**SUMMARY: MASSACHUSETTS’ RECREATIONAL MARIJUANA COMMITTEE REPORT**

**Provided by the office of state Sen. Patricia Jehlen**

**This bill helps ensure that adults who want it have access to legal marijuana.** We do not want it to take over four years to open 11 retail outlets, as it did for medical marijuana. Unless people can find a place to buy regulated and tested marijuana, the illicit market will continue to flourish.

* The bill preserves the voice of the voters. In the vast majority of communities, the voters supported legalization. In those communities, any ban or restriction on the number of marijuana establishments greater than those permitted under the ballot question can only be done by referendum. In communities that opposed legalization, their elected officials can ban or severely limit production and sale.
* The bill assures that zoning and other regulations will not be used to evade the requirement of voter approval for numeric limits.
* It allows new producers and retailers who don’t already have medical marijuana licenses to apply without a one-year waiting period, as in the ballot question.
* It allows up to 3% local tax for communities to allow licenses. It caps the host agreement provision at 3% and limits them to no longer than 5 year terms.
* In governance, we balanced accountability and independence. The bill places responsibility for implementation with 3 state officials who will all face re-election in 2018. They should all have an incentive to make sure the law works and a safe legal market is developed.

**The bill contains Senate priorities for addressing social justice and remedying the damage to people and communities harmed by years of arrests and incarceration based on previous marijuana laws.**

* It preserves the opportunity for people with marijuana conviction records to have a second chance as employees in this new, legal industry. It clarifies that people with records of offenses under repealed laws can have their records sealed, and requires a public campaign to inform them of this opportunity.
* It gives priority to license applications from applicants with demonstrated experience in promoting economic empowerment in communities disproportionately impacted by high rates of arrest and incarceration due to previous marijuana laws.
* 18 to 21 year olds will be subject to civil penalties but not arrest, just as other adults, so no one will go to jail for possessing small amounts of marijuana.
* It plans to use generated funds to provide restorative justice, jail diversion, workforce development, and technical business assistance for people in communities that have been disproportionately impacted by the War on Drugs.

**The bill contains protections requested by medical marijuana patients.**

* It ensures confidentiality of their records.
* It allows electronic filing of healthcare provider certifications, allowing immediate access to temporary registration cards and to medical marijuana, instead of waits of up to two weeks.
* While consolidating operations such as inspections for medical and adult-use marijuana, it ensures separate records of license fees and spending in the medical program so that medical fees don’t subsidize the adult-use market.
* It allows nurse practitioners and physician assistants, as well as physicians, to recommend marijuana.
* Medical marijuana remains untaxed.

**The bill helps farmers and small businesses.**

* It legalizes the production of hemp, which can be a valuable crop for farmers.
* It requires the Cannabis Control Commission to develop ways for small producers to form coops, and license fees based on the size.
* The CCC and the Department of Agriculture will work together to give farmers technical assistance.
* It eliminates the two-year wait for licenses for cultivators, which advantaged only existing medical operators.
* It limits the number of licenses in each category to three per entity.

**The bill increases protection for public health and safety, and for young people.**

* It gives more specific direction to the Cannabis Control Commission about product labeling, safety, and marketing. It specifies ways to prevent products from appealing to young people, such as prohibiting edibles that resemble branded consumer products, and prohibiting advertising in media unless more than 15% of its audience is expected to be over 21.
* It requires edibles to be marked with the serving size.
* It prioritizes spending from the marijuana tax to go to public health and public safety campaigns, particularly school based programs.
* It establishes a commission to study regulation and testing for impaired driving.

**The bill raises the excise tax on marijuana to 10.75%.**

* The state tax will total 17%, with a 3% local option.
* Massachusetts marijuana taxes will still be among the lowest among the 8 states that have legalized marijuana. It will be the same as Oregon, which is seen as among the most successful states.
* DOR estimated that a 10% marijuana specific tax would raise $51 million the first year, $102 million the second year, with $32 million and $64 million additionally going to the general fund from the regular sales tax. According to their estimates, local sales taxes would bring in $15-30 million to communities.