

Troublesome Details and Observations about the November Ballot Question To Legalize Marijuana in Massachusetts

- Possession of any amount of marijuana greater than 2 ounces would only be a misdemeanor
 - Possession of large amounts is a felony in CO and WA
- Allows possession of up to 10 ounces at home, the equivalent of about 500 joints/servings
- Public use would be subject only to a \$100 fine
 - Can be incarcerated for up to 15 days in CO
- No procedures or protocols for effectively enforcing the prohibition against driving while under the influence
 - No provision for law enforcement training or additional drug recognition experts
 - No public safety campaign to inform drivers about the risks and consequences of driving while high
- No limits or any restrictions on the marketing and sale of edible products, including gummy bears, lollipops, soda or other products that would be particularly appealing to kids and teens
- No prohibition on spraying THC on existing products like candy bars
- No limits on potency, including hash oil extracts that can have a potency approaching 100% THC
 - No provision for establishing a reference lab or clear testing protocols to ensure accurate testing and measurement of potency levels
- Virtually all packaging and labeling requirements for products left up to the discretion of a future Cannabis Control Commission
 - No prohibition on product packaging that would be particularly appealing to teens, such as bright colors, cartoon characters, or knockoffs of existing products like candy bars
 - No provision for any standard health warning on product labels
- No requirement for testing and approving pesticides that are safe for use on marijuana crops
- No restrictions or limits on wastewater or odor from growing facilities
- No requirement to implement a seed-to-sale tracking system in order to help prevent black market diversion
- All safety and security procedures left up to the discretion of a future Cannabis Control Commission
- Allows home growing of up to 12 plants per household
 - A single plant can generate up to a pound of marijuana, worth as much as \$5,000
 - Would be impossible for law enforcement to identify and enforce illegal growing
 - Would feed black market
 - Would create issues with odor and wastewater, particularly in multi-family residences
 - Would increase risk of home burglaries
 - No requirement for any registration or licensing system
 - WA does not allow any home growing and CO only allows up to 6 plants (with at most 3 plants being mature at one time)

- No restrictions or limits on advertising, promotions, free samples, coupons, price discounting, celebrity sponsorships or other marketing strategies
 - Leaves the possibility of any such limits up to a future Cannabis Control Commission
- No requirement for any public health campaign to educate adults about responsible marijuana consumption or to educate teens about the risks and harms of marijuana consumption
- Excise tax rate of 3.75% would be woefully inadequate to cover regulatory, public health and safety costs
 - Total tax rate of 12% (including general sales tax and 2% local option) would be far lower than CO (greater than 30%) or WA (greater than 40%)
 - Total estimated revenue from taxes and fees of approximately \$50 million would likely not even cover direct costs
- Separate regulatory authority for recreational marijuana (Cannabis Control Commission) and medical marijuana (DPH) would create many problems
 - CO and WA both have single regulatory authority for both recreational and medical
- Significant limits and restrictions placed on local control of cities and towns
 - Requires voter referendum to opt-out of any type of marijuana business
 - Cannot prohibit home grows
 - Existing medical stores have right to enter recreational market at existing locations
 - Any local ordinance can be invalidated if it is deemed “unreasonably impracticable”
- No provision to address banking challenges and high use of cash in the industry
- No requirement for establishing baseline data, ongoing data collection and analysis, or any research into health and safety issues
- Overly aggressive and unrealistic implementation timeline
 - Only 7 months to develop complex regulations that will require input from many stakeholders
 - If deadline is missed to start issuing licenses then existing medical marijuana dispensaries would be allowed to enter the recreational market without any state or local approval