

TOWN of NORTH ATTLEBORO • BOARD of HEALTH
ADULT SALES of MARIJUANA and MARIJUANA PRODUCTS
REGULATION

Effective December 10, 2018

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ARTICLE I. PURPOSE and SCOPE:

WHEREAS, Massachusetts voters approved the regulation and the use and distribution of adult-use marijuana not medically prescribed on November 8, 2016 pursuant to Chapter 344 of the Acts of 2016, as amended by Chapter 55 of the Acts of 2017, an Act to Ensure Safe Access to Adult-use marijuana; and

WHEREAS, the prevention of the illegal sale and use of marijuana, particularly involving youth, is a public health priority; and

WHEREAS, the state regulation at 935 CMR 500.000 allows for lawful local oversight and regulation, including local fee requirements; and

WHEREAS, Chapter 55 of the Acts of 2017 specifically allows municipalities to “adopt ordinances and by-laws that impose reasonable safeguards on the operation of marijuana establishments” specifically related to “the time, place and manner of marijuana establishment operations and of any business dealing in marijuana accessories” provided that such restrictions “are not unreasonably impracticable and are not in conflict” with the state statute or regulations regulating marijuana sales.

Purpose and Scope (continued)

WHEREAS, local oversight and inspection of adult-use marijuana establishments is within the legal authority of local boards of health to protect public health, safety and welfare; and

WHEREAS, the Massachusetts Supreme Judicial Court has held that “. . . [t]he right to engage in business must yield to the paramount right of government to protect public health by any rational means.”¹

NOW THEREFORE, this Board of Health adopts the following regulation under its authority specified in Article II herein, as a preventative public health measure intended to regulate the sale of marijuana products in the Town of North Attleborough.

ARTICLE II. AUTHORITY:

- A. This regulation is promulgated pursuant to the authority granted to the North Attleborough Board of Health by the Massachusetts General Laws Chapter 111, Section 31 that this Board of Health “may make reasonable health regulations” to protect the public health of this community, and;
- B. Chapter 55 of the Acts of 2017, an Act to Ensure Safe Access to Adult-use marijuana, and;
- C. The Massachusetts Cannabis Control Commission (CNB) regulations pursuant to 935 CMR 500.170

ARTICLE III. DEFINITIONS:

Unless otherwise indicated, terms used throughout this regulation shall be defined as they are in 935 CMR 500.000 and General Law Chapter 94G, §1. In addition, for the purposes of this regulation, the following words shall have the following meanings:

Act: Chapter 55 of the Acts of 2017, an Act to Ensure Safe Access to Adult-Use Marijuana.

Adult-Only Tobacco Store: A business that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products or offer of services is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and which maintains a valid permit for the retail sale of tobacco products as required by the Board of Health.

Board of Health or Board: The North Attleborough Board of Health and its authorized agents.

Board of Health Agent: The Director of Public Health and any town employee designated by the board of health, which may include board of health and/or health department members and staff, law enforcement officers, fire officials and code enforcement officers.

Business Agent: An individual who has been designated by the owner or operator of any adult-use marijuana establishment to be the manager or otherwise in charge of said establishment.

Commission, CCC or CNB: The Massachusetts Cannabis Control Commission.

Coupon: Any card, paper, note, form, statement, ticket or other issue distributed for commercial or promotional purposes to be later surrendered by the bearer so as to receive an article, service or accommodation without charge or at a discount price.

¹ Druzik et al v. Board of Health of Haverhill, 324 Mass. 129 (1949).

Definitions (continued)

Department or MDPH: The Massachusetts Department of Public Health and its authorized agents.

Director: The Director of Public Health for the Town of North Attleborough

Edible Marijuana Products: A marijuana product that is to be consumed by humans by eating or drinking and is sold or made by a facility licensed as a Marijuana Establishment under 935 CMR 500.000.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

Listed or Non-Discounted Price: The higher of the price listed for marijuana or a marijuana product as defined herein on its package or the price listed on any related shelving, posting, advertising or display at the place where marijuana or marijuana products are sold or offered for sale, plus all applicable taxes if such taxes are not included in the state price, and before the application of any discounts or coupons.

Marijuana: All parts of any plant of the genus cannabis, not excepted below, and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94G of the General Laws. The term shall also include all marijuana-infused products except where the context clearly indicates otherwise.

“Marijuana” shall not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from seeds of the plant any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; hemp; or the weight of any other ingredient combined with adult-use marijuana to prepare topical or oral administrations, food, drink or other products.

Marijuana Accessories: Equipment, products, devices or materials of any kind that are intended or designed for use in ingesting, inhaling or otherwise introducing adult-use marijuana into the human body.

Marijuana Establishment or Establishment: Any type of marijuana-related business licensed by the Cannabis Control Commission (CNB) pursuant to 935 CMR 500.050 permitted by this Board of Health or regulated by the Board of Health’s Marijuana Cultivation, Operations and Sales Regulation, including a marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer independent testing laboratory, marijuana retailer, marijuana transporter and marijuana micro-business

Marijuana Sales Permit or Permit: The license granted by the Board to sell or distribute marijuana or marijuana products, as defined herein.

Marijuana Products: Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Minimum Legal Sales Age: The age an individual must be before that individual can be sold marijuana or a marijuana product, as defined herein. The minimum legal sales age in the Town of North Attleborough shall be **twenty-one (21) years of age**.

Definitions (continued)

Non-Residential Roll-Your-Own (RYO) Machine: A mechanical device made available for use (including to an individual who produces rolled marijuana solely for the individual's own personal consumption or use) that can make rolled marijuana products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

Permit Holder: Any person engaged in the sale or distribution of marijuana or marijuana products, as defined herein, who applies for and receives a marijuana sales permit or any person who is required to apply for a marijuana sales permit pursuant to these regulations, or his or her business agent.

Person: Any individual, firm, partnership, association, corporation, company or organization of any kind, including, but not limited to an owner, operator, manager, proprietor or person in charge of any establishment, business, cultivation property or retail store.

School: Any public or private school where children attend classes in preschool programs, kindergarten programs or grades one (1) to twelve (12) inclusive.

Self-Service Display: Any display from which customers may select marijuana or a marijuana product as defined herein, without assistance from an employee or store personnel of an establishment.

Town: The Town of North Attleborough and its authorized agents.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes marijuana products, as defined herein.

ARTICLE IV. MARIJUANA SALES TO PERSONS UNDER THE MINIMUM LEGAL SALES AGE PROHIBITED:

- A. No person shall sell marijuana or marijuana products as defined herein, or permit marijuana or marijuana products as defined herein, to be sold to a person under the minimum legal sales age; or give marijuana or marijuana products as defined herein to a person under the minimum legal sales age. The minimum legal sales age in the Town is **twenty-one (21) years of age**.
- B. Each person selling or distributing marijuana or marijuana products as defined herein, shall verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth and showing that the purchaser is **twenty-one (21) years of age** or older.
- C. All retail sales of marijuana or marijuana products as defined herein shall be face-to-face between the seller and the buyer and occur at the permitted location unless and until delivery of marijuana is authorized and licensed under state regulation and then, only in strict compliance with all applicable rules and regulations as well as the age limitation set forth herein.

ARTICLE V. MARIJUANA SALES PERMIT:

- A. No person shall sell, cultivate, deliver or otherwise commercially distribute marijuana or marijuana products, as defined herein, within the Town without first obtaining a Marijuana Sales Permit issued annually by the Board. Only owners of establishments with a permanent, non-mobile location in the Town shall be eligible to apply for an Marijuana Sales Permit at a specific location in the Town and must meet the following application requirements:

Marijuana Sales Permit (continued)

1. All applicants shall certify that they are in compliance with all local and state laws, regulations, ordinances and bylaws, including proof of a current license with the CNB and the Town of North Attleborough and be prepared to show proof if requested.
 2. A marijuana delivery-only establishment, if authorized and licensed under state regulation shall not be required to have a permanent non-mobile location but shall have an in-state permanent business office address and contact information available. Upon request, such an establishment must provide the current location and destination of its delivery employees to the Board.
 3. Marijuana Sales Permits are location-specific and non-transferrable. Permit Holders who wish to change the location of their Marijuana Establishment must apply for a new Permit from the Board.
- B. No person shall gift marijuana or marijuana products, as defined herein, to a consumer contingent upon the sale of any other products.
- C. No person shall accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides marijuana or Marijuana Products, as defined herein, without charge.
- D. As part of the Marijuana Sales Permit application process, the applicant will be provided with this regulation. Each applicant is required to sign a statement declaring that the applicant has read this regulation and that the applicant is responsible for instructing all employees who will be responsible for Marijuana sales about state and local laws regarding the sale of Marijuana and Marijuana Products, as defined herein, including this regulation.
- E. An applicant who wishes to sell marijuana products in Town is required to submit a fully completed application to the Board, including proof of a current CNB License issued by the Massachusetts Cannabis Control Commission as required by state law, a current Town license, letter from the North Attleboro Police Department approving their security plan, attach the appropriate fee, and make an initial appearance before the Board, before a permit can be issued.
- F. A separate Marijuana Sales Permit, displayed conspicuously, is required for each Marijuana Establishment, the fee for which shall be determined by the Board.
- G. A Marijuana Sales Permit is non-transferable, cannot be pro-rated and must be renewed annually. Each new owner of a Marijuana Establishment must apply for a new Permit from the Board. No new Permit applicable to a single, specific address will be issued unless and until all outstanding penalties incurred by the previous Permit Holder at the same address have been satisfied in full.
- H. Issuance of a Marijuana Sales Permit shall be conditioned on an applicant's consent to periodic inspections of the Marijuana Establishment, including any off-site location where business is conducted relating to the manufacture or sale of marijuana at the Marijuana Establishment.
- I. A Marijuana Sales Permit will not be renewed if the Permit Holder has failed to pay all fines issued and the time to appeal the fines has expired without an appeal having been filed and/or the Permit Holder has not satisfied any

Marijuana Sales Permit (continued)

outstanding permit suspensions. If a violation was enforced by non-criminal dispositions, any appeal shall be taken pursuant to G.L. c. 40, §21D.

- J. A Marijuana Sales Permit may be subject to non-renewal if the establishment has sold a marijuana product to a person under the minimum legal sales age two times within the previous permit year and either the time to appeal has expired without an appeal having been filed or the appeals were unsuccessful. The permit holder may request a hearing pursuant to this regulation prior to non-renewal.
- K. No person under the Minimum Legal Sales Age shall be permitted to enter an establishment with a Marijuana Sales Permit except if the establishment is co-located with a medical marijuana treatment center as defined in 935 CMR 500.002, those individuals in possession of a registration card demonstrating that the individual is a registered qualifying patient with the Medical Use of Marijuana Program, and is in compliance with 105 CMR 725.000 (Implementation of the Act for the Humanitarian Medical Use of Marijuana) and the Board of Health Marijuana Cultivation, Operations and Sales Regulation.
- L. A retail Marijuana Establishment shall sell primarily Marijuana, edible/consumable Marijuana Products, as defined herein, and Marijuana Accessories. The sale of any other products must be merely incidental. A retail Marijuana Establishment is prohibited from holding a tobacco sales permit, retail or wholesale food service permit or a license that permits the sale or distribution of any alcoholic beverage in any form.
- M. In no instance shall a Marijuana Sales Permit be issued to any establishment within three hundred (300) feet of a School, daycare center, playground, house of worship or any similar facility in which children commonly congregate. The 300-foot distance shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Marijuana Establishment.
- N. All Marijuana Sales Permits expire annually on January 31st, are non-transferrable, cannot be pro-rated and must be renewed annually.

ARTICLE VI. MAXIMUM NUMBER OF MARIJUANA SALES PERMITS:

- A. At any given time, the Board shall assure that **no more than Six (6)** Marijuana Sales Permits are issued in North Attleborough. No permit renewal will be denied based on the requirements of this subsection except, any Permit Holder who has failed to renew his or her Permit within thirty (30) days of its expiration will be treated as a first-time Permit applicant.
- B. New applicants for Permits who are applying at a time when the maximum number of Permits have been issued will be placed on a waiting list and will be eligible to apply for a Permit on a "first-come, first-served" basis as issued Permits are either not renewed, revoked, or are returned to the Board.

ARTICLE VII. PROHIBITIONS :

- A. No Marijuana Establishment shall be permitted to sell or distribute alcoholic beverages or tobacco products and may not hold either a tobacco sales permit or a liquor license.
- B. No Marijuana Establishment shall be permitted to hold a Common Victualler license for on-premises food consumption.

Prohibitions continued:

- C. No Marijuana Establishment shall be permitted to be a Massachusetts lottery dealer or to engage in any gaming activities.
- D. No Marijuana Establishment shall be permitted to allow onsite social consumption of any marijuana products.
- E. The sale or distribution of edible Marijuana Products, as defined herein, in any form other than an original factory-wrapped package is prohibited, including the repackaging and sale of an edible Marijuana Product for retail sale.
- F. No Marijuana Establishment shall be permitted to sell or distribute or cause to be sold or distributed flavored combustible or vaped marijuana products.
- G. No Marijuana Establishment shall be permitted to have non-residential Roll-Your-Own (RYO) machines.

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ARTICLE VIII. EDIBLE MARIJUANA PRODUCTS:

All Edible Marijuana Products must follow all state regulations pursuant to MGL 935 CMR 500.150 which includes in part:

- A. All edible marijuana product that is made to resemble a typical food or beverage product must be packaged and labeled as required by MGL c.94G §4a (1/226) and 935 CMR 500.105 §5 and §6b. The manufacture or sale of edibles in the following shapes is prohibited: the distinct shape of a human, animal, fruit, or a shape that bears the likeness or contains characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature or cartoon renderings.
- B. All edible marijuana products shall be prepared, handles, and stored in compliance with the requirements in 935 CMR 500.105 §3 and §11 and all labeling and packaging requirements must follow guidelines found in 935 CMR 500.150.

ARTICLE IX. CO-LOCATED ADULT USE AND MEDICAL MARIJUANA OPERATIONS:

All co-located Marijuana Establishments must follow all State regulations pursuant to MGL 935 CMR 502.000 and local regulations relating to Adult Use and Medical Marijuana operations.

ARTICLE X. SELF-SERVICE DISPLAYS:

All self-service displays of Marijuana and Marijuana Products, as defined herein, are prohibited.

ARTICLE XI. VENDING MACHINES:

All vending machines containing Marijuana or Marijuana Products, as defined herein, are prohibited.

ARTICLE XII. MARIJUANA ACCESSORIES:

Marijuana accessories, as defined herein, shall only be sold in permitted Marijuana Establishments and adult-only tobacco stores.

ARTICLE XIII. INCORPORATION OF 105 CMR 500.000 and 105 CMR 590.000:

The manufacture of all edible Marijuana Products, as defined herein, shall be conducted in a state-licensed Marijuana manufacturing facility and in accordance with all applicable state regulations. All Marijuana Establishments, including those that develop or process edible Marijuana Products, as defined herein, shall comply with the sanitary requirements in 105 CMR 500.000: Good Manufacturing Practices for Food. All edible Marijuana Products, as defined herein, shall be

Incorporation of 105 CMR continued:

prepared, handled, and stored in compliance with the sanitation requirements in 105 CMR 590.000: Minimum Sanitation Standards for Food Establishments

ARTICLE XIV. COMPLIANCE WITH ALL LAWS:

- A. All cultivation, processing, manufacturing, delivery, sale and use of Marijuana and Marijuana Products, as defined herein, shall be conducted in compliance with all state and local laws, ordinances, regulations or policies. These shall include, where applicable but not limited to, compliance with Chapter 344 of the Acts of 2016, as amended by Chapter 55 of the Acts of 2017, 935 CMR 500.000, secondhand smoke laws and regulations, electronic cigarette laws and regulations, nuisance laws and regulations and all requirements associated with zoning and other local permitting. Violation of any such law, not including federal laws relating to Marijuana and Marijuana Products, as defined herein, shall constitute a violation of this regulation and be subject to the fines and penalties described herein. Nothing in this regulation shall give any immunity under federal law or pose an obstacle to federal enforcement of federal law.
- B. A Marijuana Establishment shall submit a letter of confirmation from the North Attleboro Police Department (NAPD) that they have reviewed and approved the security plan of said Establishment detailing measures taken to ensure consumer and community safety and eliminate unauthorized access to the premises in compliance with MGL 935 CMR 500.105 Safety and Security Requirements. This letter is to be attached to the permit application for the Board to review.
- C. In consultation with the Town's Police Department, Town officials and other departments, the Board, may set limitations on the hours of operation of any Marijuana Establishment.
- D. In its exclusive discretion, the Board may require the preparation, provision and distribution of specific and/or additional educational materials in Marijuana Establishments, Schools, Houses of Worship or similar facilities.

ARTICLE XV. ENFORCEMENT AND PENALTIES:

- A. Authority to inspect Marijuana establishments for compliance and to enforce this regulation shall be held by the Board and its designees, including the Town's Police Department.
- B. Any person may register a complaint pursuant to this regulation to initiate an investigation and enforcement with the Board and its designees. Issuance of a Marijuana Sales Permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of the Permit Holder's Marijuana Establishment in order to ensure compliance with this regulation.
- C. It shall be the responsibility of the Marijuana Sales Permit holder and/or business agent to ensure compliance with all applicable sections of this regulation. Any Marijuana Establishment found to be in violation of the provisions of this regulation may receive a written warning citation, a fine, a Marijuana Sales Permit suspension or a Marijuana Sales Permit revocation.
- D. Any Permit Holder or any Person or entity charged with violation of any provision of this regulation shall receive a notice of violation from the Board or its designated agent. Unless an appeal of such violation notice is waived by the Permit Holder or any person or entity charged, the Board shall conduct a hearing to determine the facts of the violation, the appropriate corrective actions, the terms of suspension, if any, and/or issue a permit revocation order.

Enforcement and Penalties (continued)

- E. Prior to issuing any suspension or revocation, the Board shall provide notice to the Permit Holder of the intent to suspend or revoke a Permit, which notice shall contain the reasons therefor and establish a time and date for a hearing, which date shall be no earlier than seven (7) days after the date of said notice. The Permit Holder shall have an opportunity to be heard at such hearing and shall be notified of the Board's decision and the reasons therefor in writing. After a hearing the Board may suspend or revoke the Permit if the Board finds that a violation of this regulation occurred.
- F. Alternatively, violations of this regulation may be enforced by the non-criminal method of disposition as provided in G.L. c. 40, § 21D and as enabled pursuant to the Town bylaws.

G. Each day a violation exists shall be deemed to be a separate offense.

ARTICLE XVI REQUIRED SIGNAGE, MARKETING and ADVERTISING:

- A. A notice at least 48 square inches, identifying the state and local authorities' responsible for issuance of the establishment's Marijuana Sales Permit, and including the telephone number and electronic address of each authority shall be posted conspicuously by the Permit Holder in the establishment in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than 4 feet or greater than 9 feet from the floor. The Permit Holder shall conspicuously post such additional signage as may be required by the Commission or the Board.
- B. The Permit Holder shall conspicuously post one or more signs stating that "The sale of Marijuana and Marijuana Products to someone under the Minimum Legal Sales Age of **21 years** is prohibited." Such notices shall be no smaller than 8.5 inches by 11 inches and shall be posted conspicuously in the Marijuana Establishment in such a manner so that they may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.
- C. A Marijuana Establishment, in accordance with restrictions outlined in 935 CMR 500.105 §4 must adhere to all CBN marketing and advertising requirements and any additional as required by the Board of Health:
 - 1. A Marijuana Establishment may develop and use a logo for labeling, signage, and other materials, but that logo may not contain medical symbols, images of Marijuana and Marijuana-related paraphernalia, or colloquial references to cannabis and Marijuana. Likewise, a Marijuana Establishment may not offer for sale or as a promotional gift any items which contain symbols of, or references to, Marijuana or MIPs, including the logo of the Establishment.
 - 2. A Marijuana Establishment may only identify its building location by the Establishment's registered name, and shall not display advertisements for Marijuana or any brand names, nor utilize graphics related to Marijuana or Marijuana-related paraphernalia on the building.
 - 3. Beyond the signage and other advertising limitations set forth in 935 CMR 500.105 §4, the Board may set further limitations upon an Establishment's signage and other advertising materials including, but not limited to, restrictions on the use of images related to Marijuana and/or Marijuana paraphernalia, and the size and visibility of Marijuana displays from outside the Establishment.
 - 4. A Marijuana Establishment's external signage shall not be illuminated except for a period of 30 minutes before sundown until closing, and shall comply in all other respects with Sections VI. G & Q of the Town of North Attleborough Zoning By-Laws which regulate signage advertising. Neon signage is prohibited at all times.
 - 5. No Marijuana, MIPs, Marijuana-related paraphernalia or other related products shall be visible or displayed in such a way as to be seen from the exterior of a Marijuana Establishment. Within the Establishment, one sample of each Marijuana strain and each MIP may be displayed in a transparent and locked case.

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Required Signage (continued)

6. Inside a Marijuana Establishment, all Marijuana which is not displayed in accordance with state and local restrictions (as outlined in [105 CMR 725.105(L)(10) and in Article XVI(C). above] shall be stored in a locked, access-controlled space in a limited access area during non-business hours. This access-controlled space shall be inaccessible to any persons other than the Agents and employees of the Establishment, CNB and MDPH Agents, and this Board and its designated Agents acting in an official capacity.
7. A marijuana Establishment shall provide a catalogue and a printed list of the prices, strains and THC levels of Marijuana and Marijuana Products available at the Establishment, but it cannot advertise its prices for Marijuana or such Marijuana Products. The Establishment shall submit, and thereafter maintain, current copies of said catalogue and printed price list to/with the Board.

ARTICLE XVII. FREE DISTRIBUTION and COUPON REDEMPTION:

A. No person shall:

1. Distribute or cause to be distributed, any free samples of Marijuana or Marijuana Products, as defined herein, or;
2. Accept or redeem, or offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any Marijuana or Marijuana Products, as defined herein, for less than the listed or non-discounted price, or without any charge whatsoever, or;
3. Sell Marijuana or Marijuana Products, as defined herein, to consumers through any multi-unit discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any Marijuana or Marijuana Product, as defined herein, without any charge or for less than the listed or non-discounted price in exchange for the purchase of any other Marijuana or Marijuana Product, as defined herein.

ARTICLE XVIII. INSPECTIONS :

- A. The Board and its agents, including its employees, assigns and any law enforcement officers acting in an official capacity, may enter upon privately-owned property within the Town, with reasonable notice and at reasonable hours, for the purpose of ensuring compliance with this regulation.
- B. The Board and its agents, including its employees, assigns and any law enforcement officers acting in an official capacity, shall conduct without limitation, periodic, unannounced inspections of the establishments permitted to sell Marijuana or Marijuana Products, as defined herein, within the Town.
- C. The Board and its agents, including its employees, assigns and any law enforcement officers acting in an official capacity, shall have access at all reasonable times to any establishment permitted to sell Marijuana or Marijuana Products, as defined herein, within the Town, for the purpose of inspecting said establishment to ensure compliance with this regulation.
- D. If, during the course of an inspection or compliance check mold, infestation, or other disease(s) affecting the Marijuana or Marijuana Products, as defined herein, is observed, the Board or its designated Agents may order the segregation and/or destruction of all such material (and such surrounding material as the Board or its designated Agents may deem appropriate in their exclusive discretion) in order to prevent a threat to the public health.
- E. Refusal to cooperate with inspections pursuant to this regulation shall result in suspension of the Permit for thirty (30) consecutive business days.

ARTICLE XIX. VARIANCES:

A. Variances may be issued unilaterally by the Board or formally requested by any party affected by this regulation. Every request for a variance shall be made in writing on a form provided or specified by the Board and shall be subject to a public hearing before the Board. Any variance granted by the Board shall be in writing. Any denial of a variance by the Board shall also be in writing and shall contain a brief statement of the reasons for such denial.

B. The Board may vary the application of any provision of this regulation, unless otherwise prohibited by state law or regulation when, in the sole opinion of the Board, enforcement of this regulation will do manifest injustice, or the requesting party can demonstrate that the provision will impose an extraordinary or unreasonable burden. Any variance or other modification authorized by the Board may be subject to such qualification, revocation, suspension, or expiration as the Board shall express in its grant.

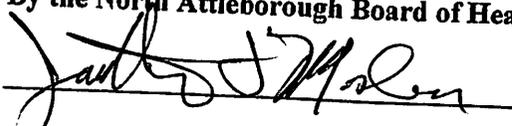
ARTICLE XX. SEVERABILITY:

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

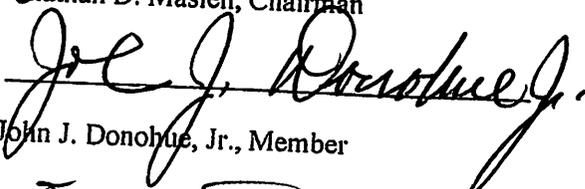
ARTICLE XXI. EFFECTIVE DATE:

This regulation shall take effect immediately upon passage by the Board of Health, and as required by M.G.L. Chapter 111 Section 31, a copy of the regulation has been filed with the Massachusetts Department of Environmental Protection.

By the North Attleborough Board of Health:



Jonathan D. Maslen, Chairman



John J. Donohue, Jr., Member



Donald M. Bates, Member