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The Cannabis Control Commission (CCC) released its regulations (935 CMR 500.000 Adult Use of Marijuana) on December 21, 2017. They can be found at the CCC's website: www.mass.gov/orgs/cannabiscontrol-commission, Or via the Mass Association of Regional Planning Agencies website: www.massmarpa.org/recreational-marijuana

Over the next several weeks it is expected that additional guidance will become available from the Cannabis Control Commission itself and other sources. The CCC will hold a series of public hearings across the state beginning in February (those dates are listed on the webpages listed above).

Over the coming months, CMRPC will work towards providing Central Mass municipalities with additional information and resources.

Stay tuned!

Here are just a few highlights of the new regulations that may be of interest to municipalities:

Municipalities should anticipate fairly extensive interaction and coordination with Marijuana Establishments prior to them submitting an application to the CCC (p. 25):

- Required execution of host community agreement must be part of initial submission to CCC. (NOTE that the enabling legislation requires that these fees be directly proportional and reasonably related to the cost).
- "*Community Outreach Hearing*" at least six months prior to submission to CCC. Such a hearing includes 7-day public and abutter's notice and certain criteria for hearing content, including but not limited to:
 - Type of Marijuana Established proposed
 - Security information
 - Plan to prevent diversion to minors
 - Plan to positively impact community
 - Information to show that use will not constitute a nuisance by "noise, odor, dust, glare, fumes, vibration, heat, or other conditions likely to cause nuisance"
 - Evidence of a question and answer opportunity during hearing

"Guidance for License Applicants on Community Outreach" (p.25):

- The regulations identify that applicants shall submit information consistent with the Cannabis Control Commission's "*Guidance for License Applicants on Community Outreach*". However, the regulations do not yet identify any other information about this guidance document or a timeline for its availability.

Municipal review/response period begins after CCC review of application for completeness (p. 24):

- Once the CCC determines an application to be complete, it will forward the entire application to a municipality which will have 60 days to respond.
- Municipal responses may include, but is not limited to, “*a certification from the municipality*” that the Marijuana Establishment is in compliance with local zoning or other bylaws or ordinances.
- The CCC application will consist of a three “*packets*”. Below is a quick outline of the contents of the first “*Application of Intent*” packet:
 - Proposed address and documentation of interest in property (clear title, option to purchase, lease, etc).
 - Documentation of an executed host community agreement between the applicant and municipality.
 - Documentation that an applicant has conducted a “community outreach hearing”.
 - Documentation of compliance with local zoning ordinances or bylaws.
- The other packets include “*Background Check*” and “*Management Operations Profile*” both of which require extensive information to be submitted by the applicant (p.27 + 28)(NOTE: there is a significant amount of information pertinent to municipalities in these sections).
- The CCC has 90 days to issue or deny a license application. Within the 90 days an applicant would be seeking a “Provisional License”. Then, after inspections and other requirements identified in the regulations a “Final License” is issued (p. 38).
- Per the regulations, existing RMD’s must follow a similar process to a new applicant, such as the community outreach hearing and three-part application. However, entities with either a Provisional or Final registration shall be eligible as a “Priority” applicant (p. 31).

The regulations cluster “social consumption” under retail uses, including two categories (p. 21):

- Primary – any commercial enterprise in which 51% or more of the “average monthly revenue” is from marijuana sales to be consumed on the premises.
- Mixed use – any commercial enterprise where the consumption of marijuana is a secondary or shared purpose and 50% or less of the “average monthly gross revenue” is from marijuana sales to be consumed on the premises.

NOTE: There are numerous other requirements associated with social consumption throughout the regulations (primarily p.41 and p. 82).

NOTE: It is presumed that the ballot process to opt-in (initiated by residents) remains intact.

Creation of delivery options, including two categories:

- Delivery - offered as a service from a licensed retail location/establishment.
- Delivery Only - offered by a licensed retailer with no physical location.

Creation of “micro-business” license category, including three categories:

- Cultivation (Based on Tier 1 or Tier 2 license) size is from 0-5,000 square feet of “canopy”
- Product manufacturer
- Delivery-only retailer

Specifications for Craft Cultivator Cooperative

- Under one license, a cooperative may include up to six cultivation locations and three product manufacturing locations.

Open Cultivation (outdoor growing) requirements identified (p. 72):

- Can be a Craft Cooperative, Micro Business, or Marijuana Cultivator.
- Security measures include perimeter fence, security alarm, and cameras.

Waiver provisions for CCC in considering licenses (p. 94):

- Required to be in writing to the CCC.
- Allows waiver of provisions based on findings such as "*undue hardship*", "*non-compliance does not jeopardize the health or safety of any patient or the public*", or that the CCC finds "*compensating features*" to be instituted are acceptable.