HOUSE No. 3176

The Commonwealth of Massachusetts

PRESENTED BY:

Hannah Kane

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 strengthening local control over recreational marijuana businesses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Hannah Kane	11th Worcester	1/20/2017
Donald R. Berthiaume, Jr.	5th Worcester	2/3/2017
Thomas J. Calter	12th Plymouth	2/2/2017
Linda Dean Campbell	15th Essex	2/3/2017
James M. Cantwell	4th Plymouth	1/31/2017
Claire D. Cronin	11th Plymouth	1/27/2017
Josh S. Cutler	6th Plymouth	2/2/2017
David F. DeCoste	5th Plymouth	1/23/2017
Angelo L. D'Emilia	8th Plymouth	1/31/2017
Geoff Diehl	7th Plymouth	1/31/2017
Shawn Dooley	9th Norfolk	1/24/2017
Kimberly N. Ferguson	1st Worcester	1/23/2017
Carole A. Fiola	6th Bristol	1/23/2017
Denise C. Garlick	13th Norfolk	2/2/2017
Colleen M. Garry	36th Middlesex	2/2/2017
Susan Williams Gifford	2nd Plymouth	1/23/2017
Danielle W. Gregoire	4th Middlesex	1/25/2017
Sheila C. Harrington	1st Middlesex	1/26/2017

Paul R. Heroux	2nd Bristol	2/2/2017
Bradley H. Jones, Jr.	20th Middlesex	1/31/2017
Kay Khan	11th Middlesex	2/2/2017
Stephen Kulik	1st Franklin	2/3/2017
Kevin J. Kuros	8th Worcester	2/3/2017
James J. Lyons, Jr.	18th Essex	1/25/2017
Joseph D. McKenna	18th Worcester	1/25/2017
Michael O. Moore	Second Worcester	2/3/2017
Mathew Muratore	1st Plymouth	1/23/2017
David M. Nangle	17th Middlesex	1/30/2017
Keiko M. Orrall	12th Bristol	2/3/2017
John H. Rogers	12th Norfolk	2/3/2017
Thomas M. Stanley	9th Middlesex	2/2/2017
John C. Velis	4th Hampden	2/2/2017
Jonathan D. Zlotnik	2nd Worcester	2/2/2017

HOUSE No. 3176

By Mrs. Kane of Shrewsbury, a petition (accompanied by bill, House, No. 3176) of Hannah Kane and others for legislation to authorize municipalities to regulate the operations of marijuana establishments. Marijuana Policy.

The Commonwealth of Alassachusetts

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

An Act strengthening local control over recreational marijuana businesses.

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

- SECTION 1. Chapter 94G of the General Laws is hereby amended by striking out section
- 2 3 and inserting in place thereof the following section:
- 3 Section 3. Local control
- 4 (a) A city or town may, by ordinance or bylaw, prohibit marijuana establishments or
- 5 certain types thereof within the city or town, or limit the number of such establishments in said
- 6 city or town. Such ordinance or bylaw, or regulation promulgated pursuant thereto, may:
- 7 (1) regulate the manner of operation of marijuana establishments and of any business
- 8 dealing in marijuana accessories;
- 9 (2) restrict the licensed cultivation, processing, and manufacturing of marijuana that
- 10 is a public nuisance;
- 11 (3) reasonably restrict signage related to marijuana establishments; and

- 12 (4) impose a penalty for violations of such ordinances, bylaws, and regulations, not to 13 exceed three hundred dollars for each such violation.
 - (b) A city or town may, by zoning ordinance or bylaw adopted pursuant to the provisions of Chapter 40A of the General Laws, regulate the use of land and structures for marijuana establishments and types thereof, and may specify districts within which such uses may be allowed, by right or upon the issuance of a special permit.

- (c) The commission shall not approve an application for a license for a marijuana establishment or the operation of a marijuana-related business, including licenses that authorize the consumption of marijuana or marijuana products on the premises where sold, where the licensing would not be in compliance with ordinances, bylaws, and regulations adopted pursuant to subsections (a) and (b) of this Section 3.
- (d) No city or town shall prohibit the transportation of marijuana or marijuana products.
 - (e) No agreement between a city or town and a marijuana establishment shall require payment of a fee to that city or town that is not directly proportional and reasonably related to the costs imposed upon the city or town by the operation of a marijuana establishment.