

SENATE No. 950

The Commonwealth of Massachusetts

PRESENTED BY:

Robert L. Hedlund

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 relative to the zoning of marijuana treatment centers.

PETITION OF:

NAME:

Robert L. Hedlund

DISTRICT/ADDRESS:

Plymouth and Norfolk

SENATE No. 950

By Mr. Hedlund, a petition (accompanied by bill, Senate, No. 950) of Robert L. Hedlund for legislation relative to the zoning of marijuana treatment centers. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the zoning of marijuana treatment centers.

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 40A of the General Laws, as appearing in the 2010 official edition,
2 is hereby amended by inserting, at the end thereof, the following new section:-

3 Section 18: Special Permits for Medical Marijuana Treatment Centers

4 Zoning ordinances or by-laws may provide for special permits authorizing the
5 establishment of medical marijuana treatment centers for their patrons as hereinafter defined.
6 Such zoning ordinance or by-law may state the specific improvements, amenities or locations of
7 proposed uses for which such permit may be granted and may provide that the proposed use be a
8 specific distance from any district designated by zoning ordinance or by-law for any residential
9 use or from any other medical marijuana treatment center or from any school, park, playground,
10 recreational facility, day care center, or senior center. Such zoning ordinance or by-law shall
11 prohibit the issuance of such special permits to any person convicted of violating the provisions
12 of section thirty-two E of chapter ninety-four C.

13 As used in this section, the following words shall have the following meanings:—

14 “Medical marijuana treatment center”, a not-for-profit entity, as defined by
15 Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes
16 (including development of related products such as food, tinctures, aerosols, oils, or ointments),
17 transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing
18 marijuana, related supplies, or educational materials to qualifying patients or their personal
19 caregivers.

20 Zoning ordinances or by-laws shall provide that special permits shall only be issued
21 following public hearings held within sixty-five days after filing of an application with the
22 special permit granting authority, a copy of which shall forthwith be given to the city or town
23 clerk by the applicant, and may provide that certain classes of special permits shall be issued by
24 one special permit granting authority and others by another special permit granting authority as
25 provided in the ordinance or by-law. Such special permit granting authority shall adopt and from
26 time to time amend rules relative to the issuance of such permits, and shall file a copy of said
27 rules in the office of the city or town clerk. Such rules shall prescribe a size, form, contents, style
28 and number of copies of plans and specifications and the procedure for a submission and
29 approval of such permits.

30 Special permit granting authorities shall act within ninety days following a public hearing
31 for which notice has been given by publication or posting as provided in section eleven, and by
32 mailing to all parties in interest; provided, however, that a city council having more than five
33 members designated to act upon such a permit may appoint a committee of such council to hold
34 the public hearing. Failure by a special permit granting authority to take final action upon an
35 application for a special permit within said ninety days following the date of public hearing shall
36 be deemed to be a grant of the permit applied for. Special permits issued by a special permit
37 granting authority shall require a two-thirds vote of boards with more than five members, a vote
38 of at least four members of a five member board and a unanimous vote of a three member board.
39 Zoning ordinances or by-laws shall provide that a special permit granted under this section shall
40 lapse within a specified period of time, not more than two years, and including such time
41 required to pursue or await the determination of an appeal referred to in section seventeen, from
42 the grant thereof, if a substantial use thereof has not sooner commenced except for good cause
43 or, in the case of permit for construction, if construction has not begun by such date except for
44 good cause.

45 Any existing medical marijuana treatment center shall apply for such permit within
46 ninety days following the adoption of said zoning ordinance or by-law by a municipality.

47 Nothing contained herein shall be construed as limiting the power and authority of cities
48 and towns to regulate the use of land, structures or buildings through by-law or zoning
49 ordinance.