

ARTICLE 17

REFERRAL MOTION OFFERED BY MARISSA VOGT, TMM6

VOTED: To refer the matter of WA 17 to the Select Board or its designee in order to consider other approaches that would be consistent with WA 17's equity goals. The Select Board shall make an initial report on its progress by the fall 2023 Special Town Meeting.

Explanation:

In the May 2, 2023 annual town election, Brookline voters approved a ballot question asking whether the Town of Brookline should “limit the number of Storefront Marijuana Retailer licenses to no more than four”, by a vote of 7,558 in favor (61.4%) and 4,754 opposed. (Full text of the ballot question is copied below.)

WA 17 asks Town Meeting to approve increasing the cap on the number of storefront marijuana retailers by 1-2^{*1} additional licenses that would be made available only to equity applicants as defined by the Select Board's Cannabis Equity Policy. The primary objection to WA 17 cited in the Select Board and Advisory Committee reports is that increasing the number of licenses would be contrary to the will of the voters as expressed in the May 2023 ballot question. However, it is worth noting that voters in the May 2023 annual town election were not directly asked whether or not they would support an additional license(s) for equity applicants and that, based on the May 2023 Town Meeting election results, there is broad community support for the equity goals of WA 17.

This motion asks Town Meeting to refer the matter to the Select Board so that the Board or its designee (for example, a committee or Town staff) can develop a plan that accomplishes the equity and inclusion goals of WA 17 while respecting the will of the voters. Examples of plans that would be consistent with the intent of this referral motion are i) presenting the question of additional license(s) reserved for equity applicants to the voters as a ballot question at the next opportunity; or ii) developing other policies that directly, substantially, and expeditiously increase participation in the local storefront cannabis industry by members of groups who were disproportionately harmed by marijuana prohibition and enforcement.

Referring the article to the Select Board is the best approach to ensure that these competing interests are balanced. Simply voting “no action” would send an unfortunate message that Town Meeting does not support the equity goals of WA 17, and because

¹ 2 additional licenses in the article as originally filed; an amended version of the article provides for just 1 additional license

referring the article does not increase the number of storefront licenses it fully respects the outcome of the May 2023 election.

Full Ballot Question Text

Shall the Town of Brookline adopt the following changes to the Town's General Bylaws that would limit the number of Storefront Marijuana Retailer licenses to no more than four, consistent with Warrant Article 15 of the November 2022 Special Town Meeting?

TOWN COUNCIL SUMMARY: If passed, this local ballot question would limit the number of storefront marijuana retailer licenses in the Town to four or less. The November 2022 Special Town Meeting passed this proposed bylaw as Warrant Article 15. State law requires that the Town of Brookline voters decide whether to adopt this bylaw change.

General Laws, c. 94G, § 3(e). The license cap will stay unchanged for all other license types. These other license types include marijuana delivery operators, social consumption retailers, and marijuana couriers. The present license cap for each license type equals 20% of the number of liquor licenses for off-premises alcohol consumption that the Select Board has issued. Today, the cap is five.

A "yes" vote on this question would limit the number of storefront marijuana retailer licenses in the Town to four or less.

A "no" vote would make no changes to the number of storefront marijuana retailer licenses in the Town.

TEXT OF THE BYLAW: Section 8.37.4 Caps on the Number of Select Board Licenses for Marijuana Retailers The Select Board shall not issue more Marijuana Establishment licenses in each of the following categories of Marijuana Establishment licenses than the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Select Board pursuant to M.G.L. c. 138, §15, as rounded up to the nearest whole number in the event the number is a fraction: a) Marijuana Delivery Operators, b) Social Consumption Retailers, and c) Marijuana Couriers. The Select Board shall not issue more than four Storefront Marijuana Retailer licenses.