



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR  
MARTIN J. WALSH

**EXECUTIVE ORDER**  
**OF**  
**MAYOR MARTIN J. WALSH**

An Executive Order Relative to Employee Participation in Marijuana  
Businesses Seeking Discretionary Approval from the City of Boston

Pursuant to the authority vested in me as Chief Executive Officer of the City of Boston pursuant to St. 1948, c. 452, s. 11, and every other power hereto enabling, I hereby order and direct as follows:

**ARTICLE I. Purpose.**

The developing nature of the local approval process for marijuana businesses, in conjunction with the potentially significant value associated with such approvals, poses unique conflict of interest challenges that the City must address. Most importantly, there is a substantial risk that allowing City employees to participate in marijuana businesses that are seeking approval from the City will create an appearance of conflict of interest. An appearance of a conflict will undermine the public's confidence in the City's ability to regulate the approval of marijuana establishments in a fair and transparent manner. There is also risk of actual conflict of interest affecting City operations - because employees who participate in such businesses may favor marijuana interests (intentionally or not), or because such employees may have to recuse themselves from work tasks in order to avoid marijuana conflicts. The City must not carry out its governmental functions in a manner that undermines public confidence in the neutrality and fairness of municipal decisions or unnecessarily risk actual conflicts or incompatibility of employees' public and private roles. This Executive Order is intended to mitigate those concerns during the initial stage of the marijuana industry when the City is developing and implementing local approval and oversight processes for the industry.

**ARTICLE II. Definitions.** For purposes of this Order:

- A. "Approval from the City of Boston" means a host community agreement, a zoning variance or conditional use permit, any license that may subsequently be required by any



City ordinance, approval from any architectural or historic district commission, or other similar approval to be obtained from any City employee, department, board, or commission that is required to operate a marijuana business in Boston.

- B. "Immediate family member" means either: (i) an employee's spouse; or (ii) any parent, sibling, or child of the employee or spouse.
- C. "Marijuana business" means a marijuana establishment or medical marijuana treatment center required to obtain a host community agreement pursuant to G. L. c. 94G, s. 3(d), or a marijuana delivery service.
- D. "Participate" means to hold a current or promised ownership interest in a business, to acquire any right to the profits of such business, or to represent or advocate publicly or privately on behalf of a business.

#### ARTICLE III. **Policy.**

- A. No City of Boston employee or immediate family member may participate in a marijuana business that is currently seeking, or intends to seek, an approval from the City of Boston or its agencies.
- B. No member of the Zoning Board of Appeal, the Boston Licensing Board, the Boston Public Health Commission, the Boston Zoning Commission, the Boston Redevelopment Authority d/b/a the Boston Planning and Development Agency, or their immediate family members, may participate in a marijuana business that is currently seeking, or intends to seek, an approval from the City of Boston, or its agencies.

#### ARTICLE IV. **Enforcement.**

- A. Consistent with other City policies, procedures and employment contracts, a department head shall not knowingly employ an employee who violates this policy and continues to do so after written notice to the employee and a reasonable opportunity to comply.
- B. Staff in the Mayor's Office of Emerging Industries, and any other City employees who participate in any grant of approval from the City of Boston, shall consider the participation of any City employee, or their immediate family members, in a marijuana business to be a negative factor that supports denial of approval of that business. Similarly, the participation in a marijuana business of any member of the boards and

commissions listed above, their immediate family members, or employees of the Boston Planning and Development Agency, shall be considered to be a negative factor that supports denial of approval of that business.

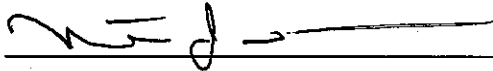
**ARTICLE V. Other City Policies.**

Nothing in this Executive Order shall be viewed as amending, modifying, or repealing any other City policy or work place rule.

**ARTICLE VI. Effective Dates.**

This Order and the policy it announces shall take effect immediately. This Order shall expire on December 31, 2023, unless previously superseded or otherwise changed by Executive Order or other binding agreement of the City of Boston.

**SIGNED THIS 13th DAY OF SEPTEMBER, 2019.**

A handwritten signature in black ink, appearing to read 'Martin J. Walsh', is written over a solid horizontal line.

**Martin J. Walsh**  
**Mayor of Boston**