

Municipal Client Advisory
May 2015

THE MUNICIPAL VOICE MUST BE HEARD:
DEPARTMENT OF PUBLIC HEALTH CHANGES REQUIREMENTS TO
REGISTERED MARIJUANA DISPENSARY REGISTRATION PROCESS

“An Act for the Humanitarian Medical Use of Marijuana” (“Medical Marijuana Act”), approved by voters at the November 2012 election, contemplates the establishment of medical marijuana treatment centers (also known as registered marijuana dispensaries, or “RMDs”) in the Commonwealth of Massachusetts. Through its regulations, the Massachusetts Department of Public Health has established an application and registration process for RMDs.

The Massachusetts Department of Public Health has recently revised its application process for RMDs, with a new round of applications to be received starting June 29, 2015. Under the revised application process, the Massachusetts Department of Public Health will be requiring applicants to submit a letter of support or non-opposition from the host municipality where the RMD will be located. As a result of this revised application process, municipalities will be directly involved in the potential siting of an RMD within their borders.

Neither the Medical Marijuana Act nor its enabling regulations prohibit municipalities from executing a host community agreement with a potential RMD. A host community agreement may anticipate, mitigate and address potential adverse consequences of an RMD. With the revised application process, a municipality may consider including the letter of support or non-opposition as part of the host community agreement process. A host community agreement is in addition to any local requirements applicable to an RMD, such as public safety, public health and zoning regulations.

An RMD is broadly defined as a non-profit entity that “acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.” See Act § 1(H). The Act initially authorized a maximum of thirty-five RMDs across the Commonwealth, with a minimum of one RMD and a maximum of five RMDs per county. To date, the registration of RMDs in the Commonwealth has proceeded at a slow pace, and it is anticipated that the revised application process may increase the number of RMDs seeking registration.



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For questions about regulating the medical use of marijuana, please contact Attorney Brandon H. Moss at (617) 479-5000, or the attorney assigned to your account. This Client Advisory was written by Attorney Moss, who has advised municipalities about regulating RMDs and other activities under the Medical Marijuana Act. Murphy, Hesse, Toomey & Lehane, LLP maintains a full service municipal and public sector legal practice, with offices in Quincy, Boston, and Springfield, Massachusetts.

For a discussion of these and other issues, please visit the update on our website at www.mhtl.com. To receive legal updates via email, contact information@mhtl.com.

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