

**October 23, 2013 -Springfield, MA-** Mayor Domenic J. Sarno announced the beginning of a process to plan for the implementation in the City of Springfield of the State Medical Marijuana law and Department of Public Health Regulations.

The City's intent in carrying out this process is to implement, at the local regulatory level, a careful balance of promoting appropriate access for patients with identified need, while mitigating secondary effects as to security and community impacts.

Mayor Sarno stated that, "The City's Internal Review Committee has developed this process to assure a fair, comprehensive, and open planning process to implement this new law to assure the proper balance between access for those patients who are certified, while mitigating potential secondary effects as to security and community impacts".

Pursuant to Chapter 369 of the Acts of 2012- November 6, 2012, Ballot Question 3, "*An Initiative Petition for a Law for Humanitarian Medical Use of Marijuana*" and regulations promulgated by the Commonwealth Department of Public Health ("DPH") to implement the medical use of marijuana - 105 CMR 725.000) Massachusetts became the 18th state in the nation in addition to the District of Columbia to approve the use of marijuana for medical purposes.

The Act eliminates state criminal and civil penalties for the medical use of marijuana by qualifying patients. In order to qualify, a patient must have been diagnosed with a "debilitating medical condition" which is defined in the statute as "...cancer, glaucoma, AIDS or HIV, Hepatitis C, ALS, Crohn's disease, Parkinson's disease, Multiple Sclerosis, and other conditions as determined in writing by a qualifying patient's physician."

Patients must have obtained a written certification from a physician with whom the patient has a *bona fide* physician-patient relationship. This certification must state the patient's specific debilitating medical condition and symptoms, as well as that the potential benefits of the medical use of marijuana outweighing any associated health risks for the patient.

The Act allows Medical Marijuana Treatment Centers (MMTCs) to cultivate, process and provide medical marijuana to patients or their caregivers.

In calendar year 2013, DPH may register up to 35 treatment centers statewide, with a minimum of one but no more than five centers per county. This number can be modified by DPH in later years. DPH is utilizing a two phased process. The DPH required completed Phase 1 application forms for Registered Marijuana Dispensaries be hand-delivered on August 22, 2013. The list of applicants includes the name of the non-profit corporation, a contact person (if provided) and the first county of preference for the RMD location.

Under the DPH Phase 1 process, dispensary applicants were reviewed for, among other things, non-profit status and financial viability. Applicants were required to report whether any member of their proposed organization has a felony drug conviction.

Applicants who met the DPH qualifications in Phase 1 are eligible to proceed to the DPH Phase 2 process where a selection committee will conduct an in-depth review and select dispensaries

through a competitive process. The DPH Phase II application is due to be filed with DPH on November 21, 2013. The DPH committee will evaluate and score DPH Phase 2 applications based on such factors as appropriateness of the site, geographical distribution of dispensaries, local support, and the applicant's ability to meet the overall health needs of registered patients, while ensuring public safety.

As part of the DPH process, 105 CMR 725.100(B)(2) a DPH Applicant who receives notice from DPH that it may proceed to the DPH Phase 2 application process, must notify a City in which an RMD would be sited of its intent to submit a Phase 2 application.

To date, only two DPH applicants have complied with this regulation with regard to the City of Springfield. The DPH applicants are: Debilitating Medical Condition Treatment Centers, Inc. and Baystate Compassion Center, Inc. Copies of the Notices received by these applicants are attached to this RFP/Q as Exhibit E. As such, the City is inviting these applicants to participate in the City's Phase I process.

The City's Phased application process is designed to help it coordinate its planning process and facilitate the implementation of the Act within the City of Springfield in accordance with the current regulations and the development of local regulations within the City. The City's intent in carrying out this process is to implement, at the local regulatory level, a careful balance of promoting appropriate access for patients with identified need, while mitigating secondary effects as to security and community impacts, including the inappropriate use and subsequent potential for diversion, as well as fiscal impacts.

The Phase I DPH process is not site specific. As part of the RFQ/P process, the City does expect to impose location restrictions on the Project. The City expects that any proposed Project will take into account potential impacts on and compatibility with the area surrounding the Project. Currently, the City's Planning Board has proposed interim zoning as discussed in this Section of this RFP/Q.

No DPH applicant has provided notice as to any potential sites at this time. The notices provided to the City pursuant to DPH regulations are not site specific. As part of the City's Phase I process, any enterprises interested in qualifying for the City's Phase II will not be required to identify a specific site until it has submitted its Phase II application to the DPH.

The Pioneer Valley Planning Commission (PVPC) is working with Cities and Towns in the Region to prepare a Model Zoning Bylaw/Ordinance. The City has participated in meetings with the PVPC and a draft of a model Zoning Bylaw/Ordinance that is currently under discussion with the City's Planning Staff and Medical Marijuana Internal Working Group is attached as Exhibit C to the RFQ/P. It is anticipated that the final regulations will include a "buffer zone" whereby no MMTC use or cultivation activities shall be located within a specified distance of a property line, the exact distance or distances to be determined) where activities or uses occur such as a school, child care, or other places where minors frequent, (e.g. a library, ball field, family recreation facility, religious facility or the like); other MMTC's, drug or alcohol treatment facility, correctional facility, half-way house or similar facility, or any establishment licensed under the provisions of General Laws , Chapter 138 or other landuses which are potentially incompatible with MMTC facilities.

The purpose of the Phase I-RFQ/P is to pre-qualify enterprises desirous of participating in the City's Phase II-RFQ/P selection process. Each proposal submitted in response to the Phase I-RFQ/P will be evaluated by the City's Internal Review Group as determined by the Mayor and no applicants in Phase I will be disqualified from participating in Phase II. The information provided will be used in the City's Planning Process to develop local land use, health and public safety regulations as necessary.

### Timetable

Action	Date
1. Phase I-RFQ/P issued	October 24, 2013
2. Written questions from interested proposers concerning Phase I- RFQ/P	November 5, 2013
3. Written responses from City to questions posted on Comm-PASS	November 12, 2013
4. Phase I-RFQ/P Responses due by 5:00 p.m.	December 4, 2013
5. City reviews responses and issues Phase II – RFQ/P to qualified responders	December 18, 2013
6. City holds information meeting for participants in Phase II- RFQ/P	December 20, 2012
7. Public Presentations by Applicants	January 7, 2014
8. Responses to Phase II-RFQ/P due by 4:00 p.m.	January 21, 2014
9. City announces name of proposer qualifying for right to negotiate agreement	February 17, 2014
10. City negotiates terms of agreement with proposer	February 17, 2013 to March 17, 2014
11. City enters into agreement with proposer	March 31, 2014

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