



Town of Natick, Massachusetts
Department of Community and Economic Development
13 East Central Street Natick, Massachusetts 01760

Telephone
(508) 647-6450
www.natickma.org

James Freas, AICP
Director

MEMORANDUM

DATE: March 16, 2021
TO: Finance Committee
FROM: James Freas, Director of Community & Economic Development
RE: Article 26: Marijuana Delivery
Meeting Date: March 18, 2021

The following is intended to offer responses to questions raised at the Finance Committee meeting on March 9, 2021 and reflects consultation with special town counsel for matters related to adult use marijuana establishments.

1. Are marijuana deliveries allowed in towns that have banned retail marijuana (eg Weston, Wayland, Wellesley)?

Marijuana delivery companies may not deliver to cities or towns that have banned adult use marijuana establishments.

2. How do the definitions of Delivery Courier and Delivery Operator in the By-Law compare to the definitions established by the Cannabis Control Commission?

The definitions are substantially the same – the definitions proposed for Natick’s Zoning Bylaw have been modified so as to be appropriate for zoning language, ie. Removes language particular to the state regulations and licensing process and uses language consistent with the Natick Zoning Bylaw and the other definitions in the section. See below:

Natick Zoning Bylaw Language

Delivery Courier: This type of licensee is allowed to deliver marijuana products from a licensed marijuana retailer to customers. A delivery courier is not authorized to actually sell marijuana products to consumers—only to deliver from retailers, who make the sales themselves.

Delivery Operator: This type of licensee is authorized to purchase marijuana products at wholesale, to warehouse the products, label them (but not repackage them), sell them

and deliver them. It may not operate a storefront retail operation; all sales must be through delivery.

Cannabis Control Commission Regulation Language

Marijuana Courier means an entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from an MTC, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under M.G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).

Marijuana Delivery Operator or Delivery Operator means an entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to Repackage Marijuana or Marijuana Products or operate a storefront under this license. A Delivery Operator is an additional license type under M.G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).

3. Can a company holding one type of license from the CCC acquire another license?

Yes except for a couple exceptions:

First, no person or entity having direct or indirect control of an independent testing lab or third party transporter can hold any other type of license.

Second, regardless of the CCC regulations, Natick's zoning Bylaw precludes a Marijuana Retailer from engaging in delivery in two ways – the definition of Natick Retailer specifically excludes such establishments from doing delivery and the proposed zoning amendment would only allow the marijuana delivery uses in the Industrial Marijuana Overlay district, where retail marijuana is not allowed.