

Advisory Committee – Section II: Warrant Article Questionnaire
08/08/2021

SECTION II: The warrant article sponsor is requested to complete this questionnaire and submit this to the Advisory Committee. **The completed Warrant Article Questionnaire is due to Advisory Committee at least 5 business days in advance of your scheduled hearing date. Please email completed questionnaire to: msandman@brooklinema.gov**

Date	August 29, 2021
Warrant Article #	
Article Title	Warrant Article – Resolve to Establish A Study Committee to Consider Policy Goals to Guide Town’s Approach to the Recreational Marijuana Industry.
Sponsors	Alok Somani, Susan Park TMM2
Sponsors Email	ninetyouth@yahoo.com

1.	Provide the text of the article exactly as it is intended to be voted on by Town Meeting.
	<p>Petitioners:</p> <p>Alok Somani, Susan Park TMM2</p> <p>To see if the Town will resolve to create a Study Committee, with membership that represents a diversity of views, to carefully consider and articulate policy goals and define actions designed to achieve those goals with respect to the recreational marijuana industry.</p> <p>The lawful recreational marijuana industry is new and has the potential to cause disproportionate damage to our underaged and marginalized population. And, according to the CDC, the health consequences of long-term use are not yet known with certainty.</p> <p>WHEREAS in 2016 the State of Massachusetts legalized recreational marijuana and in 2017 established the Cannabis Control Commission to implement and administer the laws enabling access to adult use marijuana.</p> <p>WHEREAS Although 935 CMR 500.000 establishes ten license classes, the Cannabis Control Commission is implementing the law in stages by allowing new license types as regulations are promulgated. For example, the Cannabis Control Commission allowed licensing of retail establishments in 2018, then allowed licensing of delivery only in 2020 and then allowed licensing of another type of marijuana delivery in 2021.</p> <p>WHEREAS Brookline recently amended its bylaws to accommodate the release of marijuana delivery licensing, for example Warrant Article 20 as submitted by the Planning Department and approved in the prior Town Meeting, but in that process, did not also consider amendments to address the license types that the Cannabis Control Commission plans to release as it continues to implement the law.</p> <p>WHEREAS While marijuana is legal in Massachusetts for people ages 21 years and older, marijuana use by children and teenagers is prohibited by law.</p>

WHEREAS It is important to our community that we all stay healthy and safe. One way to do this is to work to prevent underage drug use, including marijuana. This is especially important for teenagers since marijuana causes disproportionate harm to the developing brain.

WHEREAS the [Cannabis Control Commission's](#) website contains the following warning with respect the health effects of marijuana use by those who are underaged:

“Cannabis may impair your decision-making, negatively affect your mental health, and – if smoked – increase your blood pressure and hurt your lungs. For young people, it is especially important to note cannabis’ impact on brain development: your brain is not fully developed until you reach your mid-20s, and regular cannabis use during adolescence and early adulthood can lead to brain changes that negatively affect memory, learning, and attention. If you start using marijuana when you are young, you may increase your chances of becoming dependent on it. All of these factors may make it harder for you to earn good grades and achieve your goals.”

WHEREAS the Town of Brookline’s [website](#) contains a link to the [CDC - Marijuana and Public Health](#) website that provides the following information about the addiction risk associated with the use of marijuana:

“About 1 in 10 marijuana users will become addicted. For people who begin using before the age of 18, that number rises to 1 in 6. “ ...
“Researchers do not yet know the full extent of the consequences when the body and brain (especially the developing brain) are exposed to high concentrations of THC or how recent increases in potency affect the risk of someone becoming addicted. “

WHEREAS as a Country, State and Town, in addition to taxing and regulating use, we regulate other aspects of the tobacco industry such as advertising, use of flavors and other attributes with the policy goal to reduce the attractiveness of products to those who are underaged.

WHEREAS there has been an increase in advertising of recreational marijuana in town, for example a kiosk on Harvard Street, cannabis delivery sign by Lantern at Carlton St. and Beacon, near the border with Allston, etc. The very prominent advertising has the potential to adversely influence our underaged population.



WHEREAS the headline “First-ever Cannabis Cup Sparks Lines At Local Dispensaries” appeared in the Brookline Patch on Friday August 27, 2021. The news report states that between August 21 and October 17 there is a people’s choice competition to identify and award the best cannabis products across 11 categories by dispersing judging kits to local consumers. The categories include: 1. Indica Flower 2. Hybrid Flower 3. Sativa Flower 4. Sungrown Flower 5. Pre-Rolls (Infused and Non-Infused) 6. Solvent Concentrates 7. Non-Solvent Concentrates 8. Vape Pens and Cartridges 9. Edibles 10. Ingestibles 11. Topicals. NETA is participating by supplying these kits for purchase. What if this very same people’s choice competition had been for tobacco products and not marijuana products?

WHEREAS Brookline has a **Commission for Diversity Inclusion & Community Relations** that provides oversight regarding program and services that serve Brookline’s Youth.

WHEREAS Brookline has an **Advisory Council on Public Health** the mission of which is to preserve, protect & promote the physical, mental, and environmental health of the Brookline Community.

NOW THEREFORE, be it resolved, that Town Meeting directs that the Moderator, or designate, oversees, within sixty (60) days following the Town Meeting vote, the creation of a Study committee comprised of seven voting members. The seven members will be comprised of three members nominated by the Moderator, one member nominated by the Select Board, one member nominated by the Brookline Department of Health and Human Service, one member nominated by the Director of the Office of Diversity, Inclusion and Community Relations and one member nominated by the Advisory Council on Public Health. The committee shall be directed to:

- consider and recommend policy goals related to recreational marijuana sales, delivery and consumption that balance community priorities that include but are not limited to maintaining reasonable adult access, tax revenue, community health, protection of our underaged population, etc.;
- consider the Cannabis Control Commission’s implementation plan and timeline to allow new license types and recommend what actions should be taken so that the Town can consider and act in a timely fashion;
- consider current federal, state and local tobacco law and regulations and recommend whether any restrictions that apply to tobacco should also be considered for recreational marijuana;
- consider and recommend restrictions to advertising with the policy goal of reducing risk to those who are underaged;
- consider and recommend a data acquisition and analysis framework to baseline and understand the health impacts of recreational marijuana use in Brookline;
- consider and recommend a policy position with respect to M.G.L. c. 94G, §3(b) which provides local control over the question of allowing social consumption on the premises where sold;
- notify and consult with interested parties to ensure a diversity of views are considered, including adults who access recreational marijuana, parents, high school students, and college students because the majority

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	<p>of these students are considered underage with respect to the lawful recreational marijuana industry.</p> <p>and recommend to Town Meeting any amendments to the by-laws the committee believes are necessary to implement the proposed policy goals. The committee shall be further instructed to complete their report with recommendations in the form of a warrant article to be submitted for consideration at the next Town Meeting.</p> <p>Or act on anything relative thereto.</p>
2.	<p>At a summary level and very clearly, what is the intended policy goal of the proposed Warrant Article?</p> <p>The warrant article asks the Town Meeting to approve a Study Committee, that represents a diversity of views, to carefully consider and articulate policy goals and actions designed to achieve those goals with respect to the new recreational marijuana industry.</p> <p>The industry is new, and it has the potential to cause disproportionate damage to our underaged and marginalized population and, according to the CDC, the health consequences of long-term use are not yet known with certainty.</p>
3.	<p>What does the sponsor gain from a positive action by Town Meeting on the article? (Is there a potential conflict of interest?)</p> <p>There is no monetary gain or other conflict of interest.</p>
4.	<p>Describe with some specificity:</p> <ol style="list-style-type: none"> why is the proposed solution workable and effective? what is the cost benefit of the proposed solution? who will benefit and who might not benefit from the proposed action? what are perceived to be the pros and cons both in the short and long term? what research on the topic supports or does not support the proposed article? what alternatives to the proposed action were considered? <p>a) The Town has successfully used a Moderator’s committee approach in the past to consider and recommend action on specific topics. In this case, we are advocating for a Study Committee that reports directly back to Town Meeting and is not under the purview of the Moderator. If the committee has diverse representation, this may ensure that the committee considers different views that balance multiple interests such as pursuit of tax revenue, protection of underaged populations, continued access to recreational marijuana for those who are not underaged and community health.</p> <p>b) Participants on the committee would be volunteers. There would be representation from the Department of Health, but the mandate falls within the scope of DoH activity, especially with respect to recreational marijuana.</p>

	<p>c) The overall health of our community and our underaged populations may benefit. There is no impact to current marijuana establishments in Brookline or landlords. If the recommendations include limiting future licensing, then there may be foregone tax revenue.</p> <p>d) The pros of a diverse committee considering and articulating policy goals with respect to the new recreational marijuana industry are 1) delivering on our stated objective to be inclusive and consider diverse views, 2) through discussion, a broader consensus in our community with respect to balancing access to recreational marijuana, tax revenue, community health and protection of those most disadvantaged 3) clear policy direction for our Select Board and town administration to support decision making, and 4) reduced number of future warrant articles because by-law and regulatory adjustments for new license types will already have been considered and in place.</p> <p>e) The warrant article proposes to consider and recommend policy goals and actions designed to achieve those goals. The intent of the warrant article is to ensure that multiple priorities such as lawful access to recreational marijuana, community health, protection of our underaged population and other reasonable concerns are balanced as a new industry is established and grows. There is some research, here, here and here, that suggests that recreational marijuana is stronger than in the past, has the potential to harm developing brains, and is addictive.</p> <p>f) The alternative considered was to submit a warrant article proposing bylaw amendments that prohibit advertising, require data collection and analysis to enable understanding of the effect on community health and a requirement to add to the next ballot a vote to approve or reject social consumption cafes. The current proposal is preferred to this alternative because the objective of the warrant article is to develop a broad-based consensus which hopefully will result in a better community outcome than a debate and vote on a prescriptive set of measures from one interest group.</p>
5.	Describe with some specificity the potential adverse impact from a positive action by Town Meeting on the article.
	The Study Committee may be formed but undermined by the political tensions that currently exist in this town between strong proponents of recreational marijuana use and those advocating for a slow and careful approach.
6.	Describe the impact of the proposed action on the Town's current Bylaws, five-year financial plan and capital improvement plan.
	The impact will depend on the actual recommendations provided by the committee.
7.	How does the proposed article and implementation impact the Town administration and staff priorities?

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	The warrant article proposes that the Department of Health nominate a member. Serving on the committee will require time that might represent an opportunity cost. This is balanced by the recognition that monitoring community health and helping to monitor and regulate marijuana establishments is within the Department of Health’s stated remit.
8.	Who will be impacted by the proposed solution and has the sponsor involved those participants?
	The warrant article proposes that the Study Committee have seven voting members, three appointed by the Moderator, one by the Select Board, one by the Brookline Department of Health and Human Service, one by the Director of the Office of Diversity, Inclusion and Community Relations and one by the Advisory Council on Public Health. The petitioners have only consulted with the Director of the Department of Health and Human Services. We do plan to involve other participants once the warrant article is submitted.
9.	What steps and communication has the sponsor attempted to assure that interested parties were notified and provided an opportunity to participate in the preparation of the proposed article?
	The petitioners met via Zoom with Dr. Jett to discuss health risks to the community and specifically to underaged populations posed by the newly legalized recreational marijuana industry.
10.	Has Town Meeting previously considered any Warrant Articles that address the same or similar topic? If so, what was the outcome and what is different about the proposed article?
	The town is implementing policy to license, monitor and tax recreational marijuana. Previous warrant articles address local control as new licenses are approved by the Cannabis Control Commission. And previous warrant articles have established standing commissions to consider use of tax proceeds. What is different about this warrant article is that it calls for a diverse committee to consider establishing policy goals that balance access and taxation with other community interests such as health and protecting those that are most at risk.

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