

**SENATE . . . . . No. 950**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Robert L. Hedlund***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the zoning of marijuana treatment centers.

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PETITION OF:

NAME:

*Robert L. Hedlund*

DISTRICT/ADDRESS:

*Plymouth and Norfolk*

**SENATE . . . . . No. 950**

By Mr. Hedlund, a petition (accompanied by bill, Senate, No. 950) of Robert L. Hedlund for legislation relative to the zoning of marijuana treatment centers. Municipalities and Regional Government.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to the zoning of marijuana treatment centers.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 40A of the General Laws, as appearing in the 2010 official edition,  
2 is hereby amended by inserting, at the end thereof, the following new section:-

3 Section 18: Special Permits for Medical Marijuana Treatment Centers

4 Zoning ordinances or by-laws may provide for special permits authorizing the  
5 establishment of medical marijuana treatment centers for their patrons as hereinafter defined.  
6 Such zoning ordinance or by-law may state the specific improvements, amenities or locations of  
7 proposed uses for which such permit may be granted and may provide that the proposed use be a  
8 specific distance from any district designated by zoning ordinance or by-law for any residential  
9 use or from any other medical marijuana treatment center or from any school, park, playground,  
10 recreational facility, day care center, or senior center. Such zoning ordinance or by-law shall  
11 prohibit the issuance of such special permits to any person convicted of violating the provisions  
12 of section thirty-two E of chapter ninety-four C.

13 As used in this section, the following words shall have the following meanings:—

14 “Medical marijuana treatment center”, a not-for-profit entity, as defined by  
15 Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes  
16 (including development of related products such as food, tinctures, aerosols, oils, or ointments),  
17 transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing  
18 marijuana, related supplies, or educational materials to qualifying patients or their personal  
19 caregivers.

20 Zoning ordinances or by-laws shall provide that special permits shall only be issued  
21 following public hearings held within sixty-five days after filing of an application with the  
22 special permit granting authority, a copy of which shall forthwith be given to the city or town  
23 clerk by the applicant, and may provide that certain classes of special permits shall be issued by  
24 one special permit granting authority and others by another special permit granting authority as  
25 provided in the ordinance or by-law. Such special permit granting authority shall adopt and from  
26 time to time amend rules relative to the issuance of such permits, and shall file a copy of said  
27 rules in the office of the city or town clerk. Such rules shall prescribe a size, form, contents, style  
28 and number of copies of plans and specifications and the procedure for a submission and  
29 approval of such permits.

30 Special permit granting authorities shall act within ninety days following a public hearing  
31 for which notice has been given by publication or posting as provided in section eleven, and by  
32 mailing to all parties in interest; provided, however, that a city council having more than five  
33 members designated to act upon such a permit may appoint a committee of such council to hold  
34 the public hearing. Failure by a special permit granting authority to take final action upon an  
35 application for a special permit within said ninety days following the date of public hearing shall  
36 be deemed to be a grant of the permit applied for. Special permits issued by a special permit  
37 granting authority shall require a two-thirds vote of boards with more than five members, a vote  
38 of at least four members of a five member board and a unanimous vote of a three member board.  
39 Zoning ordinances or by-laws shall provide that a special permit granted under this section shall  
40 lapse within a specified period of time, not more than two years, and including such time  
41 required to pursue or await the determination of an appeal referred to in section seventeen, from  
42 the grant thereof, if a substantial use thereof has not sooner commenced except for good cause  
43 or, in the case of permit for construction, if construction has not begun by such date except for  
44 good cause.

45 Any existing medical marijuana treatment center shall apply for such permit within  
46 ninety days following the adoption of said zoning ordinance or by-law by a municipality.

47 Nothing contained herein shall be construed as limiting the power and authority of cities  
48 and towns to regulate the use of land, structures or buildings through by-law or zoning  
49 ordinance.