

BALLOT QUESTION TO AUTHORIZE LIMITING THE NUMBER OF RECREATIONAL MARIJUANA RETAIL STORES IN THE CITY OF NEWTON

The question to limit as it will appear on the ballot is as follows:

Shall the City of Newton adopt the following zoning ordinance:

The number of recreational marijuana retail establishments allowed to operate shall be not fewer than two (2) nor more than four (4) establishments set by a general ordinance adopted by the City Council.

YES
NO

SUMMARY

In 2016, Massachusetts passed a law permitting the sale and use of recreational marijuana in the Commonwealth. Under the current law, the Newton City Council may limit the number of recreational marijuana retail stores in Newton to no fewer than twenty per cent (20%) of Newton's retail liquor store licenses, which currently would amount to eight (8) retail recreational marijuana stores. The Council cannot further restrict the number of recreational marijuana retail stores in Newton unless the voters approve a ballot measure authorizing the City Council to do so.

A "YES" vote on this question would authorize the City Council to pass an ordinance limiting the allowed number of recreational marijuana retail stores to fewer than the otherwise required minimum of eight (8): specifically, between two (2) and four (4) recreational marijuana retail stores. The exact number of retail stores allowed to open within this range would be determined by a separate ordinance enacted by the City Council.

A "NO" vote would leave the current law in place, that is, the Newton City Council may limit the number of recreational marijuana retail stores in Newton to no fewer than twenty percent (20%) of Newton's retail liquor store licenses, or eight (8) stores.

Argument in Favor of Limiting

Vote Yes on Question to Limit

A yes vote on **Question to Limit** will enable the city to introduce the new industry – legal cannabis - safely and responsibly. Under the law, retail cannabis establishments will operate within state regulations that allow for local control of the number of licenses permitted in a city.

Many residents have expressed a desire to limit the locations where retail cannabis establishments may locate to prevent stores from clustering in certain parts of the city. Reducing the number of licenses provides the city council with the flexibility to zone retail shops responsibly, limit exposure to children, avoid village centers, and distribute acceptable locations to prevent clustering.

In addition, these retail shops will be the only business, other than hotels, that provide significant local tax revenue that can address the services Newton residents want and need. At a time when residents are clamoring for road and sidewalk repairs, school repairs, and increased senior services, Newton should not be sending this revenue to neighboring communities that will most certainly welcome it. Some of this revenue must also be used for educational purposes and prevention of misuse, an area that is currently underfunded.

On November 6th, vote YES on the **Question to Limit** to enable the city to modify the number of stores permitted and the flexibility to locate them responsibly, safely and appropriately. For more information, see www.nobannewton.org.

Responsible First Step Newton

Argument Against Limiting

The two main reasons to Vote NO on the 2-4 marijuana store "limit."

1. The same negatives of having pot shops in Newton apply whether there are 2, 4, or 8 stores. The for-profit marijuana industry will enter Newton, where they will commercialize, normal-

ize and promote recreational marijuana use, leading to increased youth use and addiction, and impaired drivers. Fewer stores would merely concentrate these impacts in a few unlucky neighborhoods.

2. The 2-4 "Limit" is not a firm limit: As stated by a co-sponsor of this ballot measure in a City Council meeting: "There is no legal authority that would constrain us from increasing the number of stores beyond this after the ballot question...if we went with 4, and then the market required more stores, then we could come back, redo our zoning and increase the number if we deemed it appropriate." This "limit" is clearly a first step for marijuana commercialization to enter Newton and then expand beyond 4 stores.

Don't vote 2-4 as a backup: Voters who prefer Opt Out should vote NO on 2-4. Voting for 2-4 as a "backup" in case Opt Out fails cancels out your vote. If both questions pass, the City Council can choose the one with the most YES votes. Voting 2-4 as a backup inflates the vote for 2-4, and could cause Opt Out to fail. The 2-4 question isn't different than the status quo of 8+ stores since the so-called "limit" can be increased later.

Opt Out Newton
<http://optoutnewton.org/>

INSTRUCTIONS TO VOTERS

In order to pass, a ballot question must receive more "YES" votes than "NO" votes cast on that ballot question. It is possible that both Questions may pass. The City Council has asked the Election Commission to put the following Instructions to Voters on the ballot:

The Questions are separate questions. You may vote for or against each question independently.

If more than one question passes, the question with the highest number of "YES" votes will prevail.

BALLOT QUESTION TO AUTHORIZE BANNING RECREATIONAL MARIJUANA RETAIL STORES IN THE CITY OF NEWTON

The question to ban as it will appear on the ballot is as follows:

Shall the City of Newton adopt the following general ordinance:

All recreational marijuana retail establishments shall be prohibited from operating in the City of Newton.

YES
NO

SUMMARY

In 2016, Massachusetts passed a law permitting the sale and use of recreational marijuana in the Commonwealth. Under the current law, the Newton City Council may limit the number of recreational marijuana retail stores in Newton to no fewer than twenty per cent (20%) of Newton's retail liquor store licenses, which currently would amount to eight (8) recreational marijuana retail stores. The Council cannot further restrict the number of recreational marijuana retail stores in Newton unless the voters approve a ballot measure authorizing the City Council to do so.

A "YES" vote on this question would authorize the City Council to pass an ordinance banning any recreational marijuana retail stores from operating in Newton.

A "NO" vote would leave the current law in place, that is, the Newton City Council may limit the number of recreational marijuana retail stores in Newton to no fewer than twenty per cent (20%) of Newton's retail liquor store licenses, or eight (8) stores.

Argument in Favor of a Ban

To preserve public health and safety, Newton voters should vote **YES** to ban recreational marijuana retail shops and **NO** on a 2-4 initial retail limit.

- While adult use and medical dispensaries remain protected, hosting recreational marijuana retailers adds unnecessary risks and consequences.
- Retail marijuana shops are associated with earlier and increased adolescent use. 17% of youth users become addicted, with significant mental health and educational consequences.
- Black market sales have not changed significantly in states with marijuana legalization.
- Towns bordering Newton (Weston, Wellesley, Needham and Dedham) and 100+ others have banned retail marijuana stores; Newton could become the Metrowest Super Center for marijuana retail, including high-potency edibles that cannot be locally regulated.
- Some consumers will drive home high, endangering pedestrians, bikers and drivers, increasing risk of traffic fatalities. Law enforcement lacks a test to identify drivers impaired by marijuana use.
- Because of these risks, Newton's Police Chief, Fire Chief, the former President of Newton-Wellesley Hospital, and many local pediatricians, psychiatrists, educators and healthcare professionals support a ban.
- A Special Massachusetts Senate report noted retail marijuana tax revenues may not cover the public and social costs, including law enforcement.
- None of these concerns are remedied by allowing just 2-4 retailers. In addition, the City Council can vote to expand beyond 4 stores at any time.
- Avoid high risk and low rewards: vote **Yes for the Ban** and **No on 2-4**.

Opt Out Newton
<http://optoutnewton.org/>

Argument Against a Ban

Vote No on Question to Ban

The safest way for Newton to manage the legal sale and distribution of adult-use cannabis is through the state regulations, coupled with significant local control. Massachusetts has spent 2 years developing a responsible legal framework based upon lessons learned from other states. As eight other states and the District of Columbia have learned, the safest way to manage the cannabis industry is to regulate, not ban, adult use. Now, it's time for Newton to implement the will of the voters through local control!

Newton residents voted overwhelmingly to approve issues related to medical and recreational marijuana in 2008, 2012 and 2016. Yet voters are being asked – one more time – to affirm our commitment to local control of retail cannabis establishments that can provide significant revenue to the city.

Banning sales of this product, as has been tried throughout history, has not prevented minors from accessing unregulated cannabis. The most recent evidence from Oregon and Colorado indicates that teenage use of cannabis actually goes down with local regulation.

Cities and towns across Massachusetts are committed to a responsible roll out of this new industry and to gaining the benefits of additional tax revenue. These retail stores, unlike other businesses, are required to pay a local sales tax as well as additional revenues that will go directly to Newton. Regulate, don't ban. On November 6th, **vote NO on Question to Ban**. For more information, see www.nobannewton.org.

Responsible First Step Newton

Newton Election Commission

City Clerk's Office, Newton City Hall
 1000 Commonwealth Avenue
 Newton, MA 02459

Municipal Election

Tuesday, November 6, 2018
 Polls open: 7:00 am to 8:00 pm
 Early Voting available October 22 through November 2

Newton Election Commission

Marjorie Ann Butler—Chair, Jan Huffman,
 Nancy M. Levine, John P. McDermott
 David A. Olson—City Clerk

Dear Newton Voter,

The City of Newton will hold a special Municipal Election on November 6, 2018, the same day as the State General Election. Voters will have an opportunity at the Municipal Election to vote on two (2) ballot questions dealing with recreational marijuana retail stores in the City of Newton. One ballot question would authorize banning all recreational marijuana retail stores in Newton. The other ballot question would authorize limiting the number of recreational marijuana retail stores in Newton. If neither ballot question passes, the current state law regulating recreational marijuana establishments would stay in effect and the City Council could not limit the number of recreational marijuana retail stores to less than eight (8) stores. The City Council and Mayor placed both questions on the ballot pursuant to the provisions of M.G.L. c. 94G, section 3 which sets out the procedures for exercising local control over recreational marijuana establishments. Medical marijuana dispensaries are not affected by either ballot question.

The City of Newton Election Commission is required by law to mail to Newton voters the text of local ballot questions. The Commission is also required by law to include a summary of each question prepared by the City Solicitor, and arguments for and against each question prepared by the principal proponents and opponents of these questions. The Election Commission is not responsible for the accuracy of the statements made in the arguments for and against each ballot question.

If you have any questions, please contact the City Clerk's office at 617-796-1200.

Sincerely,



David A. Olson
 Newton City Clerk

