

Date received: _____ Date complete: _____ Amount paid: _____ Check #s: _____ BoH Permit #/Issued: _____ BoS License #/Issue: _____ Date of BoH inspection: _____ CCC #/Issue: _____ Other: _____	Date received: _____ Date complete: _____ Amount paid: _____ Check #s: _____ BoH Permit #/Issued: _____ BoS License #/Issue: _____ Date of BoH inspection: _____ CCC #/Issue: _____ Other: _____	Date received: _____ Date complete: _____ Amount paid: _____ Check #s: _____ BoH Permit #/Issued: _____ BoS License #/Issue: _____ Date of BoH inspection: _____ CCC #/Issue: _____ Other: _____
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Updated: 4/19/2019 1/4/2019

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## Town of North Attleborough

43 South Washington Street  
North Attleborough, MA 02760

# Marijuana Use License & Permit

**All Marijuana Uses**

**One Application per Location**

**Co-located Uses May Use One Application for a Maximum of Three Uses**

**New**

If new, complete entire application with documents.

**Renewal**

If renewal, complete Box 1 and sign.

*Box 1*

Proposed Establishment Name:			
Street Address of Proposed Location:			
Mailing Address of Proposed Location:			
Assessor Map & Lot of Proposed Location:			
Zoning District of Proposed Location:			
Are you applying for more than one marijuana use? <input type="checkbox"/> No <input type="checkbox"/> Yes (Please list uses at same location, below:)			
Use (from Use Chart)	Proposed Days & Hours of Operation	Prescription (medical) Over the Counter (adult use)	Zoning Use Table Symbol: (See other side)
Marijuana Use #1:		<input type="checkbox"/> Pres <input type="checkbox"/> OTC	<input type="checkbox"/> "P" <input type="checkbox"/> "S"
Marijuana Use #2:		<input type="checkbox"/> Pres <input type="checkbox"/> OTC	<input type="checkbox"/> "P" <input type="checkbox"/> "S"
Marijuana Use #3:		<input type="checkbox"/> Pres <input type="checkbox"/> OTC	<input type="checkbox"/> "P" <input type="checkbox"/> "S"
Print Applicant Name:			
Applicant Address:			
Applicant Telephone #:			
Applicant Email Address:			
Print Owner/Corporate Name:		SSN/TIN:	
Is this a chain or independent?			
Owner/Corporate Address:			
Owner/Corporate Telephone #:			
Owner/Corporate Email Address:			
Person directly responsible for daily operations:			
Operations Person Title:			
Operations Person Address:			
Operations Person Telephone #:		24/7 Emergency Phone #:	
Operations Person Email Address:			

North Attleborough Zoning Bylaw Use Chart (partial)  
 Section V. E., Schedule B, Marijuana Uses

Zoning District

	PRINCIPAL USE	C-7.5	C-30	C-60	OP-60	IC-30	I-60
30	Marijuana Cultivator	--	S	P	S	S	S
31	Marijuana Research Facility	P	P	P	P	P	P
32	Marijuana Product Manufacturer	--	S	P	S	S	S
33	Marijuana Testing Facility	P	P	P	P	P	P
34	Marijuana Retailer	--	S	S	S	S	S
35	Marijuana Transportation or Distribution Facility	--	S	P	S	S	S
36	Medical marijuana Treatment Center – Retail	S	S	S	S	S	S
37	Medical Marijuana Treatment Center – Cultivation and Processing Only	--	S	P	S	S	S

Please see "Application Guidance for All Marijuana Uses and Establishments in North Attleborough" for an annotated version of the Use Chart.

The undersigned hereby applies for a **1) Board of Health permit** in accordance with the provisions of the statutes relating thereto and the Town of North Attleborough Sale of Marijuana Products regulation effective September 1, 2016 and December 10, 2018; and **2) a Board of Selectmen marijuana use license** effective January 3, 2019. Per state statute, Planning Board Marijuana Use Special Permit requires a separate application and fees.

I certify under the penalties of perjury that, to the best of my knowledge and belief, I have filed all required federal and state tax returns and paid all applicable federal, state and Town of North Attleboro taxes required under law. I certify that I have received, read, and understand "Application Guidance for All Marijuana Uses and Establishments in North Attleborough," and I have read and will abide with all applicable state and Town of North Attleborough regulations and bylaws.

License and Permit Valid through: **December 31, 2019**

\_\_\_\_\_  
 Signature of owner, manager or corporate officer and title

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Print name of owner, manager, or corporate officer and title

\_\_\_\_\_  
 Email of above

\_\_\_\_\_  
 Phone number of above



**Town of North Attleborough  
Marijuana License Fee Schedule**

Type of Business	Application Fees		Annual License and Permit Fees	
	Board of Selectmen	Board of Health	Board of Selectmen	Board of Health
Cultivator - Indoor/Outdoor/Craft Cooperative	\$300.00	\$300.00	\$0.25 per Sq. Ft.*	\$300.00
Product Manufacturing	\$300.00	\$300.00	\$3,000.00	\$300.00
Independent Testing Laboratory	\$300.00	\$300.00	\$3,000.00	\$300.00
Retail (Brick and Mortar)	\$300.00	\$300.00	\$3,000.00	\$300.00
Third Party Transporter	\$300.00	\$300.00	\$3,000.00	\$300.00
Existing Licensee Transporter	\$300.00	\$300.00	\$3,000.00	\$300.00
Research Laboratory	\$300.00	\$300.00	\$3,000.00	\$300.00

\*Based on the total owned or leased square footage of the entire facility including but not limited to actual cultivation space, office space, warehouse space, loading docks, storage, etc.

Multiple locations will require multiple application fees and license/permit renewals.

Other fees may apply. Please contact the Licensing Agent in the Board of Selectmen's office at 508-699-0100 with any questions.

# Application Guidance for All Marijuana Uses and Establishments in North Attleborough

## 1. Introduction

The Town of North Attleborough (“Town”) is interested in engaging with potential marijuana establishments that are responsible operators intent on promoting diversity and social equity, offer superior products in a quality establishment, and add economic value to the town. North Attleborough has developed this guidance to help prospective operators understand the process that the town will use to determine whether to enter into a Host Community Agreement (HCA).

One application will start the process, and for non-retail marijuana uses that don’t involve products regulated by the Board of Health, or sites that do not require Site Plan Review, this is the only application you will need.

Premises and uses regulated by the Board of Health, such as “Marijuana Product Manufacturer” will require further application, fees, and additional materials to be submitted to the Board of Health.

The Planning Board is the Special Permit Granting Authority (SPGA) for uses that require a Special Permit. A Site Plan Review may be required--determined by the Building Commissioner. The Site Plan Review will require the submission of an additional application as well as additional application materials and fees. The Planning Board will also review marijuana uses requiring a Special Permit, such as Retail marijuana.

**Retail marijuana** uses (lines 34 and 36 in the Use Chart, Section V, Use Regulation of the Town of North Attleborough, Massachusetts Zoning Bylaws) are limited to six (6) by the Board of Health.

**Non-retail marijuana uses** (lines 30, 31, 32, 33, 35, and 37 on the Use Chart, Section V, Use Regulation of the Town of North Attleborough, Massachusetts Zoning Bylaws) are unlimited in number but must be located in the permitted zoning district and the structure, if existing, must meet zoning criteria. Variances may be sought through the Zoning Board of Appeals.

**Use Chart:** The following is the Use Chart, annotated to make it easier to interpret. The original may be viewed on the Town of North Attleborough website <http://www.nattleboro.com/> and not annotated on the second page of the application. The zoning districts are shown in columns, with the principal marijuana uses shown in rows. A Host Community Agreement, a license from the Board of Selectmen, and a permit from the Board of Health are required for **all** marijuana uses.

For example, if a use is permitted by right in a chosen zone, then “PERMITTED” appears in the cell. A license from the Board of Selectmen and a permit from the Board of Health are required. A site plan review may be required depending on changes to an existing building and is definitely required if a new building.

However, if “SPEC PERM” is shown in the cell, in addition to a license from the Board of Selectmen and a permit from the Board of Health, a Special Permit is required from the Planning Board, with a public hearing,

notification to abutters, and additional fees, and submission materials. A site plan review may also be necessary as determined by the Building Commissioner.

Annotated Section V, Use Regulation, Use Chart: (Approved at Town Meeting 10/15/2018, approved by Attorney General ????)

	PRINCIPAL USE	C-7.5	C-30	C-60	OP-60	IC-30	I-60
30	Marijuana Cultivator	No!	SPEC PERM BoS/PB/BoH	PERMITTED BoS/BoH	SPEC PERM BoS/P/H	SPEC PERM BoS/P/H	SPEC PERM BoS/PB/BoH
31	Marijuana Research Facility	PERMITTED BoS/BoH	PERMITTED BoS/BoH	PERMITTED BoS/BoH	PERMITTED BoS/BoH	PERMITTED BoS/BoH	PERMITTED BoS/BoH
32	Marijuana Product Manufacturer	No!	SPEC PERM BoS/PB/BoH	PERMITTED BoS/BoH	SPEC PERM BoS/PB/BoH	SPEC PERM BoS/PB/BoH	SPEC PERM BoS/PB/BoH
33	Marijuana Testing Facility	PERMITTED BoS/BoH	PERMITTED BoS/BoH	PERMITTED BoS/BoH	PERMITTED BoS/BoH	PERMITTED BoS/BoH	PERMITTED BoS/BoH
34	Marijuana Retailer	No!	SPEC PERM BoS/PB/BoH				
35	Marijuana Transportation or Distribution Facility	No!	SPEC PERM BoS/PB/BoH	PERMITTED BoS/BoH	SPEC PERM BoS/PB/BoH	SPEC PERM BoS/PB/BoH	SPEC PERM BoS/PB/BoH
36	Medical marijuana Treatment Center – Retail	SPEC PERM BoS/PB/BoH					
37	Medical Marijuana Treatment Center – Cultivation and Processing Only	No!	SPEC PERM BoS/PB/BoH	PERMITTED BoS/BoH	SPEC PERM BoS/PB/BoH	SPEC PERM BoS/PB/BoH	SPEC PERM BoS/PB/BoH

KEY: BoS = Appear before Selectmen; PB = Appear before Planning Board; BoH = Appear before Board of Health

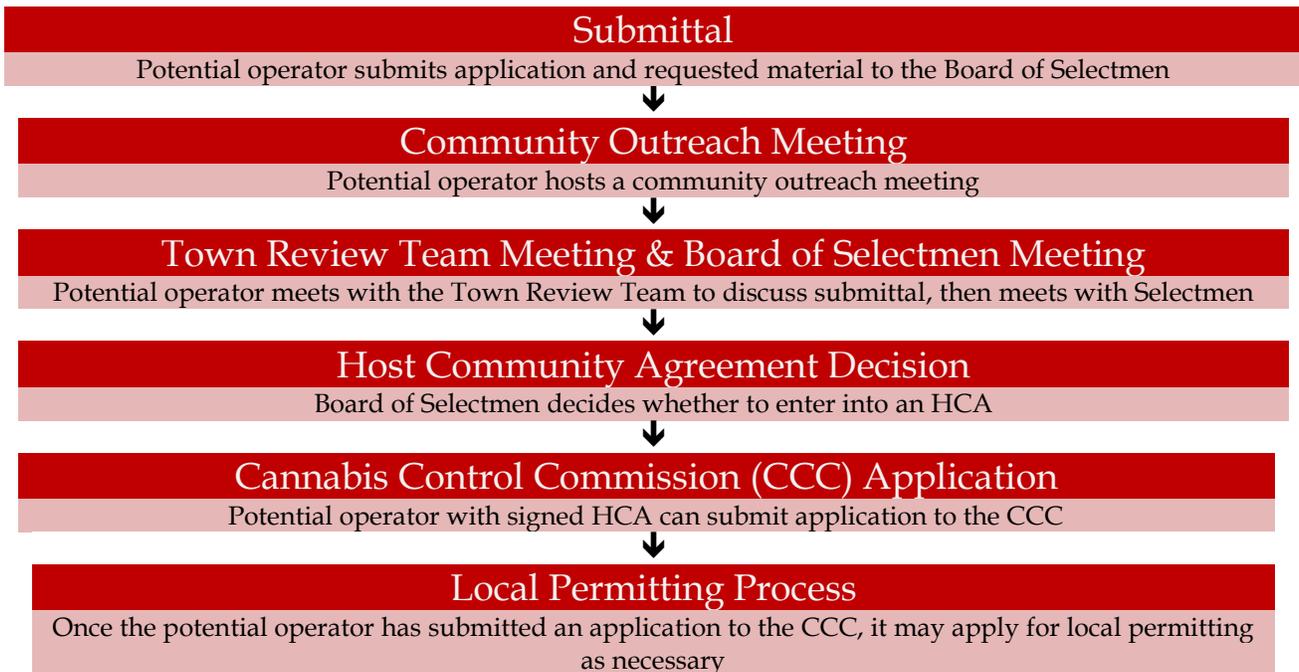
**Retail Marijuana Uses:**

Retail marijuana uses are limited to six in North Attleborough by the Board of Health. Licenses from the Board of Selectmen and permits from the Board of Health are not issued on a first-come, first-served basis. Instead, applications will be reviewed and licenses and permits will be granted to only the most qualified. Please read the following to understand this process more thoroughly.

This is not a binding Request for Proposals for retail marijuana uses, but an invitation for interested parties to submit a marijuana establishment plan to the town. North Attleborough will use the submittals to gauge interest in the operation of marijuana establishments. Following the process outlined below, North Attleborough reserves the right to engage in negotiations with none, one, or more than one potential operator. The Town anticipates repeating this process in approximately every six months, at which time newly interested parties and those who did not receive an HCA during this round are invited to participate.

During any time of the year, candidates are permitted to submit applications. Applicants will be notified via email when the next round of application reviews will be initiated. The first round was in the spring of 2019.

## 2. Process for all marijuana uses



### Description of process steps

Submittal: ONE APPLICATION FOR ANY MARIJUANA USE SERVES AS APPLICATION TO THE BOARD OF SELECTMEN and THE BOARD OF HEALTH. If a Special Permit and/or a Site Plan Review is required, separate application(s) and fee(s) must be filed with the Planning Office.

THE BOARD OF HEALTH MAY REQUIRE MORE INFORMATION DEPENDENT UPON THE PROPOSED USE AND MAY REQUIRE AN ADDITIONAL APPLICATION AND FEE.

See submittal checklist and description of submittal documents in section 3, below. Town staff will provide an initial review of the submittals and determine whether the submittal is complete and if the proposed location appears to satisfy local zoning requirements.

If the submittal is incomplete, the potential operator will be informed via email what material is missing. The date of submittal will be the date the application is deemed COMPLETE.

If the location does not satisfy local zoning, the potential operator will be informed via email that it may not proceed at that location or may be advised of the variance process through the Zoning Board of Appeals (ZBA). If the submittal is complete and the location appears to satisfy local zoning, the proposed operator will be instructed via email to host a Community Outreach Meeting that adheres to both the state requirements and local guidelines and may be invited to meet with the Town Review Team to discuss the submittal.

**The Application:** The application is to be completed for each location. One location having more than one marijuana use should complete only one application, although an **application fee and annual fees for each use will apply**. The same owner having more than one location within North Attleborough must **complete an application for each location**.

**New or Renewal?:** Check the “New” box if this is the first time you’ve applied for this use at this location. Check the “Renewal” box if none of the information in Box 1 has changed since last year.

**Proposed Establishment Name:** What is the legal name of your proposed business? This name should match those on your state and tax filings.

**Mailing Address of Proposed Location:** Provide the street number, unit # (if any), street name, and zip code. Provide town and state only if the mailing address is not in North Attleborough.

**Assessor Map & Lot:** Provide the North Attleborough Assessors’ Map and Lot number(s) of the proposed location. This information is available on the Town website [nattleboro.com](http://nattleboro.com), Online Services, Map GEO GIS. Enter the street address in the upper right cell. You may have to fiddle with abbreviations accepted by GIS. Click on the address when it appears in the column to the right. The map and lot will appear on the left, after “ID.” It is shown as map-lot. That is what you write in that space, for example, “16-480A.” If there is more than one lot for your location’s parcel, please include all of them.

**Zoning District of Proposed Location:** While in Map GEO GIS, above, select the “Themes” icon, and toggle for “Zoning.” The various zoning districts appear in different colors. If you don’t see the label for your parcel, scroll around until you see the label for that color contiguous to your parcel. If your parcel is located in more than one zoning district, please include all of them.

**Are you applying for more than one marijuana use?:** The principal marijuana uses are shown on lines 30 through 37 of North Attleborough’s Use Chart, Section V. E., Schedule B, and included in the application. Either “yes” you are applying for more than one use at one location, or “no” you are applying for only one principal marijuana use at one location. Special permit fees and Board of Health fees will also apply to each use. If a site plan review is required then only one site plan review will be necessary since it will apply to the entire location.

**Marijuana Uses #1, #2, and #3:**

Each use at one location should be on its own line. Uses at separate locations require separate applications.

**The first column** should contain a descriptive from the Use Chart, such as “Cultivator,” or “Testing,” or “Medical Retail.”

**The second column** should be noted in a way such as “Mon-Fri Noon-7 pm, Sat 10 am-9 pm, Sun closed.” Hours may vary by use, so complete this line for each use.

**The third column** asks if marijuana distribution by this use will be by prescription or over-the-counter. This is basically separates by “medical” (prescription) and “OTC” (adult use).

**The last column** requires you to look at the zoning district of the proposed location, the principal use, and the determination on the Use Chart of whether the Principal Use in that zone is a “P” (permitted by right) or an “S” (permitted by Special Permit from the Planning Board). Check the appropriate box.

Print Applicant Name: Print the full name of the applicant as it appears on tax records and any applications to the state. It must be legible, or the application will be deemed incomplete.

Applicant Address: Print the mailing address of the applicant as it appears on tax records and any applications to the state. It must be legible, or the application will be deemed incomplete.

Applicant Telephone #: Provide the best telephone number for reaching the applicant if we have questions on the application. It must be legible and working, or the application will be deemed incomplete.

Applicant Email Address: Print the best email address for contacting the applicant. This will be the email address used for any communication with the Town. It must be legible and working, or the application will be deemed incomplete.

Print Owner/Corporate Name: Print the full name of the owner or the corporation name as it appears on tax records and any applications to the state. It must be legible, or the application will be deemed incomplete.

SSN/TIN: Print the Social Security Number of the owner, or the Taxpayer Identification Number of the corporation as it appears on tax records and any applications to the state. It must be legible, or the application will be deemed incomplete.

Is this a chain or independent?: Is the proposed location one of many of similar marijuana uses controlled by the same owner or corporation, or is it the one and only location?

Owner/Corporate Address: Provide the mailing address for the owner or corporation as it appears on tax records and any applications to the state. It must be legible, or the application will be deemed incomplete. Include the name or department of an appropriate contact.

Owner/Corporate Telephone #: Provide the best telephone number for reaching the owner or appropriate contact at a corporation if we have questions on the application. It must be legible and working, or the application will be deemed incomplete.

Owner/Corporate Email Address: Print the best email address for contacting the owner or the appropriate contact at a corporation. This will be the email address used for any communication with the Town. It must be legible and working, or the application will be deemed incomplete.

Person directly responsible for daily operations: Please print the name of the person who will be overseeing the daily operations. It must be legible, or the application will be deemed incomplete. If the position is unfilled, please print "Unfilled."

Operations Person Title: Print the title of the person who will be overseeing the daily operations. It must be legible, or the application will be deemed incomplete. If the position is unfilled, please print "Unfilled."

Operations Person Address: Print the mailing address of the person who will be overseeing the daily operations. It must be legible, or the application will be deemed incomplete. If the position is unfilled, please print "Unfilled."

**Operations Person Telephone #:** Provide the best telephone number for reaching the operations person if the Town has questions or concerns regarding daily operations. It must be legible and working, or the application will be deemed incomplete. If the position is unfilled, please print "Unfilled."

**24/7 Emergency Phone #:** Even if the daily operations position is unfilled, you must provide a telephone number for any emergencies once the location is in operation. It must be legible and working, or the application will be deemed incomplete.

**Operations Person Email Address:** Print the best email address for contacting the operations person. It must be legible and working, or the application will be deemed incomplete.

**Community Outreach Meeting:** In addition to the Cannabis Control Commission (CCC) requirements, potential operators in North Attleborough will be evaluated on the following aspects of the Community Outreach Meeting:

- Consultation with Town staff regarding the date, time, and location for convenience to community members interested in attending;
- Publication and marketing of the meeting;
- The accuracy and completeness of notes taken by the potential operator during the Community Outreach Meeting, which will be submitted at the Town Review Team Meeting. Notes should include the total number of attendees, the questions asked by the public, and the potential operator's responses; and
- Any change in plans in response to the Community Outreach Meeting.
- Community Outreach Meeting mailing to abutters must be mailed certified, return receipt requested. When requesting an abutters list from the Assessor's Office, request three sets of address labels (300 feet) if no Planning Board action is required, or request six sets if a Planning Board Special Permit and/or Site Plan Review is required. This will make it easier for you in the long run. Retain your certified mail receipts and any unclaimed letters for later.

**Town Review Team Meeting:** The purpose of the meeting is for the Town Review Team to ask detailed questions, raise concerns, discuss ways to improve the submittal, and offer guidance that would increase the likelihood of a decision to enter into an HCA. If the potential operator agrees to make suggested changes, compliance with the changes will be a consideration when deciding whether to renegotiate an HCA with the operator after the initial HCA expires, and, if applicable, will be a consideration for the local permitting authority when deciding whether to issue a license or permit. Considerations during this meeting will also be used to inform the process of obtaining a Special Permit and/or a Site Plan Review, if required.

The Town Review Team of seven voting members will consist of staff from the following departments/commission/boards: 1) Building Department, 2) Planning Office, 3) Board of Health, 4) Police Department, 5) Fire Department, 6) Board of Selectmen, and will be chaired by 7) Town Administrator.

**Host Community Agreement Decision:** The Board of Selectmen anticipates signing Host Community Agreements with marijuana establishments at the conclusion of this process, however, the decision to sign an HCA is solely at the discretion of the Board of Selectmen. If none of the potential operators are sufficient, the Board of Selectmen may decline to enter into any HCAs, or may

sign more, though no more than the six RETAIL establishments allowed by the Board of Health Adult Sales of Marijuana and Marijuana Products Regulations allows. The Town anticipates repeating this process for RETAIL sales periodically and potential operators who are not successful at this time are encouraged to resubmit at that time.

For ANY marijuana use, the decision whether to enter into an HCA will be a result of a holistic evaluation of the potential operator's submittal, the Community Outreach Meeting, the Town Review Team Meeting, and recommendations from staff, as well as feedback from relevant Town Boards and Committees (including but not limited to the Board of Selectmen, the Planning Office, and Board of Health). In no particular order, a non-exhaustive list of factors that the review team and others may consider include:

- Location – Whether a recreational marijuana establishment is the highest and best use of the property, whether it will improve vacant or underutilized property, the proximity to other marijuana establishments, traffic impacts, and consistency with the North Attleborough Master Plan.
- Educational Material – The quality of the business' plan to educate the public and consumers about legal and responsible marijuana use.
- Consistency with Community Values – Whether the proposed business' plans with respect to diversity, equity, and sustainability adequately reflect community expectations.
- Economic Value – The amount of additional economic value the business would bring to North Attleborough, such as new jobs, additional local tax revenue, hiring of local residents, and commitment to use of local businesses for construction, supplies, and other business needs.
- Experience – Any experience operating a marijuana establishment in Massachusetts.
- Uniqueness of proposal – Particular commitments, policies, programs, products, etc. that would distinguish the establishment from other similar establishments.

**Cannabis Control Commission Application:** Once a potential operator has a signed HCA and has conducted a Community Outreach Meeting, it may apply for a license from the CCC.

**Local Permitting Process:** After the potential operator has submitted a complete application to the CCC, it may enter into the local permitting process. For uses permitted in the selected zone by right ("PERMITTED" in the annotated Use Chart), the process is complete and a license and permit will be forthcoming if all criteria have been satisfied.

For retail adult use marijuana establishments and those requiring a Special Permit ("SPEC PERM" in the annotated Use Chart) this will require a Special Permit from the Planning Board. Information on the Planning Board Adult Use Marijuana Special Permit is available in North Attleborough's zoning bylaws Section VI.Q. (on website [www.nattleboro.com](http://www.nattleboro.com)). (Last sentence changed 1/23/2019)

Dependent upon the proposed use, the Board of Health may require additional materials and fees.

Because state guidelines may require these additional steps with the Board of Health and Planning Board, the Town of North Attleborough will include them in all initial applications and encourages the applicant to contact them to see what, if any, additional consideration must be planned.

### **3. Submittal Checklist – Submit to Selectmen**

- Complete application & materials  
Including materials for
  - Board of Health and/or
  - Planning Board Special Permit, if required (page 9)
- Letter from Police Department regarding security plan
- Location and property interest information
- Business summary
- Experience operating a marijuana establishment
- Equity considerations
- Signed acknowledgement of receipt of this document and that the establishment may be subject to local licensure requirements in the future
- Signed retail acknowledgement of receipt of this document if use applied for is Retail

## Description of submittal documents

**Location and Property Interest:** The physical address of the proposed location as well as proof of the marijuana establishment's interest in the property. Documents that will satisfy the proof of property interest requirement include, but are not limited to, a purchase and sale agreement or lease. If the marijuana establishment's property interest does not encompass the entire property or building, include a description of the part of the building to be used for the marijuana operation, and a rough sketch of the building/property that clearly indicates the portion to be used for the marijuana establishment, as well as other uses or business operating in the building or on the property. Attach proof of the marijuana establishment's interest in the property.

**Business Summary:** A summary of the proposed business, not to exceed two pages. The summary should include the phone number, the email address, and the mailing address for the primary point of contact to discuss the submittal, a description of the management and operations of the business, the total number of expected full-time equivalent employees, the types of products to be sold by the establishment, revenue and growth estimates for the first five years of operation, a proposed timeline to be operational, as well as a brief description of any renovation, redevelopment, or new construction anticipated, hiring of local residents, and commitment to use of local businesses for construction, supplies, and other business needs. The summary should also include descriptions of the business' diversity, sustainability, and consumer education plans. The diversity summary should describe the business' plan to promote minority and gender equity, including consideration of veterans and people with disabilities. The sustainability description should include how the business will address issues such as energy and water conservation. The consumer education information should describe how the business plans to educate consumers about the law and responsible use of marijuana. The business summary should also include any unique or differentiating aspects of the business as compared to other similar marijuana businesses.

P:\Marijuana Related Information\200825 For Town Website K Mueller MARIJUANA\Guidance for All Marijuana Uses in North Attleborough 180104.docx

**Experience Summary:** A summary, not to exceed one page, of any experience operating a marijuana establishment. The summary should include the type (medical, recreational, retail, cultivation, etc.), location (municipality and state), and length of time operating the marijuana establishment.

**Equity Considerations:** Information related to the marijuana establishment's social equity experience and business practices, such as Commonwealth certification as an economic empowerment applicant; participation in the CCC social equity program; principals' and employees' years of residence in an area of disproportionate impact; past convictions of business principals, employees, or families, for a marijuana-related offense; and other considerations such as commitments to hiring women, minorities, veterans, and people with disabilities.

**Acknowledgement:** Please see Acknowledgment in section 5, below.

**Marijuana Use Special Permit Submittal Requirements for the SPGA (Planning Board):**

It is recommended the applicant read North Attleborough's Zoning Bylaws, Section VI. Q. Marijuana Establishment Zoning, for further information and definitions (included in this document) and refer to Section V.E. Schedule B of the North Attleborough Zoning Bylaws (on application, and annotated in this document).

For each application for a Marijuana Special Permit, the following shall be submitted to the ~~Town Clerk~~ **BOARD OF SELECTMEN WITH THE APPLICATION:**

- eight copies of said application (~~Form M~~);
- eight 11" x 17" copies of a site plan, if required;
- eight copies of proposed hours of operation;
- eight copies of a description of the purpose of the Marijuana Establishment or Medical Marijuana Treatment Center;
- one copy of Material Safety Data Sheets (MSDS) and Product Safety Data Sheets (PSDS) or Safety Data Sheets as they are known now for all products used or produced on site per OSHA regulations;
- eight copies of a list of products as required in item 5;
- eight copies of a list of 24/7 contacts with contact information;
- eight copies of demonstration of buffer requirements, including maps and an inventory of tenants and owners within the buffer;
- eight copies of building elevations showing proposed exterior signage to scale, with dimensions and material of signage; and
- ~~three~~ **TWO** checks—~~one made payable to the Town of North Attleborough as the Application Fee~~, one made payable to the U. S. Postal Service for abutter notifications (amount to be determined individually), and one for the publication fee (vendor and amount to be determined individually).

Security Plan **LETTER FROM THE NORTH ATTLEBOROUGH POLICE DEPARTMENT**

The applicant shall submit a security plan to the North Attleborough Police Department to demonstrate that there is limited undue burden on the town public safety officials as a result of the proposed Marijuana Establishment or Medical Marijuana Treatment Center. The security plan shall include all security measures for the site and transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the premises from theft or other criminal activity. A letter from the North Attleborough Police to the Planning Board acknowledging receipt and its comments pertaining to such a security plan shall be submitted as part of the application.

A signed "Agreement Extending Deadline for Planning Board Action" form (since this is all new, the Planning Office isn't certain if the time constraints of a Special Permit can be met) (This requirement added 1/23/2019)

If a Site Plan Review is required per Section VI.H.2., then it is recommended that the Site Plan Review application and the Marijuana ~~Special Permit~~ **USE** Application ~~Form M~~ are filed at the same time.

The applicant shall submit proof that the application to the Cannabis Control Commission has been deemed complete pursuant to 935 CMR 500.102. Copies of the complete application, redacted as necessary, shall be provided as part of the application to the SPGA, and no Special Permit application shall be deemed complete until this information is provided. No Special Permit shall be granted by the SPGA without the Marijuana Establishment first having been issued a Provisional License from the Commission pursuant to 935 CMR 500.

The Planning Board may require additional information and may adopt reasonable rules and regulations under this section, which shall supplement and specify further requirements for application submission and content and administration of Special Permits granted under this section. When reviewing a Special Permit, the Planning Board may also waive any submission requirement, or design guideline it determines to be unnecessary or not applicable to the review of the project provided that the Planning Board determines that the project will not have a significant impact on the site, its relationship with abutting properties, traffic impacts to public ways, public infrastructure or services, environmental or historic resources. Waiver request shall be made by the Applicant in writing with stated reasons for requesting the waiver(s). Any waivers acted on by the Planning Board shall be in writing as part of its written decision.

# Contact Information

Submittal information should be sent to Gail Heidke, gheidke@nattleboro.com. Electronic communication is preferred, though physical submittals may be sent to:

**Gail Heidke**

Licensing Agent  
Selectmen's Office  
43 South Washington Street  
North Attleborough, MA 02760

Questions may be submitted in writing to the above by February 15, 2019. It is anticipated that questions will be answered by February 22, 2019.

## 4. Acknowledgements

(All marijuana uses)

I, \_\_\_\_\_, in my capacity as

(PRINTED NAME)

\_\_\_\_\_ of \_\_\_\_\_

(TITLE)

(BUSINESS NAME)

have received a copy of "Guidance for All Marijuana Uses and Establishments in North Attleborough." I have read the document and I understand and agree to the requirements, provisions, terms, and conditions stated therein, and to the requirements, provisions, and terms of all state regulations. Further, I acknowledge and accept that

\_\_\_\_\_ may be subject to additional state and local license

(BUSINESS NAME)

requirements in the future.

\_\_\_\_\_

SIGNATURE

\_\_\_\_\_

DATE

Phone number: \_\_\_\_\_

Email: \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

[Submittal deemed complete on \_\_\_\_\_ by \_\_\_\_\_]  
[Staple copy of all emails to the applicant to this form]

## 5. Retail Acknowledgements

The undersigned hereby applies for a permit in accordance with the provisions of the statutes relating thereto and the Town of North Attleboro Sale of Marijuana Products regulation effective September 1, 2016 and December 10, 2018.

- All permits are issued for one year beginning December 31<sup>st</sup> and are not pro-rated and permit fees are non-refundable.
- **All new applicants are required to appear before the Board of Health when the Board considers your retail marijuana application for the first time.**
- This permit will not be issued unless the information requested is complete and the applicant signs the certification statement below.
- Your Social Security (SSN) or Tax Identification (TIN) number is requested under authority of MGL c.62C §49A and will be furnished to the MA Dept. of Revenue to determine whether you have met tax filing or tax payment obligations. Applicants who fail to correct their federal, state, or local tax delinquency or non-filing will be subject to suspension, revocation or non-renewal of this permit.

Retailers selling Marijuana products must have a Marijuana Permit issued by this Board of Health in order to receive their annual retail food license.

Please read the following statements and sign your name in acknowledgement of these conditions to receive a Marijuana Permit.

- I understand that it is illegal to sell Marijuana in any form to individuals under Twenty-one (21) years of age and the only exception is an individual under Twenty-one (21) in possession of a Medical Marijuana registration card.
- I attest that staff of this establishment will obtain photographic proof of age from all customers who are not obviously over twenty-seven (27) years of age before selling any marijuana products.
- I attest that staff of this establishment will obtain proof of medical registration card issued by the MA Cannabis Control Commission from all customers purchasing medical marijuana.
- I attest that the staff of this establishment will be trained to conduct marijuana sales legally.
- I attest that this establishment will follow all state and local laws, rules, regulations, ordinances and bylaws.
- I understand that the Board of Health may conduct several, unannounced marijuana compliance checks each year to determine that staff are checking for proof of age, and not selling marijuana products to individuals under Twenty-one (21) years of age. I understand that minors involved in these checks will be under Twenty-one (21) years of age although they may appear older.
- I understand that checks will be made to determine if marijuana products are handled and properly located per state and local marijuana regulations.
- I understand that Retail Marijuana Permits are location-specific and non-transferrable. Permit holders who wish to change the location of their Marijuana Establishment must apply for a new Permit from the Board.
- I understand that the illegal sale of marijuana or repetitive non-compliance with state or local public health regulations may result in fines and/or the revocation or non-renewal of this permit.

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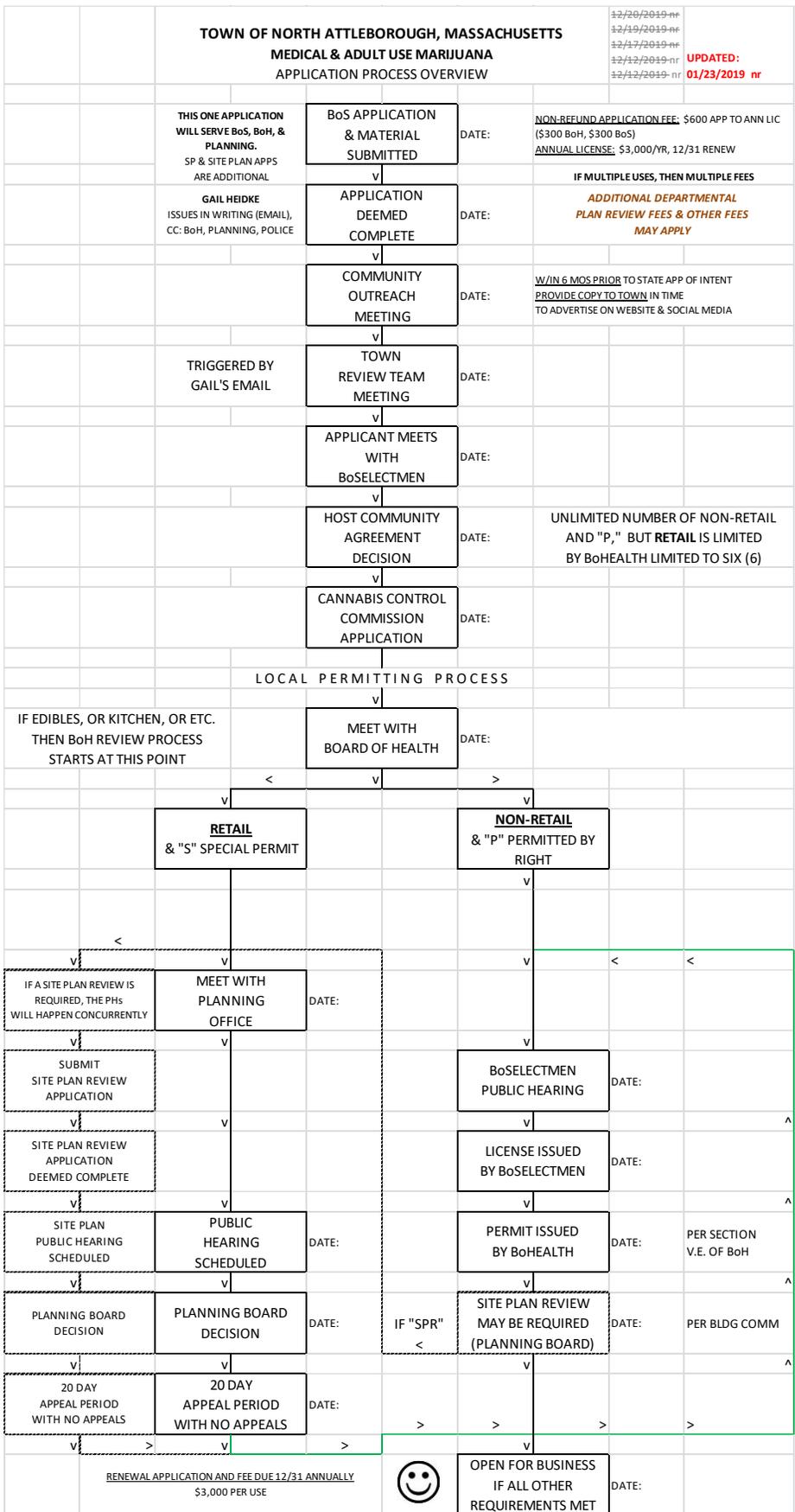
Printed name of owner, manager, or corporate officer

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Signature of owner, manager, or corporate officer

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Title of owner, manager, or corporate officer



**Town of North Attleborough Zoning Bylaws**  
Section VI. Q. Marijuana Establishment Zoning

## 01. Marijuana Definitions

Where not expressly defined herein, terms used in this bylaw shall be interpreted as defined in the regulations governing Medical Marijuana (105 CMR 725.00) and Adult Use of Marijuana (935 CMR 500.00) and otherwise by their plain language.

**Adult Use.** “Adult Use” shall mean use of marijuana that is regulated by 925 CMR 500.00 and cultivated, processed, manufactured, transported, or sold for recreational purposes for individuals 21 years of age or older.

**Craft Marijuana Cultivator Cooperative.** An Adult Use Marijuana Cultivator comprised of residents of the Commonwealth as a limited liability company or limited liability partnership under the laws of the Commonwealth, or an appropriate business structure as determined by the Cannabis Control Commission and that is licensed to cultivate, obtain, manufacture, process, package, and/or brand marijuana and marijuana products to deliver marijuana and/or marijuana products to marijuana establishments but not to the consumer.

**Medical Use.** “Medical Use” shall mean marijuana that is regulated by 105 CMR 725.00 and designated and restricted for use by, and for the benefit of, qualifying patients in the treatment of debilitating medical conditions.

**Marijuana Cultivator.** An entity licensed to cultivate and/or process and/or package marijuana and/or to deliver marijuana to marijuana establishments for adult use and/or to transfer marijuana for adult use to other marijuana establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

**Marijuana Establishment.** A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed adult use marijuana-related business not otherwise defined in this bylaw section VI.Q, except a Medical Marijuana Treatment Center.

**Marijuana Product Manufacturer.** An entity licensed to obtain and/or manufacture and/or process and/or package marijuana and/or marijuana products for adult use and/or to deliver marijuana and/or marijuana products to marijuana establishments for adult use and/or to transfer marijuana products to other marijuana establishments for adult use, but not to consumers.

**Marijuana Products.** Products that have been manufactured and contain marijuana or an extract of marijuana including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption including food, edibles, beverages, tinctures, aerosols, oils, ointments, tobaccos, topical products, or other items as may be made available.

**Marijuana Testing Facility.** An entity licensed by the Cannabis Control Commission, the Department of Public Health, or such other state licensing agency, that is independent financially from any Medical Marijuana Treatment Center or adult use Marijuana Establishment for which it conducts a test and is qualified to test marijuana in compliance with regulations to test marijuana and marijuana products including certification for potency, the presence of contaminants, or other testing as may be required.

**Marijuana Research Facility.** An entity licensed by the Cannabis Control Commission to engage in research involving marijuana and marijuana products. .

**Marijuana Retailer.** An entity licensed to purchase and/or deliver marijuana and/or marijuana products from marijuana establishments for adult use and to sell, or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers for adult use, but not to be used or consumed on premises or parcel. Retailers are prohibited from off-site delivery of cannabis or marijuana products to consumers; and prohibited from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

**Marijuana Transportation or Distribution Facility.** An entity , that is licensed by the Cannabis Control Commission to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana transporters may be an existing licensee transporter or third party transporter.

**Medical Marijuana Treatment Center – Retail.** Also known as a Registered Marijuana Dispensary as defined by 105 CMR 725.00, means an entity registered under 105 CMR 725.100, or such other applicable state regulation, that acquires, possesses, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use.

**Medical Marijuana Treatment Center – Cultivation and Processing.** Also known as a Registered Marijuana Dispensary as defined by 105 CMR 725.00, means an entity registered under 105 CMR 725.100, or such other applicable state regulation, as the case may be, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, or transports marijuana, or products containing cannabis or marijuana to qualifying Retail Medical Marijuana Treatment Centers, but does not sell directly to qualifying patients or their personal caregivers.

## 02. Purpose

The purpose of this bylaw is to:

- a. Allow state-licensed Marijuana Establishments and Medical Marijuana Treatment Centers to exist in Town in appropriate locations in accordance with applicable state laws and regulations regarding medical use marijuana in accordance with 105 CMR 725.00 and M.G.L. Chapter 94I and adult use marijuana in accordance with 935 CMR 500.00 and M.G.L. Chapter 94G, and to

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- b. Provide safe and effective access to medical use marijuana and adult use marijuana, and to
- c. Impose reasonable safeguards to govern the place and manner of Marijuana Establishments and Medical Marijuana Treatment Centers to ensure public health, safety, well-being, and mitigate against undue impacts on the natural and built environment of the town and its residents and visitors, and to
- d. Explicitly prohibit the use of marijuana products for on-site social consumption as defined by the M.G.L. Chapter 94G.

**03. Special Permit Granting Authority (SPGA)**

For the purpose of this section, the Planning Board shall be the Special Permit Granting Authority, pursuant to Chapter 40A, Sections 1A and 9 of the Massachusetts General Laws.

**04. Permitted Uses**

Marijuana Establishments and Medical Marijuana Treatment Centers are permitted as shown in Section V. Schedule B (Use Regulations) of this zoning bylaw. All setbacks and dimensional requirements set forth in Section V.- Use Regulations, Intensity Schedule A shall apply to medical and adult marijuana uses.

**05. Buffers and Screens**

A buffer area of three-hundred (300) feet shall be provided measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Marijuana Establishment or Medical Marijuana Treatment Center. The three-hundred foot buffer shall apply to houses of worship, public and private K-12 schools, and to licensed daycare facilities.

When the proposed Marijuana Establishment or Medical Marijuana Treatment Center is near athletic fields or play structures, a three-hundred-fifty (350) foot buffer shall be measured from the edge of the athletic field or the nearest play structure.

The applicant shall demonstrate compliance with buffer requirements under this regulation by provision of maps and by an inventory of tenants and owners within the buffer, or by any other means the Planning Board may require as part of the application submittal.

No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance or landscaping approved by the Planning Board or its agent.

**06. Applicability**

Any request for a building permit or change of use not permitted by right on Schedule B (uses permitted by right are indicated by a "P" in Schedule B) shall not be granted until an application for a special permit has been submitted to and approved by the Planning Board.

Site Plan Review may be required by the Planning Board as part of the Special Permit in accordance with Section VI.H. of this bylaw.

**07. For each application for a Marijuana Special Permit, the following shall be submitted to the ~~Town Clerk~~ **BOARD OF SELECTMEN WITH THE APPLICATION:****

- A. For each application for a Marijuana Special Permit, the following shall be submitted to the ~~Town Clerk~~ **BOARD OF SELECTMEN**
  - 1) eight copies of said application (~~Form M~~);
  - 2) eight 11" x 17" copies of a site plan, if required;
  - 3) eight copies of proposed hours of operation;
  - 4) eight copies of a description of the purpose of the Marijuana Establishment or Medical Marijuana Treatment Center;
  - 5) one copy of Material Safety Data Sheets (MSDS) and Product Safety Data Sheets (PSDS) or Safety Data Sheets as they are known now for all products used or produced on site per OSHA regulations;
  - 6) eight copies of a list of products as required in item 5;
  - 7) eight copies of a list of 24/7 contacts with contact information;
  - 8) eight copies of demonstration of buffer requirements, including maps and an inventory of tenants and owners within the buffer;
  - 9) eight copies of building elevations showing proposed exterior signage to scale, with dimensions and material of signage; and
  - 10) ~~three~~ **TWO** checks—~~one made payable to the Town of North Attleborough as the Application Fee~~, one made payable to the U. S. Postal Service for abutter notifications (amount to be determined individually), and one for the publication fee (vendor and amount to be determined individually).

- 11) A signed “Agreement Extending Deadline for Planning Board Action” form (since this is all new, the Planning Office isn’t certain if the time constraints of a Special Permit can be met)

B. Security Plan **LETTER FROM THE NORTH ATTLEBOROUGH POLICE DEPARTMENT**

The applicant shall submit a security plan to the North Attleborough Police Department to demonstrate that there is limited undue burden on the town public safety officials as a result of the proposed Marijuana Establishment or Medical Marijuana Treatment Center. The security plan shall include all security measures for the site and transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the premises from theft or other criminal activity. A letter from the North Attleborough Police to the Planning Board acknowledging receipt and its comments pertaining to such a security plan shall be submitted as part of the application.

C. If a Site Plan Review is required per Section VI.H.2., then it is recommended that the Site Plan Review application and the Marijuana ~~Special Permit~~ **USE Application Form M** are filed at the same time.

D. The applicant shall submit proof that the application to the Cannabis Control Commission has been deemed complete pursuant to 935 CMR 500.102. Copies of the complete application, redacted as necessary, shall be provided as part of the application to the SPGA, and no Special Permit application shall be deemed complete until this information is provided. No Special Permit shall be granted by the SPGA without the Marijuana Establishment first having been issued a Provisional License from the Commission pursuant to 935 CMR 500.

~~D.E.~~ The Planning Board may require additional information and may adopt reasonable rules and regulations under this section, which shall supplement and specify further requirements for application submission and content and administration of Special Permits granted under this section. When reviewing a Special Permit, the Planning Board may also waive any submission requirement, or design guideline it determines to be unnecessary or not applicable to the review of the project provided that the Planning Board determines that the project will not have a significant impact on the site, its relationship with abutting properties, traffic impacts to public ways, public infrastructure or services, environmental or historic resources. Waiver request shall be made by the Applicant in writing with stated reasons for requesting the waiver(s). Any waivers acted on by the Planning Board shall be in writing as part of its written decision.

**08. Special Permit Approval Process**

A. The Planning Board may consult with or engage the services of any town staff including but not limited to the Conservation Commission, Board of Health, Department of Public Works, Fire Chief, Police Chief, North Attleborough Electric Department, or a professional consultant. The expenses of any such professional shall be paid by the Applicant.

B. In order to grant a Special Permit, the Planning Board shall make a finding that the proposed use is in harmony with the purpose and intent of this zoning bylaw and may impose conditions will not adversely affect direct abutters to insure adequate mitigation of potential impacts on abutting land owners.

**09. Standards and Conditions**

A. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment or Medical Marijuana Treatment Center is located. No outside storage is permitted.

B. All types of Marijuana Establishments and Medical Marijuana Treatment Centers relative to the cultivation, processing, testing, product manufacturing, retail, or any other type of state licensed marijuana related business must take place within a fully enclosed building.

C. All business signage shall be subject to the requirements to be promulgated by the Massachusetts Cannabis Control Commission, the Massachusetts Department of Public Health, or such other state licensing authority, as the case may be, and the requirements of Section VI.G. (Signs) of this bylaw with the exception that no temporary, portable, or A-frame signs are permitted.

D. No Marijuana Establishment or Medical Marijuana Treatment Center shall be managed by any person other than the licensee or their assign. Such licensee or assign shall be on the premise during regular hours of operation and shall be responsible for all activities within the licensed business and shall provide emergency contact information for the North Attleborough Police Department to retain on file.

E. Marijuana Establishments and Medical Marijuana Treatment Centers shall employ odor control technology such that no odor from marijuana cultivation or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or Medical Marijuana Treatment Center or at any adjoining use or property.

**10. Marijuana Special Permit Lapse**

A. Any special permit granted hereunder shall lapse after one year, excluding such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause as determined by the Building Commissioner, or in the case of a permit for construction, if construction has not begun by such date except for good cause.

B. A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership and use of the premises as a Marijuana Establishment or Medical Marijuana Treatment Center. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit.

**11. On-site Consumption**

On-site consumption of marijuana and marijuana products, as either a primary or accessory use, shall be prohibited at all Marijuana Establishments and Medical Marijuana Treatment Centers unless permitted by a local ballot initiative process, as allowed by M.G.L. c.94G §3(b). The prohibition of on-site social consumption shall include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site.

ADULT SALES of MARIJUANA and MARIJUANA PRODUCTS REGULATION  
Effective December 10, 2018

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**ARTICLE I. PURPOSE and SCOPE:**

**WHEREAS**, Massachusetts voters approved the regulation and the use and distribution of adult-use marijuana not medically prescribed on November 8, 2016 pursuant to Chapter 344 of the Acts of 2016, as amended by Chapter 55 of the Acts of 2017, an Act to Ensure Safe Access to Adult-use marijuana; and

**WHEREAS**, the prevention of the illegal sale and use of marijuana, particularly involving youth, is a public health priority; and

**WHEREAS**, the state regulation at 935 CMR 500.000 allows for lawful local oversight and regulation, including local fee requirements; and

**WHEREAS**, Chapter 55 of the Acts of 2017 specifically allows municipalities to “adopt ordinances and by-laws that impose reasonable safeguards on the operation of marijuana establishments” specifically related to “the time, place and manner of marijuana establishment operations and of any business dealing in marijuana accessories” provided that such restrictions “are not unreasonably impracticable and are not in conflict” with the state statute or regulations regulating marijuana sales.

**WHEREAS**, local oversight and inspection of adult-use marijuana establishments is within the legal authority of local boards of health to protect public health, safety and welfare; and

**WHEREAS**, the Massachusetts Supreme Judicial Court has held that “. . . [t]he right to engage in business must yield to the paramount right of government to protect public health by any rational means.” [Druzik et al v. Board of Health of Haverhill, 324 Mass. 129 (1949)].

**NOW THEREFORE**, this Board of Health adopts the following regulation under its authority specified in Article II herein, as a preventative public health measure intended to regulate the sale of marijuana products in the Town of North Attleborough.

**ARTICLE II. AUTHORITY:**

A. This regulation is promulgated pursuant to the authority granted to the North Attleborough Board of Health by the Massachusetts General Laws Chapter 111, Section 31 that this Board of Health “may make reasonable health regulations” to protect the public health of this community, and;

B. Chapter 55 of the Acts of 2017, an Act to Ensure Safe Access to Adult-use marijuana, and;

C. The Massachusetts Cannabis Control Commission (CNB) regulations pursuant to 935 CMR 500.170

**ARTICLE III. DEFINITIONS:**

Unless otherwise indicated, terms used throughout this regulation shall be defined as they are in 935 CMR 500.000 and General Law Chapter 94G, §1. In addition, for the purposes of this regulation, the following terms shall have the following meanings:

**Act:** Chapter 55 of the Acts of 2017, an Act to Ensure Safe Access to Adult-Use Marijuana.

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**Adult-Only Tobacco Store:** A business that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products or offer of services is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and which maintains a valid permit for the retail sale of tobacco products as required by the Board of Health.

**Board of Health or Board:** The North Attleborough Board of Health and its authorized agents.

**Board of Health Agent:** The Director of Public Health and any town employee designated by the board of health, which may include board of health and/or health department members and staff, law enforcement officers, fire officials and code enforcement officers.

**Business Agent:** An individual who has been designated by the owner or operator of any adult-use marijuana establishment to be the manager or otherwise in charge of said establishment.

**Commission,CCC or CNB:** The Massachusetts Cannabis Control Commission.

**Coupon:** Any card, paper, note, form, statement, ticket or other issue distributed for commercial or promotional purposes to be later surrendered by the bearer so as to receive an article, service or accommodation without charge or at a discount price.

**Department or MDPH:** The Massachusetts Department of Public Health and its authorized agents.

**Director:** The Director of Public Health for the Town of North Attleborough

**Edible Marijuana Products:** A marijuana product that is to be consumed by humans by eating or drinking and is sold or made by a facility licensed as a Marijuana Establishment under 935 CMR 500.000.

**Employee:** Any individual who performs services for an employer.

**Employer:** Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

**Listed or Non-Discounted Price:** The higher of the price listed for marijuana or a marijuana product as defined herein on its package or the price listed on any related shelving, posting, advertising or display at the place where marijuana or marijuana products are sold or offered for sale, plus all applicable taxes if such taxes are not included in the state price, and before the application of any discounts or coupons.

**Marijuana:** All parts of any plant of the genus cannabis, not excepted below, and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94G of the General Laws. The term shall also include all marijuana-infused products except where the context clearly indicates otherwise.

“Marijuana” shall not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; hemp; or the weight of any other ingredient combined with adult-use marijuana to prepare topical or oral administrations, food, drink or other products.

**Marijuana Accessories:** Equipment, products, devices or materials of any kind that are intended or designed for use in ingesting, inhaling or otherwise introducing adult-use marijuana into the human body.

**Marijuana Establishment or Establishment:** Any type of marijuana-related business licensed by the Cannabis Control Commission (CNB) pursuant to 935 CMR 500.050permitted by this Board of Health or regulated by the Board of Health’s Marijuana Cultivation, Operations and Sales Regulation, including a marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer independent testing laboratory, marijuana retailer, marijuana transporter and marijuana micro-business

**Marijuana Sales Permit or Permit:** The license granted by the Board to sell or distribute marijuana or marijuana products, as defined herein.

**Marijuana Products:** Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

**Minimum Legal Sales Age:** The age an individual must be before that individual can be sold marijuana or a marijuana product, as defined herein. The minimum legal sales age in the Town of North Attleborough shall be **twenty-one (21) years of age**.

**Non-Residential Roll-Your-Own (RYO) Machine:** A mechanical device made available for use (including to an individual who produces rolled marijuana solely for the individual’s own personal consumption or use) that can make rolled marijuana products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

**Permit Holder:** Any person engaged in the sale or distribution of marijuana or marijuana products, as defined herein, who applies for and receives a marijuana sales permit or any person who is required to apply for a marijuana sales permit pursuant to these regulations, or his or her business agent.

**Person:** Any individual, firm, partnership, association, corporation, company or organization of any kind, including, but not limited to an owner, operator, manager, proprietor or person in charge of any establishment, business, cultivation property or retail store.

**School:** Any public or private school where children attend classes in preschool programs, kindergarten programs or grades one (1) to twelve (12) inclusive.

**Self-Service Display:** Any display from which customers may select marijuana or a marijuana product as defined herein, without assistance from an employee or store personnel of an establishment.

**Town:** The Town of North Attleborough and its authorized agents.

**Vape pens/Vaporizing devices:** "A battery-powered device shaped like a tube, consisting of a cartridge with a heating element that produces **vapor** from any of a variety of substances, especially liquid containing nicotine or cannabinoids or dried material from cannabis or other plants, allowing the user to inhale the aerosol **vapor**." as defined by the Free Dictionary <https://www.thefreedictionary.com/vaporizer+pen>

**Vending Machine:** Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes marijuana products, as defined herein.

#### **ARTICLE IV. MARIJUANA SALES TO PERSONS UNDER THE MINIMUM LEGAL SALES AGE PROHIBITED:**

A. No person shall sell marijuana or marijuana products as defined herein, or permit marijuana or marijuana products as defined herein, to be sold to a person under the minimum legal sales age; or give marijuana or marijuana products as defined herein to a person under the minimum legal sales age. The minimum legal sales age in the Town is **twenty-one (21) years of age**.

B. Each person selling or distributing marijuana or marijuana products as defined herein, shall verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth and showing that the purchaser is **twenty-one (21) years of age** or older.

C. All retail sales of marijuana or marijuana products as defined herein shall be face-to-face between the seller and the buyer and occur at the permitted location unless and until delivery of marijuana is authorized and licensed under state regulation and then, only in strict compliance with all applicable rules and regulations as well as the age limitation set forth herein.

#### **ARTICLE V. MARIJUANA SALES PERMIT:**

A. No person shall sell, cultivate, deliver or otherwise commercially distribute marijuana or marijuana products, as defined herein, within the Town without first obtaining a Marijuana Sales Permit issued annually by the Board. Only owners of establishments with a permanent, non-mobile location in the Town shall be eligible to apply for an Marijuana Sales Permit at a specific location in the Town and must meet the following application requirements:

1. All applicants shall certify that they are in compliance with all local and state laws, regulations, ordinances and bylaws, including proof of a current license with the CNB and the Town of North Attleborough and be prepared to show proof if requested.
2. A marijuana delivery-only establishment, if authorized and licensed under state regulation shall not be required to have a local permanent non-mobile location but shall have an in-state permanent business office address and contact information available. Upon request, such an establishment must provide the current location and destination of its delivery employees to the Board.
3. Marijuana Sales Permits are location-specific and non-transferrable. Permit Holders who wish to change the location of their Marijuana Establishment must apply for a new Permit from the Board.

B. No person shall gift marijuana or marijuana products, as defined herein, to a consumer contingent upon the sale of any other products.

C. No person shall accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides marijuana or Marijuana Products, as defined herein, without charge.

D. As part of the Marijuana Sales Permit application process, the applicant will be provided with this regulation. Each applicant is required to sign a statement declaring that the applicant has read this regulation and that the applicant is responsible for instructing all employees who will be responsible for Marijuana sales about state and local laws regarding the sale of Marijuana and Marijuana Products, as defined herein, including this regulation.

E. An applicant who wishes to sell marijuana products in Town is required to submit a fully completed application to the Board, including proof of a current CNB License issued by the Massachusetts Cannabis Control Commission as required by state law, a current Town license, letter from the North Attleboro Police Department approving their security plan, attach the appropriate fee, and make an initial appearance before the Board, before a permit can be issued.

F. A separate Marijuana Sales Permit, displayed conspicuously, is required for each Marijuana Establishment, the fee for which shall be determined by the Board.

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G. A Marijuana Sales Permit is non-transferable, cannot be pro-rated and must be renewed annually. Each new owner of a Marijuana Establishment must apply for a new Permit from the Board. No new Permit applicable to a single, specific address will be issued unless and until all outstanding penalties incurred by the previous Permit Holder at the same address have been satisfied in full.

H. Issuance of a Marijuana Sales Permit shall be conditioned on an applicant's consent to periodic inspections of the Marijuana Establishment, including any off-site location where business is conducted relating to the manufacture or sale of marijuana at the Marijuana Establishment.

I. A Marijuana Sales Permit will not be renewed if the Permit Holder has failed to pay all fines issued and the time to appeal the fines has expired without an appeal having been filed and/or the Permit Holder has not satisfied any outstanding permit suspensions. If a violation was enforced by non-criminal dispositions, any appeal shall be taken pursuant to G.L. c. 40, §21D.

J. A Marijuana Sales Permit may be subject to non-renewal if the establishment has sold a marijuana product to a person under the minimum legal sales age two times within the previous permit year and either the time to appeal has expired without an appeal having been filed or the appeals were unsuccessful. The permit holder may request a hearing pursuant to this regulation prior to non-renewal.

K. No person under the Minimum Legal Sales Age shall be permitted to enter an establishment with a Marijuana Sales Permit except if the establishment is co-located with a medical marijuana treatment center as defined in 935 CMR 500.002, those individuals in possession of a registration card demonstrating that the individual is a registered qualifying patient with the Medical Use of Marijuana Program, and is in compliance with 105 CMR 725.000 (Implementation of the Act for the Humanitarian Medical Use of Marijuana) and the Board of Health Marijuana Cultivation, Operations and Sales Regulation.

L. Retail Marijuana Establishments shall sell primarily Marijuana, edible/consumable Marijuana Products, as defined herein, and Marijuana Accessories. The sale of any other products must be merely incidental. A retail Marijuana Establishment is prohibited from holding a tobacco sales permit, retail or wholesale food service permit or a license that permits the sale or distribution of any alcoholic beverage in any form.

M. In no instance shall a Marijuana Sales Permit be issued to any establishment within three hundred (300) feet of a School, daycare center, playground, house of worship or any similar facility in which children commonly congregate. The 300-foot distance shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Marijuana Establishment.

N. All Marijuana Sales Permits expire annually on January 31st, are non-transferrable, cannot be pro-rated and must be renewed annually.

#### **ARTICLE VI. MAXIMUM NUMBER OF MARIJUANA SALES PERMITS:**

A. At any given time, the Board shall assure that **no more than Six (6)** Marijuana Sales Permits are issued in North Attleborough. No permit renewal will be denied based on the requirements of this subsection except any Permit Holder who has failed to renew his or her Permit within thirty (30) days of its expiration will be treated as a first-time Permit applicant.

B. New applicants for Permits who are applying at a time when the maximum number of Permits have been issued will be placed on a waiting list and will be eligible to apply for a Permit on a "first-come, first-served" basis as issued Permits are either not renewed, revoked, or are returned to the Board.

#### **ARTICLE VII. PROHIBITIONS :**

A. No Marijuana Establishment shall be permitted to sell or distribute alcoholic beverages or tobacco products and may not hold either a tobacco sales permit or a liquor license.

B. No Marijuana Establishment owner/manager shall be permitted to hold a Common Victualler license for on-premises food consumption.

C. No Marijuana Establishment shall be permitted to be a Massachusetts lottery dealer or to engage in any gaming activities.

D. No Marijuana Establishment shall be permitted to allow onsite social consumption of any marijuana products.

E. The sale or distribution of edible Marijuana Products, as defined herein, in any form other than an original factory-wrapped package is prohibited, including the repackaging and sale of an edible Marijuana Product for retail sale.

F. No Marijuana Establishment shall be permitted to sell or distribute or cause to be sold or distributed flavored combustible or vaped marijuana products.

G. No Marijuana Establishment shall be permitted to have non-residential Roll-Your-Own (RYO) machines.

**ARTICLE VIII. EDIBLE MARIJUANA PRODUCTS:**

All Edible Marijuana Products must follow all state regulations pursuant to MGL 935 CMR 500.150 which includes in part: All edible marijuana product that is made to resemble a typical food or beverage product must be packaged and labeled as required by MGL c.94G §4a (1/226) and 935 CMR 500.105 §5 and §6b. The manufacture or sale of edibles in the following shapes is prohibited: the distinct shape of a human, animal, fruit, or a shape that bears the likeness or contains characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature or cartoon renderings. All edible marijuana products shall be prepared, handles, and stored in compliance with the requirements in 935 CMR 500.105 §3 and §11 and all labeling and packaging requirements must follow guidelines found in 935 CMR 500.150.

**ARTICLE IX . CO-LOCATED ADULT USE AND MEDICAL MARIJUANA OPERATIONS:**

All co-located Marijuana Establishments must follow all State regulations pursuant to MGL 935 CMR 502.000 and local regulations relating to Adult Use and Medical Marijuana operations.

**ARTICLE X. SELF-SERVICE DISPLAYS:**

All self-service displays of Marijuana and Marijuana Products, as defined herein, are prohibited.

**ARTICLE XI. VENDING MACHINES:**

All vending machines containing Marijuana or Marijuana Products, as defined herein, are prohibited.

**ARTICLE XII. MARIJUANA ACCESSORIES:**

Marijuana accessories, as defined herein, shall only be sold in permitted Marijuana Establishments and adult-only tobacco stores.

**ARTICLE XIII. INCORPORATION OF 105 CMR 500.000 and 105 CMR 590.000:**

The manufacture of all edible Marijuana Products for public consumption, as defined herein, shall be conducted in a state-licensed Marijuana manufacturing facility and in accordance with all applicable state regulations. All Marijuana Establishments, including those that develop or process edible Marijuana Products, as defined herein, shall comply with the sanitary requirements in 105 CMR 500.000: Good Manufacturing Practices for Food. All edible Marijuana Products, as defined herein, shall be prepared, handled, and stored consistent with the sanitation requirements in 105 CMR 590.000: Minimum Sanitation Standards for Food Establishments

**ARTICLE XIV. COMPLIANCE WITH ALL LAWS:**

A. All cultivation, processing, manufacturing, delivery, sale and use of Marijuana and Marijuana Products, as defined herein, shall be conducted in compliance with all state and local laws, ordinances, regulations or policies. These shall include, where applicable but not limited to, compliance with Chapter 344 of the Acts of 2016, as amended by Chapter 55 of the Acts of 2017, 935 CMR 500.000, secondhand smoke laws and regulations, electronic cigarette laws and regulations, nuisance laws and regulations and all requirements associated with zoning and other local permitting. Violation of any such law, not including federal laws relating to Marijuana and Marijuana Products, as defined herein, shall constitute a violation of this regulation and be subject to the fines and penalties described herein. Nothing in this regulation shall give any immunity under federal law or pose an obstacle to federal enforcement of federal law.

B. A Marijuana Establishment shall submit a letter of confirmation from the North Attleboro Police Department (NAPD) that they have reviewed and approved the security plan of said Establishment detailing measures taken to ensure consumer and community safety and eliminate unauthorized access to the premises in compliance with MGL 935 CMR 500.105 Safety and Security Requirements. This letter is to be attached to the permit application for the Board to review. Any changes to the Establishment's security plan will require an updated letter of confirmation from the NAPD regarding approval of the changes. Upon permit renewal, a letter from the Establishment confirming that there have been no changes to the approved security plan from the previous year will be submitted with the renewal documents.

C. In consultation with the Town's Police Department, Town officials and other departments, the Board may set or modify limitations on the hours of operation of any Marijuana Establishment.

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D. In its exclusive discretion, the Board may require the preparation, provision and distribution of specific and/or additional educational materials in Marijuana Establishments, Schools, Houses of Worship or similar facilities.

**ARTICLE XV. ENFORCEMENT AND PENALTIES:**

A. Authority to inspect Marijuana establishments for compliance and to enforce this regulation shall be held by the Board and its designees, including the Town's Police Department.

B. Any person may register a complaint pursuant to this regulation to initiate an investigation and enforcement with the Board and its designees. Issuance of a Marijuana Sales Permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of the Permit Holder's Marijuana Establishment in order to ensure compliance with this regulation.

C. It shall be the responsibility of the Marijuana Sales Permit holder and/or business agent to ensure compliance with all applicable sections of this regulation. Any Marijuana Establishment found to be in violation of the provisions of this

regulation may receive a written warning, citation, a fine, a limitation on its hours, a Marijuana Sales Permit suspension or a Marijuana Sales Permit revocation.

D. Any Permit Holder or any Person or entity charged with violation of any provision of this regulation shall receive a notice of violation from the Board or its designated agent. Unless an appeal of such violation notice is waived by the Permit Holder or any person or entity charged, the Board shall conduct a hearing to determine the facts of the violation, the appropriate corrective actions, the terms of any limitations of its hours of operation or suspension, if any, and/or issue a permit revocation order.

F. Prior to issuing any limitation on hours of operation, any suspension or revocation, the Board shall provide notice to the Permit Holder of the intent to suspend or revoke a Permit, which notice shall contain the reasons therefor and establish a time and date for a hearing, which date shall be no earlier than seven (7) days after the date of said notice. The Permit Holder shall have an opportunity to be heard at such hearing and shall be notified of the Board's decision and the reasons therefor in writing. After a hearing the Board may suspend or revoke the Permit if the Board finds that a violation of this regulation occurred.

G. Alternatively, violations of this regulation may be enforced by the non-criminal method of disposition as provided in G.L. c. 40, § 21D and as enabled pursuant to the Town bylaws.

H. Each day a violation exists shall be deemed to be a separate offense.

**ARTICLE XVI REQUIRED SIGNAGE, MARKETING and ADVERTISING:**

A. A notice at least 48 square inches, identifying the state and local authorities' responsible for issuance of the establishment's Marijuana Sales Permit, and including the telephone number and electronic address of each authority shall be posted conspicuously by the Permit Holder in the establishment in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than 4 feet or greater than 9 feet from the floor. The Permit Holder shall conspicuously post such additional signage as may be required by the Commission or the Board.

B. The Permit Holder shall conspicuously post one or more signs stating that "The sale of Marijuana and Marijuana Products to someone under the Minimum Legal Sales Age of **21 years** is prohibited." Such notices shall be no smaller than 8.5 inches by 11 inches and shall be posted conspicuously in the Marijuana Establishment in such a manner so that they may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.

C. A Marijuana Establishment, in accordance with restrictions outlined in 935 CMR 500.105 §4 must adhere to all CBN marketing and advertising requirements and any additional as required by the Board of Health:

1. A Marijuana Establishment may develop and use a logo for labeling, signage, and other materials, but that logo may not contain medical symbols, images of Marijuana and Marijuana-related paraphernalia, or colloquial references to cannabis and Marijuana. Likewise, a Marijuana Establishment may not offer for sale or as a promotional gift any items which contain symbols of, or references to, Marijuana or MIPs, including the logo of the Establishment.

2. A Marijuana Establishment may only identify its building location by the Establishment's registered name, and shall not display advertisements for Marijuana or any brand names, nor utilize graphics related to Marijuana or Marijuana-related paraphernalia on the building.

3. Beyond the signage and other advertising limitations set forth in 935 CMR 500.105 §4, the Board may set further limitations upon an Establishment's signage and other advertising materials including, but not limited to, restrictions on the use of images related to Marijuana and/or Marijuana paraphernalia, and the size and visibility of Marijuana displays from outside the Establishment.
4. A Marijuana Establishment's external signage shall not be illuminated except for a period of 30 minutes before sundown until closing, and shall comply in all other respects with Sections VI. G & Q of the Town of North Attleborough Zoning By-Laws which regulate signage advertising. Neon signage is prohibited at all times.
5. No Marijuana, MIPs, Marijuana-related paraphernalia or other related products shall be visible or displayed in such a way as to be seen from the exterior of a Marijuana Establishment. Within the Establishment, one sample of each Marijuana strain and each MIP may be displayed in a transparent and locked case.
6. Inside a Marijuana Establishment, all Marijuana which is not displayed in accordance with state and local restrictions (as outlined in [105 CMR 725.105(L)(10) and in Article XVI(C). above] shall be stored in a locked, access-controlled space in a limited access area during non-business hours. This access-controlled space shall be inaccessible to any persons other than the Agents and employees of the Establishment, CNB and MDPH Agents, and this Board and its designated Agents acting in an official capacity.
7. A marijuana Establishment shall provide a catalogue and a printed list of the prices, strains and THC levels of Marijuana and Marijuana Products available at the Establishment, but it cannot advertise its prices for Marijuana or such Marijuana Products. The Establishment shall submit, and thereafter maintain, current copies of said catalogue and printed price list to/with the Board.

#### **ARTICLE XVII. FREE DISTRIBUTION and COUPON REDEMPTION:**

A. No person shall:

1. Distribute or cause to be distributed, any free samples of Marijuana or Marijuana Products, as defined herein, or;
2. Accept or redeem, or offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any Marijuana or Marijuana Products, as defined herein, for less than the listed or non-discounted price, or without any charge whatsoever, or;
3. Sell Marijuana or Marijuana Products, as defined herein, to consumers through any multi-unit discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any Marijuana or Marijuana Product, as defined herein, without any charge or for less than the listed or non-discounted price in exchange for the purchase of any other Marijuana or Marijuana Product, as defined herein.

#### **ARTICLE XVIII . INSPECTIONS :**

- A. The Board and its agents, including its employees, assigns and any law enforcement officers acting in an official capacity, may enter upon privately-owned property within the Town, with reasonable notice and at reasonable hours, for the purpose of ensuring compliance with this regulation.
- B. The Board and its agents, including its employees, assigns and any law enforcement officers acting in an official capacity, shall conduct without limitation, periodic, unannounced inspections of the establishments permitted to sell Marijuana or Marijuana Products, as defined herein, within the Town.
- C. The Board and its agents, including its employees, assigns and any law enforcement officers acting in an official capacity, shall have access at all reasonable times to any establishment permitted to sell Marijuana or Marijuana Products, as defined herein, within the Town, for the purpose of inspecting said establishment to ensure compliance with this regulation.
- D. If, during the course of an inspection or compliance check mold, infestation, or other disease(s) affecting the Marijuana or Marijuana Products, as defined herein, is observed, the Board or its designated Agents may order the segregation and/or destruction of all such material (and such surrounding material as the Board or its designated Agents may deem appropriate in their exclusive discretion) in order to prevent a threat to the public health.
- E. Refusal to cooperate with inspections pursuant to this regulation shall result in suspension of the Permit for thirty (30) consecutive business days.

#### **ARTICLE XIX. VARIANCES :**

- A. Variances may be issued unilaterally by the Board or formally requested by any party affected by this regulation. Every request for a variance shall be made in writing on a form provided or specified by the Board and shall be subject to a public hearing before the Board. Any variance granted by the Board shall be in writing. Any denial of a variance by the Board shall also be in writing and shall contain a brief statement of the reasons for such denial.
- B. The Board may vary the application of any provision of this regulation, unless otherwise prohibited by state law or regulation when, in the sole opinion of the Board, enforcement of this regulation will do manifest injustice, or the requesting party can demonstrate that the provision will impose an extraordinary or unreasonable burden. Any variance or other modification authorized by the Board may be subject to such qualification, revocation, suspension, or expiration as the Board shall express in its grant.

**ARTICLE XX. SEVERABILITY:**

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

**ARTICLE XXI. EFFECTIVE DATE:**

This regulation shall take effect immediately upon passage by the Board of Health, and as required by M.G.L. Chapter 111 Section 31, a copy of the regulation has been filed with the Massachusetts Department of Environmental Protection.

**By the North Attleborough Board of Health**

**Marijuana Cultivation, Operations and Sales Regulation**

Effective September 1, 2016

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**ARTICLE I. PURPOSE & SCOPE:**

**WHEREAS**, Massachusetts has approved the legal cultivation, processing, distribution, sale and use of marijuana for medical purposes through Chapter 369 of the Acts of 2012 (the “Act”), an Act for the Humanitarian Medical Use of Marijuana, and;

**WHEREAS**, this regulation will provide for local oversight and inspection of Registered Marijuana Dispensaries and hardship marijuana cultivation sites within the Town of North Attleborough to ensure the safe and sanitary operation of any such dispensary or hardship cultivation site consistent with public health and safety and;

**WHEREAS**, the existence of Registered Marijuana Dispensaries or hardship marijuana cultivation sites within the Town of North Attleborough will present the risk of improper diversion and other collateral consequences within the community, and;

**WHEREAS**, nothing in the Act or its implementing regulation 105 CMR 725.000 et seq. supersedes Massachusetts law prohibiting the possession, cultivation, transport, distribution, sale or diversion of marijuana for non-medical purposes, and;

- The prevention of the illegal sale and use of marijuana, particularly by school-age children, is a public health priority, and;
- Registered marijuana dispensaries and hardship marijuana cultivation sites in other jurisdictions have been found to present unique and challenging threats to public health and safety, and;
- The state regulation at 105 CMR 725.600 allows for lawful local oversight and regulation, including fee requirements, and; August 23, 2016
- Reasonable and effective local oversight of the cultivation, processing, distribution, sale and use of marijuana for medical purposes is needed to protect community health and safety while ensuring legitimate patient access.

**NOW THEREFORE**, this Board of Health adopts the following regulation under the authority specified in Article II herein in order to regulate safe access to medical marijuana in the Town of North Attleborough.

**ARTICLE II. AUTHORITY:**

A. This regulation is promulgated pursuant to the authority granted to the North Attleborough Board of Health by the Massachusetts General Laws Chapter 111, Section 31 that this Board of Health “may make reasonable health regulations” to protect the public health of this community, and;

B. Chapter 369 of the Acts of 2012, an Act for the Humanitarian Medical Use of Marijuana, and;

C. Massachusetts Department of Public Health Regulation 105 CMR 725.000 et seq.

1. Massachusetts regulation 105 CMR 725.600(A) requires that registered medical marijuana dispensaries and other registered persons comply with all local rules, regulations, ordinances and bylaws.

### **ARTICLE III. DEFINITIONS:**

A. Unless otherwise indicated, terms used throughout this regulation shall be defined as they are in 105 CMR 725.004. For the purposes of this regulation, the following words shall have the following meanings:

*Act:* Chapter 369 of the Acts of 2012, an Act for the Humanitarian Medical Use of Marijuana.

*Applicant:* Any person who applies to the Board of Health for a license to operate or act as a dispensary agent of a registered marijuana dispensary within the Town of North Attleborough.

*Board of Health or Board:* The North Attleborough Board of Health, including its officers, assigns and designated agents.

*Board of Health Agent or Agent:* The Director of Public Health and any town employee designated by the Director, which may include health department staff, law enforcement officers, fire officials, and/or other code enforcement officials.

*Business Agent:* A dispensary agent who has been designated by the registered marijuana dispensary permit holder to be a manager in charge of the permitted registered marijuana dispensary and its day-to-day operations.

*Department, Department of Public Health or MDPH:* The Massachusetts Department of Public Health.

*Director:* The Director of Public Health for the Town of North Attleborough

*Dispensary Agent:* A board member, officer, director, employee, executive, manager, or volunteer of a registered marijuana dispensary, who is at least 21 years of age, where an employee shall include a consultant or contractor who provides on-site services to a registered marijuana dispensary relative to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

*Employer:* Any individual, partnership, association, corporation, trust or other organized group of individuals, including the Town of North Attleborough or any agency thereof, which uses the services of one (1) or more employees. August 23, 2016

*Home Cultivation or Hardship Cultivation Site:* A specific location within the Town of North Attleborough that has been registered by the Massachusetts Department of Public Health and permitted by the board of health to grow marijuana for personal consumption.

*Home Permit:* A board of health permit issued to the holder of a hardship cultivation registration issued by the Massachusetts Department of Public Health pursuant to 105 CMR 725.000 for a specific location within the Town of North Attleborough, which permit must be renewed annually.

*Inspection:* An official examination, observation, survey or monitoring to determine compliance with the rules, regulations, orders, requirements or conditions of this board of health and/or the Massachusetts Department of Public Health.

*License or Permit:* The credential granted by the board of health to operate, or to act as a dispensary agent for, a registered marijuana dispensary in the Town of North Attleborough.

*Marijuana:* The term shall mean all parts of the plant *Cannabis Sativa L.*, whether growing or not; the seeds thereof; and the resin extracted from any part of the plant, as well as; every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term shall also include all marijuana-infused products except where the context clearly indicates otherwise.

*Marijuana-Infused Product or MIP:* A product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils and tinctures. These products, when created or sold by a registered marijuana dispensary, shall not be considered a food or a drug as defined in MGL c.94 §1.

*Medical Marijuana Treatment Center, Registered Marijuana Dispensary or RMD:* A not-for-profit entity registered by the Massachusetts Department of Public Health pursuant to 105 CMR 725.100 that acquires, cultivates, possesses, processes (including the development of related products such as edible marijuana-infused products, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying consumers or their personal caregivers. Unless otherwise specified, these terms shall also refer to the site(s) for the cultivation, preparation, or dispensing of marijuana.

*Minor:* Any individual who is under the age of eighteen (18).

*Non-Residential Roll-Your-Own (or RYO) Machine:* A mechanical device made available for use (including to an individual who produces rolled marijuana products solely for that individual's own personal consumption or use) that is capable of making rolled marijuana products. RYO machines located in private homes used solely for personal consumption are not non-residential machines.

*Period of Performance:* The time period during which violations of a registered marijuana dispensary or home permit are counted. For example, a violation that occurs in July, 2016 will no longer weigh on the registered marijuana dispensary or the home permit holder's record with the board of health after the passage of 36 months from the date of the discipline imposed for that violation. If a board of health hearing on the violation was to occur on July 31, 2016, then the violation will be outside the Period of Performance and no longer considered for further disciplinary action after August 1, 2019.

*Permit Holder:* Any person registered by the Massachusetts Department of Public Health engaged in the sale or distribution of marijuana or MIP's directly to consumers who applies for and receives a permit to operate a registered marijuana dispensary in the Town of North Attleborough from the board of health or, any individual registered by the Massachusetts Department of Public Health who applies for and receives a dispensary agent license pursuant to this regulation. August 23, 2016

*Person:* Any individual, employer, employee, permit holder, non-profit entity, registered marijuana dispensary manager or owner, or the owner or operator of any operation or establishment engaged in the sale or distribution of marijuana or MIP's directly to consumers.

*Qualifying Customer or Customer:* 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 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).

*Registered or Registration:* The designation or process by which the Department confirms that a Person has met all requirements pursuant to the Act and 105 CMR 725.000, and is thereafter registered by said Department.

*Registered Marijuana Dispensary or RMD:* A Registered Marijuana Dispensary (also known as a Medical Marijuana Treatment Center) is a not-for-profit entity registered under 105 CMR 725.100, 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. The term RMD may also refer, in context, to the site(s) of dispensing, cultivation, and preparation of marijuana by an RMD entity.

*RMD Permit:* A Registered Marijuana Dispensary Permit, to be renewed annually, which may be issued by the board of health to a non-profit corporation holding a certificate of registration issued by the Massachusetts Department of Public Health pursuant to 105 CMR 725.000 et seq., which permits an RMD to operate within the town.

*Self-Service Display:* Any display from which customers may select marijuana or a marijuana-infused products without assistance from a dispensary agent.

*Town:* The Town of North Attleborough and its authorized agents.

*Vending Machine:* Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes marijuana products.

*Verified Financial Hardship:* An individual's status as a recipient of MassHealth or Supplemental Security Income, or a determination that an individual's income does not exceed 300% of the federal poverty level when adjusted for family size.

*Violation:* A failure to comply with an operational requirement outlined in this regulation. For this regulation, a violation may range from a failure to comply with specific regulatory requirements of this regulation to something with the potential to jeopardize the primary purposes of this regulation, where non-compliance could divert marijuana to individuals without a documented medical need and/or which could produce significant collateral consequences to this community's health and safety.

*Visitor:* An individual, other than a personal caregiver as defined by 105 CMR 725.000, accompanying a consumer in need of assistance obtaining access to an RMD.

B. Capitalized terms-of-art in this regulation have the respective meanings given to them as defined in the foregoing Section A. August 23, 2016

#### **ARTICLE IV. PERMITTING:**

A. No Person shall sell, give, display for sale, deliver or otherwise distribute Marijuana or MIP's within the Town except in an RMD licensed by the Board. An RMD Permit may only be issued to a nonprofit corporation which:

1. has a current Certificate of Registration issued by MDPH pursuant to 105 CMR 725.000;
2. has a permanent, non-mobile location in Town approved by MDPH for use as an RMD;
3. is in compliance with all applicable zoning requirements of the Town, and;
4. provides satisfactory documentation of compliance with these requirements to the Board.

B. The Applicant shall submit to the Board a copy of the operating policies and procedures for the RMD which were submitted to MDPH pursuant to 105 CMR 725.000 and any other relevant MDPH directives, memorandums or notifications.

C. The Applicant shall sign a statement declaring that the applicant understands that, under this regulation of the Board:

1. All Dispensary Agents are responsible for complying with all local and state regulations pertaining to the operation of the RMD. Specifically, a violation of any provision of 105 CMR 725.000 or other applicable state regulations shall also constitute a violation of this regulation, which may be enforced by the Board, and;
2. The Applicant is responsible for providing instruction and training for Dispensary Agents in all applicable local and state regulations, and;
3. The fact that a Dispensary Agent, vendor, or other person associated with the RMD is unaware of the provisions of 105 CMR 725.000 or this regulation, or lacks understanding of their content, shall not be a defense to any violation, and;
4. The Board and its designated Agents may conduct periodic, unannounced inspections of the RMD premises.

D. The annual fee for an RMD Permit shall be determined exclusively by the Board, published in its fee schedule, is non-refundable and cannot be pro-rated. All RMD Permits shall expire annually on January 31st, regardless of the year, day or month on which they were initially issued.

E. Plan reviews (see Article VIII) for the following six components of an RMD operation shall incur separate fees at levels to be determined exclusively by the Board and published in its fee schedule:

1. An initial plan review for an MIP processing or preparation facility.
2. Plan reviews for the safe, secure and sanitary storage, handling and sales of MIP's in an RMD.
3. Plan reviews for trash collection and the safe and sanitary disposal of waste, refuse or damaged marijuana.
4. Plan reviews for emergencies and continuity of operations.
5. Plan reviews for safety and security.
6. Plan reviews for home deliveries.

F. RMD Permits in good standing may be renewed annually by the Board in its exclusive discretion, upon submission by an RMD of a completed and satisfactory renewal application in such form and manner as shall be required by the Board, and accompanied by payment of such annual fee as shall be determined exclusively by the Board and published in its fee schedule.

1. The Permit Holder shall disclose in its RMD renewal application any material changes from the most recently approved operating policies and procedures of the RMD, including from the plans described in Section E above, and the RMD shall pay the applicable fees for any reviews which the Board deems necessary as a condition of such renewal.
2. As a condition of Permit renewal, the Permit Holder shall demonstrate compliance with any modification required by the Board to the satisfaction of the Board, and shall pay all applicable fees due for any reviews which the Board deems necessary.
3. If a Permit has been suspended by the Board, the RMD shall provide evidence satisfactory to the Board that it will comply with all requirements of the Board and this regulation, and shall pay all applicable fees due for any reviews which the Board deems necessary as a condition of such renewal prior to reinstatement of said Permit.
4. If a Permit has been revoked by the Board, an RMD Permit may be reissued by the Board upon submission of a completely new application, submission of all necessary fees, and a public hearing.

August 23, 2016

G. A separate RMD Permit shall be required for each RMD retail establishment selling marijuana or MIP's within the Town.

H. An RMD shall post its MDPH certificate(s) of Registration and the Board's Permit in a clear and conspicuous manner, readily visible to consumers, inspectors and other individuals who may enter the RMD. Each RMD Permit shall be displayed at the RMD retail establishment in a conspicuous place.

I. An RMD may not open for business before 8:00 A.M. and shall close no later than 8:00 P.M., on each day the RMD is open. Deliveries from, or on behalf of, the RMD that are made to customers must adhere to the same hours. The hours and days of RMD operation must be posted conspicuously on the front entrance door.

J. No Dispensary Agent shall cultivate, process, sell or otherwise distribute Marijuana or MIP's within the Town without first obtaining a License to do so, which License must be issued annually by the Board.

1. Individuals seeking to act as a Dispensary Agent within this Town shall first obtain a License to do so from the Board in such form or manner as may be prescribed by the Board. 2.

Each Applicant for a Dispensary Agent License shall be required to provide proof by means of a valid government-issued photographic identification containing the bearer's date of birth that the Applicant is 21 years old or older.

3. Each Applicant shall be required to provide proof of current Dispensary Agent Registration issued by the MDPH before a License can be issued by the Board.

4. No Applicant for a Dispensary Agent License with a record of a felony conviction, or misdemeanor conviction for a drug-related offense, shall be granted a License by the Board.

5. Each application for a Dispensary Agent License shall be accompanied by a non-refundable annual fee set by the Board and published in its fee schedule.

6. All Dispensary Agent Licenses shall expire annually on January 31st, shall be valid for a maximum term of one year, and shall be renewable annually on February 1st.

7. No license Holder shall allow any Dispensary Agent to sell marijuana or marijuana products until such Dispensary Agent reads this regulation and signs a statement, a copy of which shall be kept on file in the office of the License Holder, that he or she has read this regulation.

K. No License or Permit issued pursuant to this regulation is transferable. A new owner of an RMD must apply for a new license. No new License or Permit will be issued unless and until all outstanding penalties incurred by the previous License holder have been satisfied in full.

L. No License or Permit issued pursuant to this regulation shall be renewed if the Permit Holder has failed to pay any outstanding fines or fees, failed to pay all applicable federal, state and Town taxes required under law, or failed to satisfy any other penalties or conditions lawfully imposed by the Town.

M. Acceptance of an RMD Permit constitutes an agreement by the Permit Holder that its RMD will adhere to the practices, policies, and procedures described or submitted with its application, as well as all relevant laws, state and local regulations, and any conditions imposed by this Board as part of the Permit process.

#### **ARTICLE V. INSPECTIONS AND COMPLIANCE**

A. Issuance and retention of a RMD Permit shall be conditioned on the RMD Permit Holder's ongoing consent to periodic, unannounced inspections of the RMD premises by the Board or its designated Agents acting in an official capacity,

including any law enforcement officer. Further, a Permit Holder consents to abide by all the provisions of 105 CMR 725.300 with respect to inspections and any related sections, including but not limited to, those that refer to "deficiency statements" and "plans of correction."

B. Any person may register a specific complaint with the Board under this regulation and request that the Board initiate an investigation and enforce compliance with this regulation.

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C. A designated Business Agent shall be on the RMD premises at all times that the RMD is open for business.

D. Dispensary Agents must present their MDPH Registration card upon request of any Agent of the Board acting in an official capacity.

E. The RMD shall provide the Board and the North Attleborough Police Department with an updated telephone list through which a Business Agent may be reached in person on a 24 hour basis.

F. Issuance and retention of an RMD Permit shall be conditioned on the RMD Permit Holder's ongoing consent to provide the Board with copies of MDPH Registration cards for all Dispensary Agents working at the RMD, the names of all Business Agents of the RMD, and the submission of any changes in staffing or registration information within five (5) business days of said changes. The notification of information about staffing and registration changes may be submitted to the Board in either paper copy via courier or certified mail or electronically in a verified/e-signed PDF format.

G. An RMD Permit Holder shall conduct both Criminal Offender Record Information (CORI) and Sex Offender Registry Information (SORI) checks on all Applicants for the positions of Dispensary Agent and Business Agent and shall report the results of each inquiry within 5 business days of its receipt to the North Attleborough Police Department. Such checks shall be conducted in all states in which each Applicant has worked or resided within the last ten (10) years.

H. Issuance and retention of a RMD Permit shall be conditioned upon the RMD Permit Holder's ongoing consent to provide the Board with updated copies of all RMD operational documents including, but not limited to, copies of staffing plans, training protocols, audit results, security assessments (subject to appropriate redaction), and any similar documents. Updated submissions shall be electronically sent to the Board monthly in a verified/e-signed PDF format.

I. No RMD Permit Holder shall allow any disorder, disturbance, or illegality of any kind to take place in, on, or around the licensed premises. The term "illegality" includes, but is not limited to, any violation of 105 CMR 725.000 and related directives, memoranda or notifications and, any violation of this regulation promulgated by the Board. The Permit Holder shall be responsible for any disorder, disturbance or illegality of any kind whether present or not.

J. Failure or refusal of an RMD or Home Permit Holder to cooperate with the Board or its Agents shall be considered a serious violation of this regulation subject to suspension or revocation of said Permit.

#### **ARTICLE VI. RMD RECORDS RETENTION**

A. An RMD Permit Holder shall notify the Board verbally and in writing within 24 hours of a visit to the premises, or of a request for information, by any representative of MDPH acting in an official capacity. The RMD Permit Holder shall provide the Board with any reports, correspondence, emails or other information from MDPH on demand or, in any case, within five (5) business days following receipt by the RMD.

B. Video surveillance shall conform to the requirements of 105 CMR 725.110(D) and any other related regulations, directives, memorandums or notifications from MDPH. In addition, as conditions of issuing or maintaining its RMD Permit, the Board may require an RMD to provide other reasonable safety, security and surveillance systems (e.g., an off-site backup system). Furthermore, the RMD must allow for immediate viewing of video surveillance records by the Board or its designated Agents upon request. A copy of a requested recording shall be provided as soon as practicable to these officials. All video records shall be retained for a minimum of 90 days. Furthermore, as soon as the RMD is aware of any video record that might relate to a criminal, civil or administrative investigation or legal proceeding of any kind, the RMD shall not alter or destroy that recording without the written permission of both the Director and the Chief of Police for the Town of North Attleborough. August 23, 2016 8

*RMD Records Retention - continued*

C. Issuance and retention of an RMD Permit shall be conditioned upon maintaining all records outlined in 105 CMR 725.105(I) and any other applicable MDPH regulations, directives, memorandum and notifications, along with any other documents reasonably required or requested by the Board in writing. Following closure of an RMD, all records must be kept for at least two (2) years at the expense of the RMD in a form and location acceptable to the Board. Moreover, as a condition of issuing and retaining an RMD Permit, the Board may reasonably require that a new owner of a RMD retain the records generated by the previous RMD at the same address and at the expense of the new RMD.

**ARTICLE VII. RMD RESTRICTIONS**

A. For RMDs that cultivate Marijuana, the cultivation and processing facility shall not adversely affect the health or safety of the nearby residents or businesses by creating dust, glare, heat, noise, nuisance odors, or noxious gases, materials, processes, products and wastes. Growing areas shall be within a self-contained, locked structure, with a 1-hour firewall assembly made of green board or other construction specifically approved by the Town's building inspector, well ventilated with odor control, and shall not create humidity or mold issues within the establishment.

B. No RMD shall be permitted to sell or distribute alcoholic beverages or tobacco products and may not hold either a tobacco sales permit or a liquor license.

C. No RMD shall be permitted to hold a Common Victualler license for on-premises food consumption.

D. No RMD shall be permitted to be a Massachusetts lottery dealer or to engage in any gaming activities.

**ARTICLE VIII. PLAN REVIEWS**

A. The issuance or renewal of an operating Permit may be conditioned upon the approval of any plan or compliance with this regulation or any guideline or requirement of the Board issued under the authority of this regulation.

**B. Plan Reviews for Off-Site Cultivation/MIP Preparation:**

1. An applicant who wishes to sell edible MIPs at an RMD must, prior to beginning operations, undergo a plan review of any MIP processing and preparation facilities, regardless of their location, for any MIP that will, at some point, be delivered, distributed, produced, sold, or stored within the Town. The Board and its designated Agents will conduct the plan review, which may include a facilities inspection at the expense of the applicant in order to ensure safe, clean and sanitary handling and processing conditions and appropriate operating practices.

**C. Plan Reviews for MIP Storage and Handling at RMD Retail Locations:**

1. An applicant who wishes to sell edible MIPs at a RMD must, prior to beginning operations, undergo a plan review of all MIP storage, handling, and sale locations within the RMD. The Board and its designated Agents will conduct the plan review, which may include a facilities inspection at the expense of the applicant in order to ensure safe, clean and sanitary handling and processing conditions and appropriate operating practices consistent with the requirements of 105 CMR 590.000, the State Sanitary Code Chapter X—Minimum Sanitation Standards for Food Establishments.

2. The requirements of 105 CMR 590.000 include specific actions to prevent the growth of bacteria. *Clostridium botulinum* is a bacterium whose spores are present on plant material and in soil. Spores are present in many plant material extractions and can survive cooking/pasteurization temperatures. These spores can spontaneously germinate (grow into bacteria) given the right conditions/substrate, and the bacteria produced can manufacture a powerful toxin which can cause severe illness or death.

3. Except during preparation, cooking, or cooling, an RMD selling MIP's shall maintain Time & Temperature Control for Safety (TCS) items at 5°C (41°F) or less to prevent the growth of bacteria. This shall apply, unless specifically permitted by the Board or its designated Agents, to all:

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*Plan Reviews – Continued*

- a. Marijuana extractions and concentrates intended for non-smoking oral consumption (i.e. eating and drinking);
- i. If a Marijuana extraction, concentrate, or infusion has been continuously refrigerated and is then added as an ingredient into baked goods that have a low water activity, such as most cookies and brownies, these baked products may be considered shelf-stable if explicitly reviewed and permitted by the Board or its designated Agents.
- ii. If an extracted Marijuana concentrate is immediately infused into a 190/200 proof alcohol with no additional ingredients (including flavorings or other additives) and the tincture is homogenous, then the growth of *C. botulinum* spores may have been prevented. Homogenous 190/200 proof alcohol tinctures may be safe to store outside of refrigerated temperatures if explicitly reviewed and permitted by the Board or its Agents.
- b. Infusions made from those extractions, such as infused oils, butters, honey, etc., and;
- c. Foods that have such infusions/extractions as an ingredient.
- d. Board approvals for any variance requested from the clean, safe and sanitary storage requirements outlined above will be based upon:
  - i. Review of an RMD's written policies and procedures that are followed to make the product(s);
  - ii. Use of control measures described above; and
  - iii. Any other scientific evidence submitted by the manufacturer from a certified laboratory or process authority that demonstrates the safety of the product in question. For example:
    - (a) pH and/or water activity testing conducted by an accredited laboratory;
    - (b) three samples from separate batches must be tested; and
    - (c) all samples must meet the criteria for a non-potentially hazardous food as described in the supplementary tables of the most current FDA Food Code.
- e. At any time, the Board or its Agents may require an RMD to submit a Hazard Analysis and Critical Control Points (HACCP) plan before approving the RMD's MIP distribution plan.
- f. Photos or images of food shall not be allowed on MIP product labels.
- g. All MIP's must be contained in an opaque package.
- h. If a MIP is identified on its label using a common food name (i.e. Brownie, Honey, Chocolate, Chocolate Chip Cookie, Green Tea, etc.), the phrase "MEDICAL MARIJUANA" must be written before the common food name. This phrase must be as easy to read as the common food name (i.e. same font size).
- i. Only generic food names may be used to describe MIP's (e.g. using "Snickerdoodle" to describe a Marijuana-infused cinnamon cookie shall be prohibited).
- j. All MIPs must be labeled with the following:
  - i. A batch number and sequential serial number, plus a bar code when used, identifying the batch associated with the product's manufacturing and processing;
  - ii. A statement that the product has been tested for contaminants, that there were no adverse findings, and the date of the product's testing in accordance with 105 CMR 725.105(C)(2);
  - iii. The date of product's manufacture date and a "Best by", "Use by", or expiration date;
  - iv. The net weight of Medical Marijuana and the THC level in the MIP, or the net weight of Medical Marijuana and the THC level contained per dose/serving if the MIP is not a single serving/dose);
  - v. A list of ingredients as well as the cannabinoid profile of the Marijuana contained within the MIP;
  - vi. A warning if nuts or other known allergens are contained in the product;
  - vii. Directions for use of the product, if relevant;
  - viii. The statement "For Medical Use Only"; and
  - ix. The statement, including capitalization: "This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Do not drive or operate machinery when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN.**"

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*Plan Reviews – Continued*

D. Plan Reviews for the Safe and Secure Disposal of Waste, Refuse, or Damaged Marijuana, MIP's or etc.:

An Applicant for a RMD Permit shall develop a plan for the safe and secure storage and disposal of any waste, refuse, or damaged Marijuana, MIPs, and related products. Such plan will be based upon the requirements outlined in 105 CMR 725.105(J) and will be subject to review and approval by the Board and its designated Agents prior to the RMD beginning operations.

E. Plan Reviews for Emergencies and Continuity of Operations:

In accordance with emergency planning requirements specified in 105 CMR 725.105(A)(9) and similar to the responsibilities outlined in the *Risk Management and Continuous Quality Improvement* section of the Guidelines for the Accreditation of Opioid Treatment Programs which are authorized in 42 CFR 8.12(c), an applicant for a RMD Permit shall develop an emergency management program to ensure the safety of its staff and customers and a mechanism by which to ensure the continuity of its operations in response to inclement weather, man-made emergencies and supply chain disruptions, or discipline (including permit suspension) which result in the RMD being unable to provide Medical Marijuana or MIP's to patients with a documented medical need. Such a program shall include:

1. A detailed emergency operations plan and a process by which the RMD staff will be trained on that plan, including the testing of their knowledge of it via drills and exercises. The emergency operations plan will:

a. Include a set of contact procedures for the RMD's staff, customers, and community partners in the event of an emergency;

b. Specify a process for contacting Dispensary Agents on a 24-hour, 7-day-a-week basis through a telephone answering service or a similar service provider; and

c. Include protocols for the maintenance of life safety equipment (fire extinguishers and AEDs, for example) and the training of staff on the proper use of the same;

2. A detailed continuity of operations plan for the emergency administration of marijuana and MIP's in response to inclement weather, man-made emergencies, supply chain disruptions, or discipline (including permit suspension under these regulations) which result in the RMD being unable to provide medical marijuana and MIPs to patients with a documented medical need. This continuity of operations plan shall:

a. Include provisions for the notification of patients in the event that inclement weather, man-made emergencies, supply chain disruptions, or discipline under these regulations might result in a temporary disruption to medication supply; and

b. Include formal contractual arrangements to fulfill patient orders for Medical Marijuana and MIP's in the face of service disruption; these plans will specify order fulfillment and delivery arrangements with at least two (2) RMDs that are not otherwise affiliated with the Applicant. Such a plan will be subject to review and approval by the Board or its designated Agents prior to the RMD beginning operations, and at least annually thereafter.

F. Plan reviews for Safety and Security:

1. In accordance with the criteria specified in 105 CMR 725.110, *Security Requirements for Medical Marijuana Treatment Centers*, an Applicant for a RMD Permit shall develop a comprehensive security plan. Such a plan shall be subject to review and approval by the Director, the North Attleborough Chief of Police, and the North Attleborough Fire Chief prior to beginning RMD operations, and at least semi-annually thereafter.

2. RMD's shall submit a security plan to the Board for review with each Permit application and renewal detailing all security measures taken to ensure individual and community safety and to eliminate unauthorized access to the RMD. The Board may issue guidelines for additional safety and security requirements from time to time to further enhance the public health and safety of the community. Unless specified by any other state or local requirements or agreement with respect to the hours of operation of an RMD, the Board, in consultation with the North Attleborough Police Department, neighborhood associations, community organizations and/or Town residents, may set individual limitations on the hours of operation of any RMD Licensed hereunder. August 23, 2016 11

*Plan Reviews – Continued*

G. Home Delivery Plan Reviews:

1. Each RMD licensed hereunder shall submit a home delivery plan for review with each Permit application and renewal. Home delivery plans shall offer secure Customers or personal caregivers a plan capable of providing home delivery services to every bona fide address within the Town, including those above or below street level, as well as to any Customer or personal caregiver residing within the Town who suffers a physical incapacity or lack of access to transportation as described by 105 CMR 725.035(A)(2).

a. Each RMD shall provide the Board with the make, model, registration number and ownership of each vehicle used in its Marijuana home delivery system.

H. Establishing “Reasonable Amounts” of Free or Reduced Cost Product:

1. In accordance with the criteria specified in 105 CMR 725.100(A)(6), an Applicant for an RMD Permit shall develop and submit a plan to establish a baseline “reasonable amount” of Marijuana to be provided annually at reduced cost or free to Qualifying Customers with documented verifiable financial hardship(s), including such data as the Board shall deem sufficient to support such a plan.

**ARTICLE IX: MARIJUANA SALES**

A. No person or organization shall sell Marijuana or MIP’s from any location in Town other than at an RMD that possesses a valid RMD Permit from the Board.

B. An RMD shall conspicuously post a sign on the exterior of its establishment and at each of its entrances, indicating that entry to persons who do not possess either a valid Registration card or a personal caregiver Registration card is prohibited. Such signs shall be made of durable material no less than 324 square inches in size, remain unobstructed, secured to the building at a height of no less than four (4) feet nor greater than seven (7) feet from the ground, and consistently maintained in good condition.

C. RMD Dispensary Agents shall verify the Registration card or personal caregiver Registration card of the each Qualifying Customer in accordance with the procedures outlined in 105 CMR 725.000 and any other directives, memorandums or notifications from MDPH. In addition, an RMD shall verify the Registration card for each and every Qualifying Customer or personal caregiver, on each and every occasion that the Customer or personal caregiver enters the RMD, without exception.

D. All retail sales of Marijuana and MIP’s must be face-to-face between the Dispensary Agent and the card holder or personal caregiver on the premises of the RMD, unless the card holder or personal caregiver is the proper recipient of home delivery in accordance with all applicable MDPH regulations.

E. No person shall:

1. Distribute, or cause to be distributed, any free samples of Marijuana or MIP’s; or
2. Accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem, or offer to accept or redeem, through any coupon or other method, any Marijuana or MIP’s for less than the listed or non-discounted price; or
3. Sell Marijuana or MIP’s through any discounts (e.g., "buy-two-get-one-free") or otherwise provide any Marijuana or MIP’s for less than the listed or non-discounted price in exchange for the purchase of any other product.

F. The provisions of Article IX E. shall not prohibit the dispensing of free or discounted Marijuana or MIP’s to card holders whose ability to pay for a product deemed medically necessary is limited by demonstrable financial hardship.

G. RMDs are prohibited from using Self-Service Displays, Vending Machines and Non-Residential Roll-Your Own machines. August 23, 2016 12

*Marijuana Sales – Continued*

H. An RMD and its Dispensary Agents are prohibited, in accordance with restrictions outlined in 105 CMR 725.105(K) and (L), from providing:

1. Any statement, design, representation, picture, or illustration that encourages or represents the use of Marijuana for any purpose other than to treat debilitating medical conditions or related symptoms;
2. Any statement, design, representation, picture, or illustration that encourages or represents the recreational use of Marijuana;
3. Any statement, design, representation, picture, or illustration related to the safety or efficacy of Marijuana unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor as determined exclusively by the Board or its designated Agents; or
4. Any statement, design, representation, picture, or illustration portraying anyone under 18 years of age.

I. An RMD, in accordance with restrictions outlined in 105 CMR 725.105(K) and (L) must adhere to the following marketing and advertising requirements:

1. An RMD may develop and use a logo for labeling, signage, and other materials, but that logo may not contain medical symbols, images of Marijuana and Marijuana-related paraphernalia, or colloquial references to cannabis and Marijuana. Likewise, a RMD may not offer for sale or as a promotional gift any items which contain symbols of, or references to, Marijuana or MIPs, including the logo of the RMD.
2. An RMD may only identify its building/RMD location by the RMD's registered name, and shall not display advertisements for Marijuana or any brand names, nor utilize graphics related to Marijuana or Marijuana-related paraphernalia on the building.
3. Beyond the signage and other advertising limitations set forth in 105 CMR 725.105(L), the Board may set further limitations upon an RMD's signage and other advertising materials including, but not limited to, restrictions on the use of images related to Marijuana and/or Marijuana paraphernalia, and the size and visibility of Marijuana displays from outside an RMD.
4. RMD external signage shall not be illuminated except for a period of 30 minutes before sundown until closing, and shall comply in all other respects with Sections VI. G & Q of the Town of North Attleborough Zoning By-Laws which regulate signage advertising. Neon signage is prohibited at all times.
5. No Marijuana, MIPs, Marijuana-related paraphernalia or other related products shall be visible or displayed in such a way as to be seen from the exterior of a RMD. Within the RMD, one sample of each Marijuana strain and each MIP may be displayed in a transparent and locked case.
6. Inside an RMD, all Marijuana which is not displayed in accordance with state and local restrictions (as outlined in 105 CMR 725.105(L)(10) and in Article IX H. above) shall be stored in a locked, access-controlled space in a limited access area during non-business hours. This access-controlled space shall be inaccessible to any persons other than Dispensary Agents, MDPH Agents, the Board and its designated Agents acting in an official capacity.
7. An RMD shall provide a catalogue and a printed list of the prices, strains and THC levels of Marijuana and MIP's available at the RMD to registered Qualifying Customers and personal caregivers upon request, but it cannot advertise its prices for Marijuana or MIP's. The RMD shall submit, and thereafter maintain, current copies of said catalogue and printed price list to/with the Board.

J. If, during the course of an inspection or compliance check at an RMD cultivation/production site, mold, infestation, or other disease(s) affecting the Marijuana plants is observed, then the Board or its designated Agents may order the segregation and/or destruction of all such plants (and such surrounding plants as the Board or its designated Agents may deem appropriate in their exclusive discretion) in order to prevent a threat to the public health.

**ARTICLE X: HOME CULTIVATION**

A. Marijuana cultivation or processing of any kind is prohibited within the Town without an RMD Permit or Home Permit issued by the Board.

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*Home Cultivation – continued*

B. Prior to any home cultivation taking place within the Town, even by a qualifying patient or caregiver under 105 CMR 725.000, the respective individual must obtain a Home Permit from the Board. Cultivation that takes place without an RMD or Home Permit is outside the coverage of the Act and is subject to prosecution as a crime under M.G.L. c.94C.

C. Upon application to the Board, a Home Permit shall be granted if:

1. The Board determines that the Applicant does not have access to an RMD by any of the following:

- a. public or private transportation, or;
- b. a caregiver with transportation, or
- c. the RMD's delivery service will not deliver to the Applicant or the Applicant's caregiver's primary address.

2. The Board determines that the Applicant has a verified financial hardship (defined in 105 CMR 725.004 as enrollment in either MassHealth or Supplemental Security Income) or that an individual's income does not exceed 300% of the federal poverty level (adjusted for family size) and does not have access to an RMD willing to provide the Applicant with Marijuana at no or an affordable cost.

D. Applicants who fail to meet the above described hardship standard will not receive a Home Permit and will be informed by the Board in writing that:

1. Marijuana cultivation is prohibited in Town without a RMD Permit or Home Permit;
2. Any such cultivation is outside the coverage of the Act, and;
3. Any such cultivation is subject to prosecution as a crime under M.G.L. c. 94C.

E. Subject to the provisions of Article X sections C and D, the Board may issue a Home Permit authorizing cultivation activities at a specified address within the Town, provided that the Applicant:

1. Submits to a pre-approval inspection by the Board or its designated Agents, which may include law enforcement officers, fire officials and/or building inspectors, to ensure that the location specified in the application meets all of the requirements of this regulation, and;
2. Meets all the requirements for home cultivation contained in 105 CMR 725.000 and any related directives, memorandums or notifications. These include, but are not limited to, an enclosed, locked space, not viewable from a public location, in which cultivation and storage takes place in accordance with public health and safety requirements as determined by the Board, and;
3. Meets all applicable local regulations within the Town including, but not limited to, fire, safety and building code provisions, and;
4. If not the property owner, the Applicant shall demonstrate that the public or private property owner of the specified address has been notified, and the Applicant has obtained from that owner consent to any alteration of the property's fixtures or structure, including agreement concerning any increased utility costs likely to result from cultivation activities; and
5. Grows only enough Marijuana to maintain a sixty (60) day supply, which MDPH has determined to be ten (10) ounces. The Board or its Director may specifically designate the number and type of plants that can be possessed at any time by the Applicant in order to meet this standard; and
6. Submits to reasonable inspections by the Board or its designated Agents, which may include law enforcement officers, fire officials and/or building inspectors to ensure compliance with all of the requirements in this regulation; and
7. Agrees that a Home Permit only allows for the cultivation and processing of Marijuana without the use of any fire, heat source, or gas, except for cooking on a conventional stove originally supplied with the dwelling; and
8. Agrees that a Home Permit does not allow any method for processing Marijuana that presents a risk of explosion or other property damage by any means.

F. All Home Permits expire on January 31st annually, regardless of the year or day and month on which there were issued.

G. If the Board determines that the conditions to achieve a hardship standard permitting a Home Permit for Marijuana cultivation no longer exist, the Board may, after notice and opportunity to be heard, revoke a Home Permit and disallow cultivation of Marijuana in the home setting of the affected person or persons. August 23, 2016

H. If, during the course of an inspection or compliance check at a Home Permit site, mold, infestation, or other diseases affecting the Marijuana plants is observed, the Board or its designated Agents may order the segregation and/or destruction of all such plants as well as such surrounding plants as the Board or its designated Agents deem appropriate in their exclusive discretion, in order to prevent a threat to the public health of the Town.

**ARTICLE XI. REQUIREMENTS AND PROHIBITIONS:**

A. The cultivation, processing, distribution, sale and use of Marijuana or MIP's for medical purposes shall be conducted in compliance with all state and local laws, ordinances, regulations and policies including, but not limited to, this regulation and such other regulations as the Board may from time to time enact.

B. In no instance shall a Permit be issued to any RMD that is within a radius of five hundred feet of a school, daycare center, house of worship or any similar facility in which children commonly congregate.

- C. The cultivation, processing, distribution, or sale of Marijuana for medical purposes shall not exempt any Person or entity from complying with all state and local laws, ordinances, regulations or policies. Violation of any other such law shall constitute a violation of this regulation and be subject to the fines and penalties described herein.
- D. The Board's issuance of an operating Permit under this regulation shall be conditioned upon Registration approval by the Department as required by state law and regulation. Any revocation of an RMD's MDPH Registration thereafter shall result in an automatic and simultaneous revocation of the RMD's operating Permit issued by the Board.
- E. Each RMD Licensed hereunder shall hold an annual community meeting to provide RMD abutters and Town residents with an opportunity to comment on the RMD's operating practices, policies, and plans.
- F. The Board may require RMD's to distribute various educational materials including, but not limited to, a "Patient's Bill of Rights", information on addiction, and lists of treatment resources.
- G. An RMD may not sell any products other than Marijuana, which for purposes of this subsection shall include MIP's, Marijuana seeds and other products that facilitate the use of Marijuana for medical purposes, such as vaporizers.
- H. Issuance and maintaining of a Dispensary Agent License shall be conditioned on an applicant's on-going compliance with current Commonwealth of Massachusetts requirements and policies regarding Marijuana sales.
- I. A Dispensary Agent's License will not be renewed if the Permit Holder has failed to comply with a corrective action plan of the Board or of any federal or state agency with regulatory authority over the Agent's RMD.
- J. No Dispensary Agent convicted of a felony or drug-related misdemeanor offense shall be Licensed by the Board.
- K. Dispensary Agents must present their state registration card and Dispensary Agent License to any law enforcement official or municipal agent who questions the Agent concerning their Marijuana-related activities.
- L. Inhaling, exhaling, burning or carrying any lighted or vaporized substance in any manner or form, including Marijuana used for medical or any other purpose in any workplace, including an RMD, shall constitute a violation of this regulation subject to the fines and penalties herein.

**ARTICLE XII. VIOLATIONS AND PENALTIES:**

- A. It shall be the responsibility of the Permit Holder, or his/her operator or Business Agent, to ensure compliance with this regulation pertaining to the sale, distribution, delivery and/or sampling of Marijuana and MIP's.  
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- B. Without regard to the suspension, revocation and penalty provisions of the Permit Policy of the Board effective July 1, 2008 and Article XXI, Section 3 of the Town Bylaws, Permit Holders who violate this regulation shall incur a fine of **\$300.00** and **REVOCAION** of his/her Permit(s) to operate an RMD or similar operation where Marijuana or MIP's have been found to be given away, offered for sale, displayed for sale, delivered or otherwise distributed. Said revocation shall be for a minimum period of twelve (12) months from the date of the Board's finding, without exception.
- C. In addition to the penalties set forth above, any Permit Holder whom the Board determines has engaged in the sale or distribution of Marijuana or MIP's at a second RMD or operation licensed by the Board while his/her Permit is revoked in another RMD or operation shall be subject to revocation of ALL of his/her Permits within the Town for twelve (12) months from the date of the second violation, without exception.
- D. Each calendar day on which a violation occurs shall be considered a separate offense.

**ARTICLE XIII. GROUNDS FOR REVOCATION OR REFUSAL TO RENEW A PERMIT:**

- A. Certain grounds by themselves, shall constitute full and adequate grounds for revocation or refusal to renew a License of Permit issued by the Board, including, but not limited to:
1. Any actions sufficiently serious to indicate that, in the sole discretion of the Board, an imminent health hazard exists or the health or safety of the public is at risk;
  2. Failure to comply with this regulation;
  3. Failure to allow agents of the Board to conduct inspections;
  4. Attempts to obstruct, evade or impede the work of duly authorized agents of the Board;
  5. Continuing to conduct RMD operations when the Permit to do so has been revoked, and;
  6. Such other just and sufficient cause(s) as the Board may determine would render the Permit Holder unfit to continue providing RMD services in the Town.

**ARTICLE XIV. REVOCATION OF A PERMIT:**

- A. If the Board determines that an RMD has given away, offered to sell, displayed for sale, delivered or otherwise distributed Marijuana or MIP's, it shall provide the Permit Holder with notice of intent to revoke its Permit(s) consistent with this regulation and the Permit Policy of the Board, effective July 1, 2008.
- B. A Permit Holder so notified of the Board's intention to revoke or refuse to renew a License or Permit shall have seven (7) business days after receipt of such written notice in which to request a hearing.
- C. If the Board, after a hearing and in its sole discretion, shall determine that a License or Permit shall be revoked or not renewed consistent with this regulation and the Permit Policy of the Board, effective July 1, 2008, the Board shall issue a written decision within twenty (20) business days which contains a summary of the testimony and evidence considered and the reasons for the decision.

D. If a Permit Holder fails to request a hearing in writing within the ten (10) business days following receipt of the Board's notice of intent to revoke its License(s) or Permit(s), the Board may impose its revocation order immediately thereafter.

**ARTICLE XV. RELIEF:**

Except as in Article XIV. D above, any Permit Holder aggrieved by the final decision of the Board to revoke one or more Licenses or Permits consistent with this regulation and the Permit Policy of the Board, effective July 1, 2008, may seek relief in a court of competent jurisdiction in the Commonwealth within twenty (20) business days of the receipt of August 23, 2016 said final decision.

**ARTICLE XVI. ENFORCEMENT:**

The provisions of this regulation shall be enforced by the Board and its employees, assigns and Agents, including any law enforcement officer acting in an official capacity.

**ARTICLE XVII. EXEMPTIONS & EXCEPTIONS:**

There shall be zero tolerance for violations of this regulation. As there are no exemptions to this regulation that will not result in undue hazard to the public health and safety of the community, there shall be no exceptions to the penalties proscribed for violation(s) of this regulation.

**ARTICLE XVIII. SEVERABILITY:**

If any provision contained in this regulation is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

**ARTICLE XIX. EFFECTIVE DATE:**

This regulation was adopted by the Board at a legally posted and regularly scheduled meeting held on August 23, 2016 to become effective September 1, 2016, following publication of a summary in a newspaper of general circulation in the Town.

**By the North Attleborough Board of Health**