

HOUSE No. 4327

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 27, 2020.

The committee on Cannabis Policy to whom was referred the petition (accompanied by bill, House, No. 3536) of David M. Rogers and Patricia D. Jehlen relative to the cannabis control commission's authority regarding host community agreements, reports recommending that the accompanying bill (House, No. 4327) ought to pass.

For the committee,

DAVID M. ROGERS.

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In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to the cannabis control commission's authority regarding host community agreements.

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(d) of Chapter 94G of the General Laws is hereby deleted and
2 replaced in its entirety as follows:-

3 Unless such obligation is waived as provided for in this paragraph, a marijuana
4 establishment or a medical marijuana treatment center seeking to operate or continue to operate
5 in a municipality which permits such operation shall execute an agreement with the host
6 community setting forth the conditions to have a marijuana establishment or medical marijuana
7 treatment center located within the host community which shall include, but not be limited to, all
8 stipulations of responsibilities between the host community and the marijuana establishment or a
9 medical marijuana treatment center. The host community agreement requirement in this
10 subsection may be waived at the host community's discretion, provided that the municipality
11 offers the commission a copy of a written waiver form executed by both the host community and
12 the marijuana establishment or medical marijuana treatment center. An agreement between a
13 marijuana establishment or a medical marijuana treatment center and a host community may

14 include a community impact fee for the host community; provided, however, that the community
15 impact fee shall be reasonably related to the costs imposed upon the municipality by the
16 operation of the marijuana establishment or medical marijuana treatment center and shall not
17 amount to more than 3 per cent of the gross sales of the marijuana establishment or medical
18 marijuana treatment center or be effective for longer than 5 years. The community impact fee
19 shall encompass all payments and obligations, including but not limited to monetary payments,
20 in kind contributions, and charitable contributions, by the marijuana establishment or medical
21 marijuana treatment center to the municipality or to any other organization pursuant to
22 negotiations with the host community. No contractual financial obligation of any kind outside of
23 the community impact fee that is explicitly or implicitly a factor considered in or a condition of
24 the marijuana establishment or medical marijuana treatment center siting in the municipality
25 shall be enforceable. The five-year period stated in this section shall begin on the date the
26 marijuana establishment or medical marijuana treatment center commences operation of business
27 and shall expire five years after said date. Any cost to a city or town imposed by the operation of
28 a marijuana establishment or medical marijuana treatment center shall be documented and
29 considered a public record as defined by clause Twenty-sixth of section 7 of chapter 4. The
30 commission has the express authority to review, regulate, and enforce all host community
31 agreements under this section.

32 SECTION 2. Section 4(a ½) of chapter 94G is hereby amended by inserting after
33 subsection (xxxiv) the following section:-

34 (xxxv): host community agreement requirements and procedures, consistent with this
35 chapter, including without limitation criteria for the types of costs imposed upon the municipality

- 36 by the operation of the marijuana establishment or medical marijuana treatment center that
- 37 qualify for calculating the community impact fee.