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For Immediate Release

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Representative Kane supports stronger local controls over state marijuana law implementation

Six amendments offered by Representative Kane adopted to strengthen local control and public health protections

BOSTON –State Representative Hannah Kane, R-Shrewsbury, voted last night to support legislation that will give cities and towns more flexibility in implementing the state’s new recreational marijuana law.

Six amendments filed by Representative Kane to House Bill 3768, *An Act to ensure the public health and safety of patient and consumer access to medical and adult use of marijuana in the Commonwealth*, were adopted, including one which requires the Cannabis Control Commission (CCC) and the Department of Public Health to investigate the effects of marijuana and marijuana products with a high potency of tetrahydrocannabinol (THC) on the body and to both recommend and establish any potency restrictions needed to protect the health of marijuana consumers. A second amendment of Representative Kane’s that was adopted adds a new section to the bill that requires the CCC to develop a research agenda in order to better understand the social and economic trends of marijuana in the commonwealth, to inform better future decisions that would aid in the closure of the illicit marketplace and inform the commission on public health impacts of marijuana. House Bill 3768 was engrossed by the House of Representatives on a roll call vote of 126-28.

“This bill remains faithful to the will of the voters while also taking steps to address some of the regulatory concerns that have been raised by cities and towns as well as the public health and law enforcement communities,” said Representative Kane. “We have strengthened the regulatory authority that will provide oversight to this multi-billion dollar, legal marketplace, re-instated local control and ensured that there will be funds and programs for substance abuse prevention and treatment. We have also included ongoing research and data collection on marijuana use in the Commonwealth to be certain that our youth’s inevitable increased exposure and access to marijuana does not increase the number of youth users.” Representative Kane serves as the Ranking Minority Member on the Joint Committee on Public Health and hosted one of the five public hearings held by the Committee at Shrewsbury High School in April.

Massachusetts’s voters approved the legalization of recreational marijuana by a margin of 53.6%-46.4% in November of 2016. Locally, voters in Shrewsbury opposed legalization by a margin of 54.7%-43.3%, as did Westborough voters, by a margin of 51.5%-46.6%. Westborough was the first community in the

Commonwealth to opt-out of recreational marijuana and all communities that opt-out before July 1, 2017 will be grandfathered under the law in the method they used to have a “vote of the voters”. Shrewsbury enacted a moratorium at their recent May annual town meeting

House Bill 3768 retains the personal use provisions of the ballot question by allowing the home growing of 6 marijuana plants per person and up to 12 plants per household. While it maintains the current prohibition on the sale of marijuana to anyone under the age of 21, the bill expands efforts to keep the drug out of the hands of minors by imposing strong minimum standards for the advertising, marketing and branding of marijuana products. An amendment filed by Representative Kane was adopted that added mascots and cartoons to the list of prohibited portrayals of individuals under the age of 21, as a means to ensure that marijuana and marijuana-infused edibles are not marketed in a manner enticing to minors.

“I am grateful for Representative Kane's leadership in building in these sound drug policy measures. The original law was written by the industry and favored their commercial interests, prioritizing production and sales of pot throughout the Commonwealth,” stated Heidi Heilman, President of the Massachusetts Prevention Alliance. “This bill is a smart, common sense approach that brings a public health and safety emphasis to the law. We're in the middle of a soaring opiate epidemic, preventing youth drug use now is essential, and our legislature is clearly working together to do just that.”

To address local concerns about the implementation and regulation of adult cannabis establishments, House Bill 3768 enables cities and towns to opt out of allowing dispensaries through a vote of the local legislative body, rather than requiring a community-wide referendum. Representative Kane noted that the bill also upholds any existing restrictions or limitations imposed on the operation of cannabis establishments by a municipality as of July 1, 2017. An amendment offered by Representative Kane and supported by the Massachusetts Municipal Association and the City of Boston, struck language in the bill that would have overridden local zoning for cities and towns that wish to allow adult use cannabis establishments in different zoning districts than their existing medical use cannabis establishments.

"We appreciate Representative Kane's deep understanding of the complexities of this issue, and her determination to preserve local control and decision-making for cities and towns," said MMA Executive Director Geoff Beckwith. "Representative Kane's amendment will make a real difference for many communities throughout the state."

Although the bill includes a 5% local excise tax on recreational marijuana sales, it also requires cannabis establishments to enter into an agreement to provide a community impact fee to the host community. The community impact fee is designed to cover the costs imposed upon the municipality by the operation of a cannabis establishment within its borders. Medical marijuana will remain untaxed.

House Bill 3768 retains the Cannabis Control Commission established under the 2016 ballot question, but modifies its structure by expanding the number of commissioners from 3 to 5 and authorizing the Governor, Attorney General and Treasurer to appoint members. Currently, only the Treasurer is authorized to make appointments to the Commission, which will be responsible for overseeing the implementation and regulation of the cannabis industry in Massachusetts, including the establishment of licensing procedures.

The bill also transfers regulatory authority over the state's medical marijuana industry from the Department of Public Health to the Commission. Through two separate amendments of Representative Kane's that were adopted, the Department of Public Health, in consultation with the Commission, would be required to create a public health campaign, to educate adults about responsible marijuana use, and to educate youth about marijuana use with the goal of decreasing youth usage rates. The Cannabis Control Commission would also be required to work with the Executive Office of Public Safety and Security to create a public awareness campaign to educate the public about the dangers of impaired driving due to marijuana use and consumption. Both campaigns are to be funded by the Cannabis Revenue Fund. In addition, the bill requires the Commission to expend \$50 million annually from a newly-created Cannabis Revenue Fund to pay for substance abuse prevention and treatment programs, with \$5 million earmarked specifically for programs in the state's public schools.

The Senate is debating today its' recently released version of a recreational marijuana bill. A conference committee will work to reconcile the differences between the House and Senate bills, with the goal of getting a final bill to Governor Baker for his signature by the end of the month. Representative Kane has requested to serve as the House Republican appointed to the conference committee, along with the two House Democrats who will also be appointed.

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