Massachusetts Information For Voters

2024 Ballot Questions

Large Type Edition

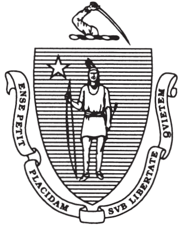
State Election

Tuesday, November 5, 2024

Massachusetts Register to Vote Online: **VoteInMA.com**

Vote by Mail Information Enclosed!

Published by
William Francis Galvin
Secretary of the Commonwealth



The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the Commonwealth

Dear Voter:

On Tuesday, November 5, 2024, you have the opportunity to make your voice heard. If you prefer to vote sooner, you have the option to vote by mail or during early voting sessions in your community. Early voting will be held from October 19 - November 1. On Election Day, all polling places will be open from 7:00 a.m. to 8:00 p.m.

If you have not yet registered to vote or need to re-register because you moved, you can register to vote online at **www.VoteInMA.com**. State law requires that you must register by October 26, 2024 to have your name appear on the voting list. You can also check your voter registration status at the same website.

There will be **five binding statewide ballot questions** appearing on the state election ballot. This 2024 official Information for Voters booklet lists each question with the **text of the proposed law**, statements describing the **effect of a yes or no vote**, a **summary**, and **brief argument for and against each question**. This information will assist you in making a thoughtful decision before you vote. You can even take this booklet with you into the voting booth, if you wish.

This booklet contains important information for the upcoming election. The choices you make in this election are going to shape the course of government for our nation, state, and local communities. The leadership that you select will make important decisions affecting you and your family. I urge you to participate in this process, because your vote matters.

Please VOTE and exercise the most essential right of our democratic system.

Very truly yours,

William Francis Galvin
Secretary of the Commonwealth

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Offices on the Ballot in 2024

Electors of President and Vice President

Senator in Congress

Representative in Congress

Councillor

Senator in General Court

Representative in General Court

Register of Deeds

Clerk of Courts

County Commissioner (Barnstable, Bristol, Dukes, Norfolk and Plymouth Counties only), or Franklin Council of Government (Franklin County only)

Register of Probate (Hampshire and Suffolk Counties)

Important Dates to Remember

October 11: Local Early Voting Schedules Available

No later than October 11, early voting schedules and locations for each city and town will be posted at **www.VoteInMA.com**. Check your community's information to find out where and when you can vote early.

October 19 – November 1: Early Voting Period

Early voting for the November 5, 2024 State Election begins on October 19 and ends on November 1.

The early voting period includes two weekends, and each community will offer some weekend voting hours.

Schedules for early voting vary by city and town. Be sure to check your community's schedule when making your plan to vote.

October 26: Voter Registration Deadline

The last day to register to vote, update your address, change your name, or change your party for the November 5, 2024 election is 10 days before Election Day.

In-person voter registration sessions will be held in every city and town until 5 p.m. on October 26.

Online voter registration will be open until 11:59 p.m. on October 26.

Mail-in voter registration forms must be postmarked by October 26.

October 29: Vote by Mail Application Deadline

Your Vote by Mail application must reach your local election office by 5 p.m. on October 29 in order for a ballot to be mailed to you. A postmark is not sufficient to meet the deadline. If you're mailing your application, be sure to submit it at least a week before the deadline.

It is recommended that you apply for your ballot earlier than the October 29 deadline if your ballot is being mailed out of town or if you plan to return your ballot by mail.

November 5: Election Day

Election Day is November 5. Polls will be open from 7 a.m. until 8 p.m. around Massachusetts.

If you're voting by mail, your ballot must be postmarked by November 5 in order to be counted. Since ballots can take up to 7 days to be delivered by the U.S. Postal Service, it is recommended you mail your ballot at least 1 week before Election Day.

Ballots delivered by hand to a local election office or drop box must be delivered by close of polls at 8 p.m. on Election Day.

November 8: Last Day for Domestic Ballots to Arrive

If you mail your ballot from inside the United States, it must arrive at your local election office by 5 p.m. on November 8 in order to be counted.

Ballots that arrive after the close of polls on Election Day will only be counted if they are postmarked by November 5.

November 15: Last Day for Overseas Ballots to Arrive

If you mail your ballot from outside the United States, it must arrive at your local election office by 5 p.m. on November 15 in order to be counted.

Ballots mailed from outside the country that arrive after the close of polls on Election Day can only be counted if they are postmarked by November 5. Those that arrive after November 8 must also clearly be postmarked from outside the country.

QUESTION 1:

Law Proposed by Initiative Petition

State Auditor's Authority to Audit the Legislature

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

As required by law, summaries are written by the State Attorney General.

This proposed law would specify that the State Auditor has the authority to audit the Legislature.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

A YES VOTE would specify that the State Auditor has the authority to audit the Legislature.

A NO VOTE would make no change in the law relative to the State Auditor's authority.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

The proposed law has no discernible material fiscal consequences for state and municipal government finances.

ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. **The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments.** The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: A **YES** vote on Question 1 expressly authorizes the **State Auditor to audit the Massachusetts Legislature**.

The State Auditor is independently elected by the people of Massachusetts to audit every state entity to help make government work better. The State Legislature is the only state entity refusing to be audited by the State Auditor's office. Legislative leaders claim it is sufficient for the Legislature to conduct audits of itself through a procured private vendor. However, the Massachusetts Legislature is continuously ranked as one of the least effective, least transparent legislatures in America and is one of only four legislatures that exempts itself from public records laws.

Support for this initiative will help the State Auditor's office shine a bright light on how taxpayer dollars are spent to help increase transparency, accountability and accessibility for the

people of Massachusetts.

Vote **YES** to expressly authorize the State Auditor to audit the Legislature.

Neil Morrison
Committee for Transparent Democracy
P.O. Box 364
Raynham, MA 02767
617-297-8476
www.auditthelegislature.com

AGAINST: CONSTITUTIONAL SCHOLARS AND CIVICS EDUCATORS STRONGLY URGE A NO VOTE ON QUESTION 1.

A legislative audit conducted by the State Auditor, who is an executive branch official, without the Legislature's consent would violate the *separation of powers* and *legislative supremacy* described in and required by the Massachusetts Constitution.

The performance audits conducted by the State Auditor measure administrators' performance in achieving the legislatively determined goals of the public policies they administer. The State Auditor cannot substitute her interpretation of those goals for the Legislature's without compromising the constitutional independence and preeminence of the Legislature.

If enacted Question 1 would make the State Auditor into a political actor and a potentially influential participant in the legislative process, two roles that would clearly compromise

the State Auditor's ability to carry out her fundamental constitutional duty to conduct credible, independent, objective, and non-partisan audits of state government departments and programs.

Jerold Duquette
Professor of Political Science, Central Connecticut State University
Co-Founder & Senior Contributor, MassPoliticsProfs.org
1516 Stanley Street
New Britain, CT 05060
860-832-2964
www.masspoliticsprofs.org

FULL TEXT OF PROPOSED LAW

Be it enacted by the People, and by their authority:

A LAW EXPRESSLY AUTHORIZING THE AUDITOR TO AUDIT THE LEGISLATURE

The first sentence of section 12 of chapter 11 of the General Laws, as appearing in the 2022 Official Edition, is hereby deleted and replaced with the following:

Section 12. The department of the state auditor shall audit the accounts, programs, activities and functions directly related to the aforementioned accounts of all departments, offices, commissions, institutions and activities of the commonwealth, including those of districts and authorities created by the general court and the general court itself, and including those of the income tax division of the department of revenue, and

for such purposes, the authorized officers and employees of the department of the state auditor shall have access to such accounts at reasonable times and the department may require the production of books, documents, vouchers and other records relating to any matter within the scope of an audit conducted under this section or section 13, except tax returns.

MAJORITY REPORT

The following report was prepared by a majority of the members of the Special Joint Committee on Initiative Petitions, a committee of the Massachusetts General Court. As required by the Massachusetts Constitution, this Majority Report is printed below. Statements made in this report do not reflect the opinions of the Secretary of the Commonwealth.

A majority of the Special Joint Committee on Initiative Petitions (“The Committee”) recommends that the Initiative Petition 23-34, House 4251, “An Act expressly authorizing the Auditor to audit the Legislature,” (“the Initiative Petition”) as currently drafted and presented to this Committee, OUGHT NOT TO BE ENACTED BY THE LEGISLATURE AT THIS TIME.

The purpose of this report is to provide a recommendation to the full legislature on whether to accept the Initiative Petition as written for consideration and enactment.

The proposed Initiative Petitions would give the Auditor authority to audit the finances and workings of the state legislature.

Testimony

The Committee heard from experienced professionals,

proponents and opponents of the Initiative Petition, as well as members of the general public.

The Committee first heard testimony from experienced professionals. Christopher Rogers, CPA and Managing Principal, State and Local Government at the accounting firm CliftonLarsonAllen LLC, testified that his firm conducted audits of the Massachusetts House and Senate. He was followed by the Comptroller of the Commonwealth, William McNamara, who explained the responsibilities of his office including the administration of the Commonwealth's Financial Records Transparency Program. The Committee then heard from two academics. David C. King, Senior Lecturer in Public Policy at the Harvard Kennedy School of Government, and Jeremy Paul, Professor of Law at Northeastern University, provided testimony relating to the constitutional issues raised by the Initiative Petition.

The Auditor, Diana DiZoglio, testified in support of the Initiative Petition as did a panel consisting of former Representative Daniel Winslow, Mary Connaughton of the Pioneer Institute, and Paul Craney of Massachusetts Fiscal Alliance.

Former Auditor Suzanne Bump and Jerold J. Duquette, Professor of Political Science at Central Connecticut State University, testified in opposition to the amendment.

Conclusion

The statutory change would undermine the well-contemplated balance of constitutional powers between the branches of government as established by the framers of the Constitution

of the Commonwealth. As David C. King, Senior Lecturer in Public Policy at the Harvard Kennedy School and Faculty Chair of Harvard's Bi-Partisan Program for Newly Elected Members of the U.S. Congress, testified during The Committee's public hearing ". . . I want to warn voters and this Legislature that House 4251 is exceptionally unwise . . . the Massachusetts separation of powers became foundational for our national constitution. The Auditor's proposal chips away at this foundation. I do believe it is that dire. The Auditor is proposing an unprecedented transfer of power from the people's representatives into the Executive Branch."

The Office of the State Auditor is a member of the Executive Branch of the government of the Commonwealth. Both the United States Constitution and the Massachusetts Constitution enshrine the separation of powers among the three branches of government, while creating various checks and balances on those powers. What this Initiative Petition seeks to do, however, is to transfer, by statute, authority explicitly vested by the constitution in the legislative branch, not to the electorate, but to the executive branch thereby violating the foundational constitutional principle of separation of powers. As Jeremy R. Paul, Professor of Law at Northeastern University, stated in testimony submitted to The Committee "I believe there are strong reasons to conclude that it would be such an overreach and thus there is a significant likelihood that Massachusetts courts would be forced to invalidate a statute adopted by the Initiative Petition that tracks the current language."

Notably, a recent action taken by the Trial Court supports the

conclusion that the Auditor's proposed audit of the General Court would violate the separation of powers established in the Massachusetts Constitution. In a letter sent to the Office of the State Auditor on August 24, 2023, the Trial Court wrote that it was declining to continue responding to requests related to an audit of the Trial Court's Office of Jury Commissioner. Although the Trial Court, like the General Court, is a part of a separate branch of government from the Auditor and therefore not subject to the Auditor's authority, it nevertheless consented to the Auditor's request for an audit. It was only after the Auditor unilaterally expanded the scope of her audit that the Trial Court rescinded its consent, making clear that the Auditor had exceeded her authority and violated the separation of powers principle.

In a representative democracy, power rests with the constituents who elect their Representatives and Senators and hold them accountable. Rather than achieve its stated goals, the proposed Initiative Petition would limit the power of the voters who elect Members of the Legislature by expanding the powers of the Executive Branch; essentially, the Auditor would supplant the people for herself in holding the Legislature accountable. In fact, a member of the panel that testified in support of the Initiative Petition, former Representative Dan Winslow, indicated that if the Initiative Petition was approved by voters, it would most likely be challenged on constitutional grounds, as the language is overly broad. He went on to suggest that the Legislature should change the Initiative Petition, so it did not "intrude on core legislative functions."

It is for these reasons that the Commonwealth's chief law enforcement officer, Attorney General Andrea Campbell, in evaluating the Auditor's assertion of authority to audit all functions of the legislative branch, declared that the proposal "raise[d] separation of powers issues" and "constitutional concerns" about impermissible interference with or encroachment on "powers uniquely granted to the Legislature."

The House and Senate, under their individual governing rules, require a yearly financial audit conducted by an independent auditing firm. These audit reports are available to the public.

The Legislature's financial records and accounts are available on the Commonwealth's Financial Records Transparency Platform ("CTHRU"), administered by William McNamara, Comptroller of the Commonwealth, who testified at The Committee's public hearing. CTHRU includes detailed and comprehensive information regarding payroll, expenditures, and other financial information, including the amounts paid to state vendors. Additionally, all legislative sessions and committee hearings are live-streamed and recorded and can be found on the General Court's website. Access to information about all bills and amendments, including roll call votes and journals and calendars from the House and Senate are also available online.

As part of her testimony in support of the Initiative Petition, Auditor DiZoglio shared a visual representation of documents she described as past audits to claim precedent exists for auditing the Legislature. However, further research established that 74 of those 113 audits (many of which date back to the

19th century) were mere financial accounting reports similar to what is now publicly available on the Comptroller's CTHRU website.

The remainder are the financial statements of specific divisions within the Legislature. As Attorney General Campbell has stated, despite the existence of numerous Auditor's reports on certain discrete activities or entities within the legislative branch, there is "no historical precedent at all for the type of audit the [Auditor] seeks to conduct now: a sweeping audit of the Legislature over its objection, which would include review of many of its core legislative functions."

The majority of The Committee notes that the Auditor, during her campaign and in public statements, has frequently cited perceived political mistreatment in the Legislature. Suzanne Bump, former Auditor of the Commonwealth, testified that the proper subject of government audits are government programs authorized by the Legislature to serve public purposes, not the functions of the legislative branch of government. As Bump stated, because the Massachusetts Constitution enables the Legislature to govern itself through its own rules and procedures, there are no *objective* criteria by which the Auditor can assess it; such an audit would be inherently subjective and thus inconsistent with well-established auditing standards. In addition, Auditor DiZoglio lacks the objectivity required to audit the Legislature in accordance with the Generally Accepted Government Auditing Standards (GAGAS), also known as the Yellow Book, due to the Auditor's recent service in the

Legislature, as well as the clear prejudice that the Auditor has publicly expressed against the Legislature.

For these reasons, we, the majority of the Special Joint Committee on Initiative Petitions, recommend that “An Act expressly authorizing the Auditor to audit the Legislature” (see House No. 4251) as currently drafted and presented to this Committee, OUGHT NOT TO BE ENACTED BY THE LEGISLATURE AT THIS TIME.

Senators.	**Representatives.**
Cindy F. Friedman	Alice Hanlon Peisch
Paul R. Feeney	Michael S. Day
Jason M. Lewis	Kenneth I. Gordon

QUESTION 2:

Law Proposed by Initiative Petition

Elimination of MCAS as High School Graduation Requirement

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

As required by law, summaries are written by the State Attorney General.

This proposed law would eliminate the requirement that a

student pass the Massachusetts Comprehensive Assessment System (MCAS) tests (or other statewide or district-wide assessments) in mathematics, science and technology, and English in order to receive a high school diploma. Instead, in order for a student to receive a high school diploma, the proposed law would require the student to complete coursework certified by the student's district as demonstrating mastery of the competencies contained in the state academic standards in mathematics, science and technology, and English, as well as any additional areas determined by the Board of Elementary and Secondary Education.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

A YES VOTE would eliminate the requirement that students pass the Massachusetts Comprehensive Assessment System (MCAS) in order to graduate high school but still require students to complete coursework that meets state standards.

A NO VOTE would make no change in the law relative to the requirement that a student pass the MCAS in order to graduate high school.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

The proposed law has no discernible material fiscal

consequences for state and municipal government finances.

ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. **The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments**. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: A Yes on Question 2 gives all students the opportunity to thrive and reach their full potential. We all agree that high standards help keep our public schools great, and assessments are needed to ensure that students master the knowledge and skills to succeed in life after high school. However, the MCAS is a one-size-fits-all exam that fails to measure other student achievement measures such as GPA, coursework, and teacher assessments in determining if a student is allowed to graduate. Replacing the MCAS graduation requirement with more comprehensive measures will allow teachers to stop teaching to a test and unburden students from a make-or-break standardized test. Voting Yes will allow schools and teachers, together with parents and students, to focus on the most important skills and knowledge to help students succeed in life, rather than having to focus on only those skills that can be measured on a standardized test.

Shelley Scruggs
Parent Volunteer
Massachusetts Teachers Association (MTA)
2 Heritage Drive, 8th Floor
Quincy, MA 02171-2119
617-878-8000

AGAINST: Vote NO on Question 2.

Question 2 is unfair to kids and will increase inequality. Some school districts will just adopt lower standards so students “graduate” even if they haven’t learned the knowledge and skills they need to succeed.

It’s not fair to grant diplomas to kids who aren’t yet ready to graduate. If students cannot pass basic assessments in math, English, or science, we adults should do the hard work to get them up to speed. Instead of supporting kids, **Question 2 would abandon them.**

Question 2 would remove our only statewide graduation standard. Massachusetts would have less rigorous high school graduation requirements than Mississippi and Alabama.

Question 2 is a radical and untested proposal and should be rejected. Significant changes to our education system should be carefully studied, designed, and implemented by experts to ensure these policies are actually better for our kids.

Vote No on Question 2.

Protect Our Kids’ Future: Vote No on 2
P.O. Box 130041
Boston, MA 02113

www.protectourkidsfuture.com

FULL TEXT PROPOSED LAW

Be it enacted by the People, and by their authority:

A LAW REQUIRING THAT DISTRICTS CERTIFY THAT STUDENTS HAVE MASTERED THE SKILLS, COMPETENCIES AND KNOWLEDGE OF THE STATE STANDARDS AS A REPLACEMENT FOR THE MCAS GRADUATION REQUIREMENT.

Section 1D of chapter 69 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking from the first sentence of sub-paragraph (i) the words, “, as measured by the assessment instruments described in section one I.” and replacing them with the following: “by satisfactorily completing coursework that has been certified by the student’s district as showing mastery of the skills, competencies, and knowledge contained in the state academic standards and curriculum frameworks in the areas measured by the MCAS high school tests described in section one I administered in 2023, and in any additional areas determined by the board.”

MAJORITY REPORT

The following report was prepared by a majority of the members of the Special Joint Committee on Initiative Petitions, a committee of the Massachusetts General Court. As required by the Massachusetts Constitution, this Majority Report is printed below. Statements made in this report do not reflect the opinions of the Secretary of the Commonwealth.

A majority of the Special Joint Committee on Initiative Petitions ("The Committee") recommends that the Initiative Petition 23-36, House 4252, "An Act requiring that districts certify that students have mastered the skills, competencies and knowledge of the state standards as a replacement for the MCAS graduation requirement," ("the Initiative Petition") as currently drafted and presented to this Committee, OUGHT NOT TO BE ENACTED BY THE LEGISLATURE AT THIS TIME.

The purpose of this report is to provide a recommendation to the full legislature on whether to accept the Initiative Petition as written for consideration and enactment.

The proposed Initiative Petition would amend Section 1D of Chapter 69 of the General Laws by eliminating the uniform statewide competency determination set by the Board of Elementary and Secondary Education and replacing it with a competency determination established by each of the over 300 school districts in the Commonwealth.

Testimony

The Committee heard from experienced professionals, proponents, and opponents of the Initiative Petition, as well as members of the general public.

Subject matter expert Robert Curtin, Chief Officer for Data, Assessment, and Accountability at the Massachusetts Department of Elementary and Secondary Education ("DESE"), testified that the overwhelming majority of high school students are able to graduate regardless of their socio-economic status,

ethnic/racial background, or disability status. All of these subgroups graduate at rates far in excess of 90 per cent, with the exception of those with profound cognitive impairments. Mr. Curtin further testified that 99 per cent of students are able to graduate by passing the 10th grade Massachusetts Comprehensive Assessment System ("MCAS") or pursuing one of the alternative paths available to them. According to data from the Class of 2019, the last graduating class not impacted by COVID-19, of 70,000 high school seniors statewide, 700 failed to graduate because they had not met the requirement and in Boston, the largest district in the state with a high percentage of low-income students and students of color, only 7 in that class failed to graduate only for this reason. Over 88 per cent of twelfth grade students in the Class of 2019 achieved a "passing" score on the 10th grade MCAS tests. Mr. Curtin elaborated on previous comments, explaining that those who do not achieve that score on the first try can pursue a variety of options to demonstrate that they have acquired the requisite knowledge and skills. Students can retake the test until they achieve a passing grade, they can pursue a "Performance/Cohort Appeal" by demonstrating to DESE that their classwork is equivalent to that of students in their classes who did pass the test, or they can complete a district developed Educational Proficiency Plan if their MCAS score is slightly below passing. As a result of these multiple pathways, Mr. Curtin testified that, on average, less than 1 per cent of high school seniors fail to graduate solely because they did not meet the graduation requirement.

Other subject matter experts testified from the perspective

of education leadership positions. Paul Reville, the Francis Keppel Professor of Practice of Educational Policy and Administration at the Harvard Graduate School of Education and former Massachusetts Secretary of Education during the Patrick Administration, commented that passage of the Initiative Petitions "would usher in a new era of scattershot standards and undermine decades of education reform." Stephen Zrike, current superintendent of the Salem Public Schools and former receiver of Holyoke Public Schools, testified that requiring students to meet the Board of Elementary and Secondary Education ("BESE") competency determination is good preparation for the world beyond high school where graduates will be expected to perform in order to progress in their chosen fields.

Panels of proponents, including the President and Vice President of the Massachusetts Teachers Association ("MTA"), Max Page and Deb McCarthy respectively, current educators, and a college student, testified that the graduation requirement "create[es] classroom environments filled with anxiety and stress," to the detriment of "excitement about learning." The panelists further testified that the graduation requirement "has actively harmed our most marginalized students, especially our students of color, English learners, low-income students, and students with disabilities." Rebecca Pringle, the President of the National Education Association, testified that MCAS scores are not an accurate, complete, or fair measure of student achievement and measures of achievement should focus on holistic approaches to identify students' strengths and areas for growth. Ms. Pringle emphasized that since students are not

standardized in their learning styles, standardized tests do not provide a full picture of students' problem-solving abilities and ability to think critically.

Opponents to the Initiative Petition countered the proponents' testimony by noting that as students' progress through high school and beyond, they will be expected to demonstrate their knowledge and skills through a variety of assessments that have consequences. They also maintained that elimination of the graduation requirement would lead to more, not less, inequity. Jeff Howard, a former member of the state BESE and the founder and president of the Efficacy Institute, testified that "proficiency standards are a means for promoting social and economic equality. … 'Demonstrate these proficiencies and you will be prepared to meet the challenges of the world'". He also stated that "the MCAS graduation requirement is an introduction to [the] world of certification and accountability all our students will enter after high school." Jill Norton, parent of a special needs student and education consultant, spoke in favor of retaining the current graduation requirement so that schools would not regress to a time when special needs students graduated who could not meet basic standards.

Conclusion

The Education Reform Act of 1993 established the current system of K-12 education in the Commonwealth including the uniform graduation requirement. Prior to the implementation of that legislation, Massachusetts had no statewide curriculum standards, each of the local districts set their own graduation requirements and the quality of K-12 education varied

dramatically from district to district across the state.

The Act required a significant increase in state funding to local districts to support the implementation of the standards as well as the uniform assessment system, the MCAS, designed to measure progress toward the goal of improved outcomes for all students. The legislature recently substantially increased funding with a more targeted focus on equity through the Student Opportunity Act.

The Initiative Petition eliminates the uniform graduation requirement without creating a uniform alternative. Based on the testimony presented, there are significant concerns with the lack of a standard, statewide assessment. Both the education leaders and the opponents of the Initiative Petition acknowledged the need to make improvements to the current system so that students who fail to achieve the minimum level of knowledge and skills required to graduate receive the support they need to meet those basic requirements. However, simply eliminating the uniform graduation requirement, which will allow students to graduate who do not meet basic standards, with no standardized and consistent benchmark in place to ensure those standards are met, will not improve student outcomes and runs the risk of exacerbating inconsistencies and inequities in instruction and learning across districts.

For these reasons, we, the majority of the Special Joint Committee on Initiative Petition, recommend that “An Act requiring that districts certify that students have mastered the skills, competencies and knowledge of the state standards

as a replacement for the MCAS graduation requirement" (see House No. 4252), as currently drafted and presented to this Committee, OUGHT NOT TO BE ENACTED BY THE LEGISLATURE AT THIS TIME.

Senators.	Representatives.
Cindy F. Friedman	Alice Hanlon Peisch
Paul R. Feeney	Michael S. Day
Ryan C. Fattman	Kenneth I. Gordon
	David T. Vieira

QUESTION 3:

Law Proposed by Initiative Petition

Unionization for Transportation Network Drivers

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

As required by law, summaries are written by the State Attorney General.

The proposed law would provide Transportation Network Drivers ("Drivers") with the right to form unions ("Driver Organizations") to collectively bargain with Transportation Network Companies ("Companies")-which are companies that use a digital network to connect riders to drivers for pre-

arranged transportation-to create negotiated recommendations concerning wages, benefits and terms and conditions of work. Drivers would not be required to engage in any union activities. Companies would be allowed to form multi-Company associations to represent them when negotiating with Driver Organizations. The state would supervise the labor activities permitted by the proposed law and would have responsibility for approving or disapproving the negotiated recommendations.

The proposed law would define certain activities by a Company or a Driver Organization to be unfair work practices. The proposed law would establish a hearing process for the state Employment Relations Board (“Board”) to follow when a Company or Driver Organization is charged with an unfair work practice. The proposed law would permit the Board to take action, including awarding compensation to adversely affected Drivers, if it found that an unfair work practice had been committed. The proposed law would provide for an appeal of a Board decision to the state Appeals Court.

This proposed law also would establish a procedure for determining which Drivers are Active Drivers, meaning that they completed more than the median number of rides in the previous six months. The proposed law would establish procedures for the Board to determine that a Driver Organization has signed authorizations from at least five percent of Active Drivers, entitling the Driver Organization to a list of Active Drivers; to designate a Driver Organization as the exclusive bargaining representative for all Drivers based on signed authorizations from at least twenty-five

percent of Active Drivers; to resolve disputes over exclusive bargaining status, including through elections; and to decertify a Driver Organization from exclusive bargaining status. A Driver Organization that has been designated the exclusive bargaining representative would have the exclusive right to represent the Drivers and to receive voluntary membership dues deductions.

Once the Board determined that a Driver Organization was the exclusive bargaining representative for all Drivers, the Companies would be required to bargain with that Driver Organization concerning wages, benefits and terms and conditions of work. Once the Driver Organization and Companies reached agreement on wages, benefits, and the terms and conditions of work, that agreement would be voted upon by all Drivers who has completed at least 100 trips the previous quarter. If approved by a majority of votes cast, the recommendations would be submitted to the state Secretary of Labor for approval and if approved, would be effective for three years. The proposed law would establish procedures for the mediation and arbitration if the Driver Organization and Companies failed to reach agreement within a certain period of time. An arbitrator would consider factors set forth in the proposed law, including whether the wages of Drivers would be enough so that Drivers would not need to rely upon any public benefits. The proposed law also sets out procedures for the Secretary of Labor's review and approval of recommendations negotiated by a Driver Organization and the Companies and for judicial review of the Secretary's decision.

The proposed law states that neither its provisions, an agreement nor a determination by the Secretary would be able to lessen labor standards established by other laws. If there were any conflict between the proposed law and existing Massachusetts labor relations law, the proposed law would prevail.

The Board would make rules and regulations as appropriate to effectuate the proposed law.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a “yes” or “no” vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

A YES VOTE would provide transportation network drivers the option to form unions to collectively bargain with transportation network companies regarding wages, benefits, and terms and conditions of work.

A NO VOTE would make no change in the law relative to the ability of transportation network drivers to form unions.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

The proposed law has no discernible material fiscal consequences for state and municipal government finances.

ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. **The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments**. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: A YES vote will give Massachusetts rideshare drivers, who work for companies like Uber and Lyft, the option to join a union while also maintaining driver flexibility and independence. The option to join a union is guaranteed for most workers, but rideshare drivers currently don't have that choice. Vote YES to allow rideshare drivers the option to choose a union.

Roxana Rivera
United for Justice
26 West Street, 6th Floor
Boston, MA 02111
401-965-3555
www.DriversNeedaUnion.org

AGAINST: DRIVERS AND RIDERS URGE NO ON QUESTION 3

Question 3 would RAISE THE PRICES FOR ALL RIDERS, funding union pockets, not drivers' pockets.

This law gives Politicians the right to set rules with NO accountability and creates a new radical labor category that is inconsistent with federal labor law.

Drivers in Massachusetts ALREADY receive:

- Base of $32.50 per hour with yearly increases
- Paid Sick Leave
- Paid Family Medical Leave
- Healthcare Stipend
- On-the-Job Injury Insurance
- Anti-Discrimination Protections
- Domestic Violence Leave
- Anti-Retaliation Protections
- Appeals Process

Question 3 does not really create bargaining for workers. Drivers will have no control over leadership of the union and will pay significant dues without real representation.

This proposal is not fair to Drivers and allows just 2 ½ percent of drivers to force unionization and leaves many Drivers without a voice.

Vote No on Question 3.

Massachusetts Fiscal Alliance
Boston, MA
617-553-4115
www.massfiscal.org

FULL TEXT PROPOSED LAW

Be it enacted by the People, and by their authority:

An Act Giving Transportation Network Drivers the Option to Form a Union and Bargain Collectively

This Act, which adds Chapter 150F to the General Laws, creates the opportunity for workers in the digital transportation industry to form transportation network driver organizations and to negotiate on an industry-wide basis with companies in this industry on recommendations to the commonwealth that raise standards for the terms and conditions of work in this industry.

There shall be a new Chapter 150F that shall provide as follows:

Section 1. Findings and policy.

A. The commonwealth of Massachusetts recognizes that technological advancement has generated new "digital marketplaces" in the transportation sector, in which companies connect, through electronic media, customers seeking passenger transportation services to persons willing to supply that transportation service. These persons often suffer poor pay, inadequate health coverage, and irregular or inadequate working hours. It is hereby declared that the best interests of the commonwealth are served by providing transportation network drivers the opportunity to self-organize and designate representatives of their own choosing, and to bargain collectively in order to obtain sustainable wages, benefits and working conditions, subject to approval and ongoing supervision by the commonwealth. It is further declared that

the best interests of the commonwealth are served by the prevention or prompt resolution of disputes between rideshare network companies and the persons who supply the labor to effectuate those services. This chapter shall be deemed an exercise of the police power of the commonwealth, and shall be liberally construed for the accomplishment of its purposes.

B. For the reasons set forth in subdivision A, it is the public policy of the commonwealth to displace competition with regulation of the terms and conditions of work for transportation network drivers set forth herein; and, consistent with this policy, to exempt from federal and commonwealth antitrust laws, the formation of transportation network driver organizations and multi-company associations for the purposes of collective bargaining between transportation network companies and transportation network drivers on an industry-wide basis, and to supervise, evaluate, and if approved, implement the resulting negotiated recommendations concerning the terms and conditions of work for all transportation network drivers in an industry when those recommendations are found by the Secretary of Labor to advance the public purposes stated in this section and are then made binding, regardless of the competitive consequences thereof.

1. The commonwealth intends that transportation network drivers have the right to form, join, or assist labor organizations, to be represented through representatives of their own choosing, and to engage in other concerted activities for the purpose of bargaining with transportation network companies and create negotiated recommendations, which shall form the

basis for industry regulations.

2. The commonwealth intends transportation network companies have the right to form multi-company associations to represent them while bargaining with a transportation network driver organization to create negotiated recommendations, which shall form the basis for industry regulations.

3. The intent and policy of the commonwealth is for the statutory and non-statutory labor exemptions from the federal antitrust laws and analogous commonwealth laws, to apply to transportation network drivers who choose to form, join or assist labor organizations in labor activity in Massachusetts permitted hereby.

4. The commonwealth intends in authorizing and regulating transportation network companies and transportation network drivers engaging in labor activity permitted hereby that state action immunity apply to this statute, and that such companies and drivers be immune from the federal and commonwealth antitrust laws to the fullest extent possible in their conduct pursuant to this statute.

5. The commonwealth will actively supervise the labor activity permitted hereby conducted by transportation network companies and transportation network drivers pursuant to this statute to ensure that the conduct permitted by the statute protects the rights of workers and companies, encourages collective negotiation and labor peace, and otherwise advances the purposes of this Act.

Section 2. Definitions.

A. “Active transportation network driver” or “active TND” means a transportation network driver so designated pursuant to the following process: Upon request by the board, and at the completion of each calendar quarter thereafter, each transportation network company (“TNC”) shall provide the board with information that identifies all transportation network drivers (“TND”) who completed five or more rides that originated in the commonwealth of Massachusetts on the TNC’s platform in the previous six months. Each TNC shall provide this information within two weeks after the end of each calendar quarter (March 31st, June 30th, September 30th, December 31st). Such information shall include only the name of the TND, the TND driver’s license number, and the number of rides the TND completed through the TNC’s platform in the previous six months. The board shall combine the data provided by all TNCs to determine the distribution of the number of rides completed by all TNDs for which data has been submitted, and then shall determine the median number of rides across TNDs for whom data has been submitted in the previous six months. Any TND who completed more than the median number of rides shall be considered an active transportation network driver in the rideshare industry.

B. “Board” means the commonwealth employment relations board created by section 9R of Chapter 23 of the General Laws.

C. “Company union” means any committee, employee representation plan, or association of workers or others that

exists for the purpose, in whole or in part, of dealing with TNCs concerning grievances or terms and conditions of work for TNDs, which (1) a TNC has initiated or created or whose initiation or creation it has suggested, participated in or in the formulation of whose governing rules or policies or the conducting of whose management, operations or elections the TNC participates in or supervises; or (2) which the TNC maintains, finances, controls, dominates, or assists in maintaining or financing unless required to do so by this chapter or any regulations implementing this chapter, whether by compensating anyone for services performed in its behalf or by donating free services, equipment, materials, office or meeting space or anything else of value, or by any other means. A TND organization shall not be deemed a company union only because it has negotiated or been granted the right to designate workers to be released with pay for the purpose of providing representational services in labor-management affairs on behalf of workers represented by the TND organization, or where, in the course of providing representational services to workers for whom it is the exclusive bargaining representative, a TNC allows agents of the TND organization to meet with workers at the TNC's premises.

D. "Exclusive bargaining representative" means a TND organization certified by the board, in accordance with this chapter, as the representative of TNDs in a bargaining unit.

E. "Network company" means a TNC, except that a business entity that maintains an online-enabled application or platform that meets all three of the following tests is not a network

company: (1) it is used to facilitate primarily non-rideshare services within the commonwealth of Massachusetts, (2) less than seven and one-half percent of service requests fulfilled through the platform on an annual basis are for rideshare services, and (3) fewer than ten thousand service requests fulfilled through the platform in any year are for rideshare services. For purposes of this paragraph, all applications or platforms used by corporate entities under common control shall be considered a single application or platform.

F. “Transportation network driver” or “TND” means a transportation network driver as described by § 1 of Chapter 159A1/2 of the General Laws. TND shall not include any individual who, with respect to the provision of services through a TNC’s online enabled-application or platform, is an employee within the meaning of section 29 U.S.C. § 152(3).

G. “Transportation network driver organization” or “TND organization” means any organization in which network drivers participate, and which exists and is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with network companies concerning grievances, terms or conditions of work, or of other mutual aid or protection and which is not a company union as defined herein.

H. “Transportation network company” or “TNC” means a transportation network company as described by § 1 of Chapter 159A1/2 of the General Laws.

I. “Unfair work practices” means only those unfair work practices listed in section 4, below.

Section 3. Rights of TNDs.

TNDs shall have the right of self-organization, to form, join, or assist TND organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection free from interference, restraint, or coercion by TNCs, and shall also have the right to refrain from any of these activities. Nothing contained in this chapter shall be interpreted to prohibit TNDs from exercising the right to confer with TNCs at any time, provided that during such conference there is no attempt by such TNC, directly or indirectly, to interfere with, restrain or coerce such workers in the exercise of the rights guaranteed by this section.

Section 4. Unfair work practices.

A. It shall be an unfair work practice for a TNC to:

1. fail or refuse to provide the board with an accurate list of the names, trips made, and contact information for TNDs, as required by this chapter;

2. refuse to negotiate in good faith with a certified or recognized TND organization representing TNDs engaged with such TNC concerning wages, hours, or terms and conditions of work. Since the obligation to negotiate in good faith includes an obligation to provide requested information that has a bearing on the bargaining process, it is also an unfair work practice for a TNC to refuse to provide a certified or recognized TND organization with relevant information requested by the TND organization for the performance of its duties as the TND's bargaining representative;

3. refuse to provide a TND organization with a list of the names, addresses and telephone numbers of TNDs where the provision of such list is required by this chapter;

4. refuse to continue all the terms of a determination of terms and conditions of work prescribed by the Secretary of Labor pursuant to this chapter until a new determination is prescribed;

5. lockout TNDs. The term “lockout” shall mean, for the purposes of this section, a refusal by a TNC to permit a TND normal access to the TNC’s means of connecting TNDs to individuals seeking transportation service as a result of a dispute with such workers or a TND organization representing such workers that affects wages, hours and other terms and conditions of work of such workers, provided, however, that a lockout shall not include a termination of engagement of a worker for good cause that does not involve such worker exercising any rights guaranteed by this chapter.

6. To spy upon or keep under surveillance, whether directly or through agents or any other person, any activities of TNDs, those workers’ representatives, or any other person, or any activities of such workers or those workers’ representatives in the exercise of the rights guaranteed by this chapter.

7. To dominate or interfere with the formation, existence, or administration of any TND organization, or to contribute financial or other support to any such organization, directly or indirectly, unless required to by this chapter or by any regulations implementing this chapter, including but not limited

to the following:

(a) by participating or assisting in, supervising, or controlling (i) the initiation or creation of any such organization or (ii) the meetings, management, operation, elections, formulation or amendment of constitution, rules or policies, of any such organization

(b) by offering incentives to TNDs to join any such organization;

(c) by donating free services, equipment, materials, office or meeting space or anything else of value for the use of any such organization; provided that a TNC shall not be prohibited from permitting workers to perform representational work protected under this chapter during working hours without loss of time or pay or from allowing agents of a TND organization that is the exclusive representative of its network workers from meeting with workers on its premises.

8. To require a TND to join any company union or TND organization or to require a TND to refrain from forming, or joining or assisting a TND organization of their own choosing.

9. To encourage membership in any company union or discourage membership in any TND organization, by discrimination in regard to hire, tenure, or in any term or condition of employment or engagement.

10. To discharge or otherwise discriminate against a TND because they have signed or filed any affidavit, petition or complaint or given any information or testimony under this chapter.

11. To distribute or circulate any blacklist of individuals

exercising any right created or confirmed by this chapter or of members of a TND organization, or to inform any person of the exercise by any individual of such right, or of the membership of any individual in a TND organization for the purpose of preventing individuals so blacklisted or so named from obtaining or retaining opportunities for remuneration.

12. To do any acts, other than those already enumerated in this section, which interfere with, restrain or coerce TNDs in the exercise of the rights guaranteed by this chapter.

B. It shall be an unfair work practice for a TND organization to:

1. refuse to collectively bargain in good faith with a TNC, provided it is the certified or recognized representative of the company's workers. Since the obligation to negotiate in good faith includes an obligation to provide requested information that relates to the bargaining process, it is also an unfair work practice for a certified or recognized TND to refuse to provide information requested by a TNC organization that is relevant to the bargaining process;

2. restrain or coerce TNDs in the exercise of the rights guaranteed by this chapter; provided, however, that this paragraph shall not impair the right of a TND organization to prescribe its own rules with respect to the acquisition or retention of membership in the organization;

3. fail to fulfill its duty of fair representation toward TNDs where it is the exclusive bargaining representative by acts or omissions that are arbitrary, discriminatory, or in bad faith.

4. restrain or coerce a TNC in the selection of its

representatives for the purpose of bargaining or the adjustment of grievances.

C. Prevention of unfair work practices.

1. The board is empowered and directed, as hereinafter provided, to prevent any TNC and any TND organization, from engaging in any unfair work practice described in this chapter. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law or by the determination provided for in section 6(F), below. To prevent unfair work practices, each TNC shall, at least once each year, send a text message and an e-mail to each of its active TNDs in a form determined by the board notifying the TNDs of their rights under this chapter, and the procedure for filing an unfair work practice charge. The board shall also post a copy of this notice on its website.

2. Whenever it is charged that any TNC or TND organization has engaged in or is engaging in any such unfair work practice, the board, or any agent or agency designated by the board for such purposes, shall have power to issue and cause to be served upon such TNC or TND organization, a complaint stating the charges in that respect, and containing a notice of hearing before the board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than five days after service of said complaint. Any such complaint may be amended by the member, agent or agency conducting the hearing or the board in its discretion at any time prior to the issuance of an order based thereon. The TNC or

TND organization so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent or agency conducting the hearing or the board, any other person may be allowed to intervene in the said proceeding and to present testimony. In any such proceeding, the rules of evidence prevailing in courts of law or equity shall not be controlling.

3. If, upon the record before them such member, agent, or agency shall determine that an unfair work practice has been committed by a TNC or TND organization named in the complaint, they shall issue and cause to be served upon the person committing the unfair work practice an order requiring such person to cease and desist from such unfair work practice, and to take such further affirmative action as will effectuate the provisions of this chapter including, but not limited to (a) withdrawal of recognition from and refraining from bargaining collectively with any organization or association, agency or plan that is either defined in this chapter as a company union, or established, maintained or assisted by any action defined in this chapter as an unfair work practice; (b) awarding back pay or other restoration of compensation, without any reduction based on the TND's interim earnings or failure to earn interim earnings, consequential damages, and an additional amount as liquidated damages equal to two times the amount of damages awarded; (c) requiring reengagement or reestablishment of the TNC's preexisting relationship with improperly, adversely affected TNDs, with

or without compensation, or maintenance of a preferential list from which such worker shall be re-engaged or the relationship reestablished, and such order may further require such respondent to make reports from time to time showing the extent to which the order has been complied with;

(d) requiring respondent to provide the complainant with a list of all TNDs, together with those workers' physical and e-mail addresses and known telephone numbers; and (e) requiring the TNC to recognize and bargain with a TND organization if the board determines that the unfair work practice interfered with the TND's right to form or join a TND organization. If the member, agent, or agency determines that an unfair work practice has not been committed, they shall issue an order dismissing the complaint. An order issued pursuant to this subsection shall become final and binding unless, within ten days after notice thereof, any party requests review by the full board. A review may be made upon a written statement of the case by the member, agent, or agency agreed to by the parties, or upon written statements furnished by the parties, or, if any party or the board requests, upon a transcript of the testimony taken at the hearing, if any, together with such other testimony as the board may require.

If, upon the record before it, the board determines that an unfair practice has been committed it shall state its findings of fact and issue and cause to be served on the TNC or TND organization an order requiring such company or organization to cease and desist from such unfair work practice, and to take such further affirmative action as will effectuate the

provisions of this chapter. If, upon the record before it, the board determines that an unfair work practice has not been committed, it shall state its findings of fact and shall issue an order dismissing this complaint.

4. Until the record in a case shall have been filed in a court, as hereinafter provided, the board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

5. The board may institute appropriate proceedings in the appeals court for enforcement of its final orders.

6. Any party aggrieved by a final order of the board may institute proceedings for judicial review in the appeals court within thirty days after receipt of said order. The proceedings in the appeals court shall, insofar as applicable, be governed by the provisions of section fourteen of chapter thirty A.

7. Injunctive relief.

(a) A party filing an unfair work practice charge under this section may petition the board to obtain injunctive relief, pending a decision on the merits of said charge by the board, upon a showing that: (i) there is reasonable cause to believe an unfair work practice has occurred, and (ii) it appears that immediate and irreparable injury, loss or damage will result thereby rendering a resulting judgment on the merits ineffectual necessitating the maintenance of, or return to, the status quo to provide meaningful relief. Such immediate and irreparable harm may include the chilling of workers in the exercise of

rights provided by this chapter.

(b) Within ten days of the receipt by the board of such petition, if the board determines that a charging party has made a sufficient showing both that there is reasonable cause to believe an unfair work practice has occurred and it appears that immediate and irreparable injury, loss or damage will result therefrom, rendering a resulting judgment on the merits ineffectual necessitating maintenance of, or return to, the status quo to provide meaningful relief, the board shall petition the superior court in any county where the unfair work practice occurred upon notice to all parties for the necessary injunctive relief or, if the board determines not to seek injunctive relief, the charging party may seek injunctive relief by petition to the superior court, in which case the board must be joined as a necessary party. The board or, where applicable, the charging party, shall not be required to give any undertakings or bond and shall not be liable for any damages or costs that may have been sustained by reason of any injunctive relief ordered. If the board fails to act within ten days as provided herein, the board, for purposes of review, shall be deemed to have made a final order determining not to seek injunctive relief. In the case of a TNC's failure to provide an accurate list of names and addresses of TNDs, immediate and irreparable injury, loss, or damage shall be presumed.

(c) Injunctive relief may be granted by the court, after hearing all parties, if it determines that there is reasonable cause to believe an unfair work practice has occurred and that it appears that immediate and irreparable injury, loss, or damage will

result thereby rendering a resulting judgment on the merits ineffectual necessitating maintenance of, or return to, the status quo to provide meaningful relief. Such relief shall expire on decision by the board finding no unfair work practice to have occurred, successful appeal of the grant of injunction relief, or motion by respondent to vacate or modify the injunction pursuant to the provisions of the rules of civil procedure. The board shall conclude the hearing process and issue a decision on the merits within one hundred eighty days after the imposition of such injunctive relief unless mutually agreed by the respondent and charging party.

(d) A decision on the merits of the unfair work practice charge by the board finding an unfair work practice to have occurred shall continue the injunctive relief until either: (i) the respondent implements the remedy, or (ii) the respondent successfully moves in court to set aside the board’s order, pursuant to provisions of Chapter 30A of the General Laws.

(e) Any injunctive relief in effect pending a decision by the board (i) shall expire upon a decision by the board finding no unfair work practice to have occurred, of which the board shall notify the court within two business days, or (ii) shall remain in effect only to the extent it implements any remedial order issued by the board in its decision, of which the board shall notify the court within two business days.

(f) The appeal of any order granting, denying, modifying, or vacating injunctive relief ordered by the court pursuant to this subdivision shall be made in accordance with the rules of appellate procedure.

(g) Except as provided in this section, judicial review of the orders of the board shall be as provided for section 9, below.

Section 5. Representatives.

A. After receiving the information identified in Section 2(A) from each TNC at the conclusion of each calendar quarter (March 31, June 30, September 30, December 31), the board shall provide each TNC with the names of the active TNDs who have driven for that TNC, and each TNC shall have 30 days to submit to the board, in an electronic format to be determined by the board, the phone numbers, mailing addresses, and email addresses for each active TND. These records shall not be subject to disclosure pursuant to Chapter 66 of the General Laws.

B. Bargaining unit. For purposes of this chapter, each TND shall be included in an industry-wide bargaining unit of all TNDs.

C. Showing of designation of representative. A TND organization may demonstrate that it has been designated as a bargaining representative by presenting to the board cards, petitions, or other evidence, which may be in electronic form, sufficient to show the TND has authorized the TND organization to act as the worker's exclusive bargaining representative. To be valid, such card, petition, or other evidence must have been executed by the worker within one year of the date the TND organization submits the evidence to the board. Execution may be electronic.

D. Representative status.

1. Upon the request of a TND organization, the board shall make a determination that such organization has been designated as bargaining representative by at least five percent of active TNDs in the bargaining unit.

2. Once the board determines that the TND organization has been designated as the bargaining representative of at least five percent of active TNDs in the bargaining unit, the board shall (a) require each TNC to send a notice, in a form determined by the board, that the TND organization is seeking to represent TNDs for the purpose of initiating a bargaining process in order to establish terms and conditions for the industry; and (b) provide the TND organization with a complete list of names, phone numbers, mailing address, and electronic mail address for all active TNDs in the bargaining unit. The board will provide the TND organization with an updated list each quarter for the next year. For six months from the date of the board's determination that a TND organization has met the five percent threshold in a bargaining unit, no other TND organization may be certified as the exclusive bargaining representative of those workers without an election.

3. Exclusive representative status. A TND organization that provides evidence to the board that it has been designated as bargaining representative by twenty-five percent of active TNDs in the bargaining unit shall be certified as the exclusive bargaining representative of all TNDs in the bargaining unit. In the alternative, a TND organization that has been designated as the bargaining representative of at least five percent of active TNDs in the bargaining unit may petition the board to conduct an election. The election shall be conducted

as expeditiously as possible, and if the TND organization receives a majority of valid votes cast it shall be certified as the exclusive bargaining representative.

4. Determination of Exclusive Representative Status in the Event of a Dispute among TND organizations.

(a) If a TND organization seeking certification as the exclusive bargaining representative provides evidence that shows that less than a majority of active TNDs have designated the TND organization as their bargaining representative, the board shall wait seven days before certifying the TND organization as exclusive bargaining representative. If, during those seven days, another TND organization provides evidence that at least 25 percent of active TNDs in the bargaining unit have designated it as their bargaining representative, or a TND provides evidence that at least 25 percent of active TNDs in the bargaining unit do not wish to be represented by any TND organization, then the board shall hold an election among all active TNDs in the bargaining unit. Such election shall be conducted as expeditiously as possible. A TND organization receiving a majority of the valid votes cast shall be certified as the exclusive bargaining representative of all TNDs in the bargaining unit. When two or more TND organizations are on the ballot and none of the choices (the TND organizations or "no worker organization") receives a majority of the valid votes cast, there shall be a run-off election between the two choices receiving the largest and second largest number of votes. A TND organization receiving a majority of the valid votes cast in the run-off shall be certified as the exclusive bargaining

representative of all TNDs in the bargaining unit, and it shall owe a duty to fairly represent all such workers. If a majority of the valid votes cast are for “no worker organization,” then the board will not certify any worker organization as the exclusive bargaining representative. For purposes of this provision, the operative list of active TNDs shall be based on the most recent quarterly list provided by the TNCs in accordance with section 5(A).

(b) A TND organization certified as the exclusive bargaining representative shall have the exclusive authority to represent the TNDs in the bargaining unit, without challenge by another TND organization, for the greater of (i) one year following certification; or (ii) the length of time that a final determination rendered by the Secretary of Labor under section 6(F) is in effect, provided that such period shall not be longer than three years following the date of issuance of such final determination. During the times when an exclusive bargaining representative is subject to challenge, TNDs may file for a decertification election upon a showing that at least twenty-five percent of the active TNDs in the bargaining unit have demonstrated support for the decertification. The board will then schedule an election to determine whether the TND organization has retained its status as exclusive bargaining representative. The TND organization shall retain its status as exclusive bargaining representative if it receives a majority of valid votes cast by active TNDs in the bargaining unit.

(c) If a TND organization has been designated the exclusive bargaining representative with respect to a bargaining unit, only

that TND organization shall be entitled to (i) receive from the TNCs a list of all of their TNDs, together with phone numbers, mailing addresses, and electronic mail addresses; and (ii) shall be entitled to engage in bargaining with the TNCs for recommendations to the Secretary of Labor concerning wages, benefits and terms and conditions of work of the TNDs.

(d) Dues Deduction. A TND organization that has been designated as the exclusive bargaining representative with respect to the bargaining unit shall have a right to voluntary membership dues deduction upon presentation of dues deduction authorization cards signed by individual TNDs, which may be in electronic form. A TNC shall commence making such deductions as soon as practicable, but in no case later than thirty days after receiving proof of a signed dues deduction authorization card, and such dues shall be submitted to the TND organization within thirty days of the deduction. A TNC shall accept a signed authorization to deduct dues in any format permitted by Chapter 110G of the General Laws. The right to such membership dues deduction shall remain in full force and effect until an individual revokes membership in the TND organization in writing in accordance with the terms of the signed authorization.

Section 6. Bargaining, Impasse resolution procedures, and final determination by the Secretary of Labor.

A. Once the board determines that a TND organization is the exclusive bargaining representative for the bargaining unit, the board shall notify all TNCs, and all TNCs shall be required to bargain with the exclusive bargaining representative

concerning wages, benefits, and terms and conditions of work. The terms and conditions to be bargained include, but are not limited to, the criteria for deactivating a TND and a dispute resolution procedure for resolving claims alleging unjust deactivation. To facilitate negotiations, the TNCs may form an industry association to negotiate on their behalf. If the TNCs choose not to form an association, any recommended agreement must be approved by (i) at least two industry member TNCs and (ii) member TNCs representing at least eighty percent of the market share of that industry in Massachusetts, with votes determined in proportion to the number of rides completed by TNDs contracting directly with the TNC in the two calendar quarters preceding the recognition of the certified representative.

B. Once the TND organization and the TNCs have reached a set of negotiated recommendations for the industry, the negotiated recommendations shall be submitted by the TND organization to a vote by all TNDs in the industry who have completed at least one hundred trips in the previous quarter. If approved by a majority of TNDs who vote, the negotiated recommendations shall be submitted to the Secretary of Labor for approval. If a majority of valid votes cast by the TNDs are not in favor of the negotiated recommendations, the transportation network worker organization and the TNCs will resume bargaining.

C. For purposes of this section, an impasse may be deemed to exist if the TNCs and exclusive bargaining representative fail to achieve agreement by the end of a one hundred eighty-

day period from the date a TND organization has been designated as the exclusive bargaining representative or from the expiration date of a prior determination by the Secretary of Labor as provided for in paragraph F, below.

D. Upon impasse, any of the affected TNCs or the exclusive bargaining representative may request the board to render assistance as provided in this section.

E. Upon receiving a timely request from an exclusive bargaining representative for commencement of an impasse proceeding, the board shall aid the parties as follows:

1. To assist the parties to effect a voluntary resolution of the dispute, the board shall appoint a mediator from a list of qualified persons maintained by the board; the parties shall be free to select a mediator satisfactory to them or to decline such selection.

2. If the mediator is unable to achieve agreement between the parties concerning an appropriate resolution within thirty days after the board has provided the parties the list of mediators, any party may petition the board to refer the dispute to an arbitrator.

3. Upon timely petition of either party, the board shall refer the dispute to an arbitrator as hereinafter provided.

(a) Prior to submitting the dispute to an arbitrator, the board shall conduct an election among all TNDs in the industry who have completed at least one hundred trips in the previous quarter. The TNDs will choose between submitting the dispute

to the arbitrator or decertifying the exclusive bargaining representative. If the majority of eligible votes cast are for decertification the exclusive bargaining representative shall be decertified and any existing regulations shall remain in place until they expire as provided in paragraph F below.

(b). If a majority of TNDs who vote choose to have an arbitrator appointed, the exclusive bargaining representative shall notify the board of the need to appoint an arbitrator, and the board shall notify the TNCs of this request. Each of the two groups of affected parties (affected TNCs being one group, and the exclusive bargaining representative being the other group) shall have an equal say in the selection of the arbitrator and each of the two groups shall share equally the cost of the arbitrator. If the parties are unable to agree upon the arbitrator within seven days after the board notifies the TNCs of the need to appoint an arbitrator, the board shall submit to the parties a list of qualified, disinterested persons for the selection of an arbitrator. A representative of each of the two groups shall alternately strike from the list one of the names with the order of striking determined by lot, until the remaining one person shall be designated as the arbitrator. Each group shall select its representative for this purpose as it sees fit. A group’s failure to agree upon the designation of its representative shall result in the failure of the striking procedure, but shall not impede the board’s appointment of the arbitrator upon such failure. The striking process shall be completed within five days of receipt of the board’s list. The representatives who undertake the striking shall notify the board of the designated arbitrator. In the event the parties are unable to select the arbitrator within five

days following receipt of this list, the board shall appoint the arbitrator.

(c) The arbitrator shall hold hearings on all matters related to the dispute. The parties may be heard either in person, by counsel, or by other representatives, as they may respectively designate. The arbitrator shall determine the order of presentation by the parties, and shall have discretion and authority to decide all procedural issues that may be raised;

(d) The parties, including all TNCs engaging at least fifty TNDs in the bargaining unit and the exclusive bargaining representative affected, may present, either orally or in writing, or both, statements of fact, supporting witnesses and other evidence, and argument of their respective positions with respect to each case. The arbitrator shall have authority to require the production of such additional evidence, either oral or written as she or he may desire from the parties and shall provide at the request of either group of parties that a full and complete record be kept of any such hearings, the cost of such record to be borne by the requesting party. If such record is created, it shall be shared with all parties regardless of which party paid for it.

(e) Any TNC engaging less than fifty TNDs in the bargaining unit shall have the opportunity to make a written submission to the arbitrator.

(f) The arbitrator shall make a just and reasonable determination of the matters in dispute, and shall issue a determination that shall apply to all TNCs and the exclusive

bargaining representative. In arriving at such determination, the arbitrator shall specify the basis for his or her findings, taking into consideration, in addition to any factors recommended by the parties that the arbitrator finds to be consistent with this chapter, including the following:

i. whether the wages, benefits, hours, and conditions of work of the TNDs achieve the policy goals set forth subdivision A of Section 1. This amount must take into account the real cost of living, it may substantially exceed any statutory minimum wage, and should be a sufficient amount such that the TNDs do not need to rely upon any public benefits;

ii. whether the most efficient way to provide benefits is through a portable benefits fund, and if so, how to best assess each TNC a portion of the costs of providing those benefits;

iii. the financial ability of the affected TNCs to pay for the compensation and benefits in question and the impact on the delivery of services provided by the companies;

iv. the establishment of reasonable dispute resolution mechanisms that will allow TNDs a reasonable expectation of uninterrupted work and permit TNCs to alter or terminate their relationships with workers if there is just cause for such; and

v. comparison of peculiarities in regard to other trades or professions, including specifically, (a) hazards of work; (b) physical qualifications; (c) educational qualifications; (d) mental qualifications; and (e) job training and skills.

F. Any recommendations agreed upon between TNCs and a TND organization acting as exclusive bargaining representative

of TNDs in the bargaining unit and/or any determination reached by an arbitrator under this chapter shall be subject to review and approval by the Secretary of Labor. In deciding whether to grant approval to the arbitrator's recommendations, the Secretary of Labor's decision shall be based on the factors specified in paragraph E(3)(f), above, and the policies set forth in section 1. In deciding whether to approve such agreement or determination, the Secretary of Labor shall afford the exclusive representative, all TNCs, and TNDs no more than thirty days to submit comments and arguments concerning whether approval is warranted. Within sixty days of the deadline for submitting comments, the Secretary of Labor shall approve or disapprove the agreement or determination. In the event of disapproval, the Secretary of Labor may make recommendations for amendments to the agreement or determination that would cause the Secretary of Labor to approve and afford the parties an opportunity to respond to those recommendations. The final determination by the Secretary of Labor shall include a date following which new terms may be set for the bargaining unit which date shall not be more than three years following the date of the issuance of the determination. If during the three year period (or any lesser period that the Secretary of Labor sets as a duration for the final determination), the Secretary of Labor determines that market conditions have changed, the Secretary of Labor shall give the exclusive bargaining representative, all TNCs, and TNDs the opportunity to submit comments and arguments concerning whether the final determination should be modified, and after receiving those comments, the Secretary of Labor may modify the final

determination.

Section 7. Minimum Labor Standards. No agreement or determination made pursuant to this chapter shall diminish or erode any minimum labor standard that would otherwise apply to a TND.

Section 8. Preemption. This law shall not preempt any commonwealth enactment which provides greater benefits or protection to a TND.

Section 9. Judicial Review.

A. Final orders of the board made pursuant to this chapter shall be conclusive against all parties to its proceedings and persons who have had an opportunity to be parties to its proceedings unless reversed or modified in proceedings for enforcement or judicial review as herein provided. Final orders of the board shall be subject to review as provided in section 6 of Chapter 150A of the General Laws, provided that a final order of the board under section 5 of this chapter concerning the scope of bargaining units or the designation of a TND organization as an exclusive bargaining representative or as entitled to the production of lists of TNDs shall be overturned only if it is found to be arbitrary and capricious.

B. Final orders of the Secretary of Labor pursuant to section 6(F) of this chapter shall be conclusive against all affected TND organizations and all TNCs in the industry unless reversed or modified in proceedings for enforcement or judicial review as herein provided. Such final orders shall be subject to review in accordance with the provisions of section fourteen

of chapter 30A of the General Laws, provided, however, that the determination of the Secretary of Labor shall only be overturned if it is found to be arbitrary and capricious.

(C) Except in a proceeding brought to challenge a final order of the Secretary of Labor, the determination of an arbitrator shall not be subject to judicial review.

Section 10. Rules and Regulations.

The board shall make such rules and regulations as may be appropriate to effectuate the purposes and provisions of this chapter.

Section 11. Conflict of Laws.

In the event of any conflict with Chapter 150A of the General Laws, the provisions of this Chapter shall prevail.

Section 12. Severability.

The provisions of this act shall be severable and if any phrase, clause, sentence or provision of this article or the applicability thereof to any person, entity, or circumstance shall be held invalid, the remainder of this act and the application thereof shall not be affected.

MAJORITY REPORT

The following report was prepared by a majority of the members of the Special Joint Committee on Initiative Petitions, a committee of the Massachusetts General Court. As required by the Massachusetts Constitution, this Majority Report is printed below. Statements made in this report do not reflect the opinions of the Secretary of the Commonwealth.

A majority of the Special Joint Committee on Initiative Petitions ("The Committee") recommends that the Initiative Petition 23-35, House 4253, "An Act giving transportation network drivers the option to form a union and bargain collectively," ("the Initiative Petition") as currently drafted and presented to this Committee, OUGHT NOT TO BE ENACTED BY THE LEGISLATURE AT THIS TIME.

The purpose of this report is to provide a recommendation to the full legislature on whether to accept the Initiative Petition as written for consideration and enactment.

The proposed Initiative Petition would provide Transportation Network Drivers ("Drivers") with the right to form unions to collectively bargain with Transportation Network Companies ("TNCs") to create negotiated recommendations concerning wages, benefits, and terms and conditions of work.

Testimony

The Committee heard from experienced professionals, proponents of the Initiative Petition as well as members of the general public. There was no testimony in opposition of the Initiative Petition, and representatives from the TNCs clearly stated that they do not hold a position on this Initiative Petition.

Patrick Moore, First Assistant Attorney General of the Commonwealth of Massachusetts, testified that the language of this Initiative Petition would only apply to Drivers using the platforms of TNCs, most commonly Uber and Lyft, and not Delivery Network Companies ("DNCs,") such as DoorDash or Instacart. This Initiative Petition establishes a framework

to allow Drivers to collectively bargain if they choose to do so in a process overseen by the Commonwealth Employment Relations Board (“CERB”) which defines unfair work practices in this area. If 5 per cent of active Drivers, determined by the TNCs as Drivers having completed more than the median number of rides in the previous six months, authorize the organization, the organization receives a list from the TNCs of all active Drivers. If the organization receives support from 25 per cent of all active Drivers, the Driver organization may be recognized by the CERB as the exclusive representative of the Drivers. If the Drivers ratify the bargaining agreement, it goes to the Secretary of Labor and Workforce Development for the Commonwealth to certify the agreement. The TNCs may also form associations to represent them in bargaining with a Driver organization.

First Assistant Attorney General Moore noted that TNCs are currently involved in a lawsuit brought by the Attorney General to determine if Drivers should be classified as employees, given the Massachusetts Wage Act and the state’s strong “ABC Test” of employee-employer relationships. This case, which could be decided in the next few months, would either keep Drivers recognized as independent contractors in Massachusetts or classify Drivers as employees, applying both from that point forward and retrospectively to the operation of TNCs in Massachusetts. Initiative Petitions House 4256, House 4257, House 4258, House 4259, and House 4260, which also concern TNCs and Drivers and are contemplated in a separate report, would classify Drivers as independent contractors for the purposes of Massachusetts law. If any of those initiatives

were to pass, Drivers would not be considered employees from that point forward (if the Supreme Judicial Court rules that Drivers are and have been employees). When asked about potential conflict between this Initiative Petition and Initiative Petitions House 4256, House 4257, House 4258, House 4259, and House 4260, First Assistant Attorney General Moore testified that there may be minor inconsistencies, but these Initiative Petitions were written so as to not conflict and that this Initiative Petition could be in effect regardless of the outcome of those five other Initiative Petitions.

The first panel of proponents of this Initiative Petition included members of the 32BJ local of the Service Employees International Union ("SEIU"), and a driver for the Uber and Lyft TNCs. The panel reasoned that the right to unionize would be the best way to ensure Drivers' rights, regardless of the impacts of the Attorney General's lawsuit or the Initiative Petitions outlined in the paragraph above. This panel stated that the provisions of this Initiative Petition would ensure that whether Drivers are classified as independent contractors or employees under Massachusetts law, the right to collectively bargain would give Drivers the opportunity to ensure the long-term sustainability of their profession by working collaboratively with TNCs on workers' rights and protections, including the share of the fare Drivers receive, the deactivation process for Drivers, and minimum wage and benefits. This panel also pointed to past precedent, citing the Commonwealth's previous efforts to allow home care and child-care workers who do not consistently work at a fixed company location to unionize as independent contractors when they previously did not have that

right.

The second panel of proponents consisted of representatives from SEIU California, the Center for American Progress American Worker Project, and the International Association of Machinists District 15. While this panel was supportive of the Initiative Petition to allow Drivers to unionize as independent contractors, their posture was that Drivers are currently misclassified as independent contractors and that any proposals allowing a union should not definitively declare the Drivers as independent contractors under Massachusetts law.

Conclusion

Though the undersigned majority feels that there is merit to the subject of this Initiative Petition regarding the rights of Drivers to form a union and bargain collectively, significant questions remain as to the interplay between this Initiative Petition and the five Initiative Petitions that deal with the relationship between Transportation Network Companies and their workforce should they both be presented to the voters.

It is also evident by the testimony received at the public hearing that though inherently supportive of the right of workers to form a union, concerns were raised by some labor organizations regarding the process, and jurisdictional exclusivity of such an arrangement as petitioned. The Committee also notes that the Initiative Petition as drafted is focused on TNCs and is free of any language that would develop this right by statute for similarly situated DNC workers.

The Committee is also cognizant of a legal challenge regarding

this Initiative Petition that is to be argued before the Supreme Judicial Court in the month of May 2024, after the constitutional deadline that the legislature can enact this Initiative Petition.

For these reasons, we, the undersigned members of the Special Joint Committee on Initiative Petitions, recommend that “An Act giving transportation network drivers the option to form a union and bargain collectively” (see House No. 4253), as currently drafted and presented to this Committee, OUGHT NOT TO BE ENACTED BY THE LEGISLATURE AT THIS TIME.

Senators.	**Representatives.**
Cindy F. Friedman	Alice Hanlon Peisch
Paul R. Feeney	Michael S. Day
Ryan C. Fattman	Kenneth I. Gordon
	David T. Vieira

QUESTION 4:

Law Proposed by Initiative Petition

Limited Legalization and Regulation of Certain Natural Psychedelic Substances

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

As required by law, summaries are written by the State Attorney General.

This proposed law would allow persons aged 21 and older to grow, possess, and use certain natural psychedelic substances in certain circumstances. The psychedelic substances allowed would be two substances found in mushrooms (psilocybin and psilocyn) and three substances found in plants (dimethyltryptamine, mescaline, and ibogaine). These substances could be purchased at an approved location for use under the supervision of a licensed facilitator. This proposed law would otherwise prohibit any retail sale of natural psychedelic substances. This proposed law would also provide for the regulation and taxation of these psychedelic substances.

This proposed law would license and regulate facilities offering supervised use of these psychedelic substances and provide for the taxation of proceeds from those facilities' sales of psychedelic substances. It would also allow persons aged 21 and older to grow these psychedelic substances in a 12-foot by 12-foot area at their home and use these psychedelic substances at their home. This proposed law would authorize persons aged 21 or older to possess up to one gram of psilocybin, one gram of psilocyn, one gram of dimethyltryptamine, 18 grams of mescaline, and 30 grams of ibogaine ("personal use amount"), in addition to whatever they might grow at their home, and to give away up to the personal use amount to a person aged 21 or over.

This proposed law would create a Natural Psychedelic Substances Commission of five members appointed by the Governor, Attorney General, and Treasurer which would administer the law governing the use and distribution of these psychedelic substances. The Commission would adopt regulations governing licensing qualifications, security, recordkeeping, education and training, health and safety requirements, testing, and age verification. This proposed law would also create a Natural Psychedelic Substances Advisory Board of 20 members appointed by the Governor, Attorney General, and Treasurer which would study and make recommendations to the Commission on the regulation and taxation of these psychedelic substances.

This proposed law would allow cities and towns to reasonably restrict the time, place, and manner of the operation of licensed facilities offering psychedelic substances, but cities and towns could not ban those facilities or their provision of these substances.

The proceeds of sales of psychedelic substances at licensed facilities would be subject to the state sales tax and an additional excise tax of 15 percent. In addition, a city or town could impose a separate tax of up to two percent. Revenue received from the additional state excise tax, license application fees, and civil penalties for violations of this proposed law would be deposited in a Natural Psychedelic Substances Regulation Fund and would be used, subject to appropriation, for administration of this proposed law.

Using the psychedelic substances as permitted by this

proposed law could not be a basis to deny a person medical care or public assistance, impose discipline by a professional licensing board, or enter adverse orders in child custody cases absent clear and convincing evidence that the activities created an unreasonable danger to the safety of a minor child.

This proposed law would not affect existing laws regarding the operation of motor vehicles while under the influence, or the ability of employers to enforce workplace policies restricting the consumption of these psychedelic substances by employees. This proposed law would allow property owners to prohibit the use, display, growing, processing, or sale of these psychedelic substances on their premises. State and local governments could continue to restrict the possession and use of these psychedelic substances in public buildings or at schools.

This proposed law would take effect on December 15, 2024.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a “yes” or “no” vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

A YES VOTE would allow persons over age 21 to use certain natural psychedelic substances under licensed supervision and to grow and possess limited quantities of those substances in their home, and would create a commission to regulate those substances.

A NO VOTE would make no change in the law regarding natural psychedelic substances.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

This measure would establish a 15% state excise tax for the sale of natural psychedelic substances, which would be available for spending from a dedicated fund; however, the revenue generating impact is unknown due to the lack of data for the new market being proposed. This measure would also allow for a local tax option that could generate local sales tax revenue.

This measure would also create an oversight commission that would require dedicated resources to execute its duties and responsibilities. The costs of establishing and operating the commission would need to be developed and would be subject to appropriation.

ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. **The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments**. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: Vote YES on 4 to provide safe, regulated access to promising natural psychedelic medicines for treatment-resistant

PTSD, anxiety, and depression. Psychedelics will be available in approved therapeutic settings under the supervision of trained and licensed facilitators, NOT sold in stores to take home.

Research from leading medical institutions including Mass General Brigham, Dana Farber Cancer Institute, and Johns Hopkins shows that psychedelic medicines can be effective treatments for depression and anxiety. In fact, the FDA recently granted psilocybin a “breakthrough therapy” designation.

For many people who are suffering, daily medications and other standard treatments aren’t working. Over 6,000 veterans die by suicide annually, and countless more struggle from service-related trauma. Natural psychedelic medicine can also offer patients with a terminal diagnosis relief from end-of-life anxiety and help them find peace.

That’s why question 4 is supported by doctors, mental health providers, and veteran advocates.

Vote YES to expand mental health options.

Lieutenant Sarko Gergerian, Mental Health Counselor (MHC)
Massachusetts for Mental Health Options
14 Sullivan Street
Boston, MA 02129
781-205-9737
https://maformentalhealth.org

AGAINST: MEDICAL AND MENTAL HEALTH PROFESSIONALS, VETERANS, AND RECOVERY GROUPS URGE NO ON QUESTION 4

- Question 4 would decriminalize psychedelics, open for-profit centers, allow for growth in a 12-foot by 12-foot area in homes and distribution statewide. **A black market is inevitable with this amount of home growth.**
- In recent years, driver's license revocations for drugged driving rose 65% and fatal DUI crashes increased over 50%. **With 1 in 3 frequent psychedelic users reporting driving under the influence of psychedelics** in the past year, this will increase.
- The psychedelic **ibogaine has life-threatening cardiotoxicity**, heart failure can occur days after one dose.
- Accidental consumption of edibles is especially **dangerous to children and pets**.
- The centers aren't required to be run by medical professionals, cannot provide critical care during adverse reactions, and aren't prohibited from **giving psychedelics to high-risk patients** like those with **schizophrenia, bipolar illness, and pregnant or breastfeeding women.**

Dr. Anahita Dua
Surgeon, Massachusetts General Hospital
Associate Professor of Surgery, Harvard Medical School
Coalition For Safe Communities
11 Beacon Street, Suite 1125

Boston, MA 02108
www.SafeCommunitiesMA.com

FULL TEXT PROPOSED LAW

Be it enacted by the People, and by their authority, as follows:

THE NATURAL PSYCHEDELIC SUBSTANCES ACT

SECTION 1. The purpose of this act is to establish a new, compassionate, culturally responsible, and effective approach to natural psychedelic substances by: (a) establishing regulated access for adults 21 years of age and older to natural psychedelic substances that show therapeutic potential in increasing well-being and life satisfaction and improving mental health; and (b) adopting a public health approach to natural psychedelic substances by removing criminal penalties for limited personal use by adults 21 years of age and older. Its intent is to remove the personal use of natural psychedelic substances from the illicit market and to provide supervised, safe access in a therapeutic setting through a regulated and taxed system. To the fullest extent possible, its terms are to be interpreted in accordance with the purpose and intent set forth in this section.

SECTION 2. This act may be known as "The Natural Psychedelic Substances Act."

SECTION 3. Chapter 10 of the General Laws is hereby amended by inserting after section 78 the following sections:

Section 79. Natural Psychedelic Substances Commission

(a) There shall be a Massachusetts natural psychedelic

substances commission which shall consist of 5 commissioners: 1 of whom shall be appointed by the governor and shall have a background in psychedelic research and science; 1 of whom shall be appointed by the attorney general and shall have a background in public safety; 1 of whom shall be appointed by the treasurer and receiver general and shall have experience in corporate management, finance or securities; and 2 of whom shall be appointed by a majority vote of the governor, attorney general and treasurer and receiver general, 1 of whom shall have professional experience in oversight or industry management, including the provision of services, in a regulated industry and 1 of whom shall have a background related to Indigenous or traditional uses of natural psychedelic substances. The treasurer and receiver general shall designate the chair of the commission. The chair shall serve in that capacity throughout the term of appointment and until a successor shall be appointed. Prior to appointment to the commission, a background investigation shall be conducted into the financial stability, integrity and responsibility of a candidate, including the candidate's reputation for good character and honesty. No person who has been convicted of a felony shall be eligible to serve on the commission.

(b) Each commissioner shall be a resident of the commonwealth within 90 days of appointment and, while serving on the commission, shall not: (i) hold, or be a candidate for, federal, state or local elected office; (ii) hold an appointed office in a federal, state or local government; or (iii) serve as an official in a political party. Not more than 3 commissioners shall be from the same political party.

(c) Each commissioner shall serve for a term of 5 years or until a successor is appointed and shall be eligible for reappointment; provided, however, that no commissioner shall serve more than 10 years. A person appointed to fill a vacancy in the office of a commissioner shall be appointed in a like manner and shall serve for only the unexpired term of that commissioner.

(d) The governor, attorney general or treasurer and receiver general may remove a commissioner who was appointed by that appointing authority if the commissioner: (i) is guilty of malfeasance in office; (ii) substantially neglects the duties of a commissioner; (iii) is unable to discharge the powers and duties of the office; (iv) commits gross misconduct; or (v) is convicted of a felony. Before removal, the commissioner shall be provided with a written statement of the reasons for removal and an opportunity to be heard.

(e) The governor, attorney general and treasurer and receiver general may, by majority vote, remove a commissioner who was appointed by majority vote of the governor, attorney general and treasurer and receiver general if the commissioner: (i) is guilty of malfeasance in office; (ii) substantially neglects the duties of a commissioner; (iii) is unable to discharge the powers and duties of the commissioner’s office; (iv) commits gross misconduct; or (v) is convicted of a felony. Before removal, the commissioner shall be provided with a written statement of the reason for removal and an opportunity to be heard.

(f) Three commissioners shall constitute a quorum and the

affirmative vote of 3 commissioners shall be required for an action of the commission. The chair or 3 members of the commission may call a meeting; provided, however, that notice of all meetings shall be given to each commissioner and to other persons who request such notice. The commission shall adopt regulations establishing procedures, which may include electronic communications, by which a request to receive notice shall be made and the method by which timely notice may be given.

(g) Commissioners shall receive salaries not greater than .75 of the salary of the secretary of administration and finance under section 4 of chapter 7; provided, however, that the chair shall receive a salary equal to the salary of the secretary of administration and finance. Commissioners shall devote their full time and attention to the duties of their office.

(h) The commission shall annually elect 1 of its members to serve as secretary and 1 of its members to serve as treasurer. The secretary shall keep a record of the proceedings of the commission and shall be the custodian and keeper of the records of all books, documents and papers filed by the commission and of its minute book. The secretary shall cause copies to be made of all minutes and other records and documents of the commission and shall certify that such copies are true copies and all persons dealing with the commission may rely upon such certification.

(i) The chair shall have and exercise supervision and control over all the affairs of the commission. The chair shall preside at all hearings at which the chair is present and shall designate

a commissioner to act as chair in the chair's absence. To promote efficiency in administration, the chair shall make such division or re-division of the work of the commission among the commissioners as the chair deems expedient.

(j) The commissioners shall, if so directed by the chair, participate in the hearing and decision of any matter before the commission; provided, however, that at least 2 commissioners shall participate in the hearing and decision of matters other than those of formal or administrative character coming before the commission; and provided further, that any such matter may be heard, examined and investigated by an employee of the commission designated and assigned by the chair, with the concurrence of 1 other commissioner. Such employee shall make a report in writing relative to the hearing, examination and investigation of every such matter to the commission for its decision. For the purposes of hearing, examining and investigating any such matter, such employee shall have all of the powers conferred upon a commissioner by this section. For each hearing, the concurrence of a majority of the commissioners participating in the decision shall be necessary.

(k) The commission shall appoint an executive director. The executive director shall serve at the pleasure of the commission, shall receive such salary as may be determined by the commission, and shall devote full time and attention to the duties of the office. The executive director shall be a person with skill and experience in management, shall be the executive and administrative head of the commission and shall be responsible for administering and enforcing the law relative

to the commission and to each administrative unit thereof. The executive director shall appoint and employ a chief financial and accounting officer and may, subject to the approval of the commission, employ other employees, consultants, agents and advisors, including legal counsel, and shall attend meetings of the commission. The chief financial and accounting officer of the commission shall be in charge of its funds, books of account and accounting records. No funds shall be transferred by the commission without the approval of the commission and the signatures of the chief financial and accounting officer and the treasurer of the commission. In the case of an absence or vacancy in the office of the executive director or in the case of disability as determined by the commission, the commission may designate an acting executive director to serve as executive director until the vacancy is filled or the absence or disability ceases. The acting executive director shall have all of the powers and duties of the executive director and shall have similar qualifications as the executive director.

(l) Chapters 268A and 268B shall apply to the commissioners and to employees of the commission; provided, however, that the commission shall establish a code of ethics for all members and employees that shall be more restrictive than said chapters 268A and 268B. A copy of the code shall be filed with the state ethics commission. The code shall include provisions reasonably necessary to carry out the purposes of this section and any other laws subject to the jurisdiction of the commission including, but not limited to: (i) prohibiting the receipt of gifts by commissioners and employees from any natural psychedelic substance licensee, applicant, close associate, affiliate or other

person or entity subject to the jurisdiction of the commission; (ii) prohibiting the participation by commissioners and employees in a particular matter as defined in section 1 of said chapter 268A that affects the financial interest of a relative within the third degree of consanguinity or a person with whom such commissioner or employee has a significant relationship as defined in the code; and (iii) providing for recusal of a commissioner in a licensing decision due to a potential conflict of interest.

(m) The Massachusetts natural psychedelic substances commission shall be a commission for the purposes of section 3 of chapter 12.

(n) The commission shall, for the purposes of compliance with state finance law, operate as a state agency as defined in section 1 of chapter 29 and shall be subject to the laws applicable to agencies under the control of the governor; provided, however, that the instructions or actions necessary for the department to manage fiscal operations in the state accounting system and meet statewide and other governmental accounting and audit standards. The commission shall properly classify its operating and capital expenditures, and shall not include any salaries of employees in the commission’s capital expenditures. Unless otherwise exempted by law or the applicable central service agency, the commission shall participate in any other available commonwealth central services including, but not limited to, the state payroll system pursuant to section 31 of said chapter 29, and may purchase other goods and services provided by state agencies in

accordance with comptroller provisions. The comptroller may chargeback the commission for the transition and ongoing costs for participation in the state accounting and payroll systems and may retain and expend such costs without further appropriation for the purposes of this section. The commission shall be subject to section 5D and subsection (f) of section 6B of said chapter 29.

Section 80. Natural Psychedelic Substances Advisory Board

(a) There shall be a natural psychedelic substances advisory board to study and make recommendations to the Massachusetts natural psychedelic substances commission on the regulation and taxation of natural psychedelic substances. The board shall consist of: the executive director of the Massachusetts natural psychedelic substances commission who shall serve as chair; the secretary of health and human services or a designee; the commissioner of revenue or a designee; the commissioner of public health or a designee; the colonel of the state police or a designee; 5 persons appointed by the governor, 1 of whom shall be a person with expertise in mental or behavioral health, 1 of whom shall be a person with expertise in natural psychedelic substance therapy, 1 of whom shall be a person with expertise on issues confronting veterans, 1 of whom shall be a person with expertise in developing and implementing evaluation methodologies to assess the outcomes of a program, including its achievements, safety, quality, and impact on individuals, and 1 person with expertise in Indigenous uses of natural psychedelic substances; 5 persons appointed by the attorney general, 1 of whom shall

be a person with expertise in health care insurance or barriers in access to healthcare, 1 of whom shall be a person with expertise in emergency medical services or first responders, 1 of whom shall be a person with expertise in mycology and natural psychedelic substance cultivation, 1 of whom shall be a person with expertise with experience in training psychedelic-assisted facilitators, and 1 person with expertise in Indigenous uses of natural psychedelic substances; and 5 persons appointed by the treasurer and receiver-general, 1 of whom shall be a person with expertise in harm reduction, 1 of whom shall be a person with expertise in municipal psychedelic policy, 1 of whom shall be a person with expertise in natural psychedelic substance research, 1 of whom shall be a person who is a peer recovery coach or a certified peer specialist with experience in peer support training and certification in Massachusetts, and 1 person with expertise in Indigenous uses of natural psychedelic substances. Members of the board shall serve for terms of 2 years or until a successor is appointed and shall be eligible for reappointment. Members of the board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties. Members of the board shall not be state employees under chapter 268A by virtue of their service on the board. To take action at a meeting, a majority of the members of the board present and voting shall constitute a quorum.

(b) The advisory board shall:

(i) consider all matters submitted to it by the commission;

(ii) advise the commission on guidelines, rules and regulations

including:

(A) accurate and culturally appropriate public health approaches regarding use, effect, and risk reduction for natural psychedelic substances and the content and scope of educational campaigns related to natural psychedelic substances;

(B) research related to the efficacy and regulation of natural psychedelic substances, including recommendations related to product safety, harm reduction, and cultural responsibility;

(C) training programs, educational and experiential requirements, different tiers of licensing, scope of practice, and qualifications for facilitators that protect participant safety, increase access to services, and reduce barriers to licensure, giving consideration to existing education and certification models in Massachusetts, including the peer support certification model, and how to best protect existing veterans groups that use natural psychedelic substances and members of other self-regulating communities;

(D) affordable, equitable, ethical, inclusive, and culturally responsible access to natural psychedelic services and requirements to ensure access to regulated natural psychedelic substances is affordable, equitable, ethical, inclusive, and culturally responsible;

(E) protecting traditional uses and practices related to natural psychedelic substances and access voluntary training and best practices that advance safety and reduce harm of use that remains outside the regulated system;

(F) requirements, methods, reporting, and publication of information pertaining to the implementation and outcomes of this act, in order to comprehensively measure its success, safety, quality, impact on individuals' well-being and public health;

(G) sustainability issues related to natural psychedelic substances and impact on Indigenous cultures and document existing reciprocity efforts and continuing support measures that are needed;

(H) potential future regulation and use of additional psychedelic substances with therapeutic potential, beyond those included in this chapter; and

(I) appropriate amounts of plants or fungi containing natural psychedelic substances that are equivalent to the personal use amounts set forth in section 5(b) of chapter 94J.

(c) The chair may appoint subcommittees in order to expedite the work of the board; provided, however, that the chair shall appoint at a minimum:

(i) a subcommittee on public health to develop recommendations on public health issues;

(ii) a subcommittee on public safety to develop recommendations on law enforcement and first responder training;

(iii) a subcommittee on natural psychedelic substance cultivation, distribution, and administration to develop recommendations on testing and licensing;

(iv) a subcommittee on facilitator licensing, scope of practice, and training;

(v) a subcommittee on natural psychedelic research;

(vi) a subcommittee on implementation and outcomes to develop recommendations on the requirements, methods, and reporting of information to measure the act's success, safety, quality, and impact on individuals' well-being;

(vii) a subcommittee on program participation and equity to develop recommendations on supporting women, minority and veteran-owned businesses, individuals with experience in the traditional use of natural psychedelic substances, and cooperative ownership models; and

(viii) a subcommittee on the Indigenous and traditional uses of natural psychedelic substances.

SECTION 4. The General Laws are hereby amended by inserting after chapter 64N the following chapter:

CHAPTER 64O.

NATURAL PSYCHEDELIC SUBSTANCES TAX.

Section 1. Definitions. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

(a) "Commissioner", the commissioner of revenue.

(b) "Natural psychedelic substances" as defined in chapter 94J of the General Laws.

Section 2. State excise imposition; rate; payment. An excise

tax is hereby imposed upon the sale of natural psychedelic substances to anyone other than a natural psychedelic substance licensee at a rate of 15 percent of the total sales price received by the seller as a consideration for the sale. The excise tax shall be levied in addition to state tax imposed upon the sale of property or services as provided in section 2 of chapter 64H of the General Laws and shall be paid by the seller to the commissioner at the time provided for filing the return required by section 16 of chapter 62C of the General Laws.

Section 3. Local tax option.

(a) Any city or town that accepts this section in the manner provided in section 4 of chapter 4 of the General Laws may impose a local sales tax upon the sale or transfer of natural psychedelic substance by a licensee operating within the city or town to anyone other than a natural psychedelic substance licensee at a rate not greater than 2 percent of the total sales price received by the seller for the sale of any natural psychedelic substance. The seller shall pay a local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth.

(b) All sums received by the commissioner under this section shall at least quarterly be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has accepted this section in proportion to the amount of such sums received in the city or town. Any city or town seeking to dispute the commissioner’s calculation of its

distribution under this subsection shall notify the commissioner, in writing, not later than 1 year from the date the tax was distributed by the commissioner to the city or town.

(c) This section shall take effect in a city or town on the first day of the calendar quarter following 30 days after its acceptance by the city or town or on the first day of a later calendar quarter that the city or town may designate.

Section 4. Application of tax revenue. The commissioner shall deposit revenue collected pursuant to this chapter, other than revenue collected pursuant to section 2 of chapter 64H of the General Laws, in the Natural Psychedelic Substances Regulation Fund established by section 12 of chapter 94J of the General Laws and it shall be subject to appropriation.

SECTION 5. The General Laws are hereby amended by inserting after chapter 94I the following chapter:

CHAPTER 94J.

REGULATED ACCESS TO NATURAL PSYCHEDELIC SUBSTANCES NOT MEDICALLY PRESCRIBED

Section 1. Definitions. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

(a) “Administration session” means a session held at a psychedelic therapy center or another location as permitted by regulation adopted by the commission at which a participant consumes, and experiences the effects of, a natural psychedelic substance under the supervision of a facilitator or

facilitators.

(b) “Advisory board” means the natural psychedelic substances advisory board, established in section 80 of chapter 10 of the General Laws.

(c) “Commission” means the natural psychedelic substances commission established in section 79 of chapter 10 of the General Laws.

(d) “Cultivate” means the growing and cultivating of natural psychedelic substances.

(e) “Facilitator” means a person licensed by the commission who:

(1) is 21 years of age or older;

(2) has agreed to provide natural psychedelic services to a participant; and

(3) has met the requirements established by the commission.

A facilitator may be paid compensation for natural psychedelic services or for natural psychedelic substances and may provide natural psychedelic services to more than one participant at a time in group administration sessions. A facilitator is not required to provide the natural psychedelic substances.

(f) “Integration session” means a meeting between a participant and facilitator, or other authorized person, that occurs after the participant has completed an administration session.

(g) “Natural psychedelic substance” means the following substances from a plant or fungus and any plant, fungus or

preparation containing those substances:

(1) Dimethyltryptamine;

(2) Mescaline;

(3) Ibogaine;

(4) Psilocybin; or

(5) Psilocyn.

“Natural psychedelic substance” does not mean a synthetic or synthetic analog of any of these substances, nor does it mean peyote, including all parts of the plant classified botanically as Lophophora williamsii, whether growing or not, its seeds, any extract from any part of the plant, and every compound, salt, derivative, mixture, or preparation of the plant, or its seeds or extracts.

(h) “Natural psychedelic substance licensee” means an individual or an entity licensed by the commission pursuant to this chapter.

(i) “Natural psychedelic services” means services provided by a facilitator or facilitators or other authorized person to a participant before, during, and after the participant’s consumption of a natural psychedelic substance, including, at minimum:

(1) A preparation session;

(2) An administration session; and

(3) An integration session.

(j) “Participant” means a person 21 years of age or older who purchases or receives a natural psychedelic substance from a natural psychedelic substance licensee for use in conjunction with natural psychedelic services at an approved location and under the supervision of a facilitator.

(k) “Preparation session” means a meeting between a participant and a facilitator, or other authorized person, that occurs before the participant participates in the administration session.

(l) “Preparation” means a combination of substances from plants or fungi and other ingredients, which is intended for use or consumption.

(m) “Process” means the separation of substances from plants or fungi using physical separation or a solvent, and includes the combining of substances with other ingredients to make preparations.

(n) “Psychedelic therapy center” means an entity licensed by the commission:

(1) That, as permitted pursuant to its license, purchases, acquires, cultivates, processes, transports, tests, or sells one or more natural psychedelic substances or related supplies; or provides natural psychedelic substances for natural psychedelic services at locations permitted by the commission; or engages in one or more of these activities;

(2) Where administration sessions are held; or

(3) Where natural psychedelic services are provided by a

facilitator.

A psychedelic therapy center may receive payment for natural psychedelic services, natural psychedelic substances, or other related services and products.

Section 2. Limitations

(a) Operating under the influence. This chapter does not amend existing penalties for operating, navigating or being in actual physical control of any motor vehicle, train, aircraft, motorboat or other motorized form of transport or machinery while impaired by a natural psychedelic substance or for consuming a natural psychedelic substance while operating, navigating or being in actual physical control of any motor vehicle, train, aircraft, motorboat or other motorized form of transport or machinery.

(b) Transfer to or possession by a person under 21 years of age. This chapter shall not be construed to permit the knowing transfer of any natural psychedelic substance, with or without remuneration, to a person under 21 years of age or to allow a person under 21 years of age to possess, use, purchase, obtain, cultivate, process, prepare, deliver or sell or otherwise transfer any natural psychedelic substance.

(c) Retail sale of natural psychedelic substances. This chapter shall not be construed to permit the sale of natural psychedelic substances to an individual for use at a location not approved by the commission or for the purpose of consumption other than during an administration session.

(d) Property. This chapter shall not be construed to:

(1) prevent a person from prohibiting or otherwise regulating the consumption, display, cultivation, processing, or sale of natural psychedelic substances on or in property the person owns, occupies or manages;

(2) prevent the commonwealth, a subdivision thereof or local government agency from prohibiting or otherwise regulating the possession or consumption of natural psychedelic substances within a building owned, leased or occupied by the commonwealth, a political subdivision of the commonwealth or an agency of the commonwealth or a political subdivision of the commonwealth; or

(3) authorize the possession or consumption of natural psychedelic substances on the grounds of or within a public or private school where children attend classes in preschool programs, kindergarten programs or grades 1 to 12, inclusive, or on the grounds of or within any correctional facility.

(e) Employment. This chapter shall not require an employer to permit or accommodate conduct otherwise allowed by this chapter in the workplace and shall not affect the authority of employers to enact and enforce workplace policies restricting the consumption of natural psychedelic substances by employees.

(f) Negligent conduct. This chapter shall not amend existing penalties for conduct involving the performance of any task while impaired by a natural psychedelic substance that would constitute negligence or professional malpractice and shall not prevent the imposition of any civil, criminal or other penalty for such conduct.

(g) Adulteration and misbranding. This chapter shall not exempt natural psychedelic substances from sections 186 to 195, inclusive, of chapter 94 of the General Laws, relating to the adulteration and misbranding of food, drugs and various articles. A natural psychedelic substance prepared in compliance with the regulations under this chapter shall not be considered an adulterant or misbranded.

(h) Federal law. This chapter shall not be construed to:

(1) To require a person to violate a federal law; or

(2) To exempt a person from a federal law or obstruct the enforcement of a federal law.

Section 3. Local control

(a) A city or town may regulate the time, place, and manner of the operation of natural psychedelic substance licensees pursuant to this chapter within its boundaries.

(b) A city or town may not ban or completely prohibit the establishment or operation of natural psychedelic substance licensees operating in accordance with this chapter and commission rules within its boundaries.

(c) A city or town may not ban or completely prohibit the provision of natural psychedelic services offered in accordance with this chapter and commission rules.

(d) A city or town may not prohibit the transportation of natural psychedelic substances through its jurisdiction on public roads by a licensee or as otherwise allowed by this chapter.

(e) No agreement between a city or town and a natural

psychedelic substance licensee shall require payment of a fee to that city or town that is not directly proportional and reasonably related to the costs imposed upon the city or town by the operation of a natural psychedelic substance licensee. Any cost to a city or town by the operation of a natural psychedelic substance licensee shall be documented and considered a public record as defined by clause Twenty-Sixth of section 7 of chapter 4 of the General Laws.

(f) A city or town may not adopt an ordinance or by-law that is unreasonably impracticable or in conflict with this act, but may enact ordinances or by-laws that impose lesser criminal or civil penalties related to natural psychedelic substances than provided by this act or other state law.

Section 4. Licensing of Natural Psychedelic Substances and Services

(a) The natural psychedelic substances commission shall, in consultation with the natural psychedelic substances advisory board and in accordance with chapter 30A of the General Laws, adopt regulations consistent with this chapter for the administration, clarification and enforcement of laws regulating and licensing the provision of natural psychedelic substances and services. The regulations shall include rules to:

(1) License qualified persons or entities for the following activities related to one or more natural psychedelic substances: cultivating, processing, transporting, testing, selling, operating a premises where natural psychedelic services take place, and facilitating natural psychedelic services that include:

(A) Establishing categories of licensure and registration that include, at minimum:

(i) a psychedelic therapy center license;

(ii) a facilitator license;

(iii) a cultivation, processing, or sales-only license that would allow for the provision and sale of natural psychedelic substances to a participant at the premises of a separately licensed psychedelic therapy center or approved location for use during an administration session at that psychedelic therapy center or approved location; and

(iv) a testing license for the testing of natural psychedelic substances for concentration and contaminants;

(B) Establishing license application, issuance, denial, renewal, suspension, and revocation procedures; and

(C) Establishing application, licensing and renewal fees that shall be:

(i) sufficient, but shall not exceed the amount necessary, to cover the cost of administering this chapter; and

(ii) for licensing and renewal fees, scaled based on either the volume of business of the licensee or the gross annual revenue of the licensee.

(2) Establish the requirements governing the safe provision of natural psychedelic services to participants that include:

(A) holding and verifying completion of a preparation session, an administration session, and an integration session;

(B) health and safety warnings that must be provided to participants before natural psychedelic services begin;

(C) educational materials that must be provided to participants before natural psychedelic services begin;

(D) a safety screen provided by a facilitator that a participant must complete prior to an administration session;

(E) the form that each facilitator and participant must sign before providing or receiving natural psychedelic services verifying that the participant was provided accurate and complete health information in accordance with commission rules, was informed of identified risk factors and contraindications, and provided informed consent to receive natural psychedelic services;

(F) proper supervision during the administration session and safe transportation for the participant when the session is complete;

(G) provisions for group administration sessions where one or more facilitators provide natural psychedelic services to more than one participant as part of the same administration session;

(H) provisions to allow a facilitator or a psychedelic therapy center to refuse to provide natural psychedelic services to a participant;

(I) the requirements and standards for testing of natural psychedelic substances for concentration and contaminants, to the extent available technology reasonably permits;

(J) the standards for advertising and marketing natural

psychedelic substances and natural psychedelic services;

(K) insurance requirements to the extent such policies are commercially available and not cost-prohibitive; and

(L) age verification procedures to ensure that a participant is 21 years of age or older.

(3) Establish the requirements governing the licensing and practice of facilitators, that include:

(A) the scope of practice for facilitators;

(B) the qualifications, education, and training requirements that facilitators must meet before providing natural psychedelic services, that shall:

(i) be tiered to require varying levels of education and training depending on the participants the facilitator will be working with and the services the facilitator will be providing;

(ii) include education and training on participant safety; contraindications; mental health; mental state; physical health; physical state; social and cultural considerations; physical environment; preparation; integration; and ethics;

(iii) allow for limited waivers of education and training requirements based on an applicant's prior experience, training, or skill, including, but not limited to, with natural psychedelic substances;

(iv) not impose unreasonable financial or logistical barriers that make obtaining a facilitator license commercially unreasonable for low-income people; and

(v) not require a professional license or professional degree other than a facilitator license granted pursuant to this section for the first tier of licensing.

(C) procedures and policies that allow for paid compensation for natural psychedelic services and natural psychedelic substances;

(D) procedures and policies that allow for the provision of natural psychedelic services to more than one participant at a time in group administration sessions;

(E) oversight and supervision requirements for facilitators, including professional responsibility standards and continuing education requirements;

(F) a complaint, review, and disciplinary process for facilitators who engage in misconduct; and

(G) recordkeeping, privacy, and confidentiality requirements for facilitators, provided such record keeping does not result in the disclosure to the public or any government agency of personally identifiable information of participants.

(4) Establish the requirements governing the licensing and operation of psychedelic therapy centers and other licensees, that include:

(A) oversight requirements for natural psychedelic substance licensees;

(B) recordkeeping, privacy, and confidentiality requirements for natural psychedelic substance licensees, provided such record keeping does not result in the disclosure to the public or any

government agency of personally identifiable information of participants;

(C) security requirements for natural psychedelic substance licensees, including requirements for protection of each licensed psychedelic therapy center location by a fully operational security alarm system;

(D) procedures and policies that allow for natural psychedelic substance licensees to receive payment for services and natural psychedelic substances provided;

(E) procedures and policies to ensure statewide access to psychedelic therapy centers and natural psychedelic services;

(F) rules that prohibit an individual from having a financial interest in more than 5 psychedelic therapy centers;

(G) rules that allow for natural psychedelic substance licensees to share the same premises with other natural psychedelic substance licensees or to share the same premises with health-care facilities, so that a participant may receive natural psychedelic substances from one natural psychedelic substance licensee and complete the administration session at a separately-owned and approved location;

(H) rules that allow a psychedelic therapy center to provide natural psychedelic services to a participant on a separate psychedelic therapy center’s premise, a licensed health-care facility, a private residence, or other location allowed by the commission; and

(I) rules that allow for approval of locations not owned by a

psychedelic therapy center where natural psychedelic services may be provided by licensed facilitators, including but not limited to, health-care facilities and private residences.

(5) Establish procedures, policies, and programs to ensure that natural psychedelic substances licensing and the provision of natural psychedelic services is equitable and inclusive and to promote the licensing of and the provision of natural psychedelic services to persons from low-income communities; to persons who face barriers to access to health care; to persons who have a history of traditional or Indigenous use of natural psychedelic substances; and to persons who are veterans that include, but are not limited to:

(A) reduced fees for licensure and facilitator training programs and other support services for applicants which may include loans and grants;

(B) incentivizing the provision of natural psychedelic services at a reduced cost to low-income individuals;

(C) incentivizing geographic and cultural diversity in licensing and the provision and availability of natural psychedelic services; and

(D) a process for annually reviewing the effectiveness of such policies and programs promulgated under this subdivision.

(6) Gather and publish, on an annual basis, adequate information to facilitate research concerning the implementation, safety, equity, quality and outcomes of this chapter, following sound data and privacy protocols, without revealing any identifiable details pertaining to individual

participants.

(7) Adopt, amend, and repeal rules as necessary to implement this chapter and to protect the public health and safety.

(b) The commission shall administer the laws and regulations relating to natural psychedelic substance licensees in this chapter.

(c) Upon receiving a complete application for a license under this chapter, the commission shall have 120 days to issue its decision on such application.

(d) The commission may suspend or revoke a natural psychedelic substances license under regulations made pursuant to this chapter upon written notice of a violation and, if applicable, an opportunity to cure any violation within 30 days of such notice. All natural psychedelic substance licensees shall be entitled to an adjudicatory hearing pursuant to chapter 30A of the General Laws prior to suspension of a license for longer than 5 days or the revocation of a license.

(e) The commission shall enforce the laws and regulations relating to the cultivation, processing, preparing, delivery, storage, sale, facilitation, and testing of natural psychedelic substances and the provision of natural psychedelic services. The commission shall conduct investigations of compliance with this chapter and shall perform regular inspections of licensees and the books and records of licensees as necessary to enforce this chapter. The commission shall cooperate with appropriate state and local organizations to provide training to law enforcement officers of the commonwealth and its political

subdivisions.

(f) The commission shall hold a public hearing before the adoption, amendment or repeal of any regulation. Adjudicatory proceedings shall be conducted pursuant to chapter 30A of the General Laws and to standard rules of adjudicatory procedure established pursuant to section 9 of chapter 30A of the General Laws.

(g) The commission shall annually publish a full report of its actions during each year containing a comprehensive description of its activities and a statement of revenue and expenses of the commission.

(h) The commission shall deposit all license, registration and monetary penalties collected pursuant to this chapter in the Natural Psychedelic Substances Regulation Fund established by section 12 of this chapter.

(i) In carrying out its duties under this chapter, the commission shall consult with the natural psychedelic substances advisory board and may also consult with other state agencies or any other individual or entity the commission finds necessary.

Section 5. Personal use of natural psychedelic substances

(a) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified under the laws of the commonwealth in any manner, or denied any right or privilege and shall not be subject to seizure or forfeiture of assets for:

(1) Possessing, using, processing, or testing not more than a personal use amount of a natural psychedelic substance;

(2) Possessing, cultivating, or processing plants or fungi capable of producing a natural psychedelic substance and possessing the natural psychedelic substance produced from those plants or fungi so long as:

(A) the plants or fungi being cultivated do not cumulatively exceed an area of more than 12 feet wide by 12 feet long in one or more cultivation areas in or on the grounds of the residence of the person cultivating the natural psychedelic substance and are secured from access by persons under 21 years of age; and

(B) any natural psychedelic substances produced in excess of a personal use amount are kept in or on the grounds of the residence of the person cultivating the natural psychedelic substance and are secured from access by persons under 21 years of age.

(3) Assisting another person who is 21 years of age or older in any of the acts described in this section; and

(4) Giving away or otherwise transferring without remuneration not more than a personal use amount of a natural psychedelic substance to a person 21 years of age or older, so long as the transfer is not advertised or promoted to the public and is not part of a business promotion or other commercial activity.

(b) For purposes of this chapter, “personal use amount” means the following amounts of natural psychedelic substances per person:

(1) One (1) gram of dimethyltryptamine;

(2) Eighteen (18) grams of mescaline;

(3) Thirty (30) grams of ibogaine;

(4) One (1) gram of psilocybin; and

(5) One (1) gram of psilocyn.

“Personal use amount” does not include the weight of any material of which the substance is a part or to which the substance is added, dissolved, held in solution, or suspended, or ingredients or material combined with substances specified in this subsection from plants or fungi as part of a preparation.

(c) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, a person shall not be arrested, prosecuted, penalized, sanctioned or otherwise denied any benefit and shall not be subject to seizure or forfeiture of assets for allowing property the person owns, occupies or manages to be used for any of the activities conducted lawfully under this chapter or for enrolling or employing a person who engages in natural psychedelic substance-related activities lawfully under this chapter.

(d) Absent clear, convincing and articulable evidence that the person’s actions related to any natural psychedelic substance have created an unreasonable danger to the safety of a minor child, neither the presence of natural psychedelic substance components or metabolites in a person’s bodily fluids nor conduct permitted under this chapter related to natural psychedelic substances by a person charged with

the well-being of a child shall form the sole or primary basis for substantiation, service plans, removal or termination or for denial of custody, visitation, or any other parental right or responsibility.

(e) The use of natural psychedelic substances shall not disqualify a person from any needed medical procedure or medical treatment or any other lawful health related service.

(f) Nothing in this chapter shall restrict the sale, possession, display, or cultivation of living plants that were lawful prior to the enactment of this section.

(g) Engaging in natural psychedelic substance-related activities as permitted under this chapter shall not, by itself, be the basis to deny eligibility for any public assistance program, unless required by federal law.

(h) Nothing in this section shall be construed to allow a person to cultivate, process, or prepare a natural psychedelic substance in an inherently hazardous manner.

(i) Nothing in this section shall be construed to preclude any actions by a natural psychedelic substance licensee consistent with commission rule.

Section 6. Natural psychedelic substance paraphernalia authorized

Notwithstanding any general or special law to the contrary, except as otherwise provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified and shall not be subject

to seizure or forfeiture of assets for possessing, purchasing or otherwise obtaining or manufacturing paraphernalia used for natural psychedelic substance-related activities or for selling or otherwise transferring paraphernalia used for natural psychedelic substance-related activities to a person who is 21 years of age or older.

Section 7. Lawful operation of natural psychedelic substance licensees

(a) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, actions and conduct permitted pursuant to a natural psychedelic substance license issued by the commission or otherwise permitted by commission rule, or by those who allow property to be used pursuant to a natural psychedelic substance license issued by the commission or as otherwise permitted by commission rule, are not unlawful and shall not be an offense under state law, or the laws of any locality within the state, or be subject to a civil fine, penalty, or sanction, or be a basis for detention, search, or arrest, or to deny any right or privilege, or to seize or forfeit assets under state law or the laws of any locality within the state.

(b) Nothing in this section shall be construed or interpreted to prevent the commission from enforcing its rules against a natural psychedelic substance licensee or to limit a state or local law enforcement agency’s ability to investigate unlawful activity in relation to a licensee.

Section 8. Contracts pertaining to natural psychedelic

substances enforceable

It is the public policy of the commonwealth that contracts related to natural psychedelic substances under this chapter shall be enforceable. A contract entered into by a natural psychedelic substance licensee or its agents as permitted pursuant to a valid license issued by the commission, or by those who allow property to be used by a natural psychedelic substance licensee or its agents as permitted pursuant to a valid license issued by the commission or as permitted by commission rule, shall not be unenforceable or void exclusively because the actions or conduct permitted pursuant to the license is prohibited by federal law.

Section 9. Provision of professional services

A person engaged in a profession or occupation subject to licensure shall not be subject to disciplinary action by a professional licensing board solely for providing professional services related to activity permitted under this chapter that is not subject to criminal penalty under the laws of the commonwealth. This section does not permit a person to engage in malpractice or to violate the standards of professional practice for which a person is licensed.

Section 10. Insurance

Unless required by federal law, mental health, substance use disorder, or behavioral health services otherwise covered under MassHealth shall not be denied on the basis that they are covered in conjunction with natural psychedelic services or that natural psychedelic substances are prohibited by federal law.

No insurance or insurance provider is required to cover the cost of a natural psychedelic substance itself.

Section 11. Penalties

(a) Restrictions on access by persons under 21. A person who violates section 5(a)(2) of this chapter by failing to secure plants, fungi, or natural psychedelic substances from access by persons under 21 years of age shall be punished by a civil penalty of not more than $100 and forfeiture of the natural psychedelic substance.

(b) Restrictions on possession in excess of the personal use amount. A person who is at least 21 years of age and who possesses an amount of a natural psychedelic substance that is more than the personal use amount but not more than double the personal use amount, except as permitted by section 5(a)(2) of this chapter, shall be subject to a civil penalty of not more than $100 and forfeiture of the natural psychedelic substance, but shall not be subject to any other form of criminal or civil punishment or disqualification solely for this conduct.

(c) Restrictions on public consumption of natural psychedelic substances. No person shall consume any natural psychedelic substance in a public place. A person who violates this subsection shall be punished by a civil penalty of not more than $100. This subsection shall not apply to a person who consumes a natural psychedelic substance at a location licensed or approved by the commission to provide natural psychedelic services.

(d) Possession by a person under 21 years of age. A person

under 21 years of age who possesses not more than a personal use amount of a natural psychedelic substance shall be punished by a civil penalty of not more than $100 and shall complete a drug awareness program established pursuant to section 32M of chapter 94C of the General Laws. The parents or legal guardian of any offender under the age of 18 shall be notified in accordance with section 32N of chapter 94C of the General Laws and the failure within 1 year of the offense of such an offender to complete a drug awareness program may be a basis for delinquency proceedings for persons under the age of 17 at the time of the person's offense.

(e) Enforcement. Civil penalties imposed pursuant to this section shall be enforced by utilizing the non-criminal disposition procedures provided in section 32N of chapter 94C of the General Laws.

Section 12. Natural Psychedelic Substances Regulation Fund

(a) There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Natural Psychedelic Substances Regulation Fund. It shall, subject to appropriation, consist of all monies received on account of the commonwealth as a result of applications for and licensing under this chapter, all civil penalties received for violations of this chapter, revenue generated by the state tax imposed by section 2 of chapter 64O of the General Laws and interest earned or other income on balances in the fund.

(b) Subject to appropriation, the fund shall be expended first for the implementation, administration and enforcement of this

chapter by the commission.

SECTION 6. Notwithstanding any general or special law to the contrary, in making initial appointments to the natural psychedelic substances commission established in section 79 of chapter 10 of the General Laws, of the members to be appointed by majority agreement of the governor, the attorney general, and the treasurer and receiver general, 1 commissioner shall be appointed for a term of 3 years and 1 shall be appointed for a term of 4 years. The commissioner to be appointed by the treasurer and receiver general shall serve for a term of 5 years, the commissioners to be appointed by the attorney general shall serve for a term of 6 years and the commissioner appointed by the governor shall serve for a term of 7 years. Commissioners shall be appointed by March 1, 2025; provided, however, that no person shall be allowed to serve on the commission prior to the completion of a background investigation check pursuant to said section 79 of said chapter 10.

SECTION 7. Notwithstanding any general or special law to the contrary, the initial appointments to the natural psychedelic substance advisory board established in section 80 of chapter 10 of the General Laws shall be made by March 1, 2025.

The advisory board shall meet at least quarterly until January 1, 2028, and thereafter at a frequency of its choosing.

SECTION 8. The natural psychedelic substances commission shall promulgate regulations under section 4 of chapter 94J of the General Laws concerning at least one natural psychedelic substance not later than April 1, 2026, provided that regulations

concerning all natural psychedelic substances are promulgated not later than April 1, 2028.

SECTION 9. The natural psychedelic substances commission shall begin accepting applications for licensure under section 4 of chapter 94J of the General Laws not later than September 30, 2026.

SECTION 10. This act shall take effect on December 15, 2024.

MAJORITY REPORT

The following report was prepared by a majority of the members of the Special Joint Committee on Initiative Petitions, a committee of the Massachusetts General Court. As required by the Massachusetts Constitution, this Majority Report is printed below. Statements made in this report do not reflect the opinions of the Secretary of the Commonwealth.

A majority of the Special Joint Committee on Initiative Petitions (“The Committee”) recommends that the Initiative Petition 23-13, House 4255, “An Initiative Petition for a Law Relative to the Regulation and Taxation of Natural Psychedelic Substance,” (“the Initiative Petition”) as currently drafted and presented to this Committee, OUGHT NOT TO BE ENACTED BY THE LEGISLATURE AT THIS TIME.

The purpose of this report is to provide a recommendation to the full legislature on whether to accept the Initiative Petition as written for consideration and enactment.

The proposed Initiative Petition would permit persons aged 21 or over to grow, possess and use specified

natural psychedelic substances in the Commonwealth in certain circumstances. It would also permit the sale of these substances at approved locations for use under the supervision of a licensed facilitator and subject to regulations to be promulgated by a newly created Natural Psychedelic Substances Commission in consultation with a newly created Natural Psychedelic Substances Advisory Board. "Permitted psychedelic substances" include two substances found in mushrooms (psilocybin and psilocyn) and three found in plants (dimethyltryptamine, mescaline, and ibogaine). The Initiative Petition would also establish a tax rate for the sale of these substances by licensed facilitators. The manufacture, distribution, dispensation, and possession of these substances remain – and would remain – illegal federally.

Testimony

The Committee heard from experienced professionals, proponents and opponents of the Initiative Petition, as well as members of the general public.

Subject matter experts included doctors currently studying the effects of psychedelic treatments on patients, including Dr. Jerrold Rosenbaum, Psychiatrist-in-Chief Emeritus, Director of the Center for the Neuroscience of Psychedelics at Massachusetts General Hospital, Dr. Franklin King of Harvard University and Director of Training and Education at the Center for the Neuroscience of Psychedelics at Massachusetts General Hospital, and Dr. Yvan Gersaint of Dana Farber Cancer Institute. Each doctor cited potential benefits to the use of psychedelic agents as evidenced in their clinical studies,

showing psychological benefits that are as effective, or even more so, than available therapeutics, with toxicity and risk seeming modest compared to available pharmaceutical drugs. While addiction to psychedelics is unlikely, the doctors testified that there are regulatory and logistical challenges to improving clinical studies around psychedelics. The doctors also pointed to issues of psychedelic use exacerbating psychosis in individuals with conditions that cause psychosis.

Angie Allbee, Manager of the Oregon Psilocybin Services Section of the Oregon Health Authority, testified on the legal and regulatory framework of psilocybin in the state of Oregon following its passage in the November 2020 election and stated that she takes no position on House 4255. In Oregon, there is no residency requirement, and anyone over the age of 21 may access psilocybin after completing a preparation session. There are four types of licenses: manufacturer, laboratory, service center (where sessions take place), and facilitator (those who support clients through a nondirective approach to psilocybin). As of the date of the hearing, Oregon had awarded 9 manufacturer, 2 laboratory, 23 service center, and 276 facilitator licenses, with 5,697 products sold to clients from January 2023 to March 2024. When asked to compare Oregon’s framework and the proposed Massachusetts framework as laid out in this Initiative Petition, Ms. Allbee stated that Oregon’s decriminalization has been scaled back and there is no personal cultivation allowed in Oregon.

Matthew Johnson, Ph.D., the Susan Hill Ward Professor in Psychedelics and Consciousness at Johns Hopkins University,

also presented testimony as a subject matter expert. He testified that he has published highly cited research on the risks of psychedelics and safety guidelines. Dr. Johnson has found that people using psychedelics can have intense, severe reactions, but can generally be reassured by people they trust. Dr. Johnson highlighted statistics around the impact of psychedelics, showing lower magnitude in harm, emergency room visits, poison control calls, and addiction compared to opioid, alcohol, and cocaine use, but noted that most of the harm comes around cardiovascular challenges. Dr. Johnson further testified that while psychedelic use should not be encouraged, the criminal penalties are incongruent with the danger of these substances and proposed that regulated use should come with clear public health warnings about what separates riskier use from less risky use: dosage, supervision, medical and mental health contraindications, dangers of public intoxication, and the dangers of unethical practitioners. Dr. Johnson also added that the potential therapeutic benefits are likely less if not provided in the presence of mental health professionals and that it is important to collect data of psychedelic use if it is legalized.

A panel of proponents of the Initiative Petition described how psilocybin has allowed them to personally process trauma from their experiences in the military and police force, citing many personal stories of veterans and police officers.

Members of the public testifying on behalf of Bay Staters for Natural Medicine indicated their support for the legalization of psychedelics, but requested the Legislature propose a

substitute to the Initiative Petition for the November 2024 ballot. The proposed substitute, which contains several stark differences in scope from the Initiative Petition would likely conflict with the precedent set by the Supreme Judicial Court in the 1976 case, Buckley v. Secretary of the Commonwealth, which noted that the intent of the framers of Article XLVIII of the Amendments to the Constitution was for the Legislature to provide minor technical changes to an Initiative Petition.

Opponents to the Initiative Petition included Dr. John A. Fromson, Psychiatrist at Brigham and Women's Hospital, and Dr. Nassir Ghaemi, Professor of Psychiatry at Tufts University School of Medicine, who serve as President and President-elect, respectively, of the Massachusetts Psychiatric Society. The doctors described the clinical, logistical, and safety concerns of this Initiative Petition, including that the Federal Drug Administration (FDA) has not approved any drug containing psilocybin, there is not a strong enough framework to guarantee safety for patients or providers. The doctors further testified that this Initiative Petition contemplates combining three issues – overall wellness of the general public, treatment of psychiatric disorders, and use of psilocybin for spiritual use –into one initiative, which, in their opinion, is reckless, irresponsible and dangerous to the public. While the doctors recognized that there is currently promising research relating to the use of psilocybin by veterans being treated by the Veterans Administration, that research is still in study phases. They also noted that the Massachusetts Psychiatric Society has many outstanding questions regarding the impacts this Initiative Petition would have on providers, including

insurance coverage, and the impact to specific population subsets such as maternal or perinatal health. The doctors further explained their opposition by noting the broad nature of this Initiative Petition, the lack of concrete research or results from states that have legalized psilocybin, and the interplay of psilocybin (a hallucinogen) with psychosis for those suffering from schizophrenia, bipolar disorder, and unipolar disorder.

Conclusion

While psychedelic plants have been used around the world and through time in spiritual and religious practices, their scientific study in the United States began primarily in the 20th century and the federal government largely proscribed the use of psychedelic substances in 1968. However, the use of these substances continued in the decades following, and law enforcement agencies around the country have reported a nearly four-fold increase in the overall weight of hallucinogenic mushrooms seized between 2017- 2022. This growth in use has led to a new, heightened period of medical and scientific research which is still developing.

Published studies have indicated that, as users take measured doses under therapeutic supervision, the use of psychedelic substances may be highly effective in addressing a variety of adverse mental health conditions. The Committee specifically recognizes the importance of the potential for positive treatment results in populations seeking help for post-traumatic stress disorder, depression, anxiety, and other mental health problems and credits the testimony it received from individuals from our veteran and first responder population. These

promising findings, however, have not provided evidence that the widescale recreational legalization of these substances would be beneficial, let alone safe.

The Committee finds that the petition's major goals — licensure and decriminalization — likely undercut each other by creating two separate systems for the use of psychedelic substances. The petition would both create a system of state-licensed and taxed therapeutic facilities on the one hand and, on the other, decriminalize the cultivation, possession, and distribution of a variety of hallucinogenic and psychoactive substances. Voters are, therefore, being asked to simultaneously establish a potentially costly licensure system that imposes regulations on the cultivation methods, quality of product and allowable means of engaging certain users, while at the same time making the same substances widely available for individual cultivation and use across the Commonwealth in a non-licensed manner.

The petition would allow Massachusetts residents to carry many doses of psychoactive mushrooms on their person or in their home at one time. It therefore presumably allows an unlicensed cultivator to "gift" individuals certain doses and is silent on the ability of cultivators to charge for overseeing that use or guiding the user through the psychedelic experience. The Committee finds that this loophole would likely subvert the safety regulations imposed on licensed facilitators by permitting the growth of an unregulated, unlicensed marketplace.

Similar to the model the Commonwealth uses to regulate the sale of marijuana, the petition would require licensed providers to rely on a cash-based system due to its illegality at the federal

level. The petition also would require municipalities to zone for and to permit these licensed facilities while capping their ability to levy a tax rate it determines appropriate to manage traffic, local ordinances, inspections, and any increased calls requesting the assistance of law enforcement or medical professionals.

For these reasons, we, the majority of the Special Joint Committee on Initiative Petitions, recommend that “An Initiative Petition for a Law Relative to the Regulation and Taxation of Natural Psychedelic Substance” (see House No. 4255) as currently drafted and presented to this Committee, OUGHT NOT TO BE ENACTED BY THE LEGISLATURE AT THIS TIME.

Senators.	**Representatives.**
Cindy F. Friedman	Alice Hanlon Peisch
Paul R. Feeney	Michael S. Day
Jason M. Lewis	Kenneth I. Gordon
Ryan C. Fattman	David T. Vieira

QUESTION 5:

Law Proposed by Initiative Petition

Minimum Wage for Tipped Workers

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

As required by law, summaries are written by the State Attorney General.

This proposed law would gradually increase the minimum hourly wage an employer must pay a tipped worker, over the course of five years, on the following schedule:

- To 64% of the state minimum wage on January 1, 2025;
- To 73% of the state minimum wage on January 1, 2026;
- To 82% of the state minimum wage on January 1, 2027;
- To 91% of the state minimum wage on January 1, 2028; and
- To 100% of the state minimum wage on January 1, 2029.

The proposed law would require employers to continue to pay tipped workers the difference between the state minimum wage and the total amount a tipped worker receives in hourly wages plus tips through the end of 2028. The proposed law would also permit employers to calculate this difference over the entire weekly or bi-weekly payroll period. The requirement to pay this difference would cease when the required hourly wage for tipped workers would become 100% of the state minimum wage on January 1, 2029.

Under the proposed law, if an employer pays its workers an hourly wage that is at least the state minimum wage, the employer would be permitted to administer a “tip pool” that combines all the tips given by customers to tipped workers and

distributes them among all the workers, including non-tipped workers.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a “yes” or “no” vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

A YES VOTE would increase the minimum hourly wage an employer must pay a tipped worker to the full state minimum wage implemented over five years, at which point employers could pool all tips and distribute them to all non-management workers.

A NO VOTE would make no change in the law governing tip pooling or the minimum wage for tipped workers.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

There are no direct fiscal consequences on the Commonwealth or municipalities because they generally do not employ tipped employees. Nevertheless, this measure will affect proposed state and municipal revenues and expenditures due to impacts on employee and business income and earnings. While those impacts are difficult to project due to the lack of reliable data, increasing the minimum hourly wage of tipped employees will likely increase state income tax collections because employees will earn more in hourly wages from which state income tax is withheld. The impacts on gratuity earnings and gratuity tax

reporting are unknown.

ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. **The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments.** The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: Vote Yes for FAIRNESS -

It’s fair for Workers:

Instead of being paid the current tipped worker wage of just $6.75 an hour, Massachusetts tipped workers deserve the **full minimum wage with tips on top**. Workers in 7 other states earn a full wage plus tips, and they enjoy robust tips and growing restaurants where menu prices are comparable to Massachusetts. This law would create greater financial stability and predictability, acknowledging workers’ skills and professionalism.

It’s fair for Employers:

Many Massachusetts small businesses are already paying the full minimum wage plus tips. Big restaurant corporations should do the same. This would reduce employee turnover and improve service quality.

It’s fair for Consumers:

Big restaurant corporations are not paying their fair share and are forcing consumers to cover their employees’ wages through tips. Tips should be a reward for good service, not a subsidy for low wages paid by large corporations.

Estefania Galvis
One Fair Wage
11 Converse Ave
Malden, MA 02148
813-898-9136
www.yeson5ma.com

AGAINST: This question is funded by a radical group from California.

Tipped employees have made it abundantly clear the way they earn money does not need to be changed. State and Federal law guarantee them the $15 hourly minimum wage with many earning over $40/hr and 90% reporting at least $20/hr. A recent survey also showed that 88% oppose ‘tip pools’ where tips are shared with non-service employees and 90% believe that if tipped wages are eliminated, they will earn less.

Other attempts to implement this have seen catastrophic results. In Washington, D.C., nearly 10% of tipped employees have lost or left their jobs. This follows increases in menu prices, the implementation of 20% ‘service fees’ and a wave of closures.

This would reduce overall wages for servers, increase costs

for restaurants and skyrocket the cost of eating out. It will be disastrous with many neighborhood restaurants being forced to close.

Doug Bacon
Former Server and Bartender, Current Restaurant Owner
Committee to Protect Tips
160 E Main St # 2
Westborough, MA 01581
www.ProtectTips.org

FULL TEXT OF PROPOSED LAW

Be it enacted by the People, and by their authority:

An Act to Require the Full Minimum Wage for Tipped Workers with Tips on Top

SECTION 1.

Section 7 of Chapter 151 of the General Laws is hereby amended by striking the third paragraph, as amended by Chapter 121 of the Acts of 2018, and inserting in place thereof the following paragraph:-

In determining the wage an employer is required to pay a tipped employee, the amount paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such employee, which for purposes of such determination shall be not less than sixty-four percent of the wage in effect under section 1 ; and (2) an additional amount on account of the tips received by such employee, which amount is at least the difference between the wage specified in clause (1) and the

wage in effect under section 1, with payments to the employee to be consistent with section 148 of chapter 149. This paragraph shall not apply with respect to any tipped employee unless such employee has been informed by the employer of the provisions of this paragraph, and all tips received by such employee have been retained by the employee, except that this paragraph shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

SECTION 2.

Said section 7 of said chapter 151 is hereby amended by striking the third paragraph and inserting in place thereof the following paragraph:-

In determining the wage an employer is required to pay a tipped employee, the amount paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such employee, which for purposes of such determination shall be not less than seventy-three percent of the wage in effect under section 1; and (2) an additional amount on account of the tips received by such employee, which amount is at least the difference between the wage specified in clause (1) and the wage in effect under section 1, with payments to the employee to be consistent with section 148 of chapter 149. This paragraph shall not apply with respect to any tipped employee unless such employee has been informed by the employer of the provisions of this paragraph, and all tips received by such employee have been retained by the employee, except that this paragraph shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

SECTION 3.

Said section 7 of said chapter 151 is hereby amended by striking the third paragraph and inserting in place thereof the following paragraph:-

In determining the wage an employer is required to pay a tipped employee, the amount paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such employee, which for purposes of such determination shall be not less than eighty-two percent of the wage in effect under section 1; and (2) an additional amount on account of the tips received by such employee, which amount is at least the difference between the wage specified in clause (1) and the wage in effect under section 1, with payments to the employee to be consistent with section 148 of chapter 149. This paragraph shall not apply with respect to any tipped employee unless such employee has been informed by the employer of the provisions of this paragraph, and all tips received by such employee have been retained by the employee, except that this paragraph shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

SECTION 4.

Said section 7 of said chapter 151 is hereby amended by striking the third paragraph and inserting in place thereof the following paragraph:-

In determining the wage an employer is required to pay a tipped employee, the amount paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid

such employee, which for purposes of such determination shall be not less than ninety-one percent of the wage in effect under section 1; and (2) an additional amount on account of the tips received by such employee, which amount is at least the difference between the wage specified in clause (1) and the wage in effect under section 1, with payments to the employee to be consistent with section 148 of chapter 149. This paragraph shall not apply with respect to any tipped employee unless such employee has been informed by the employer of the provisions of this paragraph, and all tips received by such employee have been retained by the employee, except that this paragraph shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

SECTION 5.

Said section 7 of said chapter 151 is hereby amended by striking the third paragraph and inserting in place thereof the following paragraph:-

In determining the wage an employer is required to pay a tipped employee, the amount paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such employee, which for purposes of such determination shall be not less than one hundred percent of the wage in effect under section 1; and (2) an additional amount on account of the tips received by such employee, with payments to the employee to be consistent with section 148 of chapter 149. This paragraph shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

SECTION 6.

Section 152A of Chapter 149 of the General Laws is hereby amended by striking paragraph (c) and inserting in place thereof the following paragraph:-

(c) Provided that an employer is paying all employees a wage that is not less than the full minimum wage as provided in section 1 of chapter 151, the employer may require that wait staff employees, service employees or service bartenders participate in a tip pool through which such employee remits any wage, tip or service charge, or any portion thereof, for distribution to employees that are not wait staff employees, service employees or service bartenders. An employer may administer a valid tip pool and may keep a record of the amounts received for bookkeeping or tax reporting purposes.

SECTION 7.

Sections 1 and 6 shall take effect on January 1, 2025.

SECTION 8.

Section 2 shall take effect on January 1, 2026.

SECTION 9.

Section 3 shall take effect on January 1, 2027.

SECTION 10.

Section 4 shall take effect on January 1, 2028.

SECTION 11.

Section 5 shall take effect on January 1, 2029.

MAJORITY REPORT

The following report was prepared by a majority of the members of the Special Joint Committee on Initiative Petitions, a committee of the Massachusetts General Court. As required by the Massachusetts Constitution, this Majority Report is printed below. Statements made in this report do not reflect the opinions of the Secretary of the Commonwealth.

A majority of the Special Joint Committee on Initiative Petitions (“The Committee”) recommends that the Initiative Petition 23-12, House 4254, “An Act to require the full minimum wage for tipped workers with tips on top,” (“the Initiative Petition”) as currently drafted and presented to this Committee, OUGHT NOT TO BE ENACTED BY THE LEGISLATURE AT THIS TIME.

The purpose of this report is to provide a recommendation to the full legislature on whether to accept the Initiative Petition as written for consideration and enactment.

The proposed Initiative Petition would remove a provision in state law allowing employers to compensate their tipped workers at a lower minimum rate if the “tipped minimum wage” together with the value of the worker’s tips plus equals at least the state non-tipped hourly minimum wage over the course of each shift worked. Additionally, the Initiative Petition would allow restaurant owners to require their tipped employees to share their tips with non-tipped employees working at the restaurant.

Testimony

The Committee heard from experienced professionals, proponents and opponents of the Initiative Petition, as well as members of the general public.

Lauren Moran, the Chief of the Fair Labor Division of the Office of the Attorney General, testified as a subject matter expert and spoke about the 2018 "Grand Bargain" legislation. The Grand Bargain changed the tipped worker minimum wage from $3.75 per hour plus average hourly tips for the week up to the state minimum wage, with the employer paying the difference to $6.75 per hour plus average hourly tips for the *shift*, with the employer paying the difference, and the rate increasing incrementally over a five-year period beginning in 2019. The Fair Labor Division currently has broad enforcement authority over wage rights for workers and collects data on claims of tip violations. The data presented showed that from March 2021 to the present hearing date, 15 per cent of claims came from the restaurant and salon industries, industries typically employing a high number of tipped workers, with 30 per cent of active open claims coming from these industries. Nearly 700 complainants claimed tip violations from workers, and these industries have accounted for 35 per cent of total civil enforcement, with nearly $2,000,000 in restitution and $3,400,000 in penalties assessed.

In addition to the Attorney General's office, university-based economists also shared their perspectives and findings. Dr. Jeannette Wicks-Lim, Associate Research Professor at the Political Economy Research Institute at the University of Massachusetts Amherst, cited two peer reviewed papers

that surveyed all of the contemporary research on minimum wage data, and suggested that there is little to no evidence suggesting negative employment outcomes from raising the minimum wage. Dr. Wicks-Lim stated that there is limited data available regarding the labor and economic impacts of a similar measure passed in Washington, D.C., which since 2023 has been incrementally phasing out the tipped minimum wage until it is completely removed by 2027. Dr. Wicks-Lim stated that restaurants would not necessarily see their total costs go up by the same proportion as the increase in wages paid to employees, and that restaurants have flexible ways to adjust to cost increases, such as modified price increases. Additionally, Dr. Wicks-Lim observed that the increase in wages will lead to lower administrative and training costs due to reduced worker turnover. Dr. Wicks-Lim also cited that the poverty rate is higher for tipped workers than non-tipped workers — a statistic especially noticeable in states with a lower tipped minimum wage — and that the industry is made up of mostly women a quarter of whom are raising children. Dr. Sean Jung, Assistant Professor at Boston University's School of Hospitality Administration contrasted Dr. Wick-Lim's testimony by pointing to evidence showing that the removal of the tipped minimum wage will likely lead to full-service restaurants converting to limited or counter service, due to labor costs. Dr. Jung also highlighted that removing the tip credit could lead to increased menu prices and service charges and more restaurants going out of business due to low profit margins. Dr. Jung predicted this would be especially acute in rural areas where profit margins and customer demand are lower, but labor costs would

increase at the same rate as suburban or urban areas. Dr. Jung also testified that historically when labor costs increase, restaurants pivot to methods that allow for a reduction in service staff, such as tablets for ordering.

A panel of proponents of the Initiative Petition from the national One Fair Wage campaign consisted of an academic professional, a restaurant owner, and tipped restaurant workers. The panel described the current tipped minimum wage practice as a “subminimum wage” that is an economic, gender and racial equity, gender justice, and gender pay equity issue. The panel argued that a power imbalance exists where tipped workers, especially women and women of color, are forced to ignore gender violence, sexual harassment, and wage theft because they rely on tips as part of their full compensation. The proponents pointed to seven states that currently do not have a lower minimum wage for tipped workers: Alaska, California, Minnesota, Montana, Nevada, Oregon, and Washington. The proponents cited evidence that the growth in the net number of restaurants in California outpaced the average growth in states subject to a tipped minimum wage, including Massachusetts. They also highlighted data that shows the average tipped worker in those seven states takes home between 10-18 per cent more than the average tipped worker in the rest of the country. The proponents also maintain that there are higher levels of poverty, unenforceable wage violations and the highest rates of sexual harassment of any industry as studied by Professor Catharine A. MacKinnon.

Opponents of the Initiative Petition consisted of restaurant

industry representatives, restaurant owners, and tipped restaurant workers. The first panel of opponents pointed to the costs associated with eliminating the tipped minimum wage, which would raise what a restaurant pays an employee from a wage of between $6.75 to $15 an hour to a flat $15 an hour. They described new restaurant Point of Sale technologies that provide enhanced data tracking designed to reduce discrepancies relating to wages and tips earned per shift. Opponents to the Initiative Petition also attributed instances of sexual harassment and assault to the bad actions of patrons and poor management of employers rather than being endemic to a tipped wage system of compensation. Opponents further argued that removing the tip credit would hurt affordable restaurants, which operate at a much lower margin than high-end restaurants and are currently in competition with grocery stores, takeout and quick service establishments, and fast food. The opponents fear that the increased costs associated with implementing this practice will wipe out the affordable restaurant industry and take with it a tipped workforce that on average earns $35-40 an hour, with atypical wages up to as high as $70 an hour, ending the testimony by highlighting that the practice of tipping as an incentive for good service is an affect, not a defect, of the restaurant industry.

The second panel of opponents, which consisted of restaurant workers, provided anecdotal evidence and their personal beliefs that removing the tipped minimum wage would lead to a decrease in tip percentage and eventually overall compensation compared to the current model, with one opponent member panel arguing that the fact that only seven

states have no tipped minimum wage is evidence that the current system works well.

The Committee was not presented with data showing the impacts to the Massachusetts restaurant industry based on the tipped minimum wage and minimum wage increases of the “Grand Bargain” legislation enacted in 2018. According to the U.S. Department of Labor in 2024, because of these increases Massachusetts is tied for the sixth highest effective minimum wage for tipped workers out of all fifty states and the District of Columbia, even when accounting for the highest possible minimum wage in states that have different rates for employers in cities, counties, or by employer size and status. Massachusetts also has a higher effective minimum wage for tipped workers than all but two states that do not have a tipped minimum wage: California and Washington. There was also a question on the impact of a similar recent phase-out policy in Maine, which had to rollback a similar provision to the Initiative Petition before the committee due to a spike in restaurant loan defaults, but there was no evidence available from a subject matter expert on the situation in Maine.

Another element of the public hearing focused on the provision of the Initiative Petition concerning tip pooling. The practice of requiring the pooling of tips from “front-of-house” staff with “back-of-house” staff is currently outlawed in the Commonwealth of Massachusetts under M.G.L. c 149, s 152A(c). In addition to removing the tipped minimum wage in the Commonwealth, the Initiative Petition would also change this separate law to allow a restaurant to require the pooling of

all tips with non-service staff, provided that waitstaff are being paid the full minimum wage.

Subject matter experts testified that there are strict rules regarding tip pools, specifically that any employer, manager, or supervisor cannot receive tips on days that they have managerial or supervisorial responsibilities, even if they serve customers that day. There is currently a low variance between the wages of “front-of-house” and “back-of-house staff”, but this provision would reduce the disparity that may arise from the removal of the tipped minimum wage.

Proponents argued that the tip pool would still be governed by federal law preventing supervisors or employers from receiving tips from the pool and would encourage more teamwork between “front-of-house” and “back-of-house staff”, since they would all benefit in a shared manner from tips received. Proponents also cited instances where “back-of-house” staff use tipping as leverage, sexually harassing wait staff to ensure food comes out promptly or correctly.

Opponents viewed the tip pooling provision as harmful to “front-of-house” staff who receive tips for their good service in customer-facing roles. Currently, “front-of-house” employees can “tip out” to “back-of-house” staff at their discretion, with an example given that a tip was shared with “back-of-house staff” for helping the employee out, but the “front-of-house” staff does not want to lose this important component of their work. Several opponents who are restaurant employees stated that their opposition to the Initiative Petition was more in part due to the tip pool provision, but they would likely still oppose the

Initiative Petition if it was just to remove the tipped minimum wage.

Conclusion

At this time, there is insufficient evidence provided on the overall impact that this Initiative Petition would have on the restaurant industry and restaurant workforce in the Commonwealth. Questions remain on the viability of restaurants and other tipped wage industries to absorb the costs of the more than 100 per cent increase from the current minimum tipped wage an employer is responsible for paying, and comparisons to other jurisdictions are challenging given that the seven states employing this law have followed this policy for many years. The Committee does not believe it received enough evidence on the experiences in Washington, D.C. (currently phasing out the tipped minimum wage) or Maine (rolling back the raise of the tipped minimum wage), or the impact that the Grand Bargain tipped minimum wage increase that was finalized in 2023 to draw conclusions on what the likely impact this Initiative Petition would have on restaurants in Massachusetts. Based on testimony received, the Committee believes the legislature would be well-served to work with the Attorney General to support enhanced prevention of wage theft, sexual harassment, and assault in tipped wage industries. It should be noted that this Initiative Petition is also the subject of a legal challenge that sits before the Supreme Judicial Court in the month of May 2024, after the deadline that the legislature would need to enact this Initiative Petition.

For these reasons, we, the majority of the Special Joint

Committee on Initiative Petitions, recommend that “An Act to require the full minimum wage for tipped workers with tips on top” (see House No. 4254) as currently drafted and presented to this Committee, OUGHT NOT TO BE ENACTED BY THE LEGISLATURE AT THIS TIME.

Senators.	**Representatives.**
Cindy F. Friedman	Alice Hanlon Peisch
Paul R. Feeney	Michael S. Day
Jason M. Lewis	Kenneth I. Gordon
Ryan C. Fattman	David T. Vieira

Register to Vote

Whether you plan to vote in person or by mail, you will need to make sure you are registered to vote. You can check your voter registration online at **www.VoteInMA.com**.

The voter registration deadline is **10 days** before every election.

In order to vote in the November 5, 2024 State Election, you must be registered to vote by **October 26, 2024**.

October 26 is also the deadline to make any changes to your voter registration, such as a change of address.

How to Register to Vote

Online – If you have a Massachusetts driver’s license or state identification card, you can register to vote online at

www.RegisterToVoteMA.com. You can also use this Online Voter Registration System to update your address or change your political party affiliation. Online registrations must be submitted no later than 11:59 p.m. on October 26.

By Mail – If you are not able to register online, you always have the option of registering to vote through the mail. Mail-in registration forms can be requested by calling 1-800-462-VOTE (8683). All mail-in voter registrations must be postmarked or delivered to your city or town hall by October 26.

In Person – Voter registration is available at each local election office, which is usually located in your city or town hall. You may find your local election office at **www.VoteInMA.com**. All local election offices must offer in-person voter registration on October 26 until 5 p.m.

Voting in 2024

Voters in Massachusetts have many different options when voting. You can vote:

- On Election Day, at your polling place; or
- During the early voting period, at an early voting site; or
- By mail, from your own home.

Every voter has the option to choose one of these 3 voting options. No excuse is required to vote early or by mail.

Read on to learn more about voting in 2024.

Vote by Mail

Every registered voter in Massachusetts can vote by mail, without needing an excuse to do so. To vote by mail, you will need to submit a request to your local election official. Vote by Mail applications were recently mailed to every registered voter in Massachusetts.

If you've already applied to vote by mail, your ballot should soon be mailed to you. You can track your ballot online at **www.VoteInMA.com**.

If you want to vote by mail and have not already applied, follow the steps below to request your ballot.

HOW TO VOTE BY MAIL

1. Check your voter registration at www.VoteInMA.com.

If you are not registered at your current address, you must update your registration before submitting your Vote by Mail application. The deadline to make any changes to your voter registration is **October 26**.

2. Apply to vote by mail.

You can complete the application by hand or electronically. An online application is available at **www.VoteInMA.com**. Be sure to include the address where you want the ballot to be mailed, if that address is different from the address where you are registered to vote.

If you want a paper application sent to you, call the

Elections Division at 1-800-462-VOTE (8683) to request one. In the alternative, you can apply simply by writing a letter to your local election official. The letter must include your name, the address where you are registered to vote, the address where you want the ballot mailed, and your signature.

3. **Submit your application to your local election office as soon as possible.**

   Your Vote by Mail application must reach your local election office no later than **October 29**. It is recommended that Vote by Mail applications be submitted at least 2 weeks before Election Day.

   Applications may be submitted online, by mail, email, fax, or in person. You can find contact information for your local election office at **www.VoteInMA.com**.

4. **Wait for your ballot to arrive**.

   Local election officials will start mailing out ballots by early October and will continue to mail ballots as applications arrive, up until the application deadline of October 29.

5. **Return your ballot**.

   All ballots being returned by mail must be **postmarked by November 5, 2024** and must reach your local election official by November 8, 2024 in order to be counted.

All 2024 Vote by Mail ballot packages will include a pre-addressed, postage pre-paid return envelope for you to use to return your ballot to your local election office. You may also return your ballot in person to the local election office, to a drop box in your city or town, or to an early voting site in your community.

If you decide not to vote by mail, you may vote in person as long as your ballot has not been accepted at your local election office. **Once your ballot has been accepted, you cannot take it back or vote again**.

Vote Early In-Person

Early Voting: October 19 – November 1

Early voting for the November 5, 2024 election will be held over 15 days, with guaranteed weekend voting hours.

Who?

Any registered voter who has not already cast a ballot by mail can vote early in person. No excuse is needed to vote early.

When?

The early voting period will begin on Saturday, October 19 and end on Friday, November 1. Each city and town must offer early voting in at least one location. On the weekends of October 19-20 and October 26-27, every community must offer some weekend voting. The number of hours each community must be open depends on the size of the city or town.

Note: Many cities and towns have limited business hours on

Fridays. Be sure to consult your community's early voting schedule at **www.VoteInMA.com** and make a plan to vote.

Where?

You may vote early at any early voting site in the city or town where you are registered to vote. All cities and towns must have at least one early voting location, but they may choose to have more. Early voting locations are chosen by each city and town and will be published at **www.VoteInMA.com** by October 11, 2024.

How?

You do not need to make an appointment or apply to vote early in person. You may simply go to any early voting location in your city or town and vote in person, like you do on Election Day. After you finish voting, you will seal your ballot in a ballot envelope, sign the affidavit on the envelope, and return it to an election official. Once you have handed in your ballot envelope and the clerk accepts it, **your vote is final and you cannot take it back or vote again**.

Remember:

Lines at early voting locations are often longer on the first and last days of the early voting period. Lines may also be longer on weekends. Voters who are able to cast their ballots during off-peak hours are encouraged to do so.

In most cases, there are more polling places throughout each city and town on Election Day than there are early voting locations, which means that wait times may be shorter at your polling place than they are at your early voting location.

Vote on Election Day

All registered voters who do not vote by mail or vote early will be able to vote in person on Election Day on November 5, 2024. Polling places across Massachusetts will be open from **7 a.m. until 8 p.m.**

Where to Vote

On Election Day, you can vote at the polling place assigned to your precinct.

Visit **www.VoteInMA.com** to double-check your precinct and polling place before you go to vote on Election Day.

Preparing to Vote

By early October, you will also be able to visit **www.VoteInMA.com** to view a sample ballot, so that you can make your choices.

You have the right to bring notes with you to your polling place to help you fill out your ballot. You must remember to take any notes or materials with you when you leave the polling place.

Checking In

When you arrive at your polling place, you will need to check in with a poll worker. If there are lines for more than one precinct in your polling place, make sure to get in the line for your precinct. You can ask a poll worker for help if you aren’t sure of your precinct, or you can visit **www.VoteInMA.com** to look up your polling place, which will also show you your ward or precinct number.

When you check in, you'll need to tell the poll worker your address and your name, so you can be found on the list. The poll worker is required to repeat your name and address back to you before marking you off on the list and handing you your ballot.

If your name can't be found on the list, you can ask the poll worker to contact the local election office to confirm your registration. If your registration can't be located, you have the right to cast a provisional ballot, which will be counted if your eligibility can be confirmed.

If you are required to show identification, you will be asked for it at the check-in table.

Identification

You may be asked to present identification if you're a first-time voter in Massachusetts, you're an inactive voter, or an election official has other reasonable cause to request identification from you.

You are not required to present photo identification in order to vote. Acceptable identification includes:

- Driver's license
- State ID card
- Utility bill
- Bank statement
- Pay stub
- Government check

- Rent receipt on landlord’s letterhead
- Letter from a dormitory or housing office on school letterhead
- Any other official document showing your name and address.

Any form of identification must show your name and current address.

If you are an inactive voter and you are unable to show identification, you will still be allowed to vote by casting a challenged ballot. These ballots are counted on Election Day and are only re-examined in the case of a recount.

If you are a first-time Massachusetts voter required by federal law to present identification, you will be allowed to cast a provisional ballot. You will need to return later with your ID in order for your ballot to be counted.

Voting

Once you have your ballot, you can go to a booth to mark your ballot privately. If you have children with you, you are allowed to bring them into the booth with you.

If you need assistance with voting, either due to disability or due to an inability to read your ballot, you may choose any person to accompany you into the booth to assist you.

If you prefer to mark your ballot independently, you may use the AutoMARK Voter Assist Terminal, which is available in every polling place. This machine will read your ballot to you,

magnify your ballot, and assist you in marking your ballot.

If you do not want to use the AutoMARK and you didn't bring anyone with you to assist you, you may also ask for the assistance of two poll workers in marking your ballot.

Casting your Ballot

After you have made your choices, you may need to proceed to a check-out table. If your polling place does not have a check-out table, you will proceed directly to the ballot box.

Your polling place may use an electronic tabulator to count ballots or it may use a hand-crank manual ballot box.

Frequently Asked Questions

VOTING BY MAIL

Do I have to vote by mail?

No. In-person voting is available to anyone who does not want to vote by mail.

How soon do I need to apply?

As soon as possible! Your application must reach your local election office by **October 29**, but mail can take up to 1 week to be delivered, so the sooner you apply, the more time you will have to return your ballot and make sure it counts.

If I request a mail-in ballot, can I change my mind and vote in person?

Once your ballot has been returned and accepted by your local

election official, you cannot take it back or vote again. If you request a mail-in ballot but you do not return it to your local election official, you can vote in person during the early voting period or on Election Day.

Is voting by mail secure?

Yes. Before your local election official can send you a ballot, they must confirm you are a voter and record your application. When your local election official receives your ballot, they will check to make sure you have signed the ballot envelope and compare the signature to the one they have on file. This is important, because ballots must be rejected if the envelope is not signed. If your ballot has been accepted, you will be checked off on the list of voters and your ballot will be securely stored by the local election official until it can be counted.

What is the deadline to return my mail-in ballot?

In order for your ballot to be counted, it must be postmarked by **November 5, 2024** and received no later than **November 8, 2024**. The postal service recommends mailing your ballot back at least one week before Election Day.

How can I check if my ballot was received?

You can check the status of your ballot online at **www.VoteInMA.com**. This shows whether your application has been received, the date the local election official mailed your ballot to you, and the date your ballot reaches the local election office.

Are all Vote by Mail ballots counted?

All ballots received on time will be counted if they are properly executed. Remember to sign your ballot envelope so your ballot can be counted! All ballot counting is transparent and open to public observation.

VOTING IN PERSON

When can I vote in person?

You can vote in person during the early voting period or on Election Day. The early voting period will begin on **October 19** and end on **November 1**. You can check the dates, times and locations at **www.VoteInMA.com**.

On **Election Day, November 5**, polling places will be open from 7 a.m. until 8 p.m. Visit **www.VoteInMA.com** to find your polling place. You may also call the Elections Division at 1-800-462-VOTE (8683) for help finding your polling place.

How do I find out what offices and candidates are on my ballot?

Sample ballots as well as instruction cards are posted at the polls on Election Day. You will also be able to view a sample ballot at **www.VoteInMA.com** in October.

I registered to vote, but my name is not on the voting list—what do I do?

If you registered to vote, but your name is not on the voting list, ask the election officer in charge of the polling place to check your registration with the city or town clerk to see if you may be registered in another precinct in that municipality. If they still can't find your name, you may cast a provisional ballot at

the polling place. After the election, the local election official will search for records to confirm your voter registration. If your eligibility is confirmed, your ballot will be counted. If your eligibility cannot be confirmed, your ballot will remain sealed in an envelope.

What if I make a mistake on my ballot?

If you make a mistake on your ballot, you may request a new one. You may request up to two new ballots.

Can I bring materials into the polling place?

Yes, you may bring materials into the voting booth. You can bring pre-printed brochures or pamphlets or your own notes, but you cannot display those materials while in the polling location. You must take any materials with you when you leave the voting booth.

Election Security

Elections in Massachusetts are secure, verifiable, and transparent. With recent changes to our election laws, you may have questions about the safeguards in place to ensure that every vote is counted legally and accurately.

Verifiable Paper Trail

In Massachusetts, every voter casts a paper ballot. Ballots are counted either by an electronic tabulator or by election workers who tally the votes by hand.

No matter how your ballot was counted, election workers record all votes on a paper tally sheet in each polling place

after polls close. All ballot counting and tallying takes place in public, with anyone welcome to observe the process.

Each local election office uses those tally sheets to compile unofficial results. Election results become official after they are checked thoroughly, certified by the local election official, reported to the Secretary of the Commonwealth's office, and certified again by the Governor and the Governor's Council.

Post-election audits are conducted before results are certified and candidates always have the right to petition for a hand recount of ballots to verify that the official count was accurate.

Ballot Tabulators

All ballot tabulators in Massachusetts are certified for use by the federal Election Assistance Commission and the Secretary of Commonwealth.

Before each election, local election officials must hold public logic & accuracy testing of all tabulators that will be used in the election. Each tabulator is tested to make sure it is counting ballots accurately. The testing date, time, and location is publicly posted, and members of the public are welcome to observe. Local party committees are also invited to observe testing of the voting equipment.

Only tabulators that count paper ballots are certified for use in Massachusetts. Tabulators in Massachusetts are not connected to the internet.

Voting by Mail

Your Vote by Mail ballot will be checked in as quickly as

possible after it reaches your local election office. Your local election official will open the outer mailing envelope and check your inner ballot envelope for your signature. The signature on the ballot envelope will be compared to the signature on file with your local election office.

If your ballot envelope is signed and accepted, your local election official will mark your name off the voter list so that you can't vote again. The voter list used at your polling place will show that you have already voted.

If your ballot is not accepted, you will be notified that your ballot needed to be rejected and you will still be able to vote in person. If time allows, you will be sent a replacement ballot to use to vote by mail.

All mail-in ballots are checked against the voter list before they are counted. This prevents any voter from voting more than once. A mail-in ballot that arrives after someone has voted in person will be rejected when the ballot is checked in.

Ballot Counting

When you vote in person at your polling place, you place your own ballot directly into the locked ballot box, where it remains until after polls close. Ballots inserted into tabulators are counted as you insert them, while ballots inserted into other ballot boxes are counted in the polling place after polls close.

When you vote early in person or vote by mail, you place your ballot into a ballot envelope, which is kept sealed and secured until it is ready to be counted. Ballots are never unsealed until a public tabulation session has begun.

Ballots are counted in public, either at a central tabulation facility or at your polling place on Election Day. Before any early or absentee ballot is counted, the name and address on the envelope is read aloud and the voter's name is marked off on the voter list.

Observers are welcome to attend tabulation sessions, which must be publicly posted by your local election office. Any ballots not tabulated at a central tabulation facility are sent to the appropriate polling place to be inserted into the ballot box on Election Day.

Observers are also welcome in polling places to watch the voting process and the counting of ballots at the end of the night. Observers must not interfere with the voting process and must observe from a designated location outside of the voting area.

Election Results

For the November 5, 2024 State Election, unofficial election results reported on Election Night will include all ballots counted through November 5. Those results will include:

- All ballots cast during the early voting period;
- All mail-in ballots returned by November 4;
- All ballots cast in person on Election Day.

Ballots returned by mail or drop box on Election Day will be sent to be processed at the local election office, so that signatures on the ballot envelopes can be examined and voter lists can be consulted.

Mail-in ballots that arrive by November 8, 2024 will be counted as long as they are postmarked by Election Day.

After voting lists from polling places have been returned to the local election office, the election officials will check any ballots that arrived on or after Election Day against those lists to make sure nobody votes more than once. Ballots from voters who have already voted will be rejected.

Ballots that are accepted on or after Election Day will be counted during a public counting session to be held after 5 p.m. on November 8. Vote tallies will be amended to reflect those additional ballots before the results become official.

Be a Poll Worker!

One of the best ways that you can help make sure Massachusetts holds successful elections is by offering your time to be a poll worker.

Poll workers are needed across the Commonwealth on November 5, and many communities will also need workers to assist with early voting.

Poll workers are hired by local election officials to help check in voters, distribute ballots, tally votes, and assist voters in the polling place.

Generally, poll workers must be registered voters of the Commonwealth, though up to 2 poll workers per precinct may be 16 or 17 years old.

If you are able to offer your time to be a poll worker, please

visit the Elections Division's website, **www.VoteInMA.com**, to find contact information for the local election office where you would like to work. You do not need to be a resident of a city or town in order to be a poll worker there.

Military and Overseas Voters

In Massachusetts, members of the Uniformed Services serving on **active duty**, their families, and U.S. citizens residing overseas are eligible to vote in all elections. These voters **do not need to register to vote to request an absentee ballot**. Absentee ballots can be requested using the Federal Post Card Application or any form of written communication. A **family member can request** that an absentee ballot be sent to the voter as well.

These voters can request that their absentee ballots be sent to them by mail, fax, or e-mail; ballots may also be returned to the local election officials by any of these methods.

Massachusetts also allows military and overseas voters to vote absentee in all elections by using the Federal Write-in Absentee Ballot (FWAB). The FWAB can be used to vote any time before an election, even if the voter did not apply for an absentee ballot. After voting on the FWAB, the voter may submit it by mail or electronically. Both the Federal Post Card Application and the Federal Write-in Absentee Ballot may be found on the website of the Federal Voting Assistance Program, **www.FVAP.gov**.

Services of the Secretary of the Commonwealth

The Securities Division works to protect Massachusetts investors by registering broker-dealers and investment advisers, requiring that high-risk securities be registered, investigating complaints, and taking appropriate enforcement and disciplinary actions.

Telephone: 617-727-3548 or 1-800-269-5428
Website: **www.sec.state.ma.us/securities**
Email: securities@sec.state.ma.us

Citizen Information Service functions as the primary information and referral agency for the state, offering information on state programs and agencies. CIS attempts to answer all requests by providing either direct assistance or an immediate referral to the appropriate agency. As part of its goal to make state government more accessible to the public, CIS has established a publication series on specific topics of interest, including:

- The Citizens' Guide to State Services: A Selective Listing of Government Agencies and Programs, with addresses, phone numbers and agency descriptions.
- Welcome to Massachusetts: A Practical Guide to Living in the State
- Automobile Excise Tax
- Safe and Sanitary Housing for Massachusetts Residents

- Veterans Laws and Benefits Guide
- Massachusetts Facts: A Review of the History, Government and Symbols of the State, for junior high to high school age students.

Telephone: 617-727-7030 or 1-800-392-6090 (toll-free in Massachusetts only)
Website: **www.sec.state.ma.us/cis**
Email: cis@sec.state.ma.us

The Elections Division administers all state elections, provides information on voting, and supplies election materials to the public, candidates, and government officials.

Telephone: 617-727-2828 or 1-800-462-VOTE (8683)
Website: **www.sec.state.ma.us/elections**
Email: elections@sec.state.ma.us

The Public Records Division administers the Public Records Law, assists agencies and municipalities with records management, certifies documents for use abroad, performs oaths of office, and maintains records of gubernatorial appointments and commissions.

Telephone: 617-727-2832
Website: **www.sec.state.ma.us/publicrecords**
Email: pre@sec.state.ma.us

Real Estate Records. Foreclosure and Homestead Information - Massachusetts is divided into 21 registry districts with an elected Register of Deeds responsible for each office. Documents related to the ownership of real estate within the district are recorded at the Registry of Deeds.

Website: **www.masslandrecords.com**

The Massachusetts Archives collects, catalogs, and preserves records of enduring value from nearly 400 years of state government. It serves as a vital resource to scholars, genealogists, and students and as an advisor to the historical records community in Massachusetts.

Telephone: 617-727-2816
Website: **www.sec.state.ma.us/arc**
Email: archives@sec.state.ma.us

The Commonwealth Museum brings Massachusetts history alive through exhibits, outreach and student programs and publications.

Telephone: 617-727-9268
Website: **www.commonwealthmuseum.org**

The Massachusetts Historical Commission is the state agency responsible for historical preservation in the Commonwealth. It offers assistance to communities in listing properties with the National Register of Historic Places and establishing local historic districts.

Telephone: 617-727-8470
Website: **www.sec.state.ma.us/mhc**
Email: mhc@sec.state.ma.us

The State Bookstore offers a wide range of books and pamphlets published by the Secretary of the Commonwealth and other state agencies, including the Code of Massachusetts Regulations. A free Bookstore Catalog is available.

Telephone: 617-727-2834
Website: **www.sec.state.ma.us/bookstore**
Email: bookstore@sec.state.ma.us

The Regional Offices in Springfield and Fall River offer many of the services provided by the Boston office and bring state government closer to the citizens of Massachusetts.

Springfield: 413-784-1376
Fall River: 508-646-1374
Website: **www.sec.state.ma.us/wso**

The Corporations Division is responsible for registering all Massachusetts profit and non-profit business entities and providing immediate summary information about almost 400,000 entities doing business in the state.

Telephone: 617-727-2850
Website: **www.sec.state.ma.us/corporations**
Email: corpinfo@sec.state.ma.us

Other Divisions Include:

Lobbyist:
Telephone: 617-727-9122
Website: www.sec.state.ma.us/lobbyist
Email: lob@sec.state.ma.us

State Publications and Regulations
Telephone: 617-727-2831
Website: www.sec.state.ma.us/publications
Email: regs@sec.state.ma.us

State House Tours:

Telephone: 617-727-3676

Website: www.sec.state.ma.us/tours

Email: mastatehousetours@sec.state.ma.us

Help for Victims of Domestic Violence

If you are a survivor of domestic violence, sexual assault, or stalking, or you are a legally protected healthcare provider, Massachusetts may be able to protect your address from perpetrators of violence.

If you are relocating to get away from a violent or dangerous situation, the Address Confidentiality Program (ACP), administered by the Secretary of the Commonwealth, can make your new address harder to find.

As a survivor of domestic violence, sexual assault, or stalking, you can apply to be certified as an ACP program participant. You must show that disclosure of your address threatens your safety or the safety of your children.

ACP allows you to use a substitute mailing address when interacting with government agencies. This address will be used as your legal residence, as well as your address for work and/or school. This allows government records to be disclosed to the public without identifying your new location.

How do I apply?

You may apply by contacting an application assistant, who will start the application process with you. You may call ACP at

1-866-SAFE-ADD in order to locate an application assistant. You may also contact an agency or non-profit program that provides counseling, referral, shelter or other specialized services to survivors of domestic abuse, sexual assault, or stalking.

Voter Checklist Tear out and take to the polls.

Ballot Questions

Question 1 ☐ Yes ☐ No
Question 2 ☐ Yes ☐ No
Question 3 ☐ Yes ☐ No
Question 4 ☐ Yes ☐ No
Question 5 ☐ Yes ☐ No

Ballot Offices

Offices on the ballot in 2024 appear in the following order:

Electors of President and Vice President______________________

Senator in Congress ______________________________________

Representative in Congress _________________________________

Councillor ____

Senator in General Court ___________________________________

Representative in General Court _____________________________

Register of Deeds ____

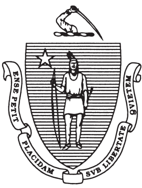
Clerk of Courts ____

County Commissioner (select counties) ______________________

Register of Probate
(Hampshire and Suffolk counties) ___________________________

Notes:

Notes:



William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, MA 02108

Non-Profit Org.
ECRWSS
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OFFICIAL DOCUMENT

Residential Customer
VOTERS

Printed on recycled paper

Information for Voters

is sent to voters by mail to residential addresses, to voters residing in group quarters and to convenient public locations throughout the Commonwealth. Limited additional copies may be obtained at local city and town halls and some libraries, or by calling Secretary Galvin's Elections Division at 617-727-2828 or 1-800-462-VOTE (8683); or Citizen Information Service at 617-727-7030 or 1-800-392-6090. TTY users may call MassRelay at 800-720-3480. Be sure to visit our website at **www.sec.state.ma.us**. An audio or braille edition is also available from the Braille and Talking Book Library in Watertown at 1-800-852-3133.