
Note: Text revisions included (in underline on following page) in response to Council Orders #13 and #14 of March 18, 2013.

Proposed Zoning Amendment

Create the following new section in Article 11.000 – Special Regulations:

11.700 INTERIM REGULATIONS FOR MEDICAL MARIJUANA USES

11.701 Purpose. This section is intended to provide restrictions that will allow the City adequate time to consider whether to allow facilities associated with the medical use of marijuana, to the extent that such facilities are permitted under state laws and regulations, and, if so, where and under what conditions. Given that a law permitting the medical use of marijuana in the Commonwealth of Massachusetts shall be in effect beginning January 1, 2013, and that the Massachusetts Department of Public Health has yet to promulgate the regulations by which facilities that produce or dispense medical marijuana shall be registered and administered, a restriction on the establishment of such facilities in Cambridge shall provide the opportunity to study their potential impacts on adjacent uses and on general public health, safety and welfare, and to develop zoning and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures.

11.702 Definition. A Medical Marijuana Treatment Center shall mean any medical marijuana treatment center, as defined under state law as a Massachusetts not-for-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, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.

11.703 Exclusion of Other Marijuana Uses. Any establishment 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 shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Medical Marijuana Treatment Center.

11.704 Exclusion of Accessory Uses. In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any use.

11.705 *Interim Restriction.* Medical Marijuana Treatment Centers shall not be permitted in any zoning district in the City of Cambridge so long as this Section 11.700 is effective, as set forth in Section 11.706 below. Use variances shall be strictly prohibited.

11.706 *Expiration.* The provisions of this Section 11.700, in their entirety, shall no longer apply after one hundred eighty (180) days have elapsed since May 1, 2013. However, if the Massachusetts Department of Public Health has failed to promulgate regulations with regard to the certification and administration of Medical Marijuana Treatment Centers by May 1, 2013, the provisions of this Section 11.700 shall continue to apply until one hundred eighty (180) days have elapsed since the date on which such regulations will have been promulgated, or until June 30, 2014, whichever date is earlier.

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