerks of the House of Representatives and the Senate, the chairs of the joint committee on mental health and substance abuse not later than July 1, 2018.”

After remarks, the amendment was adopted.

Messrs. Lewis and Moore moved that the proposed new text be amended by inserting the following section:- 75.

“SECTION X. The commission, in collaboration with the department of revenue, shall study the feasibility of alternative tax bases for calculating taxes on marijuana and marijuana products, including by weight, volume, or tetrahydrocannabinol potency. The commission shall file the results of this study together with any recommendations for changes to marijuana tax policy with the clerk of the house and senate who shall forward the recommendations to the house and senate chairs of the joint committee on marijuana policy and the house and senate chairs of the joint committee on revenue no later than April 1, 2018.”

After remarks, the amendment was adopted.

Messrs. O'Connor, Moore and Fattman, Ms. O'Connor Ives and Messrs. Timitly and Ross moved that the proposed new text be amended by inserting after section 15 the following new section:- 77.

“SECTION X. Section 4 of Chapter 94G of the General laws is hereby amended by inserting after Clause (e) the following new clause:

(x) The commission must permanently revoke the license of a licensee under regulations made pursuant to this chapter upon written notice of a violation of Section 2(b) of Chapter 94G.”

The amendment was *rejected*.

Messrs. O'Connor, Moore and Fattman, Ms. O'Connor Ives and Mr. Ross moved that the proposed new text be amended in section 19 by adding the following section:- 83.

“Section 16. Annually, not later than December 31, the department of revenue shall issue a comprehensive report analyzing tax revenue deposited in the Marijuana Regulation Fund established in section 14. The report shall include, but not be limited to: (i) revenue received from marijuana sales; (ii) recommendations for potential tax adjustments to increase state revenues; (iv) projections for state revenues in the next fiscal year; and (v) recommendations, if any, on best practices to implement changes to the tax rate or structure over time. The report shall be submitted the clerks of the senate and the house of representatives, the chairs of the joint committee on revenue and the chairs of the senate and house committees on ways and means.”.

After remarks, the amendment was adopted.

Messrs. Lewis, O'Connor and Moore, Ms. O'Connor Ives and Mr. Ross moved that the proposed new text be amended in section 15 by inserting the following clause:- 84.

“(20) procedures and policies to support a competitive marketplace including but not limited to establishing reasonable limits on the number of licenses an applicant may hold or be party to, as well as residency requirements.”

After remarks, the amendment was adopted.

Messrs. O'Connor, Fattman and Ross moved that the proposed new text be amended by adding the following new section:- 85.

“SECTION X. Section 2 of Chapter 94G of the General Laws is hereby amended by inserting, after Clause (b), the following new clause:-

(x) No parent or guardian shall purchase, obtain, or make marijuana or marijuana accessories available to a child or minor under his or her care. A parent or legal guardian may not provide marijuana to his or her minor child in a private residence.”

The amendment was *rejected*.

Ms. Creem and Mr. O'Connor moved that the proposed new text be amended by inserting in section 15, the following language:- 86.

"(20) requirements that as a consideration for licensure issuance and renewal cannabis cultivators shall provide a comprehensive energy audit report to the commission, indicating results for all agricultural facilities used for the purpose of cannabis production, and that the commission may require modifications of the agricultural facilities to reduce projected non-renewable energy usage."

The amendment was *rejected*.

Messrs. O'Connor and Moore moved that the proposed new text be amended in Section 11, line 237, by striking the words:- "An agreement between a city or town and a marijuana establishment shall not require the payment of a fee to that city or town that is not directly proportional and reasonably related to the costs imposed upon the city or town by the operation of a marijuana establishment" and inserting in place thereof:- "An agreement between an adult use cannabis establishment or medical use cannabis establishment and a host municipality shall include an impact fee for the host community." 87.

The amendment was *rejected*.

Messrs. Welch and Moore and Ms. Forry moved that the proposed new text be amended by inserting at the end thereof the following section:- 88.

"SECTION X: The Commission may obtain the services of outside vendors and contractors who are experienced and qualified in regulatory compliance, in addition to Commission employees, for the monitoring and inspection of licensed marijuana establishments."

The amendment was *rejected*.

Messrs. Welch and Moore, Ms. O'Connor Ives and Mr. Ross moved that the proposed new text be amended by inserting at the end thereof the following section:- 89.

"SECTION X. The Cannabis Control Commission shall conduct regularly scheduled inspections at marijuana establishments for the purposes of ensuring compliance with the regulations developed under chapter 94G."

The amendment was *rejected*.

Messrs. Rush and O'Connor moved that the proposed new text be amended by inserting after section 22, the following section:- 90.

"SECTION 22A. The commission shall identify all applications for licenses to operate marijuana establishments submitted between April 1, 2018 and April 15, 2018 from registered marijuana dispensaries with a final certificate of registration in good standing with the department of public health pursuant to 105 CMR 725.000 that are operational and dispensing to qualifying patients. The commission shall grant or deny such applications prior to reviewing any other applications for licenses to operate marijuana establishments."

The amendment was *rejected*.

Messrs. Keenan and Timilty, Ms. Forry and Mr. Ross moved that the proposed new text be amended in section 29 by striking out clause (i) in its entirety and inserting in place thereof the following:- 92.

"(i) a campaign to inform the public about responsible adult use of marijuana, including the risks and effects of marijuana consumption, information on edibles, and warnings about the dangers of manufacturing marijuana products at home; and"

The amendment was *rejected*.

Ms. O'Connor Ives moved that the proposed new text be amended in 96.

subsection (c) of Section 13 of Chapter 94G of the General Laws by striking out lines 17 through 25 and inserting in place thereof the following:

“(c) Restrictions on public consumption of marijuana. No person shall consume marijuana in a public place or smoke marijuana where smoking tobacco is prohibited. Smoking marijuana is prohibited within 25 feet of a residential property in an area where the dwelling houses are situated at such distances as will average less than one hundred feet between. A person who violates this subsection shall be punished by a civil penalty of not more than \$100. This subsection shall not apply to a person who consumes marijuana or marijuana products in a designated area of a marijuana establishment located in a city or town that has voted to allow consumption on the premises where sold and shall not be construed to limit the medical use of marijuana.”

After remarks, the amendment was *rejected*.

Ms. O'Connor Ives and Messrs. O'Connor and Fattman moved that the proposed new text be amended in section 2, by striking out subsection (c) in its entirety and inserting in place thereof the following:-

99.

“All Commissioners shall serve without pay but shall be reimbursed for actual expenses necessarily incurred in the performance of their duties. A commissioner shall not be employed by, serve as a consultant to or member of the board of directors of, or be affiliated with, have a financial stake in or otherwise be a representative of a marijuana establishment while serving as commissioner.”

The amendment was *rejected*.

Ms. O'Connor Ives and Messrs. O'Connor, Moore, Fattman and Humason moved that the proposed new text be amended in section 15, by adding at the end of line 275 the following:- “marijuana products shall be prohibited from being called ‘candy’ and those products shall be clearly marked with ‘hazardous to children’ labels. Any violation of this section shall result in the immediate revocation of license.”

100.

The amendment was *rejected*.

Ms. Forry, Mr. Moore and Ms. Chang-Diaz moved that the proposed new text be amended by inserting the following sections:

104.

“SECTION XX Definitions:

‘Minority business enterprise’ or ‘MBE’ shall have the same meaning as found in Section 58 of chapter 7 of the General Laws;

‘Women business enterprise’ or ‘WBE’ shall have the same meaning as found in section 58 of chapter 7 of the General Laws;

‘Veteran business enterprise’ or ‘VBE’ shall have the same meaning as found in Section 58 of chapter 7 of the General Laws;”

“SECTION XX The Cannabis Control Commission shall adopt diversity licensing goals that provide meaningful participation of communities disproportionately affected by cannabis prohibition and enforcement, including minority business enterprises, women business enterprises and veteran business enterprises. The Commission shall create training programs designed and implemented to achieve meaningful participation by minority persons, women, and veterans. These programs shall include but are not limited to; (i) recruit of minority, women, and veteran owned business enterprises to become licensed in cannabis related businesses; (ii) develop workforce training for minorities, women, and veterans to enter into cannabis related businesses and; (iii) create employer training to attract minorities, women, and veterans into the workforce.

In implementation of licensing of adult use marijuana retailers, the cannabis control commission shall prepare quarterly reports which shall include but are not

limited to: (i)the total number of licensed adult use marijuana retailers; (ii) the number and percentage of licenses provided to minority, women, and veteran owned business; (iii) the total number and percentage of minority, women, and veteran employees in the adult use marijuana industry. Said reports shall be submitted to the Treasurer of the Commonwealth of Massachusetts, the Senate and House Chairs of the Joint Committee on Marijuana Policy, the clerk of the house, the clerk of the senate, and the Governor. The Cannabis Control Commission shall post each quarterly report on its website.”

The amendment was *rejected*.

Recess.

There being no objection, at a quarter past one o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess subject to the call of the Chair; and, at twenty-three minutes past three o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

At twenty-three minutes past three o'clock P.M., Mr. Tarr doubted the presence of a quorum. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently, at twenty-eight minutes past three o'clock P.M., a quorum was declared present

PAPER FROM THE HOUSE

A Bill to ensure the public health and safety of patient and consumer access to medical and adult use of marijuana in the Commonwealth (House, No. 3776,-- on House, Nos. 1050, 1051, 1052, 1053, 1054, 1055, 1056 and 1057),-- was again considered, the main question being on ordering the bill to a third reading.

Marijuana.

Ms. Flanagan, Messrs. O'Connor, Moore and Fattman, Ms. O'Connor Ives, Mr. Humason, Ms. Forry and Messrs. Ross and Tarr moved that the proposed new text be amended by striking out section 16 and inserting in place thereof the following section:-

1.

“SECTION 16. Said section 13 of said chapter 94G, as so appearing, is hereby further amended by adding the following 2 subsections:-

(h) Notwithstanding chapter 94C, a person less than 21 years of age, except a qualifying patient holding a valid registration card for the medical use of marijuana, who cultivates not more than 12 marijuana plants shall be punished by a civil penalty of not more than \$100 and shall complete a drug awareness program established pursuant to section 32M of chapter 94C. If that person is less than 18 years of age, the parent or legal guardian of that person shall be notified in accordance with section 32N of said chapter 94C. If a person is less than 17 years of age at the time of the offense and fails to complete a drug awareness program not later than 1 year after the offense, that person may be subject to delinquency proceedings.

(i) Whoever makes a sale or delivery of marijuana, marijuana products or marijuana accessories to a person less than 21 years of age, either for the person's own use or for the use of the person's parent or another person or furnishes marijuana, marijuana products or marijuana accessories for a person less than 21 years of age shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than 1 year or both such fine and imprisonment.

For the purposes of this subsection, 'furnish' shall mean to knowingly or intentionally supply, give or provide to or allow a person less than 21 years of age,

except for the children and grandchildren of the person being charged, to possess marijuana, marijuana products or marijuana accessories on premises or property owned or controlled by the person charged.

This subsection shall not apply to the sale, delivery or furnishing of medical marijuana pursuant to chapter 369 of the acts of 2012.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-eight minutes before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 36 – nays 0) **[Yeas and Nays No. 48]:**

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
Cyr, Julian	Moore, Michael O.
deMacedo, Viriato M.	O'Connor, Patrick M.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, Walter F.
Jehlen, Patricia D.	Welch, James T. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

Hinds, Adam G. – 1.

The yeas and nays having been completed at a twenty-three minutes before four o'clock P.M., the amendment was adopted.

Ms. Creem moved that the proposed new text be amended in lines 375 and 376, by striking out the words “(v) a written consent allowing a state and federal criminal history background check to be conducted;” 4.

After remarks, the amendment was adopted.

Mr. Eldridge moved that the proposed new text be amended in section 2, by striking lines 23 through 37 in their entirety, and inserting in place thereof the following:- 7.

“(c) The commission shall consist of: 3 persons who shall be appointed by the state treasurer, 1 of whom shall have experience in the regulation and business of consumer commodities and who shall serve as chair, 1 of whom shall have experience in social justice and 1 of whom shall have experience in the production and distribution of marijuana and marijuana products; 1 person who shall be appointed by the governor who shall have experience in public health; and 1 person who shall be appointed by the attorney general who shall have experience in law enforcement. The state treasurer, the governor or the attorney general may remove a commissioner who was appointed by that appointing authority for neglect of duty, misconduct or malfeasance in office or for inability to discharge the powers

and duties of the office. Before removal, the commissioner shall be provided with a written statement of the reason for removal and an opportunity to be heard.”; and by striking section 33 in its entirety and inserting in place thereof the following:-

“SECTION 33. Notwithstanding subsection (d) of section 76 of chapter 10 of the General Laws, in making initial appointments to the cannabis control commission, the commissioners appointed by the governor and attorney shall be for a term of 3 years, and of the commissioners to be appointed by the state treasurer, the chair shall be appointed for a term of 4 years, and the remaining commissioners shall be for terms of 2 years.”.

After remarks, the amendment was *rejected*.

Messrs. Tarr, O'Connor, Moore, Fattman, Humason and Ross moved that the proposed new text be amended by inserting in line 107 after the word “issues”, the following:- “including but not limited to the development and implementation of a public health warning to appear on the packaging of marijuana products;”.

After remarks, the amendment was *rejected*.

Ms. Donoghue, Messrs. O'Connor and Moore, Ms. O'Connor Ives and Messrs. Timilty and Ross moved that the proposed new text be amended by inserting at the end thereof the following section:-

“SECTION __. Section 2 of chapter 94G, as so appearing, is hereby amended by inserting after subsection (h) the following new subsection:-

(i) Outdoor use of marijuana in a school zone. This chapter does not authorize the outdoor use of marijuana within 300 feet of the real property comprising a public or private accredited preschool, accredited headstart facility, elementary, vocational, or secondary school, whether or not in session, or within 100 feet of a public park or playground.”

After remarks, the amendment was *rejected*.

Messrs. Tarr, O'Connor, Moore and Fattman moved that the proposed new text be amended by inserting in line 436 after the word "proceedings" the following:- "including, but not limited to the development of uniform standards for qualified drug recognition experts".

After remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new text be amended by striking out in line 40 the word “who” and inserting in place thereof the following:-“whose”.

Pending the question on adoption of the amendment, Mr. deMacedo moved to amend the pending amendment (Tarr) by striking the underlying amendment in its entirety and inserting in place thereof the following:- by inserting after section 20, the following section:

"SECTION 21. Chapter 334 of the acts of 2016 is hereby amended by striking out subsection (c) of section 5 in its entirety."

After remarks, the further amendment (deMacedo) was adopted.

The pending amendment (Tarr), as amended (deMacedo), was then adopted.

Messrs. O'Connor, Moore, Fattman, Humason and Ross moved that the proposed new text be amended by striking the language in section 14 and inserting thereof the following:

"Section 4 of Chapter 94G is hereby amended by striking subsection (13) and replacing thereof the following:-

Clause (13) of said subsection (a) of said section 4 of said chapter 94G, as so appearing, is hereby amended by striking the language in its entirety and inserting in place thereof the following new language:- ‘restrictions on signs, marketing, displays and advertising with respect to marijuana, marijuana products and

marijuana accessories, including prohibiting marketing or advertising designed to appeal to a person or persons less than 21 years of age or which portrays anyone less than 21 years of age, prohibiting outdoor advertising within 1,000 feet of schools and playgrounds, prohibiting brand sponsorships of sports and entertainment events, prohibiting free samples, limiting outdoor and all point-of-sale marijuana advertising, except in adult-only facilities, to black text on white background only, prohibiting advertising in publications with a significant teenage readership;’.”

The amendment was *rejected*.

Messrs. Lewis, O'Connor and Moore, Ms. O'Connor Ives, Mr. Timilty, Ms. Forry and Mr. Ross moved that the proposed new text be amended by striking section 28 and inserting in place thereof the following section:

68.

“SECTION 28. The department of public health, in consultation with the cannabis control commission, shall create the following science-based public awareness campaigns: (i) a campaign to inform the public about responsible adult use of marijuana, including information on edibles, warnings about the dangers of manufacturing marijuana products at home and specific information about what is legal and what is illegal for consumers; and (ii) a campaign to educate youth about the health and other risks of marijuana use with a goal of decreasing the youth usage rate. The public awareness campaigns shall be launched no later than 120 days prior to the opening of the first marijuana establishment and shall be funded from revenues received from the Marijuana Regulation Fund established in section 14 of chapter 94G. The public awareness campaign shall be evaluated pursuant to section 15 of this of chapter 94G.”

The amendment was *rejected*.

Mr. deMacedo moved that the proposed new text be amended by adding the following new section:

70.

“SECTION XX. Line 15 of section 7 of chapter 94G of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out the number ‘12’ and inserting after the word ‘than’ the following words:- 6 flowering plants and 12 total.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-two minutes before five o'clock P.M., on motion of Mr. deMacedo, as follows, to wit (yeas 4 – nays 34) [**Yeas and Nays No. 49**]:

YEAS.

deMacedo, Viriato M.
Fattman, Ryan C.

O'Connor, Patrick M.
Ross, Richard J. – 4.

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
Cyr, Julian
DiDomenico, Sal N.
Donoghue, Eileen M.
Eldridge, James B.

Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
McGee, Thomas M.
Montigny, Mark C.
Moore, Michael O.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.

Flanagan, Jennifer L.
Forry, Linda Dorcena
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.

Rosenberg, Stanley C.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Welch, James T. – 34.

The yeas and nays having been completed at a twenty minutes before five o'clock P.M., the amendment was *rejected*.

Messrs. Keenan and Moore and Ms. O'Connor Ives moved that the proposed new text be amended by inserting after the word "activity" in line 155 the following:- "; provided however that nothing in this clause shall be interpreted to prohibit any type of limit that is adopted through the process described in subsection (b)".

91.

After remarks, the amendment was adopted.

Messrs. Moore, O'Connor and Fattman and Ms. O'Connor Ives moved that the proposed new text be amended by adding at the end thereof the following section:-

3.

"SECTION XX: Section 22 of chapter 270 is hereby amended by adding, in line 97, after the word 'inhaled', the following new phrase:- , including marijuana as defined in subsection (g) of section 1 of chapter 94G."

After remarks, the amendment was adopted.

There being no objection, the following matters was considered as follows.

Report of a Committee.

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill to prevent driver distraction and motor vehicle fatalities (Senate, No. 2058) (the committee on Rules having recommended that the bill be amended substituting a new draft with the same title, Senate, No. 2092).

Motor vehicles,--
distracted drivers.

Order Adopted.

Ms. McGee offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to prevent driver distraction and motor vehicle fatalities (Senate, No. 2058), (the committee on Rules having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2092) shall be place in the Orders of the Day for a second reading on Thursday, June 29, 2017.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, June 26, 2017. All such amendments shall be second-reading amendments to Senate, No. 2092, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. McGee, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, June 29, for a second reading with the amendment pending.

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

June 22, 2017

Mr. William Welch
Clerk of the Massachusetts Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

I spent this morning attending the funeral service for my dear colleague the late State Representative Gailanne Cariddi in her hometown of North Adams, and the early afternoon traveling from the northern Berkshires back to the State House, and as such was unable to participate in the beginning of the Senate debate on S. 2090, the Senate amendment to the House Bill to ensure the public health and safety of patient and consumer access to medical and adult use of marijuana in the Commonwealth.

Unfortunately I was not in the Chamber during Roll Call #48 for Amendment #1 as redrafted, entitled Marijuana social host law. I note this amendment passed by a vote of 36-0. Had I been present in the Chamber I would also have been recorded with the majority in the affirmative.

I respectfully request that this communication be added to the record so my position on this matter is known.

Thank you for your time and attention to this matter.

Sincerely,
ADAM G. HINDS, *State Senator*
Berkshire, Hampshire, Franklin & Hampden District

On motion of Ms. Chandler, the above communication was ordered printed in the Journal of the Senate.

Senator Adam G. Hinds,-- absence from Chamber.

Ordered printed.

PAPER FROM THE HOUSE

A Bill to ensure the public health and safety of patient and consumer access to medical and adult use of marijuana in the Commonwealth (House, No. 3776,-- on House, Nos. 1050, 1051, 1052, 1053, 1054, 1055, 1056 and 1057),-- was again considered, the main question being on ordering the bill to a third reading.

Ms. Flanagan, Messrs. O'Connor, Moore and Fattman, Ms. O'Connor Ives and Messrs. Humason, Timilty and Ross moved that the proposed new text be amended in section 18, by inserting after the word "health", in line 304, the following

Marijuana.

9.

words:- “including, but not limited to, evidence-based and evidence-informed substance use prevention and substance use early intervention services for school districts or community coalitions who operate on the strategic prevention framework or similar structure for youth substance use education and prevention”.

After remarks, the amendment was adopted.

Ms. Donoghue, Mr. O'Connor and Ms. O'Connor Ives moved that the proposed new text be amended in section 30, by striking out in line 470, the words “and (ii)” and inserting in place thereof the following words:- “(ii) inform the public that a gift of marijuana given in conjunction with the sale of another item in order to evade laws governing the sale of marijuana is illegal and that a person who grants such a gift is subject to prosecution; and (iii)”.

33.

After remarks, the amendment was adopted.

Ms. Gobi, Messrs. O'Connor and Pacheco and Ms. Forry moved that the proposed new text be amended in section 18 by striking out the words “and (v) programming for restorative justice, jail diversion, and workforce development or alternative education in communities disproportionately impacted by high rates of arrest and incarceration for offenses under chapter 94C.” and inserting in place thereof the following:-

11.

“(v) programming for restorative justice, jail diversion, and workforce development or alternative education in communities disproportionately impacted by high rates of arrest and incarceration for offenses under chapter 94C; and (vi) programs that help meet climate change goals established under Chapter 298 of the Acts of 2008.”

The amendment was *rejected*.

Messrs. Eldridge and Moore, Ms. O'Connor Ives and Ms. Forry moved that the proposed new text be amended by adding the following section:-

8.

“SECTION 39. Notwithstanding any general or special law to the contrary, the state treasurer shall prepare for the establishment and operation of the cannabis control commission, including, but not limited to: (i) issuing requests for proposals for information technology projects; (ii) issuing requests for proposals for consulting services relative to the establishment and operations of the cannabis control commission; and (iii) working in cooperation with the division of capital asset management and maintenance to identify and procure office space and equipment.”

After remarks, the amendment was adopted.

Ms. Gobi and Messrs. O'Connor and Moore moved that the proposed new text be amended by inserting in line 112, after the word “participation”, the following words:- “, including the commissioner of the department of agricultural resources, or designee,”;

17.

After remarks, the amendment was adopted.

Ms. Chang-Diaz moved that the proposed new text be amended in section 2, by striking out lines 79 through 113 and inserting in place thereof the following:-

22.

“SECTION 77. (a) There shall be a cannabis advisory board to study and make recommendations to the cannabis control commission on the regulation and taxation of marijuana. The board shall consist of: the executive director of the cannabis control commission, who shall serve as chair; the commissioner of revenue or a designee; the commissioner of public health or a designee; the commissioner of agricultural resources or a designee; the superintendent of the state police or a designee; the president of the Massachusetts Municipal Association, Inc. or a designee; the president of the Massachusetts Patient

Advocacy Alliance, Inc. or a designee; the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 5 members to be appointed by the state treasurer who shall have experience in marijuana cultivation, marijuana retailing, marijuana product manufacturing, laboratory sciences and toxicology and in providing legal services to marijuana businesses; 5 members to be appointed by the governor who shall have experience in minority business development, economic development strategies for under-resourced communities, farming or representing the interests of farmers, representing the interests of employers and municipal law enforcement personnel with advanced training in impairment detection and evaluation; and 5 members to be appointed by the attorney general who shall have experience in social welfare or social justice, criminal justice reform to mitigate the disproportionate impact of drug prosecutions on communities of color, minority business ownership, women-owned business ownership and the prevention and treatment of substance use disorders. Members of the board shall serve for terms of 2 years. Members of the board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties. Members of the board shall not be state employees for the purposes of chapter 268A by virtue of their service on the board. For the purposes of taking action at a meeting, a majority of the members of the board present and voting shall constitute a quorum.

(b) The cannabis advisory board shall: (i) consider all matters submitted to it by the commission; (ii) on its own initiative, recommend to the commission guidelines, rules and regulations and any changes to guidelines, rules and regulations that the advisory board considers important or necessary for the commission's review and consideration; and (iii) advise on the preparation of regulations pursuant to chapter 94G.

(c) The chair may appoint subcommittees in order to expedite the work of the board; provided, however, that the chair shall appoint: (i) a subcommittee on public health to develop recommendations on products, labelling, marketing, advertising, related public health issues, potency, which may include a recommended maximum limit for individual servings of marijuana products, and packaging, which may include the development and implementation of a public health warning to appear on marijuana products; (ii) a subcommittee on public safety and community mitigation to develop recommendations on law enforcement, property, business and consumer issues; (iii) a subcommittee on the cannabis industry to develop recommendations on cultivation, processing, manufacturing, transportation, distribution, seed-to-sale tracking and market stability; and (iv) a subcommittee on market participation to develop recommendations on women, minority and veteran-owned businesses, local agriculture and growing cooperatives."

The amendment was adopted.

Messrs. Lewis, O'Connor and Moore, Ms. O'Connor Ives and Mr. Ross moved that the proposed new text be amended by striking out in line 23, paragraph (c) and inserting in place thereof the following paragraph:-

"(c) The commission shall consist of: 1 person who shall be appointed by the state treasurer who shall have experience in the regulation and business of consumer commodities and who shall serve as chair; 1 person who shall be appointed by the governor who shall have experience in public health; 1 person who shall be appointed by the attorney general who shall have experience in law enforcement; and 2 persons who shall be appointed by a majority vote of the state treasurer, the governor and the attorney general, 1 of whom shall have experience

27.

in social justice and 1 of whom shall have experience in the oversight of a regulated industry. The state treasurer, the governor or the attorney general may remove a commissioner who was appointed by that appointing authority for neglect of duty, misconduct or malfeasance in office or for inability to discharge the powers and duties of the office. The state treasurer, the governor and the attorney general may, by majority vote, remove a commissioner who was appointed by majority vote of the state treasurer, the governor and the attorney general for neglect of duty, misconduct or malfeasance in office or for inability to discharge the powers and duties of the office. Before removal, the commissioner shall be provided with a written statement of the reason for removal and an opportunity to be heard.”

The amendment was *rejected*.

Messrs. Hinds and Moore and Ms. Chang-Diaz moved that the proposed new text be amended in section 15, in line 266, by inserting after the word "size" the following:- "as measured by volume of product output". 35.

The amendment was adopted.

Messrs. Lewis and Moore moved that the proposed new text be amended by striking out, in lines 203 and 204, the words “the estimated tax revenue generated for the municipality” and inserting in place thereof the following words:- “a fiscal impact statement describing the revenues and costs to the municipality”. 46.

After remarks, the amendment was adopted.

Ms. Gobi and Mr. Moore moved that the proposed new text be amended in line 264 in section 15 by inserting after the words “procedures and policies” the following words:- “in cooperation with the Massachusetts Department of Agricultural Resources”. 49.

The amendment was adopted.

Mr. deMacedo, Ms. O'Connor Ives, Messrs. O'Connor and Moore, Ms. Forry and Mr. Ross moved that the proposed new text be amended by striking lines 270 through 274 in their entirety; and by inserting after section 37, the following section: 93.

“SECTION 38. The General Laws are hereby amended by inserting after chapter 94G the following chapter:

CHAPTER 94H

REGULATION OF MEDICAL AND ADULT USE MARIJUANA AND MARIJUANA PRODUCTS BY INDEPENDENT TESTING LABORATORIES.

Section 1. Definitions

‘Cannabinoid’ means any of several compounds produced by marijuana plants that have medical and psychotropic effects.

‘Cannabinoid profile’ means amounts, expressed as the dry-weight percentages, of delta-nine-tetrahydrocannabinol (Δ^9 -THC), cannabidiol (CBD), tetrahydrocannabinolic acid (THCa) and cannabidiolic acid (CBDa) in a marijuana product. Amounts of other cannabinoids may be required by the commission.

‘Cultivation batch’ means a collection of marijuana plants from the same seed or plant stock and that are cultivated and harvested together. Because they are cultivated in the same location and time, plants in a cultivation batch receive an identical propagation and cultivation treatment (e.g., growing media, ambient conditions, watering and light regimes, agricultural or hydroponic inputs). The licensee must assign and record a unique, sequential alphanumeric identifier to each cultivation batch for the purposes of production tracking, product labeling and product recalls.

‘Finished marijuana’ means usable marijuana, cannabis resin or cannabis concentrate.

‘Independent testing laboratory’ means a laboratory that is licensed by the commission and is i) accredited to the most current International Organization for Standardization (ISO) 17025 by a third party accrediting body that is a signatory to the International Laboratory Accrediting Cooperation (ILAC) Mutual Recognition Arrangement or that is otherwise approved by the commission; ii) independent financially and otherwise from any registered medical or adult use marijuana dispensary for which it conducts a test; and, iii) qualified to test marijuana in compliance with this chapter.

‘Laboratory agent’ means an employee or qualified subcontractor of an independent testing laboratory who transports, possesses, or tests marijuana.

‘Marijuana products’ means products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

‘Mycotoxin’ means a secondary metabolite of a microfungus that is capable of causing death or illness in humans and other animals. For the purposes of this regulation, mycotoxins include alfatoxin B1, alfatoxin B2, alfatoxin G1, alfatoxin G2, and Ochratoxin A.

‘Production batch’ means a batch of finished plant material, cannabis resin, cannabis concentrate or edible made at the same time, using the same methods, equipment and ingredients. The licensee must assign and record a unique, sequential alphanumeric identifier to each production batch for the purposes of production tracking, product labeling and product recalls. All production batches must be traceable to one or more marijuana cultivation batch(es).

‘Residual solvent’ means a volatile organic chemical used in the manufacture of a marijuana product and that is not completely removed by practical manufacturing techniques.

‘Terpenoid’ means an isoprene that are the aromatic compounds found in cannabis, including but not limited to limonene, myrcene, pinene, linalool, eucalyptol, δ -terpinene, β -caryophyllene, caryophyllene oxide, nerolidol and phytol.

Section 2. (a) Notwithstanding any general or special law to the contrary, the Massachusetts cannabis control commission shall promulgate regulations in accordance with chapter 30A of the General Laws for the licensure and oversight of independent testing laboratories, and shall establish testing protocols for the sampling, testing and analysis of finished marijuana and marijuana products in consultation with the department of public health and the department of agricultural resources. Such regulations shall address sampling and analysis to characterize the cannabinoid profile and biological and chemical contaminants, including but not limited to terpenoids, pesticides, plant growth regulators, metals, microbiological contaminants, mycotoxins, and residual solvents introduced through cultivation of marijuana plants and post-harvest processing and handling of marijuana, marijuana products and ingredients.

(b) At a minimum, the following elements shall be included on the labeling of all marijuana and marijuana products sold or otherwise marketed within the Commonwealth pursuant to sections 4 and 5, inclusive, of chapter 10A of the General Laws: i) a symbol or easily recognizable mark issued by the commission that indicates the package contains marijuana or a marijuana product; ii) the name

and contact information of the marijuana cultivator or the marijuana product manufacturer who produced the marijuana or marijuana product; iii) the results of sampling, testing and analysis conducted by a licensed independent testing laboratory; iv) a seal certifying the marijuana product meets such testing standards; v) a unique batch number identifying the production batch associated with manufacturing and processing; vi) a list of ingredients and possible allergens; vii) a use-by date, if applicable; and, viii) the following statement, including capitalization: “This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN.” Licensees must ensure the ability to demonstrate to the commission that such products’ label information has been verified.

(c) Notwithstanding any special or general law to the contrary, no marijuana or marijuana product shall be sold or otherwise marketed within the Commonwealth of Massachusetts that has not first been tested by a licensed independent testing laboratory and meets the Commission’s testing protocols issued pursuant to subsection (a) of this section.

(d) Notwithstanding any general or special law to the contrary, a licensed independent testing laboratory shall report any results indicating contamination directly to the commission within 72 hours of identification.

(e) No laboratory agent or employee of an independent testing laboratory shall receive direct or indirect financial compensation, other than such reasonable contractual fees to conduct such testing, from any entity for which it is conducting testing pursuant to chapter 94G of the General Laws or Chapter 369 of the Acts of 2012.

Section 3. A registered laboratory agent shall not be subject to arrest, prosecution, or civil penalty, sanctions or disqualifications, and shall not be subject to seizure or forfeiture of assets under Massachusetts law for actions taken under the authority of a independent testing laboratory, including possessing, processing, storing, transferring or testing marijuana or marijuana products provided he or she presents his or her registration card or other appropriate identification demonstrating employment by a testing laboratory to any law enforcement official who questions the laboratory agent concerning their marijuana related activities, and is acting in accordance with all the requirements of this law.”

After remarks, the amendment was *rejected*.

Messrs. O'Connor, Moore and Fattman moved that the proposed new text be amended in section 15, by adding the following clause:-

80.

"(20) guidelines for employers to conduct screenings of their employees for the use of marijuana which shall be posted on the commonwealth’s public website."

The amendment was adopted.

Mr. Boncore, Ms. Chang-Diaz, Mr. Montigny and Ms. Forry moved that the proposed new text be amended by inserting after section 30 the following section:-

76.

“SECTION 30A. (a) As used in this section, the following words shall have the following meaning unless the context clearly requires otherwise:-

‘Expunge’, ‘expunged’ or ‘expungement’, the permanent erasure and destruction of records.

(b) Notwithstanding any general or special law to the contrary, a court of competent jurisdiction may order expungement of records of or related to a charge

if the court determines that the charge was for conduct that is no longer a crime under chapter 334 of the acts of 2016.

Upon notice to the district attorney and after a hearing in which the person seeking expungement shall be permitted to present evidence and be represented by counsel, the court shall determine whether expungement is warranted under this section. If the court finds that expungement is warranted, the court shall order expungement of the records and immediately provide a copy of the order and findings of fact to the commissioner of probation.

The commissioner of probation shall expunge the court appearance and disposition recorded in the commissioner's files and the clerk and the probation officers of the courts in which the proceedings occurred or were initiated shall expunge the records of the proceedings from their files. An individual or entity including, but not limited to, a criminal justice agency, as defined section 167 of chapter 6 of the General Laws, shall not have access to criminal offender record information related to an expunged charge.

The court shall order the expungement of entries contained in any daily log made pursuant to section 98F of chapter 41 of the General Laws that directly pertain to a case expunged pursuant to this section.

A record that directly pertains to a case expunged under this section that is in the care, custody and control of another agency, department, commission or entity shall not be a public record under clause Twenty-sixth of section 7 of chapter 4 of the General Laws.”.

After remarks, the amendment was adopted.

Ms. Chang-Diaz and Mr. Moore moved that the proposed new text be amended by inserting after section 15 the following section:-

37.

"SECTION 15A. Chapter 94G of the General Laws is hereby amended by inserting after section 4 the following section:-

Section 4A. The commission shall develop a framework for assistance funding for communities that host or are directly impacted by the hosting of a marijuana establishment. The framework shall consider the number of marijuana establishments in the community, cost to the municipality, impacts on public safety, environmental issues and any other factors as the commission deems relevant.”

The amendment was adopted.

Messrs. Tarr, O'Connor, Moore and Ross moved that the proposed new text be amended by adding the following section:-

45.

“SECTION 39. Notwithstanding any general or special law to the contrary, the executive office of public safety and security shall conduct an evaluation and comparison of penalties and comparable laws between alcohol and marijuana. The evaluation and comparison shall include, but shall not be limited to, age restrictions, possession and usage of alcohol and recreational marijuana. The study and any recommendations shall be submitted to the clerks of the senate and house of representatives, the chairs of the joint committee on the judiciary and the chairs of the joint committee on public safety and security by December 31, 2017.”

The amendment was adopted.

Ms. Forry and Ms. Chang-Diaz moved that the proposed new text be amended by adding the following section:-

69.

“SECTION 39. (a) For the purposes of this section ‘minority business enterprise’, ‘women business enterprise’ and ‘veteran business enterprise’ shall have the same meanings as ascribed to them in section 58 of chapter 7 of the General Laws.

(b) The cannabis control commission shall conduct a study on participation in the regulated marijuana industry, including participation by minority business enterprises, women business enterprises and veteran business enterprises. The study shall include, but shall not be limited to: (i) a review of the participation in activities related to the regulation, licensing and promotion of marijuana establishments; (ii) a compilation of data on the individuals and entities that apply for and are issued licenses under chapter 94G of the General Laws, including the individual's or members of an entity's race, gender, country of origin and state geographic region; and (iii) any evidence of discrimination or barriers to entry in the regulated marijuana industry.

(c) If, upon completion of the study, the commission determines that there is evidence of discrimination or barriers to entry in the regulated marijuana industry, the commission shall implement policies that address the discrimination or barriers faced by the disadvantaged group. Such policies shall include:

(i) measures that ensure equal opportunity in licensing and permitting processes and equal access to employment opportunities;

(ii) promoting participation in the industry by disadvantaged groups through employment opportunities;

(iii) a provision in the application process for licensees to establish policies to encourage the participation by a disadvantaged group in contracting and professional services;

(iv) providing start-up capital or business loans for disadvantaged groups;

(v) outreach to disadvantaged groups, including consultation with state agencies and providing education and training opportunities;

(vi) the adoption of diversity licensing goals that provide meaningful participation by disadvantaged groups and training programs, including workforce training and employer training to attract applicants from a disadvantaged group; and

(vii) providing sufficient and continuous notice on the commission's website of the opportunities for disadvantaged groups under this section.

(d) If legislation is necessary to address discrimination or barriers to entry in the regulated marijuana industry, as identified in the study, the commission shall file its findings and recommendations, including draft legislation, with the clerks of the senate and the house of representatives, the chairs of the joint committee on marijuana policy and the senate and house committees on ways and means."

The amendment was adopted.

Mr. Pacheco, Ms. Forry and Ms. Creem moved that the proposed new text be amended in section 15, by striking out, in line 275, the word "and"; and in said section 15, by inserting after the word "product", in line 283, the following words: -
"; and

(20) requirements that as a consideration for licensure renewal cannabis cultivators shall provide a comprehensive energy audit report to the commission, indicating results for the agricultural facilities used for cannabis production and that the commission may require modifications of the agricultural facilities to reduce projected non-renewable energy usage";

By striking out section 26 and inserting in place thereof the following section:-

"SECTION 26. The cannabis control commission shall establish a working group that shall include, but shall not be limited to: the commissioner of energy resources or a designee, the commissioner of environmental protection or a designee and the commissioner of agricultural resources or a designee. The

5.

working group shall provide recommendations to the commission on: (i) ways to reduce energy and water usage in the marijuana industry, which shall include efficiency and environmental standards; (ii) mitigating other environmental impacts; (iii) annual energy audits, energy efficiency measures, energy conservation measures and energy conservation projects as defined in chapter 164 of General Laws; and (iv) additional regulations or modifications to the application process to meet the goals of this section.

The working group shall issue a final report with its recommendations for legislation, if any, not later than September 1, 2018 to the cannabis control commission, the chairs of the joint committee on marijuana policy, the chairs of the joint committee on telecommunications, utilities and energy and the chairs of the senate and house committees on global warming and climate change. Nothing in this section shall prohibit the executive branch from executing its duties under chapter 298 of the acts of 2008.”; and

By adding the following section:-

“SECTION 39. The regulations required in clause (20) of subsection (a) of section 4 of chapter 94G of the General Laws shall be adopted not later than July 1, 2019.”

Pending the question on adoption of the amendment, Mr. Tarr moved that the pending amendment (Pacheco) be amended by striking the words “may require modifications of the agricultural facilities to reduce projected non-renewable energy usage” and inserting in place thereof the following:- “shall require compliance with all relevant regulations to reduce current and projected non-renewable energy usage”.

5.1

After remarks, the further amendment was adopted.

After further remarks, the pending amendment (Pacheco), as amended (Tarr), was then adopted.

Messrs. Moore, O'Connor, Fattman and Timilty moved that the proposed new text be amended by inserting at the end thereof the following section:-

56.

“SECTION XX: The secretary of public safety, in consultation with the cannabis control commission, shall make a recommendation to the legislature no later than July 1, 2018, regarding a statewide system and procedures for civil citations related to violations of the marijuana statutes.”

The amendment was adopted.

Messrs. Lewis, O'Connor and Moore, Ms. Forry, Mr. Ross and Ms. O'Connor Ives moved that the proposed new text be amended by striking out section 12 and inserting in place thereof the following section:-

47.

“SECTION 12. Subsection (a) of section 4 of said chapter 94G, as so appearing, is hereby amended by striking out clause (9) and inserting in place thereof the following clause:-

(9) requirements for the packaging of marijuana and marijuana products that shall, at a minimum: (i) protect children from accidentally ingesting marijuana or marijuana products, including by making packaging child-resistant and resealable; (ii) require the division of each serving within a package containing multiple servings in a manner that allows consumers to easily identify a single serving; (iii) prohibit the use of bright colors, cartoon characters and other features designed to appeal to minors; (iv) ensure that packaging is opaque or plain in design; and (v) prohibit any packaging that imitates or has a semblance to any existing branded consumer products, including foods and beverages, that do not contain marijuana.”.

After remarks, the amendment was adopted.

Suspension of Senate Rule 38A.

Ms. Creem moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Senate Rule 38A.

Messrs. Lewis, O'Connor, Moore and Humason, Ms. Forry, Mr. Ross and Ms. O'Connor Ives moved that the proposed new text be amended by striking out section 13 and inserting in place thereof the following section:-

52.

“SECTION 13. Said subsection (a) of said section 4 of said chapter 94G, as so appearing, is hereby amended by striking out clause (10) and inserting in place thereof the following clause:-

(10) requirements for the labeling of a package containing marijuana or marijuana products that shall, at a minimum, include: (i) a symbol or other easily recognizable mark on the package indicating that the package contains marijuana; (ii) a symbol or other easily recognizable mark on the package indicating to children that the product is harmful to children; (iii) a symbol or other easily recognizable mark directly on the marijuana product, where feasible, indicating that the product contains marijuana; (iv) an identification of the marijuana cultivator or product manufacturer who produced the marijuana or marijuana product; (v) a warning that marijuana and marijuana products are illegal under federal law; (vi) a standard health warning developed by the department of public health that is legible; (vii) the amount of tetrahydrocannabinol in the package and the amount of tetrahydrocannabinol in each serving of a marijuana product as expressed in absolute terms and as a percentage of volume; (viii) the phone number for the regional center for poison control and prevention and the following warning: ‘For use only by adults 21 and older. Keep out of reach of children’ that is legible; (ix) the number of servings in a package if there are multiple servings; and (x) a list of ingredients and possible allergens.”

After remarks, the amendment was adopted.

Messrs. Lewis, O'Connor, Moore and Fattman, Ms. O'Connor Ives, Ms. Forry and Messrs. Keenan and Ross moved that the proposed new text be amended by striking out section 14 and inserting in place thereof the following section:-

54.

“SECTION 14. Subsection (a) of said section 4 of said chapter 94G, as so appearing, is hereby amended by striking out clause (13) and inserting in place thereof the following clause:-

(13) requirements for advertising, marketing and branding of marijuana and marijuana products that shall, at a minimum, include: (i) a prohibition on advertising, marketing and branding in a manner that is deceptive, false or misleading; (ii) a prohibition on advertising, marketing and branding by means of television, radio, internet, billboard or print publication unless the marijuana establishment can demonstrate that at least 85 per cent of the audience is reasonably expected to be at least 21 years of age as determined by reliable, up-to-date audience composition data; (iii) a prohibition on advertising, marketing and branding which uses statements, designs, representations, pictures or illustrations that portray a person less than 21 years of age; (iv) a prohibition on advertising, marketing and branding that appeals to a person less than 21 years of age, including the use of cartoon characters, certain celebrity endorsements and brand sponsorships or other features designed to appeal to minors; (v) a prohibition on

advertising, marketing and branding through promotional items as determined by the commission, including giveaways, coupons, ‘free’ or ‘donated’ marijuana products, markdowns or any similar types of price discounting; (vi) a prohibition on advertising, marketing and branding that makes assertions that marijuana or marijuana products are safe, other than labeling required pursuant to this chapter; (vii) that a marijuana establishment may sponsor a charitable, sports or similar event, but such establishment shall not engage in advertising, marketing and branding at or in connection with such an event unless the marijuana establishment can demonstrate that not less than 85 per cent of the audience is reasonably expected to be at least 21 years of age as determined by reliable, up-to-date audience composition data; (viii) that the website of a marijuana establishment shall verify that the entrant is at least 21 years of age; (ix) that a sign visible from outside the establishment indicates that a marijuana establishment is an adult-only establishment; (x) a prohibition on the use of unsolicited pop-up advertisements on the internet; and (xi) a standard health warning developed by the department of public health on advertising, marketing or branding materials.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at five minutes before eight o’clock P.M., on motion of Mr. O’Connor, as follows, to wit (yeas 34 – nays 0) **[Yeas and Nays No. 50]**:

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	Lovely, Joan B.
Chandler, Harriette L.	McGee, Thomas M.
Chang-Diaz, Sonia	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Cyr, Julian	O’Connor, Patrick M.
deMacedo, Viriato M.	O’Connor Ives, Kathleen
DiDomenico, Sal N.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.
Hinds, Adam G.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, Walter F.
Jehlen, Patricia D.	Welch, James T. – 34.

NAYS – 0.

ABSENT OR NOT VOTING.

Donoghue, Eileen M.	L’Italien, Barbara A. – 3.
Flanagan, Jennifer L.	

The yeas and nays having been completed at a one minute before eight o'clock P.M., the amendment was adopted.

Mr. Boncore moved that the proposed new text be amended in section 11, by inserting after the word “establishment”, in line 239, the following words:- “; provided, however, that the commission shall issue regulations governing such agreements, including a requirement that agreements include a cap and specified duration on fees associated with the agreement; provided further, that a cap shall be reasonably related to the costs imposed upon the city or town by the operation of a

78.

marijuana establishment and shall be expressed as a percentage of gross sales”; and by inserting after section 20 the following section:-

“SECTION 20A. Chapter 369 of the acts of 2012 is hereby amended by adding the following section:-

Section 18. An agreement between a city or town and a medical marijuana treatment center shall not require the payment of a fee to that city or town that is not directly proportional and reasonably related to the costs imposed upon the city or town by the operation of the medical marijuana treatment center; provided, however, that the commission shall issue regulations governing such agreements, including a requirement that the agreements include a cap and specified duration on fees associated with the agreement; provided further, that a cap shall be reasonably related to the costs imposed upon the city or town by the operation of a marijuana establishment and shall be expressed as a percentage of gross sales. A cost to a city or town by the operation of a medical marijuana treatment center shall be documented and considered a public record under clause Twenty-Sixth of section 7 of chapter 4 of the General Laws. This section shall not apply to an agreement in existence before the effective date of this section.”

The amendment was adopted.

Messrs. Timilty and O'Connor moved that the proposed new text be amended in section 35, in line 563 by inserting after the word “benefits,” the following:- “and without change in union representation or certified collective bargaining unit as certified by the state labor relations commission or in local union representation or affiliation,”.

79.

After remarks, the amendment was adopted.

Mr. Pacheco in the Chair, Mr. Cyr moved that the proposed new text be amended by inserting after section 10 the following section:-

103.

“SECTION 10A. Section 1 of chapter 94G of the General Laws, as so appearing, is hereby amended by inserting after subsection (c) the following 2 subsections:-

(c¹/₄) ‘Craft marijuana cultivator’, an individual licensed to cultivate marijuana and to process, package, deliver, transfer and sell marijuana or marijuana products only to a craft marijuana cultivator cooperative of which that individual is a member; provided, however, that a craft marijuana cultivator license shall not be issued to an applicant who retains or owns an interest, directly or indirectly, in any activity or in any business directly or indirectly engaged in the business of cultivating, manufacturing, processing or packaging marijuana or marijuana products either within or outside the commonwealth.

(c¹/₂) ‘Craft marijuana cultivator cooperative’, an entity comprised of licensed craft marijuana cultivators organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the commission, and that is licensed to obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments but not to consumers.”;

In section 15, by striking out the word "may", in line 265, and inserting in place thereof the following word:- "shall";

In said section 15, by striking out, in lines 265 and 266, the words "but not be limited to”;

In said section 15, by inserting after the word "size", in line 266, the following words:- "as measured by volume of product output"; and

In said section 15, by adding the following 2 clauses:-

“(20) procedures and policies governing craft marijuana cultivators, which

shall: (i) limit the marijuana produced by a craft marijuana cultivator by the number of plants, surface area used for cultivation or output by weight; (ii) establish regulations for security including, but not limited to, periodic monitoring of the cultivation area, product tracking and measures that limit entry to the property; (iii) establish regulations for transportation of cultivated marijuana; and (iv) establish procedures for inspection of the cultivation area, business records and any marijuana, marijuana plants and marijuana products on the premises for compliance with security, safety, health and other regulations; provided, however, that these procedures and policies shall not render compliance unreasonably impracticable for a craft cultivator, taking into account the limited production and scope of craft cultivation;

(21) procedures and policies governing craft marijuana cultivator cooperatives, which shall: (i) define the number of individuals that may have a membership interest in a craft marijuana cultivator cooperative; (ii) limit an individual's ownership interest to not more than 34 per cent of a craft marijuana cultivator cooperative; (iii) limit the aggregate output of marijuana by each craft marijuana cultivator cooperative; (iv) establish the exclusive authority of craft marijuana cultivator cooperatives to label or authorize the labeling of their marijuana products with the word 'craft' to describe the product or origin of the product; (v) require that a craft marijuana cultivator cooperative's marijuana cultivation take place on property owned by a member of the cooperative; and (vi) establish procedures for inspection of business records, any processing area, marijuana, marijuana plants or marijuana products on the premises for compliance with security, safety, health and other regulations; provided, however, that these regulations shall not render compliance unreasonably impracticable for a craft cultivator cooperative, taking into account the limited production and scope of craft cultivation.”.

After remarks, the amendment was adopted.

Messrs. Cyr and Moore moved that the proposed new text be amended by inserting after section 30 the following section:-

107.

“Section 30A. The cannabis control commission may make necessary accommodations and special regulations for the counties of Dukes and Nantucket, and other geographically isolated communities in the commonwealth.”.

After remarks, the amendment was adopted.

Messrs. Keenan, O'Connor, Moore and Ross moved that the proposed new text be amended by striking out section 19 in its entirety and inserting in place thereof the following section:-

109.

“SECTION 19. Said chapter 94G, as so appearing, is hereby amended by inserting after section 14 the following section:-

Section 15. (a) The commission shall develop a research agenda in order to understand the social and economic trends of marijuana in the commonwealth, to inform future decisions that would aid in the closure of the illicit marketplace and inform the commission on public health impacts of marijuana. The research agenda shall include, but not be limited to: (i) patterns of use, methods of consumption, source of purchase, and general perceptions of marijuana among minors, among college and university students, and among adults; (ii) incidents of impaired driving, hospitalization and use of other health care services related to marijuana use, including a report of the state of the science around identifying a quantifiable level of marijuana-induced impairment of motor vehicle operation and a report of the financial impacts of hospitalizations related to marijuana on the state healthcare system; (iii) economic and fiscal impacts for state and local governments, which

shall include the impact of legalization on the production and distribution of marijuana in the illicit market as well as costs and benefits to state and local revenue; (iv) ownership and employment trends in the marijuana industry examining participation by racial, ethnic and socio-economic subgroups, including identification of barriers to participation in the industry; (v) a market analysis examining the expansion or contraction of the illicit marketplace and the expansion or contraction of the legal marketplace that includes estimates and comparisons of pricing and product availability in both markets; and; (vi) a compilation of data on the number of incidents of discipline in schools, including suspensions or expulsions, as a result of marijuana use or possession of marijuana or marijuana products; and (vii) a compilation of data on the number of civil penalties, arrests, prosecutions, incarcerations and sanctions imposed as a result of violations of chapter 94C for possession, distribution or trafficking of marijuana or marijuana products, including identification of age, race, gender, country of origin, state geographic region and average sanctions of the individuals charged.

(b) The commission shall incorporate available data into its research plan, including the baseline study conducted pursuant to chapter 351 of the acts of 2016, and coordinate and form partnerships with the department of public health, the department of elementary and secondary education, the department of higher education, the executive office of public safety and security and the executive office of labor and workforce development. The commission shall annually report on the results of its research agenda and, when appropriate, make recommendations for further research or policy changes. The annual reports shall be posted online in a machine readable format. The commission shall publish the first such report not later than July 1, 2019.”

After remarks, the amendment was adopted.

Messrs. Keenan, O'Connor and Moore moved that the proposed new text be amended in section 15, by inserting in line 259 after the word “section” the following:- “, including tiered penalties for violations of regulations that are intended to prevent the targeting of persons under 21 years of age,”.

111.

The amendment was *rejected*.

Ms. Chang-Diaz moved that the proposed new text be amended by adding the following new section:-

48.

"SECTION XX. The commission shall prioritize review and licensing decisions for applicants for retail, manufacture, or cultivation licenses who demonstrate experience in or business practices that promote economic empowerment in communities disproportionately impacted by high rates of arrest and incarceration for offenses under chapter 94C or who provide an express plan to reinvest a portion of revenues generated by the licensee into communities disproportionately impacted by high rates of arrest and incarceration for offenses under chapter 94C, through projects including but not limited to community infrastructure development, job creation programs, scholarships, business loans, and funding for indigent criminal defense services; provided that applicants who provide an express plan to reinvest a portion of revenues generated by the licensee shall be eligible for a percentage reduction in the licensing fee equal to the percentage of revenues the licensee plans to reinvest; provided that no license fee shall be reduced more than 33 percent."

After remarks, the amendment was adopted.

Messrs. Lewis, O'Connor and Moore, Ms. O'Connor Ives, Ms. Forry and Mr. Ross moved that the proposed new text be amended by striking out, in line 275, the word “and”; and in said section 15, by inserting after the word “product”, in line

58.

283, the following words:- “; (20) requirements to establish a process allowing the commission to order a prohibition on the sale of a marijuana product found especially appealing to youth; and (21) requirements to establish a process allowing a marijuana product manufacturer to voluntarily submit a product, its packaging and intended marketing to the commission for review of its appeal to youth”.

After remarks, the amendment was adopted.

Mr. Keenan moved that the proposed new text be amended by striking out, in section 34, the figure “2018” each time it appears in lines 544 and 553, and inserting in place thereof, in each instance, the figure “2019”; by striking out, in section 35, in line 559, the figure “2019” and inserting in place thereof the figure “2020”; and by striking out, in section 37, in line 588, the figure “2018” and inserting in place thereof the figure “2019”.

97.

The amendment was *rejected*.

Ms. Forry, Messrs. O'Connor and Moore and Ms. Chang-Diaz moved that the proposed new text be amended in section 18, in proposed subsection (b), by striking out clause (v) and inserting in place thereof the following clause:-

102.

“(v) programming for restorative justice, jail diversion, workforce development, industry specific technical assistance, mentoring services and small business start-up capital or loans for economically-disadvantaged persons in communities disproportionately impacted by high rates of arrest and incarceration for marijuana offenses under chapter 94C”.

After remarks, the amendment was adopted.

Messrs. Keenan, O'Connor, Moore and Ross and Ms. O'Connor Ives moved that the proposed new text be amended by striking out in line 470, the words "and (ii)" and inserting in place thereof the following:- "(ii) public awareness about the safety hazards of manufacturing marijuana products at home; and (iii)".

110.

The amendment was *rejected*.

Ms. Gobi and Mr. Moore moved that the proposed new text be amended by inserting after section 11 the following section:-

24.

“SECTION 11A. Subsection (a) of section 4 of chapter 94G of the General Laws, as so appearing, is hereby amended by striking clause (8) and inserting in place thereof the following clause:-

(8) health and safety standards, developed in consultation with the department of public health and the department of agricultural resources, for the cultivation, processing, manufacture and distribution of marijuana and marijuana products, including standards regarding sanitation for the preparation, storage, handling and sale of food products; provided however, that nothing in this clause shall authorize the commission to promulgate regulations pertaining to the use of pesticides.”;

In section 18, by inserting after the word “commission”, in line 303, the following words:- “and by the department of agricultural resources for the implementation, administration and enforcement of sections 116 to 123, inclusive, of chapter 128 and for the provision of pesticide control for marijuana pursuant to chapter 132B ”;

In section 20, by striking out, in line 337, the figure “7” and inserting in place thereof the following figure:- “8”;

In said section 20, by striking out, in lines 338, 352, 355, 392, 397, 400 and 403, the figure “121” and inserting in place thereof, in each instance, the following figure:- “123”;

In said section 20, by striking out, in line 384, the words “records related to

sections 116 to 121, inclusive,” and inserting in place thereof the following words:-
“documents included in an application for licensure submitted under subsection (e) of section 118”; and

In said section 20, by adding the following 2 sections:-

“Section 122. The department may inspect and have access to the equipment, supplies, records, real property and other information deemed necessary to carry out the department’s duties under sections 116 to 123, inclusive, from a person participating in the planting, growing, harvesting, possessing, processing, purchasing, selling or researching of hemp, industrial hemp or hemp products. The department may establish an inspection and testing program to determine delta-9 tetrahydrocannabinol levels and ensure compliance with the limits on delta-9 tetrahydrocannabinol concentration.

Section 123. The department may establish civil administrative fines for violations of sections 116 to 123, inclusive. A person aggrieved by the assessment of a fine under this section or a licensure action under section 120 may appeal by filing a notice of appeal with the department not later than 21 days after the receipt of the notice of the fine or licensure action. The adjudicatory hearing shall be conducted in accordance with chapter 30A.”

The amendment was adopted.

Messrs. deMacedo, O'Connor and Moore, Ms. O'Connor Ives and Messrs. Humason, Ross, Tarr and Fattman moved that the proposed new text be amended by inserting after section 1 the following 2 sections:-

“SECTION 1A. Section 116 of chapter 6 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following paragraph:-

The executive director of the municipal police training committee, in conjunction with the secretary of public safety and security, shall submit an annual estimate on the full cost of operating the municipal police training committee and the complete array of training programs for municipal police in the commonwealth to the senate and house committee on ways means by not later than December 31.

SECTION 1B. Chapter 10 of the General Laws is hereby amended by inserting after section 35DDD the following section:-

Section 35EEE. (a) There shall be a Municipal Police Training Fund, consisting of amounts credited to the fund in accordance with this section. The secretary of public safety and security shall act as trustee and may expend money from the fund, without further appropriation; provided, however, that the amounts credited to the fund shall be expended exclusively to support the activities of the municipal police training committee established in section 116 of chapter 6.

(b) The fund shall consist of: (i) funds transferred from the Marijuana Regulation Fund established in section 14 of chapter 94G; (ii) revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; (iii) interest earned on money in the fund; and (iv) funds from private sources including, but not limited to, gifts, grants and donations received by the commonwealth that are specifically designated to be credited to the fund. Amounts credited to the fund shall not be subject to further appropriation and money remaining in the fund at the end of a fiscal year shall not revert to the General Fund. The secretary shall annually report the activity of the fund to the clerks of the senate and the house of representatives and the senate and house committees on ways and mean by not later than December 31.”;

In section 18, in proposed subsection (b), by striking out proposed clause (iii) and inserting in place thereof the following clause:-

81.

“(iii) to be deposited into the Municipal Police Training Fund established in section 35EEE of chapter 10 for the municipal police training committee established in section 116 of chapter 6”; and

By adding the following 4 sections:-

“SECTION 39A. (a) Notwithstanding any general or special law to the contrary, the comptroller shall report on the incoming receipts and expenditures and any other activities of the Marijuana Regulation Fund, established in section 14 of chapter 94G of the General Laws, every 6 months. The report shall be submitted to the clerks of the senate and the house of representatives and the senate and house committees on ways and means.

SECTION 39B. Section 39A is hereby repealed.

SECTION 39C. Section 39A shall take effect on July 1, 2018.

SECTION 39D. Section 39B shall take effect on July 1, 2023.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at four minutes before nine o'clock P.M., on motion of Mr. deMacedo, as follows, to wit (yeas 35 – nays 0) [**Yeas and Nays No. 51**]:

YEAS.

Barrett, Michael J.	Lesser, Eric P.
Boncore, Joseph A.	Lewis, Jason M.
Brady, Michael D.	Lovely, Joan B.
Brownsberger, William N.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Creem, Cynthia Stone	O'Connor, Patrick M.
Cyr, Julian	O'Connor Ives, Kathleen
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Fattman, Ryan C.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.
Hinds, Adam G.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, Walter F.
Jehlen, Patricia D.	Welch, James T. – 35.
Keenan, John F.	

NAYS – 0.

ABSENT OR NOT VOTING.

Donoghue, Eileen M.	L'Italien, Barbara A. – 3.
Flanagan, Jennifer L.	

The yeas and nays having been completed at a one minute before nine o'clock P.M., the amendment was adopted.

Moment of Silence.

At the request of the Chair (Mr. Pacheco), the members, guests and staff stood in a moment of silence and reflection to the memory of Representative Gailanne M. Cariddi of North Adams.

Moment of silence.

Messrs. deMacedo and O'Connor and Ms. O'Connor Ives moved that the proposed new text be amended by adding the following:-

19.

“SECTION XX. Section 1 of Chapter 94G of the General Laws is hereby amended by adding at the end thereof the following subsection:-

“(q) ‘Regional Center for Poison Control and Prevention’, a regional facility serving Massachusetts and other states that provides: 24-hour treatment and advice to health care professionals and the public on all types of poisoning; information and assistance on a broad range of poison control topics; and offers seminars on toxicology and poisoning prevention.”; and

In section 18, in line 308, by inserting after the words “chapter 94C” the following: “; and (vi) the Regional Center for Poison Control and Prevention to address increased service volume due to the legalization of adult-use of marijuana;”.

After remarks, the amendment was *rejected*.

Ms. Jehlen moved that the proposed new text be amended in section 1, by striking out, in line 4, the word “recreational” and inserting in place thereof the following words:- “adult use of”;

95.

In said section 1, by striking out, in line 8, the word “recreational” and inserting in place thereof the following word:- “adult”;

In section 2, by striking out, in lines 29 and 30, the words "production and distribution of marijuana and marijuana products" and inserting in place thereof the following words:- " oversight of a regulated industry";

In said section 2, by striking out, in line 40 the word “who” and inserting in place thereof the following word:- “whose”;

By striking out section 4 and inserting in place thereof the following section:-

“SECTION 4. Section 5J of said chapter 18, as so appearing, is hereby amended by striking out, in line 14, the words ‘or on cruise ships’ and inserting in place thereof the following words:- on a cruise ship; or at a marijuana establishment as defined in chapter 94G.”;

In section 15, by striking out, in line 268, the words “and small businesses”;

In section 18, by striking out, in line 304, the word “mental” and inserting in place thereof the following word:- “behavioral”;

By inserting after section 20 the following 6 sections:-

“SECTION 20A. Section 2 of chapter 369 of the acts of 2012 is hereby amended by striking out, in line 17, the word ‘non-profit’.

SECTION 20B. Said section 2 of said chapter 369 is hereby further amended by striking out, in line 29, the words ‘a not-for-profit entity’ and inserting in place thereof the following words:- an entity.

SECTION 20C. Section 9 of said chapter 369 is hereby amended by striking out, in lines 1, 3, 4 and 7, each time it appears, the word ‘nonprofit’.

SECTION 20D. Said section 9 of said chapter 369 is hereby further amended by striking out, in line 20, the word ‘non-profit’.

SECTION 20E. Section 10 of said chapter 369 is hereby amended by striking out, in line 6, the word ‘nonprofit’.

SECTION 20F. Section 13 of said chapter 369 is hereby amended by striking out, in line 4, the word ‘non-profit’.”;

In section 33, by striking out, in line 514, the word “board” and inserting in place thereof the following word:- “commission”;

In section 34, by striking out, in line 519, the figure “10A” and inserting in place thereof the following figure:- “10”;

In section 36, by striking out, in line 575, the figure “10A” and inserting in place thereof the following figure:- “10”; and

By striking out section 39, inserted by amendment number 20, and inserting in

place thereof the following section:-

“SECTION 39. Notwithstanding any general or special law to the contrary, a person having a record of criminal court appearance or disposition on file with the office of the commissioner of probation for a charge of unlawful possession of a controlled substance under section 34 of chapter 94C of the General Laws shall be eligible to have the record and related records, if any, sealed immediately under section 100A of chapter 276 of the General Laws if the controlled substance specified in the complaint related to the court appearance or disposition was marihuana under clause (1) of subsection (b) of Class D of section 31 of said chapter 94C.”.

The amendment was adopted

The pending amendment (Jehlen), as amended, was then adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at ten minutes past nine o'clock P.M., on motion of Ms. Jehlen, as follows, to wit (yeas 30 — nays 5) [**Yeas and Nays No. 52**]:

YEAS.

Barrett, Michael J.	Jehlen, Patricia D.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	Lovely, Joan B.
Chandler, Harriette L.	McGee, Thomas M.
Chang-Diaz, Sonia	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Cyr, Julian	O'Connor Ives, Kathleen
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.
Hinds, Adam G.	Timilty, Walter F.
Humason, Donald F., Jr.	Welch, James T. — 30.

NAYS.

Fattman, Ryan C.	Ross, Richard J.
Keenan, John F.	Tarr, Bruce E. — 5.
O'Connor, Patrick M.	

ABSENT OR NOT VOTING.

Donoghue, Eileen M.	L'Italien, Barbara A. — 3.
Flanagan, Jennifer L.	

The yeas and nays having been completed at fourteen minutes past nine o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments [For text of Senate amendments, see Senate, No. 2097, printed as amended].

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow next at eleven o'clock A.M., and that the Clerk be directed to dispense with a calendar.

Time of meeting.

Adjourn In Memory of Gailanne M. Cariddi

The Senator from Berkshire, Hampshire, Franklin and Hampden, Mr. Hinds, moved that when the Senate adjourns today, it do so in memory of State Representative Gailanne M. Cariddi of North Adams.

State Representative Gailanne Cariddi passed away suddenly on Saturday, June 17, 2017 after a battle with cancer.

Representative Cariddi was serving her fourth term in the House, proudly and passionately representing the nine northern Berkshire communities of Adams, Cheshire, Clarksburg, Florida, Hancock, Lanesborough, New Ashford, North Adams and Williamstown. She was the House chair of the Joint Committee on the Environment, Natural Resources and Agriculture, an important leadership appointment for her largely rural district.

Representative Cariddi began her long and distinguished career in public service on the North Adams City Council, where she served for 21 years. First joining the City Council in 1990, she served as Council Vice President in 1991, 1998 and 1999 and as Council President in 1994 and 2000. Representative Cariddi resigned her City Council seat in January 2011 after being elected to the House in November 2010.

With that first election to the House in 2010, Representative Cariddi became the second woman from Berkshire County to hold a seat in the State Legislature, and the first to represent the First Berkshire District.

Representative Cariddi was an active member of many community groups, including the Berkshire Bike Path Council, the North Adams Public Library Building Committee, the North Adams Democratic City Committee, and she was a board member of Northern Berkshire Community Television.

Before being elected to public office, Representative Cariddi was the financial manager of her family's business, Cariddi Sales Company, for more than 30 years.

A native of North Adams, she was the daughter of the late James Vincent and Rhea Mary Louise Cariddi, sister of Antoinette and David Cariddi and the late James Vincent Jr. Representative Cariddi became interested in government at an early age. She graduated from Drury High School in North Adams and received a degree in business management from Bentley University in Waltham.

Always thinking of others, Representative Cariddi was a frequent attendee and leader in local events and volunteer efforts.

She was known, loved and admired by the entire northern Berkshire community and far beyond. Her approach to service was based on kindness, humility, not seeking the limelight, and focusing on helping those who needed it most. Her impact on our community and her quietly effective way of serving her district has set a high and important example for others to follow and to live by.

Accordingly, as a mark of respect in memory of Gailanne M. Cariddi, at a quarter past nine o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to

meet again tomorrow at eleven o'clock A.M.
