Marijuana Legalization in Massachusetts

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Medical Marijuana Timeline

• November 2012: Medical Marijuana Ballot initiative passes; City interagency working group formed to develop local policy approach
• January 2013: Boston Zoning Commission approves code amendment, making registered marijuana dispensaries (RMDs) a conditional use in commercial districts and forbidden use in residential districts
• November 2013: Board of Health approves regulations
• November 2014: DPH announces provisional certification for first Boston RMD site
• August 2015: Patriot Care receives approval from Zoning Board of Appeal
• November 2015: BPHC receives Patriot Care Corporation application
• November 2015-Spring 2016: Staff conducted a series of internal meetings to review and discuss the Patriot Care Application, seeking feedback from other agencies including the Boston Police Department
• July 2016: BPHC issues permit; facility opens August 2016
Medical Marijuana in MA by the numbers

As of October 31, 2016:

• 8 RMDs Open for Sales
• 32,416 Active Patients
• 2,670 Active Caregivers
• 172 Registered Physicians
• 38,302 Active Physician Certifications
• 57 RMDs with provisional certificates

Source: MA DPH Medical Use of Marijuana Program
MA Medical Marijuana Market

Patient Count Snapshot

Source: MA DPH Medical Use of Marijuana Program
Question 4 Summary

• Legalizes possession of up to 1 ounce of marijuana in public for adults 21+
• Legalizes possession of up to 10 ounces in the home
• Allows adults to grow 6 plants in the home, up to 12 plants per household
• Taxes recreational marijuana up to 12%, which includes the 6.25% state sales tax, a 3.75% state excise tax and a 2% local option tax; medical marijuana remains untaxed
• Directs state excise tax revenue to a dedicated Marijuana Regulation Fund be used for regulation and enforcement
• Calls for the creation of a three-member Cannabis Control Commission (CCC) under the State Treasurer’s Office to promulgate regulations and license marijuana establishments
• Gives preference to existing medical marijuana facilities
Question 4 Summary (Cont.)

• Allows for limited local regulation of marijuana establishments
  – Allows municipalities to ban or restrict the number of retail locations in their jurisdiction, but only after a City Council vote and voter referendum
• Notes that the CCC will not approve an establishment if it receives notice that the establishment is not in compliance with any local ordinance or bylaw
• Prohibits establishments within 500 feet of a school unless the city sets different buffer zone
• Prohibits use in public and prohibits consuming marijuana anywhere smoking tobacco prohibited (presumably including local regulations and ordinances that are stronger than state law)
• Allows landlords to ban smoking but not other use of marijuana products
• Prohibits use in retail establishments unless there is a petition signed by 10% of registered voters and local referendum to allow
• Allows a retail location to operate as both a medical and recreational business.
Implementation Timeline

- **December 15, 2016**: Law takes effect; possession and growing legal
- **March 1, 2017**: State Treasurer appoints Cannabis Control Commission
- **September 15, 2017**: CCC promulgates regulations
- **October 1, 2017**: CCC begins accepting application from testing facilities and from medical marijuana treatment centers to sell recreational marijuana
- **January 1, 2018**: CCC accepts all applications if there are fewer than 75 MMJ provisional registrations by 10/1/17
- **January 1, 2018**: If CCC has not issued regulations, medical marijuana dispensaries can sell recreational marijuana
- **October 1, 2018**: CCC accepts applications from all applicants for retailer permits
- **November 2018**: Possible local referendum on smoking in businesses, local option tax, local limit on number of businesses
Potential State Legislative Issues

• Implementation timeline

• Local authority
  – Address limitations procedural barriers to establishing local ordinances and regulations
  – Clarify local authority to craft host community agreements

• Revenue
  – Revisit the adopted tax rate of 12%, which includes the 6.25 state sales tax, the 3.75% state excise tax, and the 2% local option tax
City Next Steps

• Convene working group of City agencies
• Determine agenda for state legislative and regulatory advocacy
• Determine whether to pursue the 2% local option tax, and identify uses for funds
• Determine response to any potential referendum to allow consumption on premises
• Consider a local policy to prohibit marijuana use in all City buildings
• Determine whether there is a need for any additional zoning code amendment, noting that zoning provisions for recreational establishments cannot be more restrictive than medical marijuana establishments
• Determine process for host community agreements
• Explore collaboration between City agencies to address diversion and youth access
• Address nuisance issues related to home and commercial growing
• Advocate for additional restrictions on edibles
Discussion