

Be it hereby ordained by the Malden City Council that Chapter 12 of the R.O. of 1991 be amended relative to Adult Specialty Retail Sales for tobacco, alcohol, and marijuana.

SUMMARY OF PROPOSED AMENDMENT: To establish use regulations, dimensional controls, and parking requirements.

To amend §§ 300, 400, 700 & 800, of Chapter 12 of Revised Ordinances 1991 as Amended as follows:

SECTION 300.3: Table of Use Regulations, amend to add the following:

Section Number	Use	TABLE OF USE REGULATIONS								
		A	B	C	RO	BN	BC	BH	I1	I2
300.3.4.29	MARIJUANA RETAILER									
300.3.4.29.1	Less than 5,000sq. feet gross floor area	NO	NO	NO	NO	NO	NO	YES**	YES**	YES**
300.3.4.29.2	5000 sq. feet or more gross floor area	NO	NO	NO	NO	NO	NO	YES**	YES**	YES**
300.3.5.12	INDEPENDENT TESTING LABORATORY	NO	NO	NO	NO	NO	NO	YES**	YES**	YES**
300.3.5.13	MARIJUANA CULTIVATOR	NO	NO	NO	NO	NO	NO	YES**	YES**	YES**
300.3.5.14	MARIJUANA PRODUCT MANUFACTURER	NO	NO	NO	NO	NO	NO	YES**	YES**	YES**
**SUBJECT TO HOST COMMUNITY AGREEMENT										

Strike SECTION 300.1.3. 2 & 3 of the City of Malden Ordinances.

SECTION 700.3.3 Amend by adding the following:

Prohibited Occupations However, occupations which shall be specifically prohibited include the following and similar uses: Repair and painting of automobiles, trailers, boats, or other vehicles.

- Barber shop or beauty parlor.
- Funeral home.
- Restaurant.
- Stable or kennel.
- Letting of rooms or lodging.
- Towing Service.
- Trucking.
- Building Construction and Contracting Offices.
- Real Estate Offices.
- Substance Abuse Treatment Centers.

Marijuana Retailer.
Marijuana Cultivator.
Marijuana Product Manufacturing.
Independent Marijuana Testing Laboratory.

SECTION 700.14

No Marijuana Establishment shall be located within:

75 feet of pre-existing substance abuse centers as of the date of the granting of occupancy, as measured property line to property line, as defined by and operated by City of Malden Ordinance 800.6.2.72.

500 feet of pre-existing public or private school providing education in kindergarten, or Grades 1-12, as measured property line to property line.

50 feet of any residence, as measured property line to property line.

75 feet of any park or playground, as measured property line to property line.

75 feet from religious facilities, as measured property line to property line.

No Marijuana Establishment shall abut a daycare.

SECTION 800.6 Definitions, amend to add the following:

Marijuana: means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided that "Marijuana" shall not include: (1) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) hemp; or (3) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products. Marijuana also includes Marijuana Products except where the context clearly indicates otherwise.

Commission: the Massachusetts Cannabis Control Commission, and any successor or other licensing entity or agency with jurisdiction over marijuana licensing in the Commonwealth of Massachusetts.

Independent Marijuana Testing Laboratory: a laboratory that is licensed by the Commission and is (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or Marijuana Establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the Commission.

Marijuana Cultivator: an entity licensed by the Commission to cultivate, process, and package marijuana, to deliver marijuana to Marijuana Establishments, and to transfer marijuana to other Marijuana Establishments, but not to consumers.

Marijuana Establishment: a Marijuana Cultivator, Independent Testing Laboratory, Marijuana Product Manufacturer, Marijuana Retailer, Social Consumption Establishment, or any other type of licensed marijuana-related businesses.

Marijuana Product Manufacturer: an entity licensed by the Commission to obtain, manufacture, process, and package marijuana, or Marijuana Products, to deliver marijuana and Marijuana Products to Marijuana Establishments, and to transfer marijuana and Marijuana Products to other Marijuana Establishments, but not to consumers.

Marijuana Products: products that have been manufactured and contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.

Marijuana Retailer: an entity licensed by the Commission to purchase and deliver marijuana and Marijuana Products from Marijuana Establishments and to deliver, sell, or otherwise transfer marijuana and Marijuana Products to Marijuana Establishments and/or to consumers.

Social Consumption: the sale of marijuana or Marijuana Products for consumption or use on the premises where sold.

Craft Marijuana Cultivator Cooperative: a Marijuana Cultivator that either (i) consists of at least 75% of Massachusetts residents or (ii) 51% of Malden residents, in each case, who have formed a limited liability company, limited liability partnership, or another business structure approved by the Commission to cultivate, obtain, manufacture, process, package and brand marijuana and Marijuana Products to deliver marijuana to Marijuana Establishments, but not to consumers. A business may only have one Craft Marijuana Cultivator Cooperative license.