

## INITIATIVE PETITION FOR A LAW RELATIVE TO REGULATING MARIJUANA

*Be it enacted by the People, and by their authority, as follows:*

## AN ACT TO RESTORE A SENSIBLE MARIJUANA POLICY

**SECTION 1.** The Act's purpose is to modify the criteria for the legal possession, distribution, and use of marijuana by: (a) continuing the medical use of marijuana program, subject to new potency limitations; (b) ensuring that the simple possession of 1 ounce or less of marijuana by those 21 and over is not punishable by civil or criminal penalties, and that possession of over 1 ounce to no more than 2 ounces of marijuana is punishable only by a civil penalty; and (c) repealing Chapters 94G and 64N of the General Laws which govern the possession, use, distribution, cultivation, and taxation of marijuana not medically prescribed. To the fullest extent possible, the Act's terms are to be interpreted in accordance with the purpose and intent set forth in this section.

**SECTION 2.** This act may be known as "An Act to Restore A Sensible Marijuana Policy."

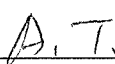

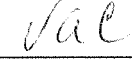

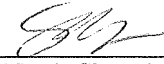

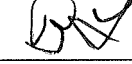
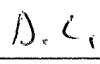





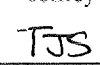
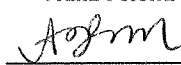
**SECTION 3.** Chapter 64N of the General Laws is hereby repealed.

**SECTION 4.** Chapter 94C of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out section 32L and inserting in place thereof the following section:

**Section 32L** Possession of marihuana; civil penalty and forfeiture; other sanctions or disqualifications prohibited

(a) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified under the laws of the commonwealth in any manner, or denied any right or privilege and shall not be subject to seizure or forfeiture of assets for:

(1) possessing 1 ounce or less of marihuana, except that not more than 5 grams of marihuana may be in the form of marihuana concentrate; or





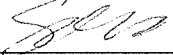









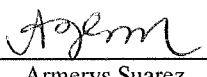
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(2) giving away or otherwise transferring without remuneration up to 1 ounce of marihuana, except that not more than 5 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.

(b) Notwithstanding any general or special law to the contrary, possession of an amount between more than 1 ounce and 2 ounces or less of marihuana for an offender 21 years of age or older shall only be a civil offense, subjecting an offender to a civil penalty of one hundred dollars and forfeiture of the marihuana, but not to any other form of criminal or civil punishment or disqualification.

(c) Notwithstanding any general or special law to the contrary, possession of an amount of 2 ounces or less of marihuana for an offender under the age of 21 shall be subject to the same forfeiture and civil penalty provisions as subsection (b), provided he or she completes a drug awareness program which meets the criteria set forth in Section 32M of this Chapter. The parents or legal guardian of any offender under the age of eighteen shall be notified in accordance with Section 32N of this Chapter of the offense and the availability of a drug awareness program and community service option. If an offender under the age of eighteen fails within one year of the offense to complete both a drug awareness program and the required community service, the civil penalty may be increased pursuant to Section 32N of this Chapter to one thousand dollars and the offender and his or her parents shall be jointly and severally liable to pay that amount.

(d) Except as specifically provided in this chapter, section 24I of chapter 90, and chapter 387 of the acts of 2008, neither the Commonwealth nor any of its political subdivisions or their respective agencies, authorities or instrumentalities may impose any other form of penalty, sanction or disqualification on an offender for possessing 2 ounces or less of marihuana. By way of illustration rather than limitation, possession of 2 ounces or less of marihuana shall not provide a basis to deny an offender student financial aid, public housing or any form of public financial assistance including unemployment benefits, to deny the right to operate a motor vehicle or to disqualify an offender from serving as a foster parent or adoptive parent. Information concerning the offense of possession of 2 ounces or less of marihuana shall not be deemed "criminal offender record information," "evaluative information," or "intelligence information" as those terms are defined in Section 167 of Chapter 6 of the General Laws and shall not be recorded in the Criminal Offender Record Information system.

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(e) As used herein, “possession of 2 ounces or less of marihuana” includes possession of 2 ounces or less of marihuana or tetrahydrocannabinol and having cannabinoids or cannabinoid metabolites in the urine, blood, saliva, sweat, hair, fingernails, toe nails or other tissue or fluid of the human body. Nothing contained herein shall be construed to repeal or modify existing laws, ordinances or bylaws, regulations, personnel practices or policies concerning the operation of motor vehicles or other actions taken while under the influence of marihuana or tetrahydrocannabinol, laws concerning the unlawful possession of prescription forms of marihuana or tetrahydrocannabinol such as Marinol, possession of more than 2 ounces of marihuana or tetrahydrocannabinol, or selling, manufacturing or trafficking in marihuana or tetrahydrocannabinol. Nothing contained herein shall prohibit a political subdivision of the Commonwealth from enacting ordinances or bylaws regulating or prohibiting the consumption of marihuana or tetrahydrocannabinol in public places and providing for additional penalties for the public use of marihuana or tetrahydrocannabinol.

(f) The use of marihuana shall not disqualify a person from any needed medical procedure or treatment, including organ and tissue transplants.

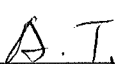





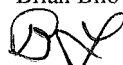

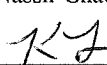






(g) This section shall not apply to the sale, delivery or furnishing of medical use marijuana pursuant to chapter 94I.

(h) For the purposes of this section, “marihuana concentrate” means a substance derived from marihuana that is produced by extracting or concentrating cannabinoids from the plant through the use of: (i) solvents; (ii) carbon dioxide; or (iii) heat, screens, presses, or distillation.

**SECTION 5.** Section 32M of said chapter 94C, as so appearing, is hereby amended by striking out both of said section’s references to the word “eighteen” and inserting in place thereof the following word:- 21

**SECTION 6.** Chapter 94G of the General Laws is hereby repealed.

**SECTION 7.** Section 1 of chapter 94I of the General Laws, as so appearing in the 2024 Official Edition, is hereby amended by inserting after the paragraph defining “Healthcare professional”, the following paragraph:-

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 _____ John Knowles	 _____ Brian Latina	_____ Catherine Latina	 _____ David Lunger	 _____ Kathleen Lynch
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 _____ Timothy Smyth	 _____ Armerys Suarez			

“Marijuana concentrate” means a product derived from marijuana that is produced by extracting or concentrating cannabinoids from the plant through the use of: (i) solvents; (ii) carbon dioxide; or (iii) heat, screens, presses, or distillation.

**SECTION 8.** Section 1 of chapter 94I, as so appearing, is hereby amended by inserting after the paragraph defining “Personal Caregiver”, the following paragraph:-

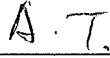

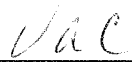



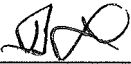
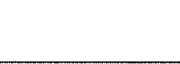
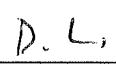
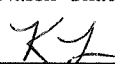

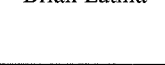
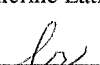



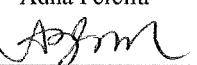
“Potency” means the percent of active tetrahydrocannabinol by weight in cannabis flowers or marijuana concentrates. The commission shall determine the criteria to measure potency, including but not limited to consideration of both active form of tetrahydrocannabinol, delta-9-tetrahydrocannabinol, and tetrahydrocannabinolic acid, the delta-9-tetrahydrocannabinol precursor, by using the following equation:  $[\text{delta-9-tetrahydrocannabinol} + (\text{tetrahydrocannabinolic acid} \times 0.877)]$  or other criteria determined by the commission.

**SECTION 9.** Chapter 94I of the General Laws is hereby amended by inserting after section 1 the following section:-

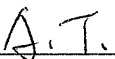

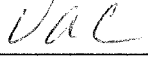

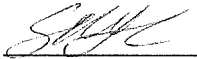


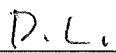

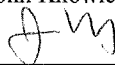





Section 1A. The Cannabis Control Commission.

(a) The commission shall have all the powers necessary or convenient to carry out and effectuate its purposes including, but not limited to, the power to:

- (i) appoint officers and hire employees;
- (ii) establish and amend a plan of organization that it considers expedient;
- (iii) execute all instruments necessary or convenient for accomplishing the purposes of this chapter;
- (iv) enter into agreements or other transactions with a person, including, but not limited to, a public entity or other governmental instrumentality or authority in connection with its powers and duties under this chapter;
- (v) appear on its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;

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- (vi) apply for and accept subventions, grants, loans, advances and contributions of money, property, labor or other things of value from any source, to be held, used and applied for its purposes;
- (vii) provide and pay for advisory services and technical assistance as may be necessary in its judgment to carry out this chapter and fix the compensation of persons providing such services or assistance;
- (viii) prepare, publish and distribute, with or without charge as the commission may determine, such studies, reports, bulletins and other materials as the commission considers appropriate;
- (ix) require an applicant for licensure under this chapter to apply for such licensure and approve or disapprove any such application or other transactions, events and processes as provided in this chapter;
- (x) determine which applicants shall be awarded licenses;
- (xi) deny an application or limit, condition, restrict, revoke or suspend a license;
- (xii) establish a registration process, based on finding of suitability or approval of licensure;
- (xiii) fine a person licensed, registered, found suitable or approved for licensure, for any cause that the commission deems reasonable;
- (xiv) gather facts and information applicable to the commission's obligation to issue, suspend or revoke licenses, registrations, finding of suitability or approval of licensure for: (A) a violation of this chapter or any regulation adopted by the commission; (B) willfully violating an order of the commission directed to a licensee or a person required to be registered; (C) the conviction of a criminal offense; or (D) any other offense which would disqualify such a licensee from holding a license;
- (xv) conduct investigations into the qualifications of all applicants for employment by the commission and all applicants for licensure;
- (xvi) receive from the state police, the department of criminal justice information services or other criminal justice agencies including, but not limited to, the Federal Bureau of Investigation and the Internal Revenue Service, such criminal offender

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record information relating to criminal and background investigations as necessary for the purpose of evaluating licensees, applicants for license, and lab agents;

(xvii) be present, through its inspectors and agents, at any time, in any medical marijuana treatment center for the purposes of exercising its oversight responsibilities;

(xviii) inspect and have access to all equipment and supplies in a medical marijuana treatment center;

(xix) seize and remove from the premises of a medical marijuana treatment center and impound any marijuana, equipment, supplies, documents and records obtained or possessed in violation of this chapter for the purpose of examination and inspection;

(xx) for cause, demand access to and inspect all papers, books and records of close associates of a licensee whom the commission suspects is involved in the financing, operation or management of the licensee; provided, however, that the inspection, examination, photocopying and audit may take place on the affiliate's premises or elsewhere as practicable and in the presence of the affiliate or its agent;

(xxi) require that the books and financial or other records or statements of a licensee be kept in a manner that the commission considers proper;

(xxii) impose fees and fines, as authorized by this chapter and penalties and sanctions for a violation of this chapter or any regulations promulgated by the commission;

(xxiii) collect fees under this chapter;

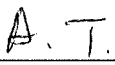

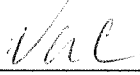

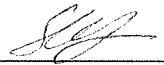

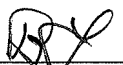

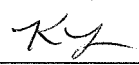





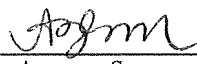
(xxiv) conduct adjudicatory proceedings and promulgate regulations in accordance with chapter 30A;

(xxv) refer cases for criminal prosecution to the appropriate federal, state or local authorities;

(xxvi) maintain an official internet website for the commission;

(xxvii) monitor any federal activity regarding marijuana; and

(xxviii) adopt, amend or repeal regulations for the implementation, administration and enforcement of this chapter.

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(b) The commission shall, in accordance with chapter 30A, adopt regulations consistent with this chapter for the administration, clarification and enforcement of laws regulating and licensing the medical use marijuana program. The regulations shall include:

(i) requirements for the reasonable tetrahydrocannabinol potency limitations for each type of medical use marijuana product sold by a licensee and reasonable potency or dosing limits for marijuana concentrates and edible products, that shall, at a minimum, include:

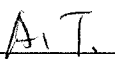
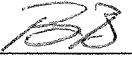


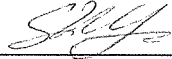


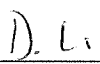
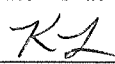
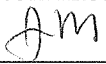





- (1) a prohibition on marijuana flower with potency in excess of 30% tetrahydrocannabinol;
- (2) a prohibition on marijuana concentrates intended for inhalation following vaporization or combustion that exceed 5mg tetrahydrocannabinol per metered serving, or with potency exceeding 60%;
- (3) a prohibition on concentrated forms of medical use marijuana products which fail to clearly provide metered, or otherwise measured, standard delivered servings of 5 mg tetrahydrocannabinol; and
- (4) a prohibition on packages of marijuana concentrate that exceed 20 metered or measured servings of 5 mg;

(ii) licensure and oversight of independent testing laboratories, and establish testing protocols for the sampling, testing and analysis of marijuana, finished marijuana and medical use marijuana products in consultation with the department of public health and the department of agricultural resources.

(c) The commission shall administer the laws and regulations relating to licensing in this chapter.

(d) Each fiscal year the commission shall submit an annual finance plan to the secretary of administration and finance, and updates to such plan, in accordance with instructions issued by said secretary.

(e) The commission shall hold a public hearing before the adoption, amendment or repeal of any regulation. Adjudicatory proceedings shall be conducted pursuant to chapter 30A

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of the General Laws and to standard rules of adjudicatory procedure established pursuant to section 9 of chapter 30A of the General Laws.

(f) The commission shall annually submit a complete and detailed report of the commission's activities, including a review of the implementation and enforcement of this chapter and the governance structure established in this chapter, not more than 90 days after the end of the fiscal year to the governor, the attorney general, the treasurer and receiver-general, the clerks of the house of representatives and the senate, the chairs of the joint committee on cannabis policy and the chairs of the house and senate committees on ways and means.

(g) The commission and the department of public health shall work collaboratively to ensure that the production and distribution of medical use marijuana is effectively regulated in the commonwealth in furtherance of the intent of this act.







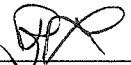

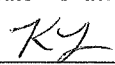
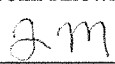




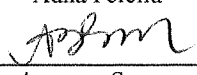
(h) The commission shall promulgate advisory guidelines and best practices on the cultivating of marijuana within a person's primary residence pursuant to section 2 of this chapter.

**SECTION 10.** Section 7 of said chapter 94I of the General Laws, as so appearing, is hereby amended by striking out the second paragraph.

**SECTION 11.** Notwithstanding any general or special law to the contrary, the Cannabis Control Commission shall act to expedite and streamline the process for licensees under Chapter 94G, including marijuana establishments, to apply for and obtain licenses to participate in the medical use marijuana program administered pursuant to Chapter 94I and for licensees under Chapter 94G to sell existing marijuana supplies to medical marijuana treatment centers licensed pursuant to Chapter 94I.

**SECTION 12. Severability**

The provisions of this law are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be

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confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid.

### SECTION 13. Effective Date

This law shall take effect January 1, 2028.

We, the undersigned registered voters of the Commonwealth of Massachusetts, having each personally read the full text of the foregoing proposed law, do fully subscribe to its contents and agree to be among the original signers of the Petition.

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