



# Franklin Regional Council of Governments

April 10, 2017

Senator Patricia Jehlen, Co-Chair, Joint Committee on Marijuana Policy  
State House  
24 Beacon St.  
Room 424  
Boston, MA 02133

Representative Mark Cusack, Co-Chair, Joint Committee on Marijuana Policy  
State House  
24 Beacon St.  
Room 544  
Boston, MA 02133

Subject: Implementation of recreational Marijuana Legislation: Questions, comments and Impacts on Municipalities

Dear Senator Jehlen and Representative Cusack,

The Franklin Regional Council of Governments was formed in 1997 to serve and represent the 26 towns of Franklin County. We provide our towns with regional and public health planning, professional municipal services, advocacy, and capacity building.

Much of the responsibility for implementing the new marijuana law will fall to the Commonwealth's municipalities, and, as a result, local officials have many questions. After consulting with our member communities, we submit the following comments to the Committee. We recognize that some of our comments are enormously difficult to implement. We offer all in hopes of providing helpful ideas to your Committee.

## **Municipal Responsibilities**

- There are concerns about the increased demand on emergency responders, including police and EMS. We request that the Committee require that the state institute processes to track any increase in demand and identify if the taxes gathered cover the increase in costs.
- As you are well aware, local law enforcement officers need a test similar to alcohol Breathalyzers to use to establish DUI.
- We request that the Committee amend the legislation to restore local control and allow towns to prohibit the retail sale of marijuana and marijuana cafes through local zoning amendments in accordance with M.G.L. Chapter 40A. In addition, please consider removing the requirement that towns may not prohibit the sale of recreational marijuana at locations that sell medical marijuana.
- Local licensing for commercial sales is important for towns, and seems like the best way to mirror the alcohol licensing system in Massachusetts.

- Language is needed to require the Board of Health in each town to ensure and permit the sanitary conditions in any facility making or selling edibles or infused products. Please note that exempting any food product that contains marijuana from inspection could open up a loophole to food that includes only a tiny amount as a spice or additive.
- Municipal Assessors have requested guidance on how they will calculate the value of a marijuana business.

### **Environmental Protection**

- We ask that the Committee consider what steps the Legislature could take to address the huge amounts of energy and water used in production of cannabis such as renewable energy offset requirements at production facilities. This new sector has the potential to seriously impact our Clean Energy goals as a Commonwealth.

### **Protecting Our Youth**

- We ask that the Legislature add minimum pricing language to ensure that “loosies” that contain THC/marijuana are priced too high to be attractive to children. (This is a current loophole for cigars in the tobacco laws and is leading to high rates of cigar smoking among youth.)
- We ask that the Legislature require the following restrictions on edible marijuana product packaging:
  - Require graphic warning labels and monochrome packaging and advertising
  - Ban packaging that mimics candy bars or has cartoon characters or other images targeted at children. This has been shown to reduce youth use.
  - Prevent poisoning through requirements for clarity on what constitutes a serving and requiring only single-serving packaging (no full bottles of liquid products, for example).
- We request that the Legislature significantly limit advertising to protect young people. Can “reasonable limits” be more clearly defined by the Committee?
- We request that the Committee add a maximum THC concentration for recreational products sold in MA, to protect the public health.

### **Agriculture**

- Local farmers request that the Committee amend the language to ensure the legalization of hemp growing (it is in the law as a “may” section). This is a potentially lucrative crop for the Massachusetts agricultural sector.
- We ask that the Committee consider making marijuana growing ineligible for the local tax benefit of MGL Chapter 61A, even if it is allowed to be grown outside at some point.

## State Oversight

- Municipal seats are requested on the Cannabis Advisory Board (CAB) – one small town, one large.
- Additional public health seats, including public health professionals who focus on prevention, are requested on the CAB.

## Taxation

- We request that the Committee increase the percentage of tax that can be assessed to provide adequate funding for the State and municipalities. According to the Massachusetts Municipal Association the rates proposed are the lowest in the Nation. The Massachusetts rates in Question 4 are 3.75% for the State and 2% local, which are much lower than in Colorado (State 25% - Local up to 8%) and in Washington (State 37% - Local up to 3.4%) .
- In Franklin County the evidence-based substance abuse prevention curriculum LifeSkills is being implemented in all middle schools. We believe such curriculum would be valuable in all middle schools and recommend that some of the tax revenue generated from the sale of marijuana specifically support prevention programming in schools.

Thank you for the opportunity to present this testimony. We would welcome any follow-up conversations at [lindad@frcog.org](mailto:lindad@frcog.org) or 413-774-3167.

Sincerely,



Linda Dunlavy, Executive Director

cc: Franklin County Legislative Delegation