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**State official looks for limits on legal marijuana sales**



Haven Daley/AP

Customers bought products at the Harvest Medical Marijuana Dispensary in San Francisco

By [Dan Adams](#) and [Joshua Miller](#) Globe Staff April 21, 2016

Treasurer Deborah B. Goldberg, who would oversee regulation of the state’s recreational marijuana industry if voters approve a ballot measure this fall, said Wednesday the Legislature should ban home cultivation and delay retail sales of the drug if the proposal passes.

She also wants state lawmakers to restrict marijuana edibles such as candy that can be attractive to children and to give her office money to regulate the new industry in the early going.

And though she opposes the ballot effort like many other top state politicians, Goldberg said in an interview that she believes her office needs to be prepared for it.

“We need to be working on it, no matter how I feel personally,” Goldberg said, explaining that she will not actively campaign against legalization. “I can’t politicize this, because it’s my responsibility.”

Last week, Governor Charlie Baker and Mayor Martin J. Walsh of Boston joined with House Speaker Robert A. DeLeo and other officials to launch a formal political organization that will fight the legalization push.

Goldberg, however, sounded skeptical that opponents will succeed in rallying residents to vote against recreational use of marijuana. She pointed to voters’ approval of medical marijuana in 2012 and recent public polls showing consistent support for full legalization.

“I believe it is coming,” Goldberg said.

The ballot question, put forth by the Campaign to Regulate Marijuana Like Alcohol in Massachusetts, would legalize use and possession of marijuana by those 21 and older in December, and allow retail sales as early as January 2018. It is expected to garner sufficient signatures to make this fall's ballot.

Goldberg said she wants to push the start of retail sales later than January 2018 but did not specify an alternative date. She noted [the troubled rollout of the state's medical marijuana program](#) and indicated she hoped to avoid similar problems with a deliberate approach.

The proposed law would create a Cannabis Control Commission under the treasurer's office, which already oversees the alcohol industry through the Alcoholic Beverages Control Commission. The new body's three commissioners would have "sole regulatory authority over the conduct of the business of marijuana establishments." The treasurer would also have the authority to remove commissioners for neglect, misconduct, or malfeasance.

Two top Goldberg staffers recently traveled to Colorado and Washington to study those states' recreational marijuana programs. The take-home lesson, according to Goldberg, was that successful regulation of a massive new industry would require extensive coordination between her office and other state and local officials. Those include law enforcement, public health, and agriculture officials — even state technology workers who would need to develop a complex software system for tracking marijuana from planting to harvesting and sale.



John Tlumacki/globe staff

State Treasurer Deb Goldberg in her State House office.

Such a broad and time-consuming effort, Goldberg believes, will require up-front funding to succeed. The ballot measure proposes paying for regulation of the industry through an excise tax on retail marijuana sales, plus substantial fees from companies seeking marijuana licenses. But

Goldberg argued that this money won't come in soon enough to offset the initial costs of processing applications and setting up a regulatory structure.

“That level of collaboration with no funding doesn't seem possible,” she said.

Goldberg did not specify how much money she believes the Legislature should appropriate, but she noted that Washington state's marijuana regulators initially received \$5 million to begin implementation before recreational sales began.

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Critics say these levies may not even cover the cost of oversight. But proponents argue there will be ample tax proceeds and point to estimates that [sales of legal marijuana in the state could hit \\$1.1 billion by 2020](#).

Sales of recreational and medical marijuana in Colorado topped \$996 million last year, netting the state about \$135 million in taxes and fees.

Goldberg and her staffers are also concerned about attractively packaged edible marijuana products that could appeal to minors, such as gummy bears.

The treasurer said she hopes the Legislature will consider requiring edibles be sold in individual doses with clear warnings about their potency on the package.

Goldberg also wants legislators to prohibit the home cultivation of marijuana. The Massachusetts measure as proposed would allow adults to grow up to 12 plants per household for personal use. But the treasurer echoed concerns by several state senators who visited Colorado that such cultivation would prompt complaints by neighbors, be extremely difficult to police, and could result in diversion to the black market.

Goldberg, who acknowledged smoking marijuana when she was 16, said she supported the 2012 medical marijuana measure and a 2008 ballot initiative that replaced the criminal penalties for possession of 1 ounce or less of marijuana with a system of civil penalties.

However, she said she opposes full legalization because she is worried it could make it easier for minors to obtain marijuana, and that they might drive under its influence.

Leaders of the pro-legalization group said they hoped to change Goldberg's mind about voting against the question but applauded her for preparing to implement the law.

“We know it will be in good hands,” said Jim Borghesani, a spokesman for the Campaign to Regulate Marijuana Like Alcohol in Massachusetts. “We have no worries about the treasurer administering her responsibilities.”

Borghesani added that proponents are open to the cannabis commission issuing strict regulations, but warned lawmakers not to “decimate” a law approved by voters.

Legislative leaders have expressed openness in the past to changing the referendum, should it pass.

Goldberg, despite seeking legislative intervention, said the changes she is proposing are commonsense tweaks that would respect the intent of the electorate.

“I would hope we’d be able to do some of those things,” she said, “without violating the voters’ will.”

*Dan Adams can be reached at [dadams@globe.com](mailto:dadams@globe.com). Follow him on Twitter [@DanielAdams86](https://twitter.com/DanielAdams86).  
Joshua Miller can be reached at [joshua.miller@globe.com](mailto:joshua.miller@globe.com). Follow him on Twitter [@jm\\_bos](https://twitter.com/jm_bos).*