



Office of
Representative Hannah E. Kane
Commonwealth of Massachusetts

For Immediate Release

Contact: Anna Darrow, 617-722-2810, Anna.Darrow@mahouse.gov

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Representative Kane rejects effort to diminish local control over marijuana host community agreements

BOSTON – State Representative Hannah Kane, R-Shrewsbury, is opposing legislation that would force cities and towns to concede their ability to independently negotiate host community agreements with local recreational marijuana establishments and medical marijuana treatment centers.

House Bill 4367 would empower the state’s Cannabis Control Commission (CCC) to “review, regulate and enforce” all host community agreements, and to reject certain provisions in these agreements by deeming them unenforceable. Representative Kane voted against the bill, which passed in the House on a vote of 121-33 on February 5.

“The legislation broadened the CCC’s power to effectively intervene in a host agreement negotiated and signed by a municipality and a marijuana establishment or medical marijuana treatment center that goes beyond simply ensuring the agreement abides by the 3% of gross sales or less and the 5- year term. I believed it was critical to clarify that the CCC’s authority was limited to ensuring a host agreement complied with those two existing criteria in law. In addition, unlike the host agreement term of 5 years, the new waiver process as outlined in the legislation had no term period. This means that once signed the waiver would be in effect in perpetuity, negating the ability of future local officials to revisit the need for a host agreement unless a marijuana establishment or medical treatment center agreed to ‘waive the waiver’ – which would be highly unlikely,” remarked Representative Kane.

While Representative Kane rejected the bill, her proposed Amendment #8 was adopted into the legislation. Amendment #8 stipulates that a marijuana establishment or medical treatment center cannot be precluded from, or required to, voluntarily provide organizations with in-kind contributions and charitable donations after the execution of the host agreement.

Under the state’s marijuana law, which was approved by voters in 2016 and modified by the Legislature in 2017, cities and towns can negotiate host community agreements with local marijuana businesses, which are only effective for 5 years but can be renewed. The law allows municipalities to require payment of a community impact fee as part of these agreements, but the fee cannot exceed 3% of the business’ gross sales.

House Bill 4367 amends the existing law by stipulating that the 5-year timeframe does not begin until the marijuana establishment or treatment center actually commences operation. It also allows host communities to waive agreements, in writing, with the Commission’s approval.

House Bill 4367 now heads to the Senate for further action.

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