

**HOUSE . . . . . No. 3163**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Donald R. Berthiaume, Jr.***

*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 regulating the sale of recreational marijuana.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>

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By Mr. Berthiaume of Spencer, a petition (accompanied by bill, House, No. 3163) of Donald R. Berthiaume, Jr. and others relative to authorizing municipalities to prohibit the creation and operation of marijuana establishments or impose zoning ordinances for locations of retail marijuana establishments. Marijuana Policy.

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**The Commonwealth of Massachusetts**

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

An Act regulating the sale of recreational marijuana.

*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 inserted by Chapter 334  
2 of the Acts of 2016, is hereby amended by striking subsection (b) in its entirety and inserting in  
3 place thereof the following:-

4           Cities and towns may refuse to permit the creation and operation of marijuana  
5 establishments within the town or city only if the majority of the voter population in the  
6 respective city or town voted against the legalization of recreational marijuana and such city or  
7 town does not contain a registered medical marijuana dispensary.

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9           SECTION 2. Said Section 3 is hereby further amended by inserting after subsection (d)  
10 the following subsection:-

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12 (e) Local cities and towns may impose zoning ordinances for the location of retail  
13 marijuana establishments. If a city or town does not impose a specific zoning ordinance, the  
14 regulations shall default to zoning ordinances required by the Department of Public Health for  
15 Registered Medical Marijuana Dispensaries. The default zoning ordinance shall require that a  
16 retail marijuana establishment be at least 500 feet from an area where children commonly  
17 congregate.

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