



An Act Modernizing the Commonwealth's Cannabis Laws HB 4206

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MHOA Annual Conference 2025

Disclaimer

- This information is provided for educational purposes only and is not to be construed as legal advice.
- For legal advice, please contact your municipal attorney.

The logo for MAHBB (Massachusetts Association of Health Boards) features the acronym "MAHBB" in a large, bold, serif font. To the right of the text is a white rectangular box containing a thin black outline of the state of Massachusetts. Below the acronym, a thin horizontal line separates it from the tagline.

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HB 4187 was **unanimously** approved by the House on June 4, 2025

- Restructures the Cannabis Control Commission
 - Reduce Commissioners to one Chair and two part-time Commissioners.
 - Appointed by Governor only
 - Not split between Governor, Treasurer and Attorney General
- Raises cap on number of retail cannabis licenses one entity may hold.
 - From 3 to 6
- **Regulates hemp-derived products**
- **Increase consumer limits for adult-use/purchase**
- Prioritize Social Equity Businesses

Section 8

- **CONSUMABLE CBD PRODUCTS TAX**

- New Law
- Must be licensed to sell a consumable CBD product
 - Income to state
- Must pay a tax of 5.35% of total sales price in addition to sales tax
 - Paid by retailer
 - Income to state general fund?

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SECTION 9 – Inspection and Sale of Food, Drugs and Various Articles

Adds definitions of Cannabinoids;
Consumable CBD product, Hemp,
Hemp Beverage, Topical Hemp
Product, etc.

Makes topical hemp products legal

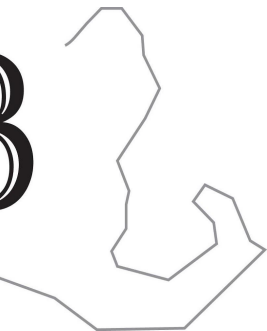
- Unless advertised as consumable; advertised as able to intoxicate; or in packaging that resembles candy or otherwise marketed to children.

Cannabinoid

“means any of several compounds produced by marijuana plants that have medical and psychotropic effects.” (935 CMR 500)

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No product
containing any
cannabinoid
shall be sold in
MA except:

- If contained in a prescription (medical marijuana);
- If considered a food ingredient generally recognized as safe (GRAS) by FDA;
- If sold pursuant to Adult-Use Marijuana Law (Chapter 94G), including:
 - Hemp beverages
 - CBD beverages;
- Industrial hemp; and
- Topical hemp products.

Enforcement Obligations of Local Boards of Health



Public Health
Prevent. Promote. Protect.



If LBOH suspects a violation it SHALL:

- Conduct examinations and investigations and may
 - Take samples of products for analysis to determine compliance
 - How do we do this?
- If LBOH determines there is a violation the LBOH shall take enforcement action.
- Penalties:
 - For 1st violation LBOH shall:
 - Remove all products in violation.
 - Destroy said products.
 - Huh? How? Seizure, chain of custody protection?
 - Provide written warning to retailer that includes the following:
 - Repeated violations may result in revocation of any operating permits and licenses
 - Repeated violations may require the completion of an informational course that explains the laws and regulations.

For 2nd or more violations the LBOH SHALL

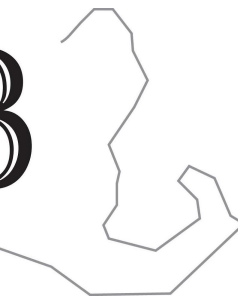
- Remove all products in violation.
- Destroy said products.
- LBOH MAY:
 - Provide written notice of violation, within 30 days of determination of violation, to all governmental entities that have issued a permit or license related to the production or sale of food, alcohol, tobacco, cosmetic, consumable CBD products or drugs to violator.
 - Huh?
 - That's a pretty heavy lift.

DPH SHALL

- Rules or regulations for LBOH enforcement that establish:
 - Civil administrative fines for 2 or more violations;
 - Requirements and programing for any information course explaining the law and regulations; **Who creates this course?**
 - Penalties for failing to complete informational course within 6 months of receipt of warning; **Warning from LBOH? Not a local requirement (MAY).**
 - Failure to complete course is a separate violation; and
 - Appeals process

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- **LBOH SHALL** notify all persons that have active permits or licenses relating to food, alcohol, tobacco, cosmetics or drugs, in a timely manner, of any changes related to LBOH's enforcement, including any enacted local regulations.
- **SECTION 13:**
 - Legal possession of marijuana increased from 1 ounce to 2 ounces.

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Creation of Regulations for Consumable CBD Products, Hemp Beverages, and Hemp Beverage Products

- Consumable CBD product:
 - A product that is to consumed by eating or sublingual application containing cannabinoids derived from hemp, which, at most, contains **trace amounts** of CBD. **ALL Delta, not just Delta-9.**
 - Does not include marijuana products, hemp beverages or hemp beverage products.
 - Consumable CBD products are not considered food.
- Hemp beverage:
 - A non-alcoholic beverage that contains cannabinoids derived from hemp.
 - Not considered food.
 - **For social consumption establishments?**
- Hemp beverage product:
 - A hemp beverage in a container intended for retail sale not to be drunk on the premises.
 - Not considered food.
- Transportable hemp concentrate:
 - Combined concentration of total THC and any THC analog of less than 0.3%. **ALL Delta, not just Delta-9.**



Testing Laboratories

- Independent testing laboratory, in state or out of state, accredited to the most current International Organization for Standardization by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation;
- Financially independent from any marijuana establishment; and
- Licensed to test hemp and cannabis.



Hemp beverage products and CBD consumable products

- Must be registered by CCC.
- List of registered products will be published on CCC website.
- Must submit an application with a certificate of analysis from an independent laboratory.
- Fee required.
- CCC shall establish an off-the-shelf testing program for hemp beverage products.
- CCC shall promulgate regulations for hemp beverages, hemp beverage products and consumable CBD.

Regulations SHALL include:

- Maximum amount of cannabinoids per hemp beverage product container
 - Shall not exceed 5 mg or equal to the container limit for marijuana beverages, whichever is greater; **might the amount increase?**
- Requirements for size and form of containers for hemp beverages and consumable CBD products
- Must be produced naturally – **How?**
- Manufacturing, packaging, and labeling shall be as strict or stricter than those for marijuana.
- Testing standards

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Hemp Beverage Manufacturers

- Must have an endorsement or certificate of compliance issued by CCC
- Will only issue to:
 - Manufacturer of alcoholic beverages, or
 - Manufacturer of marijuana-infused products
- Manufacturing fee: \$5000
 - Annual renewal of not less than \$200
- Hemp used for manufacturing must be in the form of transportable hemp concentrate.
- THC and THC analog concentration must be less than 20% when concentrated from the hemp plant to the purified state.
 - This prevents hemp “loopholes.”

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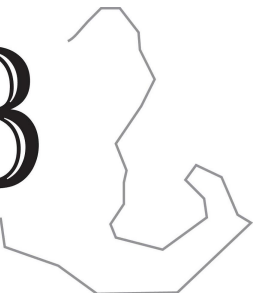
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Hemp Beverage Products

- Wholesale – must have license to import or sell all alcoholic beverages at wholesale.
 - May only sell to holders of an off-premises, all alcoholic beverage retail license
 - Liquor stores.
- Only licensed liquor stores may sell hemp beverages to consumers.
- Cannot sell by mail or online.
- Fines of up to \$10,000.
- Liquor stores can only buy from licensed wholesalers.
- Excise tax on all hemp beverage products at rate of \$4.05 per gallon.
- Exempt from sales tax.

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Consumable CBD Products Manufacturers

Must hold CCC consumable CBD endorsement or certificate issued by CCC.

Application processing fee of \$5,000.

Annual renewal fee not less than \$200.

Cannot sell to any person without endorsement or certificate.

Fines of up to \$10,000 per violation.

Only difference from Hemp Beverages Product regulations is that Consumable CBD Products **can be sold in retail stores, not just liquor stores.**

Monies Collected Credited to General Fund

Penalties

**Forfeiture
s**

Interest

**Costs of
suits**

Fines

Taxes

Where do we go from here?

- Passed unanimously by House.
- CLPH spoke with the Joint Committee on Cannabis Policy's Co-Chair Dan Donahue.
 - Designation of “not food”
 - LBOH extensive enforcement obligations with no resources
 - Money going into General Fund and not special fund for LBOHs as proposed in amendments to the bill.
- Senate must pass the bill.
 - No indication that it's a priority in Senate.
- Governor Healey must sign it.
- DPH would need to enact and implement regulations.

Social Consumption Establishments

- “A Marijuana Establishment licensed by the Commission where Consumers can purchase and safely consume Marijuana and Marijuana Products” (CCC)



Proposed Timeline

- December 17, 2024 – CCC began final review of draft regulations.
- January 2025: CCC introduced draft regulations.
- July 30, 2025: CCC approved draft regulations.
- August 20, 2025: CCC opened a public comment period.
- September 8, 2025: Public comment period ended.
- September 2025: CCC indicated that regulations will be in place sometime in 2026.
- BUT: Shannon O'Brien reinstated . . .
- BUT: HB proposed . . .

Types of Licenses

- **Supplemental: for EXISTING MARIJUANA ESTABLISHMENTS**
 - Consumption allowed within or attached to existing Marijuana Establishment (ME).
 - May host consumption activities.
 - Consumers may consume products purchased on site.
 - Designated consumption area can be within an ME; or
 - After an ME closes for general retail sales.
- **Example: ME with attached Lounge, Café, Tasting Room**

Hospitality

- **New or existing non-cannabis commercial business space**
 - Consumption permitted in new cannabis business or attached to existing non-cannabis business.
 - Mixed-use space allowed as a partnership with a non-cannabis business.
- **Examples: Lounge, Café, Entertainment/Recreational Space, Yoga Studio, Theater, Lodging Space.**

Event Organizer

- **May Organize and host Temporary Consumption Events**
 - Only ME licensees can participate in event.
 - Permits allowed at single or multiple locations.
 - May store/purchase cannabis at Principal Place of Business (PPB).
 - Host Community Agreement required at PPB
 - Local permitting and approval needed for events.
 - Event can last no more than 5 days in length.
 - Cannot have more than 24 events per year.
- **Examples:**
 - Event space has several MEs, and a Food Service area.
 - Event space has Dance Floor, Pre-Roll Station and Consumption Area

Policy Considerations

- Employee safety (ventilation, signage, etc.)
- **No intersection of alcohol or tobacco products***
- Provide employees with PPE and right to be moved to other job responsibilities at employee's request.
- Responsible vendor training.
- Cool down area and strategies.
- 30-minute cut-off before closing hour
- Transportation strategy for impaired customer
- Product menu information including project times for onset.
- Cannot bring in cannabis products.

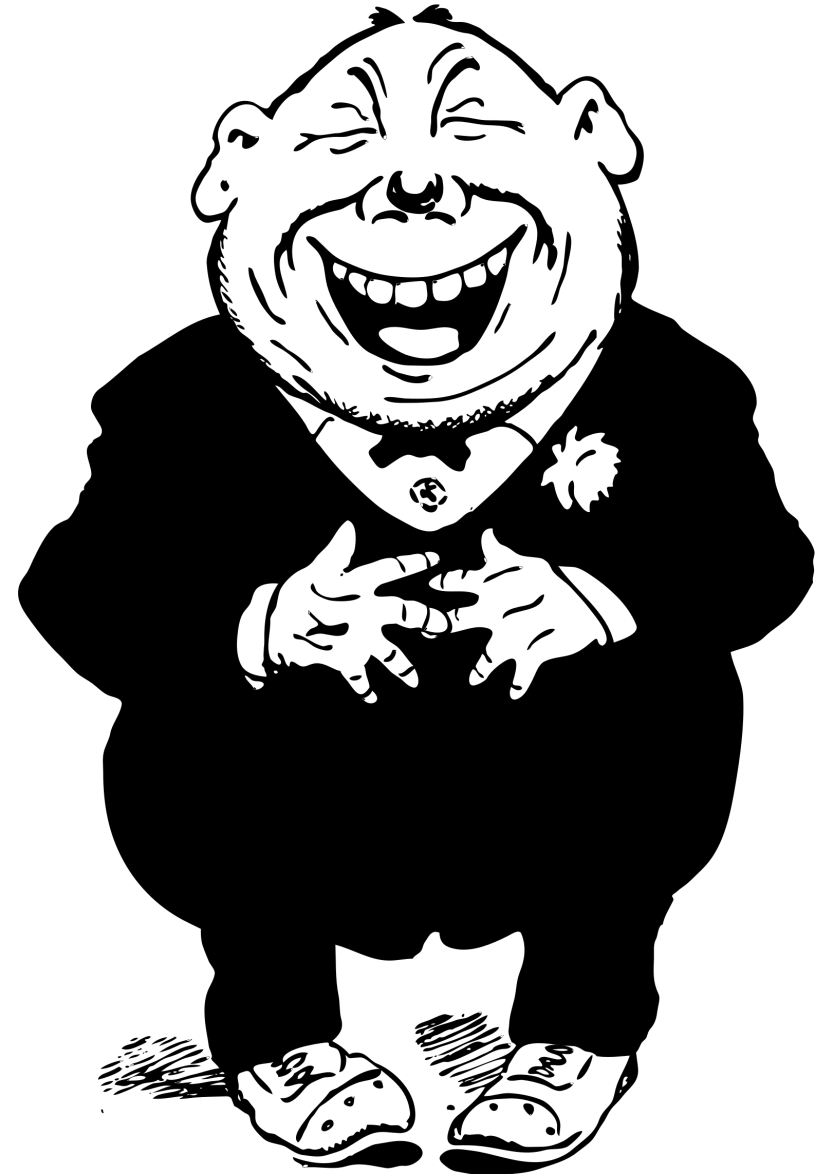
Specific Concerns

- **Indoor Smoking Consumption Areas:**
 - Cannabis smoke contains many of the same cancer-causing and toxic chemicals as secondhand tobacco smoke.
 - No definition of what is “reasonable protection” from secondhand smoke.
 - Ventilation requirements are not reasonable.
 - Provide some standards but require retailer to stop consumption if ventilation fails and report it to CCC.
 - How would this happen during operating hours?
 - **Tobacco smoking/vaping is prohibited in consumption areas.**



Specific Concerns

- Must provide access to non-infused food that is shelf-stable and to water.
- Edibles are still not considered food, so how do we know that they are safe to eat.
 - No local food service required for edibles.
- Shall not provide access to alcohol or tobacco **unless**:
 - There is a **physical barrier** to consumption areas, or
 - Alcohol sales are not offered at the same time as consumption of cannabis.



Local Regulatory Options

- Municipality must “opt in.”
 - Enact a by-law or ordinance.
 - Review existing zoning by-law or ordinance.
 - Petition process – present issue to voters directly.
 - Petition created by the Secretary of the Commonwealth.
 - Signed by not less than 10% of voters who voted in preceding state election.
 - Petition added to ballot at next regular local election.



Municipality may:

- Prohibit social consumption establishments.
 - “opt-in”
- Establish civil penalties for public consumption.
- Require local inspection of social consumption establishment for food and other sanitary code violations.
- Require local permits.
- Regulate time, place, and manner.
- Regulations must not be “unreasonably impracticable.”
 - Cannot regulate them out of business.



