

Town of Auburn, Massachusetts

Julie A. Jacobson
Town Manager



November 21, 2017

Mr. Matthew Allen
Chair
Cannabis Advisory Board Public Safety Sub-Committee
ACLU of Massachusetts
211 Congress St.
Boston, MA 02110

Re: **Municipal Concerns/issues to Address with New Regulations**

Dear Mr. Allen:

Thank you for the opportunity to provide the Public Safety Sub-Committee of the Cannabis Advisory Board with the following comments and feedback for their consideration regarding the Recreational Marijuana Law and upcoming development of regulations for recommendation to the Cannabis Control Commission. As the delegate to the Advisory Board for the Massachusetts Municipal Association (MMA), I have had the opportunity to meet and listen to feedback on the new law and the development of regulations by the Cannabis Control Commission from town administrators/managers, elected officials, and other municipal officials across the Commonwealth. Below is a compilation of those issues raised and recommendations for the sub-committee to consider in our deliberations.

- Chapter 334 of the Acts of 2016, “The Regulation and Taxation of Marijuana Act”, was the original recreational marijuana law. Under Section 3 of Chapter 334, cities and towns can limit the number of establishments or opt out of recreational marijuana establishments by a “vote of the voters” or ballot referendum. That section states that if a town wants to adopt a by-law to prohibit or limit specific activities defined in the law related to recreational (non-medical) marijuana, it must do so by a vote of the voters of the town. While the process for limiting or opting out was changed by the Legislature in July 2017, some municipalities had already placed the question of whether to prohibit all recreational marijuana establishments on their annual ballots in the Spring of 2017. Many municipalities used the language on the ballot that stated: “prohibit operations of all types of marijuana establishments as defined in G.L. c94G, § 1, including marijuana cultivators, marijuana testing facilities, marijuana product manufactures, marijuana retailers or any other type of licensed marijuana-related businesses within the Town

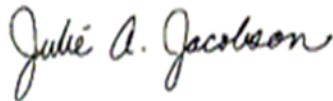
of Auburn". This language was developed based on the definition of marijuana establishments as defined in G.L. c94G, § 1, thus all recreational establishments were prohibited. The questions and recommendations that have been brought up related to this vote are:

- If a municipality voted to prohibit all recreational establishments by ballot and that municipality is still going through the process of amending their bylaws or ordinances to reflect that vote of the voters, will that municipality be able to reject applications for recreational establishments in April of 2018 if their bylaws or ordinances have yet to be changed?
- If those communities that simultaneously approved a temporary moratorium by vote of Town Meeting, is it assumed that the temporary moratorium will enable them to reject applications for recreational establishments in June of 2018. We would like this to be clarified and confirmed. *(Please see the attached letter from the Central Massachusetts Regional Planning Commission regarding this issue).*
- Can communities vote by Town Meeting or ballot, per the amended law, to prohibit or limit certain types of applications for recreational establishments (as opposed to all types of recreational establishments)? If so, we recommend that the Cannabis Control Commission develop language to use as boilerplate for such votes.
- Will Registered Marijuana Dispensaries (medical marijuana establishments) that are operational at the time that applications are being accepted be allowed to convert to recreational establishments in those communities that voted to prohibit recreational establishments? We would like this to be clarified. *(Please see the attached letter from the Central Massachusetts Regional Planning Commission regarding this issue).*
- We recommend that the regulations include a section that exempts those communities who either voted to prohibit recreational establishments or placed a temporary moratorium on such establishments prior to the new regulations being promulgated.
- We recommend that the Cannabis Control Commission develop boilerplate language for use in zoning ordinances or bylaws regarding the regulation of recreational establishments.
- We recommend that the Cannabis Control Commission include specific language in the regulations that prohibits the use of recreational marijuana on private property when such private property or events held on private property are open to the public (whether free or through ticket sales).
- We recommend that the Cannabis Control Commission give local authority to Boards of Health to regulate the sale or distribution of recreational marijuana products in accordance with state and local health regulations (with regard to handling, serving, and origin of product development).
- We recommend that the Cannabis Control Commission require applicants for recreational marijuana to obtain a Letter of Support/Non-Opposition from the local governing board or Chief Executive Officer of the municipality, similar to the requirement under the medical marijuana law.
- We recommend that the Cannabis Control Commission define in the regulations the process for securing Host Community Agreements which are now required for medical and recreational marijuana establishments. (I.E. at what point in the application process should the HCA be executed?)

- We recommend that the Cannabis Control Commission define in the regulations the process for safe handling of marijuana products similar to alcohol TIPS certification and Serve Safe Training.
- We recommend that the Cannabis Control Commission define the role of and identify the local licensing authority and local enforcement authority similar to the liquor license authority defined in MGL.
- We recommend that the Cannabis Control Commission define in the regulations the requirement to notify abutting communities of the proposed location of a recreational marijuana establishment similar to casino regulations.
- We recommend that the Cannabis Control Commission include a process for obtaining One-Day Licenses, similar to One-Day Liquor Licenses, for agricultural vendors participating in Farmer's Markets if such activity is to be allowed.
- We recommend that the Cannabis Control Commission include security requirements for outdoor cultivation facilities.

Thank you for the opportunity to present input and recommendations from the municipal perspective. I look forward to continuing the discussions of these issues with the Sub-Committee.

Sincerely,

A handwritten signature in black ink that reads "Julie A. Jacobson". The signature is written in a cursive style with a loop at the end of the last name.

Julie A. Jacobson
Town Manager