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TO: OWNERS OF RENTAL PROPERTY IN FRANKLIN

FROM: THOMAS J. LYNCH, CHIEF OF POLICE

SUBJECT: MARIJUANA CONSUMPTION

DATE: DECEMBER 7, 2016

A few owners of rental property have asked us what impact the recent marijuana ballot question will have on their ability to manage their properties. I encourage property owners to confer with legal counsel prior to altering the lease agreements they ask prospective tenants to sign, but you should know that there is language in Question 4 (which goes into effect December 15) that addresses the issue. Specifically, Section 2 of the new law states:

This chapter shall not be construed to [1] prevent a person from prohibiting or otherwise regulating the consumption, display, production, processing, manufacture or sale of marijuana and marijuana accessories on or in property the person owns, occupies or manages, except that a lease agreement shall not prohibit a tenant from consuming marijuana by means other than smoking on or in property in which the tenant resides unless failing to do so would cause the landlord to violate a federal law or regulation.

The reference to “consuming marijuana by means other than smoking” is primarily to the consumption of high-THC edible products, which are now lawful. However, it is clear that property owners can prohibit tenants from smoking marijuana on their property.

We anticipate that we may start receiving more complaints about marijuana smoke in multi-unit dwellings and have created this document to assist you in preventing the problem before it occurs.

If there are additional questions we can answer, on this or any issue, please let us know.

Very Truly Yours,



Thomas J. Lynch

Chief of Police