

# **Durham Marijuana Business Establishment**

## **Articles Information**

### **Background**

On the November 3, 2020 Special Town Meeting Referendum, there are eight articles asking which, if any, commercial Adult Use Marijuana or Medical Marijuana establishments the Town wishes to allow. We are asking about each type of establishment separately because citizens may want to allow some types of establishments, but not others.

Please note that these questions have nothing to do with, and have no impact on, any individual rights to use or grow marijuana for personal use in accordance with State law. We are only asking if voters want to allow marijuana-related businesses in Durham.

There is a ninth marijuana-related article asking for funds needed for professional assistance in drafting appropriate ordinances, should any of the commercial establishment types be approved. If none of the establishment types are approved, this money will not be spent, even if the funding article itself is approved. Both the Selectmen and the Budget Committee recommend passage of this article should any of the marijuana business establishments be approved by voters so that adequate ordinances can be developed. However, this recommendation does not apply to any of the marijuana business establishments themselves. Neither the Selectmen nor the Budget Committee have voted whether to recommend approval of any of the marijuana business establishment types.

Approval of an establishment type is conditional upon subsequent approval of a Marijuana Ordinance by April 3, 2022. The articles are worded this way to first see if the Town wishes to opt-in to any marijuana establishment types before we invest time and money drafting a marijuana ordinance, but to also prevent any approved establishment types from opening until the Town has an adequate marijuana ordinance in place to protect the interests of potential neighbors and other Durham residents. For a marijuana establishment type to be permitted in Durham, it must first be approved in the referendum vote in November, AND a future marijuana ordinance must be approved. If a marijuana ordinance is not approved by April 3, 2022, marijuana business establishments will not be allowed in Durham.

### **Why do we need a Marijuana Ordinance?**

A municipality may regulate marijuana establishments beyond what the State requires by enacting Land Use Regulations, generally authorizing or limiting these establishments and/or imposing licensing requirements. For instance, a municipality can choose to limit the number of any establishment type and detail how the limited number of licenses would be issued.

Municipalities can also regulate where establishments can exist, how close they can be to schools and day care facilities, whether they can share a property with a residence, and more. A marijuana ordinance may also establish requirements for noise, odor, hours of operation, signage, and other land use issues.

If the vote on any of the establishment types is favorable, the Select Board will seek professional assistance in writing an appropriate marijuana ordinance. There will be ample opportunity for public input. The marijuana ordinance would need to go before the voters at Town Meeting or in

a referendum. If the voters authorize these establishments AND approve an ordinance in a future binding vote, the establishment types approved in the November 3, 2020 would then be legal and subject to all regulations and licensing set forth by the State and the Town of Durham.

### **Definitions**

**Adult Use Marijuana Store:** "Marijuana store" means a facility licensed under this chapter to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings directly to consumers.

**Medical Marijuana Registered Caregiver Retail Store:** "Caregiver retail store" means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

**Medical Marijuana Registered Dispensaries:** "Registered dispensary" or "dispensary" means an entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

**Marijuana Cultivation Facilities:** A facility licensed to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare, and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores.

**Marijuana Manufacturing Facilities:** These facilities manufacture products (edibles, tinctures, oils, etc.) to sell to marijuana stores and other manufacturing facilities. These facilities are also allowed make marijuana concentrate by extraction.

**Marijuana Testing Facilities:** These facilities test plants and products for specific contaminants that are injurious to health and THC potency, homogeneity, and cannabinoid profiles to ensure correct labeling.

### **Does this effect my right to possess and use marijuana on my property?**

No. These questions only address commercial enterprises and do not have any effect on personal use as allowed by State Law.

### **I heard that a municipality would receive money from the State if we allow these commercial enterprises. Is that true?**

No. While the original bill did set aside some of the taxes collected by the State for municipalities, the version of the bill that was enacted does not. There may be some increase in the property value of a marijuana business that would be subject to local property taxes, just like any other business in town.

### **Where can I get additional information?**

Maine Office of Marijuana Policy

<https://www.maine.gov/dafs/omp/home>

Maine State Legislature: Recreational Marijuana in Maine

<https://legislature.maine.gov/9419>

Maine State Legislature: Medical Marijuana in Maine

<https://legislature.maine.gov/9242>

The Town Administrator can answer questions at the Town Office during office hours, by phone at 353-2561, ext. 10, or via email at [adminasst@durhamme.com](mailto:adminasst@durhamme.com).