

RECREATIONAL MARIJUANA IN STOW

OPTIONS FOR LOCAL REGULATION

A PUBLIC INFORMATION SESSION | TOWN OF STOW

AGENDA

1. **Overview of Marijuana Law and Local Timelines**
2. **Role of the Cannabis Control Commission**
3. **Types of Marijuana Establishments**
4. **Minimum Licensing Requirements in Stow**
5. **Additional Local Controls**
6. **Role of Zoning Regulations**
7. **Topics to be Reviewed by the Board of Health**

***Presentation and relevant documents will be on the Stow website Planning Board page at www.stow-ma.gov. Other helpful links found at the end of the presentation.**

OVERVIEW

In November of 2016, Massachusetts voters approved ballot referendum “Question 4,” legalizing the *recreational* use of marijuana in the state. Since that time, Massachusetts has developed regulations governing the recreational use of marijuana, as well as the specialized industry it supports. The Town of Stow must now choose the extent to which it will regulate Recreational Marijuana Establishments locally.

**The Town cannot further limit the personal use marijuana enabled through state law.*

WHAT WE KNOW NOW

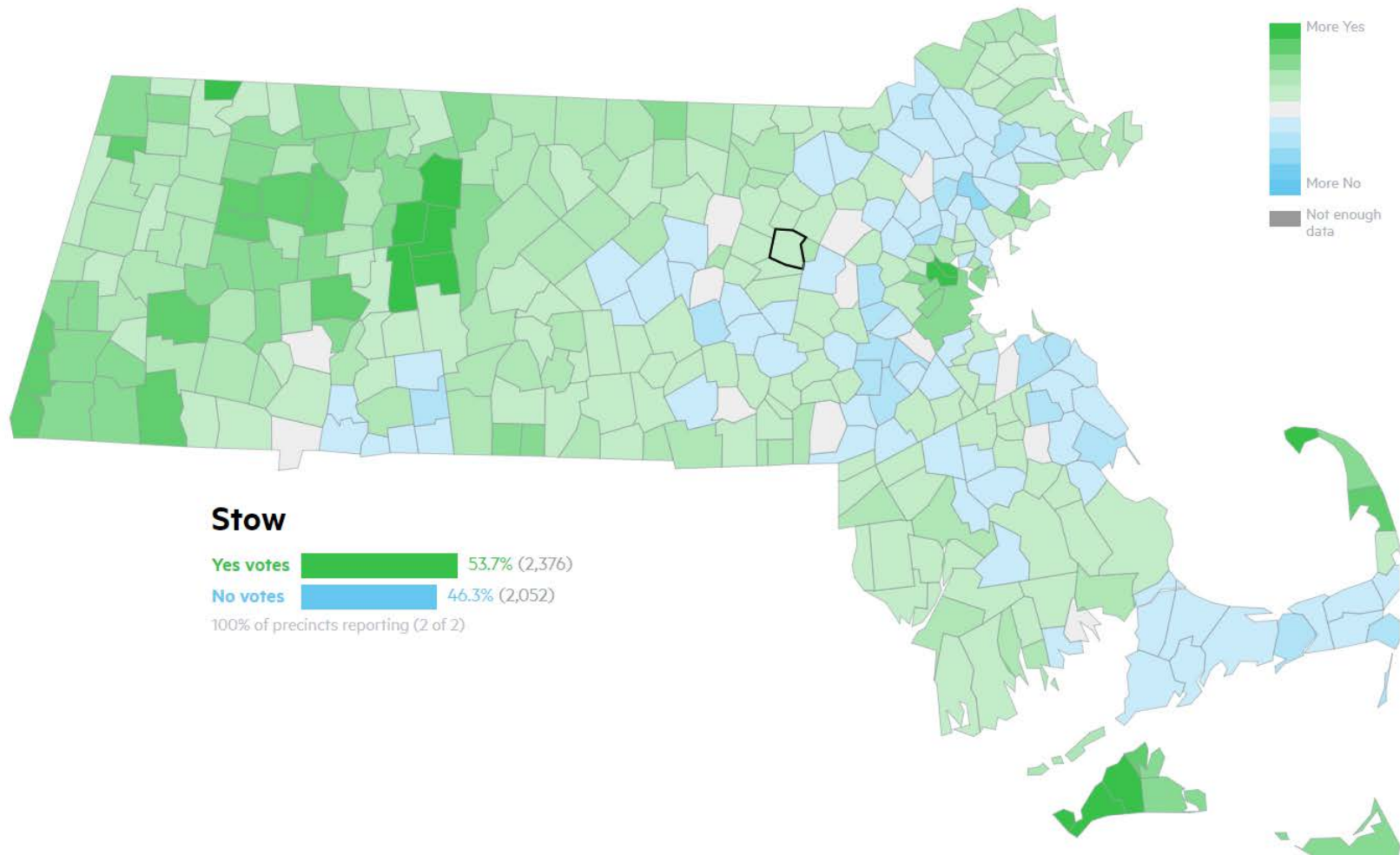
The Cannabis Control Commission released final regulations on March 23, 2018. This presentation represents the best information the Town of Stow has to date regarding the implementation of Recreational Marijuana Establishments and use.

More information can be found at:

- Cannabis Control Commission Webpage | <https://mass-cannabis-control.com/>
- Massachusetts Association of Regional Planning Agencies | <http://www.massmarpa.org/recreational-marijuana>
- Massachusetts Association of Boards of Health | <http://www.mahb.org/>

RECREATIONAL MARIJUANA OVERVIEW

Question 4: Legalize Recreational Marijuana



RECREATIONAL MARIJUANA TIMELINE



MARIJUANA IN MASSACHUSETTS

MEDICAL

- The legalization of medical marijuana was passed by statewide ballot measure in 2013.
- Stow currently regulates “Registered Marijuana Dispensaries” (RMD’s) through its zoning bylaw.
- RMD’s are non-profit organizations that can dispense medical marijuana to those authorized to consume it.

VS.

RECREATIONAL

- Recreational/Adult Use Marijuana was passed by statewide ballot measure in November of 2016.
- Stow currently has a temporary moratorium on the establishment of businesses engaged in the recreational marijuana business
- Marijuana Establishments can be private businesses authorized to sell cannabis products for adult use.

WHO'S WHO OF RECREATIONAL MARIJUANA

Cannabis Advisory Board

- Includes several subcommittees responsible for ongoing research into public health, marketing and industry trends

Cannabis Control Commission (CCC)

- Responsible for creating statewide regulations, licensing applicants, and inspecting facilities

Local Municipality

- May regulate the time, place and manner of licensed marijuana establishments, and/or dictate the type of establishment allowed in local jurisdictions

Marijuana Establishments

- A business or organization engaged in any aspect of the marijuana industry.

TOPICS REGULATED THROUGH STATE LAW AND CCC REGULATIONS

- Personal Use of Marijuana
- Private home growing of marijuana and related restrictions
- Restrictions on possession limits
- Private manufacture of marijuana accessories for sale to adults 21+
- Transportation of Marijuana Products, within or through Town
- Safety and security measures at Recreational Marijuana Establishments
- Licensing and application requirements and procedures

ROLE OF THE CANNABIS CONTROL COMMISSION

LICENSING

- Accepts applications and issues licenses for various types of Marijuana Establishments
- Issues Registration Cards to prospective applicants and performs background checks

APPLICATION REVIEW

- Reviews management and operations profiles of Marijuana Establishments
 - Security measures
 - Storage of product
 - Quality control
 - Emergency procedures
 - Delivery and Transportation

ROLE OF THE CANNABIS CONTROL COMMISSION

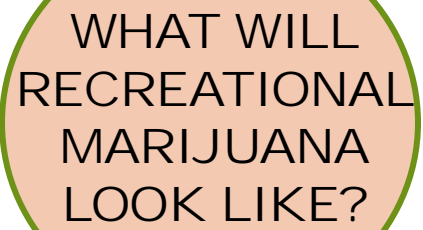
PACKAGING+LABELING

- Regulates marketing of Marijuana Products and Establishments to ensure that minors are protected
- Dictates labeling and packaging for all types of Marijuana Products to create standard concentrations
- Reviews required consumer education materials

TESTING+OVERSIGHT

- Protocols for independent testing laboratories
- Authorizes secret shopper program
- Issues fines, suspensions, and revocation of licenses

BREAK FOR QUESTIONS?



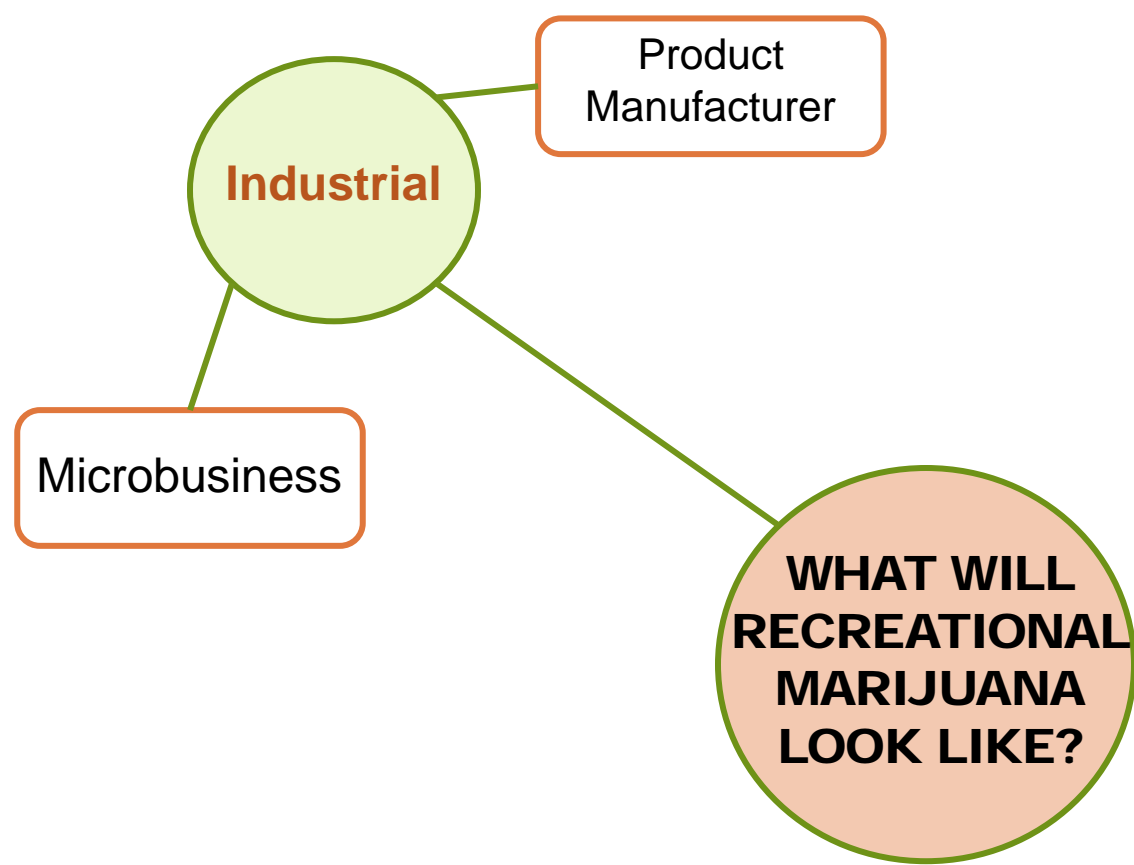
WHAT WILL
RECREATIONAL
MARIJUANA
LOOK LIKE?

Industrial

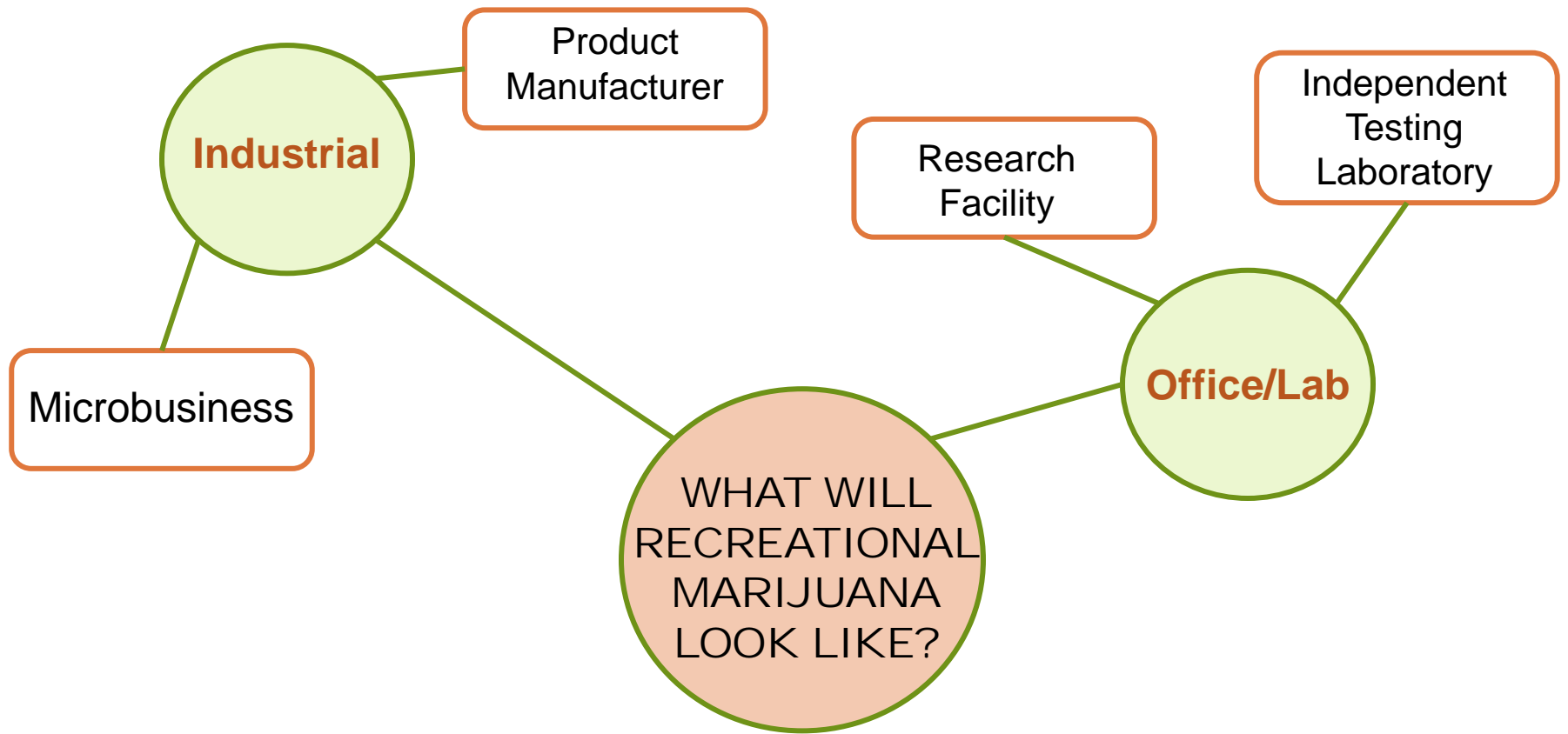
Product
Manufacturer

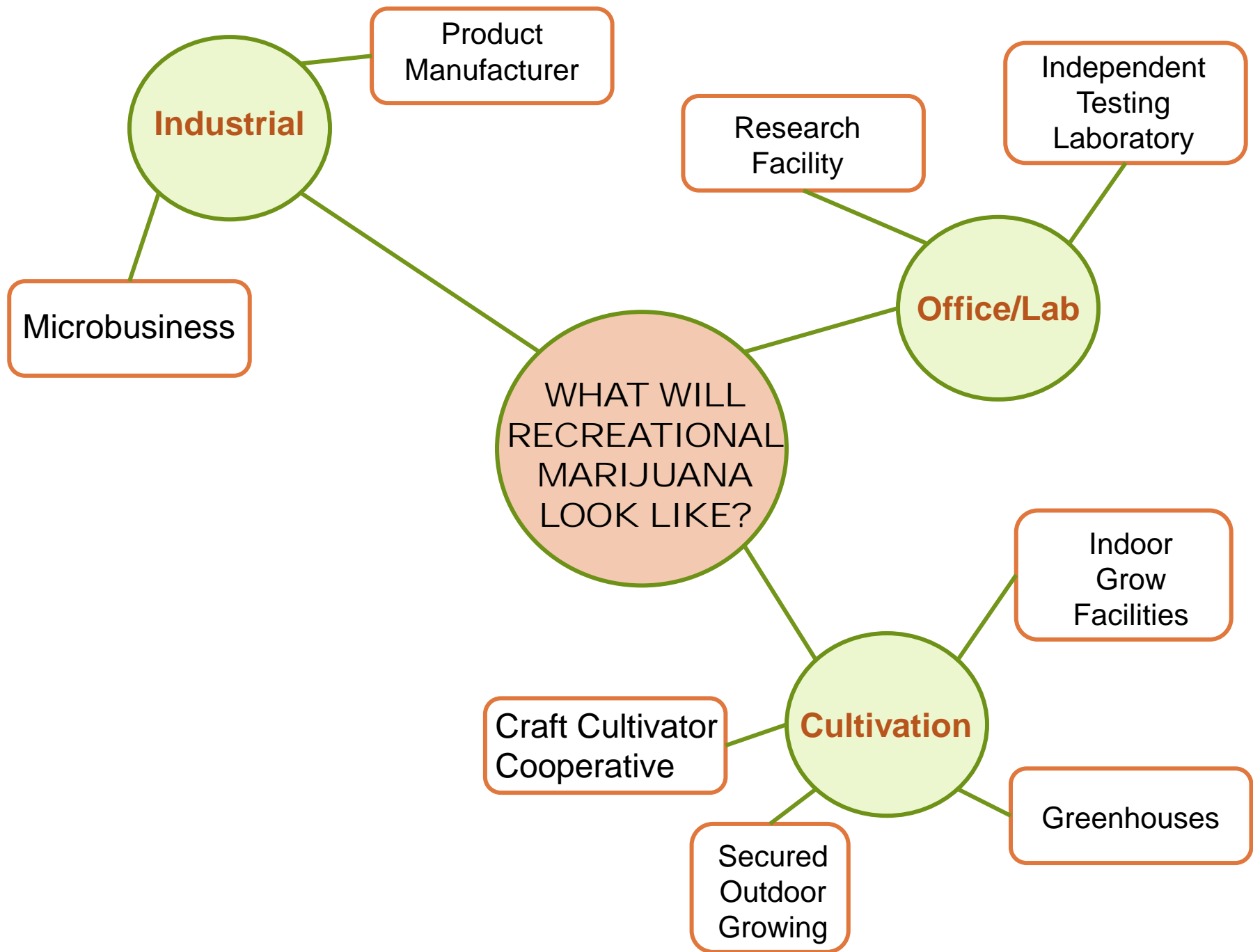
Microbusiness

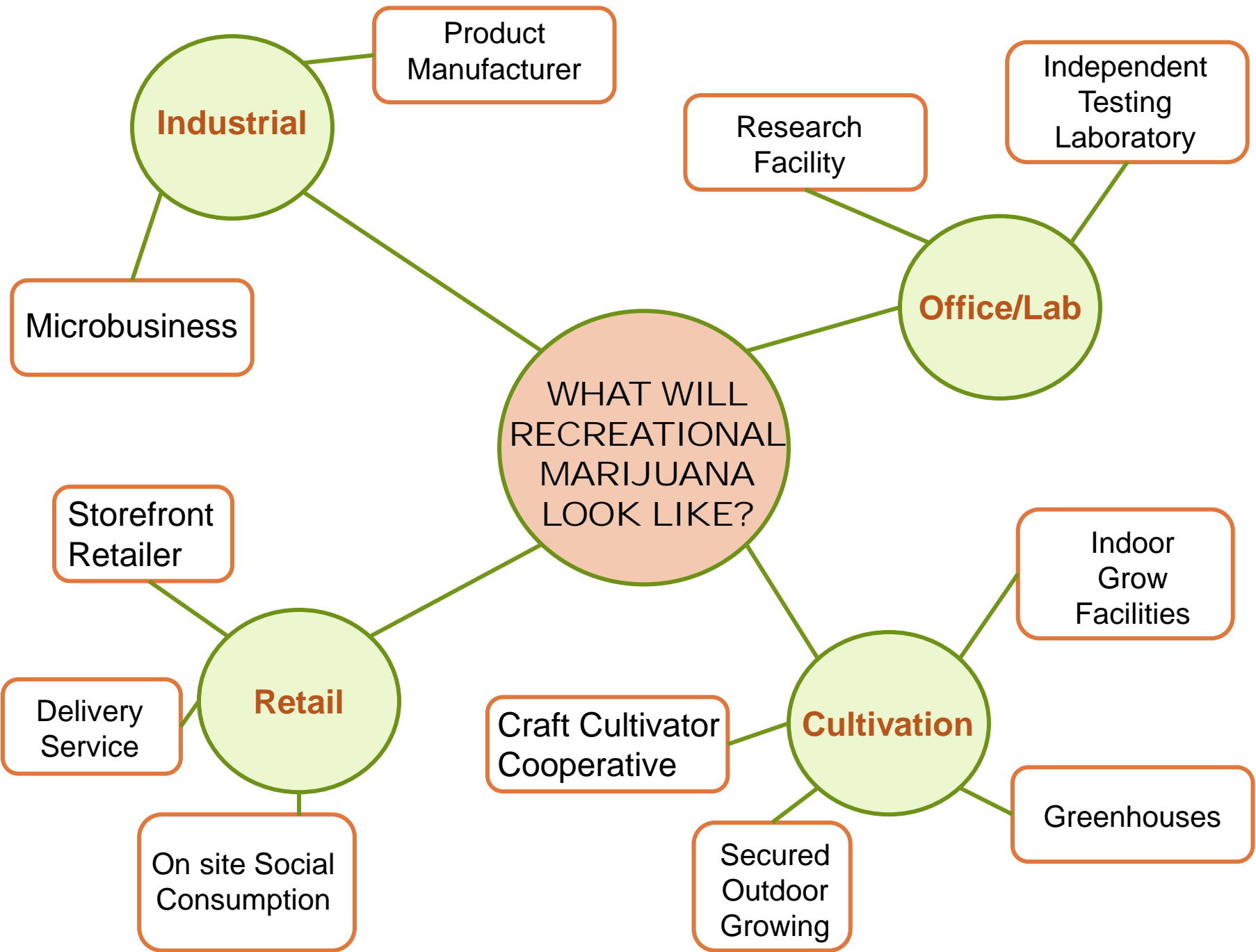
WHAT WILL
RECREATIONAL
MARIJUANA
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graph LR; A((WHAT WILL RECREATIONAL MARIJUANA LOOK LIKE?)) --- B((Industrial)); A --- C[Product Manufacturer]; A --- D[Microbusiness];
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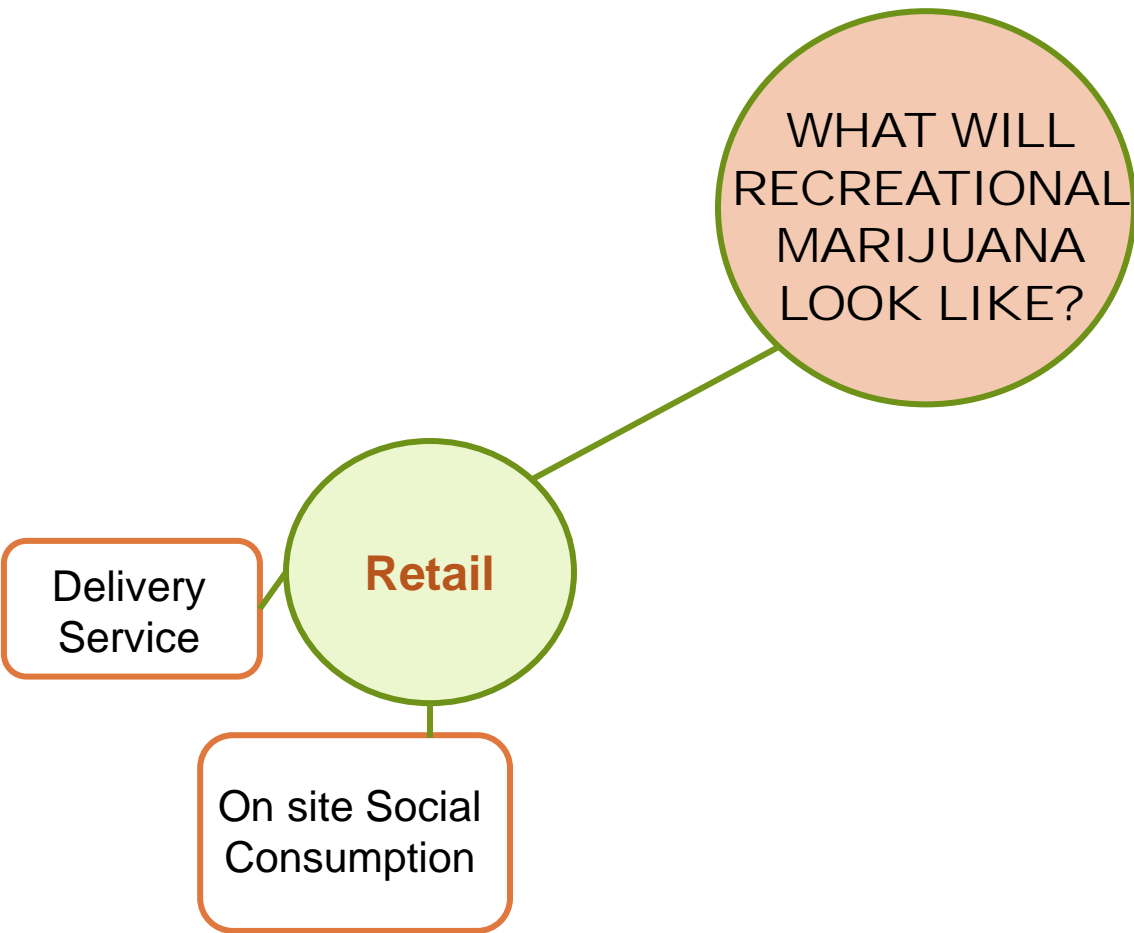
UNDER REVIEW BY CCC

WHAT WILL
RECREATIONAL
MARIJUANA
LOOK LIKE?

Retail

Delivery
Service

On site Social
Consumption



MINIMUM LICENSING REQUIREMENTS

Process for Submitting License Application to CCC

**TOWN OF STOW
STOW, MASSACHUSETTS**



ZONING BYLAW

Including Amendments through May 2, 2017

1. Applicant must document it complies with all bylaws/ordinances in effect in a Town prior to submission;

MINIMUM LICENSING REQUIREMENTS

Process for Submitting License Application to CCC



Town of Stow
PLANNING BOARD
380 Great Road
Stow, Massachusetts 01775-1122
(978) 897-5808
FAX (978) 897-2121
www.stow-ma.gov

Date _____

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Stow Planning Board will hold a Public Hearing on _____, Date at Time, on the 3rd floor of Stow Town Building, 380 Great Road, Stow, Massachusetts, to discuss the Petition for an _____ as shown on a Plan entitled "_____ 1st" dated _____, prepared for _____ by _____ in accordance with Section _____ of the Stow Zoning Bylaw and the Rules and Regulations for Special Permits and Site Plan Approval. The land is located in the _____ Zoning Districts of Stow, MA, at Address, as shown on assessors Map, Lot _____, Parcel _____. Plans may be viewed at the Office of the Planning Board or Office of the Town Clerk during normal business hours.

Lori Clark
Chair

1. Applicant must document it complies with all bylaws/ordinances in effect in a Town prior to submission;
2. Applicant is responsible for scheduling Public Hearing, with notice to all abutters in area of proposed establishment;
 - Applicant must provide information RE type of establishment proposed, security plans, plans to mitigate potential diversion to minors, and how the establishment can positively impact the community.

MINIMUM LICENSING REQUIREMENTS

Process for Submitting License Application to CCC

20170755

HOST COMMUNITY AGREEMENT
BETWEEN
THE CITY OF SPRINGFIELD
AND
HAMPDEN CARE FACILITIES, INC.

This HOST COMMUNITY AGREEMENT made on this ____ day of ____, 2016 by and between the City of Springfield, a municipal corporation existing within the Commonwealth of Massachusetts, acting by and through its Chief Development Officer, with the approval of its Mayor, hereinafter referred to as the "City", and Hampden Care Facilities, Inc., a Massachusetts non-profit corporation, with a usual place of business located at ____, Springfield, Massachusetts 01104, hereinafter referred to as "Hampden Care". The City and Hampden Care shall be collectively known herein as "the Parties".

Witnesseth That:

WHEREAS, in accordance with all applicable Massachusetts laws and regulations, the City has conducted a two-phased RFP/Q solicitation process for Medical Marijuana Treatment Center proposals in Springfield;

WHEREAS, Hampden Care has been incorporated under Chapter 180 of the Massachusetts General Laws to provide marijuana for medical use to patients of Hampden Care, and desires to establish and operate a marijuana for medical use retail dispensary in Springfield located at 506 Cottage Street (the "Dispensary"); and

WHEREAS, the Massachusetts Department of Public Health ("DPH") has informed Hampden Care that it is being reviewed as a provisional licensee to operate a Registered Marijuana Dispensary ("RMD"), and upon receipt of a final Certificate of Registration to operate an RMD from DPH, Hampden Care will have the legal authority to operate its Dispensary; and

WHEREAS, at the conclusion of Phase II (RFP/Q No. 16-090) of the City's solicitation process, the City selected Hampden Care as the highest ranked proposal; and

WHEREAS, Hampden Care desires to support community initiatives and interests in Springfield to express its appreciation for the community support it has received to operate an RMD in Springfield; and

WHEREAS, Hampden Care desires to mitigate any actual or potential adverse community impacts from dispensing medical marijuana and holding medical marijuana inventory in Springfield and to improve the security and health of the people of Springfield; and

WHEREAS, the City and Hampden Care enter into this Host Community Agreement to memorialize the terms of Hampden Care's support of community initiatives and interest in Springfield and Hampden Care's commitment to mitigate actual or potential adverse community impacts from dispensing medical marijuana and holding medical marijuana inventory in Springfield; and

NOW, THEREFORE, for the consideration set forth herein, the Parties hereto mutually agree as follows:

1. Applicant must document it complies with all bylaws/ordinances in effect in a Town prior to submission;
2. Applicant is responsible for scheduling Public Hearing, with notice to all abutters in area of proposed establishment;
 - Applicant must provide information RE type of establishment proposed, security plans, plans to mitigate potential diversion to minors, and how the establishment can positively impact the community.
3. Applicant enters into Host Community Agreement with the municipality, signed by contracting authorities (Board of Selectmen)

HOST COMMUNITY AGREEMENTS

A Negotiated agreement between the Town and the proposed Establishment

- **Applicant will be required to report all financial implications to the municipality as a result of the host community agreement**
- **Final agreement can include impact fees to the community**
 - Similar agreements in the state include local job creation agreements, donations to schools, payments to public safety departments
 - Monetary requirements need to be connected and proportionate to the need funds would address.
 - Impact fees limited to 3% of gross sales of establishment or be effective for longer than three years

ADDITIONAL MUNICIPAL CONTROLS

Vote to limit or prohibit some or all Marijuana Establishments

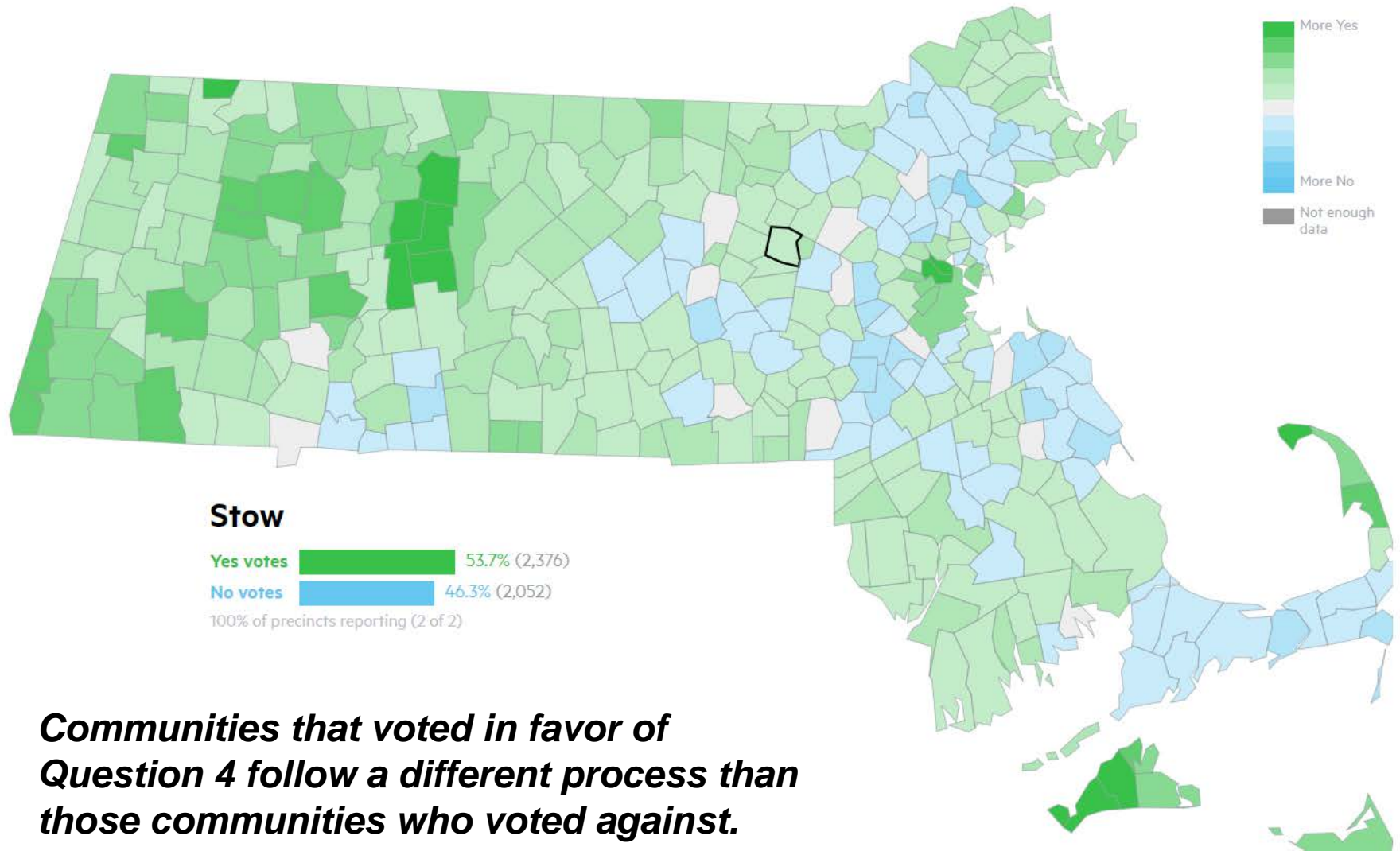
Implement a local tax on retail sales of Marijuana products of up to 3%

Impose a civil penalty for violation of a bylaw

Govern Marijuana Establishments through Zoning or General Bylaws

Adopt Local Board of Health Regulations

Question 4: Legalize Recreational Marijuana



Stow's Controls for Regulating Recreational Marijuana Establishments and Use

Municipal Action	Criteria/Details	Town Meeting Vote?	Ballot Vote?
Ban Marijuana Establishments	Can be directed at <u>any</u> and/or all of the Marijuana Establishment types.	Yes	Yes
Limit the # of Marijuana Retailers	Cap may be set at <u>20% or more</u> of the number of (package store) liquor licenses issued in Town	Yes	No
Limit # of Marijuana Retailers	Cap may be set at fewer than 20% of the number of (package store) liquor licenses in Town	Yes	Yes

** Stow has 5 available off-premise (package store) liquor licenses*

Stow's Controls for Regulating Recreational Marijuana Establishments and Use

Municipal Action	Criteria/Details	Town Meeting Vote?	Ballot Vote?
Apply Local Sales Tax to Marijuana Retailers	May implement retail sales tax of <u>up to 3%</u> . *Does not apply to Medical Marijuana sales	Yes	No
Regulate through Zoning Bylaw	Towns may regulate time, manner and place	Yes	No
Enter into Host Community Agreement	May contain conditions for approval, including fees to the municipality to off-set impacts	No*	No*

** Host Community Agreements are required to be entered into by a Marijuana Establishment and the host community prior to issuance of a license by the Cannabis Control Commission.*

OPTIONS FOR MUNICIPALITIES

Limit

Control

Ban



Regulate

Condition

GOVERN THROUGH ZONING

What does a Zoning Bylaw for Marijuana Establishments Provide?

- ✓ Town sets locations for different Marijuana uses
- ✓ Able to require a conditional approval (Special Permit) process with a Public Hearing
- ✓ Town can provide feedback and conditions on site plans, including parking, landscaping, traffic circulation, safety and hours of operation.

GOVERN THROUGH ZONING

Stow's *Approved*
Medical Marijuana
Zoning Bylaw
Utilizes the
Following Controls

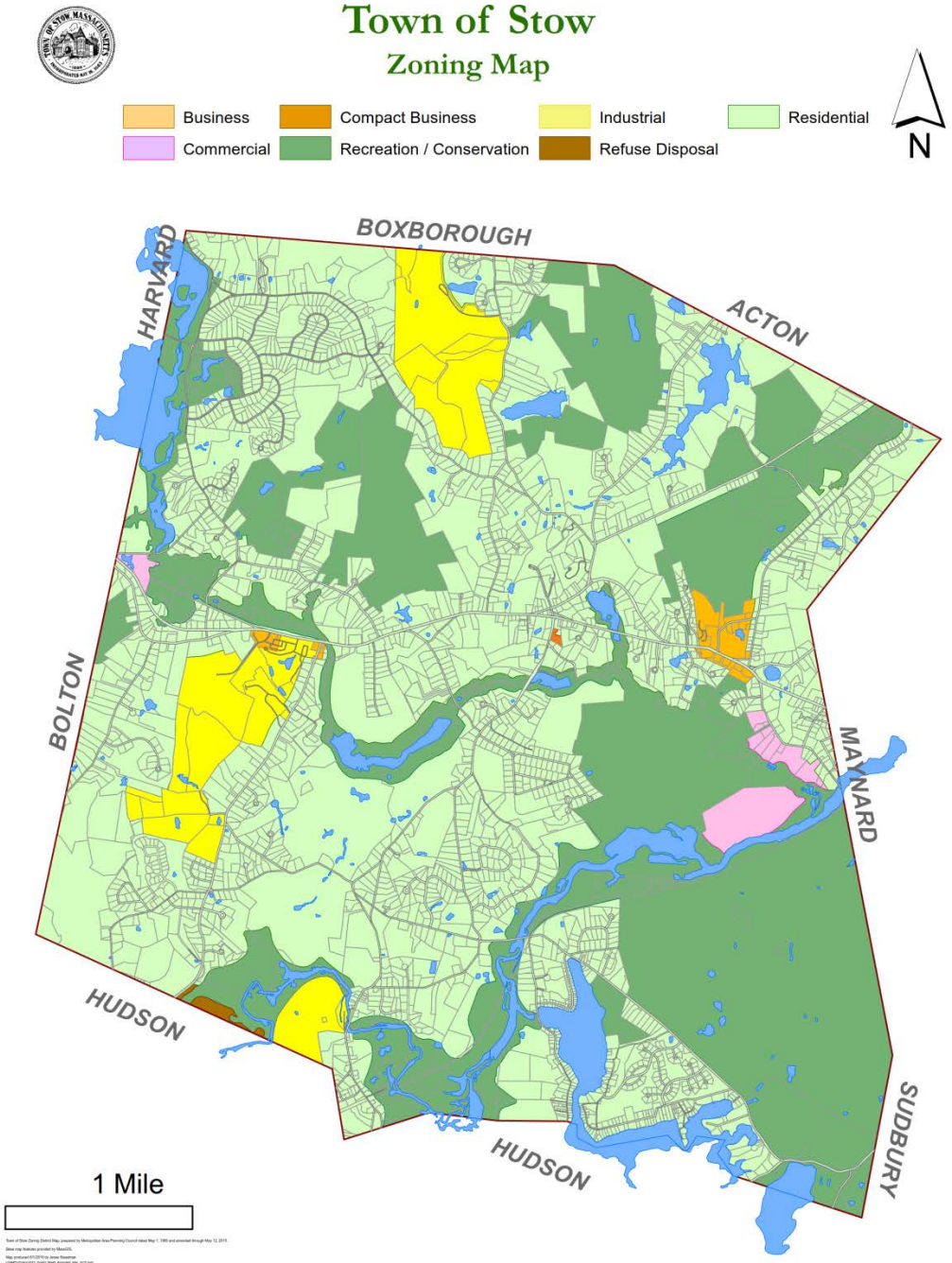


- Established a District where the use is most appropriate;
- Set buffers from vulnerable locations;
- Requires a public hearing and review site plans and security measures

ZONING FOR RECREATIONAL MARIJUANA

Examples of questions to ask when considering a new land use:

- How will people engage with the new land use?
- What are the site planning impacts?
- Are there existing districts where the new use would be considered most appropriate?
- What are the potential impacts on abutting land uses and properties?



NEXT STEPS FOR ZONING

1. Drafting a Zoning Bylaw for Recreational Marijuana provides local control in the event that Marijuana Establishments are an approved use
2. The Planning Board will begin drafting a bylaw and hold a Public Hearing prior to the October Town Meeting.
3. A Zoning Bylaw for Recreational Marijuana will require 2/3 vote in favor at Town Meeting to pass.

BOARD OF HEALTH CONCERNS REGARDING MARIJUANA

- **Legal Age for Use**
- **DUI**
- **Social Establishments**
- **Edibles and the Food Code: Must be produced in licensed manufacturing plant with dose/serving, child proof packaging.**
- **Enforcement**
- **Security Measures**
- **Number of Outlets and Sales hours**

BOARD OF HEALTH DECISION AIDS

- Use of Precautionary Principle
- Based on scientific evidence
- Prevention of contaminated sources
- Impact of surrounding towns
- Support/Neutral/Putative approach
- Mass Health Officer Model Regulations
- Based on Tobacco Regulations and/or Liquor Licensing

BOARD OF HEALTH ACTIONS

- ❖ Review MHOA recommendations
- ❖ Develop Stow regulations based on previous slide
- ❖ Hold public hearings
- ❖ Finalize regulations

Please Note:

- ❖ Board of Health may create regulations via public hearings.
- ❖ Presentation at Town Meeting or on election ballot is not required.

MORE INFORMATION

The following is a list of places where interested residents can gain more information on implementation of the new law:

- <https://mass-cannabis-control.com/>

The State Cannabis Control Commission website provides links to their regulations and other documents relating to the law.

- www.stow-ma.gov

The Town is maintaining a list of documents relevant to implementation of the new law, including any draft regulations as proposed.

- <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94G>

The full text of MGL Ch.94G can be found at MA Legislature page above. More detailed information on interpretation and regulation of Marijuana Products can be found at the Cannabis Control Commission website.

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Valerie Oorthuys | Assistant Planner | planning2@stow-ma.gov

Board of Health | health@stow-ma.gov