

**HOUSE . . . . . No. 2929**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Ellen Story (BY REQUEST)**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act to regulate and tax the cannabis industry.**

PETITION OF:

NAME:

Richard Evans

DISTRICT/ADDRESS:

56 Main Street  
Northampton, MA 01060

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT TO REGULATE AND TAX THE CANNABIS INDUSTRY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 The governor and the representatives of the people of Massachusetts, acknowledging that  
2 previous efforts have not succeeded in eliminating or curtailing marijuana use and abuse;  
3 determined to exercise some measure of control over the use of cannabis consistent with  
4 respect for individual freedom and responsibility; and declaring our objectives to be the  
5 reduction of cannabis abuse, the elimination of marijuana-related crime and the raising of public  
6 revenue, do hereby ordain and enact The Cannabis Regulation and Taxation Act.

7 Section 1. This act consists initially of 45 sections, which together shall be known as The  
8 Cannabis Regulation and Taxation Act. It shall be codified as Chapter 13A of the general laws

9 Section 2. The following conduct is hereby excepted from the provisions of, and shall not  
10 constitute a violation of chapter 94C of the general laws:

11 a. Possession or cultivation of cannabis by an adult for personal use.

12 b. Gratuitous distribution of cannabis to an adult. Transfer directly or indirectly related  
13 to or contemporaneous with the sale or tendering for sale of any goods, services or other  
14 things of value, shall be deemed not gratuitous.

15 c. Possession or distribution of cannabis under a valid license issued in accordance with  
16 this act.

17 *Section 3.* This act shall in no way affect existing provisions of law relating to the operation of a  
18 motor vehicle under the influence of an intoxicant.

19 *Section 4.* . When used in this chapter, the following words shall, unless the context indicates  
20 otherwise, have the following meanings:

- 21 a. ACT: This chapter of the General Laws of Massachusetts, also known as The  
22 Cannabis Regulation and Taxation Act, as amended.
- 23 b. ADULT: A person over twenty-one years of age.
- 24 c. AUTHORITY. The Cannabis Control Authority established by section 5.
- 25 d. CANNABIS: Any part of the plant Cannabis sativa L, or Cannabis indica, or any other  
26 variety of the genus cannabis, whether growing or not; the seeds thereof; and resin  
27 extracted from any part of the plant, and every compound, manufacture, salt derivative,  
28 mixture or preparation of the plant, its seeds or resin. It does not include the mature  
29 stalks of the plant, fiber produced from the stalks, oil or cake made from the seeks of the  
30 plant, any other compound, manufacture, salt derivative, mixture or preparation of the  
31 mature stalks except the resin extracted therefrom., fiber, oil or cake or the sterilized  
32 seed of the plant which is incapable of germination. Cannabis containing less than 1%  
33 THC is not subject to the provisions of this act.
- 34 e. COMMERCIAL: Of or related to a non-gratuitous exchange; with consideration.
- 35 f. CULTIVATE: To cause or permit to grow.
- 36 g. DOMESTIC: originating from or within Massachusetts.
- 37 h. CULTIVATION LICENSE: A License issued in accordance with Section 10 of this act.
- 38 i. FARMER-PROCESSOR-RETAILER: a person licensed in accordance with section ten  
39 to cultivate, process and sell cannabis from a single premises.
- 40 j. IMPORT: To bring into the commonwealth or cause to be brought into the  
41 commonwealth or to receive from without the commonwealth.
- 42 k. LICENSED PREMISES: The grounds and buildings whereon a license possesses  
43 cannabis and conducts such business as licensed to do.
- 44 l. LICENSING AUTHORITIES: the authority or the local licensing authorities or both, as  
45 the case may be.
- 46 m. LOCAL LICENSING AUTHORITIES: the licensing boards and commissions  
47 established in any city or town under special statute or charter or, in a city having  
48 no such board or commission the aldermen, or, in a town having no such board  
49 or commission, the selectmen.
- 50 n. NON-GRATUITOUS: Not gratuitous; with consideration; commercial.
- 51 o.. PACKAGE: A container in which cannabis is sold to the purchaser at retail.
- 52 p.. PROCESS: To possess cannabis for the purpose of converting same from intact  
53 plants to packaged form, and the act of so converting.

- 54 q. PROCESSING LICENSE: A license issued in accordance with Section 406(2).
- 55 r. PURITY: Freedom from substances not indigenous to cannabis, except for water.
- 56 s.. RETAIL: Of or pertaining to the transfer not at wholesale of cannabis for  
57 consideration made in the ordinary course of trade or usual prosecution of the seller's  
58 business to the purchaser for consumption or use.
- 59 t.. SALE: Transfer for consideration.
- 60 u.. THC: Delta-9 tetrahydrocannabinol..

61 *Section 5.* . There is hereby created an authority to be known as the Cannabis Control  
62 Authority.

63 *Section 6.* The affairs of the authority shall be managed by a board of seven directors,  
64 hereinafter referred to as the directors. A full term thereon shall be seven years. Persons to  
65 serve respectively for an initial seven-year term, an initial six-year term, and an initial five-year  
66 term, and their replacements, shall be appointed by the governor, with the approval of the  
67 council. Directors for an initial four-year term and an initial one-year term shall be appointed  
68 and vacancies in said directorships filled by the president of the senate. Directors for an initial  
69 three-year term and an initial two-year term shall be appointed, and vacancies in said  
70 directorships filled, by the speaker of the house. Directors shall receive a salary of 20% of the  
71 salary of the governor, and will serve on a part-time basis. The directors shall elect, from  
72 among their number, a chairman, who shall preside over all official activities of the board of  
73 directors. The chairman shall serve for three years or until his term as director ends. A  
74 chairman may not serve in excess of six consecutive years. No director shall serve more than  
75 fourteen years.

76 *Section 7.* The concurrence of not fewer than four members of the board of directors shall be  
77 required for all official actions of the authority. A copy of the minutes of each meeting of the  
78 board of directors, including any rules and regulations adopted by the authority or any  
79 amendments thereof, shall be forthwith transmitted, by and under the certification of the  
80 secretary thereof, to the governor.

81 *Section 8.* . The authority shall have general supervision of the conduct of the business of  
82 cultivating, possessing, distributing, sale at retail and wholesale and importing cannabis, and  
83 also of the quality, purity and grade thereof. The authority shall make such rules and  
84 regulations as it deems necessary to enable it to carry out and enforce the provisions of this act,  
85 and shall prescribe the forms of application for licenses under this chapter and may require  
86 therein such information as it deems necessary. Every license hereunder shall be governed  
87 and controlled by the rules and regulations adopted by the authority. Subject to the provisions  
88 herein, the authority may suspend or revoke any license for any violation of the rules and  
89 regulations established hereunder or for aiding or abetting in any violation of such rules and  
90 regulations, but before such suspension or revocation, the authority shall give a hearing to the  
91 licensee, after due notice to him of the charges against him and of the time and place of the  
92 hearing. Such licensee may appear at the hearing with witnesses and be represented by

93 counsel. The authority and any representative thereof duly authorized to conduct any hearing  
94 under this chapter shall have power to administer oaths and take testimony under oath relative  
95 to the matter of inquiry or investigation. At any hearing ordered by the authority, the authority or  
96 its representative authorized to conduct such hearing may subpoena witnesses and require the  
97 production of books, papers, and documents pertinent to such inquiry. No witness under  
98 subpoena authorized to be issued by any provision of this chapter shall be excused from  
99 testifying or producing books or papers on the ground that such testimony or the production of  
100 such books or other documentary evidence would tend to incriminate him, but such evidence or  
101 the books or papers so produced shall not be used in any criminal proceeding against him  
102 arising out of any violation of any provision of this act. If any person shall disobey such process  
103 or, having appeared in obedience thereto, shall refuse to answer any pertinent question put to  
104 him by the authority or its authorized agent or to produce any books and papers pursuant  
105 thereto, the authority or such representative may apply to the superior court for the county  
106 wherein the person, relative to whose business such hearing is ordered, resides or wherein  
107 such business has been conducted, or to any justice of said court if the same shall not be in  
108 session, setting forth such disobedience to process or refusal to answer, and said court or  
109 justice shall cite such person to appear before said court or justice to answer such questions or  
110 to produce such books and papers, and, upon his refusal so to do, may commit him to jail until  
111 he shall testify, but not for a longer period than sixty days. Notwithstanding the serving of the  
112 term of such commitment by any person, the authority may proceed in all respects with such  
113 inquiry and examination as if the witness had not previously been called upon to testify. Officers  
114 who serve subpoenas issued by the authority or under its authority and witnesses attending a  
115 hearing conducted by it hereunder shall receive fees and compensation at the same rates as  
116 officers and witnesses before the courts of the commonwealth, to be paid on vouchers of the  
117 authority or to be paid without appropriation out of the proceeds of the excise imposed by this  
118 chapter, on vouchers approved by the authority. The rules and regulations adopted by the  
119 authority shall be printed as part of the application blank for licenses and for renewal thereof,  
120 and every applicant, as a condition of being licensed hereunder, shall submit to such  
121 examinations as the authority may deem necessary to establish his knowledge and  
122 understanding of The Cannabis Regulation and Taxation Act.

123

124 *Section 9.* The authority shall impose and collect an excise upon sales at retail of cannabis.  
125 The rate of said excise is hereby established as follows:

126           Class C           One hundred fifty dollar per ounce

127           Class B           Two hundred dollars per ounce.

128           Class A           Two hundred fifty dollars per ounce.

129 Subject to approval by the general court, such excise shall be adjusted by the authority from  
130 time to time as necessary to maximize the revenue derived therefrom, and to minimize the  
131 incentive for the sale of cannabis not in accordance with the provisions of this act.

132 *Section 10.* The authority shall, consistent with the objectives set forth in the preamble to this  
133 act, issue the following licenses to such applicants as may qualify under this act and the rules  
134 and regulations of the authority: cultivation licenses, processing licenses, trade licenses, retail  
135 licenses, import licenses, research licenses and farmer-processor-retailer licenses. Provided,  
136 however, no such license shall be issued until the applicant therefor demonstrates to the  
137 satisfaction of the authority that he is twenty-one or more years of age, is familiar with all laws  
138 and regulations relating to cannabis, and will exercise said license in premises adequately  
139 secure and otherwise suitable.

140 a. The holder of a cultivation license may possess, propagate, grow and cultivate  
141 cannabis and carry on such other horticultural activities as are reasonably required for  
142 the commercial cultivation of cannabis. He may sell cannabis only to the holder of a  
143 processing license, his agent or employee, but to no other person. He shall file regular  
144 reports as may be required by the authority, and shall be subject to all reasonable times  
145 to inspection by the authority or its representatives. A cultivation license shall be  
146 exercisable in one place only. The annual fee for a cultivation license shall be \$500.

147 b.. The holder of a processing license, his agents and employees, may obtain cannabis  
148 only from the holder of a cultivation or import license. He may possess, process,  
149 package, box and crate cannabis, and may transfer cannabis only to the holder of a  
150 trade license, his agent or employees. Processing, packaging, boxing and crating of  
151 cannabis shall be conducted in only one place. Cannabis shall be packaged in  
152 quantities only of one ounce, by dry weight, in bulk only, and shall not be rolled into  
153 cigarette form. The processor shall cause a label to be placed on each package bearing  
154 the following information:

155 (1) The name and place of business of the processor;

156 (2) The cannabis grade;

157 (3) The following statement: The Operation of a Motor Vehicle under the  
158 influence of cannabis, alcohol or any other intoxicant is a crime punishable of a  
159 fine of up to \$1,000 or imprisonment up to two years, or both, and may result in  
160 the loss of your license to drive.

161 c. The processor shall affix upon each cannabis package a tax stamp or such other  
162 documentation as the authority may require, and shall transfer neither title nor  
163 possession of same to any person without the said stamps affixed. Said stamps shall be  
164 of such design and in such denomination as the authority may prescribe, and shall be  
165 the means by which the excise imposed by section 405 hereunder shall be paid to the  
166 authority. The authority, in its discretion, may authorize the use of a metering machine  
167 approved by it in lieu of stamps in order to press or attach to each package of cannabis  
168 evidence of the payment of said excise. Such machine shall be sealed by its authorized  
169 representative and shall be used in accordance with such rules and regulations as the  
170 authority may prescribe. The authority may for cause at any time suspend or revoke the  
171 authority to use such a metering machine.

172 d. The authority shall redeem any unused or mutilated but identifiable stamps or unused  
173 amounts for which a meter is set that any license processor may present for redemption;  
174 provided, they were originally lawfully purchased by the processor who presents them  
175 for redemption. Such redemption shall be made at the face value thereof. The authority  
176 may prescribe necessary rules and regulations for redemptions under this section. If the  
177 authority is satisfied that a processor is entitled to a redemption he shall issue to him  
178 stamps of equivalent value to cover the mutilated stamps or he may order a refund equal  
179 to the actual amount paid for said unused or mutilated stamps for the unused amounts  
180 for which the meter was set.

181 e. All processors shall file under the penalties of perjury with the authority, on forms to  
182 be furnished by it, monthly reports on or before the 20<sup>th</sup> day of each calendar month  
183 showing the number of stamps on hand at the beginning of the month, the number  
184 purchased during the month, the number on hand at the end of the month, the number  
185 affixed or otherwise disposed of during the month, and such other information as the  
186 authority shall require. All processors shall keep complete and accurate records from  
187 which information can be obtained to complete and audit said report, and such other  
188 records as the authority may prescribe, shall preserve such records for three years and  
189 shall offer them for inspection at any time upon oral or written demand of the authority or  
190 its duly authorized agents. The stocks of unused stamps in any metering machines shall  
191 be open to inspection by the authority or its duly authorized agents at all reasonable  
192 times.

193 f. The holder of a processing license, his agents and employees, may possess, process,  
194 package, box and crate cannabis seeds and may transfer such seeds as are capable of  
195 germination to the holder of a cultivation license if said seed is capable of producing  
196 cannabis preparations having a THC content of more than 1.5% by mass. The annual  
197 fee for a processing license shall be \$1,000.

198 g. All cannabis sold by processors shall be analyzed and graded as follows:

199 (1) If said cannabis contains more than 1% THC and less than 5% THC, then  
200 said cannabis shall be labeled "C".

201 (2) If the cannabis contains 5% or more than 5% and less than 10% THC, then  
202 said cannabis shall be labeled "B".

203 (3) If the cannabis contains 10% THC or more, then said cannabis shall be  
204 labeled "A".

205 h. The aforesaid percentages shall be established by comparing THC content to dry  
206 weight, without seeds.

207 i. The holder of a trade license, his agents and employees, may obtain cannabis only  
208 from a duly licensed processor or importer, and may possess cannabis only bearing valid  
209 documentation required to be affixed to all packages under the provision of paragraph

210 2(b) above. He may keep, store, warehouse, and transport same, and may sell cannabis  
211 only to duly licensed retailer. The annual fee for a trade license shall be \$3,000.

212 j. The holder of a retail license may sell cannabis only to adult members of the public,  
213 not visibly intoxicated or otherwise in such condition as may present a threat to public  
214 safety.

215 k. . All sales of cannabis to the public must take place within the licensed premises of the  
216 retailer, which premises must be enclosed.

217 l. A retail license shall be exercisable only at the location specified in the license.

218 m. All cannabis sold by a licensed retailer must bear all appropriate labels and  
219 documentation required by this act and prescribed by the authority.

220 n. Cannabis shall not be sold or distributed to any person under twenty-one years of age.

221 o. Possession of packaged cannabis for sale at retail not bearing valid documentation  
222 as prescribed hereunder shall be a violation of Chapter 94C, Section 34, of the General  
223 Laws. It shall be no defense to a claim of violation of this paragraph that the retailer in  
224 good faith believed documentation borne by cannabis in his possession to be valid. The  
225 annual fee for a retail license shall be \$2,000.

226 p. The holder of an import license may possess cannabis and shall distribute same only  
227 to the holder of a processing license. All imported cannabis is subject to the same  
228 requirements of this act relating to labeling and grading as domestic cannabis.

229 q. The annual fee for an import license shall be \$2,500.

230 r. The authority may issue research licenses for a bona fide conduct of medical, social,  
231 behavioral or other research, upon such conditions and terms as the authority may  
232 prescribe consistent with the objectives of this act.

233 s. The holder of a farmer-processor-retailer license may cultivate, process and retail  
234 cannabis subject to the same requirements of this act relating to labeling, grading and  
235 taxation of a processor license, provided all cannabis processed and sold is grown on the  
236 licensed premises. The annual fee for a farmer-processor-retailer license shall be \$2,500.

237 t. Farmer-processor-retailer licenses may only be issued to an applicant after approval  
238 by the local licensing authorities by such standards as said local licensing authorities  
239 shall reasonably determine shall protect the public health and safety.

240 *Section 11.* No license shall be issued to any person who during the preceding ten years has  
241 been convicted of a felony except a felony under Section 94C involving cannabis.

242 *Section 12.* Only a cultivation license, processing license or import license shall authorize the  
243 offering for sale, selling, possessing with intent to sell, or making of a non-gratuitous transfer or  
244 other non-gratuitous disposition of cannabis within the commonwealth, unless said cannabis be

245 in individual packages bearing such stamps or documentation as required by law and regulation.  
246 If any stamp or other documentation appearing on any package of cannabis be stained or  
247 smudged or its characteristics be so blurred, obscured or indistinct that it cannot be distinguished  
248 as genuine, it shall be invalid. The offering for sale, selling, possessing with intent to sell, or  
249 otherwise disposing of or making a non-gratuitous transfer of cannabis within the commonwealth,  
250 without a valid license hereunder shall be punishable under Chapter 94C, Section 32 of the  
251 General Laws.

252 *Section 13.* Each license issued hereunder shall expire in two years from the date of issue by  
253 the authority, unless sooner revoked by the authority as provided hereunder, or unless the  
254 business with respect to which such license was issued shall change ownership, or unless the  
255 holder of the license shall remove his business from the premises covered by the license, the  
256 authority not having given written approval for the transfer of said license to another person in  
257 accordance with the provisions of section 413, in any of which cases the license shall thereupon  
258 expire. In the event that a licensee removes his business to another location within his city or  
259 town, the license with respect to the former place of business shall, without the payment of an  
260 additional fee, be reissued for the new location for the balance of the unexpired term. The holder  
261 of each license, on application to the authority, accompanied by the applicable fee prescribed in  
262 section two, may, before the expiration date of the license then held by him, renew his license for  
263 a further period of two years. In case of suspension, revocation or cancellation of a license  
264 issued by the authority, no abatement or refund of any part of the fee paid therefor shall be  
265 made.

266 *Section 14.* Stamps and documentation hereunder may be issued by the authority to processors  
267 on a credit basis, provided the processor shall have furnished a surety company bond with a  
268 surety company authorized to do business in the commonwealth as surety, in such amount as  
269 the authority may fix. In lieu of a surety company bond a licensee may deposit with the authority  
270 bonds or other negotiable obligations of the commonwealth or of the United States of America of  
271 such aggregate face amount as the authority may from time to time deem necessary adequately  
272 to secure payment of the excise provided by this chapter; provided, that bonds need not be  
273 accepted by the authority unless in registered form and of denominations satisfactory to it. In  
274 case of a deposit of bonds or other negotiable obligations with the authority hereunder, it shall,  
275 while in possession of such bonds, remit to such licensee as aforesaid, or persons entitled  
276 thereto, the interest accruing and payable thereon, and if such excises together with all interest  
277 and other charges accrued thereon shall be paid in full and if the person is no longer a licensee  
278 hereunder, it shall return such bonds or obligations to the persons entitled thereto. If the excise  
279 together with all interest and other charges accrued thereon provided by this chapter shall not be  
280 paid in accordance with this chapter, the authority may sell all or any part of such bonds or  
281 obligations to satisfy the amount due the authority as aforesaid and shall return to the persons  
282 entitled thereto any excess left in its hands, provided, however, the person is no longer a  
283 licensee hereunder.

284 *Section 15. a.* Whoever falsely or fraudulently makes, forges, alters or counterfeits, or causes or  
285 procures to be falsely or fraudulently made, forged, altered or counterfeited, any excise stamps  
286 or other documentation prepared or prescribed by the authority under this chapter, or whoever

287 knowingly and willfully utters, publishes, passes or tenders as true, any such false, altered,  
288 forged or counterfeited stamp or makes a false affixation of or uses any stamp provided for by  
289 this chapter which has already once been used, for the purposes of evading the excise imposed  
290 by this chapter, shall be punished by a fine of not more than \$2,000 or by imprisonment for not  
291 more than five years, or both.

292 b.. If any person secures, manufactures or causes to be secured or manufactured, or  
293 has in his possession, any cannabis excise stamp or die or device not prescribed or  
294 authorized by the authority, or any counterfeit impression, such fact shall be prima facie  
295 evidence that such person has counterfeited cannabis excise stamps. Whoever wilfully  
296 removes or alters or knowingly permits to be removed or altered the cancellation or  
297 defacing mark of any stamp provided for by this chapter with intent to use such stamp, or  
298 knowingly or wilfully buys, prepares for use, uses, has in possession, or suffers to be  
299 used, any metering machine without authority, or any washed, restored or counterfeit  
300 stamps, or whoever intentionally removes or causes to be removed, or knowingly permits  
301 to be removed any stamp or meter impression affixed pursuant to this chapter, or  
302 whoever tampers with or causes to be tampered with any metering machine authorized to  
303 be used under the provisions thereof, shall be punished by a fine of not more than \$2,000  
304 or by imprisonment for not more than five years, or both.

305 *Section 16.* Sale or distribution of cannabis by vending machine or similar automation is  
306 prohibited.

307 *Section 17.* Any license issued under this chapter may, upon application to the authority upon  
308 such forms and in accordance with such procedures as the authority may prescribe, be  
309 transferred from one location to another or the description of the licensed premises may be  
310 changed with the approval of the authority. Any license under this chapter held by an individual,  
311 partnership or corporation may be transferred to any individual, partnership or corporation  
312 qualified to receive such a license in the first instance, if, in the opinion of the authority, such  
313 transfer is in the public interest.

314 *Section 18.* The license of any licensee who, directly or through any agent, employee or other  
315 person, changes in any manner cannabis in his possession by adding a dilutant, attenuant,  
316 intoxicant, preservative or any additive of any kind, the effect whereof is to reduce the purity of  
317 cannabis to less than 100%, shall be suspended by the authority for a period of not less than six  
318 months, and the licensee shall be subject to such additional sanction as the authority may  
319 prescribe. Presence on the licensed premises of cannabis less than 100% pure shall be prima  
320 facie evidence of a violation of this section.

321 *Section 19.* Whoever places or causes to be placed any additive in cannabis shall be liable to  
322 any person injured by reason of ingestion thereof to the extent of three times actual damages,  
323 plus damages for paid and suffering, costs and reasonable attorney's fees.

324 *Section 20.* Any person aggrieved by the conduct of any license holder hereunder, his agents or  
325 employees, shall state his grievance in writing to the local licensing commission of the city or the  
326 selectmen of the town wherein the complained of conduct occurred. After investigation and

327 hearing said commission or selectmen shall, if the public interest so requires, within seventy-five  
328 days from the date of the first regular meeting following the receipt of said complaint, submit to  
329 the authority a certified copy of the original complaint, together with a report of the commission's  
330 or the selectmen's findings and recommendation, which recommendations shall include, but not  
331 be limited to, one of the following:

332 a. That no action be taken against the license whose conduct is complained of.

333 b. That the licensee's license be suspended for a specified period of time, not less than  
334 one week nor more than one year.

335 c. That the licensee's license be revoked.

336 d. The authority shall, within thirty days of receipt of such findings and recommendations,  
337 implement the said recommendations unless the licensee complained of shall, during  
338 said thirty-day period: have requested a hearing or the authority shall have deemed a  
339 hearing to be in the interest of fairness. In either said event, the authority shall, within  
340 sixty days, hold a hearing *de novo*, and thereupon accept, reject or reverse the  
341 recommendation of the license commission. No revision shall exceed the limits set forth  
342 in this section for recommendations of the license commission. All hearings shall be  
343 conducted in accordance with the Massachusetts Administrative Procedure Act, and the  
344 licensee shall have the right of appeal as prescribed therein. The authority may suspend  
345 or revoke any license issued under this act for failure of the licensee to comply with any  
346 provision hereof, or if the licensee has ceased to act in the capacity for which other  
347 license was issued, or for other good cause; and no person whose license has been  
348 suspended or revoked shall sell cannabis or cause or permit cannabis to be sold during  
349 the period fo such suspension or revocation.

350 *Section 21.* Except as specifically provided in this act, all costs and expenses of the authority,  
351 including salaries and rent, shall be borne by the authority from revenues collected.

352 *Section 22.* The number of retail licenses exercisable within any city or town shall not exceed  
353 the total number of alcoholic beverage licenses which may be issued in said city or town under  
354 the provisions of Chapter 138 of the General Laws, regardless of the number of alcoholic  
355 beverage licenses actually issued. For purposes of this section, "alcoholic beverage licenses"  
356 shall mean the aggregate number of licenses which authorizes the sale of alcoholic beverages to  
357 consumers, whether package, tavern or victualler.

358 *Section 23.* Licensees hereunder shall not sell, borrow, loan or exchange unstamped cannabis  
359 or stamps to, from or with other such licensees unless authorized by the authority. Licensees  
360 other than processors shall not accept deliveries of unstamped or improperly stamped packages  
361 of cannabis except as authorized by the authority. Every licensed retailer and trade licensee  
362 shall immediately examine all packages of cannabis received by them and shall immediately  
363 return to their supplier any and all packages of cannabis that are unstamped or improperly  
364 stamped. Such supplier shall replace them with packages of cannabis upon which stamps have  
365 been properly affixed.

366 *Section 24.* No holder of a license of any class shall have, directly or indirectly, present or future,  
367 an interest in any other license of the same class or of any other class.

368 *Section 25.* Every licensee shall keep such records in such detail and affording such information  
369 as the authority may from time to time prescribe, and shall file with the authority, whenever and  
370 as often as it may require, duplicates of copies of such records; and the authority shall at all  
371 times, through its designated officers and agents, have access to all books, records and other  
372 documents of any licensee relating to the business which he is licensed hereunder to conduct.

373 *Section 26.* Every licensee shall, on or before the twentieth day of each calendar month, file with  
374 the authority, on a form prescribed by it, a report under the penalties of perjury, stating the  
375 amount of cannabis sold by such licensee in the commonwealth during the preceding calendar  
376 month and such report shall contain or be accompanied by such further information as the  
377 authority shall require; provided, that if a licensee ceases to sell cannabis within the  
378 commonwealth he shall forthwith file with the authority such a report for the period ending with  
379 such cessation. Each import licensee shall, upon importation of cannabis into the  
380 commonwealth, file with the authority a report, stating the amount of cannabis imported and such  
381 other information as the authority shall require.

382 *Section 27.* The surviving spouse or legal representative of a deceased non-corporate licensee  
383 may continue to exercise the license for thirty days following the death of the licensee, but  
384 thereafter only with the written consent of the authority, which consent shall expire, if not sooner  
385 revoked, fifteen months from the date of death. Consent shall be withheld unless the said  
386 surviving spouse or legal representative meets the qualifications prescribed by section 406 for  
387 the type of license sought to be retained.

388 *Section 28.* No holder of a cannabis license hereunder shall have any property right in any  
389 document or paper evidencing the granting of such license issued by the authority, and said  
390 authority, upon the expiration, suspension, revocation, cancellation, or forfeiture of such a license  
391 shall be entitled upon demand to the immediate possession thereof. The superior court shall  
392 have jurisdiction in equity, on petition of the licensing authorities, to enforce this provision.

393 *Section 29.* Every license issued under the provisions of this act or a duplicate copy thereof shall  
394 be prominently displayed on the premises covered by the license.

395 *Section 30.* All records of the authority are public within the meaning of the General Laws,  
396 Chapter 66.

397 *Section 31.* The authority shall annually, not later than the fourth Wednesday of April, file a  
398 written report with the governor and the respective clerks of the senate and house of  
399 representatives which shall contain a comprehensive reporting, accounting, description and  
400 analysis of its activities.

401 *Section 32.* The state auditor shall conduct an annual post-audit of all accounts and transactions  
402 of the authority, reasonable costs thereof to be borne by the authority.

403 Section 33. The authority shall report immediately to the governor and the general court any  
404 matters which require immediate changes in the laws of the commonwealth in order to prevent  
405 abuses and evasions of this act or the rules and regulations promulgated thereunder or to rectify  
406 undesirable conditions in connection with the administration of this act.

407 Section 34. The authority shall carry on a continuous study and investigation of cannabis  
408 commerce in the commonwealth in order (1) to ascertain any defects in this act or in the  
409 administration thereof or any evasion of said law or said rules and regulations as may arise or be  
410 practiced, and (2) to formulate recommendations for changes in said law and the rules and  
411 regulations promulgated thereunder to prevent such abuses and evasions, and (3) to guard  
412 against the use of said law and regulations issued thereunder as a cover for the carrying on of  
413 criminal activities.

414 Section 35. The authority, its agents and employees, may, during reasonable business hours  
415 and without notice thereof, conduct such inspections of the licensed premises; including the  
416 books, records and accounts of the licensee, as it shall deem appropriate for the enforcement of  
417 this act.

418 Section 36. The authority shall make a continuous study and investigation of the operation and  
419 administration of similar laws in other states and countries, of studies on the subject which from  
420 time to time may be published or available, of any federal laws which may affect the  
421 administration of this act, and of the reaction of citizens of the commonwealth to existing and  
422 potential features of the act with a view to recommending and effecting changes that will tend to  
423 better serve and implement the purpose of this act as set forth in the preamble.

424 Section 37. All fees, taxes, excises and other monies collected in accordance with this act shall  
425 be expended only for the following purposes, and in the following order.

426 a. . To the Cannabis Control Authority for the reasonable cost of carrying out its  
427 responsibilities under this Act;

428 b. . The balance of said fund shall be distributed to the general fund of the  
429 commonwealth.

#### 430 GENERAL PROVISIONS

431 Section 38. a. No holder of a license of any class shall, directly or indirectly, personally or  
432 through any agent or employee, whether for consideration or gratuitously, cause to be published  
433 in a newspaper or magazine distributed anywhere in the commonwealth or to be broadcast to a  
434 radio or television receiver in the commonwealth, or to appear in any display signs or personal  
435 solicitation, or any manner of advertising, any advertisement or notice to promote or encourage  
436 the consumption or use in any way of cannabis.

437 b. The preceding shall not apply to the following:

438 (1). Cannabis packages, crates, cartons, or boxes of Cannabis packages, provided,  
439 however, that no such items shall be used for any display, ornament, or fixture on the licensed  
440 premises.

441 (2). Logos contained in private correspondence or publications not intended for public  
442 distribution.

443 (3). A single notice reading "Authorized Cannabis Outlet" , in a style to be prescribed by  
444 the authority.

445 *Section 39.* The sale of cannabis in accordance with this action shall not be subject to the  
446 provisions of:

447 a. Chapter 64H of the General Laws, relating to a sales tax on sales of tangible personal  
448 property at retail; or

449 b. The provisions of Chapter 64I of the General Laws, relating to a tax on the storage,  
450 use or other consumption of certain tangible property; or

451 c. The provisions of Chapter 94 of the General Laws relating to the inspection and sale of  
452 food, drugs, and various articles.

453 *Section 40.* The use of any device or game of chance to aid, promote or induce sales or  
454 purchases of cannabis or any goods or services is prohibited. The giving of cannabis in  
455 connection with any device or game of chance is prohibited.

456 *Section 41.* Any contract, express or implied, made by any person, firm or corporation in  
457 violation of any of the provisions herein is declared to be an illegal and void contract and no  
458 recovery thereon shall be had.

459 *Section 42.* All excises paid in pursuance of this act shall conclusively be presumed to be a  
460 direct tax on the retail consumer, pre-collected for the purpose of convenience and facility only.

461 *Section 43.* If any provisions or provisions of this chapter is or are declared unconstitutional or  
462 inoperative by a final judgment, order or decree of the supreme court of the United States or of  
463 the supreme judicial court of the commonwealth, the remaining parts of said chapter shall not be  
464 affected thereby.

465 *Section 44.* Any of the masculine pronouns or nouns herein shall be construed to include or  
466 refer to the feminine or neuter gender as well as the masculine.

467 *Section 45.* The sum of \$2,500,000.00 shall be appropriated to fund the authority initially,  
468 which sum shall be repaid by the authority to the treasurer of the commonwealth within five  
469 years from the day that the first cannabis sale is made under the provisions of this act, together  
470 with interest at the rate of 15% per annum from said day.