

Medical Marijuana in Massachusetts

105 CMR 725.000:
Implementation of an Act for the Humanitarian Medical
Use of Marijuana

Registered Marijuana Dispensaries (RMD)

- A.K.A. – Medical Marijuana Treatment Center
 - Medical Marijuana Treatment Center means a not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), 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 or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Overview:

- Authorizing Agency: Department of Public Health.
- Each County is allowed 5 dispensaries.
- 35 dispensaries state wide.
- Card Holder: is a qualified prescribed patient, personal caregiver or persons working as a dispensary agent.
 - Anyone with a registration letter from their physician must apply for card from DPH before January 1, 2014
 - Card holder's information available to law enforcement
- Physicians must be certified by DPH to issue "registration cards"

Overview:

- 60 Day supply = 10 Ounces – Dispensed proportionately per day
- A “registration card” must be renewed each year.
- Health insurers or governments will “NOT” be required to cover the cost of marijuana for medical use.

Registered Marijuana Dispensaries

- RMD must be for non-profit purposes
- No more than three RMDs per entity
- Must provide free to qualifying patients
- CORI
- All dispensary agents must be registered
- Specific requirements for transporting
- Application Process with DPH is Extensive.....

Registered Marijuana Dispensaries Application Process

Phase 1: Request to submit application -

- Non-profit documentation
- \$500,000 financial assets
- Applicant has no past or pending felony drug charges
- Need to indicate preferences for counties but aren't tied to those at this phase
- Deadline was August 22, 2013
- State Received 181 Phase 1 applications
 - Plymouth County – 19
 - Middlesex County – 47
- State will determine eligible applicants for Phase 2 by Late September

Registered Marijuana Dispensaries Application Process

Phase 2: After State Approval of Phase 1

- Applicant must notify Town (CEO and Chief of Police)
- \$30,000 Non-refundable application fee
- Detailed Information regarding non-profit status
- Detailed Business Plan
- Proposed RMD site with lease or deed documents
- Cultivation process
- ADA Compliant Site
- Compliance with local regulations and demonstration of support or non-opposition from Town

Registered Marijuana Dispensaries

- State has Specific Operation Requirements for:
 - Handling and testing
 - Training for agents
 - Inventory
 - Packaging and labeling
 - Inventory Control
 - Record Keeping
 - Waste Disposal
 - Marketing and Advertising

Cultivation:

- Only RMD can cultivate marijuana except for registered card holder with hardship
- A cultivation location site can grow marijuana only for their own RMD and two additional RMDs which are registered under the same corporation.
 - some exceptions for emergency and availability
- Facilities must be locked, monitored by surveillance cameras
- Marijuana must be grown organically

Transportation

- Only Dispensary Agents
- Home Delivery is allowed to registered patients and/or caregivers
- Caregivers may transport product from RMD to patient
- Product must be weighed and videoed before and after transport
- Must have at least 2 agents in vehicle
- Must maintain shipping manifests
- Each vehicle must have GPS monitoring device

RMD Siting & Signage:

- Shall comply with all local requirements
- Shall not be situated within a radius of 500 ft. of:
 - School
 - Daycare Center
 - Facilities that children commonly congregate
- External signage using marijuana is prohibited
- Signage can not be illuminated except for 30 minutes before sundown until closing

Local Regulations

- The Massachusetts Attorney General issued a decision that municipalities are “Not” permitted to enact a total ban on Registered Marijuana Dispensaries
- Hanover adopted a moratorium for one year – expires May 2014
- Planning Board will have draft bylaw ready for Annual Town Meeting 2014

Local Regulations – Town of Dennis: Bylaw

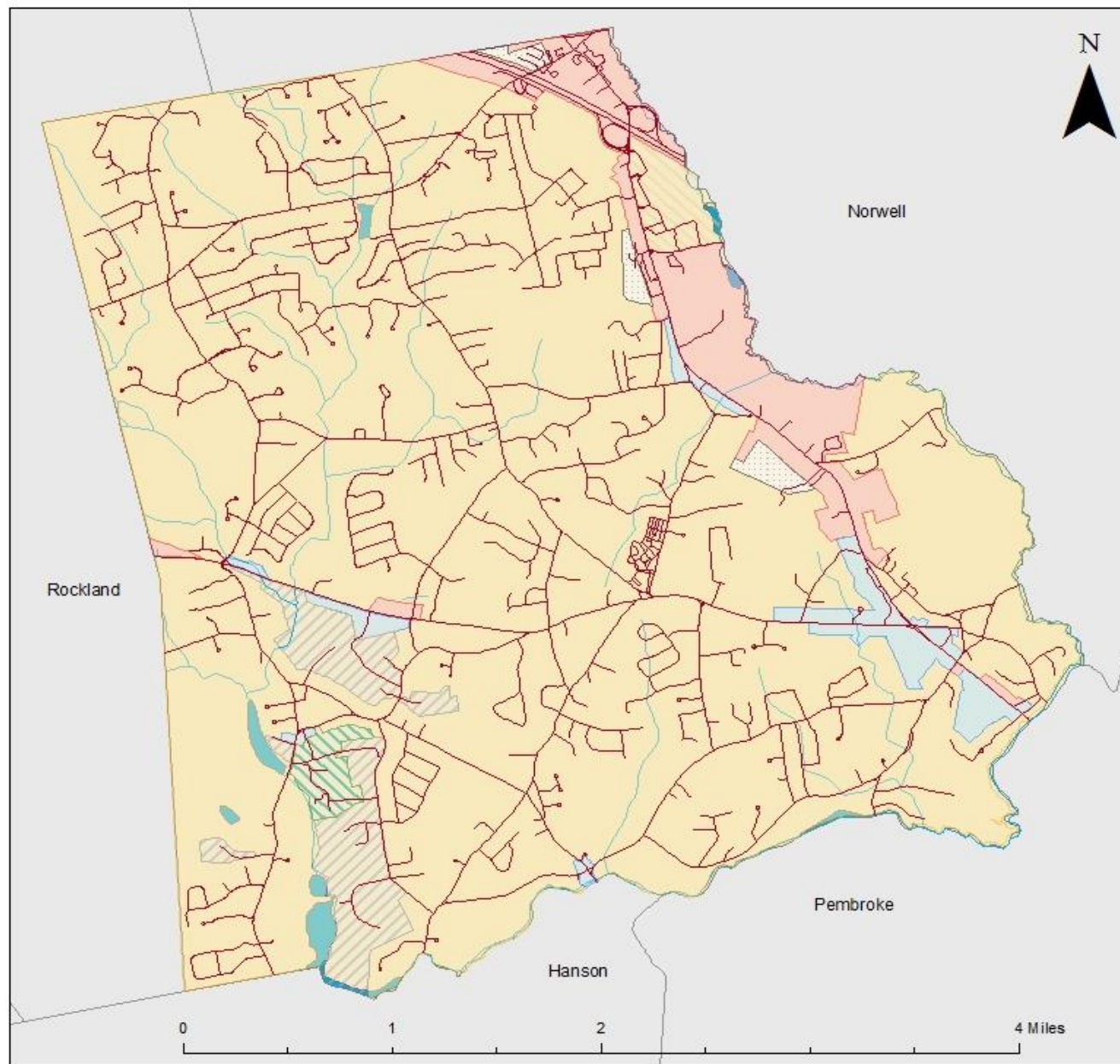
- Allowed by Special Permit through the Planning Board.
- Industrial Zoning District only.
- No facility less than 2,500 sq. ft. or greater than 20,000 sq. ft.
- Hours of operation 8 a.m. to 8 p.m.
- No facility can abut a residential district or recreational facility.(ex: Cape Code Rail Trail)

Local Regulations

Town of Norwell: Bylaw

- Allowed in Business District C through Special Permit from the Board of Appeals.
- Shall not be located within 500 ft. of school, daycare facility, or residence.
- Special Permits will be valid for three year periods with renewal through the Board of Appeals.
- Norwell is “requiring” applicants to submit mitigation recommendations

Town of Hanover Zoning Districts



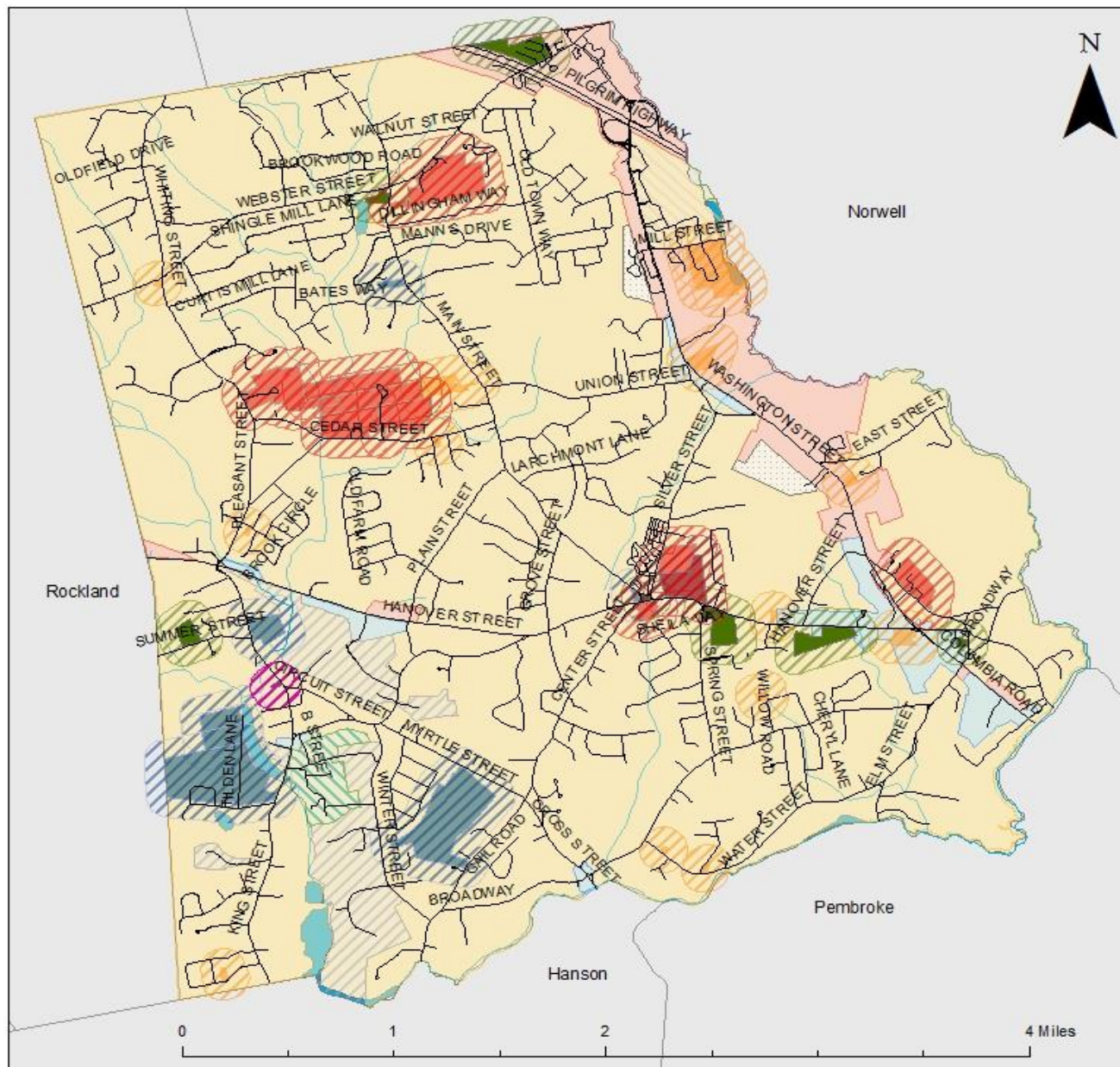
Legend

Hanover Zoning Districts

District

- Residence A District
- Business District
- Commercial District
- Planned Shopping Center District
- Limited Industrial District
- Industrial District
- Fireworks District

NOTES & SOURCES:
The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analysis. This map was created using The Town of Hanover ArcGIS 10.0. For more information contact Peter Matchak, Planning Office Administrative Assistant for the Town of Hanover, at (781) 826-6000 ext. 1026. Photogrammetric landbase data and GIS coverages provided by Environmental Patterns Group (EPG). Initial source data provided by the Assessors Department and Department of Public Works. Additional layers were created by MassGIS and the Hanover Planning Office.



Medical Marijuana Prohibited Areas

Legend

- Child Care Center Parcels
- Child Care Buffer 500 ft.
- Church Parcels
- Churches Buffer 500 ft.
- Hanover Parks & Rec Center
- Hanover Park & Rec Buffer 500 ft.
- Hanover Recreational Fields
- Recreational Field Buffer 500 ft.
- School & Library Parcels
- School & Library Buffer 500 ft.

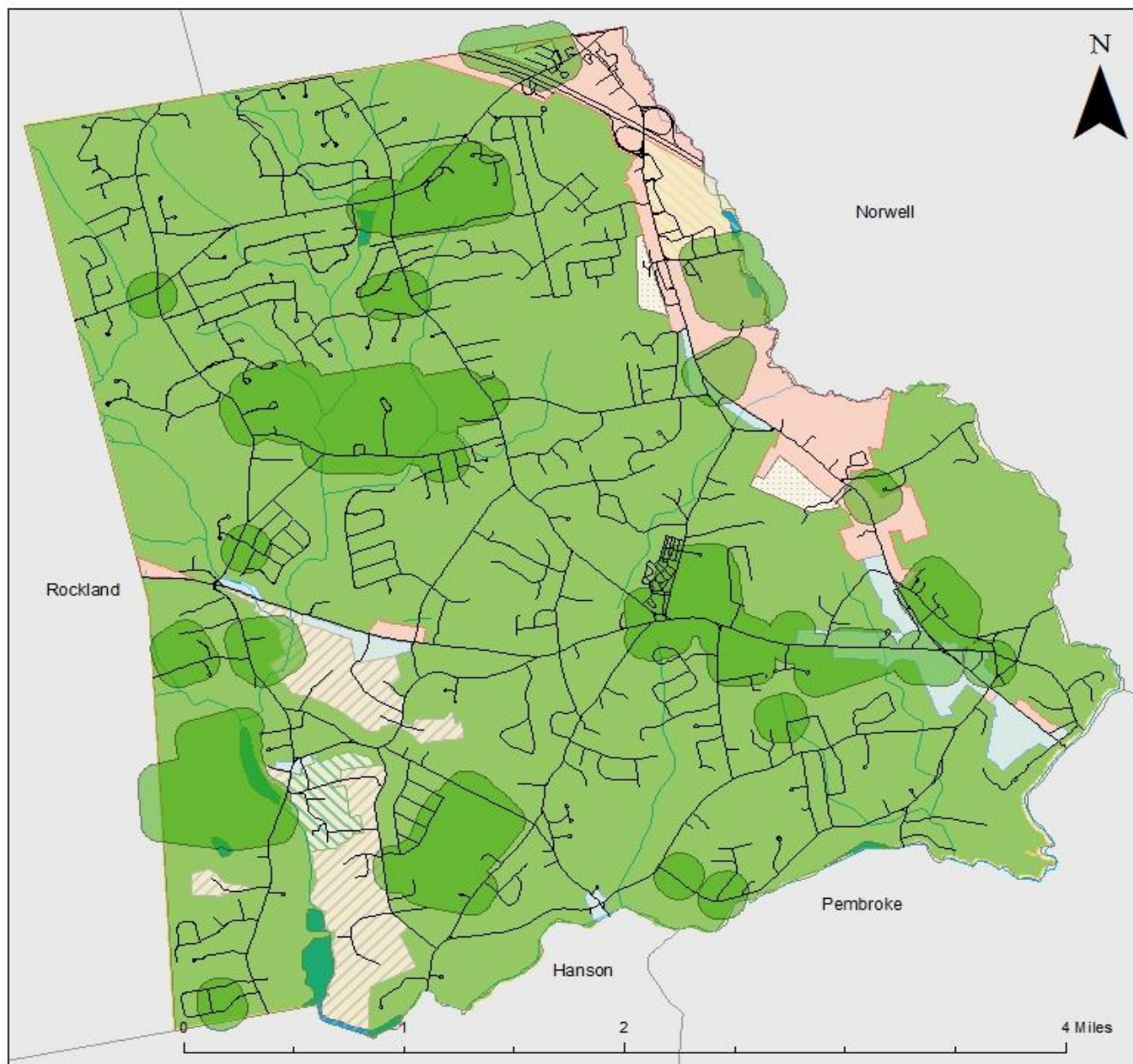
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Medical Marijuana Prohibited Areas:

Prohibited Areas Including Residential

Legend

Prohibited Areas

Hanover Zoning Districts

District

Residence A District

Business District

Commercial District

Planned Shopping Center District

Limited Industrial District

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Local Regulations

Hanover Zoning Bylaw

- Things to consider
 - Permit Granting Authority
 - Planning Board, ZBA, Selectmen, BoH
 - Locations
 - By zone, distances, proximity, etc.
 - Indoor or Outdoor Cultivation Restrictions
 - Overlay Zone
 - Do we want to expand the 500' from children's areas
 - Add residential as prohibited area
 - Prohibited within # of feet from residential
 - Size of Facilities
 - Growing vs. Selling
 - Vending machines

Local Regulations

Hanover Zoning Bylaw

- Things to consider
 - Law Enforcement/Safety Implications
 - Alarm systems
 - Enforcement – Card holders, family members, cultivating at home
 - Transport
 - Hours of Operation
 - Inspections
 - BoH, Zoning Enforcement Officer
 - Silent on Hardship Cultivation Requirements
 - Do we want to charge Host Fees, Mitigation, etc.

Next Steps?

- Prepare Draft Bylaw for Approval at Annual Town Meeting in May 2014
 - Public Participation
 - Planning Board Public Hearing
 - Submission of Warrant Article
 - Approval at Town Meeting
 - Acceptance by Attorney General