

Marijuana Information Session

September 20th, 2018



Welcome

Tonight we will:

Briefly review the current status of adult-use marijuana regulations in Massachusetts and Belmont.

Explain and Answer questions about the September 25th Special Election Ballot Question.

Remember

Tonight is your chance to **ask questions**.
This is not the time for speeches.

The **League of Women Voters of Belmont**
has **no position** on the use of marijuana
nor on the Ballot Question.

Introduction

1. Under the MA Adult-Use Marijuana law, the State issues licenses for all marijuana establishments that meet the State's requirements.
2. Belmont can limit:
 - a. The number of establishments
 - b. Their location within town
 - c. Their hours of operation and signage
3. The vote next Tuesday is about limiting the type and number of establishments.

Ballot Question in Brief

Voters are being asked to ratify the Spring Town Meeting vote that limited the number and type of marijuana establishments in Belmont

- A **YES** Vote would **limit** the type and the number of establishments in Belmont
- A **NO** Vote would **NOT limit** the type or number of marijuana establishment licenses in Belmont

History

2008 – Decriminalization of Marijuana in Massachusetts

2012 – Massachusetts voters approved Medical Marijuana

2016 – Massachusetts voters approved state-wide Adult-Use Marijuana and Local control of non-medical marijuana establishments

82.4% of Belmont voters cast a ballot; 52.5% voted “Yes” on the marijuana question

August 2017 – Cannabis Control Commission (CCC) was created to develop regulations and issue licenses as required by law

March 9, 2018 – CCC adopted FINAL regulations

July 1, 2018 — Retail Adult-Use Marijuana businesses could open
IF everything else in place

Background on Marijuana in MA

Each community in Massachusetts can create a regulatory system for marijuana establishments or can ban it.

1. **Several types of state licenses, including:** cultivator, product manufacturer, testing laboratory, and retailer.
2. **On-Site Consumption and Delivery Licenses** will *NOT* be issued by the state at this time but may be considered in the future.

3. To receive a state license, an applicant must document cooperation with a community:

Community Outreach Meeting within 6 months prior to submitting the application to the state;

Host Community Agreement, impact fee of up to 3%, to cover documented costs to the municipality for up to 5 years;

Compliant to all local bylaws, regulations, permits, and licenses.

4. **Retail Establishments** by state regulation, cannot display products which can be viewed from outside of the building.

NO signs or advertising materials may display medical symbols, images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana.

5. There are several Marijuana taxes in Massachusetts:

10.75% State Marijuana Excise Tax

6.25% State Sales Tax

Municipalities may impose an additional

3% local tax on sales

Town Meeting authorized this tax in the Spring in Belmont.

6. Host Agreements:

They allow a community to collect a fee of up to **3% of gross sales** for up to 5 years, so long as the fee is “reasonably related” to the impact of the marijuana establishments. That would cover issues like: traffic congestion, public safety costs, and/or drug prevention programming.

7. Municipalities **may pass bylaws** to govern
“time, place, and manner.”

Planning Board is working on this now. Final regulations will need to be approved by Town Meeting in November.

Ballot Question

QUESTION ONE:

Shall the Town vote to amend the Town's General Bylaw by inserting, into the title of Chapter 60, Article 1, after the word "Tobacco," a comma (",") and the word "Marijuana," and by adding a new Section 60-107 as follows:

§ 60-107 Marijuana Establishments

- A. Consistent with M.G.L. c. 94G, § 3(a)(2), all types of marijuana establishments, except for marijuana retailers, both as defined in M.G.L. c. 94G, § 1, shall be prohibited within the Town of Belmont; provided, however, that a Registered Marijuana Dispensary shall not be deemed to be a marijuana establishment.
- B. Consistent with M.G.L. c.94G, § 3(a)(2), the number of Marijuana Retailers in Belmont shall not exceed a number that is equal to 20% of the number of licenses issued within the Town of Belmont for the retail sale of alcoholic beverages not to be drunk on the premises where sold under M.G.L. c. 138, § 15, as implemented in Belmont pursuant to Chapter 16 of the Acts of 2014, as amended by Chapter 147 of the Acts of 2017, and, if that number is not a whole number, it shall be rounded up to the next higher whole number.

What YES Means

A **YES** vote would:

- a) **Prohibit** cultivation, manufacturing, and independent testing labs in BELMONT; and
- b) **Limit the number** of state-issued retail licenses available in Belmont to 20% of the number of current alcohol retail licenses (**TWO** right now).

What NO Means

A **NO** vote would allow **all types** of marijuana establishments in BELMONT and **would not limit** the number of establishments. Retail stores as well as cultivators, manufacturers, and testing labs could apply for a license from the State to operate in Belmont.

What this ballot question does NOT DO:

- It does NOT ban marijuana retail stores; neither a YES nor a NO vote would “opt-out” Belmont from marijuana establishments.
- It does not circumvent zoning bylaws. The Planning Board is developing bylaws for adult-use marijuana establishments, to be voted on at Town Meeting later this fall.
- It does not restrict individuals’ right to grow marijuana for their personal use.
- It does not pertain to Medical Marijuana.

Spring '18 Annual Town Meeting Warrant Articles

Article 8: extended the existing temporary moratorium on Marijuana Establishments to December 31, 2018.

Article 9: authorized a local sales tax of 3% on the sale of marijuana or marijuana products.

Spring '18 Special Town Meeting

Special Town Meeting Warrant Article 1:

Citizens article to amend the General By-Laws to **Opt-Out** of (i.e. prohibit) all types of Adult-Use Marijuana Establishments.

Several amendments on which types of establishments to ban, possible sunset clause, and limits on number of establishments, changed the article to what we have now on the Special Election Ballot Question.

Belmont Board of Health Adult-Use Marijuana Regulations

Two Regulations unique to Belmont:

- ◆ Minimum age to purchase: 25
- ◆ No Delivery allowed from Belmont establishments

Belmont Planning Board Adult-Use Marijuana Regulations

Planning Board is working on Zoning Regulations for Belmont:

- ◆ Extended moratorium until Dec 31, 2018
- ◆ Public Hearing in the spring, this week, and one more this fall
- ◆ Will present Zoning Bylaw at November Town Meeting

Questions from the Audience

Please keep your questions very short to allow time for all audience questions.

Please save your speeches for your friends.

For more information:

MA Marijuana Regulations can be found at:

<https://www.mass.gov/regulations/935-CMR-500-adult-use-of-marijuana>

Guide to Municipalities can be found at:

https://mass-cannabis-control.com/wp-content/uploads/2018/03/FINAL_Guidance-for-Municipalities_040218.pdf

Belmont Board of Health Regulations can be found at:

<https://www.Belmont-ma.gov/sites/belmontma/files/uploads/restrictionofadultusemarijuana.pdf>

Belmont Town Clerk information on Marijuana Question:

<https://www.belmont-ma.gov/town-clerk/pages/election-local-election-offices-candidates>

Belmont Planning Board information on Marijuana Bylaws:

<https://www.belmont-ma.gov/planning-board/pages/adult-use-marijuana-zoning-by-laws-development>

