

**MEMORANDUM****TO:** Chief Carmichael**FROM:** Matt Allen**SUBJECT:** State and local regs related to dispensary operation and law enforcement**DATE:** 10.31.17

John,

Here is some information I collected about state and local regulations for the medical marijuana program that include roles for local law enforcement.

**STATE REGULATIONS**

The state has issued [Guidance for Municipalities Regarding the Medical Use of Marijuana](#).

The Regulations require RMDs to coordinate with local enforcement regarding panic alarms, providing hours of operation, after-hours contact information and access to RMD surveillance operations; as well as requiring dispensary agents to produce their Program ID Card to law enforcement upon request.

Certain issues must be reported to local law enforcement, often within 24 hours: diversion of marijuana; unusual discrepancies identified during inventory, theft, loss and any criminal action; unusual discrepancy in weight or inventory during transportation; any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport; any suspicious act involving the sale, cultivation, distribution, processing, or production of marijuana by any person; unauthorized destruction of marijuana; any loss or unauthorized alteration of records related to marijuana, registered qualifying patients, personal caregivers, or dispensary agents; an alarm activation or other event that requires response by public safety personnel; failure of any security alarm system due to a loss of electrical power or mechanical malfunction that is expected to last longer than eight hours; and any other breach of security.

**BOSTON**

Local [regulations](#) promulgated by the Boston Public Health Commission.

RMDs shall submit a security plan for review to the Boston Public Health Commission detailing all security measures taken to ensure patient and community safety and eliminate unauthorized access to the premises. The Boston Public Health Commission may issue guidelines or other procedure setting forth specific security requirements. Unless specified by any other state or local requirement or agreement as to the hours of operation of a RMD, the Executive Director, in consultation with Boston Police Department, City of Boston Inspectional Services Department, neighborhood associations, community organizations and residents, may set limitations on the hours of operation of any RMD.

Each RMD must hold an annual community meeting to provide abutters and community residents with an opportunity to comment on the RMD's operating practices, policies and plans.

Authority to inspect RMDs for compliance and to enforce this regulation shall be held by the Boston Public Health Commission, its subsidiary programs or designees, the City of Boston Inspectional Services Department, and the Boston Police Department.

## **NEWTON**

Local [regulations](#) promulgated by the Newton Board of Alderman.

An RMD shall be properly registered with the Massachusetts Department of Public Health pursuant to 105 CMR 72S.1 00 and shall comply with all applicable state and local public health regulations, public safety code regulations and all other applicable state and local laws, ordinances, rules and regulations. No building permit or certificate of occupancy shall be issued for an RMD that is not properly registered with the Massachusetts Department of Public Health.

The RMD shall file copies of its initial certificate of registration and each annual renewal certificate with the clerk of the board of aldermen within one week of issuance, and shall immediately notify said clerk if its registration is not renewed or is revoked.

The RMD shall provide the Newton police department with the names and contact information for all management staff and shall immediately notify the police department of any changes.

*Special Permit Criteria.* In granting a special permit for a Registered Marijuana Dispensary, in addition to finding that the general criteria for issuance of a special permit as set forth in section 30-24(d) of this ordinance are met, the board of aldermen shall find that the following criteria are met:

(9) The site is located where it may be readily monitored by law enforcement and other code enforcement personnel.

## **BROOKLINE**

Local [regulations](#) promulgated by selectmen in Brookline.

*Submittal Requirements prior to issuance of a Certificate of Occupancy for an RMD*

The following information shall be provided to the Building Department:

- a. Proof that the Brookline Police Department has been provided with the name, phone numbers and email addresses of all management staff, and persons with access to the facility when it is closed, to enable contact if operating problems should arise.
- b. Proof that the Brookline Police Department has approved the proposed security measures and that all security measures have been installed or implemented.