

HOUSE No. 3518

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Durant

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 relative to the deceptive marketing of marijuana.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-----------------------------|-----------------------|
| <i>Peter J. Durant</i> | <i>6th Worcester</i> |
| <i>Joseph D. McKenna</i> | <i>18th Worcester</i> |
| <i>Shaunna L. O'Connell</i> | <i>3rd Bristol</i> |

HOUSE No. 3518

By Mr. Durant of Spencer, a petition (accompanied by bill, House, No. 3518) of Peter J. Durant, Joseph D. McKenna and Shaunna L. O'Connell for legislation to prohibit sales of marijuana and synthetic cannabinoids marketed as candy. Marijuana Policy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the deceptive marketing of marijuana.

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. Section 5 of chapter 94C of the General Laws is hereby amended by
2 inserting at the end thereof the following:-

3 The packaging of any marijuana product for dispensing or sale, as provided for in chapter
4 369 of the acts of 2012, shall not bear a reasonable resemblance to any product available for
5 consumption as a commercially available candy.

6 As used in this section, "Commercially available candy", shall refer to any product that is
7 manufactured and packaged for purchase from a retail market and for individual consumption in
8 the form of bars, drops, or pieces and that includes a sweetened mixture of chocolate, caramel,
9 nougat, nuts, fruit, cream, honey, marshmallow or any similar combination to create a dessert-
10 like confection.

11 SECTION 2. Nothing containing a synthetic cannabinoid or melatonin may be sold that
12 bears a reasonable resemblance to any packaging of anything available for consumption as a

13 candy. For the purposes of this section the department of public health shall develop regulations
14 to determine what constitutes “reasonable resemblance” and “candy.”

15 As used in this section, “Synthetic cannabinoid”, shall mean any of the following
16 chemical compounds: (a) cp 47.497 and homologues: 2-[(1r,3s)-3-hydroxycyclohexyl]-5-(2-
17 methyloctan-2-yl)phenol); (b) hu-210: [(6ar, 10ar)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methy
18 loctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo[c] chromen-1-ol)]; (c) hu-211: (dexanabinol, (6as,
19 10as)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo[c]
20 chromen-1-ol); (d) jwh-o18: 1-pentyl-3-(1-naphthoyl)indole; (e) jwh-o73: 1-butyl-3-(1-
21 naphthoyl)indole and (f) any compound, manufacture, salt, derivative, mixture or preparation of
22 any such chemical compounds.