

From: [Stephen Anderson](#)
To: [Roland Bartl](#)
Cc: [Nina Pickering Cook](#); [Steve Ledoux](#); [Kristen Domurad-Guichard](#); [Scott Mutch](#)
Subject: Acton/Gen PB - Regulation of Medical Marijuana Treatment Centers
Date: Thursday, November 08, 2012 9:01:23 AM

Hi Roland,

The Law adopted by Question 3 is effective January 1, 2013. Section 13(a) provides that, "Within 120 days of the effective date of this law, the department shall issue regulations for the implementation of Sections 9 through 12 of this Law." Those sections are as follows:

- Section 9. Registration of nonprofit medical marijuana treatment centers.
- Section 10. Registration of medical treatment center dispensary agents.
- Section 11. Hardship Cultivation Registrations.
- Section 12. Medical marijuana registration cards for qualifying patients and designated caregivers.

So to meet this deadline, the DPH regulations need to be in effect by 5/1/13 (May Day being an appropriate day for these regulations to take effect...) That's an ambitious deadline, but there is no reason DPH cannot meet it if it is diligent.

Under Section 9(B) of the Law, "Not later than ninety days after receiving an application for a nonprofit medical marijuana treatment center, the department shall register the nonprofit medical marijuana treatment center to acquire, process, possess, transfer, transport, sell, distribute, dispense, and administer marijuana for medical use, and shall also issue a cultivation registration" if it meets certain criteria.

There is a limit on the number of centers under Section 9(C): "In the first year after the effective date, the Department shall issue registrations for up to thirty-five non-profit medical marijuana treatment centers, provided that at least one treatment center shall be located in each county, and not more than five shall be located in any one county. In the event the Department determines in a future year that the number of treatment centers is insufficient to meet patient needs, the Department shall have the power to increase or modify the number of registered treatment centers." So we can expect persons interested in registering to apply as soon as possible.

Steve

From: Roland Bartl [mailto:rbartl@acton-ma.gov]
Sent: Wednesday, November 07, 2012 4:48 PM
To: Stephen D. Anderson
Cc: Nina Pickering Cook; Steve Ledoux; Kristen Domurad-Guichard; Scott Mutch
Subject: RE: CSTC Medical Marijuana

Steve:

On that question, Acton voters approved the ballot measure 63% to 34% with 3% blanks. The results are very consistent on this split across all precincts. This makes me pause on any notion to jump in quickly with a zoning regulation. We have business zoning districts and I would marijuana clinics as allowed under the general zoning category of "services". I would need to understand how these facilities are objectively and materially different from walk-in clinics, coffee shops, bars, or drug stores that would justify disparate zoning treatment. I have seen some notions that they should be zoned very restrictively – almost like sex businesses. I can't see a justification for that

kind of over the top reaction.

For now, I think it might be prudent to find out if such clinics could even get started without DPH regulations in place, which I understand may be a few years out. If we can wait a few years until DPH regulations come into place, we may have a better understanding of the effect of this ballot vote, and things will have settled into a new normal on that particular frontier. I would prefer to observe this discussion from the sideline for now.

Can you check if DPH regulations are a prerequisite for the establishment of any clinic?

Roland Bartl, AICP
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Acton, MA 01720
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From: Stephen D. Anderson [<mailto:SAnderson@AndersonKreiger.com>]
Sent: Wednesday, November 07, 2012 4:15 PM
To: Roland Bartl; Scott Mutch
Cc: Nina Pickering Cook; Steve Ledoux
Subject: FW: CSTC Medical Marijuana

Gents:

Based on yesterday's vote, there's a lot of email traffic today on the CSTCA list serve about zoning for Medical Marijuana establishments. Here's an example. I don't know if you want to draft something for the 2013 ATM. Let me know. Thanks.

Steve

From: massmunilaw-request@sociallaw.com [<mailto:massmunilaw-request@sociallaw.com>] **On Behalf Of** TMIIn9@aol.com
Sent: Wednesday, November 07, 2012 3:33 PM
To: mcerel@franklin.ma.us
Cc: margaret.hurley@state.ma.us; CunhaK@ci.holyoke.ma.us; massmunilaw@sociallaw.com
Subject: Re: CSTC Medical Marijuana

Mark:

I am both attaching the article to this email and copying it below:

To see if the Town will vote to amend the Zoning Bylaws by:

A. *adding the definition of "MEDICAL MARIJUANA TREATMENT CENTER" to §190-4.B. Definitions, immediately after the definition of "LOT WIDTH," as follows:*

"MEDICAL MARIJUANA TREATMENT CENTER-- An establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products

containing marijuana and/or related supplies, for ostensibly medical purposes.”

and

B. amending the Use Table, §190-23, by adding “Medical Marijuana Treatment Center” after “Office of a physician, dentist, lawyer or certified public accountant (CPA) not incidental to residential use” to the list of uses as follows:

“

SSR	SR	GR	MR	NB	LB	B	LI	I	ALOD									
Medical Marijuana Treatment Center							N	N	N	N	N	N	N	N	N	N	N	N

or to see what the Town will do about it.

In a message dated 11/7/2012 3:13:21 P.M. Eastern Standard Time, mcerel@franklin.ma.us writes:

Tom: Is the proposed bylaw available online or elsewhere for review?

Please use the prefix "CSTCA Mailing List:" in all of your subject lines to help our members easily identify CSTCA list email.

To post a message to the ListServ, address your email to: massmunilaw@sociallaw.com. It will then be forwarded directly to everyone on the ListServ, any recipient then having the option to respond either to you directly or to the entire list. You will be presented with the now familiar choice of "Reply" or "Reply to all". If you choose "Reply" your answer will go only to the person who posted the question. Choosing "Reply to all" will post the answer to the entire ListServ.

To subscribe or unsubscribe from this mailing list or if you have any additional questions, please send an email to admin@massmunilaw.org.

Thank You for being a part of the CSTCA ListServ.