

**Cannabis Advisory Board
Public Safety and Community Mitigation Subcommittee
December 1, 2017**

Members of the subcommittee:

Matt Allen, chair
Andrea Cabral
John Carmichael
Kenneth Halloran
Julie Jacobson
Michael Latulippe
Kim Napoli
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Henry Thomas

The subcommittee met on:

October 20, 2017
November 3, 2017
November 22, 2017
December 1, 2017

OVERALL THEMES

- Massachusetts should strive to be the standard for best practices in the cannabis industry. Effectively addressing concerns of stakeholders is an important element in becoming an example for other states to follow.
- Security regulations for the medical cannabis program are strong, and should be used by the CCC.
- Municipalities are seeking for guidance on moratoriums, zoning, licenses for events, and many other issues.
- Law enforcement agencies need resources to educate their employees about how to enforce the law.
- Adherence to the Cole memo and the enforcement areas it emphasizes may prevent federal intervention and should be prioritized (i.e. prevent diversion to other states, access by youth).

- Regulations should not create undue burdens, particularly for smaller businesses seeking to enter the market. For instance, some security regulations necessary for large scale grow operations may not be necessary for a smaller businesses that have a lesser amount of cannabis on hand at any time.
- Consumers need educational resources to better adhere to the law and to consume cannabis responsibly.

BUSINESS

Goal:

- Create security measures to protect the premises, staff, customers, abutters, and the general public.
- Ensure that excessive regulation does not create unnecessary barriers to entry into the market, especially for small business entrepreneurs and including in the areas of security and community mitigation requirements.
- Prevent diversion of cannabis.

Themes:

- Security provisions in current medical cannabis regulations are generally adequate.
- Businesses where less cannabis is kept on site, such as those with on-site consumption licenses may require less stringent security regulations than large scale grow or retail operations.
- Regulations governing licenses for outdoor consumption at events should be promulgated.
- Establishing productive relationships between local law enforcement and cannabis businesses will facilitate smooth operation.

Recommendations:

See Appendix I for security provisions currently included in Chapter 94 G. We recommend that these provisions be adopted.

See Appendix II for security provisions currently included in 105 CMR 725.110, regulations for the medical cannabis program. We recommend these provisions be adopted.

Additional recommendations include:

- The CCC should recommend that the legislature earmark tax revenue for security funding grants for cannabis businesses for whom financial incapacity is the sole barrier for entry into the market, so that security requirements do not create a barrier to entry. The Executive Office of Housing and Economic Development, jointly with The Executive Office of Public Safety and Security, could review applications and award such grants.
- Outdoor cannabis cultivation areas shall be fortified with perimeter security fencing (intrusion alarms) designed to prevent unauthorized entry and shall not be advertised, or be visible from public areas. Area should be posted that it is a restricted area and surveillance cameras shall be installed at all entry & exit points.
- All cannabis establishments should notify local Chief of Police about security protocols. Establishments and police departments should designate liaisons who will maintain contact with one another.
- Ancillary businesses that do not come in direct contact with cannabis may register with the CCC and receive an accreditation to protect Massachusetts consumers and businesses from predatory entities. The CCC should maintain a comprehensive list of those registered and accredited as well as those found to be predatory or unscrupulous so that consumers and businesses may collect reliable information prior to engaging in their services. The Attorney General's Consumer Protection Bureau may offer a model of how to implement this provision.
- The CCC should adopt a statewide program similar to Colorado's Responsible Vendor Program. The program must be approved by the CCC and required for employees. Employers may offer their own in-house training in place of the responsible vendor training if it meets minimum standards as sent by the CCC and is annually reviewed by the CCC. Training may be offered online or in person.
 - Employees who choose to take this course prior to being employed may apply for a waiver of course fee by showing financial hardship (to be determined by the CCC).
 - Vendor training should apply to all employees involved in selling or handling cannabis products. Administrative employees are not required to take this course.
 - New employees must be certified within 90 days of hire. Certifications last two years and must be renewed as a condition of employment. The program is designed to bolster industry-wide safety, security, integrity, and transparency standards.

- The CCC should adopt recent amendments to 105 CMR 725 as they relate to independent testing labs and lab agents (725.031: Registration of Independent Testing Laboratories 725.032: Registration of Independent Testing Laboratory Agents).

LAW ENFORCEMENT

Goal:

- Ensure that law enforcement agencies have the necessary resources to effectively enforce the law.
- Prioritize adherence to the Cole memo and enforcement areas it emphasizes while avoiding unnecessary arrests, prosecutions, and incarcerations for violations of the law.

Themes:

- Law enforcement agencies need resources to educate agents about what is a chargeable offense under the new law.
- The CCC should advocate for some tax revenue from cannabis sales to be dedicated to creating a centralized resource on for police education and training enforcement of the law.
- Baseline data must be collected in order to measure the impact of the law.

Recommendations:

- The CCC shall have the authority to accept alternative security safeguards. If a marijuana establishment has provided other safeguards that can be regarded as an adequate substitute for a security requirements, such added protection may be taken into account by the CCC in evaluating overall required security measures.
- CCC should provide materials for law enforcement agencies to educate law enforcement agents about what is legal and what is arrestable under the new law.
- Some portion of tax revenue should go to law enforcement training.
- The CCC should have an enforcement wing, similar to the Alcoholic Beverage Control Commission. There should be representation from the Division from the Public Health and Public Safety Secretariats or their agency designees.¹

¹ See: [www.colorado.gov>enforcement](http://www.colorado.gov/enforcement) for potential scope and website content.

- Security regulations for cannabis businesses must include measures to prevent diversion.
- Where violations occur, penalties should include corrective action and a progressive penalty structure. Retraining through the Responsible Vendor Program should be an option.
- Single sales transactions should be limited to maximum amount allowed under the law (1 ounce at a time, or equivalent amount of concentrates), although deliveries to homes could be up to 10 ounces.
- Law enforcement agencies, the Executive Office of Public Safety, the Executive Office of Health and Human Services should gather all relevant pre-implementation data, from any state or local law enforcement, labor, environmental, public health or other regulatory agency, including, but not limited to: data regarding adult and juvenile arrests, charges, and prosecution broken down by age, race, gender, and location; prosecution and incarceration rates for offenses involving cannabis across race, age, and geography pursuant to M.G.L. Ch. 94C and 90; adult and juvenile recreational cannabis use; cannabis addiction rates, etc.
- Ensure cannabis establishment agents do not hinder CCC agents with this recommended language: Any person who hinders or delays any authorized investigator of the commission or any investigator, inspector or any other authorized agent of local licensing authorities in the performance of his/her duties, or who refuses to admit to or locks out any such investigator, inspector or agent from any place which such investigator, inspector or agent is authorized to inspect, or who refuses to give to such investigator, inspector or agent such information as may be required for the proper enforcement of the Cannabis Control Commission regulations, shall...(penalty).
- Cannabis establishments shall not permit disorder. No license for the sale of cannabis products shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefor, whether present or not.
- Penalties should be posted. Any cannabis establishment which sells cannabis to be used on the premises should post a copy of the penalties set forth in subdivision (1) of section twenty-four of chapter ninety for driving under the influence of drugs. Establishments that sell cannabis not to be used on the premises shall post a copy of the penalties set forth in MGL Ch. 94G, section 13(a)-(g) - identifying penalties for cultivation, possession, public use, open container, age, restriction, and enforcement mechanism.
- Similar language to MGL Ch. 138 § 34B should be adopted to identify acceptable forms of identification to prove one's age for marijuana purchases at a retail site, delivery, or

on-site marijuana consumption location. In order to have a defense to delivering or selling marijuana products to an underage person, a marijuana retailer/delivery agent licensee must rely on:

Massachusetts driver's license

Massachusetts liquor ID

Massachusetts identification card

Passport issued by the United States or a country recognized by the United States

Passport Card (driver's license issued with valid passport)

United States military identification card

- The Cannabis Control Commission shall work with the Executive Office of Public Safety & Security to provide funding to local law enforcement for the purpose of conducting underage marijuana sales/purchasing compliance checks. This shall include underage operatives purchasing marijuana from retail locations, surveillance patrols of marijuana establishments, shoulder taps at on-site marijuana consumption locations and other techniques to prevent sales of marijuana to persons less than 21 years of age.
- No marijuana products shall be sold or delivered from any premises licensed by the Cannabis Control Commission to a person(s) who appear to be intoxicated by alcohol or under the influence of drugs, including marijuana.
- Place of Last Consumption reports should be filed with the Cannabis Control Commission similar to MGL Ch. 90 §24J. In every case of a conviction of or a plea of guilty to a violation of operating a motor vehicle under the influence of drugs (marijuana), the court shall inquire of the defendant, before sentencing, regarding whether he was served marijuana prior to the violation at an establishment licensed to serve marijuana products on the premises and the name and location of said establishment. Any information so acquired by the court shall be transmitted to the Cannabis Control Commission. If this provision takes legislative action to enact, the CCC should recommend that the legislature take such action.
- This subcommittee recognizes that operating under the influence is a significant public safety concern and that Chapter 94G requires the formation of a commission to further investigate the issue.

COMMUNITY MITIGATION

Goal:

- Provide municipalities with guidance about how to adhere to the law and the range of cannabis businesses that may provide opportunities for economic development.

- Develop productive relationships between cannabis businesses, local authorities, and other stakeholders to ensure that concerns and unintended consequences can be effectively and quickly addressed.
- Implement best practices to mitigate any negative impacts on communities that host cannabis businesses.

Themes:

- The passage of the ballot initiative and ensuing changes to the law made by the legislature have left many municipal official in a state of confusion particularly regarding what authority they have to limit or ban cannabis businesses.
- Some mitigation agreements established by medical cannabis businesses and host communities have been driven by political concerns rather than measurable costs and have placed an undue burden on businesses. The CCC should create offer guidance on what constitutes reasonable mitigation measures to ensure that mitigation payments reflect real costs born by host communities. Best practices from other industries can provide guidance on effective mitigation.
- The CCC should develop policies to increase accountability, transparency, and cooperation between establishments and municipalities.

Recommendations:

MITIGATION AGREEMENTS

- Mitigation payments to communities should reflect real costs. The CCC should offer guidance as to what constitutes a reasonable mitigation package to avoid unfair burdens on businesses and to ensure that community impact fees are reasonably related to tangible and intangible costs to host communities.
- The CCC should require that abutting communities be notified of the proposed location of a recreational cannabis establishment.
- Cannabis Advisory Boards composed of local authorities, residents, and cannabis business owners should be encouraged. These groups can advise municipalities and offer an avenue for businesses to proactively address community concerns.
- The CCC should develop mandatory state environmental and waste requirements for cannabis establishments but also allow municipalities to modify those requirements based on their own concerns.

- The CCC should incorporate best practices from tobacco producers including water use efficiency, pollution monitoring, recycling programs, renewable energy usage, and programs reducing youth access and public exposure to smoke.
- The CCC should incorporate best practices from alcohol retailers for cannabis establishments including requiring comprehensive training of sales personnel, requiring strict policies for managers and owners, requiring active engagement with public health and enforcement agencies, and engagement with youth prevention organizations.

CLARIFICATION OVER CHANGES IN LAW

- The CCC should provide language, or work with the AG to create language, that municipalities can use in local ballot initiatives about hosting cannabis businesses.
- The CCC should develop boilerplate language for use in zoning ordinances or bylaws regarding the regulation of recreational establishments, or encourage the AG to do so.
- The Commission should issue guidance on how to re-legalize cannabis establishments in municipalities that banned them before they knew of the wide range of small business licenses possible under the compromise legislation.
- The CCC should provide guidance to municipalities that answers these questions:
 - If a municipality voted to prohibit all recreational establishments by ballot and that municipality is still going through the process of amending their bylaws or ordinances to reflect that vote of the voters, will that municipality be able to reject applications for recreational establishments in April of 2018 if their bylaws or ordinances have yet to be changed?
 - In those communities that simultaneously approved a temporary moratorium by vote of Town Meeting, is it assumed that the temporary moratorium will enable them to reject applications for recreational establishments in June of 2018?

LOCAL REGULATIONS

- The CCC should give local authority to Boards of Health or other local government body to regulate the sale or distribution of recreational cannabis products in accordance with state and local health regulations (with regard to handling, serving, and origin of product development).
- The CCC should require applicants to meet with local authorities and describe their business and its anticipated impact on the community as part of the licensing process. The Commission should develop a local sign off mechanism to demonstrate that the cannabis business has gone through this process.

- The Commission should issue guidance for municipalities on if they have the authority to further expand security protocols beyond state security guidelines based on their own municipal concerns related to cannabis establishments that are cash businesses.
- The Commission should issue guidance to municipalities on whether or not communities can zone small craft cooperatives within agricultural zones under recently amended MGL Chapter 40a Section 3.

EDUCATION OF MUNICIPALITIES AND TRAINING OF EMPLOYEES

- The CCC should require training for employees of cannabis establishments about the safe handling of cannabis, similar to alcohol TIPS certification and Serve Safe Training (see business recommendations regarding Responsible Vendor Training).
- The CCC should define whether there is a role for municipalities in licensing and enforcement and identify the local licensing authority and local enforcement authority similar to the liquor license authority defined in MGL.

ADDITIONAL LICENSES

- The CCC should create regulations that prohibit the use of recreational cannabis on private property when such private property or events held on private property are open to the public (whether free or through ticket sales).
- The CCC should design a process for obtaining One-Day Licenses, similar to One-Day Liquor Licenses, for agricultural vendors participating in Farmer’s Markets if such activity is to be allowed.

OTHER CONCERNS

- Community members should be able to report dissatisfaction and/or concerns about retailers to the CCC.
- Businesses should promote community participation by conducting outreach to local organizations that work with the community
- The Commission should develop guidance that encourages municipalities to appoint a municipal liaison designated to work with cannabis establishments interested in locating within their jurisdiction.

CONSUMER ISSUES

Goal:

- Provide educational resources so that consumers understand what activities are permitted under the law, health consequences of cannabis use, and how to avoid operating under the influence.
- Ensure consumers have a channel to express dissatisfaction with cannabis businesses or products so that the CCC can address issues as necessary.

Themes:

- Massachusetts may see an influx of “cannabis tourism,” requiring education of cannabis-naïve consumers.
- Education is the best way to prevent any negative consequences associated with cannabis use.
- Products available at retailers must meet consumer needs in order for the program to effectively undermine the illicit market.

Recommendations:

- CCC should promote public education on cannabis including:
 - compliance with the law
 - dosages and other info for naïve consumers
 - dangers of OUI and how to avoid OUI
- Consumers and the public should have a channel, such as a Mass.gov website or hotline, to report issues at dispensaries including problems or concerns with product safety, other safety hazards at retailers, product marketing, or underage sales.
- The CCC should promote education for the general public and out of state consumers through thoughtful placement of educational materials at the point of sale, through public service announcements, through the tourist bureau, and online.

APPENDIX I

Security measures include in Chapter 94G; Regulation of the Use and Distribution of Marijuana Not Medically Prescribed.

School Buffer: Any property where a proposed marijuana establishment is to be located shall not be within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a city or town adopts an ordinance or by-law that reduces the distance requirement. The 500 foot distance under this section is measured in

a straight line from the nearest point of the facility in question to the nearest point of the proposed marijuana establishment

Criminal Record of Marijuana Establishment Owners: An individual who will be a controlling person of the proposed marijuana establishment has not been convicted of a felony or convicted of an offense in another state that would be a felony in the commonwealth, except a prior conviction solely for a marijuana offense or solely for a violation of section 34 of chapter 94C of the General Laws, unless the offense involved distribution of a controlled substance, including marijuana, to a minor.

APPENDIX II

Existing Regulations for the Medical Marijuana Program, 105 CMR 725.00 that may be applied to the adult use program (language modified where necessary to reflect the CCC as the governing body, rather than the Department of Public Health).

- * **Individuals on premises:** Prevent individuals from remaining on the premises of the establishment if they are not engaging in activity expressly or by necessary implication permitted. Establish limited access areas accessible only to specifically authorized personnel, which shall include only the minimum number of employees essential for efficient operation.
- * **Individuals on premises:** Individuals who are not engaging in activity permitted by the establishment's functions shall be forbidden from remaining on the premises, and regulation should allow minimum number of employees essential for efficient operation.
- * **Storing:** Store all finished marijuana in a secure, locked safe or vault and in such a manner as to prevent diversion, theft, and loss.
- * **Safekeeping & Storage:** Keep all safes, vaults, and any other equipment or areas used for the production, cultivation, harvesting, processing, or storage of marijuana and MIPs securely locked and protected from entry, except for the actual time required to remove or replace marijuana.
- * **Equipment Maintenance:** Keep all locks and security equipment in good working order and design work order protocol for broken or non-functioning equipment.
- * **Safeguarding Access:** Prohibit keys, if applicable, from being left in the locks, or stored or placed in a location accessible to persons other than specifically authorized personnel.
- * **Safeguard Security Measures:** Protect combination numbers, passwords, key cards for access, or electronic or biometric security systems, to allow only specifically authorized personnel to have access to limited access areas.

* **Exterior:** Ensure that trees, bushes, and other foliage outside of the marijuana establishment do not allow for a person or persons to conceal themselves from sight.

* **Emergency Policies:** Develop emergency policies and procedures for securing all product following any instance of diversion, theft, or loss of marijuana, and conduct an assessment to determine whether additional safeguards are necessary.

* **Additional Safeguards:** Develop sufficient additional safeguards that present special security concerns.

* **Restricted Areas:** Marijuana establishments shall create limited access areas and must be identified by the posting of a sign that shall be a minimum of 12" X 12" and which states: "Do Not Enter – Restricted Area – Access Limited to Authorized Personnel Only" in lettering no smaller than 1 inch in height. Exceptions may be made for establishments that keep on site very little cannabis.

* **Restricted Area Illustration:** All restricted areas shall be clearly described by the filing of a diagram of the registered premises, in the form and manner determined by the Cannabis Control Commission reflecting walls, partitions, counters, and all areas of entry and exit. Said diagram shall also show all propagation, vegetation, flowering, processing, production, storage, disposal, and retail sales areas.

* **Visitor Badges:** All outside vendors, contractors, and visitors must obtain visitor identification badge prior to entering a restricted area, and shall be escorted at all times by an authorized staff member to enter the restricted area. The visitor identification badge must be visibly displayed at all times while the visitor is in any limited access area. All visitors must be logged in and out, and that log shall be available for inspection by the Cannabis Control Commission at all times. All visitor identification badges shall be returned upon exiting the establishment.

* **Surveillance Cameras, Perimeter Fencing & Alarm Systems**

A marijuana establishment shall have an adequate security system to prevent and detect diversion, theft, or loss of marijuana or unauthorized intrusion, utilizing commercial grade equipment, which shall, at a minimum, include:

1. A perimeter alarm on all entry points and perimeter windows.
2. A failure notification system that provides an audible, text, or visual notification of any failure in the surveillance system. The failure notification system shall provide an alert to designated employees of the marijuana establishment within five minutes after the failure, either by telephone, email, or text message.
3. A duress alarm, panic alarm, or holdup alarm connected to a central alarm system monitoring company who may notify local law enforcement authorities.

* **Surveillance Locations:** Surveillance cameras shall be installed in all areas that may contain marijuana, at all points of entry and exit, and in any parking lot, which shall be appropriate for the normal lighting conditions of the area under surveillance. The cameras shall be directed at all safes, vaults, point of sales areas, and areas where marijuana is cultivated, harvested, processed, prepared, stored, handled, or dispensed. Cameras shall be angled so as to allow for the capture of clear and certain identification of any person entering or exiting the marijuana establishment or restricted area.

* **Lighting:** Ensure that the outside perimeter of the marijuana establishment is sufficiently lit to facilitate adequate surveillance of premises.

* **Digital Retention:** Twenty-four hour recordings from all video/surveillance cameras shall be available for immediate viewing by the Cannabis Control Commission or law enforcement officers in the performance of duty upon request and shall be retained for at least 90 calendar days. Recordings shall not be destroyed or altered, and shall be retained as long as necessary if the Marijuana Establishment is aware of a pending criminal, civil, or administrative investigation, or legal proceeding for which the recording may contain relevant information;

* **Camera Quality:** The surveillance system shall have the capability to immediately produce a clear, color, still photo (live or recorded) and;

1. Be equipped with date and time stamp embedded on all recordings. The date and time shall be synchronized and set correctly and shall not significantly obscure the picture.
2. The ability to remain operational during a power outage; and a video recording that allows for the exporting of still images in an industry standard image format, including .jpg, .bmp, and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.

* **Video Storage:** All security system equipment and recordings shall be maintained in a secure location so as to prevent theft, loss, destruction, and alterations.

* **Back Up:** Marijuana Establishments shall have a back-up alarm system, with all capabilities of the primary system, provided by a company supplying commercial grade equipment, which shall not be the same company supplying the primary security system.

* **Access:** Access to surveillance areas shall be limited to persons that are essential to surveillance operations, law enforcement authorities acting within their lawful jurisdiction, security system service personnel, and representatives of the Cannabis Control Commission. A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Cannabis Control Commission upon request. If on-site, surveillance rooms shall remain locked and shall not be used for any other function.

*** Inspections:** All security equipment shall be in good working order and shall be inspected and tested at regular intervals, not to exceed 30 calendar days from the previous inspection and test.

*** Registered Marijuana Dispensary Transportation of Marijuana Products**

(1) Only authorized marijuana cultivators, manufacturers, or retailers may transport marijuana products on behalf of a marijuana establishment, whether between authorized marijuana establishments, or to scheduled delivery locations.

(2) An authorized marijuana establishment shall:

(a) Weigh, inventory, and account for on video surveillance all marijuana to be transported prior to its leaving the origination location;

(b) Re-weigh, re-inventory, and account for on video surveillance all marijuana transported, within eight hours after arrival at the destination except in the case of home delivery.

(c) Document and report any unusual discrepancy in weight or inventory to the Cannabis Control Commission and local law enforcement within 24 hours.

(d) Complete a shipping manifest in a form and manner determined by the Cannabis Control Commission for retention by the origination location, and carry a copy of said manifest with the products being transported; and

(e) Securely transmit a copy of the manifest to the receiving destination prior to transport except in the case of home delivery.

(3) An authorized marijuana establishment shall retain all shipping manifests for no less than one year and make them available to the Cannabis Control Commission upon request.

(4) A marijuana establishment shall ensure that marijuana is:

(a) Transported in a secure, locked storage compartment that is part of the vehicle transporting the marijuana;

(b) Not visible from outside the vehicle; and

(c) be transported in a vehicle that bears no markings indicating that the vehicle is being used to transport marijuana nor identifies the name of the marijuana establishment.

(5) Any vehicle transporting marijuana shall travel directly to the receiving location and shall not make any stops except in the case of home delivery. In case of an emergency stop, a detailed log must be maintained describing the reason for the event, the duration, the location, and any activities of personnel exiting the vehicle.

(6) A marijuana establishment shall ensure that all delivery times and routes are staggered and not routine.

(7) A marijuana establishment shall staff all transport vehicles with a minimum of two staff members. At least one staff member shall remain with the vehicle at all times while the vehicle contains marijuana.

(8) Each marijuana establishment staff member shall have access to a secure form of communication with personnel at the sending site at all times that the vehicle contains marijuana.

(9) Each marijuana establishment staff member shall carry his or her Cannabis Control Commission identification card at all times when transporting marijuana and shall produce it to

the Cannabis Control Commissions authorized representative or law enforcement official upon request.

(10) A marijuana establishment shall report to the Cannabis Control Commission and local law enforcement any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport, within 24 hours.

(11) Authorized marijuana establishment delivery staff conducting home delivery of marijuana, shall confirm the age of the purchaser.

(12) Each vehicle used for transport of marijuana shall have a global positioning system monitoring device that is monitored by the marijuana establishment during transport

*** Mandated Reporting Structure:**

Incident Reporting: A Marijuana Establishment shall immediately notify appropriate law enforcement authorities and the Cannabis Control Commission within 24 hours after discovering the following:

(a) Discrepancies identified during inventory, diversion, theft, loss, and any suspected criminal action;

(b) Any suspicious act involving the sale, cultivation, distribution, processing, or production of marijuana by any person;

(c) Unauthorized destruction of marijuana;

(d) Any loss or unauthorized alteration of records related to marijuana;

(e) An alarm activation or other event that requires response by public safety personnel;

(f) The failure of any security alarm system due to a loss of electrical power or mechanical malfunction that is expected to last longer than eight hours; and

(g) Any other breach of security.

(2) Within 10 calendar days, a marijuana establishment shall provide written notice to the Cannabis Control Commission of any type of incident described herein by submitting an incident report in the form and manner determined by the Cannabis Control Commission, which details the circumstances of the event, any corrective actions taken, and confirmation that the appropriate law enforcement authorities were notified.

(3) All documentation related to an incident that is reportable herein shall be maintained by a marijuana establishment for no less than one year and made available to the Cannabis Control Commission and to law enforcement authorities acting within their lawful jurisdiction upon request.

(G) A marijuana establishment shall, on an annual basis, obtain at its own expense a security system audit by a vendor approved by the Cannabis Control Commission. A report of such audit must be submitted, in a form and manner determined by the Cannabis Control Commission no later than 30 calendar days after the audit is conducted. If the audit identifies concerns related to the marijuana establishments security system, the establishment must also submit a plan to mitigate those concerns within 10 business days of submitting the audit.

*** Employee Identification Card:** An owner, operator, employee or other agent acting on behalf of a marijuana cultivator; marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in MGL. Ch. 94G, §1(j), shall be issued an identification card by the Cannabis Control Commission. The

identification card shall verify that the card holder is a marijuana establishment employee and permitted to carry out the functions of each entity as defined in MGL. Ch. 94G, §1. The registration card identifies for the Commission and law enforcement authorities, those individuals who may conduct the lawful operation of marijuana establishments defined in MGL. Ch. 94G §9 (a) 1-4.

The identification card allows access to the interoperable database in the Criminal Justice Information System allowing law enforcement to verify compliance of the lawful operation of marijuana establishments.

*** Registration/Identification Card** An owner, operator, employee or other agent acting on behalf of a marijuana cultivator; marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in MGL. Ch. 94G, §1(j), shall apply for a marijuana agent identification card.

(1) Be at least 21 years old.

(2) An individual who will be a controlling person of the proposed marijuana establishment shall not be convicted of a felony or convicted of an offense in another state that would be a felony in the commonwealth, except a prior conviction solely for a marijuana offense or solely for a violation of section 34 of chapter 94C of the General Laws, unless the offense involved distribution of a controlled substance, including marijuana, to a minor. MGL Ch. 94G § 5 (4)

(3) An application for an identification card shall include: The full name, date of birth, and address of the individual;

- a. Written acknowledgement by the individual of the limitations on his or her authorization to carry out the lawful operations of a marijuana establishment.
- b. A copy of the individual's driver's license, government-issued identification card, or other verifiable identity document acceptable to the Commission;
- c. An attestation that the individual will not engage in the diversion of marijuana;
- d. Any other information required by the Commission.

(4) A marijuana establishment executive registered with the Commission must submit to the Department a Criminal Offender Record Information (CORI) report for each individual for whom the establishment seeks an identification card.

(5) A marijuana establishment must notify the Commission no more than one business day after an owner, operator, employee or other agent ceases to be associated with the establishment.

The individual's identification card shall be immediately void when he or she is no longer associated with the marijuana establishment.

(6) A registration card will be valid for one year from the date of issue, and may be renewed, in a form and manner determined by the Commission.

(7) After obtaining an identification card for a marijuana establishment a controlling person is responsible for notifying the Commission, in a form and manner determined by the Commission, as soon as possible, but in any event, within five business days after any changes to the information that the marijuana establishment was previously required to

submit to the Commission, or after discovery that an identification card has been lost or stolen.

(8) An owner, operator, employee or other agent acting on behalf of a marijuana cultivator; marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in MGL. Ch. 94G, §1, must carry his or her identification card at all times while performing the lawful operations of a marijuana establishment including at all times while at an establishment or while transporting marijuana.

* **Disposal:** Dispose of marijuana in accordance with 105 CMR 725.105(J), in excess of the quantity required for normal, efficient operation as established in 105 CMR 725.105(G)(1);