



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

BRIAN MURPHY
Assistant City Manager for
Community Development

To: Richard C. Rossi, City Manager
From: Brian Murphy, Assistant City Manager for Community Development
Date: September 26, 2013
Re: **Medical Marijuana Regulations**

Background

The Law for the Humanitarian Medical Use of Marijuana was adopted by Massachusetts voters in November, 2012. In April, 2013, the Cambridge City Council enacted a zoning moratorium, Section 11.700 of the Cambridge Zoning Ordinance, prohibiting the establishment of medical marijuana-related uses to allow sufficient time for the City to develop a permanent zoning amendment regarding such uses.

Section 11.706 of the Ordinance provides that the provisions of the zoning moratorium "[s]hall no longer apply after one hundred eighty (180) days have elapsed since May 1, 2013. However, if the Massachusetts Department of Public Health has failed to promulgate regulations with regard to the certification and administration of Medical Marijuana Treatment Centers by May 1, 2013, the provisions of this Section 11.700 shall continue to apply until one hundred eighty (180) days have elapsed since the date on which such regulations will have been promulgated, or until June 30, 2014, whichever date is earlier." On May 8, 2013, the Public Health Council approved regulations presented to it by the Massachusetts Department of Public Health (MDPH) with regard to the certification and administration of medical marijuana. These regulations were first published in the Massachusetts Register (Issue 1235) on May 24, 2013, went into effect on that date, and were thus promulgated on May 24, 2013. Therefore, the moratorium expires 180 days later, on November 20, 2013.

Current Status of Statewide Registration Process

In August, MDPH accepted Phase 1 applications from companies seeking to operate a Registered Marijuana Dispensary (RMD) in Massachusetts. On September 23, MDPH released the list of applicants that were approved in Phase 1 and may submit a more detailed Phase 2 application. There were 40 approved Phase 1 applications to operate an RMD in Middlesex County. Phase 2 applications have not yet been made available, but it is expected that the Phase 2 application process will begin in October and will be completed in early 2014. At the end of Phase 2, MDPH will permit up to 35 RMDs statewide, with at least one but no more than five in each county. Information is available at www.mass.gov/medicalmarijuana.

Local Regulation

The MDPH regulations (105 CMR 725.000) permit local regulatory oversight so long as it does not conflict with state regulations.¹ While the Cambridge moratorium has been in effect, representatives from various City departments including the Community Development Department, Public Health Department, Law Department, Police Department, Department of Human Service Programs, Inspectional Services Department, License Commission and City Manager's office have been meeting to review the statewide regulations and discuss local regulatory approaches.

The expectation is that land use characteristics such as location, parking and urban design would be controlled through the Zoning Ordinance, and the operational aspects of RMDs could be controlled through Cambridge public health regulations that would be enforced locally in addition to the state public health regulations which would be enforced by MDPH. The Cambridge Public Health Department, Inspectional Services Department, License Commission and Police Department would be authorized to enforce the local health regulations.

The zoning petition is being submitted at this time so that the public hearing process may begin prior to the expiration of the moratorium. The public hearings, beginning in October, will provide an opportunity for review and discussion of both zoning and public health regulations by the Planning Board, the City Council and the public at large.

Below is the anticipated timeline for development of the zoning petition and public health regulations.

Anticipated Timeline

September 30, 2013	City Manager submits zoning petition and requests City Council referral to Planning Board and Ordinance Committee to schedule public hearings.
October 22, 2013	Planning Board holds combined public hearing with Public Health Department to discuss proposed zoning amendment and draft public health regulations.
December 3, 2013	Cambridge Public Health Department presents draft public health regulations to Public Health Subcommittee for review and approval.
January 20, 2014	Final date for City Council adoption of zoning petition.

¹ 105 CMR 725.600 (B) states in relevant part: “[n]othing in 105 CMR 725.000 shall be construed so as to prohibit lawful local oversight and regulation, including fee requirements, that does not conflict or interfere with the operation of 105 CMR 725.000.”