

HOUSE No. 3176

The Commonwealth of Massachusetts

PRESENTED BY:

Hannah Kane

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 strengthening local control over recreational marijuana businesses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>

<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>

HOUSE No. 3176

By Mrs. Kane of Shrewsbury, a petition (accompanied by bill, House, No. 3176) of Hannah Kane and others for legislation to authorize municipalities to regulate the operations of marijuana establishments. Marijuana Policy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act strengthening local control over recreational marijuana businesses.

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. Chapter 94G of the General Laws is hereby amended by striking out section
2 3 and inserting in place thereof the following section:

3 Section 3. Local control

4 (a) A city or town may, by ordinance or bylaw, prohibit marijuana establishments or
5 certain types thereof within the city or town, or limit the number of such establishments in said
6 city or town. Such ordinance or bylaw, or regulation promulgated pursuant thereto, may:

7 (1) regulate the manner of operation of marijuana establishments and of any business
8 dealing in marijuana accessories;

9 (2) restrict the licensed cultivation, processing, and manufacturing of marijuana that
10 is a public nuisance;

11 (3) reasonably restrict signage related to marijuana establishments; and

12 (4) impose a penalty for violations of such ordinances, bylaws, and regulations, not to
13 exceed three hundred dollars for each such violation.

14 (b) A city or town may, by zoning ordinance or bylaw adopted pursuant to the
15 provisions of Chapter 40A of the General Laws, regulate the use of land and structures for
16 marijuana establishments and types thereof, and may specify districts within which such uses
17 may be allowed, by right or upon the issuance of a special permit.

18 (c) The commission shall not approve an application for a license for a marijuana
19 establishment or the operation of a marijuana-related business, including licenses that authorize
20 the consumption of marijuana or marijuana products on the premises where sold, where the
21 licensing would not be in compliance with ordinances, bylaws, and regulations adopted pursuant
22 to subsections (a) and (b) of this Section 3.

23 (d) No city or town shall prohibit the transportation of marijuana or marijuana
24 products.

25 (e) No agreement between a city or town and a marijuana establishment shall require
26 payment of a fee to that city or town that is not directly proportional and reasonably related to the
27 costs imposed upon the city or town by the operation of a marijuana establishment.