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Bill filed to legalize, tax pot: Local petitioner highlights revenue

Local petitioner highlights revenue

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A bill to legalize and tax marijuana in Massachusetts has been introduced to both the House and Senate, after a request by a Northampton man.

State Rep. Ellen Story, D-Amherst, and state Sen. Stanley Rosenberg, D-Amherst, each filed the bill by request from petitioner and Northampton resident Dick M. Evans.

Officials from both of the legislators' offices said they generally file all petitions they receive, which may be submitted by individuals, and said this is not necessarily an endorsement or sponsorship of a bill's content.

Evans, 65, an attorney, filed the bill as a private citizen and said the money generated through placing a sales tax on marijuana could be in the millions. According to Rosenberg's chief of staff Nick Puleo, the senator does not believe the bill has the support to pass through the Senate right now.

A similar bill to legalize, regulate and tax marijuana was recently introduced in California. The California Board of Equalization, which collects taxes, estimated California's potential revenue from doing so at $1.3 billion per year.

During an online town hall-style meeting from the White House Thursday, President Barack Obama said one of the most popular questions submitted was whether legalization of marijuana would help the country's economy. Obama answered by saying he didn't think that it was a good economic policy, according to The Associated Press.

Besides being an attempt to earn the state more money, Evans said, the bill is meant "to prompt an open and honest debate about the wisdom and efficacy of marijuana prohibition."

"I'm not trying to legalize it; I'm trying to talk about it," said Evans. "I'm trying to open the door to discussion."

Rosenberg does not necessarily support the bill, said Puleo, but his decision on whether he would approve a vote on the bill in the Senate would depend on what the final draft looks like. Bills often change before reaching the Senate floor.

Evans was optimistic during a March 25 interview with the National Organization for the Reform of Marijuana Laws, where he once worked on the group's board of directors.

"I'm confident that there will be widespread support for regulation and taxation," he said at the time. "I don't know anyone that opposes it, frankly."

Under Senate Bill 1801 and House Bill 2929, both filed on Jan. 16 and titled "An Act to Regulate and Tax the Cannabis Industry," possession or cultivation of cannabis by a person, over 21 years old, for personal use would be made legal.

Treated like alcohol

The legislation would also allow for marijuana to be sold. Selling marijuana would be taxed and legal to only licensed individuals and is modeled after Chapter 138 of the Massachusetts General Laws, the Alcoholic Beverage Control Act, which regulates the selling and taxation of alcohol.

There is no set timetable yet on bill's next step, being reviewed by committee.

Cannabis grown for personal use would not be taxed. Marijuana grown or distributed for a profit would

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Cannabis grown for personal use would not be taxed. Marijuana grown or distributed for a profit would be divided into three taxation classes based on how much tetrahydrocannabinol, the main psychoactive component of marijuana, each contained.

Cannabis with more than 1 percent but less than 5 percent THC would be Class C and taxed $150 per ounce. Marijuana with 5 percent or more but less than 10 percent THC would be taxed $200 per ounce as Class B. Class A, containing 10 percent or more THC, would be taxed $250 per ounce.

The percentages of THC would be determined by comparing the THC content to dry weight, without seeds.

The state-run Cannabis Control Authority would be created to supervise "the conduct of the business of cultivating, possessing, distributing, sale at retail and wholesale and importing cannabis, and also of the quality, purity and grade thereof."

Revenue generated by taxation would cover the costs associated with the authority, and excess funds would go to the commonwealth.

The authority would receive $2.5 million in initial funding from the state and would be responsible for licensing retailers, importers, farmers, processors and traders, and wholesale distributors. The cost of each license ranges from $1,000 annually for a processing license up to $3,000 for a trader license.

The bill comes at a time when dozens of towns in the state, including Springfield, are trying to increase the penalties for marijuana use, which were reduced statewide when nearly two-thirds of voters approved decriminalization legislation via a ballot question in November.

Meanwhile, bills looking to legalize growing marijuana for medicinal purposes are also under consideration by state legislators.

UMass Cannabis Reform Coalition said the group supports the idea of regulation and taxation, but currently is putting its focus on legalizing medicinal marijuana, according to CRC treasurer Alex Arsenault.

Medical might make more sense

"We did just pass Question 2 a few months ago," said Arsenault, who said that passing a bill for legalization might be tough because decriminalization was approved so recently. "The next logical step is legalizing medicinal marijuana."

"No living person is responsible for the prohibition laws," said Evans on a Web site, www.cantaxreg.com, that he created about the bill. "They were conceived three generations ago in a cultural and racial climate very different from our own, and very different from that to which we aspire. They are now, if anything, obsolete."

Evans said public officials who support continued prohibition efforts should explain how many more people need to be arrested, how much that will cost and where the money will come from.

"Absent any good answers to those questions, a productive discussion necessarily turns from whether to replace prohibition to how to replace it," he said.

Evans said states are not allowed to act on their own to create a system of taxation and regulation unless federal law allows it. However, states can repeal prohibition laws and leave enforcement up to federal - not state - officials.

"That would surely get the attention of Congress," said Evans.

Laws concerning the operation of a motor vehicle while under the influence of marijuana would not be changed. The crime is punishable of a fine of up to $1,000 or imprisonment up to two years, or both, and may result in the loss of an offender's driver's license.

The current bill was first filed in the Massachusetts House in 1981, following a citizen petition. It was slightly modified and reintroduced this year.

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On another note

Now if we could just get Stan and Ellen to file a bill requiring the Umass Campus Center Hotel to pay the local hotel/motel tax that everybody else in the Valley pays (including Amherst College owned Lord Jeff Inn). That $100,000 in revenue would come in handy right about now to the People's Republic of Amherst.
http://www.onlyintherepublicofamherst.blogspot.com/

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