

HOUSE No. 2039

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Murphy

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 passage of the accompanying bill:

An Act establishing zoning standards for medical marijuana dispensaries.

PETITION OF:

NAME:

James M. Murphy

DISTRICT/ADDRESS:

4th Norfolk

HOUSE No. 2039

By Mr. Murphy of Weymouth, a petition (accompanied by bill, House, No. 2039) of James M. Murphy for legislation to establish zoning standards for the siting of medical marijuana dispensaries. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act establishing zoning standards for medical marijuana dispensaries.

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. No medical marijuana cooperative, collective, dispensary, operator,
2 establishment, or provider who possesses, cultivates, or distributes medical marijuana pursuant to
3 this article shall be located within a 1000-foot radius of a school, place of worship, civic center,
4 drug free zone or non smoking zones as set by a municipality or the state.

5 SECTION 2. No medical marijuana cooperative, collective. dispensary, operator,
6 establishment, or provider who possesses, cultivates, or distributes medical marijuana pursuant to
7 this article shall be located within a 1000-foot radius of a residential zone or residential use
8 unless the city council or county board of supervisors adopts, for its respective jurisdiction, an
9 ordinance specifically regulating the location of those establishments in relation to residential
10 zones or residential use. Notwithstanding subdivision (d), a local ordinance enacted pursuant to
11 this paragraph may be more or less restrictive than the 1000-foot radius standard that applies in
12 the absence of a local ordinance.

13 (a) The distance specified in this section shall be the horizontal distance measured in
14 a straight line from the property line of the school, place of worship, civic center, drug free zone,
15 non smoking zone, residential zone or residential use, to the closest property line of the lot on
16 which the medical marijuana cooperative, collective, dispensary, operator, establishment, or
17 provider is to be located without regard to intervening structures.

18 (b) This section shall not apply to medical marijuana cooperative, collective,
19 dispensary, operator, establishment or provider that is also licensed residential medical or elder
20 care facility.

21 (c) This section shall apply only to medical marijuana cooperative, collective,
22 dispensary, operator, establishment, or provider that is authorized by law to possess, cultivate, or
23 distribute medical marijuana and that has a storefront or mobile retail outlet which ordinarily
24 requires a local business license.

25 (d) Nothing in this section shall prohibit a city, county, or city and county from
26 adopting ordinances or policies that further restrict the location or establishment of medical
27 marijuana cooperative, collective, dispensary, operator, establishment, or provider.

28 (e) Nothing in this section shall preempt local ordinances, adopted prior to January 1,
29 2013, that regulate the location or establishment of medical marijuana cooperative, collective,
30 dispensary, operator, establishment, or provider.

31 (f) For the purposes of this section, “school” shall mean any public or private school
32 providing instruction from pre-kindergarten, kindergarten or grades 1 to 12, inclusive, but does
33 not include any private school in which education is primarily conducted in private homes.

34 SECTION 3. This ACT shall take effect upon passage.