



**Town of Southborough
Board of Health
9 Cordaville Road, Lower Level
Southborough, MA 01772-1662**

Health Department
Phone: 508-481-3013

To: Select Board, Mark Purple
From: Board of Health/Health Department
Date: July 7, 2026
Re: Cannabis Delivery Opt-Out Process

The Board of Health met 7/7/2026 and reviewed the new cannabis delivery opt-out process. The Board discussed and weighed the pros and cons of opting out but was unable to reach a consensus at this time.

On April 19, 2026, Governor Healey signed "An Act Modernizing the Commonwealth's Cannabis Laws" (H.5350, Chapter 65 of the Acts of 2026). Among other changes, the Act amended the Commonwealth's delivery framework so that licensed marijuana Delivery Operators, Couriers, and Microbusinesses with a delivery endorsement may now deliver adult-use cannabis to any city or town in Massachusetts, effective immediately. Previously, delivery was generally limited to municipalities that had authorized retail marijuana establishments, or that had otherwise notified the Cannabis Control Commission ("CCC") that delivery could operate within their borders. Under the new law, delivery is now the default statewide, and a municipality that does not authorize retail marijuana establishments must affirmatively "opt out" if it wishes to prohibit delivery within its borders.

To opt out, a municipality that does not authorize marijuana retailers may submit a formal Waiver Request to the CCC. If granted, the waiver allows the municipality to prohibit adult-use delivery for up to two years and is renewable at the CCC's discretion. Municipalities that do authorize retail marijuana establishments are not eligible for this waiver and cannot opt out of delivery. Delivery of medical marijuana by registered Medical Marijuana Treatment Centers is unaffected by this process and remains permitted in all 351 cities and towns.

The Board of Health wants to be clear that it does not have independent legal authority to decide whether the town opts out of cannabis delivery. Local control over marijuana establishments, including decisions of this kind, is governed by M.G.L. c. 94G, § 3 ("Local Control"), which vests this authority in the city or town itself — exercised through local ordinance, by-law, or ballot vote, and administered on the town's behalf by the Select Board (or, where applicable, Town Meeting/Town Council) — not the Board of Health. The statute repeatedly refers to the "city or town," the "board of selectmen," and "city council" as the relevant local authorities for cannabis-related determinations, including the submission of any waiver request to the CCC.

The Board of Health's role in today's discussion was limited to reviewing the public health considerations associated with cannabis delivery and offering its input to inform the Select Board's decision. The ultimate determination of whether to pursue an opt-out waiver, and the process for doing so, is the Select Board's process and determination.

Members of the Select Board who have questions about the Board of Health's discussion are welcome to view the recording of today's meeting on the town's YouTube channel, or to reach out to Taylor West for further details. Please let us know if you have any questions.

Sincerely,
Taylor West BSN, RN
Health Director
Town of Southborough
508-281-8983 (Office)
774-245-3405 (Cell)
twest@southboroughma.gov

To: Municipalities

Cc: Marijuana Establishments and Medical Marijuana Establishments (Medical Marijuana Treatment Centers)

From: Executive Director Travis Ahern

Date: April 19, 2026

Subject: Delivery of Marijuana and Marijuana Products – Municipal Waiver Option

The Governor has signed H.5350: *An Act Modernizing the Commonwealth's Cannabis Laws* (Act). This bulletin provides guidance to municipalities regarding the Act's provisions on limited delivery of marijuana and marijuana products.

Delivery Allowed Statewide

Section 25 of the Act authorizes the Cannabis Control Commission (Commission) to issue licenses that allow limited delivery of marijuana or marijuana products to consumers.¹ Under the statute:

- Limited delivery is permitted in every municipality in the Commonwealth.
- However, a municipality that does not authorize retail Marijuana Establishment licenses within its borders may request a waiver from the Commission.
- Upon initial request, the Commission must grant the waiver, and the municipality may temporarily prohibit delivery within its jurisdiction.
- The waiver is valid for up to two years and may be extended in two-year increments at the Commission's discretion.

Action for Municipalities

Municipalities that wish to opt out of limited delivery should:

1. Confirm that the municipality does not authorize retail Marijuana Establishments;
2. Prepare and submit a two-year waiver request to the Commission from the chief municipal executive; and
3. Track the two-year waiver period and request extensions as needed.

The Commission will issue further guidance on application procedures, timelines, and implementation as its regulatory updates under the Act proceed. If a delivery licensee is uncertain whether a municipality permits delivery, the licensee should contact the municipality directly for clarification before engaging with consumers located within that jurisdiction.

Questions?

Questions may be directed to the Commission at (774) 415-0200 or email at Commission@CCCMass.com.

¹ Municipalities may not opt out of deliveries by Medical Marijuana Establishments (Medical Marijuana Treatment Centers) of medical marijuana to patients and caregivers. Medical marijuana may continue to be delivered in all municipalities in the Commonwealth.

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Rachel Murphy

From: Rachel Murphy
Sent: Friday, August 7, 2026 8:57 AM
To: Mark Purple
Subject: opt out delivery
Attachments: Bulletin No. 2 _ An Act Modernizing the...pdf

The opt-out waiver request form is available here:
[Delivery Waiver Request Form](#)

Based on my review, there is no specific deadline for opting out. However, the waiver expires every two years and must be renewed.

Since the law took effect in April, 13 communities have opted out. Westborough is one of those communities; its opt-out was approved at its May 28 meeting and reflects on the Cannabis Control Commission's website.

Currently, cannabis deliveries require the recipient to sign for the delivery, present a valid ID, and be registered in the dispensary's system.

Per the Cannabis Control Commission:

- The Commission encourages municipalities to carefully consider the implications of prohibiting delivery. It notes that delivery businesses operate safely and discreetly and are part of the Commonwealth's equity initiatives, with delivery licenses reserved for Social Equity Program participants.
- Delivery businesses may also generate local tax revenue, including local-option taxes collected from Delivery Operators.
- The Commission authorizes three delivery business models:
 - **Delivery Courier:** Delivers products from licensed Marijuana Establishments or Medical Marijuana Treatment Centers to consumers and patients.
 - **Delivery Operator:** Purchases and warehouses marijuana products and delivers them directly to consumers.
 - **Delivery Endorsement:** Allows an existing Microbusiness to conduct delivery operations.

Additional information is available through the Cannabis Control Commission's [Municipal Zoning Tracker](#).

City/Town	Adult Use Status	Delivery Status	Social Consum
Westborough	Ban in place	Delivery banned DW-2026-001 Expiry: June 5, 2028	No zoning in plac
Hampden	Ban in place	Delivery banned DW-2026-003 Expiry: June 5, 2028	No zoning in plac
Lincoln	Ban in place	Delivery banned DW-2026-005 Expiry: June 9, 2027	No zoning in plac
Holden	Ban in place	Delivery banned DW-2026-006 Expiry: June 10, 2028	No zoning in plac
Avon	Ban in place	Delivery banned DW-2026-007 Expiry: June 10, 2028	No zoning in plac
Middleton	Ban in place	Delivery banned DW-2026-009 Expiry: June 26, 2028	No zoning in plac
Medfield	Ban in place	Delivery banned DW-2026-010 Expiry: June 26, 2028	No zoning in plac
Wayland	Ban in place	Delivery banned DW-2026-011 Expiry: June 26, 2028	No zoning in plac
Lexington	Ban in place	Delivery banned DW-2026-012 Expiry: July 13, 2027	No zoning in plac
Mattapoissett	Ban in place	Delivery banned DW-2026-013 Expiry: July 13, 2028	No zoning in plac
Hopkinton	Ban in place	Delivery banned DW-2026-004 Expiry: June 8, 2028	No zoning in plac
Foxborough	Ban in place	Delivery banned DW-2026-008 Expiry: June 17, 2028	No zoning in plac
Needham	Ban in place	Delivery banned DW-2026-002 Expiry: June 5, 2028	No zoning in plac

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17 Common St.
Southborough, MA 01772