

HOUSE No. 1057

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo M. Scaccia

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 local voter approval of marijuana regulations.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------|--------------------------------------|------------------|
| <i>Angelo M. Scaccia</i> | <i>14th Suffolk</i> | <i>1/18/2017</i> |
| <i>William F. Galvin</i> | <i>Secretary of the Commonwealth</i> | <i>1/18/2017</i> |

HOUSE No. 1057

By Mr. Scaccia of Boston, a petition (accompanied by bill, House, No. 1057) of Angelo M. Scaccia and William F. Galvin relative to local voter approval of marijuana regulations. Marijuana Policy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to local voter approval of marijuana regulations.

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. Section 3 of chapter 94G is hereby amended by striking subsection (a) and
2 replacing with the following:

3 (a) A city or town may adopt ordinances and by-laws under subsections 1, 3, 4 and 5
4 of this section, or the voters of the municipality may adopt one of the local acceptance provisions
5 set forth in subsection 2, imposing reasonable safeguards on the operation of marijuana
6 establishments, provided they are not unreasonably impracticable and are not in conflict with this
7 chapter or with regulations made pursuant to this chapter and that:

8 (1) govern the time, place and manner of marijuana establishment operations and of
9 any business dealing in marijuana accessories, except that zoning ordinances or by-laws shall not
10 prohibit placing a marijuana establishment which cultivates, manufactures or sells marijuana or
11 marijuana products in any area in which a medical marijuana treatment center is registered to
12 engage in the same type of activity;

13 (2) limit the number of marijuana establishments in the city or town, except that a
14 city or town may only adopt such a restriction by accepting one or more of the following ballot
15 questions, which questions may be placed on the ballot by vote of the board of selectmen or city
16 or town council, with the approval of the mayor, and subject to a municipal charter, if applicable,
17 at a regular or special election held by the city or town:

18 (i) Shall this [city or town] prohibit the operation of 1 or more types of marijuana
19 establishments within the [city or town], a summary of which appears below?

20 The summary shall be prepared by the city solicitor or town counsel, and shall include a
21 fair and concise summary of the proposed prohibition, including identification of one or more
22 types of marijuana establishments, as that term is defined in G.L. c.94G, §1(j), subject to such
23 prohibition, all as voted by the board of selectmen or city or town council.

24 (ii) Shall this [city or town] limit the number of marijuana retailers to fewer than 20 per
25 cent of the number of licenses issued within the [city or town] for the retail sale of alcoholic
26 beverages not to be drunk on the premises where sold under chapter 138 of the General Laws, a
27 summary of which appears below?

28 The summary shall be prepared by the city solicitor or town counsel, and shall include a
29 fair and concise summary of the proposed limitation, including, if applicable, the total number of
30 marijuana retailers, as that term is defined in G.L. c.94G, §1(n), that will be authorized to operate
31 in the municipality, all as voted by the board of selectmen or city or town council.

32 (iii) Shall this [city/town] limit the number of any type of marijuana establishment to
33 fewer than the number of medical marijuana treatment centers registered to engage in the same
34 type of activity in the [city or town], a summary of which appears below?

35 The summary shall be prepared by the city solicitor or town counsel, and shall include a
36 fair and concise summary of the proposed limitation, including, if applicable, the total number of
37 one or more types of marijuana establishments, as that term is defined in G.L. c.94G, §1(j), that
38 will be authorized to operate in the municipality, all as voted by the board of selectmen or city or
39 town council.

40 If a majority of the votes cast in the city or town on any question under this subsection
41 are not in favor, such city or town shall not have authorized the prohibition or limitation at issue.
42 The city or town clerk shall provide notice within 30 days of local acceptance to the secretary,
43 attorney general, and treasurer of the commonwealth.

44 (3) restrict the licensed cultivation, processing and manufacturing of marijuana that is a
45 public nuisance;

46

47 (4) establish reasonable restrictions on public signs related to marijuana establishments;
48 and

49

50 (5) establish a civil penalty for violation of an ordinance or by-law enacted pursuant to
51 this subsection, similar to a penalty imposed for violation of an ordinance or by-law relating to
52 alcoholic beverages.

53 SECTION 2. Section 3 of chapter 94G is hereby amended by striking subsection (b) and
54 replacing with the following:

55 (b) The city council of a city and the board of selectmen or town council of a town
56 shall, upon the filing with the city or town clerk of a petition meeting the requirements of this
57 subsection and signed by not fewer than 10 per cent of the number of voters of such city or town
58 voting at the preceding biennial state election, request that the question of whether to allow, in
59 such city or town, the sale of marijuana and marijuana products for consumption on the premises
60 where sold be submitted to the voters of such city or town, shall cause the following question to
61 be placed on the ballot:

62 Shall this [city or town] allow the sale of marijuana and marijuana products, as those
63 terms are defined in G.L. c.94G, §1, for consumption on the premises where sold, a summary of
64 which appears below?

65 A fair and concise summary of the question shall be prepared by the city solicitor or town
66 counsel.

67 If a majority of the votes cast in the city or town are not in favor of allowing the
68 consumption of marijuana or marijuana products on the premises where sold, such city or town
69 shall not have authorized the consumption of marijuana and marijuana products on the premises
70 where sold.

71 The petition shall be on a form prepared by the secretary of the commonwealth, and shall
72 be submitted forthwith after filing to the board of registrars or election commissioners who shall
73 have seven days after receipt to certify the signatures of registered voters. Upon certification of
74 the signatures, the question shall be placed upon the ballot at the next occurring regular
75 municipal or state election, provided that the question may only appear on a municipal ballot for
76 an election to be held at least 35 days after certification. To have the question appear on the

77 biennial state election, the city or town clerk must provide notice, including the ballot question
78 and summary as prepared by the city solicitor or town counsel, to the secretary of the
79 commonwealth no later than the first Wednesday in August before that election.

80 SECTION 3. This act shall take effect upon its passage.