

**Proposed Zoning Requirements
for Registered Marijuana Dispensaries
(RMDs)
Cambridge, Massachusetts**

**Ordinance Committee Public Hearing
Wednesday, November 20, 2013**

Background

- November, 2012: State ballot initiative passed
- December, 2012: Cambridge moratorium proposed
- January, 2013: State law in effect
- April, 2013: Cambridge moratorium adopted
(6 months from promulgation of state regulations)
- May, 2013: State regulations promulgated
- September, 2013: Cambridge zoning proposed
- October, 2013: Planning Board hearing and recommendation

105 CMR 725.000: IMPLEMENTATION OF AN ACT FOR THE HUMANITARIAN
MEDICAL USE OF MARIJUANA

- 725.001: Purpose
- 725.002: Scope
- 725.003: Authority
- 725.004: Definitions
- 725.005: Registration of Certifying Physicians
- 725.010: Certifying Physician's Certification of a Debilitating Medical Condition for a Qualifying Patient
- 725.015: Registration of Qualifying Patients
- 725.020: Registration of Personal Caregivers
- 725.025: Responsibilities of Personal Caregivers
- 725.030: Registration of Dispensary Agents
- 725.035: Hardship Cultivation Registration
- 725.100: Registration of Registered Marijuana Dispensaries
- 725.105: Operational Requirements for Registered Marijuana Dispensaries
- 725.110: Security Requirements for Registered Marijuana Dispensaries
- 725.200: Confidentiality
- 725.300: Inspection of Registered Marijuana Dispensaries
- 725.305: Deficiency Statements
- 725.310: Plan of Correction
- 725.400: Registered Marijuana Dispensary: Grounds for Denial of Initial Application for Registration
- 725.405: Registered Marijuana Dispensary Registration: Grounds for Denial of Renewal Applications and Revocation
- 725.410: Void Registered Marijuana Dispensary Registration
- 725.415: Registered Marijuana Dispensary Registration: Limitation of Sales by Registered Marijuana Dispensaries
- 725.420: Denial of a Registration Card or Hardship Cultivation Registration
- 725.425: Revocation of a Registration Card or Hardship Cultivation Registration
- 725.430: Revocation of a Certifying Physician Registration
- 725.435: Void Certifying Physician Registration
- 725.440: Void Registration Cards
- 725.445: Summary Cease and Desist Order and Quarantine Order
- 725.450: Summary Suspension Order
- 725.500: Administrative Review: Non-Selection of a Registered Marijuana Dispensary's Application for Initial Registration
- 725.505: Hearings
- 725.510: Effect of Denial of Renewal or Revocation of Registered Marijuana Dispensary Registration, Revocation of Dispensary Agent Registration, and Surrender of a Registration
- 725.600: Municipal Requirements
- 725.650: Non-Conflict with Other Law
- 725.700: Waivers
- 725.800: Severability

What is an RMD *in Massachusetts?*

Medical Marijuana Treatment Center means a **not-for-profit entity** registered under 105 CMR 725.100, **to be known as a registered marijuana dispensary (RMD)**, that acquires, cultivates, possesses, processes (including development of related products such as edible **MIPs**, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. **Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.**

("MIP" = Marijuana-Infused Product)

Who can obtain medical marijuana?

Qualifying Patient means a Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as **having a debilitating medical condition**, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J).

... A certifying physician may issue a written certification only for a qualifying patient with whom the physician has a **bona fide physician-patient relationship**.

Who can obtain medical marijuana?

Personal Caregiver means a person, registered by the Department, who is at least 21 years old, who has agreed to assist with a registered qualifying patient's medical use of marijuana, and is not the registered qualifying patient's certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a qualifying patient may serve as a personal caregiver, including to patients under 18 years of age as a second caregiver.

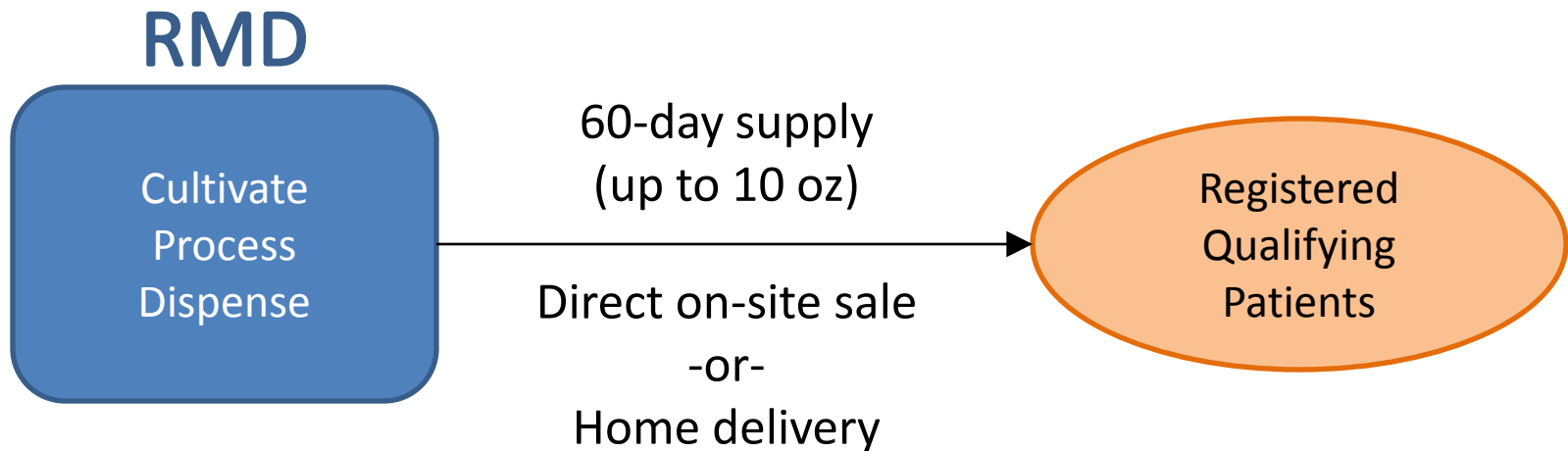
... [with some exceptions,] **an individual may not serve as a personal caregiver for more than one registered qualifying patient at one time.**

Hardship Cultivation

A qualifying patient registered with the Department pursuant 105 CMR 725.015 may apply for a **hardship cultivation registration** if such patient can demonstrate that his or her access to a RMD is limited by:

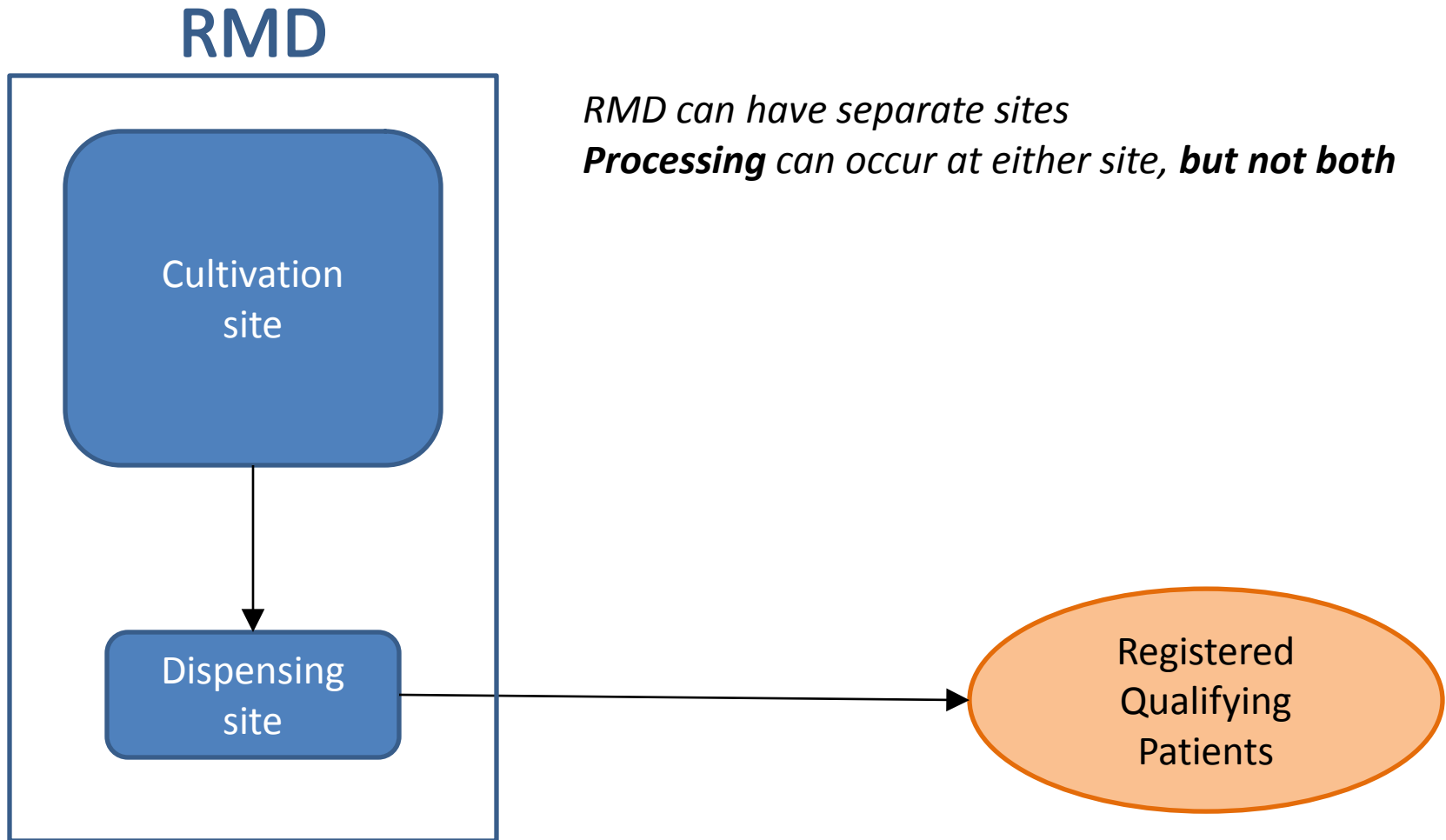
- (1) Verified financial hardship; or
- (2) Physical incapacity to access reasonable transportation, as demonstrated by an inability to use public transportation or drive oneself, lack of a personal caregiver with a reliable source of transportation, and lack of a RMD that will deliver marijuana to the patient's or personal caregiver's primary address; or
- (3) **Lack of a RMD within a reasonable distance of the patient's residence and lack of a RMD that will deliver marijuana to the patient's or personal caregiver's primary address.**

How will an RMD operate?

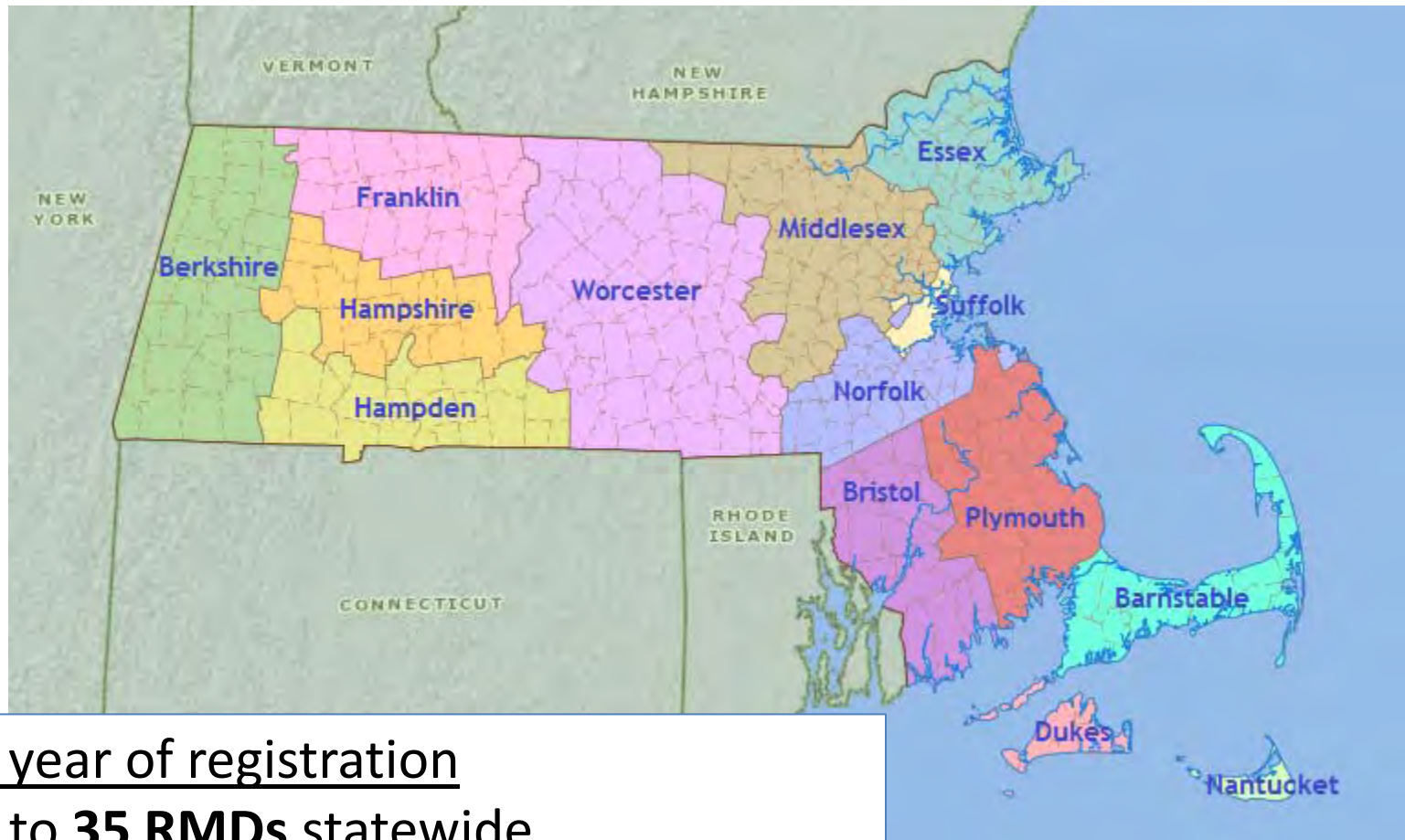


RMDs and Patients (or Caregivers) are all registered with Mass. DPH

How will an RMD operate?



Where will RMDs be located in the state?



First year of registration

- Up to **35 RMDs** statewide
- Up to **5** (and at least one) **per county**
- No more than one in any city/town

Whom will an RMD serve?

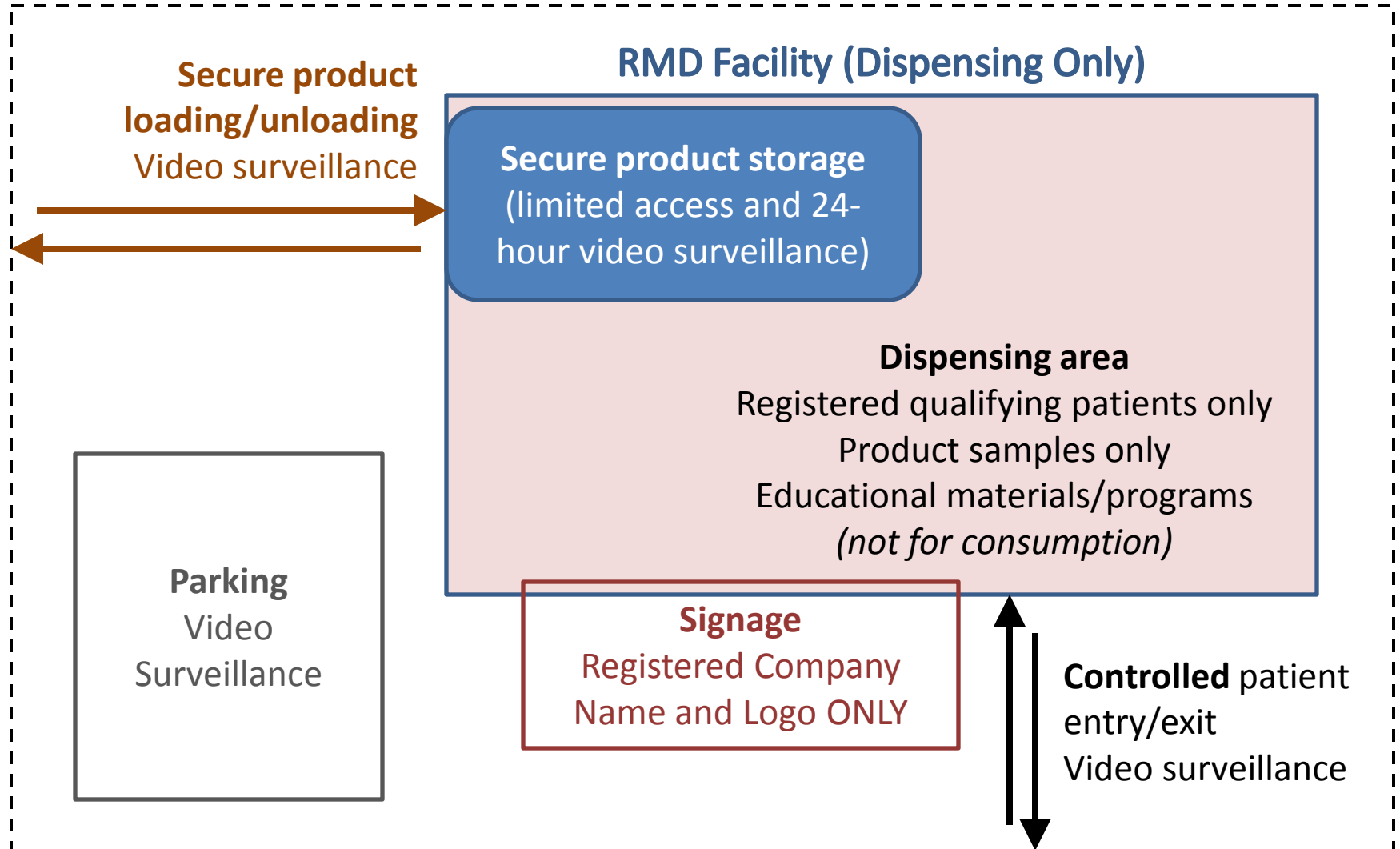
Service Areas

- Each RMD will serve ***multiple communities***
- Each RMD might serve a general population of about 200,000 - 300,000 (some more, some less)
- Actual range will depend on how RMDs are distributed

Patient Trips

- **$\leq 1\%$ of general population** will be patients (state estimate)
- At least 6 trips per patient per year
- Each RMD could have 50+ trips per day

What *might* an RMD look like?



What *might* an RMD look like?

- **No** use of words “marijuana,” “cannabis,” or other “colloquial terms”
- **No** images of marijuana or related paraphernalia
- **No** information about products or pricing on signage
- **No** products visible from outside the RMD
- **No** consumption of marijuana on premises (except for demonstration/education)

How will RMDs be approved?

Competitive Application Process with Mass. DPH:

Phase 1 Application

- Information about organization, principals
- Demonstration of sufficient capital

Phase 2 Application

- Business plan
- Staffing information
- **Cultivation, processing and dispensing sites**
- **Evidence of local support**

How will RMDs be approved?

Process Stage	Timeframe	Statewide	Middlesex County
Phase 1 Application	August 2 – August 22	181 total applications	47 total applications
Phase 2 Application	October 7 – November 22	159 applicants advanced	40 applicants advanced
Final Selection	Anticipated by January 31, 2014	Up to 35 will be selected	Up to 5 will be selected

What authority do cities/towns have?

- Local regulations are allowed so long as they do not conflict with the state law or regulations
- Towns cannot ban RMDs outright (AG)
- Many cities/towns have moratoria (into 2014)
- Some cities/towns have adopted zoning, mostly for industrial or “adult-oriented” districts

What are the local restrictions on location?

A RMD shall comply with all local requirements regarding siting, provided however that **if no local requirements exist**, a RMD shall not be sited within a radius of **five hundred feet** of a **school, daycare center, or any facility in which children commonly congregate**.

The 500 foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD.

Zoning Proposal for RMDs in Cambridge

1. Define RMD consistent with state definition
(Article 2.000)
2. Add RMD to use regulations
(Articles 4.000 and 16.000 for North Point)
3. Delete (or modify) interim regulations
(Section 11.700)
4. Establish Medical Marijuana Overlay Zoning
(Section 20.700)

Proposed Section 20.700 – Medical Marijuana Overlay Districts

20.701 Purpose

20.702 Establishment of Districts

20.703 Requirements

20.704 Special Permit Application Requirements

20.705 Special Permit Criteria

20.701 Purpose

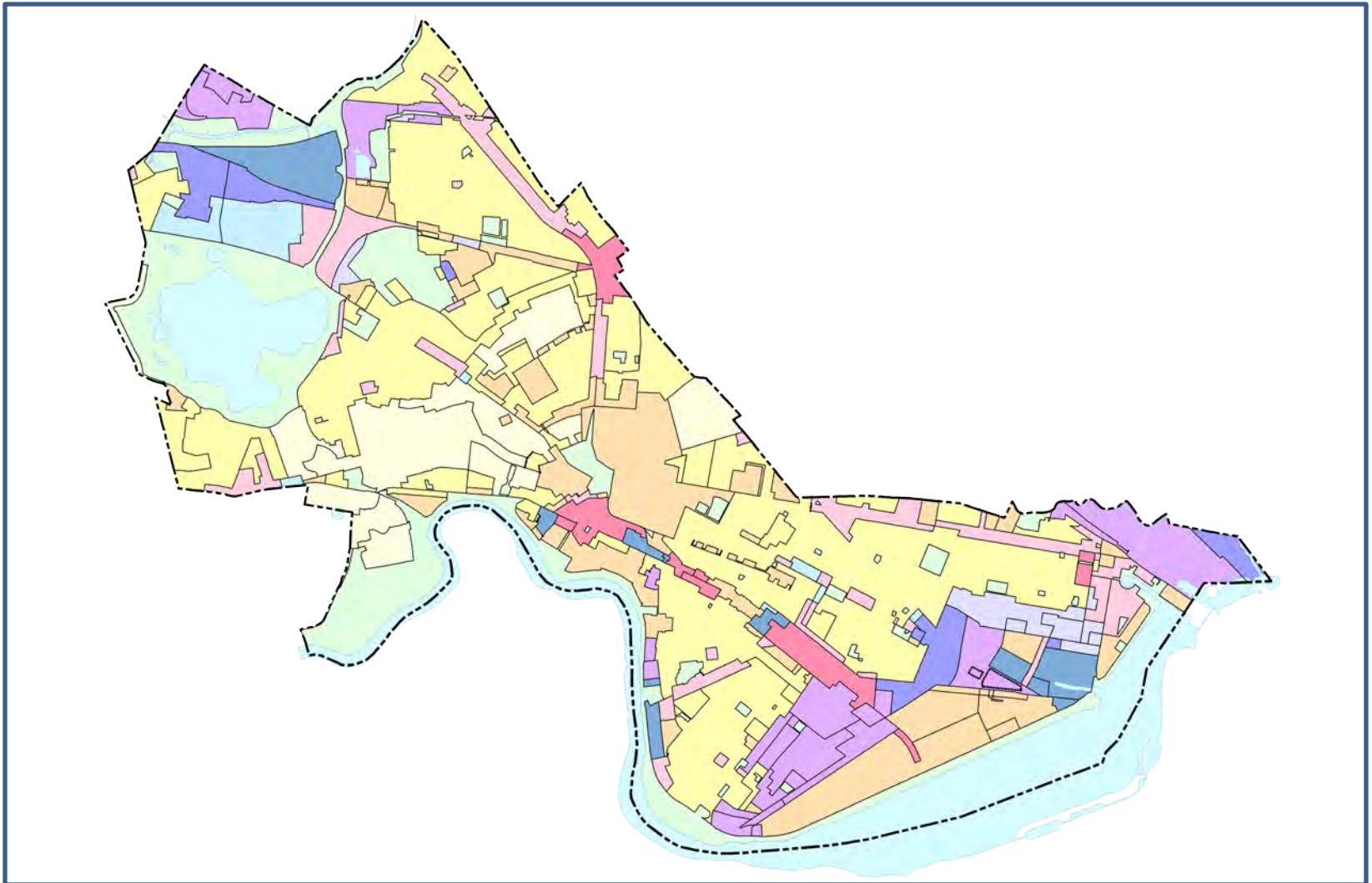
to provide for the limited establishment of Registered Marijuana Dispensaries as they are authorized **pursuant to state regulations ...**

to permit them where there is access to both **regional roadways and public transportation ...**

where they may be readily **monitored by law enforcement** for health and public safety purposes ...

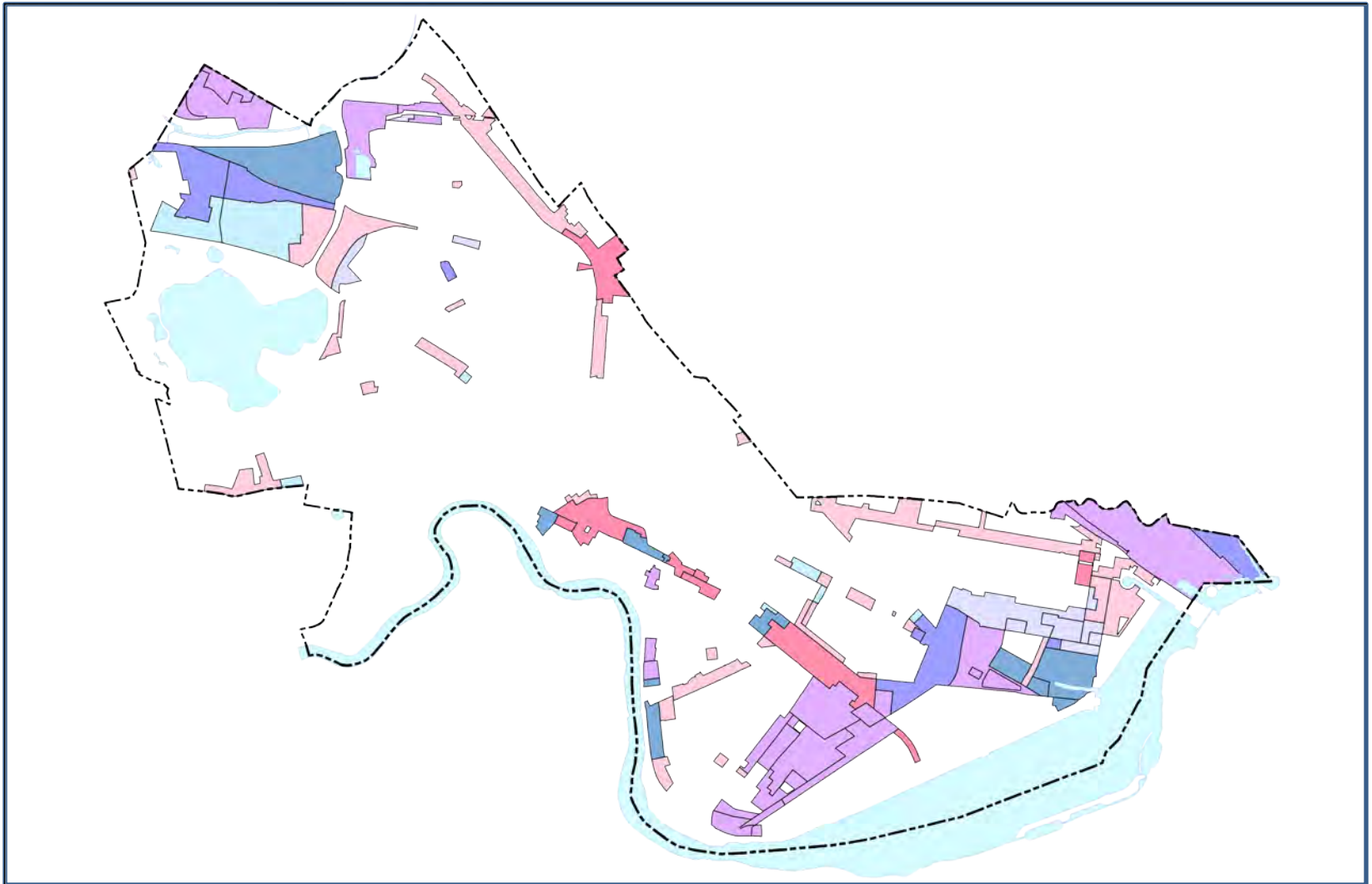
and where they will **not impact the character** of lower-scale residential neighborhoods, business districts and educational institutions.

20.702 Establishment of Districts



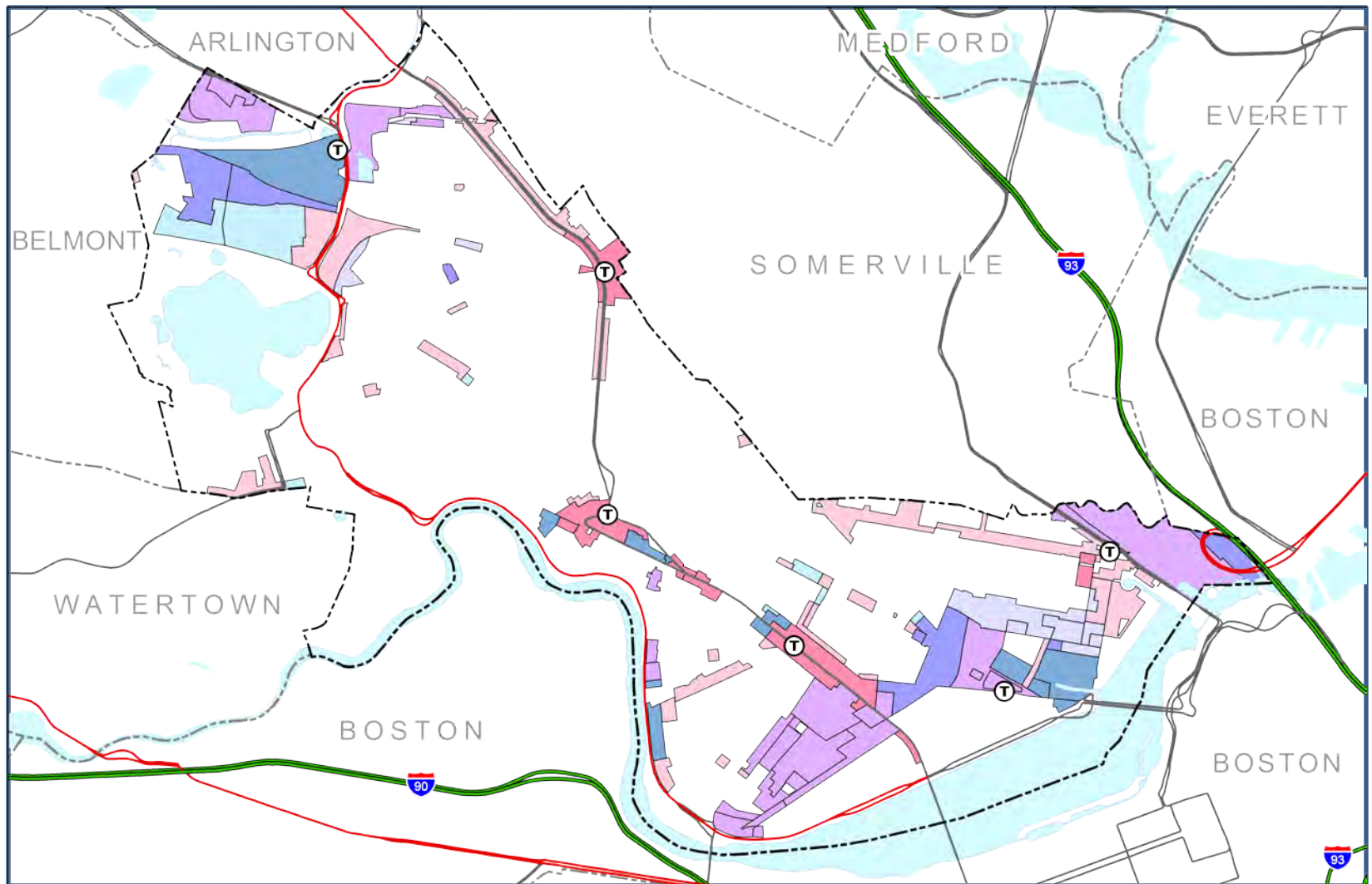
20.702 Establishment of Districts

1. Uses – business/office allowed



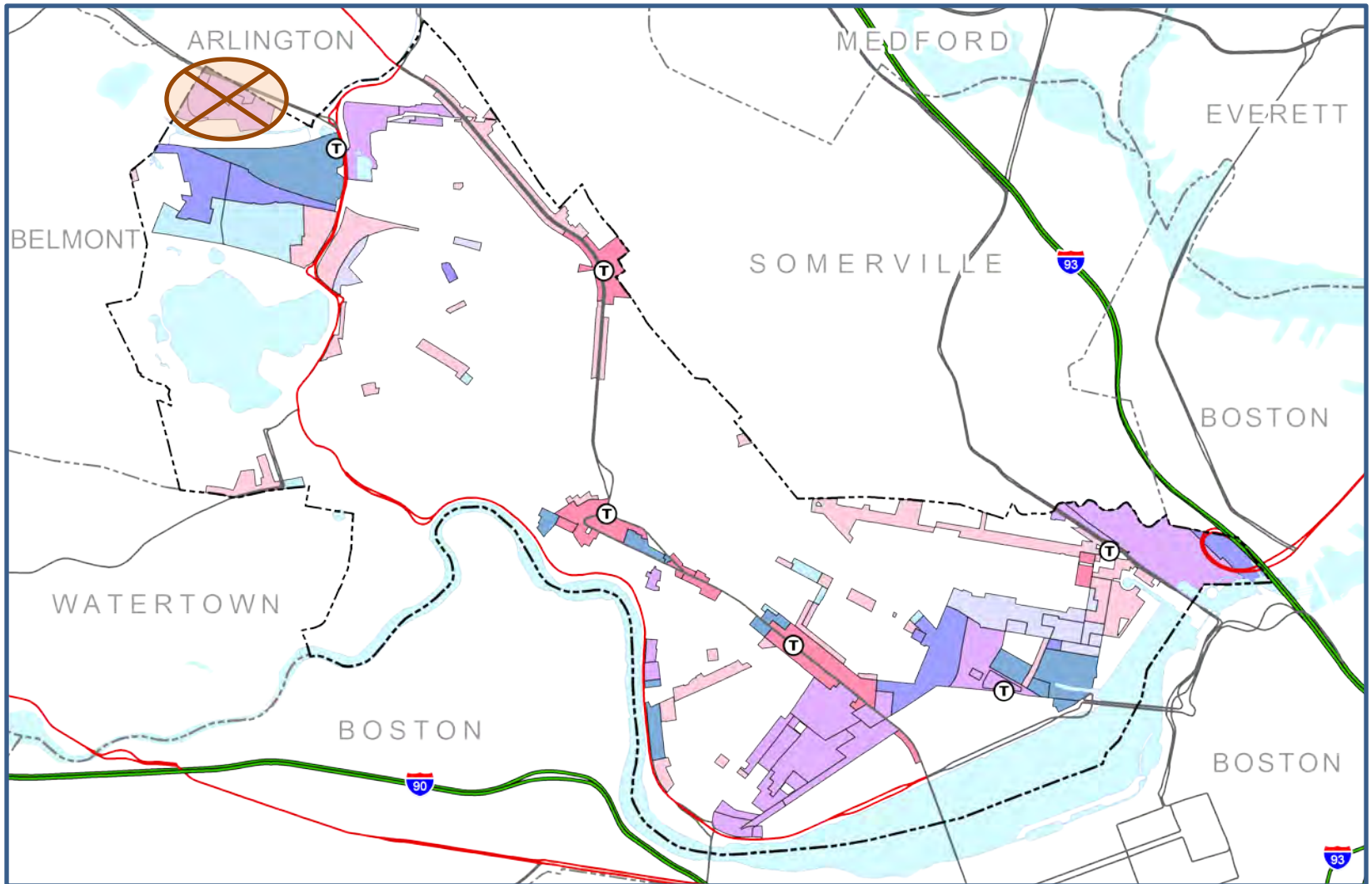
20.702 Establishment of Districts

2. Transportation – regional access



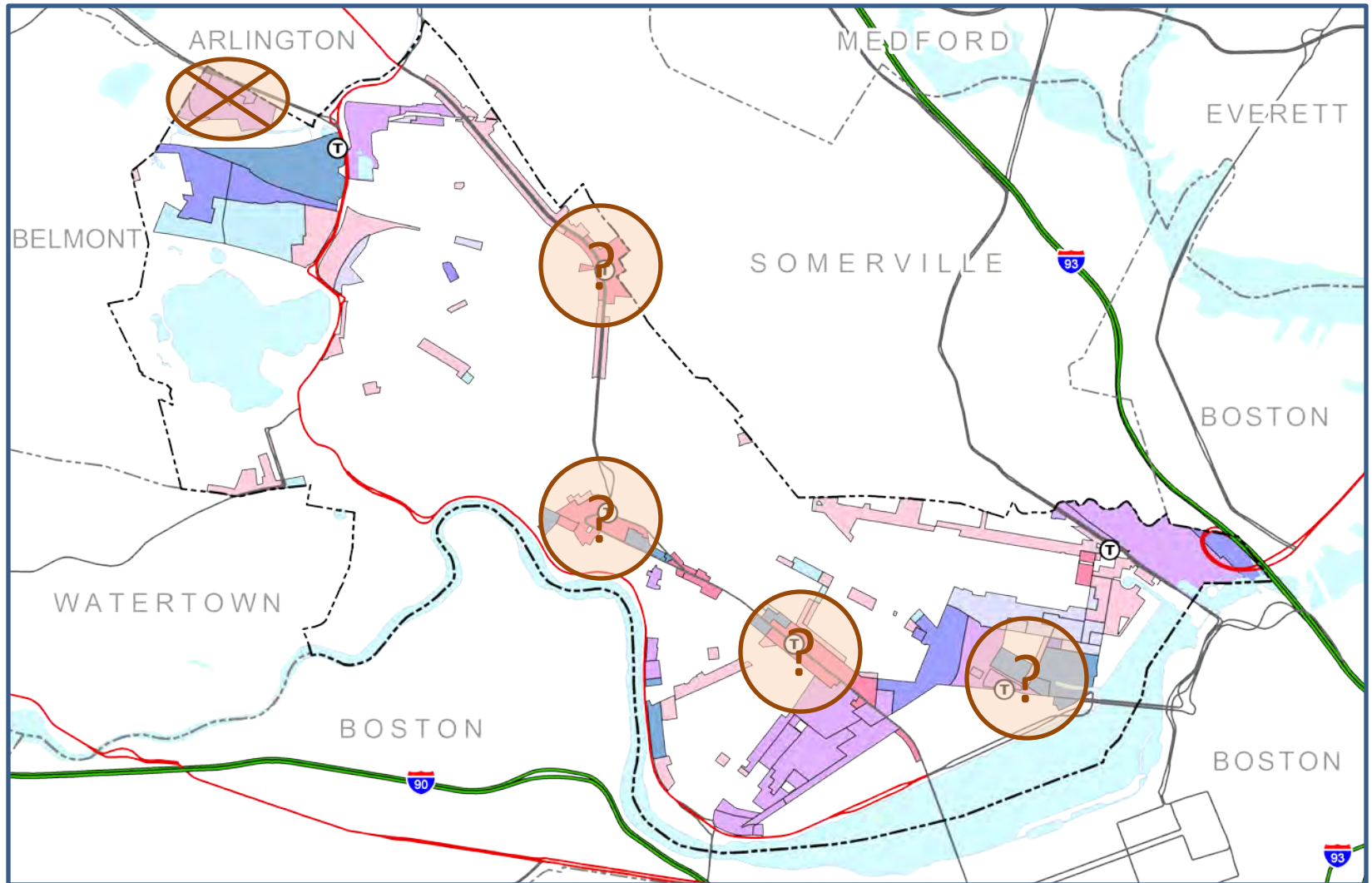
20.702 Establishment of Districts

3. Public Safety – ability to respond to calls



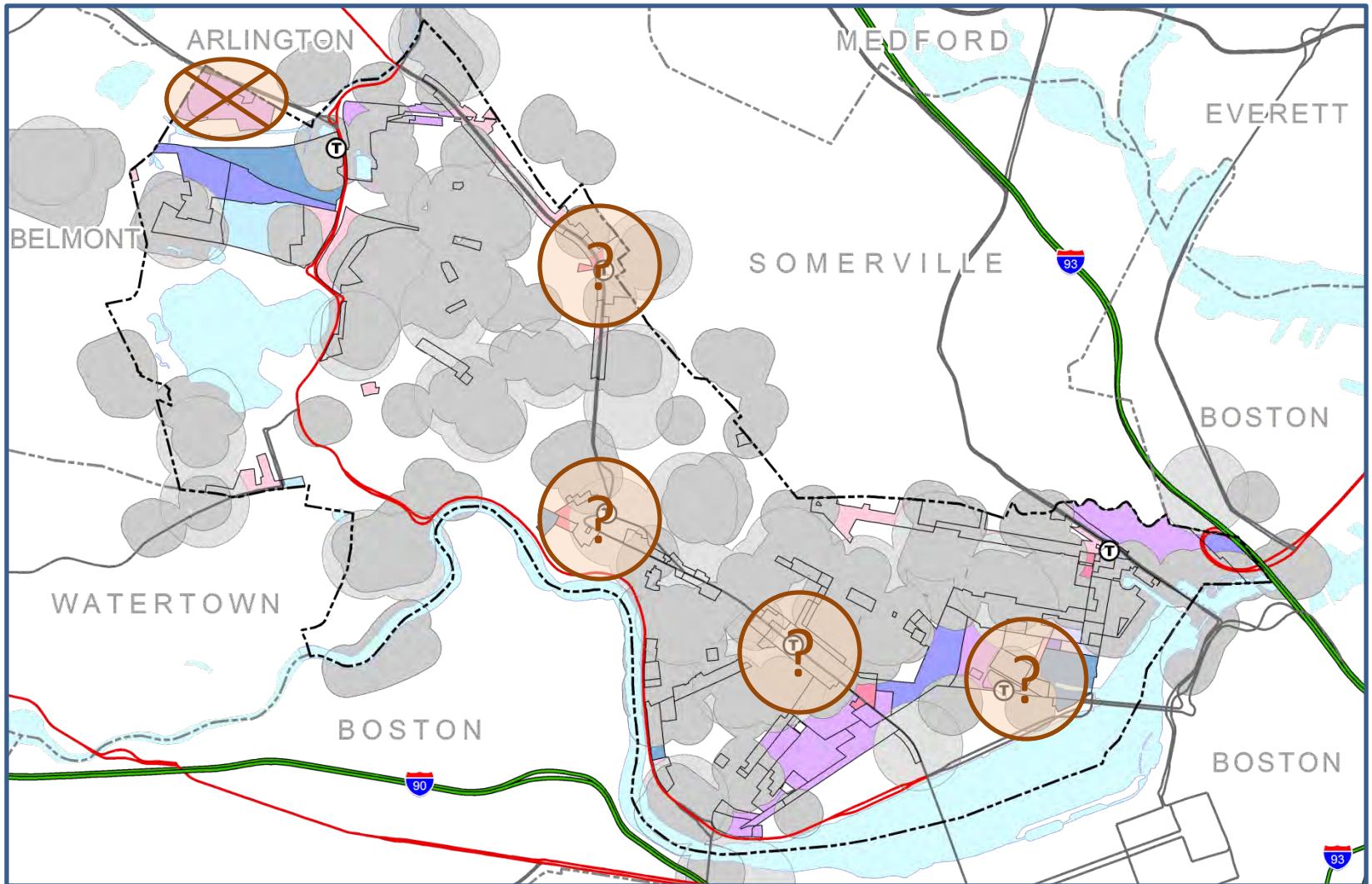
20.702 Establishment of Districts

4. Urban Character



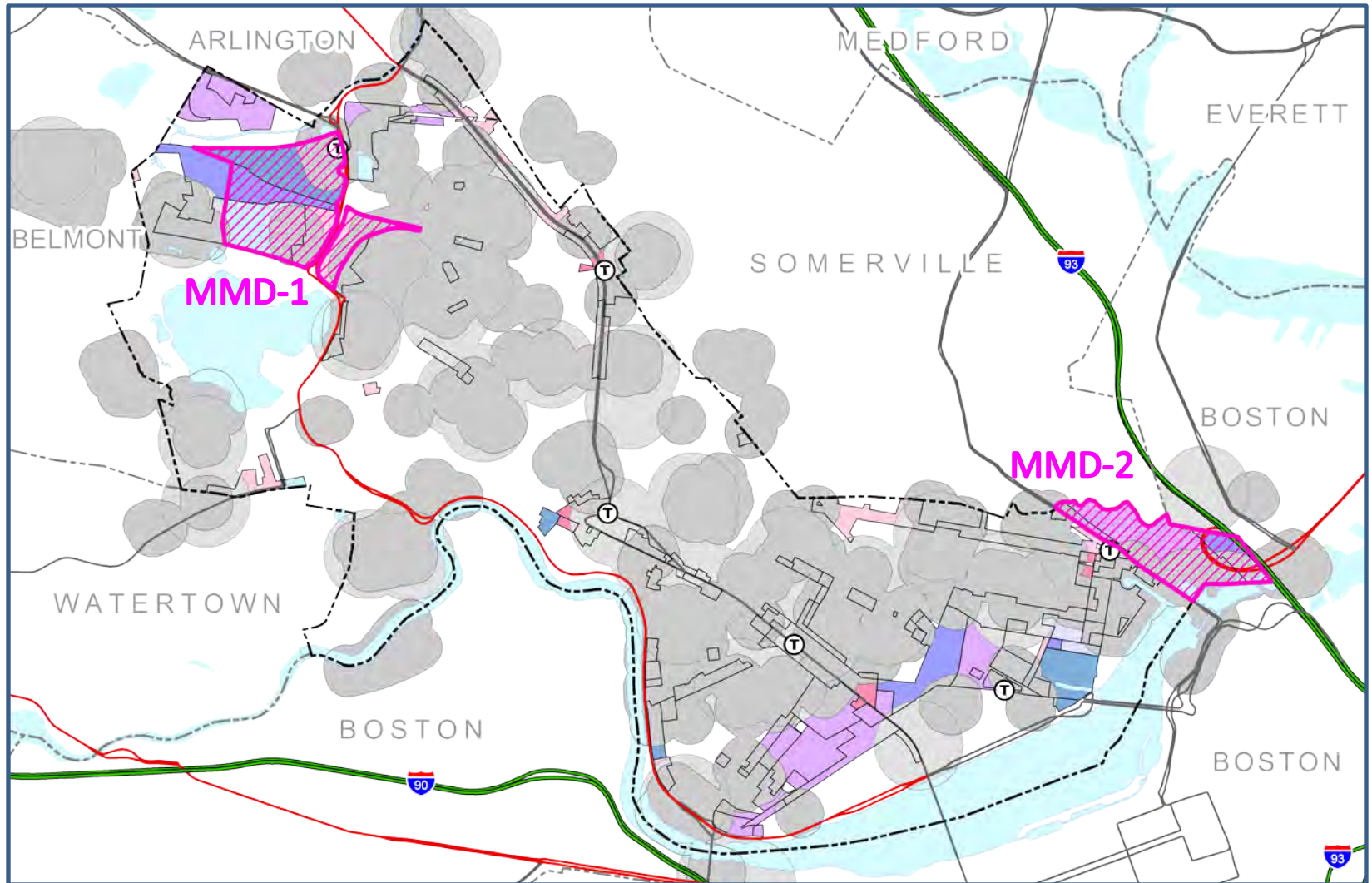
20.702 Establishment of Districts

5. Buffers from Schools or Child-Oriented Uses



20.702 Establishment of Districts

Proposed Medical Marijuana Overlay Districts



20.703 Requirements

1. Use allowed by special permit only
2. Must be properly registered with state
3. Special permit not valid if registration revoked
4. Must be in a building
5. Must meet district dimensional requirements
6. Required parking, bicycle parking and loading established by Planning Board
7. Signage must conform to Article 7.000

20.704 Application Requirements

- a) Narrative description of operation
- b) Map of service area
- c) Transportation analysis
- d) Location/context map
- e) Site plan
- f) Building elevations and signage
- g) Registration materials

20.705 Special Permit Criteria

Planning Board Criteria:

- a) Need for service within area
- b) Away from schools, daycare centers, preschools or afterschool facilities or facilities in which children commonly congregate **(500' or PB may modify)**
- c) Convenient, safe, secure access/egress
- d) Traffic impacts
- e) Security/shielding of loading, refuse, service areas
- f) Compatibility with nearby buildings

Interim Regulations (Current Section 11.700)

- Intent is to provide clarity
- *Current Expiration:*
180 days after promulgation of state regulations
(= November 20, 2013)
or June 30, 2014, whichever is sooner

Delete and replace interim regulations

- or -

Modify so that period extends to June 30, 2014

Cambridge Public Health Department Potential Regulations for RMDs

- MDPH will directly permit dispensaries (RMDs)
- MDPH will directly enforce 105 CMR 725
- Local regs are not required, but will be allowed
- Local regulation cannot be in conflict with 105 CMR 725, but may include additional req's
- Provides additional assurance and local control over terms of operation, inspection, suspension

Cambridge Public Health Department Potential Regulations for RMDs

- Annual and unannounced inspections
- Review of state-mandated security plan
- Hours of operation
- Home delivery and affordability requirements
- Annual community meeting
- Further limitations on marketing and signage
- Educational materials: abuse prevention, wellness, patients rights

Cambridge Public Health Department Potential Regulations for RMDs

- Draft regulation would be reviewed by CPHD advisory board and be promulgated early 2014
- Permit issued by CPHD in consultation with CPD, ISD, other City departments