# Hanover Town Seal[1]**TOWN OF HANOVER**

**BOARD OF HEALTH**

**HANOVER, MA 02339**

#  **Medical Marijuana Dispensaries Regulations**

**Section 1-1 Authority**

These regulations are adopted under the authority of M.G.L. Chapter 111, Section 31, as reasonable health regulations designed to protect and improve the health and quality of life of those who reside within the Town of Hanover. The following regulations pertain to the sale of and preparation of food products for sale to Medical Marijuana license holders.

**Section 1-2 Statement of Purpose**

Whereas minimum standards are being established to promote the safe and responsible operation of a medical marijuana dispensaries and as considered necessary for the health, safety and welfare of the community, the Hanover Board of Health has adopted these regulations.

**Section 1-3 Definitions**

**Business Agent:** An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

**Employee:** Any individual who performs services for an employer.

**Employer:** Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

**License Holder:** Any person engaged in the sale of marijuana who applies for and receives a License or any person who is required to apply for a License pursuant to these regulations, or his or her business agent.

**Marijuana:** All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes Marijuana-Infused Products (MIPs) except where the context clearly indicates otherwise.

**Marijuana-Infused Product (MIP):** A product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a Registered Marijuana Dispensary, shall not be considered a food or a drug as defined in M.G.L. c. 94, s. 1.

**Registered Marijuana Dispensary**: A not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered Qualifying Patients. Unless otherwise specified, Registered Marijuana Dispensaries refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

**Self-Service Display:** Any display from which customers may select a marijuana product without assistance from a Dispensary Agent or store personnel.

**Vending Machine:** Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes marijuana products.

**Section 1-4   General Requirements**

All food permit applications for Medical Marijuana Dispensaries must be submitted to the Board of Health for review and approval. Applicants must ensure all requirements of the food code are met and that at least one member of their staff has completed a food handling safety class.

Only Marijuana-Infused pre-packaged food items will be allowed to be sold and no preparation of food products is allowed at the licensed establishment. All Marijuana-Infused pre-packaged food items must be stored in a locked case.

All Marijuana-Infused products must meet the Federal Drug Administration and the State of Massachusetts labeling guidelines and must include all ingredients and the concentration of Marijuana.

The Registered Marijuana Dispensary must allow a minimum of two (2) unannounced inspections per year of the establishment by the Board of Health Food Inspector.

**Section 1-5   Permit and Application Requirements**

1. The Registered Marijuana Dispensary or its Business Agent must submit a completed food permit application supplied by the Hanover Board of Health, and must sign a statement indicating that they have read, understand and agree to the Medical Marijuana Dispensary Regulations.
2. Permits shall expire on December 31 of each year, unless sooner revoked by the Board of Health upon violation of any of the provisions of these regulations. The Registered Marijuana Dispensary must apply for a permit renewal at least thirty (30) days prior to the expiration of said permit. Any changes from the previous permit conditions shall be provided to the Board of Health at time of renewal. Permits are not transferable and shall be posted in a conspicuous area.
3. Dates and hours of operation must be listed on the completed application form.
4. Registered Medical Marijuana Dispensaries are subject to the fees as listed in the current fee schedule for the Hanover Board of Health. The Board of Health reserves the right to charge and assess any fees they deem necessary to ensure the safe and sanitary operation of the Medical Marijuana Dispensaries per the approved fee schedule.

**Section 1-6   Enforcement**

1. The Board of Health may deny, suspend, revoke, or refuse to renew a permit for failure to comply with any provision of these regulations.
2. The Business Agent, vendors, their designee, or Responsible Party in charge of the Medical Marijuana Dispensary covered by these regulations who fails to comply with these regulations shall be subject to a fine or penalty of not greater than ten dollars ($10) per day for each violation in accordance with M.G.L. Chapter 111 and M.G.L. Chapter 40 Section 21D.  Each violation of these regulations shall be considered a separate offense.
3. The continuance of any violation of these regulations beyond a date specified by the Board of Health, when the Owner and/or permit holder of the Facility has been ordered by an agent of the Board of Health to abate any such violations in a safe and sanitary manner, shall be cause for revocation of permit and/or initiation of legal proceedings to eliminate said conditions in accordance with M.G.L. Chapter 111.
4. The Board of Health, or its authorized agent, upon receipt of a complaint may reasonably conduct unannounced inspections of the Medical Marijuana Dispensaries to ensure compliance with the State Sanitary Code and the local regulations of the Hanover Board of Health and charge any fees to recover costs for these inspections. Notwithstanding the above, the Board of Health, or its authorized agent, will conduct at least one inspection per year of the Medical Marijuana Dispensaries to ensure sanitary conditions.

**Section 1-7   Right to a Hearing**

Any person or persons aggrieved by a Board of Health order that has been served pursuant to any section of these regulations may request a hearing before the Board of Health by filing a written petition to the health office within seven days of receipt of said order.

**Section 1-8   Variance**

The Board of Health may grant a variance to any of provisions of these Medical Marijuana Dispensaries regulations when, in its opinion, the strict enforcement would do manifest injustice and does not jeopardize public health or the environment.

**Section 1-9    Severability**

Each provision of these regulations shall be considered as separate to the extent that if any section, item, sentence, clause, or phrase is determined to be invalid for any reason, the remainder of these regulations shall continue in full force and effect.

**Section 1-10   Adoption and Effect**

These Medical Marijuana Dispensary regulations were adopted by a unanimous vote of the Hanover Board of Health, Hanover, Massachusetts, on \_\_\_\_\_\_\_\_\_\_ 2014.  A summary explanation of these regulations shall be published in a newspaper of this town and a copy thereof shall be deposited in the Office of the Town Clerk.