

**SENATE . . . . . No. 1065**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Jason M. Lewis*

*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:	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/24/2017</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/25/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/2/2017</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>2/1/2017</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>2/3/2017</i>

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By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1065) of Jason M. Lewis, Joseph D. McKenna, Richard J. Ross, Steven Ultrino and other members of the General Court for legislation to strengthen local control over recreational marijuana businesses. Marijuana Policy.

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**The Commonwealth of Massachusetts**

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**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:*

1           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 municipal government may vote to prohibit the location of marijuana  
5 establishments or to prohibit certain types of marijuana establishments within the borders of the  
6 municipality by a majority vote of the governing body. Prior to any vote of the municipal  
7 government, the body shall hold not less than 1 public hearing and shall notify the residents of  
8 the municipality appropriately.

9           (b) A municipality may adopt ordinances and by-laws that impose reasonable safeguards  
10 on the operation of marijuana establishments that:

11 (1) govern the time, place and manner of marijuana establishment operations and of any  
12 business dealing in marijuana accessories;

13 (2) limit the number of marijuana establishments in the municipality;

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

16 (4) establish restrictions on public signage related to marijuana establishments; and

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

20 (c) The commission shall not approve an application for a license for a marijuana  
21 establishment if the license will violate the provision of any local by-law or ordinance  
22 established under subsection (b).

23 (d) No municipality shall prohibit the transportation of marijuana.

24 (e) No agreement between a municipality and a marijuana establishment shall require  
25 payment of a fee to that municipality that is not directly proportional and reasonably related to  
26 the costs imposed upon the municipality by the operation of a marijuana establishment.