

Eileen J. Marum
Summary of SRPEDD Board of Commissioners Meeting
Guest speaker: Attorney Brian Riley, Partner, KP Law

March 28, 2018

RE: Marijuana

Attorney Brian Riley talked about the Regulation and Taxation of the Marijuana Act using a PowerPoint presentation:

- Marijuana Acts and regulations and establishments
- Local options to regulate the sale and production of marijuana in your community
- Marijuana Retailers, Cultivators, Transporters, Manufacturers, Craft Cooperative and total canopy
- Social consumption
- Community outreach
- Buffer Zone, signage, transportation

Mr. Riley discussed how the Marijuana Acts and regulations create different kinds of marijuana establishments. Unlike a registered marijuana dispensary, which is required to cultivate, process and retail its own marijuana and marijuana products for medical use, an adult use marijuana establishment may opt only to participate in a part of the industry, such as, retailer, cultivator, transporter, manufacturer and more. All marijuana establishments are subject to strict, comprehensive state regulations and inspections by Commission agents. All marijuana establishments are required to enter into host community agreements with the municipality in which they are located. Only marijuana retailers are subject to the local marijuana tax created under the 2017 Act, and one business may hold three licenses in each category, with certain exceptions.

A marijuana cultivator may cultivate, process and package marijuana, to transfer and deliver marijuana products to marijuana establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator. Cultivators may select what tier they will be in, which will affect their application and licensing fees; no licensee may have a total canopy of more than 100,000 square feet.

A canopy is an area calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants, including all the space(s) within the boundaries, and a canopy may be noncontiguous, but each unique area included in the total canopy calculations shall be separated by an identifiable boundary.

Regulations regarding licenses for social consumption and delivery to consumers have been delayed for further study. The Commission anticipates drafting regulations regarding licenses for this category in February 2019. In the meantime, municipalities wishing to authorize social consumption in their community must follow the ballot process established in M.G.L. c.94G §3(b) for the election in November 2018.

The marijuana applicant must submit documentation of a community outreach meeting, which must occur within six months of filing an application.

The applicant must provide the type(s) of Marijuana Establishment to be located at the proposed address including; information adequate to demonstrate that the location will be maintained securely; steps to be taken by the Marijuana Establishment to prevent diversion to minors; a plan by the Marijuana Establishment to positively impact the community; and information adequate to demonstrate that the location will not constitute a nuisance. Also, a Q & A must be permitted for community members to ask questions and receive answers from representatives of the Marijuana Establishment.

Mr. Riley mentioned that under state law, a marijuana establishment may not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Municipalities may adopt an ordinance or bylaw to reduce that distance requirement. A municipality may regulate, by bylaw or ordinance, signage regarding marijuana-related uses, but the ordinance or bylaw may not impose a standard more restrictive than those applied to retail establishments selling alcoholic beverages within the municipality. And, municipalities are prohibited from barring the transportation of marijuana or marijuana products or adopting an ordinance or by-law that makes the transportation of marijuana or marijuana products unreasonably impracticable.

For additional questions regarding local control over marijuana establishments or other questions regarding the Marijuana Acts, Mr. Riley suggests contacting the Cannabis Control Commission at: CannabisCommission@State.MA.US or 617-701-8400.

Respectfully submitted,

Eileen J. Marum, Chairman

Marion Planning Board