

SENATE No. 72

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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 to ensure equitable host community agreements and increase small business opportunity.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>9/28/2021</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>1/20/2022</i>

SENATE No. 72

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 72) of Patricia D. Jehlen, Sonia Chang-Diaz and Adam Gomez for legislation to ensure equitable host community agreements and increase small business opportunity. Cannabis Policy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to ensure equitable host community agreements and increase small business opportunity.

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 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof
3 the following subsection:-

4 (d) (1) A marijuana establishment or a medical marijuana treatment center, as defined in
5 section 1 of chapter 94I, seeking to operate or continue to operate in a municipality which
6 permits such operation shall execute an agreement with the host community setting forth the
7 conditions to have a marijuana establishment or medical marijuana treatment center located
8 within the host community which shall include, but not be limited to, all stipulations of
9 responsibilities between the host community and the marijuana establishment or medical
10 marijuana treatment center.

11 (2) An agreement between a marijuana retailer or a medical marijuana treatment center
12 and a host community may include a community impact fee for the host community; provided,

13 however, that the community impact fee shall be reasonably related to the costs imposed upon
14 the municipality by the operation of the marijuana retailer or medical marijuana treatment center
15 and shall not amount to more than 3 per cent of the gross sales of the marijuana retailer or
16 medical marijuana treatment center or be effective or renewed for longer than one 5 year term;
17 provided, however, that the 5 years shall commence on the date the marijuana retailer or medical
18 marijuana treatment center commences operation of business. The community impact fee shall
19 encompass all payments and obligations, including, but not limited to, monetary payments, in
20 kind contributions and charitable contributions by the marijuana establishment or medical
21 marijuana treatment center to the municipality or any other organization pursuant to negotiations
22 with the host community. Any other contractual financial obligation that is explicitly or
23 implicitly a factor considered in or is a condition of an agreement shall not be enforceable;
24 provided, however, that nothing shall preclude, nor require, a marijuana establishment or a
25 medical marijuana treatment center from voluntarily providing organizations with in-kind
26 contributions and charitable contributions after the execution of the host agreement.

27 (3) Terms and conditions related to the community impact fee shall be severable. If a
28 term or condition related to the community impact fee is invalidated by the commission, all
29 remaining provisions of the agreement shall remain in full force and effect. No applicant,
30 licensee, or holder of a provisional or final certificate of registration shall be denied a license,
31 registration, renewal thereof by the commission on the sole basis of an agreement containing an
32 invalid term or condition related to the community impact fee.

33 (4) An agreement required by this subsection may be waived at the discretion of the host
34 community with approval of the commission; provided, however, that the host community

35 submits to the commission a written waiver executed by the host community and the marijuana
36 establishment or medical marijuana treatment center.

37 (5) Any cost to a city or town imposed by the operation of a marijuana establishment or
38 medical marijuana treatment center shall be documented by March 15 of the succeeding year,
39 transmitted to the commission and licensee, and considered a public record as defined by clause
40 Twenty-sixth of section 7 of chapter 4.

41 (6) The commission shall promulgate regulations necessary to carry out the provisions of
42 this subsection.

43 (7) All host communities shall establish procedures and policies to promote and
44 encourage full participation in the regulated marijuana industry by people from communities that
45 have previously been disproportionately harmed by marijuana prohibition and enforcement and
46 to positively impact those communities

47 SECTION 2. Subsection (a) of section 4 of said chapter 94G, as so appearing, is hereby
48 amended by striking out clauses (xxvii) and (xxviii) and inserting in place thereof the following
49 3 clauses:-

50 (xxvii) monitor any federal activity regarding marijuana;

51 (xxviii) adopt, amend or repeal regulations for the implementation, administration and
52 enforcement of this chapter; and

53 (xxix) review, regulate and enforce all host community agreements pursuant to section 3.

54 SECTION 3. Subsection (a 1/2) of said section 4 of said chapter 94G, as so appearing, is
55 hereby amended by striking out clauses (xxxiii) and (xxxiv) and inserting in place thereof the
56 following 3 clauses:-

57 (xxxiii) requirements that prohibit marijuana product manufacturers from altering or
58 utilizing commercially-manufactured food products when manufacturing marijuana products
59 unless the food product was commercially manufactured specifically for use by the marijuana
60 product manufacturer to infuse with marijuana; provided, however, that a commercially-
61 manufactured food product may be used as an ingredient in a marijuana product if: (i) it is used
62 in a way that renders it unrecognizable as the commercial food product in the marijuana product;
63 and (ii) there is no statement or advertisement indicating that the marijuana product contains the
64 commercially-manufactured food product;

65 (xxxiv) energy and environmental standards for licensure and licensure renewal of
66 marijuana establishments licensed as a marijuana cultivator or marijuana product manufacturer;
67 and

68 (xxxv) requirements and procedures for host community agreements, including without
69 limitation criteria for calculating community impact fees, consistent with subsection (d) of
70 section 3.