

June 13, 2024

Life Essence, Inc. d/b/a Trulieve
56 Canal Street
Holyoke, Massachusetts 01040
RMD1365; RMD1735; RMD1736
MR282981; MR283110; MR282049
MC281999; MP281624; MC282412

Case No. ENF-2023-0000001411

FINAL ORDER AND STIPULATED AGREEMENT

This Final Order and Stipulated Agreement (herein, “Order”) between the Commonwealth of Massachusetts Cannabis Control Commission (the “Commission”) and Life Essence, Inc. d/b/a Trulieve (herein, “Trulieve” or “Respondent”) (together, the “Parties”) is offered for the purposes of settlement and in lieu of further administrative action. The Commission finds that resolution of this matter serves the purposes of G.L. c. 94G, G.L. c. 94I, 935 CMR 501.360, 501.450, and 501.500 because Respondent has cooperated with the Commission’s investigation and has agreed to affirmative action to further industry education and worker safety.

The Respondent stipulates to the Facts of Record and Applicable Law as presented by the Commission but neither admits nor denies the Commission’s Findings, which are contained in Paragraphs 90 through 95 of this Order. In lieu of the uncertainty and cost of proceeding with an Administrative Hearing pursuant to 935 CMR 500.500, the Respondent has agreed to resolve this matter through the Informal Dispute Resolution process. The Respondent has voluntarily agreed to the Stipulated Remedy and subject to ratification by majority vote of the Commission, this Order is binding on both the Commission and Respondent for the purpose of bringing this matter to a final resolution.

Legislative, Statutory, and Regulatory Authority

1. The Commission has jurisdiction over the conduct and operations of licensed Marijuana Establishments and licensed Medical Marijuana Treatment Centers (MTCs) and the subject matter herein pursuant to the provisions of the Commonwealth’s marijuana laws, G.L. c. 94I, G.L. c. 94G, and 935 CMR 501.000 *et seq.*;
2. The Commission possesses all powers necessary or convenient to carrying out and effectuating its purposes including conducting investigations of compliance with Commission laws, imposing fines, or otherwise restricting a license for violations of G.L. c. 94I, G.L. c. 94G, or any regulation promulgated by the Commission;



3. In accordance with its statutory mandate, the Commission has adopted regulations for the administration, clarification, and enforcement of laws regulating Marijuana Establishments and MTCs, which include:
 - a. Requirements for the information to be furnished by an applicant or licensee. G.L. c. 94G, § 4(a½)(vii);
 - b. Requirements for the information to be furnished by a licensee relating to the licensee's employees. G.L. c. 94G, § 4(a½)(ix);
 - c. Requirements for record keeping by Licensees and procedures to track Marijuana cultivated, processed, manufactured, delivered or sold by Licensees. *See* G.L. c. 94G, § 4(a½)(xiii); and
 - d. Health and safety standards...for the cultivation, processing, manufacturing, and distribution of Marijuana.... *See* G.L. c. 94G, § 4(a½)(xxiii);
4. Pursuant to its authority under G.L. c. 94I and G.L. c. 94G §§ 4(a), 4(a½), the Commission may issue an Order to Show Cause as to why a fine or other financial penalty against a Licensee should not be imposed for any acts or omissions determined to be in violation of the state Marijuana laws. *See* 935 CMR 501.360;
5. Respondent was subject to an investigation by Commission investigators. From that investigation, the Commission alleges violations of Commission regulations, 935 CMR 501.000, relative to Respondent's production operations at its MTC in Holyoke, Massachusetts;
6. On September 20, 2023, the Commission issued an Order to Show Cause against Respondent pursuant to 935 CMR 501.360;

Facts of Record

7. Trulieve is wholly owned by Trulieve Cannabis Corporation, a publicly traded Canadian corporation that operates Marijuana businesses in several Other Jurisdictions;
8. During 2020–2022, the Commission issued final licenses to Trulieve to conduct licensed operations in Northampton, Framingham, Southbridge, and Worcester, Massachusetts;
9. On November 19, 2020, the Commission issued Trulieve a final license to operate as an MTC at 56 Canal Street Holyoke, Massachusetts 01040 (the “Holyoke facility”) under License no. RMD1365 and approved Trulieve to commence medical operations there on May 24, 2021;
10. The Holyoke facility is a 100,000 sq. ft. facility where Trulieve operated a medical, tier 9 indoor cultivation and product manufacturing facility. Areas of the facility were dedicated to hydrocarbon extraction, internal laboratory testing, various forms of Marijuana flower and concentrate production, and phases of cultivation;



11. During November 19, 2020–February 2022, Trulieve submitted, and the Commission approved, five hundred and eighty-one (581) Medical Marijuana Establishment Agent (“Agent”) registration applications for License no. RMD1365;
12. Out of two hundred and thirty-four (234) employee personnel records provided by Trulieve, only one hundred and ninety-nine (199) employee files had written verification of orientation completion and only one hundred and thirty-eight (138) employee files had certificates of completing the Responsible Vendor Training Basic Core Curriculum;
13. At the time Trulieve commenced operations at the Holyoke facility, it maintained thirty-two (32) Standard Operating Procedures (SOPs) dedicated to Environmental Health and Safety (herein, “EH&S”). These included, but were not limited to, SOPs for Personal Protective Equipment (“PPE” or “Personal Protection”), Industrial Hygiene, and a Respiratory Protection Program (“Respiratory Protection”);
14. SOPs are internal written policies and procedures that set forth required protocols relative to a specific licensed operation or process. All licensees must have and follow a set of detailed written operating procedures;
15. Trulieve’s Personal Protection SOP was established on or around June 19, 2020, and required that PPE appropriately protect workers against environmental hazards, whether chemical or mechanical, and that selection of PPE be tailored to the method of exposure (*e.g.*, inhalation);
16. Under the Personal Protection SOP, Trulieve supervisors and managers were required to continually assess hazards in their responsible areas, select the appropriate PPE to protect the affected worker from those hazards, train workers on the use of PPE, and ensure that PPE was used. The Personal Protection SOP stated that Trulieve would perform a written Job Hazard Analysis;
17. The Personal Protection SOP also required written verification of training on the use of PPE to include the worker’s name, date of PPE training, and the subject of the certification;
18. Trulieve’s Respiratory Protection SOP was established on or around July 8, 2020, to dictate protocols for assessing respiratory hazards. The Respiratory Protection SOP required Trulieve’s appointed Program Administrator (the EH&S Manager) and supervisors to identify work areas or tasks where workers would need respiratory protection, and to continually monitor areas to ensure no new hazards emerged. The Respiratory Protection SOP further stated that any workers that would be exposed to respiratory hazards would have to undergo a medical evaluation, fitness testing, and receive training on proper use of respiratory equipment;



19. Specifically, the Respiratory Protection SOP provided that Trulieve's Program Administrator would "revise and update the hazard assessment as needed (i.e., any time work process changes may potentially affect exposure)" or "if an employee feels that respiratory protection is needed during a particular activity";
20. Trulieve did not produce records indicating that production workers underwent or requested to undergo a medical evaluation, fitness testing, or received training on proper use of respiratory equipment;
21. Trulieve developed two SOPs for Industrial Hygiene. Trulieve established an Industrial Hygiene Baseline Survey SOP on or around June 3, 2020 ("Industrial Hygiene Survey"), and an Industrial Hygiene Monitoring Program SOP on or around July 24, 2020 ("Industrial Hygiene Monitoring");
22. The Industrial Hygiene Survey SOP provided that Trulieve would conduct a walking tour of the facility and interview key persons for the purpose of identifying workplace conditions which might be hazardous, such as sources of air contaminants;
23. The Industrial Hygiene Survey SOP set initial and ongoing procedures for monitoring workplace safety conditions that may "affect adversely the health, safety, and well-being of employees" and further stated that "in no case should a hazardous condition be given low priority for attention simply because only one or two workers are at risk!";
24. The Industrial Hygiene Monitoring SOP provided that continual monitoring would include the "selective monitoring of high-risk workers (i.e., those who are closest to the source of contaminant generation)" with the potential for "personal air sampling" and "area air sampling" which would occur based on information obtained from the Industrial Hygiene survey or "OSHA-required monitoring such as...developing an exposure assessment, or as required by the OSHA respiratory protection rule";
25. Trulieve utilized Job Safety Analyses and Tru-Safety Compliance Audits ("Safety Audits") to implement its Personal Protection, Respiratory Protection, Industrial Hygiene Survey, and Industrial Hygiene Monitoring SOPs;
26. Trulieve's EH&S Coordinator (the "safety coordinator") conducted Job Safety Analyses in relation to job type. The safety coordinator's analysis identified the "Job Steps" for the equipment used, the Potential Hazards, the Recommended Safe Job Procedures, and the PPE Required in the Area. After their analysis, the safety coordinator would sign and date the Job Safety Analysis;
27. The safety coordinator would also conduct Safety Audits for Trulieve. Those audits included a table where the safety coordinator would mark an "S" for satisfactory, "N" for not compliant, or "N/A" for not applicable regarding certain activities, such as chemical



safety, emergency preparedness, and PPE, among others. The Safety Audit form did not include a section on Indoor Air Quality;

28. Between April 28, 2021–July 21, 2021, during and around the time the Holyoke facility commenced operations, Trulieve produced records that the safety coordinator conducted seven Job Safety Analyses of industrial equipment, including a Job Safety Analysis for the Rocketbox and Mobius Mill, tools which are used in the Processing of Marijuana for pre-rolls;
29. Trulieve produced records that the safety coordinator also conducted ten Safety Audits during May 10, 2021–July 16, 2021;
30. Trulieve did not produce records of any Safety Audits conducted after July 16, 2021;
31. The Rocketbox is a commercial pre-roll machine designed to fill pre-rolls with ground and processed Marijuana efficiently and evenly using vibration;
32. On July 16, 2021, the safety coordinator identified “dust” as a potential hazard during use of the Rocketbox and recommended a “mask” as a safe job procedure in their Job Safety Analysis. The safety coordinator wrote in the Job Safety Analysis that gloves, lab coat, and hair net were PPE required in area in their recommendation. They did not deem masks as required PPE;
33. The Mobius Mill is a commercial grade cannabis grinder that processes Finished Raw Marijuana Flower for use in Marijuana pre-rolls or extraction for other Marijuana Products;
34. Trulieve purchased the Mobius Mill and related equipment from Eteros Technologies USA, Inc. (“Eteros”) on or around February 19, 2020. Eteros delivered the Mobius Mill to Trulieve on or around September 30, 2020;
35. The Mobius Mill User Guide is “a comprehensive manual covering the operations and maintenance of the Mobius M210 Mill processing machine...this User Guide, as well as any documentation supplied by the component manufacturers, are to be considered the information package associated with this device. Every operator must read and understand the User Guide. The manual should be located within easy access for periodic review”;
36. Safety Instructions in the User Guide recommend “the owner of this equipment develop a standard operating procedure specific to each worksite to address any local hazards or other conditions not outlined in this User Guide” and that “a first-time operator should receive practical instruction before using the machine”;

37. Trulieve did not have or create an SOP for the Mobius Mill, as recommended by the User Guide, or as required by Commission regulations, until November 25, 2022;
38. General Safety Precautions in the User Guide include a warning to “**ALWAYS OPERATE DEVICE IN A WELL-VENTILATED AREA**. Dust generated from certain materials can be a health hazard. Use a dust collection system whenever possible” and “**WEAR A FACE MASK OR DUST MASK**. Milling operation may produce dust. If dust extraction is not considered, a dust mask must be worn”;
39. On July 21, 2021, the safety coordinator identified “masks, hairnets, coveralls, crocs, gloves” as required PPE for the Mobius Mill in their Job Safety Analysis, consistent with the warnings in the User Guide to wear dust protection while operating the machine. The safety coordinator did not identify any potential hazards or recommended safe job procedures;
40. While not identified in the Job Safety Analysis, Trulieve utilized a connected vacuum to mitigate dust generated from the Mobius Mill while in use, consistent with the warning in the User Guide;
41. Both machines were situated in Room 175 (the “Pre-Roll Room”), a smaller, fully enclosed room within the larger Room 174 (the “Flower Production Room”). The Pre-Roll Room contained multiple workstations and other industrial equipment used by workers to process raw Marijuana flower as well as the Mobius Mill and Rocketbox;
42. The Commission interviewed Trulieve employees regarding of use of the Mobius Mill and Rocketbox for processing Marijuana, and the conditions present in the Pre-Roll Room while operating those machines;
43. When hired, all new Trulieve employees received an Employee Handbook, containing “policies and procedures related to [an employee’s] employment” under which the Guiding Principles required employees to “comply with all laws and rules governing [Trulieve’s] business and workplace”;
44. All Trulieve employees underwent orientation and training at Trulieve’s facility in South Hadley, Massachusetts, which took place over the course of one or two days and included an hour-long presentation on employee health and safety. The orientation covered multiple topics, including respiratory protection and the use of PPE;
45. According to PPE forms filled out by Trulieve employees during orientation, Trulieve provided employees with coveralls, crocs, and hair/beard nets;
46. During orientation, employees received and signed Trulieve’s Employee Good Manufacturing Practices Signoff Form (the “GMP Form”);



47. Section 3.2 of the GMP Form provided, “Employees experiencing persistent sneezing, coughing or a runny nose that causes discharge from the eyes, nose or mouth may not work with exposed product, equipment, utensils, linens, single use and single service articles”;
48. On or around May 3, 2021, Lorna McMurrey (“McMurrey”), accepted a full-time position as Supply Chain Cycle Counter for Trulieve;
49. The key duties and responsibilities of a Supply Chain Cycle Counter were to generate daily System, Applications, and Products in Data Processing (SAP) reports for raw materials, packaging materials, finished goods, and non-conforming materials. Additionally, Supply Chain Cycle Counters adjusted supply chain inventories after identifying discrepancies;
50. On May 20, 2021, McMurrey attended Trulieve’s orientation and training, received Trulieve’s Employee Handbook, and signed the GMP Form;
51. In early August 2021, Trulieve transferred McMurrey from being a Supply Chain Cycle Counter to a Production Cycle Counter;
52. McMurrey did not report any medical emergency to Trulieve while working as a Supply Chain Cycle Counter at Trulieve;
53. Sometime during August 2021–October 2021, Trulieve informally transferred McMurrey again—this time to work as a Flower Production Technician, a position that required direct contact with Marijuana flower while being processed into finished products for consumption;
54. Trulieve officially transferred McMurrey to the position of Flower Production Technician on October 19, 2021;
55. Trulieve did not produce records of informal assignments or trainings of workers after assignment;
56. Records provided by Trulieve for McMurrey’s personnel file did not include any training records for the position of Supply Chain Cycle Counter, Production Cycle Counter, or Flower Production Technician. However, video records from Trulieve appear to indicate that McMurrey received on-the-job training;
57. The key duties and responsibilities of a Flower Production Technician included operating Marijuana processing equipment such as the Mobius Mill and Rocketbox, participating in packing and assembling Marijuana flower into 3.5 g jars, filling pre-rolls with ground Marijuana, and preparing processed Marijuana in accordance with work instructions and



procedures. Physical requirements specifically include the requirement that employees “be able to handle organic matter daily, able to wear PPE as appropriate...”;

58. Because Trulieve did not evaluate Marijuana dust as an allergen requiring a respirator, McMurrey did not undergo a medical evaluation or fitness testing, or training on proper use of respiratory equipment prior to becoming a Flower Production Technician. Furthermore, Trulieve did not provide any records indicating that McMurrey requested to undergo a medical evaluation or fitness testing for respiratory equipment;
59. On October 6, 2021, Commission investigators conducted an unannounced inspection of the Holyoke facility after receiving a complaint that alleged workplace safety issues in the cultivation areas of the Holyoke facility. Commission investigators learned that Trulieve had received notice from the Occupational Safety and Health Administration (OSHA) of the same on September 28, 2021 and that Trulieve’s EH&S Manager (the “safety manager”) had responded to OSHA on October 4, 2021;
60. On October 15, 2021, the Investigations and Enforcement department (the “department”) issued Trulieve a Notice of Deficiency citing six violations of the Commission’s regulations;
61. On October 29, 2021, Trulieve submitted a Plan of Correction, which was accepted by the department on November 5, 2021;
62. On November 9, 2021, McMurrey experienced a medical event requiring emergency services while working in Trulieve’s Pre-Roll Room and was taken to the Holyoke Hospital;
63. The Commission’s review of Trulieve’s security footage from November 9, 2021, showed McMurrey starting work at or around 7:45 AM. Throughout the morning, McMurrey worked in the Flower Production Room and Pre-Roll Room, receiving what appeared to be instruction and demonstration from the Production Manager. While assisting with cleaning the Rocketbox and with the Mobius Mill in operation, McMurrey appeared short of breath. McMurrey eventually went to the employee breakroom where she was assisted by the Production Manager and another co-worker. Paramedics arrived at or around 9:40 AM, administered oxygen to McMurrey, and escorted her out of the Holyoke facility;
64. Trulieve sent an incident report to the Commission regarding McMurrey’s medical emergency the same day. According to Trulieve’s incident report, the safety manager was to “follow-up on the status of the employees” and “Personal health issue. No Hazard mitigation [could] be noted” at the time of the incident;
65. In a separate email, Trulieve’s Compliance Manager, stated that leading “up to the incident, flower production 174 employees [were] dealing with raw, dried, flower



products...grinding flower and packing pre-roll production also occurs in the space. No respirator was being warn [sic]. [McMurrey] was adhering to developed COVID protocols that require all employees to wear a face covering while inside the facility.”;

66. Because Trulieve did not evaluate Marijuana dust as an allergen requiring a respirator, it did not issue, require, or enforce the use of respirators by Flower Production Technicians, including McMurrey, as respiratory protection while the machines were in operation. However, workers wore blue surgical masks made available by Trulieve or face coverings brought from home while working consistent with its Coronavirus 2019 protocols;
67. After this incident, Trulieve did not provide any documentation indicating that the safety manager followed-up with McMurrey. Trulieve did not reassess hazards or identify any hazard mitigation having assessed McMurrey’s medical emergency as a personal health issue;
68. McMurrey returned to work two days after she was transported to the Holyoke Hospital;
69. The Commission interviewed Trulieve employees regarding their observations of McMurrey when she returned to work;
70. Trulieve did not offer McMurrey a different position at the company nor did McMurrey request a change in position. McMurrey continued to work with ground Marijuana in the Flower Production and Pre-Roll Room;
71. On January 4, 2022, McMurrey had a second medical emergency while working at the Holyoke facility;
72. The Commission’s review of Trulieve’s security footage from January 4, 2022, showed McMurrey arriving at work on or around 4:55 AM. In the Flower Production Room, McMurrey weighed and filled pre-rolls with what appeared to be kief (*i.e.*, Marijuana dust) and white jars with Marijuana at her workstation. McMurrey also assisted with sorting and putting white jars, presumably filled with Marijuana, into cardboard boxes after processing through the labeling machine. Throughout the day, McMurrey used her inhaler and appeared visibly short of breath several times. At one point, McMurrey left the Flower Production Room and returned with a white facemask obtained from her locker. Before going back Flower Production Room, McMurrey appeared to speak with a supervisor. Minutes after McMurrey re-entered the Flower Production Room she began moving around visibly in distress;
73. At 12:45 PM, security footage shows the Production Manager on the phone presumably calling for emergency services while other co-workers assisted McMurrey. At approximately 12:55 PM, McMurrey appeared to lose consciousness and was helped to the ground. The Production Manager and two other co-workers checked her pulse and



started providing chest compressions. Emergency personnel arrived at 12:58 PM, applied an Automated External Defibrillator (AED) and took over chest compressions. At or around 1:20 PM, McMurrey was taken from the from the Holyoke facility and transported to Baystate Medical Center;

74. On January 5, 2022, Trulieve submitted an incident report to the Commission describing the events of the previous day between 12:45 PM–1:30 PM;
75. Like the incident report submitted on November 9, 2021, Trulieve stated that “no hazard mitigation [could] be noted at this time” again assessing the medical emergency as a “personal health issue”;
76. On January 7, 2022, McMurrey died. According to the National Institute for Occupational Safety and Health (NIOSH) Fatality Assessment and Control Evaluation (FACE), a medical examiner determined that McMurrey died due to respiratory arrest which led to cardiac arrest and brain death;
77. Following McMurrey’s death, Trulieve offered grief counseling to workers, held “tool talks”, and eventually implemented policies and procedures for operations in the Pre-Roll Room, such as closing the doors to the Pre-Roll Room and not allowing workers to enter while the Mobius Mill and Rocketbox operated. Trulieve also purchased a new shop vacuum on or around January 31, 2022, and moved the Mobius Mill underneath the Pre-Roll Room air vent after a suggestion from OSHA;
78. On or around February 2, 2023, Trulieve implemented a new process for monitoring safety actions by using the web-based program “SafeSite” to conduct its safety audits;
79. On June 6, 2023, Trulieve notified the Commission that it would be temporarily closing its operations and intended to discontinue all operations in Massachusetts by December 31, 2023;
80. On September 5, 2023, Trulieve notified the Commission that it intended to forfeit all licenses except for its adult-use Marijuana Retail licenses in Holyoke and Worcester—License nos. MR283110 and MR282049;
81. As of the date of this Order, Trulieve has surrendered all its licenses in the Commonwealth;

Applicable Law

82. An MTC shall Process Marijuana in a safe and sanitary manner. 935 CMR 501.105(3)(a);
83. An MTC shall Process the leaves and the flowers of the female Marijuana plant only, which shall be free of contamination by mold, rot, other fungus, pests, and bacterial



diseases satisfying the sanitation requirements in 105 CMR 500.000: *Good Manufacturing Practices for Food*, and if applicable, 105 CMR 590.000: *State Sanitary Code Chapter X: Minimum Sanitation Standards for Food Establishments*. 935 CMR 501.105(3)(a)3.;

84. Process or Processing means to harvest, dry, cure, trim and separate parts of the Cannabis or Marijuana plant by manual or mechanical means, except it shall not include Manufacture as defined in 935 CMR 501.002: Manufacture. 935 CMR 501.002;
85. Every MTC shall have and follow a set of detailed written operating procedures. *See* 935 CMR 501.105(1);
86. Operating procedures shall include “policies and procedures to promote workplace safety consistent with the standards set forth under Occupational Safety and Health Act of 1970, 29 U.S.C. § 651, *et seq.*, including the general duty clause whereby each employer: 1. Shall furnish to each of its employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to its employees; 2. Shall comply with occupational safety and health standards promulgated under 29 U.S.C. § 651, *et seq.*....” 935 CMR 501.105(1)(r)1. and 2.;
87. In addition to the general operational requirements and security requirements, MTCs shall comply with additional operational requirements including written policies and procedures for the production and distribution of Marijuana, which shall include, but not be limited to, policies and procedures for ensuring safety in all processing activities and the related uses of extraction equipment in compliance with the standards set forth in 527 CMR 1.00: *Massachusetts Comprehensive Fire Code*. *See* 935 CMR 501.130(5)(g);
88. MTCs shall maintain records of compliance with all Agent regulatory training requirements. Such records shall be maintained for four years and MTCs shall make such records available for inspection on request. *See* 935 CMR 501.105(2)(a)5.;
89. Acceptance of a provisional or final license constitutes an agreement by the MTC that it will adhere to the practices, policies, and procedures that are described in its application materials, as well as all relevant laws, regulations, and any conditions imposed by the Commission as part of licensure. 935 CMR 501.103(2)(d);

Commission Findings

90. The Commission, through its Acting Executive Director, and Respondent have come to mutual agreement and understanding, and jointly propose to the Commission a resolution of the alleged violations in lieu of proceeding with an administrative hearing to determine the merits of such allegations. The terms and conditions of this Order are expressly subject to ratification by the full Commission. Pursuant to G.L. c. 10, § 76, three



Commissioners shall constitute a quorum and the affirmative vote of three Commissioners shall be required for ratification of this Order;

91. Respondent neither admits nor denies the findings set forth in Paragraphs 92 through 95 inclusive of all subparagraphs;
92. Respondent failed to comply with the following workplace safety operating procedures in violation of 935 CMR 501.105(1)(r)1. and 2.:
 - a. Respondent's Personal Protection SOP required that PPE appropriately protect workers against environmental hazards, be tailored to the method of exposure, and that Trulieve would continually assess hazards, select appropriate PPE, train employees on the use of that PPE, maintain written verification of that training, and ensure PPE was used;
 - b. Respondent did not provide records that it trained workers on the proper use of masks, maintain records of PPE training, or enforce mask use relative to operating the Mobius Mill or the Rocketbox;
 - c. Respondent did not continually assess hazards in the Flower Production and Pre-Roll Rooms following workplace safety incidents;
 - d. Respondent's Respiratory Protection SOP required identification of work areas or tasks where workers would need respirators and continual monitoring of work areas to ensure no new hazards emerged. Any workers exposed to respiratory hazards were required to undergo medical evaluation, fitness testing, and to receive proper use of respiratory equipment. The Respiratory Protection SOP also required Trulieve to "revise and update the hazard assessment as needed (*i.e.*, any time work process changes may potentially affect exposure)" or "if an employee feels that respiratory protection is needed during a particular activity";
 - e. While Respondent identified dust as a potential hazard in its Job Safety Analyses for Processing activities in the Pre-Roll Room, Respondent did not evaluate Marijuana dust as an allergen requiring a respirator, as such, did not provide production workers with respirators, require production workers to undergo medical evaluation, fitness training, or train workers on the proper use of respiratory equipment;
 - f. Respondent did not reassess hazards in the Pre-Roll Room or identify the need for additional PPE to protect against hazards after McMurrey experienced a medical emergency while working in the Pre-Roll Room and despite observations from production employees that the Mobius Mill and Rocketbox produced and generated Marijuana dust into the air throughout the day when in use and that all surfaces, including the floor, would be covered in kief;
 - g. Respondent did not revise and update its hazard assessments for Processing activities following workplace safety incidents;
 - h. Respondent's Industrial Hygiene Survey SOP required that Trulieve conduct a walking tour and also set initial and ongoing procedures for monitoring workplace safety conditions;



- i. Respondent did not produce records that it conducted Safety Audits from July 17, 2021 through January 2023;
- j. Respondent's Industrial Hygiene Monitoring SOP established initial and ongoing procedures for monitoring workplace safety conditions that may "affect adversely the health, safety, and well-being of employees" and required periodic monitoring of workplace safety that included "selective monitoring of high-risk workers";
- k. Respondent did not monitor workplace safety conditions in the Flower Production and Pre-Roll Rooms at the Holyoke facility after McMurrey's first workplace emergency or monitor McMurrey as a high-risk worker;

93. Respondent failed to maintain complete personnel records demonstrating compliance with all training requirements for its Agents at the Holyoke facility in violation of 935 CMR 501.105(2)(a)5.:

- a. Respondent did not maintain records of any compliance with training requirements for thirty-five (35) Agents at the Holyoke facility;
- b. Respondent did not maintain records of compliance with minimum training requirements (e.g., Responsible Vendor Training) for ninety-six (96) Agents at the Holyoke facility;

94. Throughout 2021 and into 2022, Respondent failed to Process Marijuana in a safe and sanitary manner in violation of 935 CMR 501.105(3)(a):

- a. Respondent operated the Mobius Mill and Rocketbox, machines that generate substantial amounts of Marijuana dust, in a small, fully enclosed room filled with production equipment and near multiple agents without policies or adequate PPE to protect workers from potential hazards;
- b. While workers wore blue surgical masks due to COVID-19, Respondent did not implement and enforce its own safety recommendations and requirements from Job Safety Analyses for Processing activities including, but not limited to, PPE;
- c. Respondent did not establish workplace safety SOPs in response to hazards identified in its Job Safety Analyses related to Processing activities;
- d. Respondent did not reassess Processing activities in the Pre-Roll Room for hazards or potential mitigation after McMurrey was taken to the hospital on November 9, 2021 for breathing complications while working in the Pre-Roll Room;
- e. Respondent did not reassess Processing activities in the Pre-Roll and Flower Production Room for hazards after McMurrey returned to work, even though she discussed her medical experience with other staff, had continued trouble breathing, was constantly coughing, and took frequent breaks to use an inhaler;
- f. Respondent did not offer McMurrey a different position at the Holyoke facility after she had returned to work;
- g. Respondent did not evaluate Marijuana dust generated from its Processing activities for its potential as an allergen, or take sufficient precautions to protect workers exposed to Marijuana dust;



95. During May 24, 2021–November 25, 2022, Respondent failed to implement operating procedures to ensure safety during the Processing of Marijuana in violation of 935 CMR 501.130(5)(g):

- a. As part of Respondent's Processing activities, it used the Mobius Mill to grind unprocessed Marijuana to fill pre-rolls throughout 2021 and 2022;
- b. Respondent did not have an SOP for the Mobius Mill until November 25, 2022;

Stipulated Remedy

96. In lieu of proceeding with an administrative hearing and subsequent proceedings, Respondent agrees to the stipulated remedies and terms set forth in Paragraphs 97 through 117, inclusive of all subparagraphs;

97. Respondent agrees to pay a monetary fine in the amount of three-hundred fifty thousand dollars (\$350,000.00) made payable by check or money order, payable to the order of the Cannabis Control Commission Marijuana Regulation Fund;

98. Payment shall be postmarked thirty (30) calendar days from the date this Order is ratified by Commission vote and be mailed to the following address:

- a. Via USPS:

Cannabis Control Commission
PO Box 412144
Boston, MA 02241-2144

- b. Via Courier/Overnight:

Bank of America Lockbox Services
Cannabis Control Commission 412144
MA5-527-02-07
2 Morrissey Boulevard
Dorchester, MA 02125

99. Respondent shall provide to the Commission, on or before July 31, 2024, copies of any and all training and research materials identified on Schedule A hereto, to be used solely for the purposes provided for in Paragraph 100;

100. The Commission may use any of the documents and information identified in Schedule A for the benefit of the public health, safety, or welfare of the Commonwealth including, but not limited to, use in Commission research, publications, and public awareness campaigns, provided, however, that the Commission shall not identify or associate such materials with Respondent nor use any of Respondent's marks in connection with the distribution of such materials. Such materials are being provided "as-is", without any representation or warranty regarding the accurateness thereof or fitness for use for any particular purpose, and the Commission acknowledges that no representations or warranties, whether express or implied, are made with respect to such materials. The



parties agree that such materials are voluntarily provided to the Commission with the intent to be kept confidential for internal use by the Commission in developing governmental policy;

101. This Order is in no way intended to transfer copyright ownership of the materials described in Schedule A and shall in no way limit Respondent's rights or use of such materials;
102. This Order may be admissible as evidence in any future hearing before the Commission or used in connection with any future licensure or administrative actions by the Commission;
103. Any issues relating to the underlying complaint and investigation that formed the basis for this Order against Respondent (and any defenses that Respondent may have to such complaint or investigation) shall not be at issue in a proceeding against Respondent for failing to comply with the terms of this Order;
104. Respondent agrees that the Commission may consider this Order and the facts and circumstances described therein in connection with review of an application for licensure, renewal of licensure, or suitability review. Notwithstanding the foregoing, upon Respondent's full satisfaction of the monetary fine as set forth in Paragraph 97 and the other conditions herein, Respondent's License nos. RMD1365, RMD1735, RMD1736, MR282981, MR283110, MR282049, MC281999, MP281624, or MC282412 shall be deemed to have been relinquished in good standing and Respondent shall not be subject to a Mandatory Disqualification or a Presumptive Negative Suitability Determination as a result of the violations contained in this Order. Such licenses were voluntarily relinquished by Respondent for reasons unrelated to this Order, and such relinquishment is not, and shall not be considered to be, a condition of this Order;
105. Respondent acknowledges advisement of hearing rights and process of the proceedings and wishes to resolve all issues which were the subject of the investigation or in any way related to the investigation by entering into this Order;
106. If approved by the Commission and upon execution of all parties, this Order shall have the same force and effect as an order entered after formal hearing pursuant to 935 CMR 501.500(12), except that it may not be appealed. Failure to comply with the terms of this Order, including but not limited to failure to make a timely payment in accordance with Paragraph 98, may constitute the basis for further administrative action against Respondent;
107. Respondent acknowledges that the Commission advised Respondent of its opportunity to consult with an attorney of its choosing and Respondent represents that it had an opportunity to do so prior to signing this Order. Respondent acknowledges that it has been given a reasonable period of time in which to consider the terms of this Order before



signing it. Respondent acknowledges and confirms that it has entered into this Order voluntarily and of its own free will, without duress or coercion, and that it is competent to enter into this Order. Respondent acknowledges that it has carefully read and fully understands the meaning and intent of this Order;

108. Respondent further understands and knowingly and voluntarily waives the following rights:

- a. The right to proceed with the adjudicatory proceeding;
- b. The right to cross-examine witnesses, subpoena witnesses, present evidence and testify on Respondent's own behalf at that hearing;
- c. The right to appeal this Order;

109. Respondent consents to the terms and conditions described herein and agrees to waive its right to judicial review of this Order pursuant to G.L. c. 30A, § 14;

110. Upon the satisfaction of the Stipulated Remedies in Paragraphs 100 through 104, the Commission, on behalf of itself and its past and present successors, assigns and anyone acting or claiming to act on the Commission's behalf, and each of them, hereby release and forever discharge Respondent, its Owners, Persons or Entities Having Direct or Indirect Control, and its past and present successors, assigns and anyone acting or claiming to act on their behalf, and each of them, from any and all causes of action, known or unknown, asserted and not asserted, relating to the operation of License nos. RMD1365, RMD1735, RMD1736, MR282981, MR283110, MR282049, MC281999, MP281624, or MC282412, whether or not related to the matters described in this Order, which may have arisen from, or arisen from conduct occurring from, November 19, 2020 (the date the Commission issued Respondent its final license for RMD1365) until the date of this Order;

111. Upon execution by all parties, this Order shall represent the entire and final agreement of the parties. In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, such provision shall be severed, and the remainder of this Order shall be given full force and effect;

112. This Order shall be binding upon Respondent and shall inure to the benefit of the parties to this Order and their respective successors and assignees and shall be construed in accordance with and governed by the laws of the Commonwealth of Massachusetts;

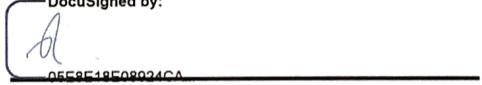
113. Upon ratification of this Order by the Commission, this Order shall become a permanent part of Respondent's record and shall be open to public inspection and disclosure pursuant to the Commission's standard policies and procedures or applicable law;



114. The Commission may reject the terms of this Order or otherwise deny ratification and entry of this Order. In such event, the terms of this Order shall be null and void and the parties will proceed to hearing;
115. This Order may be executed by e-mail and any signature delivered by either email or first-class mail shall be deemed to be as valid as an original signature;
116. All costs and expenses incurred by Respondent to comply with this Order shall be the sole responsibility of Respondent and shall not in any way be the obligation of the Commission; and
117. For purposes of addressing any future violations of this Order, the Commission regulations, 935 CMR 500.000, *et seq.*, and 935 CMR 501.000 *et seq.* shall include all later adopted regulations that are in effect at the time of the subsequent violation.

This Order is subject to ratification by the Commission. Upon ratification, this Order becomes binding on the Parties. Failure to comply with the above conditions may result in administrative action against Respondent up to and including suspension and/or revocation of licensure or registration.

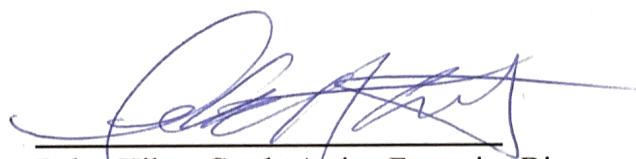
Respondent Life Essence, Inc. d/b/a Trulieve

DocuSigned by:

05E8E18E08024CA
Life Essence, Inc. d/b/a Trulieve

5/29/2024
Date Signed

Commonwealth of Massachusetts Cannabis Control Commission

Ratified by Commission vote (4 yes, 1 no, 1 abstain) on June 13, 2024.


Debra Hilton Creek, Acting Executive Director
and Chief People Officer

6/13/2024
Date Signed

