

# Cannabis in Brookline

Diversifying Retail Cannabis: Framework & Considerations

# Diversifying Cannabis Retailers in Brookline

- 1) Raise the cap for marijuana retailers and implement a policy that provides an exclusive period for priority applicants.
- 2) Have a policy in place for priority applicants in the event that a marijuana retailer ceases operations.

Regarding either option: Identify and reduce barriers to entry regarding local process (HCA, Zoning, and Licensing)

# Brookline Cannabis Licenses

Marijuana License Type		Brookline Cap	Permitted Districts				Exclusivity
1	Medical Marijuana Treatment Center	Unlimited	L	<b>G</b>	<b>O</b>	I	No
2	Marijuana Independent Testing Laboratory	Unlimited	L	<b>G</b>	<b>O</b>	I	No
3	Marijuana Standards Laboratories	Unlimited	L	<b>G</b>	<b>O</b>	I	No
4	Marijuana Research Facilities	Unlimited	L	<b>G</b>	<b>O</b>	I	No
5	Marijuana Cultivator	Unlimited	<b>L</b>	<b>G</b>	<b>O</b>	I	No
6	Marijuana Transporter	Unlimited	<b>L</b>	<b>G</b>	<b>O</b>	I	No
7	Marijuana Product Manufacturer	Unlimited	L	<b>G</b>	<b>O</b>	I	No
8	Marijuana Cultivator Cooperative	Unlimited	<b>L</b>	<b>G</b>	<b>O</b>	I	No (but expedited)
9	Marijuana Micro-business (Under 5,000 sf)	Unlimited	<b>L</b>	<b>G</b>	<b>O</b>	I	YES**
10	Delivery Operator*	4	L	<b>G</b>	<b>O</b>	I	YES
11	Courier Delivery*	4	L	<b>G</b>	<b>O</b>	I	YES
12	Marijuana Retail (Storefront)	4	<b>L</b>	<b>G</b>	<b>O</b>	I	No
13	Social Consumption License***	4	L	<b>G</b>	<b>O</b>	I	YES

# Cannabis Control Commission Data

(April 16, 2021)

Out of 794 Approved Licenses:

1st - Marijuana Retailers: 323 licenses

2nd - Marijuana Cultivators: 242 licenses

3rd - Marijuana Product Manufacturers: 184 licenses

Which Applicants Are The CCC Giving Preference To?

# Economic Empowerment Applicants (EEAs) & Social Equity Participants (SEPs)

# Economic Empowerment Priority Applicants (EEAs)

To be eligible you must demonstrate three out of six criteria:

- 66% of criteria relates to ownership either residing in areas of disproportionate impact for a period of time, having provided empowerment to areas of disproportionate impact (economic or otherwise), or employing individuals that reside in areas of disproportionate impact (more than 51%).
- Remaining criteria relates to majority ownership being African American, Hispanic or Latino descent, or the majority of employees having a drug-related CORI but are otherwise employable.

EEAs are FINITE



# Social Equity Participants (SEPs)

To be eligible you must demonstrate one of four criteria:

- 50% of criteria relates to residing in an area of disproportionate impact for a period of time or having income that does not exceed 400% Area Median Income for a period of time.
- 50% of criteria relates to residing in MA for the preceding 12 months and having a past drug conviction or being married to or the child of someone who has had a past drug conviction or income.

# Social Equity Program

Provides training, technical assistance, and mentoring, to individuals or businesses to reduce barriers and to promote socially and economically reparative practices in the cannabis industry.

- Accounting and Sales Forecasting
- Business Plan Creation and Operational Development
- Marijuana Industry Best Practices
- Tax Preparation and Legal Compliance

SEPs are Infinite\*

\*kind of

Proposed Framework:

## DRAFT 5/6/2021

### Select Board Marijuana Retailer Host Community Agreement Prioritization Policy

**Priority Applicant.** A person, corporation, or other legal entity applying for a Host Community Agreement (“HCA”) with the Town of Brookline with the intention of applying for Town of Brookline Site Plan Review, a Zoning Board of Appeals Special Permit, and a Select Board Marijuana Retailer License pursuant to the Town’s Zoning and General By-Laws, and who:

- (i) has received Economic Empowerment status from the Massachusetts Cannabis Control Commission; or
- (ii) has received Social Equity status from the Massachusetts Cannabis Control Commission and is a resident of Brookline; or
- (iii) has received Minority Business Enterprise (“MBE”), Woman Business Enterprise (“WBE”), or Veteran Business Enterprise (“VBE”) status from the Commonwealth of Massachusetts.

Alignment with State and Local Values are  
Essential

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Feedback from other municipalities: wished they were **more inclusive** than just an exclusive period solely for EEAs.



Local Public Opinion: Preference for Retailers  
That Are “Local” and Have Community Ties.

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The CCC Also Provides Priority Status to  
Disadvantaged Business Enterprises

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# Municipal Challenges in the Cannabis Industry

- 1) Completely New Industry
- 2) Municipal Process Varies
- 3) Alignment of Values Between State and Local Municipalities
- 4) Dedicated Cannabis Staff Person

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# Considerations for the Select Board

- 1) For Social Equity Participants that are Brookline residences, should a residency length be required?
- 2) How long should the exclusive period last?
- 3) Should the cap be raised to 20% + 1, or should it be another number?
- 4) Should the exclusive policy address social consumption?

# Majority of Social Equity Criteria Relates to MA Residency

50% of criteria relates to residing in MA for the preceding 12 months and having a past drug conviction or being married to or the child of someone who has had a past drug conviction.

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# Proposed (Draft) Framework:

## **HCA Application Exclusivity Period for Priority Applicants**

For a period of 1 year after the availability of a Select Board Marijuana Retailer License is posted on the Town's website (the "Priority Applicant Exclusivity Period"), the Town will consider applications for an HCA from Priority Applicants only. The Town will respond to HCA applications from Priority Applicants in the order in which they are received.

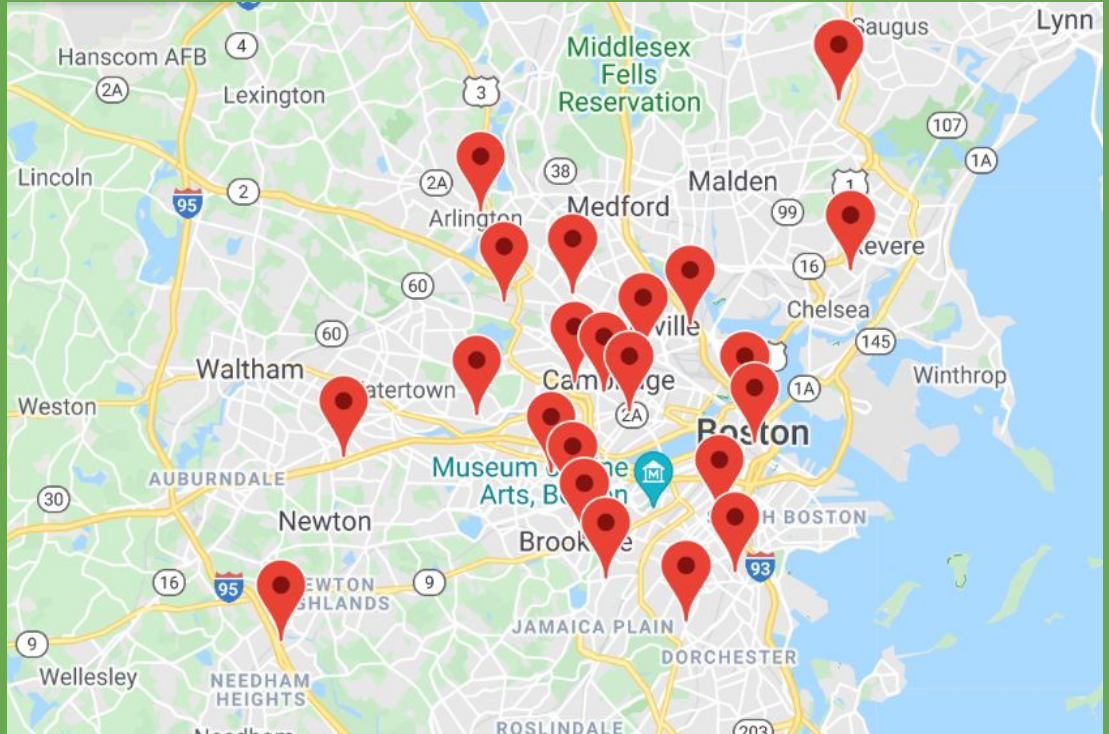
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# Saturation of Local and State Market

Within 10 miles there are 23  
Marijuana Establishments:

Of the 23, one has DBE  
Status and one has EEA  
Status.





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# Identify Barriers That Exist in Local Process

- Host Community Agreement
  - Eliminating exorbitant upfront payments
- Zoning
  - Ensuring zoning is not restrictive
- Licensing
  - Ensuring licensing conditions are reasonable and thoughtful

# Moving Forward

- Have an exclusive period for priority applicants to encourage diversity
- Have a clear marijuana application procedure that reflects process changes
- Outreach:
  - ◆ Speaking with property owners to normalize cannabis
  - ◆ Press Release
  - ◆ Maintaining a clear, informative and attractive cannabis page (status, process, cheat sheets)
  - ◆ Working alongside Economic Development, Regulatory Planning, Police, etc.
  - ◆ Creating a municipal network
  - ◆ Maintaining a close relationship with the Cannabis Control Commission
  - ◆ Staying ahead of the curve regarding Social Consumption