



Town of Hampden
Town Planner

Memorandum

To: Town Council – For Workshop
From: Karen M. Cullen, AICP, Town Planner *KME*
Date: August 12, 2020
RE: Proposed Amendments to Marijuana Ordinance – for Referral to Public Hearing

The proposed amendments to the Marijuana Ordinance were discussed in detail at the Town Council Workshop on June 8, 2020. At the workshop held on August 9, 2020, a question was raised regarding medical marijuana registered caregiver retail stores. The impression given at the meeting was that a registered caregiver would be unable to sell or otherwise dispense of 100% of the marijuana produced unless they were allowed to have a retail store.

After researching this, I have found that a registered caregiver may, among other things:

- sell up to 75% of the mature plants grown in a calendar year, including marijuana products or marijuana concentrate, to another registered caregiver or to a dispensary [see §2423-A (2) paragraph K-1];
- provide any amount of harvested marijuana to a manufacturing facility and receive products made from that same marijuana [see §2423-A (2) paragraph N]; and
- transport harvested marijuana plants or harvested marijuana for authorized conduct in accordance with this chapter – e.g. transport harvested marijuana to a qualifying patient [see §2423-A (2) paragraph O].

In addition, a municipality may prohibit registered caregiver retail stores [see §2429-D (3)].

My concern is that, in the event the Town Council decides to allow registered caregiver retail stores, the town would have little control over them. We cannot regulate the location of all registered caregivers in town, only those operations with more than one registered caregiver. If a registered caregiver is operating in the Residential A district, and we allowed registered caregiver retail stores, then there could be such a store in a residential neighborhood. Based on conversations with the council over the past several years, I do not believe that is the council's intention, nor in the best interest of Hampden's residents.

My recommendation is to refer the proposed amendments to the Marijuana Ordinance to public hearing, to be held on September 8, 2020. Should Council decide to amend the language of the proposed amendments, that can be done at the public hearing.