

Guidance on Responsible Vendor Training

Revised July 2021

Proper training is a critical part of a Marijuana Establishment (ME) and/or Medical Marijuana Treatment Center's (MTC) success. Under Cannabis Control Commission (Commission) regulations, each Marijuana Establishment and/or Medical Marijuana Treatment Center Agent is required to complete training prior to performing their job functions.¹

Training must be tailored to the roles and responsibilities of each ME and MTC job function, and each Agent must receive four hours of ongoing training annually. The training must include at least four hours of active in-class or online instruction time by a Commission-certified Responsible Vendor Trainer and prepare participants to pass a subsequent test with a score of 70% or better.

Responsible Vendor Trainers

Responsible Vendor Trainers are entities that are separate and independent from the Commission. An owner or employee, including a manager, of a Responsible Vendor Trainer cannot have a controlling interest in a licensed ME or MTC.² Standards established by the Commission are in place to ensure trainers do not experience conflicts of interest or sell certain services, equipment, or supplies from third parties. See below, *Standards to Ensure Independence: Conflict of Interest*.

An individual or business interested in becoming certified as an RVT must complete an application, including submission of proposed training and testing materials, which will be reviewed and approved ("certified") by the Commission. For more information on the application process, please email Olivia Laramie, Project Coordinator, Research (Olivia.Laramie@CCCMass.com).

Responsible Vendor Trainers are required to stay up to date on developments in federal and state laws and regulations that affect MEs and MTCs to ensure its training and testing materials are



current. Additionally, to remain certified, Responsible Vendor Trainers must submit their programs to the Commission every two years for certification renewal, and/or upon request.

Responsible Vendor Training Programs

To be certified as a Responsible Vendor Trainer, an entity must offer a training program, real-time classroom or virtual classroom, or non-real-time online training in which the instructor is able to verify the identification of each individual participating in the program and certify completion of the program by the identified participant. The trainer shall employ measures to ensure the participant's identification is authentic, and the participant is the same person depicted. There are additional requirements for entities providing non-real-time online training. One of these requirements include steps to ensure the same participant is taking the course throughout and not substituting someone else to complete it. This will require the program lead of the course to verify the identification of each trainee participating in the program course and certify completion by the individual, track trainees' time needed to complete the course, and allow trainees to ask questions of the Responsible Vendor Trainer.³

Program

Certified Responsible Vendor Training (RVT) Programs must cover the issues identified in 935 CMR 500.105(2)(b) and 935 CMR 501.105(2)(b) and any other issues identified by the Commission. Instruction time must extend at least four hours and the training program must prepare participants to pass a test by achieving a score of 70% or better. Online programs must employ measures to ensure participants cannot skip through any portions of the program. Responsible Vendor Trainers shall allow Commission staff to visit their courses, either online or in-person, without notice.

The Advanced Core Curriculum and the Delivery Core Curriculum, as laid out in 935 CMR 500.105(2)(b) and 935 CMR 501.105(2)(b), will not be available until July 2022.

The Basic Core Curriculum includes topics discussing:

- Marijuana's effect on the human body;
- Prevention of sales to minors;
- Compliance with tracking requirements;
- Acceptable forms of identification;
- Local and state licensing and enforcement;
- Incident and notification requirements;
- License and court sanctions;
- Health and safety standards;



- Conduct of establishment;
- Inspection by authorities;
- Record maintenance;
- Cultural competency (internal and external); and
- Safe delivery practices.

Testing and Program Evaluation

Participants who can speak and write English fluently must pass a written test. Participants who cannot speak or write English fluently may be offered a verbal test, but the questions must be the same as those on the written test and the results of the verbal test must be documented with a passing score of 70% or better. Although Responsible Vendor Trainers are encouraged to provide multilingual training, it is not currently a requirement. Responsible Vendor Trainers must be able to provide accommodations to disabled participants, complying with Americans with Disabilities Act (ADA) standards.

Once participants have completed their course, the Responsible Vendor Trainer must provide an evaluation to assess program effectiveness. The Responsible Vendor Trainer should review evaluations and make course corrections, within the Commission's requirements, as appropriate.

Recordkeeping

A Responsible Vendor Trainer must maintain its training records at its principal place of business for four years. The Responsible Vendor Trainer must make the records available for inspection by Commission staff and any other applicable licensing authority upon request during normal business hours. The Responsible Vendor Trainer must be able to provide written documentation of attendance and successful passage of beforementioned test on knowledge of the required curriculum for each participant.

Responsible Vendors

Once an ME or MTC is designated a Responsible Vendor, all new employees involved in the handling and sale of marijuana must successfully complete a Commission-certified RVT Basic Core Curriculum, and Delivery Core Curriculum if applicable, Program within 90 days of hire.

After initial successful completion of an RVT Program, each owner, manager, and employee involved in the handling and sale of marijuana shall successfully complete a Program once every year thereafter to maintain designation as a Responsible Vendor. Administrative employees who do not handle or sell marijuana may take an RVT Program on a voluntary basis.



An ME or MTC that achieves Responsible Vendor status must keep records evidencing RVT Program compliance for four years. The records must also be available during normal business hours for inspection by Commission staff and any other applicable licensing authority if they ask.

Standards to Ensure Independence

Responsible Vendor Trainers and employees are required to be independent of other MEs and MTCs.⁴ They may, however, require the support of participants in the marijuana industry, including licensees (i.e., ME and/or MTCs) or ME Agents. Recognizing this may be the case, the Commission has established the following guidance to preserve the independence of the RVT Program and prevent a Responsible Vendor Trainer's or Responsible Vendor Trainer's employees' misuse of its role and position.

The standards in this section apply to a Responsible Vendor Trainer's relationship with any entity, or individual affiliated with such entity, that cultivates, manufactures, produces, tests, transports, delivers, or sells marijuana, marijuana products, or marijuana accessories, whether licensed by the Commission or not (each an Industry Participant).

Commercial support is financial, logistical, material, whether cash or in-kind, contributions given by an Industry Participant, which is used to support all or part of a Responsible Vendor Trainer activity. Commercial support does not include payment for services rendered.

Preserving Independence

No owner, manager, or employee of a Responsible Vendor Trainer may be a Person or Entity Having Direct or Indirect Ownership or Control of an ME or MTC, as defined by the regulations.⁵ This also means that an ME or MTC cannot own an RVT Program business or become a Responsible Vendor Trainer.

A Responsible Vendor Trainer must ensure the following decisions were made free of the influence of an Industry Participant:

1. Identification of RVT Program needs;
2. Determination of educational objectives;
3. Selection and presentation of content;
4. Selection of all persons and organizations that will be in a position to control the content of the RVT Program;
5. Selection of educational methods; and
6. Evaluation of the activity.



Conflicts of Interest

Disclosure: The Responsible Vendor Trainer must be able to show that everyone who is able to control the content of an educational activity has disclosed all relevant financial interests, occurring within the past 12 months, with any Industry Participant, including having direct or indirect ownership up to 10%.

- A Responsible Vendor Trainer must disclose – to both participants and to the Commission – via email any relevant financial relationship(s), including the following information:
 - The name of the individual;
 - The name of the Industry Participant(s); and
 - The nature of the relationship the person has with each Industry Participant.
- The source of all support from an Industry Participant must be disclosed to Program participants. When commercial support is “in-kind,” the nature of the support must be disclosed to participants.
- Disclosure must never include the use of a corporate logo, trade name, or a product-group message of an Industry Participant.
- A provider must disclose the above information to participants prior to the beginning of the educational activity.

Failure to Disclose: An individual who fails to disclose relevant financial interests may be disqualified from being a planning committee member, a teacher, or an author of an RVT Program, and cannot have control of, or responsibility for, the development, management, presentation, or evaluation of the RVT Program activity.

Timely Resolution: The Responsible Vendor Trainer must have implemented a mechanism to identify and resolve all conflicts of interest, by making the required disclosures discussed above or eliminating the financial interest, prior to educating participants. Even after making a disclosure, a Responsible Vendor Trainer must ensure that the following decisions were made free of the influence of an Industry Participant:

1. Identification of RVT Program needs;
2. Determination of educational objectives;
3. Selection and presentation of content;
4. Selection of all persons and organizations that will be in a position to control the content of the RVT Program;
5. Selection of educational methods; and
6. Evaluation of the activity.



Conditions for Accepting Commercial Support

- The Responsible Vendor Trainer must make all decisions regarding the distribution of commercial support;
- A Responsible Vendor Trainer may accept commercial support, provided that the support does not come with any condition regarding the Industry Participant's ability to influence decisions, curriculum, and/or personnel;
- All commercial support associated with an RVT Program activity must be given with the full knowledge and approval of the Responsible Vendor Trainer;
- The terms, conditions, and purposes of the commercial support must be documented in a written agreement between the commercial supporter that includes the Responsible Vendor Trainer and its educational partner(s). The agreement must include the Responsible Vendor Trainer, specify the Industry Participant that is the source of commercial support, and have both parties sign the written agreement;
- Responsible Vendor Trainer must have written policies and procedures governing reimbursement of out-of-pocket expenses for planners, teachers, and authors;
- The Responsible Vendor Trainer must pay directly any teacher or author, who is not an employee of the Responsible Vendor Trainer, honoraria or reimbursement of out-of-pocket expenses in compliance with the Responsible Vendor Trainer's written policies and procedures;
- No other payment shall be provided to the director of the activity, planning committee members, teachers or authors, joint provider, or any others involved with the supported activity;
- If teachers or authors are listed on the agenda as facilitating or conducting a presentation or session, but participate in the remainder of an educational event as a participant, their expenses can be reimbursed, and honoraria can be paid for their teacher or author role only;
- Social events or meals at RVT Program activities cannot compete with or take precedence over the educational events;
- The Responsible Vendor Trainer may only use commercial support to pay for travel, lodging, honoraria, or personal expenses for bona fide employees and volunteers of the Responsible Vendor Trainer, joint provider, or educational partner; and
- The Responsible Vendor Trainer must be able to produce accurate documentation detailing the receipt and expenditure of the commercial support.



Appropriate Management of Associated Commercial Promotion

- Arrangements for commercial exhibits or advertisements cannot influence planning or interfere with the presentation, nor can they be a condition of the provision of commercial support for RVT Program activities;
- Product-promotion material or product-specific advertisement of any type is prohibited in or during RVT Program activities:
 - Advertisements and promotional materials may face the first or last pages of printed RVT Program content as long as the materials are not related to the RVT Program content they face and are not paid for by the commercial supporters of the RVT Program activity;
 - For online-based RVT Program activities, advertisements and promotional materials will not be visible on the screen at the same time as the RVT Program content and not interspersed between computer or app windows or screens of the RVT Program content;
 - Responsible Vendor Trainers may not place their RVT Program activities on a website owned or controlled by an Industry Participant;
 - Advertising of any type is prohibited within the educational content of RVT Program activities on the internet including, but not limited to, banner ads, subliminal ads, and pop-up window ads;
 - Advertisements and promotional materials will not be included within audio- or video-recorded RVT Program content;
 - For real-time, face-to-face RVT Program activities, advertisements and promotional materials cannot be displayed or distributed in the educational space immediately before, during, or after an RVT activity; and
 - Responsible Vendor Trainers cannot allow representatives of Industry Participants to engage in sales or promotional activities while in the space or place of the RVT Program activity.
- Educational materials that are part of an RVT Program activity, such as slides, abstracts, and handouts, cannot contain any advertising, corporate logo, trade name, or a product-group message of an Industry Participant;
- Print or electronic information distributed about elements of an RVT Program activity that are not directly related to the transfer of education to the participant, such as schedules and content descriptions, may include product-promotion material or product-specific advertisement;
- The content or format of an RVT Program activity or its related materials must promote improvements or quality in the provision of cannabis services or products, and not a specific proprietary business interest of an Industry Participant; and



- Presentations must give a balanced view of technologies, methodologies, services, or products. Use of generic names will contribute to impartiality. If RVT Program educational material or content includes trade names, trade names from several companies should be used instead of trade names from a single company, when available.

Questions?

If you have additional questions, please contact Olivia Laramie, Project Coordinator, Research at: Olivia.Laramie@cccmass.com or (781) 455-5039.

¹ 935 CMR 500.105(2) and 935 CMR 501.105(2).

² See 935 CMR 500.002, defining “Responsible Vendor Trainer” as “an independent business entity certified by the Commission to provide Responsible Vendor Training Program courses. No owner, manager, or employee of a Responsible Vendor Trainer may be a Person or Entity Having Direct or Indirect Control of a Marijuana Establishment.” Similar definition in 935 CMR 501.002.

³ 935 CMR 500.105(2)(b) and 935 CMR 501.105(2)(b).

⁴ See 935 CMR 500.002, defining “Responsible Vendor Trainer” as an independent business entity certified by the Commission to provide Responsible Vendor Training Program courses. No owner, manager, or employee of a Responsible Vendor Trainer may be a Person or Entity Having Direct or Indirect Control of a Marijuana Establishment.

Similar definition in the medical regulations at 935 CMR 501.002.

