

HOUSE No. 4367

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 5, 2020.

The committee on Ways and Means, to whom was referred the message from His Excellency the Governor recommending legislation relative to making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4354), reports, in part, recommending that the accompanying bill ought to pass (House, No. 4367).

For the committee,

AARON MICHLEWITZ.

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to host community agreements.

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 establishment or a medical marijuana treatment
12 center and a host community may include a community impact fee for the host community;
13 provided, however, that the community impact fee shall be reasonably related to the costs

14 imposed upon the municipality by the operation of the marijuana establishment or medical
15 marijuana treatment center and shall not amount to more than 3 per cent of the gross sales of the
16 marijuana establishment or medical marijuana treatment center or be effective for longer than 5
17 years; provided, however, that the 5 years shall begin on the date the marijuana establishment or
18 medical marijuana treatment center commences operation of business. The community impact
19 fee shall encompass all payments and obligations, including, but not limited to, monetary
20 payments, in kind contributions and charitable contributions by the marijuana establishment or
21 medical marijuana treatment center to the municipality or any other organization pursuant to
22 negotiations with the host community. Any other contractual financial obligation that is
23 explicitly or implicitly a factor considered in or is a condition of an agreement shall not be
24 enforceable.

25 (3) An agreement required by this subsection may be waived at the discretion of the host
26 community with approval of the commission; provided, however, that the host community
27 submits to the commission a written waiver executed by the host community and the marijuana
28 establishment or medical marijuana treatment center.

29 (4) Any cost to a city or town imposed by the operation of a marijuana establishment or
30 medical marijuana treatment center shall be documented and considered a public record as
31 defined by clause Twenty-sixth of section 7 of chapter 4.

32 (5) The commission shall promulgate regulations necessary to carry out the provisions of
33 this subsection.

34 SECTION 2. Subsection (a) of section 4 of said chapter 94G, as so appearing, is hereby
35 amended by striking out clauses (xxvii) and (xxviii) and inserting in place thereof the following
36 3 clauses:-

37 (xxvii) monitor any federal activity regarding marijuana;

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

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

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

44 (xxxiii) requirements that prohibit marijuana product manufacturers from altering or
45 utilizing commercially-manufactured food products when manufacturing marijuana products
46 unless the food product was commercially manufactured specifically for use by the marijuana
47 product manufacturer to infuse with marijuana; provided, however, that a commercially-
48 manufactured food product may be used as an ingredient in a marijuana product if: (i) it is used
49 in a way that renders it unrecognizable as the commercial food product in the marijuana product;
50 and (ii) there is no statement or advertisement indicating that the marijuana product contains the
51 commercially-manufactured food product;

52 (xxxiv) energy and environmental standards for licensure and licensure renewal of
53 marijuana establishments licensed as a marijuana cultivator or marijuana product manufacturer;
54 and

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