



CANNABIS REGULATION
FACT SHEET

State Zoning Restrictions


I. Introduction

In adult-use cannabis regulation, state zoning restrictions are primarily used to limit youth exposure to cannabis. This fact sheet examines state zoning policies targeting adult-use cannabis retailers and focuses on 10 policy variables. Each of the variables is discussed in the Research Summary in Section II. Section III contains a table that examines the policy approach of each state and allows a side-by-side comparison of these approaches. While 20 jurisdictions have legalized adult-use cannabis, the District of Columbia and Virginia do not have a licensed market. As a result, this fact sheet focuses on the 18 states that have licensed adult-use markets.

II. Research Summary:

This section examines 10 state zoning variables used to regulate adult-use cannabis retailers. The prevalence of each variable is explained, and a range of policy approaches is provided when necessary.

Cannabis Retail Zoning Restrictions: 13 of 18 states impose zoning restrictions on adult-use cannabis retailers. These zoning restrictions prohibit these businesses from operating within a certain buffer zone around targeted locations. The targeted locations are generally youth focused and the most common locations will be discussed below.



Distance of Buffer Zones: The required distance of the buffer zone varies considerably between jurisdictions. Some states have different sized buffer zone depending on the targeted location (e.g., school vs. a place of worship). The most common buffer zone size, used by **6 states**, is 500 feet (AK, MA, MT, NY, RI, and VT). **5 states** use a buffer zone of 1000 feet (ME, MI, NV, OR, and WA). California uses a buffer zone of 600 feet for all its protected areas. Nevada uses a buffer zone of 300 feet for community centers. New York uses a buffer zone of 200 feet for places of worship. As mentioned above, some states use different buffers zones depending on the protected area. For example, Nevada applies a buffer zone of 1000 feet to schools, 300 feet to community centers, and 1,500 feet to gaming establishments. In addition, **6 states** allow local government to decrease the size of the buffer zone by ordinance (ME, MA, MI, OR, RI, and WA). However, **3 of these states** set a lower limit for this modification (ME, OR, and WA). For example, Washington allows a local jurisdiction to decrease the 1000-foot buffer zone down to 100 feet if the change does not negatively affect law enforcement, public safety, and public health. Rather than allowing a smaller buffer zone, Montana allows local jurisdictions to create a larger buffer zone for cannabis retailers. New Mexico also has a novel approach. Rather than setting a default buffer zone, it allows locals to set a buffer zone up to 300 feet.

Schools: **All 13 states** with buffer zones, apply them to schools. However, definition of school varies amongst states. **6 states** define the term as covering kindergarten through 12th grade (CA, MA, MI, OR, RI, and WA). **3 states** cover pre-school through 12th grade (ME, MT, and NV). **4 states** use the term school without further clarifying it (AK, NM, NY, and VT). Montana is unique in that covers post-secondary educational institutions, in addition to pre-school through 12th grade.

Playgrounds: **2 of 13 states** apply their buffer zone to playgrounds (NV and WA).


Public Parks: **2 of 13** states apply their buffer zone to public parks (NV and WA). Nevada also includes public pools in this restriction.

Day Care: **4 of 13 states** cover day care or childcare facilities in their zoning restriction (CA, NV, NM, and WA).

Recreation Centers: **4 of 13 states** include recreation, community, or youth centers in their zoning restrictions (AK, CA, NV, and WA).

Places of Worship: **4 of 13 states** include places of worship in their zoning restrictions (AK, MT, NV, and NY).

Residential Zones: **2 of 13 states** prohibit cannabis retailers in areas that are zoned exclusively for residential purposes (MI and OR).



Preexisting Clause: 9 of 13 states have a provision that protects a retailer if they preceded the placement of the protected location (AK, CA, ME, MI, MT, NV, NM, OR, and RI). For example, if the cannabis retailer was in existence and then a school was built within the buffer zone, the retailer would not be penalized and could remain at the site.

There are other areas covered by cannabis retailer zoning restrictions. However, these variables were only adopted by a single state, as a result they were not included in the Research Table in Section III. Alaska includes correctional facilities in its cannabis retailer zoning restrictions. Nevada covers establishments with a nonrestricted gaming licenses in its zoning restrictions. Washington includes several additional locations including libraries, game arcades that are not restricted to individuals 21 years of age or older, and public transit centers.

III. Research Table

This table contains the policy research for the twenty jurisdictions with adult-use cannabis. N/A stands for “not applicable.” N/A is used when the variable is not applicable because (1) the state does have a licensed adult-use market (D.C. and VA) or (2) the state does not utilize zoning restrictions for adult-use retailers.

State	Citation	Retail Zoning Restrictions	Distance	School	Playground	Public Park	Day Care	Recreation Center	Place of Worship	Residential Zone	Preexisting Clause
AK	3 AAC 306.010	Y	500 feet	y	N	N	N	Y	Y	N	Y
AZ	N/A	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CA	Cal.Bus. & Prof.Code § 26054	Y	600 feet	Y	N	N	Y	Y	N	N	Y
CO	N/A	No ¹	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CT	N/A	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
DC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
IL	N/A	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ME	ME ST T. 28-B § 402 ME ST T. 28-B § 403	Yes	1,000 feet ²	Y	N	N	N	N	N	N	Y
MA	935 MA ADC 500.110 935 MA ADC 500.002	Yes	500 feet ³	Y	N	N	N	N	N	N	N
MI	MI STAT. § 333.27959	Yes	1,000 feet ⁴	Y	N	N	N	N	N	Y	Y
MT	MT STAT. 16-12-207	Yes	500 feet ⁵	Y	N	N	N	N	Y	N	Y
NV	NV ST 678B.250	Yes	1000 feet (School)	Y	Y	Y	Y	Y	Y	N	Y




State	Citation	Retail Zoning Restrictions	Distance	School	Playground	Public Park	Day Care	Recreation Center	Place of Worship	Residential Zone	Preexisting Clause
			300 feet (Community Center) 1,500 feet (Gaming Facility)								
NJ	N/A	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NM	NM ST § 26-2C-12	Yes	Locals cannot create a buffer zone greater than 300 feet	Y	N	N	Y	N	N	N	Y
NY	Cannabis Law §72	Yes	500 feet (School) 200 Feet (Place of Worship)	Y	N	N	N	N	Y	N	N
OR	OR ST § 475C.101 OR ST § 475C.097 OR ST § 475C.105	Y	1000 feet ⁶	Y	N	N	N	N	N	Y	Y

State	Citation	Retail Zoning Restrictions	Distance	School	Playground	Public Park	Day Care	Recreation Center	Place of Worship	Residential Zone	Preexisting Clause
RI	RI ST § 21-28.11-17.1	Y	500 feet ⁷	Y	N	N	N	N	N	N	Y
VT	VT ADC 26-1-2:8⁸ VT ST T. 18 § 4237	Y	500 feet ⁹	Y	N	N	N	N	N	N	N
VA	N/A	N/A ¹⁰	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
WA	WA ST 69.50.331	Y	1000 Feet ¹¹	Y	Y	Y	Y	Y	N	N	N

This document was developed by Mathew R. Swinburne, J.D., Associate Director for the Network for Public Health Law-Eastern Region. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.

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- ¹ While Colorado does not place zoning restrictions on adult-use retailers, licensed medical marijuana dispensary may not be located within 1,000 feet of a school; alcohol or drug treatment facility; the principal campus of a college, university, or seminary; or a residential child-care facility. [C.R.S.A. § 44-10-311](#).
- ² In Maine, a municipality or the Maine Land Use Planning Commission can reduce the buffer zone to 500 feet.
- ³ Massachusetts allows municipalities to adopt ordinance that reduce the buffer zone below 500 feet.
- ⁴ Michigan allows municipalities to adopt ordinances that reduces this distance requirement.
- ⁵ Montana indicates that the establishment cannot be withing 500 and on the same street as a school of place of worship. It also allows local governments to require a greater distance.
- ⁶ Oregon allows a retailer to be located closer than 1,000 feet if three conditions are met. First, the retailer cannot be closer than 500 feet. Second, Oregon Liquor and Cannabis Commission determines that there are physical or geographic barriers that are capable of preventing children from traversing the premises of the retailer. Third, the retailer was established prior to August 1, 2017, in accordance with city or county law.
- ⁷ Rhode Island allows a city or town to adopt an ordinance or by-law that reduces the distance requirement.
- ⁸ The citation provided is from Westlaw. The link to a publicly available source is to a different section but has the same information. It appears that one of these sources, has not updated to reflect the current organization of the administrative code.
- ⁹ Vermont prohibits cannabis retailers within to be within 500 feet of a school on property that abuts that school. A property is considered to abut school if it shares a boundary with a school or is adjacent to school property and is separated only by a river, stream, or public highway.
- ¹⁰ Virginia did not reauthorize the 2021 Cannabis Control Act and as a result there are no provisions for a licensed adult-use market..
- ¹¹ Washington allows a local jurisdiction to pass an ordinance that reduces the buffer zone down to 100 feet, so long as it does not negatively impact law enforcement, public safety, and public health interests.