



# Marijuana Legalization Update

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# Final CNB Regulations Overview

- Social consumption and delivery issues delayed until at least next Feb
- Authorizes local control and permitting, within limits
  - Reasonableness standard
  - Cannot conflict with state statute or regulation
- Edibles not subject to local food inspections absent local regulations
- Resolves youth siting language



# School Buffer Zone in Final CNB Regulations

## DRAFT - 935 CMR 500.110(C)

A Marijuana Establishment shall comply with all local requirements regarding siting, provided however that if no local requirements exist, then Marijuana Establishment shall not be sited within a radius of 500 feet of a public or private school, daycare center, or any facility in which children commonly congregate.

## FINAL - 935 CMR 110:(3)

The property where the proposed Marijuana Establishment is to be located, at the time the license application is received by the Commission, is not located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a city or town adopts an ordinance or by-law that reduces the distance requirement. The distance under this section shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located.



# Proposed Boston Zoning Code Amendment

- Extends existing Zoning Code for medical marijuana to adult use
- Makes cannabis establishments forbidden in all residential districts and conditional in all others
- Applies the existing ½ mile buffer between medical marijuana sites to adult use
- Adds 500' K-12 school buffer zone language
- Includes cultivation, processing and retail

# Proposed Boston Zoning Code Amendment Buffer Footnote

\*Cannabis Establishment-provided that any cannabis establishment shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.



# Existing Board Regulation Siting Language

In no instance shall an Operating Permit be issued to any RMD that is within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate.



# Existing BPHC Guideline Language

Notwithstanding the foregoing, the Commission will defer to the Boston Zoning Code and the Zoning Board of Appeal with respect to siting determinations.



# Board Policy Issues for Discussion

- Retain the Medical Marijuana Regulation, but amend to remove provisions that are generally addressed through zoning or ZBA
  - Remove siting language, formalizing existing practice
  - Remove signage language
- Clarify that Regulations apply to medical marijuana retail only
- Clarify that workplaces grandfathered from the Smoke Free Workplace Regulation may not allow marijuana smoking or vaping
- Revise references to reflect transfer of medical oversight from DPH to CNB