

Chapter 19.60 Temporary Moratorium Marijuana Retail Sale

(Annual Town Meeting, May 22, 2017, Article 16)

Section 1. PURPOSE

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law that would legalize recreational marijuana. The law requires a newly appointed Cannabis Control Commission, made up of three members appointed by the Massachusetts treasurer that would be responsible for regulating and supervising marijuana businesses. The law provides that it is effective on January 2016 when the CCC releases recreational marijuana regulations. If the commission fails to develop regulations by Jan. 1, 2018, the ballot question allows existing medical marijuana treatment centers to begin selling recreational marijuana to adults without any additional regulations. The Commission is charged with developing procedures for issuing and renewing licenses. It would develop requirements for the security of marijuana businesses, for preventing marijuana sales to minors, for record keeping, health and safety standards, packaging and labeling requirements, testing requirements, marketing restrictions and enforcement mechanisms. The Commission will have authority to limit the total amount of marijuana grown in Massachusetts. Cities and towns can adopt ordinances that impose "reasonable safeguards" on the operation of marijuana shops, including limiting the number or type of marijuana establishments.

The regulation of recreational marijuana and associated sales raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of recreational marijuana sales and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Retail Sale (which includes dispensing, processing, and cultivation activities, and other related activities to the sale, storage and distribution of marijuana.

The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retail Sale (which includes dispensing, processing, and cultivation activities, and other related activities to the sale, storage and distribution of marijuana so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

Section 2. DEFINITIONS

The definitions contained in the AN INITIATIVE PETITION FOR A LAW RELATIVE TO THE REGULATION AND TAXATION OF MARIJUANA shall be the definitions used in the Moratorium. These definitions include but are not limited to the following:

"Marijuana" or "Marihuana", all parts of any plant of the genus Cannabis, not excepted below and 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 including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include: (1) 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, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) Hemp; or (3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

"Marijuana accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"Marijuana products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana retailer", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

Section 3. TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Marijuana Retail Sale (which includes dispensing, processing, and cultivation activities, and other related activities to the sale, storage and distribution of marijuana. The moratorium shall be in effect through October 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the regulations of the Cannabis Control Commission regarding recreational Marijuana and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Retail Sale (which includes dispensing, processing, and cultivation activities, and other related activities to the sale, storage and distribution of marijuana”.