

12/17 (T)

**Christine Joyce**

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**From:** Steve Ledoux  
**Sent:** Monday, December 10, 2012 4:56 PM  
**To:** Pam Harting-Barrat; Janet Adachi  
**Cc:** Christine Joyce  
**Subject:** FW: Medical Marijuana Law: ACTION ALERT  
**Attachments:** Time line for marijuana implementation.pdf;  
Sandwich\_Medical\_Marijuana\_Letter\_to\_Statehouse .docx;  
MMA\_seeks\_delay\_of\_marijuana\_dispensaries.docx

Do we want to agenda this?? *Yes*

Steven L Ledoux  
Town Manager  
472 Main Street  
Acton, MA 01720  
Telephone (978) 929-6611

When writing or corresponding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.

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**From:** Tina Grosowsky [mailto:tgrosowsky@verizon.net]  
**Sent:** Monday, December 10, 2012 4:36 PM  
**To:** Board of Selectmen  
**Subject:** Fw: Medical Marijuana Law: ACTION ALERT

Dear Chairperson,  
Please see email below. I would like to request that the Acton Board of Selectmen send such a letter to the proper person at the state house. What is the proper procedure for that request?  
Thank you,  
Tina Grosowsky  
15 Conant St.

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**From:** [heidiheilmanmapa@gmail.com](mailto:heidiheilmanmapa@gmail.com) [mailto:[heidiheilmanmapa@gmail.com](mailto:heidiheilmanmapa@gmail.com)] **On Behalf Of** Heidi Heilman  
**Sent:** Monday, December 10, 2012 4:25 PM  
**To:** [Info@mapreventionalliance.org](mailto:Info@mapreventionalliance.org)  
**Subject:** Medical Marijuana Law: ACTION ALERT

Dear Members, Partners, Colleagues and Allies,

In the interest of public health and safety in the Commonwealth, the Massachusetts Prevention Alliance is urging all local stakeholders to take immediate action! **Please contact your municipal leaders today and urge them to support the Massachusetts Municipal Association's call for a delay on the enactment of the new medical marijuana law until state regulations are fully in place and cities and towns have had adequate time to prepare and plan for the implementation of this new law.** The one simple step for your municipal leaders to take is detailed below.

Without a stay on enactment, the following activity is legally permitted throughout Massachusetts as of January 1, 2013

1. People can possess, use and grow marijuana with a doctor's note. (Check out this new doctor's business that's moved into town: <http://www.integr8ma.com/>)
2. Caregivers can be designated, transport and grow marijuana - for as many patients as they want.
3. The 90-day clock on marijuana dispensaries starts. Medical marijuana businesses that submit an application to the state with only 4 requirements (name and address of dispensary, additional cultivation location, officers and board members, operations procedures) will be legal to set up shop after 90 days regardless of whether DPH is ready with regulations and license procedures or not. (Check out this dispensary consulting and licensing firm for Massachusetts: <http://www.dispensarypermits.com/>)

The Department of Public Health is not likely to have full regulations in place for another six-months to a year. Cities and towns are now scrambling to prepare for the marijuana dispensary business, cultivation and home grows that are already moving into Massachusetts communities. We need your help NOW to inform your municipal leaders how to take IMMEDIATE action that will delay enactment until the state has time to put in the restrictions and safety measures that our voters were promised by proponents of this law. WE HAVE TWO WEEKS TO GET THIS DONE or the wild west begins with medical marijuana with the new year.

**The simple, easy action to take:** Our legislators and government leaders need to hear from local municipalities NOW. The Massachusetts Prevention Alliance has been advised that a key strategy for a successful stay of enactment is for municipal planning boards, boards of selectmen, school committees and police departments to write to their Representatives and Senators to request a stay of enactment from the Legislature prior to January 1st. This simple, one-page correspondence should be sent via email as soon as possible to the following individuals:

- All individual district Legislative delegates (for an email address directory of Representatives: <http://www.malegislature.gov/people/house>; for an email address directory of Senator emails: <http://www.malegislature.gov/people/senate>)
- Speaker of the House Representative DeLeo ([Anita.Flintoff@mahouse.gov](mailto:Anita.Flintoff@mahouse.gov); [Robert.DeLeo@mahouse.gov](mailto:Robert.DeLeo@mahouse.gov))
- Senate President Therese Murray ([Therese.Murray@masenate.gov](mailto:Therese.Murray@masenate.gov), [Gary.Anderson@masenate.gov](mailto:Gary.Anderson@masenate.gov))
- Governor Deval Patrick ([GOffice@state.ma.us](mailto:GOffice@state.ma.us); The Honorable Governor Deval Patrick Massachusetts State House, Office of the Governor Boston, MA 02133)
- Cc'd to Geoffrey Beckwith of Massachusetts Municipal Association ([gbeckwith@mma.org](mailto:gbeckwith@mma.org)) so that he may then directly follow-up with individual Legislators - this is ESSENTIAL for this strategy

- Attorney General Martha Coakley: [office@marthacoakley.com](mailto:office@marthacoakley.com)

**The argument:** The 63% vote, on November 6, 2012, in favor of Question 3 has been called "the will of the people". It is a reasonable working assumption, based on the way the question was worded, that the will of the people is for marijuana to be an option safely available to profoundly ill citizens with specifically defined severe conditions for whom conventional medicine is not effective. It is reasonable to assume also that it was the people's assumption that public health and safety would NOT be adversely affected. Given the unforeseen, unintended consequences to public health and safety that has occurred in other states with similar laws and that our voters were promised by proponents of the ballot question that if passed, Massachusetts would be among the safest, most tightly regulated medical marijuana programs in the country - it makes no sense, to enact this law on January 1st with no regulations at all.

Attached are three documents to assist you with this call to action:

1. A release from the Massachusetts Municipal Association
2. An example letter written and submitted by the Sandwich Board of Selectmen (feel free to cut and paste for your own purposes).
3. A one-pager on the timeline of the implementation of this law, as it is written.

Thank you, and please email with any questions or needs.

Please help us delay the enactment of the medical marijuana law NOW, before it's too late.

Kind regards,

The Massachusetts Prevention Alliance

PS. More to come: Update on current legislative strategy and on local zoning ordinances and regulatory bylaws to pursue. We are assisting several communities with their zoning discussions now and are putting a package together for members to use for their own local purposes. Stay tuned!

PSS. Please notify me if you receive this email from me more than once. Thank you.

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Heidi Heilman, President  
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**Time Line for Medical Marijuana  
 If the Legislature Fails to Delay Implementation of Question 3**

Date	Section of Law	Permitted Conduct
<u>Day 1</u> January 1, 2013	16 13 11 13	<ul style="list-style-type: none"> <li>• Law takes effect.</li> <li>• Physician certification = patient registration card.<sup>1</sup></li> <li>• Physician certification = cultivation registration card (i.e., home grows).<sup>2</sup></li> <li>• Certified mail receipt to DPH &amp; copy of caregiver name, address and DOB<sup>3</sup> = personal caregiver registration card.</li> </ul>
<u>Day 90</u> April 1	9(B)  9(B) 10	<ul style="list-style-type: none"> <li>• Dispensary "shall be registered" if:               <ul style="list-style-type: none"> <li>○ Application fee submitted (the program must be "revenue neutral" - see § 13)</li> <li>○ Application only has to contain:                   <ul style="list-style-type: none"> <li>▪ Name and address of dispensary.</li> <li>▪ Additional cultivation location.</li> <li>▪ Officers and board members.<sup>4</sup></li> <li>▪ Operations procedures.<sup>5</sup></li> </ul> </li> </ul> </li> <li>• 90 day time limit is <i>ongoing requirement</i> for receipt of any application.</li> <li>• Dispensary agents (staff and volunteers) registered when dispensary submits their names, addresses and DOBs.<sup>6</sup></li> </ul>
<u>Day 120</u> May 1	8 11	<ul style="list-style-type: none"> <li>• DPH defines a 60 day supply.</li> <li>• Regulations for hardship cultivation registration.</li> </ul>
<u>Day 365</u> Dec 31	9(C)	<ul style="list-style-type: none"> <li>• 35 dispensaries must be registered (1 in each county with a maximum of 5 in any county).</li> </ul>

<sup>1</sup> This loophole is permitted with the language: "Until the approval of final regulations . . . ."

<sup>2</sup> Same language used to provide immediate permission for these activities.

<sup>3</sup> These are the *only* requirements for a caregiver - at least age 21 based on the DOB, a name, and an address. See § 2(J).

<sup>4</sup> Only limitation is that board cannot have served for dispensary with a revoked registration.

<sup>5</sup> Must be "consistent with [DPH] rules for oversight."

<sup>6</sup> Only requirement for agents is no felony drug conviction (misdemeanors acceptable!). See § 10(D).

December 7, 2012

Governor Deval Patrick  
State House, Room 280  
Boston, MA 02133

Senate President Therese Murray  
State House, Suite 332  
Boston, MA 02133

Speaker Robert Deleo  
State House, Room 356  
Boston, MA 02133

Representative Randy Hunt  
State House, Room 136  
Boston, MA 02133

**Re: Impact of Medical Marijuana Law on Municipalities**

Dear Governor Patrick, Senate President Murray, Speaker Deleo, and Representative Hunt:

The Town of Sandwich would like to express its concerns about the implementation of the new medical marijuana law and how it will impact municipalities. There are several concerns we have, many of which are undoubtedly shared by cities and towns across the Commonwealth.

Foremost, we would like the Legislature and Governor to pass a law delaying implementation of the medical marijuana requirements by 6 months. The law which was passed in November is slated to go into effect on January 1 with no regulatory framework in place. The law required the adoption of standards and regulations through the Department of Public Health (DPH) within 120 days, but that is significantly later than the January 1 implementation date. This does not give municipalities sufficient time to prepare for the law's implementation or adopt local standards or bylaws. We all need time to fully understand the law with minimal confusion and to use our limited resources efficiently.

For example, most municipalities governed legislatively by Town Meetings have to follow very formal timelines in adopting zoning bylaw amendments. The required M.G.L. timelines are impossible to meet by January and will be very difficult to have ready by Annual Town Meetings which typically occur from mid-April to mid-May. Town Counsels, Planning Boards, and Boards of Selectmen need sufficient time to react to the standards and regulations DPH issues and the current implementation timeframe does not allow this to occur. This is especially true for the siting of medicinal marijuana dispensaries in locations that may make no sense for a municipality.

The same concerns municipalities have also hold true for the general public. Our citizens need time to fully understand and become informed about the law. Many human service groups, local boards and committee, and public safety and health professionals have already expressed concern that thoughtful and careful consideration needs to be given in creating the local regulatory frameworks. This concern is based on evidence from the 17 other states that have passed similar laws. Legitimate public safety and health concerns need to be fully understood and addressed prior to the law going into effect. This is especially true in

secondary schools where our educational institutions needs time review codes of conduct and educate parents and students about the law.

Thank you for your consideration of our input. It is extremely important that sufficient time be allowed for the Commonwealth and local governments to prepare for the law's implementation and the corresponding regulatory standards. Any assistance you could provide to extend the implementation timeframe for the medical marijuana law and address our concerns would be greatly appreciated.

Very truly yours,

**Sandwich Board of Selectmen**

John G. Kennan, Chairman

Ralph Vitacco, Vice-Chairman

Linell M. Grundman

Frank Pannorfi

Jim Pierce

cc: Massachusetts Municipal Association  
Cape Cod Selectmen & Councilors Association

# **MMA seeks delay of marijuana dispensaries**

*November 20, 2012*

Following the Nov. 6 passage of a state initiative legalizing the sale of marijuana for certain medical conditions, the MMA is calling for more time to allow cities and towns to adequately prepare for the new law.

A number of processes and regulations must be established before the law goes into effect. For example, the Department of Public Health must establish what constitutes a 60-day supply of the drug, the maximum that patients will be allowed to purchase at any one time.

The Department of Public Health must also register dispensaries that intend to cultivate marijuana and register each dispensary's agents. Fees for applying for dispensary licenses must be set, and patients will need registration cards to procure marijuana. The DPH must also issue hardship cultivation registrations to individual patients.

The law calls for state regulations to be in place by April 1, but the MMA is advocating for an effective date of July 1.

The law allows for up to 35 cultivation dispensaries authorized by the state in the first year. There must be at least one dispensary in each county, but no more than five. Registration fees for dispensaries will be set to make the law cost-neutral to the state.

Following voter approval of the ballot initiative, several cities and towns have taken, or plan to take, steps to prohibit or restrict the location of marijuana dispensaries in their communities.

On Nov. 15, town meetings in Wakefield and Reading approved zoning bylaws prohibiting marijuana dispensaries. In Reading, nearly three-quarters of town meeting members supported the ban. Support was even higher in Wakefield, which has an open town meeting.

The city of Melrose held a public hearing on banning dispensaries on Nov. 19.

Neighboring Malden, by contrast, has scheduled a Dec. 12 hearing on the possibility of establishing a medical marijuana dispensary in the city. The hearing will focus on a proposal by two city councilors to establish use regulations and parking requirements, among other conditions for a dispensary.

Since marijuana was decriminalized in Massachusetts four years ago, more than 80 cities and towns have strengthened penalties for smoking marijuana in public, according to Ruth Clay, the health director for Melrose, Wakefield and Reading.

While marijuana remains a Schedule 1 drug under the Federal Controlled Substances Act, the U.S. Department of Justice has issued an informal directive not to pursue federal prosecutions when state laws allow medical usage.

Massachusetts is the 18th state to legalize medical marijuana.

Written by MMA Legislative Analyst J. Catherine Rollins

<http://www.mma.org/municipal-government/7154-mma-seeks-delay-of-marijuana-dispensaries>

PS. Additional towns seeking local action, include:

Quincy, Braintree, Sandwich, Barnstable, Wayland, Stoughton, Wayland, Westborough,  
Walpole, Dover, Sherborne

There is broad consensus among these towns that they need more time to prepare and  
plan for potential local impact of this law.