

HOUSE No. 143

The Commonwealth of Massachusetts

PRESENTED BY:

James C. Arena-DeRosa

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 adoption of the accompanying bill:

An Act regulating the sale of hemp products to protect public health and support farmers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>1/16/2025</i>

HOUSE No. 143

By Representative Arena-DeRosa of Holliston, a petition (accompanied by bill, House, No. 143) of James C. Arena-DeRosa for legislation to further regulate hemp products. Cannabis Policy.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act regulating the sale of hemp products to protect public health and support farmers.

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

1 SECTION 1. Chapter 64N of the General Laws, as appearing in the 2022 Official
2 Edition, is hereby amended by striking out section 1 and inserting in place thereof the following
3 section:-

4 Section 1. As used in this chapter, the following words shall, unless the context clearly
5 requires otherwise, have the following meanings:

6 (a) "Commissioner", the commissioner of revenue.

7 (b) "Hemp products", as defined in section 1 of chapter 94G.

8 (c) "Marijuana," "Marijuana establishment," "Marijuana product" and "Marijuana
9 retailer", as defined in section 1 of chapter 94G.

10 (d) "Social equity business", a marijuana retailer that is a social equity business, as
11 defined in section 1 of chapter 94G.

SECTION 2. Chapter 64N of the General Laws, as so appearing, is hereby further amended by inserting, after section 2, the following section:-

Section 2A. An excise tax is hereby imposed upon the sale of hemp products by a retailer to anyone other than a marijuana establishment at a rate of 10.75 per cent of the total sales price received by the retailer as a consideration for the sale of hemp products. The excise tax shall be levied in addition to state tax imposed upon the sale of property or services as provided in section 2 of chapter 64H and shall be paid by a retailer to the commissioner at the time provided for filing the return required by section 16 of chapter 62C.

SECTION 3. Section 4 of chapter 64N, as so appearing, is hereby amended by striking out the phrase “marijuana or marijuana products”, and inserting in place thereof, the following phrase:- “marijuana, marijuana products or hemp products”.

SECTION 4. Section 5 of chapter 64N, as so appearing, is hereby amended by inserting, after the second instance of the phrase “revenue collected pursuant to”, the following phrase:- “section 2A of this chapter or”.

SECTION 5. Said section 5 of said chapter 64N, as so appearing, is hereby further amended by inserting, after the second paragraph, the following paragraph:-

In the first five fiscal years that begin after this language becomes effective, the commissioner shall deposit revenue collected pursuant to section 2A of this chapter in the Hemp Product Education Fund established in section 14A of chapter 94G. In each fiscal year thereafter, the commissioner shall deposit revenue collected pursuant to section 2A of this chapter in the General Fund.

SECTION 6. Chapter 94 of the General Laws, as appearing in the 2022 Official Edition,
is hereby amended by inserting, after section 329, the following 6 sections:-

Section 330.

As used in this section and sections 331 to 335, inclusive, the following words and
phrases shall have the following meanings:-

"Governmental entity", an official body of the commonwealth, or of a county, city or
town within the commonwealth.

"Non-ingestible hemp product", a final product derived from hemp, including hemp
harvested, processed, manufactured or sold pursuant to section 118 of chapter 128, that is not
intended to be ingested, inhaled or otherwise introduced into the human body, other than through
topical administration or application, and that does not cause an altered mental state or other
intoxicating effect when ingested, inhaled or otherwise introduced into the human body, even if
this is not among its stated purposes.

"Person", a natural person, corporation, association, partnership or other legal entity.

Section 331. (a) No non-ingestible hemp product shall be sold or otherwise transferred:

(i) That is advertised as consumable by ingestion, inhalation or otherwise introducible into the
human body other than through topical administration or application;

(ii) That is advertised as causing or having the ability to cause an altered mental state or
other intoxicating effect when ingested, inhaled or otherwise introduced into the human body;

(iii) In packaging that includes any markings or images indicating that it may cause an
altered mental state or other intoxicating effect;

(iv) In packaging that closely resembles the packaging of candy or other food products marketed towards children; or

(v) That is adulterated, except that hemp included in a non-ingestible hemp product under this chapter shall not be considered an adulterant.

(b) Excepting prescription drugs as defined in section 1 of Chapter 94C, marijuana and hemp products sold pursuant to chapter 94G, products sold in marijuana establishments, and non-ingestible hemp products, a product containing any cannabinoid may not be sold or otherwise transferred.

Section 332. If a local board of health has reason to suspect a product is in violation of sections 330 to 335, inclusive, that board shall conduct examinations and investigations and may take samples of products for analysis to determine compliance with the provisions of sections 330 to 335, inclusive. If that board determines that a violation of the provisions of sections 330 to 335, inclusive, has occurred, they shall take enforcement action. If requested by a local board of health, the department of public health may furnish advice and assistance to the board and may coordinate further for the purposes of investigating suspected violations.

Section 333. (a) For a first violation of the provisions of sections 330 to 335, inclusive, enforcement actions shall consist of removal from the premises all products that the department determines violate sections 330 to 335, inclusive, as well as a written warning to the violating person that repeated violations may result in revocation of operating permits and licenses. This warning may include a requirement for the violating person to complete an informational course that explains the laws and regulations surrounding the sale of hemp products and products that contain cannabinoids. If an informational course is required as an enforcement action for a first

violation, it shall be administered by the local board of health that made the initial determination of a violation. Failure of the violating person to complete a required course within 6 months of the reception of this warning may be considered a separate violation of the provisions of sections 330 to 335, inclusive.

(b) For repeated violations of the provisions of sections 330 to 335, inclusive, either as a result of repeated investigations by a local board of health or the failure to complete an informational course administered following a first violation, enforcement actions shall include, but not be limited to, removal from the premises of all products that the department determines violate sections 330 to 335, inclusive, and the destruction of these products. The local board of health that made the determination of these repeated violations may, within 30 days of a determination that a product is in violation of section 330 to 335, inclusive, send written notice of this violation to all governmental entities that have issued a permit or license to any violating person; provided that this may include governmental entities that issue a permit or license to a person after a determination is made but before written notices are sent. Repeated violations of sections 330 to 335, inclusive, may be considered by a governmental entity as grounds for suspension or revocation of any permit or license issued by this entity that relates to the production or sale of food, alcohol, tobacco, cosmetics or drugs.

Section 334. Local boards of health may establish civil administrative fines for repeated violations of sections 330 to 335, inclusive. A person aggrieved by the assessment of a fine under this section may appeal to the full board from which it was assessed not later than 21 days after the receipt of the notice of the fine. Appeals shall be given a speedy hearing before the local board of health from which it was assessed.

Section 335. (a) Local boards of health may make rules and regulations to carry out the provisions of sections 330 to 335, inclusive; provided, that these rules or regulations are not inconsistent with rules or regulations of the department of public health, the cannabis control commission or the department of agricultural resources.

(b) Whenever changes are made regarding a local board of health's enforcement of the provisions of said sections, local boards of health shall send written communication of these changes to all persons within their jurisdiction that have active permits or licenses relating to food, alcohol, tobacco, cosmetics or drugs in a timely manner.

(c) Nothing in this section shall be construed to exempt from penalty any person found responsible for a violation of sections 330 to 335, inclusive, as a result of not receiving a written communication described in subsection (b); provided, that the responsible local board of health made a good faith effort to provide this information to those who are entitled to it under subsection (b).

SECTION 7. Section 1 of chapter 94C of the General Laws, as appearing in the 2022 Official Edition, is hereby amended striking the definition of "Marihuana" and inserting in its place the following definition:-

"Marihuana", all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin; provided, this shall not include the mature stalks of the plant, industrial hemp as defined in section 116 of chapter 128, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin

extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination; and provided further, this shall not include hemp products as defined by chapter 94G or non-ingestible hemp products as defined by chapter 94 which are compliant with all applicable state laws and regulations.

SECTION 8. Section 1 of chapter 94G of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking the definition of hemp and inserting in its place the following 2 definitions:-

“Hemp”, the plant of the genus Cannabis and any part of that plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, but not including the seeds thereof, whether growing or not, with a total tetrahydrocannabinol concentration, including tetrahydrocannabinolic acid, of not more than 0.3 percent in the plant on a dry weight basis. This does not include tetrahydrocannabinols present in the finished dosage formulation of a drug product that has been approved by the United States Food and Drug Administration.

“Hemp product”, any intermediate or final product derived from hemp harvested, processed, manufactured or sold pursuant to section 118 of chapter 128 and section 12(f) of chapter 94G, but not from industrial hemp, that is prepared in a form available for commercial sale and intended for human consumption, including but not limited to edible products such as food and beverages and inhalable products such as flower, distillations and vaporizers; provided, however, that this definition shall not include non-ingestible hemp products as defined by chapter 94.

SECTION 9. Said section 1 of said chapter 94G, as so appearing, is hereby further amended by striking the definition of “Marijuana” or “Marihuana” and inserting in its place the following definition:-

“Marijuana” or “Marihuana”, all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin; provided, this shall not include the mature stalks of the plant, industrial hemp as defined in section 116 of chapter 128, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination; and provided further, this shall not include hemp products as defined by chapter 94G or non-ingestible hemp products as defined by chapter 94 which are compliant with all applicable state laws and regulations.

SECTION 10. Subsection (a 1/2) of section 4 of said chapter 94G, as so appearing, is hereby amended by inserting, after paragraph (xxxviii), the following 2 clauses:

(xxxix) establish standards for allowing the sale of hemp products to consumers by marijuana establishments; and

(xxxx) establish standards for the manufacture, packaging and transportation of hemp products; provided, when applicable, that these standards are as strict or stricter than the standards adopted for marijuana products.

SECTION 11. Section 12 of said chapter 94G, as so appearing, is hereby amended by striking subsection (f) and inserting in its place the following subsection:-

(f) No marijuana establishment shall cultivate, manufacture, sell or otherwise transact business with any products containing cannabinoids other than those that were produced, distributed and taxed in compliance with this chapter or any hemp and hemp products cultivated and manufactured in compliance with a license from the department of agricultural resources pursuant to chapter 128 and is in compliance with regulations set forth by the United States Department of Agriculture. No hemp product shall contain more than 100 parts per million or 100 micrograms per gram of any cannabinoid which is not naturally produced by hemp plants above this concentration.

SECTION 12. Chapter 94G, as so appearing, is hereby further amended by inserting, after section 14A, the following section:-

Section 14B. (a) There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Hemp Product Education Fund. It shall consist of all monies received on account of the commonwealth as a result of revenue generated by the tax imposed by section 2A of chapter 64N, subject to the provisions described in section 5 of Chapter 64N, interest earned or other income on balances in the fund, any appropriations authorized by the general court specifically designated to be credited to the fund, and gifts, grants and donations from public or private sources.

(b) Money in the fund shall be expended for the implementation, administration and enforcement of sections 330 to 335, inclusive, of chapter 94 by local boards of health. This shall include, but not be limited to:

(i) the creation or adoption of an informational course that may be used as an educational resource or as part of an enforcement action following a violation of sections 330 to 335, inclusive;

(ii) the investigation of alleged violations of sections 330 to 335, inclusive;

(iii) the development of relevant rules and regulations;

(iv) the creation and dissemination of relevant informational material;

(v) the training of staff to investigate and enforce relevant rules, regulations and laws; and

(vi) the administration of any relevant enforcement actions.

SECTION 13. Section 116 of chapter 128, as appearing in the 2022 Official Edition, is hereby amended by striking the definition of “Hemp” and inserting in its place the following definition:-

“Hemp”, the plant of the genus Cannabis and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total tetrahydrocannabinol concentration, including tetrahydrocannabinolic acid, of not more than 0.3 percent in the plant on a dry weight basis.

SECTION 14. Not later than 90 days following the effective date of this act, local boards of health shall communicate in writing information regarding the requirements of sections 330 to 335, inclusive, of chapter 94 of the General Laws, as inserted by this act, that relate to hemp product definitions and sales, as well as the details of violating said sections and the penalties for violations, to persons within their jurisdiction who may be impacted by said sections