



COMMUNITY AND ECONOMIC DEVELOPMENT

BUILDING

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MEMORANDUM

To: Amy K. Mistrot, Chair, Board of Selectmen

From: Jamie Errickson, Director

CC: Bill Chenard, Acting Town Administrator

Date: April 12, 2018

RE: Update on the Recreational Marijuana – Special Legal Counsel

As you may recall, in January the Board of Selectmen (BOS) met on multiple occasions to discuss the recently released draft regulations of adult use marijuana from the State's Cannabis Control Commission (CCC). Following these discussions and with careful consideration of the Town's interests, the BOS directed Town Staff to move forward with drafting reasonable local regulations necessary to govern/permit adult use marijuana establishments in Natick per the CCC regulations once finalized. Since that time, the CCC released final regulations in early March 2018 (see link below), which are in effect as of the beginning of this month (April).

Over the past year, a Town Staff Working Group (Town Staff) has been monitoring the progress of the CCC regulations to best understand how this use can be reasonably regulated at the local level. Most recently, Town Staff met on March 29 (also attended by Chairperson Mistrot) to discuss the updated CCC regulations and outline a rough timeline of the Town's efforts to establish appropriate regulations based on the new CCC regulations.

Approximate Timeline of events to date:

- **2017 Fall Annual Town Meeting** – Town Moratorium approved by Town Meeting (subsequently approved by the AG's office in March 2018)
- **December 23** – Draft CCC adult use marijuana regulations released
- **January 2018** – Board of Selectmen review of draft regulations and subsequent direction to Town Staff to begin work on reasonable regulations for such uses.
- **March 9** - New adult use marijuana regulations were voted by the CCC
- **March 23** - New regulations were published
- **April 2** - CCC begins to accept applications for recreational marijuana projects
- **Late spring/early summer** – draft local regulations (zoning/general bylaw amendments, Board of Health regulations, etc) to be
- **2018 Fall Annual Town Meeting*** – review/approval of any zoning/general bylaw amendments and/or other regulations, policies, approvals desired for the Town to most effectively regulate marijuana establishments.

- **December 31** – Town moratorium on adult use marijuana establishments expires
- **January 1, 2019** – Prior medicinal marijuana state regulations convert to new CCC regulations.

* Town Administration is exploring the possibility of scheduling a Special Town Meeting for the first night of the 2018 Fall Annual Town Meeting to review and vote on any new zoning and/or general by-law amendments. A Special Town Meeting would allow these amendments to be forwarded to the Attorney General's office for approval prior to the closure of the 2018 Fall Annual Town Meeting, and well in advance of January 1, 2019 so that such regulations can be approved prior to the expiring Town moratorium.

Looking at the schedule, which is quite aggressive in order to accomplish what needs to be completed in the coming months, at the meeting on March 29 Town staff expressed the desire to have specialized legal and consultant support to help augment Town Counsel guidance provided to date. Such support will assist with drafting and reviewing and proposed Town regulations or bylaw amendments as they relate to the various implications/interpretations of the CCC Regulations. Chairperson Mistrot concurred and asked that Staff prepare such request for the BOS's April 17 meeting.

Given the newness of the CCC regulations and adult use marijuana in Massachusetts, there are few "experts" in the field with extensive knowledge and/or experience with both the CCC Regulations and Massachusetts municipal government processes. Through research, KP Law, and in particular Katherine Laughman, rose as a leader in this new sector. With this memo, please find a draft agreement, the bio of Attorney Laughman and Attorney Silverstein, along with other materials from KP Law displaying the experience/background of the firm with adult use marijuana and related fields.

As Town Staff work to draft reasonable regulations, additional support, feedback, and guidance from the BOS will be necessary and desired. Further, as discussed at the March 29 meeting of Town Staff, a "Working Group of Boards" comprised of a representative from the BOS, Planning Board, Board of Health, and other boards/committees in Town, may be beneficial to assist Town Staff in expeditiously drafting local regulations and working through local review processes prior to 2018 Fall Annual Town Meeting.

As always, please feel free to contact me with any questions or suggestions as this process moves forward.

Related Information:

- CCC Final Regulations titled "Filed Regulations for the Implementation of the Adult Use of Marijuana Industry in Massachusetts" located at <https://mass-cannabis-control.com/documents/>
- Presentation provided by Attorney Laughman at the 2018 MMA Conference. https://www.mma.org/sites/default/files/resources/marijuana_law_workshop_2018.pdf
- The ad hoc Town Staff Working Group consists of Jim White (Director of Health Department), Police Chief Jim Hicks, Bill Chenard (Acting Town Administrator), Katie Sugarman (Prevention & Outreach Program Manager), Ted Fields (Senior Planner, Community and Economic Development), and Jamie Erickson (Director Community and Economic Development)