

HOUSE No.

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

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

12

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

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

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

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

24

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

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28 a. ACT: This chapter of the General Laws of Massachusetts, also known as The
29 Cannabis Regulation and Taxation Act, as amended.

30

31 b. ADULT: A person over twenty-one years of age.

32

33 c. AUTHORITY. The Cannabis Control Authority established by section 5.

34 d. CANNABIS: Any part of the plant *Cannabis sativa* L, or *Cannabis indica*, or any other
35 variety of the genus *cannabis*, whether growing or not; the seeds thereof; and resin
36 extracted from any part of the plant, and every compound, manufacture, salt derivative,
37 mixture or preparation of the plant, its seeds or resin. It does not include the mature
38 stalks of the plant, fiber produced from the stalks, oil or cake made from the seeks of the
39 plant, any other compound, manufacture, salt derivative, mixture or preparation of the
40 mature stalks except the resin extracted therefrom., fiber, oil or cake or the sterilized
41 seed of the plant which is incapable of germination. Cannabis containing less than 1%
42 THC is not subject to the provisions of this act.

43

44 e. COMMERCIAL: Of or related to a non-gratuitous exchange; with consideration.

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46 f. CULTIVATE: To cause or permit to grow.

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48 g. DOMESTIC: originating from or within Massachusetts.

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50 h. CULTIVATION LICENSE: A License issued in accordance with Section 10 of this act.

51

52 i. FARMER-PROCESSOR-RETAILER: a person licensed in accordance with section ten
53 to cultivate, process and sell cannabis from a single premises.

54

55 j. IMPORT: To bring into the commonwealth or cause to be brought into the
56 commonwealth or to receive from without the commonwealth.

57

58 k. LICENSED PREMISES: The grounds and buildings whereon a license possesses
59 cannabis and conducts such business as licensed to do.

60

61 l. LICENSING AUTHORITIES: the authority or the local licensing authorities or both, as
62 the case may be.

63

64 m. LOCAL LICENSING AUTHORITIES: the licensing boards and commissions
65 established in any city or town under special statute or charter or, in a city having
66 no such board or commission the aldermen, or, in a town having no such board
67 or commission, the selectmen.

68 n. NON-GRATUITOUS: Not gratuitous; with consideration; commercial.

69

70 o.. PACKAGE: A container in which cannabis is sold to the purchaser at retail.

71

72 p.. PROCESS: To possess cannabis for the purpose of converting same from intact
73 plants to packaged form, and the act of so converting.

74

75 q. PROCESSING LICENSE: A license issued in accordance with Section 406(2).

76

77 r. PURITY: Freedom from substances not indigenous to cannabis, except for water.

78

79 s.. RETAIL: Of or pertaining to the transfer not at wholesale of cannabis for
80 consideration made in the ordinary course of trade or usual prosecution of the seller's
81 business to the purchaser for consumption or use.

82

83 t.. SALE: Transfer for consideration.

84

85 u.. THC: Delta-9 tetrahydrocannabinol..

86

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

89 *Section 6.* The affairs of the authority shall be managed by a board of seven directors,
90 hereinafter referred to as the directors. A full term thereon shall be seven years. Persons to
91 serve respectively for an initial seven-year term, an initial six-year term, and an initial five-year
92 term, and their replacements, shall be appointed by the governor, with the approval of the
93 council. Directors for an initial four-year term and an initial one-year term shall be appointed
94 and vacancies in said directorships filled by the president of the senate. Directors for an initial
95 three-year term and an initial two-year term shall be appointed, and vacancies in said
96 directorships filled, by the speaker of the house. Directors shall receive a salary of 20% of the
97 salary of the governor, and will serve on a part-time basis. The directors shall elect, from
98 among their number, a chairman, who shall preside over all official activities of the board of
99 directors. The chairman shall serve for three years or until his term as director ends. A
100 chairman may not serve in excess of six consecutive years. No director shall serve more than
101 fourteen years.

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

107

108 *Section 8.* . The authority shall have general supervision of the conduct of the business of
109 cultivating, possessing, distributing, sale at retail and wholesale and importing cannabis, and
110 also of the quality, purity and grade thereof. The authority shall make such rules and
111 regulations as it deems necessary to enable it to carry out and enforce the provisions of this act,
112 and shall prescribe the forms of application for licenses under this chapter and may require
113 therein such information as it deems necessary. Every license hereunder shall be governed
114 and controlled by the rules and regulations adopted by the authority. Subject to the provisions
115 herein, the authority may suspend or revoke any license for any violation of the rules and

116 regulations established hereunder or for aiding or abetting in any violation of such rules and
117 regulations, but before such suspension or revocation, the authority shall give a hearing to the
118 licensee, after due notice to him of the charges against him and of the time and place of the
119 hearing. Such licensee may appear at the hearing with witnesses and be represented by
120 counsel. The authority and any representative thereof duly authorized to conduct any hearing
121 under this chapter shall have power to administer oaths and take testimony under oath relative
122 to the matter of inquiry or investigation. At any hearing ordered by the authority, the authority or
123 its representative authorized to conduct such hearing may subpoena witnesses and require the
124 production of books, papers, and documents pertinent to such inquiry. No witness under
125 subpoena authorized to be issued by any provision of this chapter shall be excused from
126 testifying or producing books or papers on the ground that such testimony or the production of
127 such books or other documentary evidence would tend to incriminate him, but such evidence or
128 the books or papers so produced shall not be used in any criminal proceeding against him
129 arising out of any violation of any provision of this act. If any person shall disobey such process
130 or, having appeared in obedience thereto, shall refuse to answer any pertinent question put to
131 him by the authority or its authorized agent or to produce any books and papers pursuant
132 thereto, the authority or such representative may apply to the superior court for the county
133 wherein the person, relative to whose business such hearing is ordered, resides or wherein
134 such business has been conducted, or to any justice of said court if the same shall not be in
135 session, setting forth such disobedience to process or refusal to answer, and said court or
136 justice shall cite such person to appear before said court or justice to answer such questions or
137 to produce such books and papers, and, upon his refusal so to do, may commit him to jail until
138 he shall testify, but not for a longer period than sixty days. Notwithstanding the serving of the
139 term of such commitment by any person, the authority may proceed in all respects with such
140 inquiry and examination as if the witness had not previously been called upon to testify. Officers
141 who serve subpoenas issued by the authority or under its authority and witnesses attending a
142 hearing conducted by it hereunder shall receive fees and compensation at the same rates as
143 officers and witnesses before the courts of the commonwealth, to be paid on vouchers of the
144 authority or to be paid without appropriation out of the proceeds of the excise imposed by this
145 chapter, on vouchers approved by the authority. The rules and regulations adopted by the
146 authority shall be printed as part of the application blank for licenses and for renewal thereof,
147 and every applicant, as a condition of being licensed hereunder, shall submit to such
148 examinations as the authority may deem necessary to establish his knowledge and
149 understanding of The Cannabis Regulation and Taxation Act.

150

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

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|-----|---------|------------------------------------|
| 154 | Class C | One hundred fifty dollar per ounce |
| 155 | Class B | Two hundred dollars per ounce. |

156 Class A Two hundred fifty dollars per ounce.

157

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

161

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

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

177

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

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

188

189 (2) The cannabis grade;

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

195

196 c. The processor shall affix upon each cannabis package a tax stamp or such other
197 documentation as the authority may require, and shall transfer neither title nor
198 possession of same to any person without the said stamps affixed. Said stamps shall be
199 of such design and in such denomination as the authority may prescribe, and shall be
200 the means by which the excise imposed by section 405 hereunder shall be paid to the
201 authority. The authority, in its discretion, may authorize the use of a metering machine
202 approved by it in lieu of stamps in order to press or attach to each package of cannabis
203 evidence of the payment of said excise. Such machine shall be sealed by its authorized
204 representative and shall be used in accordance with such rules and regulations as the
205 authority may prescribe. The authority may for cause at any time suspend or revoke the
206 authority to use such a metering machine.

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

216

217 e. All processors shall file under the penalties of perjury with the authority, on forms to
218 be furnished by it, monthly reports on or before the 20th day of each calendar month
219 showing the number of stamps on hand at the beginning of the month, the number
220 purchased during the month, the number on hand at the end of the month, the number
221 affixed or otherwise disposed of during the month, and such other information as the
222 authority shall require. All processors shall keep complete and accurate records from
223 which information can be obtained to complete and audit said report, and such other
224 records as the authority may prescribe, shall preserve such records for three years and
225 shall offer them for inspection at any time upon oral or written demand of the authority or
226 its duly authorized agents. The stocks of unused stamps in any metering machines shall
227 be open to inspection by the authority or its duly authorized agents at all reasonable
228 times.

229

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

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

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

240

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

243

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

246

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

249

250 i. The holder of a trade license, his agents and employees, may obtain cannabis only
251 from a duly licensed processor or importer, and may possess cannabis only bearing valid
252 documentation required to be affixed to all packages under the provision of paragraph
253 2(b) above. He may keep, store, warehouse, and transport same, and may sell cannabis
254 only to duly licensed retailer. The annual fee for a trade license shall be \$3,000.

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

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

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

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

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

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

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

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

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

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

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

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

296

297 *Section 12.* Only a cultivation license, processing license or import license shall authorize the
298 offering for sale, selling, possessing with intent to sell, or making of a non-gratuitous transfer or
299 other non-gratuitous disposition of cannabis within the commonwealth, unless said cannabis be
300 in individual packages bearing such stamps or documentation as required by law and regulation.
301 If any stamp or other documentation appearing on any package of cannabis be stained or
302 smudged or its characteristics be so blurred, obscured or indistinct that it cannot be distinguished
303 as genuine, it shall be invalid. The offering for sale, selling, possessing with intent to sell, or
304 otherwise disposing of or making a non-gratuitous transfer of cannabis within the commonwealth,
305 without a valid license hereunder shall be punishable under Chapter 94C, Section 32 of the
306 General Laws.

307

308 *Section 13.* Each license issued hereunder shall expire in two years from the date of issue by
309 the authority, unless sooner revoked by the authority as provided hereunder, or unless the
310 business with respect to which such license was issued shall change ownership, or unless the
311 holder of the license shall remove his business from the premises covered by the license, the
312 authority not having given written approval for the transfer of said license to another person in
313 accordance with the provisions of section 413, in any of which cases the license shall thereupon
314 expire. In the event that a licensee removes his business to another location within his city or
315 town, the license with respect to the former place of business shall, without the payment of an
316 additional fee, be reissued for the new location for the balance of the unexpired term. The holder
317 of each license, on application to the authority, accompanied by the applicable fee prescribed in
318 section two, may, before the expiration date of the license then held by him, renew his license for
319 a further period of two years. In case of suspension, revocation or cancellation of a license
320 issued by the authority, no abatement or refund of any part of the fee paid therefor shall be
321 made.

322

323 *Section 14.* Stamps and documentation hereunder may be issued by the authority to processors
324 on a credit basis, provided the processor shall have furnished a surety company bond with a
325 surety company authorized to do business in the commonwealth as surety, in such amount as
326 the authority may fix. In lieu of a surety company bond a licensee may deposit with the authority
327 bonds or other negotiable obligations of the commonwealth or of the United States of America of
328 such aggregate face amount as the authority may from time to time deem necessary adequately
329 to secure payment of the excise provided by this chapter; provided, that bonds need not be
330 accepted by the authority unless in registered form and of denominations satisfactory to it. In
331 case of a deposit of bonds or other negotiable obligations with the authority hereunder, it shall,
332 while in possession of such bonds, remit to such licensee as aforesaid, or persons entitled
333 thereto, the interest accruing and payable thereon, and if such excises together with all interest

334 and other charges accrued thereon shall be paid in full and if the person is no longer a licensee
335 hereunder, it shall return such bonds or obligations to the persons entitled thereto. If the excise
336 together with all interest and other charges accrued thereon provided by this chapter shall not be
337 paid in accordance with this chapter, the authority may sell all or any part of such bonds or
338 obligations to satisfy the amount due the authority as aforesaid and shall return to the persons
339 entitled thereto any excess left in its hands, provided, however, the person is no longer a
340 licensee hereunder.

341

342 *Section 15.*

343 a. Whoever falsely or fraudulently makes, forges, alters or counterfeits, or causes or
344 procures to be falsely or fraudulently made, forged, altered or counterfeited, any excise
345 stamps or other documentation prepared or prescribed by the authority under this
346 chapter, or whoever knowingly and willfully utters, publishes, passes or tenders as true,
347 any such false, altered, forged or counterfeited stamp or makes a false affixation of or
348 uses any stamp provided for by this chapter which has already once been used, for the
349 purposes of evading the excise imposed by this chapter, shall be punished by a fine of
350 not more than \$2,000 or by imprisonment for not more than five years, or both.

351

352 b.. If any person secures, manufactures or causes to be secured or manufactured, or
353 has in his possession, any cannabis excise stamp or die or device not prescribed or
354 authorized by the authority, or any counterfeit impression, such fact shall be prima facie
355 evidence that such person has counterfeited cannabis excise stamps. Whoever wilfully
356 removes or alters or knowingly permits to be removed or altered the cancellation or
357 defacing mark of any stamp provided for by this chapter with intent to use such stamp, or
358 knowingly or wilfully buys, prepares for use, uses, has in possession, or suffers to be
359 used, any metering machine without authority, or any washed, restored or counterfeit
360 stamps, or whoever intentionally removes or causes to be removed, or knowingly permits
361 to be removed any stamp or meter impression affixed pursuant to this chapter, or
362 whoever tampers with or causes to be tampered with any metering machine authorized to
363 be used under the provisions thereof, shall be punished by a fine of not more than \$2,000
364 or by imprisonment for not more than five years, or both.

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

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369 *Section 17.* Any license issued under this chapter may, upon application to the authority upon
370 such forms and in accordance with such procedures as the authority may prescribe, be
371 transferred from one location to another or the description of the licensed premises may be

372 changed with the approval of the authority. Any license under this chapter held by an individual,
373 partnership or corporation may be transferred to any individual, partnership or corporation
374 qualified to receive such a license in the first instance, if, in the opinion of the authority, such
375 transfer is in the public interest.

376

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

384

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

388

389 *Section 20.* Any person aggrieved by the conduct of any license holder hereunder, his agents or
390 employees, shall state his grievance in writing to the local licensing commission of the city or the
391 selectmen of the town wherein the complained of conduct occurred. After investigation and
392 hearing said commission or selectmen shall, if the public interest so requires, within seventy-five
393 days from the date of the first regular meeting following the receipt of said complaint, submit to
394 the authority a certified copy of the original complaint, together with a report of the commission's
395 or the selectmen's findings and recommendation, which recommendations shall include, but not
396 be limited to, one of the following:

397

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

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

401

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

403

404 d. The authority shall, within thirty days of receipt of such findings and recommendations,
405 implement the said recommendations unless the licensee complained of shall, during
406 said thirty-day period: have requested a hearing or the authority shall have deemed a

407 hearing to be in the interest of fairness. In either said event, the authority shall, within
408 sixty days, hold a hearing *de novo*, and thereupon accept, reject or reverse the
409 recommendation of the license commission. No revision shall exceed the limits set forth
410 in this section for recommendations of the license commission. All hearings shall be
411 conducted in accordance with the Massachusetts Administrative Procedure Act, and the
412 licensee shall have the right of appeal as prescribed therein. The authority may suspend
413 or revoke any license issued under this act for failure of the licensee to comply with any
414 provision hereof, or if the licensee has ceased to act in the capacity for which other
415 license was issued, or for other good cause; and no person whose license has been
416 suspended or revoked shall sell cannabis or cause or permit cannabis to be sold during
417 the period fo such suspension or revocation.

418

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

421

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

428

429 *Section 23.* Licensees hereunder shall not sell, borrow, loan or exchange unstamped cannabis
430 or stamps to, from or with other such licensees unless authorized by the authority. Licensees
431 other than processors shall not accept deliveries of unstamped or improperly stamped packages
432 of cannabis except as authorized by the authority. Every licensed retailer and trade licensee
433 shall immediately examine all packages of cannabis received by them and shall immediately
434 return to their supplier any and all packages of cannabis that are unstamped or improperly
435 stamped. Such supplier shall replace them with packages of cannabis upon which stamps have
436 been properly affixed.

437

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

440

441 *Section 25.* Every licensee shall keep such records in such detail and affording such information
442 as the authority may from time to time prescribe, and shall file with the authority, whenever and
443 as often as it may require, duplicates of copies of such records; and the authority shall at all

444 times, through its designated officers and agents, have access to all books, records and other
445 documents of any licensee relating to the business which he is licensed hereunder to conduct.

446

447 *Section 26.* Every licensee shall, on or before the twentieth day of each calendar month, file with
448 the authority, on a form prescribed by it, a report under the penalties of perjury, stating the
449 amount of cannabis sold by such licensee in the commonwealth during the preceding calendar
450 month and such report shall contain or be accompanied by such further information as the
451 authority shall require; provided, that if a licensee ceases to sell cannabis within the
452 commonwealth he shall forthwith file with the authority such a report for the period ending with
453 such cessation. Each import licensee shall, upon importation of cannabis into the
454 commonwealth, file with the authority a report, stating the amount of cannabis imported and such
455 other information as the authority shall require.

456

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

463

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

469

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

472

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

475

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

480

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

483

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

488

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

496

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

501

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

508

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

511

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

514

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

516

517 *Section 38.* a. No holder of a license of any class shall, directly or indirectly, personally or
518 through any agent or employee, whether for consideration or gratuitously, cause to be published
519 in a newspaper or magazine distributed anywhere in the commonwealth or to be broadcast to a
520 radio or television receiver in the commonwealth, or to appeal in any display signs or personal
521 solicitation, or any manner of advertising, any advertisement or notice to promote or encourage
522 the consumption or use in any way of cannabis.

523

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

525

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

529

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

532

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

535

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

538

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

541

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

544

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

547

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

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

554

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

557

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

562

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

565

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