



COMMUNITY AND ECONOMIC DEVELOPMENT

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MEMORANDUM

To: Jonathan Freedman, Chair, Board of Selectmen

From: Jamie Errickson, Director

CC: Bill Chenard, Acting Town Administrator

Date: January 11, 2018

RE: Update on the Recreational Marijuana – Follow up memo to 1/8/18 BOS meeting

At the Board's meeting of January 8, 2018, members asked multiple questions seeking to clarify some of the legal and practical items that relate to the Cannabis Control Commission's (CCC) regulations governing Recreational Marijuana in Massachusetts. Earlier this week, I had an extensive conversation with Attorney North at MHTL to seek direction on these questions. While the CCC regulations are comprehensive in regards to components of the law, there are many areas that need further clarity, which is likely to come from the CCC over the next several weeks/months.

There were two primary questions the Board sought answers to, paraphrased below:

- 1) Can the Town regulate the various types of Recreational Marijuana establishments differently, and if so, what is the process for adopting such regulations? For example, can cafés be regulated differently than retail establishments?

Short answer is yes.

The Town can choose to regulate all recreational marijuana establishments the same or differently, depending on the type of establishment. However, if the Town seeks to not allow (or "ban") any of the recreational marijuana establishments permitted under the law, a vote of the voters in town is required.

There is one exception to this which relates to "consumption on premises" establishments (i.e. cafes). These types of establishments are not allowed in any town unless the Town opts in through a town-wide vote following a petition of the Board. As such, if the Town wants to permit/regulate cafes or other onsite consumption establishments, a supportive vote of the voters must first be completed.

- 2) If the Town were to take a "vote of the voters" for not allowing any/all types of recreational marijuana establishments, is there flexibility in the format and/or wording of the ballot question?

Short answer is no.

The State law provides fairly specific criteria and language for such a vote, which is only required (since Natick is considered a “yes” community) if the Town is seeking to “ban” (state regulation term) any or all types of recreational marijuana establishments.

The Board was also curious about the timing of when a ballot question could be scheduled for any type of vote related to Recreational Marijuana (ban or otherwise). There are three (3) upcoming elections over the next year (2018) – March (town), September (state primary), and November. Technically, a ballot question could be prepared for any one of the three elections. However, given the logistical complexities that go into running a state primary election (September), the March and November elections are highly preferred/recommended by the Town Clerk.

Included with the packet for this meeting is a “Municipal Client Alert” from MHTL, which may provide additional guidance on the recent happenings of the CCC.

As always, please feel free to contact me with any questions.