April 3, 2017

Chairwoman Patricia D. Jehlen and Chairman Mark J. Cusack
Members
Joint Committee on Marijuana Policy
State House
Boston, MA 02133

RE: MAHB’s testimony in support of strengthening local control over recreational marijuana businesses

Dear Chairpersons Jehlen and Cusak and Committee Members:

The Massachusetts Association of Health Boards (MAHB) is a nonprofit membership association that provides technical assistance and legal education to the 351 local boards of health in Massachusetts. The responsibility for enforcing the recreational marijuana industry will fall largely on local cities and towns, specifically boards of health, law enforcement and planning and zoning boards. For example, health departments will have to enforce the food code relative to edible recreational marijuana products, much as they do with other local establishments that carry food products. Since recreational marijuana is an age-restricted product, either boards of health or law enforcement will need to confirm that sales are not made to anyone under the minimum legal sales age of 21.

The bill, as currently written does not protect the local control afforded to cities and towns pursuant to the Home Rule Amendment of our Constitution and Chapter 111, Section 31. HB 3176 and SB 1065 strengthen local control by striking out section 3 and inserting a much more comprehensive description of what local control should look like. If enforcement falls to local cities and towns, as it almost always does, municipalities should be able to reasonably regulate the manner of operation of these establishments, including the ability to permit the establishment and charge a local fee to cover the costs imposed upon a municipality relative to the operation of a recreational marijuana establishment.

MAHB also respectfully submits that since a permit is not a right, but a privilege, the authority to suspend this permit, for continuous and serious violations of local regulations should be incorporated in HB 3176 and SB 1065 and that SB 1065 be amended to include the term “regulation” in Section 3 (b).

Respectfully submitted,

Cheryl Sbarra