



Cannabis Control Commission February Policy Meeting

Remote via Teams



Meeting Book - Cannabis Control Commission February Policy Meeting Packet

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February 27, 2024

In accordance with Sections 18-25 of Chapter 30A of the Massachusetts General Laws and Chapter 107 of the Acts of 2022, notice is hereby given of a meeting of the Cannabis Control Commission. The meeting will take place as noted below.

CANNABIS CONTROL COMMISSION

**February 29, 2024
10:00 AM**

Remote via [Microsoft Teams Live*](#)

PUBLIC MEETING AGENDA

- I. Call to Order
- II. Commissioners' Comments & Updates
- III. Commission Discussion and Votes
 - 1. AED/CPO Evaluation Committees
 - 2. Model HCA Template
 - 3. Guidance on Host Community Agreements
 - 4. Guidance on Licensure
 - 5. Massachusetts Lottery Sales at Licensed Marijuana Retailers Discussion
- IV. New Business Not Anticipated at the Time of Posting
- V. Next Meeting Date
- VI. Adjournment

*Closed captioning available





Model Host Community Agreement Template

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Disclaimer: Pursuant to M.G.L. c. 94G § 4(a), the Commission is authorized to review, regulate, enforce, and approve Host Community Agreements ~~("HCA")~~ and to develop this Model Host Community Agreement. ~~A~~ Host Community Agreement submitted by a License Applicant, Marijuana Establishment, and/or Medical Marijuana Treatment Center which is determined to conform with this document will be presumed compliant with applicable laws and regulations. While this template is a contractual tool for end users, it should not be interpreted or taken as the Commission providing legal advice. Prior to executing this document, or if you have additional questions regarding the legal requirements for Host Community Agreements, you are encouraged to consult with an attorney.

HOST COMMUNITY AGREEMENT

Between



And

This Host Community Agreement (“Agreement”) is entered into and executed this

_____ day of _____, _____

by and between

_____,
a business entity certified and recorded with the Massachusetts Secretary of the Commonwealth
(the “Company”) applying for and/or currently holding a license issued by the Cannabis Control
Commission (the “Commission”) and the Municipality of
_____ (“the Municipality”).

WHEREAS, the Company is applying for a Commission license (the “Applicant”) and/or is
currently licensed by the Commission as a Marijuana Establishment(s) or Medical Marijuana
Treatment Center(s) (the “Licensee”), and is located within or plans to locate within the
Municipality;

WHEREAS, the Company shall comply with all applicable state laws and regulations, including,
but not limited to G.L. c. 94G, G.L. c. 94I, 935 CMR 500.000 *et seq.*, and 935 CMR 501.000 *et*
seq., as applicable, and such approvals as may be issued by the Municipality in accordance with
its local zoning, laws, bylaws, or ordinances, as may be amended;

WHEREAS, the Company and the Municipality (collectively, the “Parties”) intend by executing
this Agreement to comply and satisfy the provisions of G.L. c. 94G, § 3(d), as applicable to the
licensed operation(s) of the Marijuana Establishment and/or Medical Marijuana Treatment
Center, with such operations to be ~~conducted~~ ~~done~~ in accordance with applicable zoning, laws,
bylaws, or ordinances of the Municipality; and

NOW THEREFORE, in consideration of the mutual promises and covenants set forth herein, the
receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:



1. Terms.

Where applicable, the following terms shall hold the same meaning and definitions as defined by the Commission in 935 CMR 500.000 *et seq.* and 935 CMR 501.000 *et seq.*, as applicable:

- a) **Marijuana Establishment (“ME”)** means a Marijuana Cultivator (Indoor or Outdoor), Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Independent Testing Laboratory, Marijuana Retailer, Marijuana Transporter, Marijuana Delivery Operator, Marijuana Courier, Marijuana Research Facility Licensee (as defined in 935 CMR 500.002: Marijuana Research Facility Licensee), Social Consumption Establishment (as defined in 935 CMR 500.002: Social Consumption Establishment), or any other type of licensed Marijuana-related business, except a Medical Marijuana Treatment Center ~~(MTC)~~.
- b) **Medical Marijuana Treatment Center (“MTC”)** means an entity licensed under 935 CMR 501.101 that acquires, cultivates, possesses, Processes (including development of related products such as Edibles, MIPs, Tinctures, aerosols, oils, or ointments), Repackages, transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Marijuana for medical use.
- c) **Final License** means a certificate of final licensure issued by the Commission pursuant to its authority under G.L. c. 94G.
- ~~e)d)~~ **Fiscal Year** means the time period beginning with July 1st. and end with the June 30th.
- ~~e)c)~~ **Community Impact Fee (“CIF”)** means impact fee(s) claimed by the Municipality which have been certified by the Commission or ruled upon by a court of competent jurisdiction as being Reasonably Related to the actual costs imposed by the Company.
- f) **Claimed Community Impact Fee (“Claimed CIF”)** means impact fee(s) claimed by the Municipality which have not been certified by the Commission or ruled upon by a court of competent jurisdiction as being Reasonably Related to the actual costs imposed by the Company.



e)g) **Reasonably Related** means a demonstrable nexus between the actual operations of a ME or MTC and an enhanced need for a Municipality's goods or services in order to offset the impact of operations. Fees customarily imposed on other non-marijuana businesses operating in a Municipality shall not be considered Reasonably Related.

Should there be a conflict between these definitions and those contained in 935 CMR 500.000 *et seq.* and/or 935 CMR 501.000 *et seq.*, the Commission's regulations shall control. Additionally, any term used in this Agreement but not identified and defined in this section shall hold the same meaning and definition as so defined in the Commission's regulations.

2. Authorized Operations.

The Parties stipulate that this Agreement provides permission for the Company to apply for, obtain, and operate the following selected license type(s) within the Municipality:

- ☐ Medical Marijuana Treatment Center
- ☐ Marijuana Cultivator (Indoor)
- ☐ Marijuana Cultivator (Outdoor)
- ☐ Marijuana Product Manufacturer
- ☐ Marijuana Retailer
- ☐ Marijuana Microbusiness (Indoor Cultivation & Product Manufacturing)
- ☐ Marijuana Microbusiness (Outdoor Cultivation & Product Manufacturing)
- ☐ Marijuana Microbusiness (Indoor Cultivation only)
- ☐ Marijuana Microbusiness (Outdoor Cultivation only)
- ☐ Marijuana Microbusiness (Product Manufacturing only)
- ☐ Marijuana Microbusiness (with Delivery Endorsement)
- ☐ Craft Marijuana Cooperative
- ☐ Marijuana Courier
- ☐ Marijuana Delivery Operator
- ☐ Marijuana Transporter
- ☐ Marijuana Research Facility
- ☐ Independent Testing Laboratory
- ☐ Standards Laboratory
- ☐ Social Consumption Establishment



3. Location.

a) The Parties acknowledge that the Company shall identify to the Commission a proposed location where licensed operations of the ME/MTC will occur prior to being issued a license for such operations by the Commission.

~~e) If the Municipality authorizes the Company to operate at a specified location within the municipality as identified in Section 3.b., the specific location authorized to operate the license type in Section 2 is the following:~~

4. Compliance.

The Parties shall comply with all laws and regulations governing the operation of the license type(s) selected in Section 2, as applicable, including, but not limited to:

- a) G.L. c. 94G, G.L. c. 94I, 935 CMR 500.000 *et seq.*, and 935 CMR 501.000 *et seq.*, as applicable, as the same may be amended from time to time, or its successor statute(s) if any.
- b) The Municipality's bylaws, local laws, ordinances, and zoning applicable to the operation of MEs/MTCs, ~~as the same may be amended from time to time.~~
- c) The Company shall be responsible for obtaining from the Commission and the Municipality all licenses, permits, and approvals required for the operation of each license covered by the Agreement.
- d) The obligations of the Parties are contingent on the Company:



1. Obtaining a Final License from the Commission for operation of a license type(s) selected in Section 2 in the Municipality and maintaining such license; and
2. The Company's receipt of any and all necessary local permits and approvals to locate, occupy, and operate the license type(s) selected in Section 2 in the Municipality, inclusive of zoning compliance and maintaining compliance with all conditions of said approvals.

e) Unless the Company submits an annual update to the Municipality as to its progress to becoming operational, this Agreement shall become voidable under the following circumstances:

1. If the Company is unable to obtain a Final License from the Commission, or
2. If such local permits and approvals are not granted for any reason, then this Agreement

2. _____

~~_____ This Agreement shall become voidable under the following circumstances to the Municipality as to its progress to become operations~~

~~_____ If the Company is unable to obtain a Final License from the Commission, or~~

~~1. if such local permits and approvals are not granted for any reason, then this Agreement shall be voided~~
~~sonal License by the Commission, an update as to progress to become operational.~~

e) This Agreement does not affect the authority of the Municipality to issue or deny permits, licenses, or other approvals under the statutes and regulations of the Commonwealth, or the bylaws, local laws, zoning, and ordinances of the Municipality. Nor does this Agreement affect the Municipality's ability to enforce any applicable law.

g) The Parties to this Agreement shall work in good faith to effectuate the purposes of this Agreement.

5. Annual Payments Responsibilities.

The Parties agree to the following provisions regarding annual payments responsibilities:

a) CIF

1. There may be additional expenses and impacts including but not limited to impacts on the Municipality's infrastructure systems, law enforcement, and fire protection services, ~~inspectional services~~, as well as unforeseen expenses and impacts on the Municipality that are Reasonably Related to the operation of the ME(s)/MTC(s).



2. To mitigate Reasonably Related expenses and impacts, the Company shall pay a CIF to the Municipality.

3. The Municipality shall not explicitly or implicitly require the Company to make a promise of future monetary payments, in-kind contributions, or charitable contributions to the Municipality, notwithstanding the CIF payment provision allowed under G.L. c. 94G, § 3.

4. A Claimed CIF or CIF~~impact fee~~ shall not exceed three percent of the gross sales of the Company, nor be calculated on a certain percentage of the Company's sales.

5. The Municipality shall not attempt to collect Claimed CIFs or CIFs~~impact fees~~ relating to any operations occurring prior to the date the Company is granted a Final License by the Commission for ~~a particular~~ any MEs/MTC license(s) covered under this Agreement.

~~6. No impact fees shall be assessed after the eighth year of the Company's operations.~~

~~7.6.~~ The Municipality shall not attempt to collect ~~impact fees~~ Claimed CIFs or CIFs from the Company that has held a Final License for more than nine (9) years for a particular ME(s)/MTC(s).

7. The Company shall notify the Municipality within five (5) business days of the issuance of a Final License to the Company by the Commission for any license covered under this Agreement. Additionally, the Company shall notify the Municipality within five (5) business days of the issuance of a renewal of a license to the Company by the Commission for any license covered under this Agreement.

8. The Municipality shall provide an annual itemized invoice of ~~the impact fees~~ claimed Claimed CIFs claimed by the Municipality that are Reasonably Related to the operations of the Company (~~"claimed impact fees"~~) within one (1) month of the anniversary of the date the Company receives or received a Final License from the Commission for each license held by the Company located within the Municipality, if more than one. All subsequent, one-year invoice periods shall be consistent with the anniversary of the Company's Final License date(s). Failure to provide said invoice within the prescribed time shall result in the Municipality forfeiting any Claimed CIF

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or CIF it may have been entitled to for the applicable year of the Company's operation.

9. The Municipality's itemized invoice shall specifically describe how the ~~claimed impact fees~~ Claimed CIFs were spent, including a line item for each good or service charged, and a statement of its cost, purpose, and relation to the Company's particular operations.

10. The Company shall annually pay any undisputed Claimed CIF or CIF no later than the end of the current ~~Fiscal Y~~ year or within 90 days of the date of the Commission's certification of the ~~CIF certification~~, whichever is later.

11. The Company shall not be required to pay a Claimed CIF or ~~the~~ CIF while ~~if~~ the Claimed CIF or CIF is the subject of a nonfrivolous legal dispute either through the Commission's administrative hearing process or before a court of competent jurisdiction.

b) **Waivers of Community Impact Fee** ~~CIF~~

A Municipality may not assess ~~impact fees~~ Claimed CIFs or CIFs or may choose to not collect ~~impact fees~~ either in a particular year. Any such election shall not operate as a waiver of the Municipality's rights under this Agreement to collect a CIF in subsequent years.

c) **Generally Occurring Fees**

Generally occurring fees are those fees customarily imposed by the Municipality on non-cannabis businesses operating within its confines and shall not be considered a CIF.

These fees include, but are not limited to, sewer and water connection, and waste collection, ~~and local taxes~~. The Municipality now affirms the following list of expected Generally Occurring Fees the Company will be required to pay:





The Company concurs and consents to the stated list of Municipality's expected Generally Occurring Fees provided herein.

d) **Local Taxes**

Property, both real and personal, owned or operated by the Company shall be treated as taxable, and all applicable taxes for that property shall be paid ~~either~~ directly by the appropriate property owner. ~~Company or by its landlord.~~

e) **Other Taxes**

Notwithstanding any previously identified provisions, the Company acknowledges and affirms its obligation to pay any and all fees associated with sales tax, excise tax on Marijuana and Marijuana Products, or other taxes or fees otherwise provided for in G.L. c. 94G, G.L. c. 64H, and G.L. c. 64N.

6. Security.

- a) The Company shall maintain security at its ME(s)/MTC(s) in accordance with the security plan presented to the Municipality y. y and approved by the Municipality's Police Department and the Commission. In addition, the Company shall at all times comply with all applicable laws and regulations regarding the operations of MEs/MTCs, as applicable, and the security thereof.
- b) The Company shall comply with all Commission and the Municipality's security requirements as promulgated by state law, regulation, local law, ordinance, or bylaw.

7. Energy Usage.

The Company shall comply with the Commission's energy regulations provided in 935 CMR 500.105(1)(q), 935 CMR 500.105(15), 935 CMR 500.120(11), 935 CMR 500.130,



et seq., and, if applicable, comparative medical regulations.

8. Diversity, Equity, and Local Opportunities.

- a) The Company shall, consistent with applicable laws and regulations, make good faith efforts to hire municipal residents for employment, supplier services, and/or vendor services.
- b) The Company shall, consistent with applicable laws and regulations, have goals, programs, and metrics, and make progress towards those goals to hire individuals/businesses for employment, supplier services, and/or vendor services from areas defined as Areas of Disproportionate Impact by the Commission.
- c) The Company shall, consistent with applicable laws and regulations, have goals, programs, and metrics, and make progress towards those goals to hire individuals/businesses identifying as, as people of color, particularly Black, African American, Hispanic, Latinx, and Indigenous people, women, Veterans, persons with disabilities, and LGBTQ+ people.

9. Effective Date, Term, and Termination.

- a) This Agreement shall be in full force and effect beginning on _____.
- b) This Agreement shall terminate on _____.
- c) At the conclusion of the term of this Agreement, the Parties may negotiate a new Agreement in accordance with the current prevailing regulations and laws as such regulations and laws may be amended or replaced. Alternatively, the Parties may negotiate and execute an HCA Waiver.

10. Notice of Discontinuance of Operations.

- a) The Municipality shall not discontinue relations with the Company in bad faith and shall provide the Company with written notice of the Municipality's intention to discontinue relations with reasonable advanced notice that shall be no less than [DAYS] business days.
- b) This Agreement shall be void in the event that the Company ceases operations of its Marijuana Establishment in the Municipality for a period of greater than 60 days without substantial action to reopen or relocates such operations outside of the Municipality. The Company shall provide notice to the Municipality no less than 90 days prior to cessation



or relocation of operations.

11. Governing Law and Severability.

This Agreement shall be governed in accordance with the laws of the Commonwealth of Massachusetts. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal, or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby, unless one or both Parties would be substantially or materially prejudiced.

12. Confidentiality.

The Parties agree that all records in the possession of the Municipality are governed by G.L. c. 66, § 10, the Public Records Law.

13. Amendments/Waiver.

The Parties may make amendments to this Agreement or waive its terms only by a mutually executed written agreement in accordance with the current prevailing regulations and laws as such regulations and laws may be amended or replaced.

14. Successors/Assignees.

This Agreement is binding upon the Parties hereto, their successors, assignees and legal representatives. The Company shall not assign, sublet, or otherwise transfer its rights nor delegate its obligations under this Agreement, in whole or in part, without OPTION 1: the prior written consent from the Municipality, and shall not assign any of the monies payable under this Agreement to the Municipality, except the written consent of the Municipality, but such consent by the Municipality shall not be unreasonably withheld or denied; OPTION 2: first notifying the municipality].

15. Counterparts.

This Agreement may be signed in any number of counterparts all of which taken together, each of which is an original, and all of which shall constitute one and the same instrument, and any Party hereto may execute this Agreement by signing one or more counterparts.

16. Signatures.

Facsimile and electronic signatures affixed to this Agreement shall have the same weight and authority as an original signature. The individuals signing below have full authority



to do so by the entity on whose behalf they have signed.

17. Notices

Except as otherwise provided herein, any notices, consents, demands, requests, approvals, or other communications required or permitted under this Agreement shall be made

[OPTION 1: electronically to the ~~email(s)~~ addresses identified below for the respective Parties; OPTION 2: both electronically and by mail to the address(es) identified below for the respective Parties]:

Identified~~Email~~ Address(es) for the Municipality:

~~Email~~-Identified Address(es) for the Company:

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year first written above.

MUNICIPALITY OF _____

Duly Authorized Representative Name: _____

Duly Authorized Representative Title: _____

Duly Authorized Representative Signature: _____

Date of Signature: _____

COMPANY: _____

Duly Authorized Representative Name: _____

Duly Authorized Representative Title: _____

Duly Authorized Representative Signature: _____

Date of Signature: _____





COMMONWEALTH OF MASSACHUSETTS

Guidance on Host Community Agreements

February 2024

Massachusetts Cannabis Control Commission

Ava Callender Concepcion, Acting Chair

Nurys Camargo, Commissioner

Kimberly Roy, Commissioner

Bruce Stebbins, Commissioner

Debra Hilton-Creek, Acting Executive Director

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I. Purpose

This guidance document is being issued by the Cannabis Control Commission (“Commission”) to provide insight into regulations promulgated related to Chapter 180 of the Acts of 2022 (“Chapter 180”) and applicable law. The Commission seeks to support applicants, licensees, and municipalities in complying with its new regulations promulgated on October 27, 2023.

Please note that this guidance is not legal advice. If applicants, licensees, and municipalities have legal questions regarding marijuana laws in the Commonwealth, they are encouraged to consult their counsel and other applicable resources. Municipalities should also note that this guidance is subject to change if the Legislature further amends the adult-use cannabis statute, G. L. c. 94G, or the medical-use statute, G. L. c. 94I.

II. Introduction

Under G. L. c. 94G, § 4, and G. L. c. 94I, the Commission has the authority to regulate and has promulgated requirements governing the state licensure processes for the adult- and medical- use marijuana programs. In general, the Commission will not issue a license to an applicant unless (1) the applicant has submitted an application in compliance with Commission regulations¹ and (2) the Commission is notified by the municipality that the proposed applicant is not in compliance with local ordinances or by-laws.² Additional parameters regarding licensure are listed within G.L. c. 94G, § 5 (b) (3) – (4).

Generally, a municipality can adopt a by-law or ordinance imposing “reasonable safeguards,” on licensing activities.³ This can include restrictions on the time, place, and manner of operations within its borders.⁴ However, the by-law or ordinance must not:

- conflict with the Commission’s laws, including the delivery regulations;⁵
- qualify as unreasonable;⁶ or

¹ G. L. c. 94G, § 5 (b) (1).

² G.L. c. 94G, § 5 (b) (2).

³ G. L. c. 94G, § 3 (a) (“A city or town may adopt ordinances and by-laws that impose reasonable safeguards on the operation of marijuana establishments, provided they are not unreasonably impracticable and are not in conflict with this chapter or with regulations made pursuant to this chapter”).

⁴ G. L. c. 94G, § 3 (a) (1).

⁵ These delivery regulations are included in 935 Code Mass. Regs. §§ 500.002, 500.050 (10)-(11), 500.145 and 501.145.

⁶ A town must seek approval of any by-law from the Office of the Attorney General’s Municipal Law Unit. [Municipal Law Review | Mass.gov.](#)



- be “unreasonably impracticable” which means there is an “unreasonable risk”, or there is a requirement of “such a high investment of risk, money, time or any other resource or asset that a reasonably prudent businessperson would not operate a marijuana establishment.”⁷

Under the “Local Control” provisions of G. L. c. 94G, § 3, and subject to statutory and regulatory requirements, municipalities have the authority to negotiate and enter into Host Community Agreements (“HCAs”) or HCA Waivers with license applicants, Marijuana Establishments (“MEs”) licensees and Medical Marijuana Treatment Centers (“MTCs”) (collectively, the “licensees”). Given that license applicants must navigate municipal processes before the Commission considers its license application, municipalities play an early and essential role in selecting license applicants, including whether Social Equity Businesses, Economic Empowerment Priority Applicants, and Social Equity Program Participants will be considered for licensure by the Commission and become part of the cannabis industry. Please see the Commission’s Guidance on Municipal Equity for additional information (*please note, this guidance is forthcoming*).

III. HCAs/HCA Waivers: New and Continued Operations

Municipalities must act reasonably, and in good faith, when negotiating HCA terms with license applicant and licensees that seek to operate or continue to operate within its community.⁸ The statute on HCAs, G. L. c. 94G, § 3 (d) (1), requires that:

“A marijuana establishment or a medical marijuana treatment center seeking a new license or renewal of a license to operate or continue to operate in a municipality that permits such operation shall negotiate and execute a host community agreement with that host community setting forth the conditions to have a marijuana establishment or medical marijuana treatment center located within the host community, which shall include, but not be limited to, all stipulations of responsibilities between the host community and the marijuana establishment or medical marijuana treatment center.”

Pursuant to Chapter 180 and the previous version of G.L. c. 94G, any license applicant that seeks a new license from the Commission must first have obtained an HCA. Additionally, subject to the same laws, MEs and MTCs that want to continue to be licensed and operate in the Commonwealth require an active HCA. As part of its previous requirements, the Commission only required certification that an HCA had been executed and submission of documented proof uploaded as part of the license applicant’s initial license application. Chapter 180 and Commission regulations have provided updated requirements and responsibilities around HCAs.

⁷ G. L. c. 94G, § 1.

⁸ 935 Code Mass. Regs. § 500.180(2)(d); 935 Code Mass. Regs. § 501.180(2)(d).



On and after March 1, 2024, the Commission will require license applicants to submit their currently executed and compliant HCA—versus just a certification form—for review and certification as part of a license applicant’s initial license application. Additionally, all licensees seeking to renew their license must also submit their currently executed and compliant HCA for review and certification as part of their license renewal application. **As will be discussed in upcoming sections, an HCA Waiver may be executed and utilized in lieu of an HCA.**

IV. HCAs: Governing Rules

Essentially, HCAs are contractual agreements usually between two parties: license applicant/licensee and the municipality (the “Parties”). The Commission is not a party to these agreements—instead, Chapter 180 has granted the authority and requires the Commission to assess and certify these agreements for compliance purposes with applicable laws and regulations. The following subsections outline elements of HCAs that are strictly required, permissible, or strictly prohibited.

HCA Provisions: Identifying Information Related to the Parties

Commission regulations require that each HCA contain certain identifying information regarding the Parties subject to the agreement. The following terms shall be included in every compliant HCA:

- Type of operations covered under the HCA (e.g., cultivation, retail, social consumption, etc.);
- Execution date of the HCA by the Parties (i.e., the date the Parties sign the HCA);
- Effective date of the HCA (i.e., the date the HCA begins to be binding to the Parties);
- Duration of the HCA (i.e., the date the HCA is ends and is no longer binding to the Parties);
- Name, signature, and title of the person authorized to enter into the HCA for the municipality; and
- Name, signature, and title of the person authorized to enter into the HCA for the license applicant or licensee.

HCA Provisions: All Stipulated Responsibilities of the Parties



The main purpose of the HCA is to ensure that the Parties understand their responsibilities to each other. Therefore, the Parties shall ensure that each HCA contains clear and specific statements of all stipulated responsibilities between them. At a minimum, the following responsibilities provisions must be included in the HCA:

- A provision requiring the municipality to annually transmit its invoice of claimed impact fees to the licensee within one (1) month of the anniversary of licensee's final license date; and
- A provision explicitly identifying any generally occurring fees to be charged by the municipality to the licensee (i.e., water and sewer fees, trash pickup fees, property tax, etc.).

As alluded to above, a municipality shall not impose unreasonable conditions. Provisions of an HCA may be presumed reasonable, found unreasonable, or additional explanation from the Parties may be sought to perform an adequate evaluation. A provision may be presumed reasonable if:⁹

- The condition is required under a municipality's local rules, regulations, ordinances, or by-laws;
- The condition has been deemed necessary to ensure public safety and proposed by the chief law enforcement authority and/or fire protection chief in a municipality with explanation and detail why the condition is necessary for public safety;
- The condition has been deemed necessary to ensure public health and proposed by the chief public health authority in a municipality with explanation and detail why the condition is necessary for public health;
- The condition is a local requirement customarily imposed by a municipality on other, non-cannabis businesses operating in the community;
- The condition is required by law;
- The condition does not conflict with other laws; or
- The condition is otherwise deemed reasonable by the Commission based on particular circumstances presented by the HCA or contracting parties.

⁹ 935 Code Mass. Regs. § 500.180(2)(e)2.; 935 Code Mass. Regs. § 501.180(2)(e)2.



HCA Provisions: CIFs

An HCA may also include provisions and terms regarding CIFs, however, CIFs are not mandatory and may be waived by the municipality. Otherwise, the CIF provisions and terms must be structured appropriately and consistently with G. L. c. 94G, § 3 (d), 935 Code Mass. Regs. § 500, 935 Code Mass. Regs. § 501, and applicable case law.

Statutory and regulatory requirements related to CIFs shall comply with the following:

- Be Reasonably Related to the costs imposed upon the municipality by the operation of the licensee;
- Not amount to more than three (3) percent of the gross sales of the license;
- Not be effective after the license's eighth year of operation;
- Commence no sooner than the date the license is granted a final license by the Commission; and
- Not mandate a certain percentage of total or gross sales as the community impact fee.

Please note, "Reasonably Related" means a demonstrable nexus between the actual operations of an ME or MTC and an enhanced need for a municipality's goods or services in order to offset the impact of operations.¹⁰ Fees customarily imposed on other non-marijuana businesses operating in a municipality shall not be considered Reasonably Related.¹¹

Municipalities are encouraged to develop a process for monitoring claimed impact fees. On renewal, the municipality or licensee may seek to renegotiate the claimed impact fee if there is a reasonable basis to question whether the fee is Reasonably Related to the costs imposed upon the municipality by the licensee's operations as required by G. L. c. 94G, § 3 (d).

Additional guidance on reporting and certification of CIFs by the Parties and the Commission is forthcoming in a separate publication.

Prohibitive Provisions and Terms of an HCA

¹⁰ 935 Code Mass. Regs. § 500.002; 935 Code Mass. Regs. § 501.002.

¹¹ *Id.*



To ensure compliance with the wording and intent of Chapter 180, the Commission has adopted policies through regulations that govern prohibitive provisions and terms of HCAs. No HCA will be certified by the Commission that contains the following provisions or terms:

- A promise to make a future monetary payment, in-kind contribution, or charitable contribution other than a Community Impact Fee (“CIF”);¹²
- A requirement that the CIF be a certain percentage of a licensee’s total or gross sales as a term or condition;¹³
- A demand of a CIF exceeding 3% of the gross sales of a licensee as a term or condition;¹⁴
- A provision that discourages any party from bringing a civil cause of action or other legal challenge relative to an HCA or to an individual term or provision of an HCA;
- A provision that requires an applicant or licensee to make upfront payments as a condition for operating in the municipality;
- A provision waiving a licensee’s ability to dispute whether impact fees claimed by a municipality are reasonably related and properly due and payable as a CIF;
- A provision that categorically deems a municipality’s claimed impact fees to be reasonably related or that otherwise excuse a municipality from calculating impact fees based on the actual operations of a licensee;
- A provision that imposes legal, overtime, or administrative costs or any costs other than a CIF on a licensee with the exception of a licensee’s tax obligations or its responsibility for paying routine, generally occurring municipal fees;
- A provision that obligates a licensee to set aside money in an escrow, bond, or other similar account for a municipality’s use or purposes; and
- A provision including or otherwise deeming good faith estimates, unquantifiable costs, generalized expenses, or pro-rated expenses as a CIF.

The preceding items are not an exhaustive list of prohibitive provisions or terms. The Parties to an HCA

¹² 935 Code Mass. Regs. § 500.180(2)(k)1.; 935 Code Mass. Regs. § 501.180(2)(k)1.

¹³ 935 Code Mass. Regs. § 500.180(2)(k)3.; 935 Code Mass. Regs. § 501.180(2)(k)3.

¹⁴ 935 Code Mass. Regs. § 500.180(2)(k)4.; 935 Code Mass. Regs. § 501.180(2)(k)4.



are encouraged to ensure compliance by reviewing the Commission's regulations governing prohibitive provisions or terms.

Prohibitive Acts of the Parties Regarding HCAs

In addition to the prohibitive provisions and terms that are not allowed as part of a compliant HCA, the Parties must act and negotiate in good faith. The following acts are prohibited by the Parties:

- No Party will use inducements to negotiate or execute an HCA;¹⁵
- No municipality shall negotiate or renegotiate an HCA through the use of undue influence, duress, coercion, intimidation, threats, or any strong-arm tactics including by threat of dissolution of the HCA;¹⁶
- No municipality may rely on other written instruments, contracts, or agreements to impose terms or conditions on a license applicant or licensee outside of an HCA; and
- No municipality may enforce a contractual financial obligation, other than a CIF, that is explicitly or implicitly a factor considered in or included as a condition of an HCA.¹⁷

HCAs: Miscellaneous Permissible Provisions and Terms

A Parties can agree on additional provisions and terms that may vary, however, shall be compliant with applicable laws and regulations. The following is neither an exhaustive nor exclusive list, but includes potential provisions and terms of an HCA:

- [Municipality] agrees to submit to the Commission certification of compliance with applicable local ordinances and by-laws relating to the [Company]'s application for licensure and/or operations, but makes no representation or promise that it will act on any other license or permit request including, but not limited, to any permit applications submitted by the [Company] in any particular way other than in accordance with the municipality's governing laws.
- The [Company] agrees that jobs created at the licensed premises will be made available to [Municipality] residents. [Municipality] residency will be one of several factors considered in hiring decisions at the facility but shall not be determinative and shall not prevent the

¹⁵ 935 Code Mass. Regs. § 500.180(2)(k)5.; 935 Code Mass. Regs. § 501.180(2)(k)5.

¹⁶ *Id.*

¹⁷ 935 Code Mass. Regs. § 500.180(2)(k)2.; 935 Code Mass. Regs. § 501.180(2)(k)2. (please see the regulations for the two exceptions to this law).



[Company] from hiring the most qualified candidates and otherwise complying with all Massachusetts anti-discrimination and employment laws.

- A key-and-lock system shall not be the sole means of controlling access to the licensed premises of the [Company]. The [Company] agrees to implement a method such as a keypad, electronic access card, or other similar method for controlling access to areas in which Marijuana or Marijuana Products are kept in compliance with Commission regulations.
- In the case that the [Company] desires to relocate within [Municipality], it must first obtain approval of the new location before any relocation of the facility and comply with any requirements of the Commission for change of location.
- Termination of the HCA: The [Company] may terminate this agreement [#] days after the cessation of operations of any facility within [Municipality]. The [Company] shall provide notice to [Municipality] that it is ceasing to operate within the [Municipality] and/or is relocating to another facility outside the [Municipality] at least [#] days prior to the cessation or relocation of operations.
- The [Municipality] and [Company] agree to work together in support of the [Company]'s Diversity Plan and Positive Impact Plan. Additionally, the Parties agree to share data biannually on the progress or success of the stated plans.
- The [Municipality] and [Company] mutually agree that the [Municipality] will not seek or claim CIFs from the [Company] for the duration of the agreement.

V. Available Option: Utilization of the Commission's Model HCA Template

As noted above, all license applicants and licensees seeking a new license or a renewal of a license shall have an HCA that complies with the law or a compliant HCA Waiver.¹⁸

Chapter 180 granted the Commission the authority to author and provide a template agreement for license applicants, licensees, and municipalities—a Model HCA. To streamline the negotiation process, the Commission has created the Model HCA that municipalities, license applicants, and licensees can use to secure an agreement. This Model HCA template provides standardized language, potential terms, and sections that include authorized operations, safety plan, business location, compliance, annual payments, security, energy use, and equity provisions. If used properly, and not substantially modified, an HCA submitted which is determined to conform with the Model HCA will be presumed compliant.¹⁹

Proper utilization of the Model HCA can have the following potential benefits for any party:

¹⁸ 935 Code Mass. Regs. § 500.180(2); 935 Code Mass. Regs. § 501.180(2).

¹⁹ 935 Code Mass. Regs. § 500.180(2)(c); 935 Code Mass. Regs. § 501.180(2)(c).



- Fill-in-the-blank template HCA;
- Reduced consultant costs;
- Reduced time in negotiations;
- Reduced legal counsel costs;
- Less time for Commission review and response on applications; and
- An interim option for Parties that have a current, but non-compliant, HCA, so that licensees who need to renew are able to continue to operate.

VI. Available Option: HCA Waiver

One major change enacted by Chapter 180 is the explicit option of the Parties to waive the HCA requirement. Unlike other waivers governed by the Commission's regulations, this is a statutory option provided for in Chapter 180 and is subject to the consent of the Parties, not the Commission. If the Parties execute an HCA Waiver, the executed document shall be communicated to the Commission by the license applicant or licensee in their license or license renewal application.

As with HCAs, HCA Waivers require certain information including the following:

- Identification of the specific application or license number(s) covered by the waiver;
- Identification of the business name of the license applicant or licensee covered by the waiver;
- Name, signature, and title of the person authorized to enter into the HCA Waiver for the municipality;
- Name, signature, and title of the person authorized to enter into the HCA Waiver for the license applicant or licensee;
- The date(s) of execution by the Parties; and



- An attestation that the HCA Waiver was mutually agreed upon by both Parties and executed in good faith.

Additional relevant information regarding HCA Waivers that the Parties should be cognizant of include the following:

- An HCA Waiver constitutes a total relinquishment of the HCA requirement – the Parties cannot use both an HCA and HCA Waiver to govern their relationship and responsibilities at the same time;
- An HCA Waiver cannot contain an expiration date or conditions or be the product of inducement;
- An HCA Waiver may be executed after the execution, and in place thereof, of an HCA; and
- An HCA Waiver that is executed and recorded with the Commission remains in full force and effect until a subsequent compliant HCA is approved.

Proper utilization of an HCA Waiver can have the following potential benefits for any party:

- Fill-in-the-blank template HCA Waiver;
- Reduced consultant costs;
- Reduced time in negotiations;
- Reduced legal counsel costs;
- Less time for Commission review and response on applications; and
- An interim option for Parties that have a current, but non-compliant, HCA, so that licensees who need to renew are able to continue to operate.

VII. Commission Review and Certification of HCAs/HCA Waivers

On and after March 1, 2024, Commission staff will review and ensure compliant HCAs or HCA Waivers as part of the submission or resubmission of a new or renewal license application. The



Commission will review the applications containing the HCAs or HCA Waivers within 90 days.

After review, if the HCA or HCA Waiver is found to be non-compliant with applicable laws and regulations, the Commission will send a request for information and/or determination notice to both the license applicant/licensee and the municipality containing the following information:

- Factual basis of the finding of non-compliance;
- Parties' option to correct the non-compliance and submit an amended HCA;
- Parties' option to submit an HCA Waiver; or
- Parties' option to execute and utilize the Commission's Model HCA on an interim basis.

New and renewal license applications will not be allowed to proceed in the licensure process unless, and until, a compliant HCA or HCA Waiver is certified by the Commission.

VIII. Equitable Relief Option

Municipalities may choose to discontinue relations with licensees but shall not do so in bad faith. Municipalities shall notify the licensee if they intend to discontinue relations. Upon receipt of this notice, the licensee may submit a request for Equitable Relief. The policy regarding Equitable Relief is intended to provide a possible option for licensees to continue to operate or make other business decisions without necessarily ceasing operations immediately.

Licensees seeking Equitable Relief shall submit a request to the Commission with the following:

- Identifying specific facts of the situation;
- The municipality's notice of intent to discontinue relations; and
- Any other supporting documentation or information for seeking relief.

The Commission will review each Equitable Relief request and may exercise its discretion to grant or deny relief. If the Commission grants relief, possible relief options that could be granted include the following:



- Extension of the license expiration date without additional fees;
- Waiver of a change of location fee if the licensee seeks to relocate; or
- Institution of procedures for winding down operations.

IX. Complaints of Non-Compliance

The Commission may investigate any complaint alleging non-compliance with the HCA and municipal equity regulations and will take enforcement action if necessary. Failure by a municipality to correct the noncompliant conduct may result in one or more of the following:²⁰

- Issuance of sanctions pursuant to 935 Code Mass. Regs. § 500.360 and § 501.360;
- Loss of a municipality’s good compliance standing for purposes of 935 Code Mass. Regs. § 500.180(2)(g) and § 501.180(2)(g);
- Identification of a municipality’s lack of good compliance standing in a form and manner determined by the Commission; or
- Abstaining from consideration of any new license applications affiliated with a municipality until a municipality’s good compliance standing is restored.

X. Seeking Counsel, Support, and Questions

Municipalities, license applicants, and licensees are encouraged to seek legal advice from a licensed attorney with respect to municipal by-laws, requirements, and processes, as well as negotiations regarding HCAs.

Other available resources:

- The Cannabis Control Commission’s Guidance on Municipal Equity (forthcoming as of February 2024).
- Eligible applicants for licensure and licensees may qualify to receive services through the Commission’s Social Equity Program. If you are a participant in the Social Equity Program or

²⁰ 935 Code Mass. Regs. § 500.180(3)(d)4.; 935 Code Mass. Regs. § 501.180(3)(d)4.



are interested in learning more about the services offered as part of the Social Equity Program, please contact the Commission at (774) 415-0200 or email via equity@cccmass.com.

- Municipalities interested in the Office of the Attorney General's approval process for by-laws, including prior decisions, should consult [Municipal Law Unit's website at Municipal Law Review | Mass.gov](#).
- Individuals concerned about fraud, waste, and abuse can contact the OIG's hotline at (800) 322-1323.

For more information and resources regarding HCAs, please visit our page. If you have additional questions on these HCAs policies, please contact the Commission at Commission@CCCMass.com or (774) 415-0200.





COMMONWEALTH OF MASSACHUSETTS

Guidance on Licensure

February 2024

Massachusetts Cannabis Control Commission

Ava Callender Concepcion, Acting Chairwoman

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I. Introduction

The Cannabis Control Commission (Commission) regulates licensees that operate in the legal adult- and medical-use marijuana markets in Massachusetts. This includes reviewing applications and issuing licenses for adult-use Marijuana Establishments (MEs) and Medical Marijuana Treatment Centers (MTCs), formerly known as Registered Marijuana Dispensaries (RMDs).

The Commission's goal is for this guidance to assist applicants and licensees with navigating the application and licensing processes, and remaining compliant with applicable laws, regulations, and policies, which include the following:

- St. 2017, c. 55, An Act to Ensure Safe Access to Marijuana
- St. 2022, c. 180, An Act Relative to Equity in the Cannabis Industry
- G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed
- G.L. c. 94I, Medical Use of Marijuana
- Regulations
 - 935 Code Mass. Regs. § ("CMR") 500.000: Adult Use of Marijuana
 - 935 CMR 501.000: Medical Use of Marijuana
- Guidance Documents

Please note that applicants and licensees are required to remain current with the laws, regulations, and policies governing licensure. Applicants and licensees are responsible for reviewing revisions to this document as changes to laws, regulations, and policies may occur.

FYI—For Your Information

Some things to be conscious of when applying to become a licensee:

- *The Commission reviews applications for licensure in a certain order set by regulations. An initial review of your application may not occur right away as other applications may have priority or expedited review.*
- *The Commission will notify applicants and licensees of all next steps— please do not take next steps until directed to do so.*

Please ensure to fully comply with all requests for information in order to reduce the time to obtain licensure, if appropriate.

The following guidance is not legal advice. If you have additional questions regarding the legal requirements for licensure in the Commonwealth, you are encouraged to consult an attorney.



II. License Types & Limits

Applicants can determine the type of license they want to obtain by first determining what type of marijuana business they want to operate. For example, an applicant that wants to cultivate marijuana has at least four (4) different options depending on whether they want to operate in the adult- or medical-use market and how they want to operate their business:

- Applicants who want to grow and cultivate adult-use marijuana may apply for one of three (3) ME licenses: Marijuana Cultivation license, Craft Marijuana Cooperative license, or Microbusiness license. Further information about each license type is available below.
- Applicants who want to assist registered patients with medical marijuana can obtain an MTC license, which will allow them to cultivate, produce, dispense, and deliver marijuana to registered patients and their caregivers.

Medical Marijuana Treatment Center (MTC)

A Medical Marijuana Treatment Center, commonly referred to as an MTC, is an entity licensed under the medical regulations. An MTC acquires, cultivates, possesses, processes, transports, sells, distributes, delivers, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. This license type is commonly referred to as a vertically integrated license as it allows and requires the licensee to perform all associated operations.

MTCs may deliver marijuana and marijuana products directly to patients and caregivers after receiving Commission approval.

Marijuana Cultivator

A Marijuana Cultivator may cultivate, process, and package marijuana, to transfer marijuana to other MEs, but not to consumers. Cultivators must select what tier they will be in by determining the total canopy they will cultivate. Canopy is an area calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain flowering and/or vegetative plants that are larger than eight (8) inches tall and eight (8) inches wide at any point in time. The available tiers include the following:

Tier	Canopy Size Allowed
1	up to 5,000 square feet



2	5,001 to 10,000 sq. ft.
3	10,001 to 20,000 sq. ft.
4	20,001 to 30,000 sq. ft.
5	30,001 to 40,000 sq. ft.
6	40,001 to 50,000 sq. ft.
7	50,001 to 60,000 sq. ft.
8	60,001 to 70,000 sq. ft.
9	70,001 to 80,000 sq. ft.
10	80,001 to 90,000 sq. ft.
11	90,001 to 100,000 sq. ft.

A Marijuana Cultivator may submit an application to change the tier in which it is classified. Once provisionally licensed, a licensee may voluntarily relegate its tier. However, if a licensee requests to expand their tier, they must demonstrate that while operating at the top of its tier it has sold 85% of its product consistently over the preceding six (6) months. Therefore, an applicant should ensure that the tier it chooses is appropriate until able to demonstrate this requirement because it may not be able to expand until at least six (6) months after receiving a commence operations notice.

In connection with the renewal of a Marijuana Cultivator license, the Commission will review the records of the licensee and may reduce the licensee's tier if the licensee sold less than 70% of what it produced during the six (6) months prior to the renewal application (indoor cultivators) or during the harvest season prior to the application for renewal (outdoor cultivators). Some factors that the Commission may consider in reducing a Marijuana Cultivator's tier include the following:

- Cultivation and production history, including any catastrophic events that may have occurred;
- Transfer, sales, and excise tax payment history;
- Existing inventory and inventory history;
- Sales contracts; and
- Any other factors relevant to ensuring responsible cultivation, production, and inventory management.



Craft Marijuana Cooperative

A Craft Marijuana Cooperative is a type of Marijuana Cultivator which may cultivate, obtain, manufacture, process, package, and brand marijuana and marijuana products to transport marijuana to MEs, but not to consumers.

A Craft Marijuana Cooperative is not limited to a particular number of cultivation locations, but is limited to a total canopy of 100,000 square feet and three (3) locations for activities authorized for Marijuana Product Manufacturers. A Craft Marijuana Cooperative must operate according to the seven cooperative principles published by the International Cooperative Alliance in 1995 (<https://www.ica.coop/en/cooperatives/cooperative-identity>).

Marijuana Product Manufacturer

A Marijuana Product Manufacturer is an entity authorized to obtain, manufacture, process, and package marijuana and marijuana products, to transport marijuana and marijuana products to MEs, and to transfer marijuana and marijuana products to other MEs, but not to consumers.

Marijuana Retailer

A Marijuana Retailer is an entity authorized to purchase, repackage, white label, and transport marijuana or marijuana products from MEs, and to sell, repackage or otherwise transfer marijuana and marijuana products to other MEs and to sell to consumers.

A Marijuana Retailer provides a retail location which may be accessed by consumers 21 years of age or older or, if the retailer is colocated with an MTC, by individuals who are also registered qualifying patients or personal caregivers. Unless also licensed separately as a Social Consumption Establishment, marijuana shall not be consumed on the premises.

Existing Licensee Transporter

An ME that is otherwise licensed by the Commission and also licensed to purchase, obtain, and possess Marijuana or Marijuana Products solely for the purpose of transporting, temporary storage, sale and distribution on behalf of other MEs or MTCs to other establishments, but not to consumers.

Third-Party Transporter

A Marijuana Transporter is an entity that may only transport marijuana or marijuana products and does not hold another ME license and is not licensed as an MTC. A Third-party Transporter is permitted to transport marijuana and marijuana products between MEs and between MTCs.



Marijuana Research Facility

A Marijuana Research Facility licensee or Research Licensee is an academic institution, non-profit corporation, domestic corporation, or entity authorized to do business in Massachusetts. A Marijuana Research Facility may cultivate, purchase, or otherwise acquire marijuana for the purpose of conducting research regarding marijuana and marijuana products if the licensee possesses such a license (such as Marijuana Cultivator, Marijuana Product Manufacturer, Marijuana Retailer, a Microbusiness or a Craft Marijuana Cooperative license) to do so or is allowed to do so through an approved Research Permit if the cultivation or product manufacturing process is the subject of its research.

All Marijuana Research Facility licensees are required to obtain a Research Permit for each individual research projects. Research Permits are certificates indicating approval from the Commission to conduct a specific research project over a specified and finite period of time. A separate application and application requirements apply to each Research Permit.

Independent Testing Laboratory (ITL)

An Independent Testing Laboratory, commonly referred to as an ITL, is an entity that does not hold any other type of ME/MTC license and is properly accredited to perform tests in compliance with the stringent requirements of the Commission's protocols for testing marijuana and marijuana products. Licensed ITLs may test marijuana and marijuana products in the adult- and medical- use markets.

ITLs shall be accredited to the most current International Organization for Standardization (ISO) 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement prior to final licensure. Additionally, ITLs, and the individuals and entities associated with it, shall be independent financially from any licensed MTC or ME.

Standards Testing Laboratory

A Standards Testing Laboratory is an entity that would otherwise qualify to be an Independent Testing Laboratory, but instead performs blind tests to verify the results of an Independent Testing Laboratory at the request of the Commission.

Microbusiness

A Microbusiness is a colocated Tier 1 Marijuana Cultivator, and/or Marijuana Product Manufacturer limited to purchase 2,000 pounds of marijuana from other MEs in one (1) year.

A Microbusiness licensee may not be a Person or Entity Having Direct or Indirect Control for any other ME except a Social Consumption Establishment. A majority of the Microbusiness' executives or



members must have been residents of Massachusetts for no less than 12 months prior to application. Microbusiness may apply for a Delivery Endorsement which would allow the licensee to sell and deliver marijuana or marijuana products produced at its licensed location directly to consumers.

Marijuana Courier Licensee

A Marijuana Courier licensee may deliver marijuana or marijuana products directly to consumers or patients at a residential address from a Marijuana Retailer or Medical Marijuana Treatment Center with which the Marijuana Courier has a delivery agreement. A delivery agreement sets forth the business terms of their agreement, as well as procedures for pre-verification of consumers receiving deliveries. A Marijuana Courier is not a retailer and shall not have a retail location accessible to the public unless they are also licensed as a Marijuana Retailer. Deliveries of marijuana or marijuana products are limited to the following:

- municipality of the Marijuana Courier's place of business;
- municipalities that allow for the operation of Marijuana Retailers; and
- municipalities that opt-in (i.e., any municipality which, after receiving notice from the Commission, has notified the Commission that delivery may operate within its borders) to delivery.

A Marijuana Courier license shall be limited on an exclusive basis to businesses controlled by and with majority ownership comprised of Economic Empowerment Priority Applicants and/or Social Equity Program Participants for a period of at least 36 months from the date the first Marijuana Delivery Operator receives a notice to commence operations.

Please note that the Commission will be collecting data and information over this period. The Commission will evaluate whether the goals of this initiative were met and, if not, may further extend the exclusivity period.

Marijuana Delivery Operator Licensee

A Marijuana Delivery Operator may purchase at wholesale and warehouse finished marijuana or marijuana products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and sell and deliver directly to consumers. A Marijuana Delivery Operator Licensee is not considered to be a Retailer under the Commission's regulations but is responsible for complying with all applicable Department of Revenue requirements for retail sales.

A Marijuana Delivery Operator licensee shall be limited on an exclusive basis to businesses controlled by and with majority ownership comprised of Economic Empowerment Priority Applicants and/or



Social Equity Program Participants for a period of at least 36 months from the date the first Marijuana Delivery Operator receives a notice to commence operations.

Please note that the Commission will be collecting data and information over this period. The Commission will evaluate whether the goals of this initiative were met and, if not, may further extend the exclusivity period.

Social Consumption Establishment

Social Consumption Establishment means an entity licensed to sell marijuana or marijuana products and allow consumers to consume marijuana or marijuana products solely on its premises.

Social Consumption Establishment licenses are limited on an exclusive basis to businesses controlled by and with majority ownership comprised of Economic Empowerment Priority Applicants or Social Equity Program Participants, Microbusinesses, and Craft Marijuana Cooperatives for a period of at least 36 months from the date the first Social Consumption Establishment receives a notice to commence operations.

Please note that the Commission will be collecting data and information over this period. The Commission will evaluate whether the goals of this initiative were met and, if not, may further extend the exclusivity period.

Delivery Endorsement

In addition to the license types discussed above, the Commission may approve Delivery Endorsements to qualifying MEs. A Delivery Endorsement authorizes the licensee to sell and deliver marijuana and marijuana products directly from the licensee's licensed establishment to consumers. This endorsement is currently available to MEs that are licensed as Microbusinesses and controlled by and with majority ownership comprised of Economic Empowerment Priority Applicants and/or Social Equity Program Participants for a period of at least 36 months from the date the first Marijuana Delivery Operator receives a notice to commence operations.

Please note that the Commission will be collecting data and information over this period. The Commission will evaluate whether the goals of this initiative were met and, if not, may further extend the exclusivity period.

Limits on Licenses and Endorsements

As discussed previously, all license types have limits on the number of licenses an individual or entity can possess. Additional restrictions may apply to certain license types. The grid below will be helpful



when determining what license type to choose when applying, and to understand the limits on license types.

FYI—For Your Information

The table below uses specifically defined terms; for example, Person or Entity Having Direct or Indirect Control. Most terms will be defined in the Commission's regulations in sections 935 CMR 500.002 and 501.002. If you encounter a term and don't know its meaning, please check the definition sections in the stated regulations for their meaning.

Type	Limits	Additional Limitations
MTC	No Person or Entity Having Direct or Indirect Control shall be granted more than three (3) MTC licenses.	An MTC can acquire ME licenses, however, no Person or Entity Having Direct or Indirect Control shall be granted more than a total of 100,000 sq. ft. of canopy between this license and the adult-use Marijuana Cultivator license. The 100,000 sq. ft. canopy cap applies across the board to all license types or combinations of license types issued by the Commission.
Marijuana Cultivator	No Person or Entity Having Direct or Indirect Control shall be granted more than three (3) licenses.	No Person or Entity Having Direct or Indirect Control shall be granted more than 100,000 sq. ft. of canopy between this license and an MTC license.
Craft Marijuana Cooperative	Craft Marijuana Cooperatives are limited to one (1) license.	Members may not be Persons or Entities Having Direct or Indirect Control in any other ME. Such restriction shall not be construed to prohibit the licensee from applying for a Marijuana Retailer, Existing Licensee Transporter, Marijuana Research or Social Consumption Establishment Licensee.



Standards Testing Laboratory	No Person or Entity Having Direct or Indirect Control shall be granted more than three (3) licenses.	No Person or Entity Having Direct or Indirect Control shall have another type of MTC or ME license.
Microbusiness	No Person or Entity Having Direct or Indirect Control shall be granted more than three (3) licenses.	The licensee(s) shall not be a Person or Entity Having Direct or Indirect Control for any other ME except a Microbusiness can have a Delivery Endorsement or have a Social Consumption Establishment license, provided that Licenses shall be limited on an exclusive basis to businesses controlled by and with majority ownership comprised of Economic Empowerment Priority Applicants or Social Equity Program Participants.
Third-Party Transporter	No Person or Entity Having Direct or Indirect Control shall be granted more than three (3) licenses.	The entity shall not hold any other license type, however, individuals and other entities associated with the license may have interest in other license types.
Existing Licensee Transporter	No Person or Entity Having Direct or Indirect Control shall be granted more than three (3) licenses.	The entity shall hold another license type.
Marijuana Courier	No Person or Entity Having Direct or Indirect Control shall be granted more than (2) two types of Delivery licenses.	Licenses shall be limited on an exclusive basis to businesses controlled by and with majority ownership comprised of Economic Empowerment Priority Applicants or Social Equity Program Participants for a period of 36 months from the date the first Marijuana Delivery Operator receives a notice to commence operations.



Marijuana Delivery Operator	No Person or Entity Having Direct or Indirect Control shall be granted more than (2) two types of Delivery licenses.	Licenses shall be limited on an exclusive basis to businesses controlled by and with majority ownership comprised of Economic Empowerment Priority Applicants or Social Equity Program Participants for a period of 36 months from the date the first Marijuana Delivery Operator receives a notice to commence operations.
Social Consumption Establishment	No Person or Entity Having Direct or Indirect Control shall be granted more than (3) three licenses.	Licenses shall be limited on an exclusive basis to businesses controlled by and with majority ownership comprised of Economic Empowerment Priority Applicants or Social Equity Program Participants; Microbusinesses; and Craft Marijuana Cooperatives, for a period of 36 months from the date the first Social Consumption Establishment receives a notice to commence operations.
Delivery Endorsement		A Delivery Endorsement is not a license. A Microbusiness controlled by and with majority ownership comprised of Economic Empowerment Priority Applicants or Social Equity Program Participants may apply for and obtain this endorsement.

III. Application, License, and License Change Fees

Applicants and licensees shall be charged fees for various activities, some of which include the following:

- An application fee when applying for a license;
- A license fee when approved for a provisional license;
- A fee for an Architectural Review Request;
- The annual license fee when renewing a license;
- When requesting a change of location, name, ownership/control, or building or renovating an existing structure;
- When applying to be a Preapproved Court Appointee; and
- When seeking preapproval for packaging and labeling.



Adult-Use Fees

The fees for adult-use applications and licenses are as follows:

License Types	Application Fees (Indoor/Outdoor)	Annual License Fee (Indoor/Outdoor)
Marijuana Cultivator (Indoor or Outdoor)		
Tier 1: up to 5,000 square feet	\$200 (I)/\$100 (O)	\$1,250 (I)/\$625 (O)
Tier 2: 5,001 to 10,000 sq. ft.	\$400 (I)/\$200 (O)	\$2,500 (I)/\$1,250 (O)
Tier 3: 10,001 to 20,000 sq. ft.	\$600 (I)/\$300 (O)	\$5,000 (I)/\$2,500 (O)
Tier 4: 20,001 to 30,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$20,000 (I)/\$10,000 (O)
Tier 5: 30,001 to 40,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$22,500 (I)/\$11,250 (O)
Tier 6: 40,001 to 50,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$25,000 (I)/\$12,500 (O)
Tier 7: 50,001 to 60,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$30,000 (I)/\$15,000 (O)
Tier 8: 60,001 to 70,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$35,000 (I)/\$17,500 (O)
Tier 9: 70,001 to 80,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$40,000 (I)/\$20,000 (O)
Tier 10: 80,001 to 90,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$45,000 (I)/\$22,500 (O)
Tier 11: 90,001 to 100,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$50,000 (I)/\$25,000 (O)
Craft Marijuana Cooperative	Total fees for its Canopy. If more than six locations, add \$200 (I)/\$100(O) per additional location.	Total fees for its Canopy. If more than six locations, add \$1,250(I)/\$625(O) per additional location.
Marijuana Product Manufacturing	\$1,500	\$10,000
Marijuana Microbusiness	\$0	50% of all applicable license fees
Independent Testing Laboratory	\$1,500	\$10,000
Marijuana Retailer (brick and mortar)	\$1,500	\$10,000
Social Consumption Establishment	\$1,500	\$10,000
Marijuana Transporter: Third-party Transporter	\$1,500	\$5,000
Marijuana Transporter: Existing Licensee	\$1,000	\$5,000



Transporter		
Marijuana Courier	\$1,500	\$5,000
Marijuana Delivery Operator	\$1,500	\$10,000
ME with a Delivery Endorsement	\$500	\$5,000
Marijuana Research Facility	\$300	\$1,000
Marijuana Research Permit	\$1,000	\$1,000

All fees are non-refundable and cannot be waived unless specified below.

Fee Waivers

Certain fees are waived automatically for Economic Empowerment Priority Applicants (EE), Social Equity Program Participants (SEP), and Minority-, Women-, and Veteran-owned businesses (DBE) that meet certain eligibility criteria.

Please note that for DBEs to receive fee waivers they must already be certified by the Supplier Diversity Office, finished certification, and qualify as a Small Business. A Small Business is defined as an applicant or licensee that (1) has 50 or less full-time employees in all locations that work a combined total of no more than 2,600 hours per quarter and (2) have gross revenues of less than \$5 million per year.

Please see the table below for applicable waivers:

Category	Criteria	100% Application Fee Waived	100% Initial License Fee Waived	50% Annual License Fee Waived	Monthly Metrc Fee Waived
Microbusinesses	N/A	<input type="checkbox"/>			<input type="checkbox"/>
Craft Marijuana Cooperatives	N/A				<input type="checkbox"/>
EE	Majority ownership (greater than 50%) held by EEs and/or SEPs	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>



SEP	Majority ownership (greater than 50%) held by EEs and/or SEPs	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
DBE	Certified by Supplier Diversity Office as an MBE, WBE, and VBE and meet the definition of a Small Business	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Delivery Licensees (during Exclusivity Period)	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Medical-Use Fees

The fees for medical-use applications and licenses are as follows:

License Types	Fees
MTC Application Fee	\$3,500
MTC Initial/Annual License Fee	\$50,000

Other Fees Associated with Licenses

In addition to application and licensure fees, other fees apply if a licensee is requesting to change their name, location, ownership, or building structure. Licensees shall submit requests for these types of changes along with the applicable fee. Each fee is assessed per each license affected.

These fees apply to both adult- and medical-use licensees and differ only where designated. Fee waivers do not apply to these fees. The fees for these types of changes are as follows:

Change or Review	Fee
Name Change	\$1,000
Location Change	50% of the applicable license fee (Adult) 10,000 (Medical)



Building Structure Change	\$1,000
Ownership or Control Change (involving at least one entity gaining ownership/control)	\$5,000 per entity, per license
Ownership or Control (involving individuals, e.g., change of Board Member)	\$500 per person, per license
Architectural Review Request	\$1,500
Packaging and Labeling Pre-Approval Application	\$50 per product

All fees are non-refundable. The fees above cannot be waived. In addition to the fees above, additional fees exist for the following:

- Background checks for individuals associated with a license application;
- Fingerprinting for individuals associated with a license application;
- Monthly Metrc Program fees (once licensed);
- Metrc package and label tags (once licensed); and
- Application fees for registering and renewing agents (once licensed).

IV. Licensure Overview

All businesses that seek to enter the adult- and medical-use markets as licensees must complete several steps prior to commencing full operations. A summary outline of the overall licensing process can be found in the appendix. This section will provide in-depth guidance for applicants seeking licensure.

License Application Process

The first step to becoming a licensee is to submit the license application fee and all three (3) sections of the application in a single application:

- Application of Intent,
- Background Check, and
- Management and Operations Profile.

Each section requires applicants to provide accurate information about the business, individuals and entities associated with the business and to demonstrate an understanding of the Commission's



regulations that are specific to the applicant's license type, location, and scale. The adult- and medical-use license applications have essentially the same requirements with differences highlighted in the following sections.

License Application—Application of Intent Section

This section outlines all requirements in the Application of Intent, commonly referred to as the AOI, and provides guidance on how to comply with the Commission's regulations.

Required Individuals and Entities

An applicant must disclose Persons or Entities Having Direct or Indirect Control in their application for licensure. A Person or Entity Having Direct Control satisfies one or more of the following criteria:

- An owner that possesses a financial interest in the form of equity of 10% or greater in a ME or MTC;
- A person or entity that possess a voting interest of 10% or greater in a ME or MTC or a right to veto significant events;
- A Close Associate;
- A person or entity that has rights to control, through contract or otherwise, or authority, including but not limited to:
 - to make decisions regarding operations and strategic planning, capital allocations, acquisitions, and divestments;
 - to appoint more than 50% of the directors;
 - to appoint or remove corporate-level officers;
 - to make major marketing, production, and financial decisions;
 - to execute significant (combined \$10,000 or more) or exclusive contracts; or
 - to earn 10% or more of the profits or collect more than 10% of the dividends.
- A Court Appointee; and
- A Third-Party Technology Platform Provider that possesses a financial interest in a Delivery licensee.

Persons or Entities Having Indirect Control means any person or entity having indirect control over operations of a ME or MTC. It specifically includes any person with a controlling interest in an indirect holding or parent company of the applicant, and the chief executive officer and executive director of those companies, or any person or entity in a position indirectly to control the decision-making of a ME or MTC.

Applicants are encouraged to include individuals that exert control through the contribution of services.



For example, an individual may exert control by making decisions about the establishment management or operations. Applicants do not need to disclose individuals who provide services and do not exert control. For example, applicants do not need to disclose consultants who consult, but do not make decisions for the establishment.

Disclosure of In-State Interests

Applicants are required to disclose whether any individual or entity listed in the application are disclosed in any other ME or MTC license application or associated with another any existing license. The disclosure should include all current information that is known to be accurate and true. This information should not be deceptive, misleading, false, or fraudulent, or that tends to deceive or create a misleading impression.

Disclosure of Out-of-State Interests

Applicants are required to disclose whether any individual or entity listed in an application have past or present marijuana-related business interests in other states and to provide documentation of their interests. They should exercise their judgment in identifying other business interests relevant to their application.

The documentation required for this section can take the form of a business license, articles of organization, bylaws, operating agreements, or an affidavit stating that the disclosure is accurate and true.

Capital Resources

Applicants shall disclose the amounts and sources of capital resources available to them from any individual or entity that will be contributing capital to establish or operate the identified ME. Forms of capital could include loans (monetary, real or personal property) for repayment or for equity stakes.

The applicant shall disclose the name, address, contact information, and amount and source of the capital that will be provided from each individual or entity. In addition to the disclosure, the applicant must submit documentation that includes, but is not limited to, a bank or financial institution record dated within 60 days of the application submission date verifying the existence of the capital. If the individual or entity is providing capital resources for repayment of a loan, any written agreement governing the loan must be provided as well.

If the individual or entity contributing capital resources could be classified as a Person or Entity Having Direct or Indirect Control, they must also be listed as such in the appropriate section.

After making these disclosures and providing this information, the applicant must certify that the funds



used to invest in or finance the ME or MTC were lawfully earned or obtained, which can be demonstrated by an affidavit or notarized document attesting to this requirement. As part of a review of the application, or an inspection of the licensee's operations, the Commission may require additional information or documentation that demonstrates the source of the funds.

Adult/Medical License Application Difference

Applicants for licensure as a ME have no minimum amount of capital resources that must be demonstrated. Applicants to become an MTC must demonstrate capital resources of \$500,000 on their first application and an additional \$400,000 for the second and third applications.

Bond or Escrow

All applicants are required to set aside, either through a bond or an escrow account, an amount of money sufficient to cover the dismantling and winding down of the ME or MTC. The amount set aside must be enough to cover the cost of satisfying any outstanding state or municipal sales tax obligations, costs incurred securing the licensee's facility, and cost incurred destroying the marijuana and marijuana products in its inventory.

If the applicant acquires a bond, the applicant is required to set aside the total amount of their licensing fees as set forth in 935 CMR 500.005 or 501.005, even if the fees have been waived. If the applicant establishes an escrow account, the applicant must set aside at least \$5,000, and is encouraged to set aside the total amount of their licensing fees, even if the fees have been waived.

If the applicant acquires a bond, the bond should reflect the following:

- The applicant is the Principal;
- The Commonwealth of Massachusetts Cannabis Control Commission, 2 Washington Square, Worcester, MA, 01604, is the obligee;
- The purpose of the bond is to cover any costs incurred by the Commission to satisfy any outstanding state and local sales tax obligations, costs incurred to secure any licensed marijuana facility, costs incurred to destroy the marijuana and marijuana products in its inventory, and to cover other costs incurred by the Commission or its designee in dismantling or winding down of the licensee's facility in accordance with its policies and governing laws.

If the applicant establishes an escrow account, the account should reflect the following:



- The Commonwealth of Massachusetts Cannabis Control Commission, 2 Washington Square, Worcester, MA, 01604, is the sole beneficiary; and
- The purpose of the bond is to cover any costs incurred by the Commission to satisfy any outstanding state and local sales tax obligations, costs incurred to secure any licensed marijuana facility, costs incurred to destroy the marijuana and marijuana products in its inventory, and to cover other costs incurred by the Commission or its designee in dismantling or winding down of the licensee's facility in accordance with its policies and governing laws.

If the applicant's attorney holds the funds in its trust/escrow account in the client's name, a memorandum of understanding (MOU) with the attorney is an acceptable way to meet this requirement as long as the MOU reflects the following:

- The attorney is holding the funds for the sole purpose of covering any costs incurred by the Commission to satisfy any outstanding state and local sales tax obligations, costs incurred to secure any licensed marijuana facility, costs incurred to destroy the marijuana and marijuana products in its inventory, and to cover other costs incurred by the Commission or its designee in dismantling or winding down of the licensee's facility in accordance with its policies and governing laws;
- The amount of funds; and
- The attorney will release the funds to the Commission or its designee on a demonstration that it has incurred these costs.

Property Identification and Interest Documentation

Each applicant must disclose the location of their proposed ME or MTC. A licensee is limited to performing operations at a single location with the exception of Craft Marijuana Cooperatives and MTC licensees.

Adult/Medical License Application Difference

Applicants for licensure as a ME apply for a license usually for a single operation (e.g., cultivation) and must select only one (1) location. Applicants to become an MTC apply to cultivate, process, produce, and dispense marijuana under a single license. The licensee can select up to two (2) locations from which they will cultivate, produce, and dispense marijuana.

After identifying the proposed location(s) where operations will be licensed, the applicant is required to



submit property interest documentation, which may be demonstrated by one of the following:

- clear legal title to the proposed site;
- an option to purchase the proposed site;
- a legally enforceable agreement to give such title; or
- documentation from the owner evidencing permission to use the premises.

FYI—For Your Information

Applicants may not be required to pay rent on property during the application phase in certain circumstances. Some property interest documentation options stated above may require no monthly payments until utilizing the premises or acquiring a license. Applicants are encouraged to consult with an attorney on available options.

Host Community Agreement Requirement

Effective March 1, 2024, all license applications that are submitted or resubmitted for Commission consideration and review will require a compliant Host Community Agreement (HCA) or HCA Waiver. To comply with new state law and Commission regulations, additional guidance will be made available on the Commission’s website with the title “Guidance for Host Community Agreements”.

Community Outreach Meeting Attestation and Documentation

The purpose of the Community Outreach Meeting is to inform the public in the host community about the proposed ME or MTC, provide information, and answer the public’s questions. It is strongly suggested that the Community Outreach Meeting be held prior to finalizing a Host Community Agreement because the meeting is intended to help inform the Host Community Agreement process. Each applicant must conduct a Community Outreach Meeting that complies with the following:

- The meeting must be conducted within six (6) months prior to submitting the license application;
- Notice of the meeting must be published in a newspaper of general circulation in the city or town at least 14 calendar days prior to the meeting. The notice must include the time, place, subject matter of the meeting, and proposed address of the ME or MTC;
- Notice of the meeting must be filed with the city or town clerk, the planning board, the contracting authority for the municipality, and local cannabis licensing authority, if applicable. The notice must include the time, place, subject matter of the meeting, and proposed address of the ME or MTC;
- Notice of the meeting must be mailed to all abutters and residents within 300 feet of the



proposed address of the ME or MTC at least seven (7) calendar days prior to the meeting. The notice must include the time, place, subject matter of the meeting, and proposed address of the ME or MTC;

- At least one (1) meeting must be held in the host community and at least one (1) meeting must be held after normal business hours. A single meeting may be held if it falls within both requirements.
- The following must occur at the meeting:
 - Information presented about the type of ME or MTC to be located at the proposed address;
 - Information presented that is adequate to demonstrate that the location will be maintained securely;
 - Information about the steps that will be taken by the ME or MTC to prevent diversion to minors;
 - Information presented about the applicant's plan to positively impact the community;
 - Information presented that is adequate to demonstrate that the location will not constitute a nuisance; and
 - Community members are allowed to ask questions and receive answers from the ME or MTC.

In order to demonstrate compliance with this requirement, applicants must provide the following:

- A completed Community Outreach Meeting Attestation form available on the Commission's website. Please ensure to follow the instructions on the form;
- A copy of the notice in the publication that clearly shows the required information that was provided to the public, as well as the name and date of the publication;
- A copy of the notice filed with the city or town clerk; and
- A copy of the notice mailed to abutters.

If the proposed ME or MTC will have locations in more than one (1) city or town, applicants must fulfill the Community Outreach Meeting requirements for each location.

Plan to Remain Compliant with Local Ordinances

Each applicant shall submit a description of plans to ensure that the ME or MTC is or will be compliant with local codes, ordinances, and bylaws for its physical address which shall include, but not be limited to, the identification of all local requirements for the sale of adult- or medical- use of marijuana.

This plan shall identify all steps taken with municipal departments or officials regarding local rules and permitting requirements. Additionally, applicants shall include in their plan, but not be limited to, the



following information:

- Identification of the appropriate zoning district of the proposed address; and
- Identification of the appropriate permits that are required, if any, and the timing and frequency of obtaining and renewing such permits.

Positive Impact Plan

Applicants for licensure as an ME or MTC shall submit a Positive Impact Plan. The plans shall be designed to positively impact the one or more of following groups of disproportionately harmed people, as designated by the Commission:

- Past or present residents of the geographic “areas of disproportionate impact,” which have been defined by the Commission and identified in its Guidance for Identifying Areas of Disproportionate Impact. Note that some disproportionately impacted geographic locations are cities or towns, and others are neighborhoods identified by census tracts. The designation of these areas will be re-evaluated periodically.
- Commission-designated Economic Empowerment Priority applicants;
- Commission-designated Social Equity Program participants;
- Massachusetts residents who have past drug convictions; and
- Massachusetts residents with parents or spouses who have drug convictions.

The plan shall outline the goals, programs, and measurements the ME or MTC will pursue once provisionally licensed. All goals should be measurable and quantifiable. Upon renewal, the licensee will be required to report, at a minimum, detailed, demonstrative, and quantifiable proof of the establishment's efforts, progress, and success of its approved plan.

FYI—For Your Information

Chapter 180 of the Acts of 2022 created the Cannabis Social Equity Trust Fund. The fund allows for the contribution of public and private monies to be contributed for eventual disbursements to individuals disproportionately harmed by marijuana prohibition. This fund is administered by the Executive Office of Economic Development (EOED). Applicants and licensees are now able to have goals related to donating to the fund as part of their Positive Impact Plans.



Application Fee

Each applicant is required to submit the applicable application fee. All fees, and any applicable waiver or reductions, are outlined within this guidance document.

License Application—Background Check Section

In the Background Check section, commonly referred to as the BGC, the applicant must list all relevant individuals and entities along with all background disclosures and authorization forms. Each individual or entity listed in the Applicant of Intent section shall also be listed in the Background Check section. Individuals and entities will undergo an in-depth background check and individuals will submit to fingerprinting checks.

Background Check Information

The Commission is required to make a suitability determination for licensure for each individual and entity listed on an application, which is based, in part on the background checks. Background checks will include, but not be limited to, a review of the following:

- Massachusetts' and national criminal database records;
- Massachusetts' and national civil database records, including professional and occupational records;
- The individual and entity's involvement in other marijuana-related businesses; and
- Any actions taken against any license or registration held by the individual or entity.

Each individual and entity listed on the application must disclose actions in Massachusetts and other jurisdictions:

- A description of any criminal action, whether felony or misdemeanor, that resulted in a conviction, guilty plea, plea of nolo contendere or admission to sufficient facts;
- A description of any civil action, including actions related to a professional, occupational, or fraudulent practice;
- A description of any administrative action, including actions related to a medical- or adult-use marijuana operation;
- A description of any disciplinary action taken in any jurisdiction against a license, registration, or certification held by the individual or entity, such as a suspension or revocation, including, but not limited to, a license to prescribe or distribute controlled substances; and
- A description of any license denial.

Applicants are not required to provide information about any conviction that has been sealed or



expunged by court order.

Background Authorization Forms

Individuals associated with an application are required to submit to a background check. Background checks are performed by the Commission's third-party vendor. For the vendor to receive the necessary information, the applicant must submit three (3) authorization forms and an unexpired government-issued photo identification card for each individual listed on the application:

- CORI Acknowledgement Form;
 - All required individuals should complete the required fields of the "Subject Information" section on page two (2) before signing page one (1). When signing page one (1), please do so in front of a notary public or a verifying employee. The notary public or verifying employee may fill out the "Subject Verification" section on page two after reviewing at least one of the individual's government- issued IDs.
 - This document is valid for one year from the original signature date.
- Disclosure and Acknowledgment Form
 - All required individuals must print their name, sign and date this page.
- Release Authorization Form
 - All required individuals should fill in all fields on page one. However, please sign page one (1) in front of notary public as page two (2) must be notarized. This document is valid for one (1) year from the original signature date.

These forms can be found on the Commission's website. Once all forms are completed by each required individual, they should be returned to the applicant. The applicant should scan each individuals' documents and government-issued identification card as one file, upload the file into the application, and label appropriately.

License Application—Management and Operations Profile Section

The Management and Operations Profile section, commonly referred to as the MOP, provides the Commission with a snapshot of the applicants' approach to operating the ME or MTC. The information required as part of this section is an indicator that the applicant understands the legal requirements to operate an ME, including the Commission's regulations, has plans that are specific to the applicant's license type, location and scale. and will be able to operate in a lawful manner.

Business Information, Articles of Organization, and Bylaws

All applicants must demonstrate that their proposed business is registered to do business in the Commonwealth as a domestic business corporation or another domestic business entity.



Required items will include the following:

- Business name;
- Massachusetts Business Identification number;
- Articles of Organization;
- Bylaws (or the business' operating agreement in cases of limited liability companies or other applicable entity structure); and
- Doing-business-as names.

Please note that all required documents should be in the name of the entity applying for licensure.

Certificates of Good Standing

All applicants must submit certificates of good standing from the Secretary of the Commonwealth, Department of Revenue, and Department of Unemployment Assistance. All certificates should be dated within 90 days of the license application being submitted.

Please note that the applicant will be required to have employees in order to register and receive a certificate of good standing from Department of Unemployment Assistance. If an applicant does not have employees, an attestation to that effect will be accepted in lieu of the certification of good standing from the Department of Unemployment Assistance only. Please note that all required documents should be in the name of the entity applying for licensure.

Business Plan, Liability Insurance Plan, & Proposed Timeline

All applicants are required to submit a detailed business plan for the operation of the ME or MTC. The plan should only include the official business name, doing-business-as name, and branding name of their products. Additionally, the plan should be tailored the types of license(s) the applicant is seeking from the Commission. Some information that could be included in the plan is revenue and cost projections, company overview, and operational plan.

All applicants are required to submit a plan for obtaining liability insurance that satisfies the regulatory requirements. Applicants do not have to obtain any insurance policies until licensed. However, each applicant is required demonstrate in their plan that they will obtain, once licensed, a policy that shall include general liability and product liability insurance coverage of no less than \$1 million per occurrence and \$2 million in aggregate annually. The deductible for each policy can be no higher than \$5,000 per occurrence.

All applicants are required to submit a proposed timeline for achieving operation of their proposed ME or MTC. The timeline should include information and projected dates about actions or events that will



occur after the application is issued a provisional license. For example, projected timelines could include dates relating to the building or renovation of a structure, installation of security and other equipment, building or construction permits, special permits, hiring of staff, and other milestones.

Summary of Operating Plans, Policies, and Procedures

All applicants must submit certain plans, policies, and procedures related to operating an ME and/or MTC. These plans, policies, and procedures should be specifically drafted to comply with the Commission's regulations and guidance documents. The table below provides a list of required plans, policies, and procedures for applicants and relevant sections of the Commission regulations associated with them. Please note that the regulations associated with these plan, policies, and procedures are not designed to be an exhaustive list.

Plan	Applies To	Adult Regulations	Medical Regulation
Security	All applicants	935 CMR 500.110	935 CMR 501.110
Prevention of Diversion	All applicants	Plan compliant with requirements in 935 CMR 500.000.	Plan compliant with requirements in 935 CMR 501.000.
Storage	All applicants	935 CMR 500.105(11)	935 CMR 501.105(11)
Transportation	All applicants	935 CMR 500.105(13)	935 CMR 501.105(13)
Inventory	All applicants	935 CMR 500.105(8)	935 CMR 501.105(8)
Quality Control and Testing Procedures	All applicants	935 CMR 500.105(3); 500.160	935 CMR 501.105(3); 501.160
Personnel Policies	All applicants	935 CMR 500.105(1)	935 CMR 501.105(1)
Dispensing Procedures	Marijuana Retailers, MTCs, Marijuana Delivery Operators, and Social Consumption Establishments	935 CMR 500.140	935 CMR 501.140



Recordkeeping Procedures	All applicants	935 CMR 500.105(1); 500.105(8); 500.105(9)	935 CMR 501.105(1); 501.105(8); 501.105(9)
Maintenance of Financial Records	All applicants	935 CMR 500.105(9); 500.140	935 CMR 501.105(9); 501.140
Detailed Description of Qualifications and Intended Trainings for Agents	All applicants	935 CMR 500.105(2)	935 CMR 501.105(2)
Energy Compliance Plan	All applicants	935 CMR 500.105(15) and applicable guidance documents	935 CMR 501.105(15) and applicable guidance documents
Restricting Access to Individuals 21 or Older	Adult-use applicants	Plan compliant with requirements in 935 CMR 500.000.	Not applicable (N/A)

Diversity Plan

Applicants for licensure as an ME or MTC shall submit a Diversity Plan as part of its MOP. Diversity Plans shall be designed to promote equity among people of color, particularly Black, African American, Hispanic, Latinx, and Indigenous people; women, veterans, persons with disabilities, and LGBTQ+ people, in the operation of the ME or MTC.

The plan shall outline the goals, programs, and measurements the ME or MTC will pursue once provisionally licensed. All goals should be measurable and quantifiable. An example of measurable goals associated with a Diversity Plan could include the following:

The applicant plans to have a staff comprised of the following:

- 60% women;
- 50% people of color, particularly Black, African American, Hispanic, Latinx, and Indigenous people;
- 25% veterans;
- 10% persons with disabilities; and



- 10% LGBTQ+ people.

Upon renewal, the licensee will be required to report, at a minimum, detailed, demonstrative, and quantifiable proof of the establishment's efforts, progress, and success of its approved plan.

FYI—For Your Information

Please note that additional in-depth guidance is available on the Commission's website for applicants and licensees to comply with the Diversity Plan requirement.

License Application—Additional Requirements for Certain License Types

Applicants applying for certain license types may need to supply additional documentation, plans, policies, or procedures specific to the requested license type. This information is required in addition to the application requirements mandated for all applicants. For example, applicants applying to become Marijuana Cultivators need to submit an operational plan for the cultivation of marijuana as well all other operational plans, policies, and procedures outlined in the application for licensure.

MTCs

Applicants for licensure as an MTC shall include the following plans, policies, and procedures in the Management and Operations Profile section:

1. Plan to provide reduced cost or free Marijuana to patients with documented verified financial hardship;
2. A plan to comply with delivery regulations, if applicable;
3. Operational plan for the cultivation of marijuana in compliance with 935 CMR 501.120, including pesticide use; and
4. A list of all products that applicant plans to produce with the following information:
 - a. Description of types, forms, shapes, colors, and flavors of products;
 - b. Methods of production;
 - c. Safety plan for the manufacture and production of products in compliance with 935 CMR 501.130; and
 - d. Sample of any unique identifying mark that will appear on the product.



FYI—For Your Information

Applicants that apply to become MTCs, Marijuana Product Manufacturers, Marijuana Microbusinesses, and Craft Marijuana Cooperatives are required to provide a description of the products they plan to produce in the Management and Operations Profile section of the application. The list of products should specifically describe and identify types, forms, shapes, colors, and flavors.

Please note that “name brands” not under the control of the applicant or licensee should not be used.

Example: A rectangular, edible, chocolate bar (other flavors will include milk chocolate).

Marijuana Cultivators

Applicants for licensure as a Marijuana Cultivator shall include an operational plan for the cultivation of marijuana in compliance with 935 CMR 500.120 in its application’s Management and Operations Profile section. Please note that cultivation facilities are required to submit more information regarding their energy impact than other license types.

Craft Marijuana Cooperatives

Applicants for licensure as a Craft Marijuana Cooperative shall include the following information in its Application of Intent:

1. Evidence of residency within the Commonwealth for the members or shareholders associated with the application for a period of 12 consecutive months prior to the date of application;
2. Evidence of the cooperative’s organization as an LLC, LLP, or cooperative corporation under the laws of the Commonwealth;
3. Evidence that one member has filed a Schedule F (Form 1040), Profit or Loss for Farming, within the past five (5) years, or that an agreement to lease land wholly owned by a person or entity that has filed a Schedule F (Form 1040) within the past five (5) years; and
4. Evidence that the cooperative is organized to operate consistently with the Seven Cooperative Principles established by the International Cooperative Alliance in 1995.

In addition to the above requirements, applicants for licensure as a Craft Marijuana Cooperative shall include the following information in its Management and Operations Profile:

1. Operational plan for the cultivation of marijuana in compliance with 935 CMR 500.120; and



2. A list of all products the applicant plans to produce with the following information:
 - a. Description of types, forms, shapes, colors, and flavors of products;
 - b. Methods of production;
 - c. Safety plan for the manufacturing and production of products in compliance with 935 CMR 500.130; and
 - d. Sample of any unique identifying mark (product logo) that will appear on the product.

Marijuana Product Manufacturers

Applicants for licensure as a Marijuana Product Manufacturer shall include the following information in its Management and Operations Profile:

1. A detailed description of the applicant's proposed plan for obtaining marijuana from licensed MEs; and
2. A list of all products the applicant plans to produce with the following information:
 - a. Description of types, forms, shapes, colors, and flavors of products;
 - b. Methods of production;
 - c. Safety plan for the manufacturing and production of products in compliance with 935 Code Mass. Regs. § 500.130; and
 - d. Sample of any unique identifying mark (product logo) that will appear on the product.

Marijuana Microbusinesses

Applicants for licensure as a Marijuana Microbusiness shall include in its Application of Intent evidence of residency within the Commonwealth for a majority of the members or executives associated with the application for a period of 12 consecutive months prior to the date of application.

In addition to the above requirement, applicants for licensure as a Marijuana Microbusiness shall include the following information in its Management and Operations Profile:

1. Operational plan for the cultivation of marijuana in compliance with 935 Code Mass. Regs. § 500.120 (if cultivating marijuana); and
2. A list of all products the applicant plans to produce with the following information (if performing product manufacturing operations):
 - a. Description of types, forms, shapes, colors, and flavors of products;
 - b. Methods of production;
 - c. Safety plan for the manufacturing and production of products in compliance with 935 Code Mass. Regs. § 500.130;
 - d. Sample of any unique identifying mark (product logo) that will appear on the product; and



3. A detailed description of the applicant’s proposed plan for obtaining marijuana from licensed MEs (if only performing product manufacturing operations); and
4. If seeking a Delivery Endorsement, a detailed description of the applicant’s proposed plan to be compliant with 935 Code Mass. Regs. § 500.145: Additional Operating Requirements for Delivery of Marijuana and Marijuana Products to Consumers.

Marijuana Retailers

Applicants for licensure as a Marijuana Retailer shall include a detailed description of the applicant’s proposed plan for obtaining marijuana from licensed MEs in the Management and Operations Profile section.

Independent Testing Laboratories

If available, applicants for licensure as an Independent Testing Laboratory (“ITL”) shall include their ISO 17025:2017 certification from a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement in the Management and Operations Profile section.

If an applicant for an ITL is unable to procure their ISO 17025:2017 certification prior to provisional licensure, then the applicant will be required to provide this ISO certification before being granted a final license by the Commission. This documentation may be provided to Commission staff upon inspection.

Marijuana Courier

The Marijuana Courier application is divided into two distinct sections to allow for the submission of initial application material up front. These two sections are the “Pre-certification application” and the “Provisional License application” respectively (more on this in the next section, below). However, as part of the Commission regulatory changes in October 2023, applicants for this license type will eventually have the ability to apply in a single application if they so choose. When this occurs, the requirements of both the Pre-Certification and Provisional applications will be captured in a single application.

Applicants for licensure as a Marijuana Courier shall include the following in the Provisional License application’s Application of Intent section:

1. Disclosure and documentation regarding any delivery agreement between the applicant and Marijuana Retailer; and
2. Disclosure and documentation regarding any agreement between the applicant and a Third-Party Technology Platform Provider.



When applying for a Marijuana Courier license, applicants may not yet have delivery agreements with Marijuana Retailers or agreements with Third-Party Platform Providers. If applicants do not have these agreements during the application process, they do not need to provide this information. However, please note that all applicants and licensees must notify the Commission of any agreements within five (5) business days of any agreement being made.

Additionally, Marijuana Courier applicants shall include a detailed summary of its delivery plan and procedures in compliance with 935 CMR 500.145 in the Management and Operations Profile section.

Adult/Medical License Application Difference

Some differences between deliveries performed for adult- and medical-use purposes:

- *MTCs may deliver, after approval, to registered patients and caregivers as part of their license;*
- *Adult-use consumers shall be pre-verified by a Marijuana Retailer prior to being eligible for delivery;*
- *Adult-use deliveries can only occur in the (1) city/town where the delivery licensee is licensed, (2) city/town that allows for retail of marijuana, and (3) city/town that has notified the Commission that delivery may occur within its borders;*
- *Registered agents performing adult-use deliveries shall wear body cameras at all times outside of the delivery vehicle while delivering marijuana. All adult-use consumers shall be notified of this requirement at the time of order, on proof of order, and at the residence.*

Marijuana Delivery Operator

The Marijuana Delivery Operator application is divided into two distinct sections to allow for the submission of initial application material up front. These two sections are the “Pre-certification application” and the “Provisional License application” respectively (more on this in the next section, below). However, as part of the Commission regulatory changes in October 2023, applicants for this license type will eventually have the ability to apply in a single application if they so choose. When this occurs, the requirements of both the Pre-Certification and Provisional applications will be captured in a single application.

Applicants for licensure as a Marijuana Delivery Operator shall include the following:



1. A delivery plan that demonstrates compliance with 935 CMR 500.146;
2. A plan to obtain Marijuana and Marijuana Products;
3. Any documentation and information pertaining to agreements with Third-Party Technology Platforms; and
4. A detailed plan for White Labeling, if applicable, which should include at a minimum: the image or logo to be used as part of the label and whether the applicant or the Marijuana Establishment will be the one to affix the label.

Applicants for licensure as a Delivery Operator shall include the following in the Provisional License application's Provisional License application:

1. Any documentation and information pertaining to agreements with Third-Party Technology Platforms;
2. A detailed plan for White Labeling, if applicable, which should include at a minimum: the image or logo to be used as part of the label and whether the applicant or the Marijuana Establishment will be the one to affix the label.

Social Consumption Establishment

Applicants for licensure as a Social Consumption Establishment shall include the following plans, policies, and procedures as part of the Management and Operations Profile section of the Pre-Certification application:

1. Plan to prevent consumers from bringing marijuana and marijuana products onto the premises;
2. Disposal procedures for unsold and unconsumed marijuana products;
3. Procedures to ensure that consumers are not overserved;
4. Procedures to educate consumers about the risk of impairment and penalties for operating under the influence;
5. Operational plan to ensure the ME makes a diligent effort to assist impaired customers in finding means of transportation and is tailored to the ME's geographical region;
6. If vaporization or other non-smoking forms of consumption involving heat are permitted indoors, plans and building plans to ensure the following:
 - a. Consumption area involving heat takes place isolated from other areas, separated by walls and a secure door, with access only from the ME;
 - b. Employees have access to a smoke-free, vapor-free area;
 - c. A ventilation system that directs smoke vapor from the consumption area to the outside of the building through a filtration system sufficient to remove vapor, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property



line;

7. Procedures to ensure no sales occur within the consumption area;
8. Procedures to ensure employees monitor the consumption from a smoke-free, vapor-free area including, but not limited to, an employee monitoring the exit of the ME;
9. Procedures to ensure that smoking as defined by M.G.L. c. 270 §22 is prohibited indoors; and
10. Procedures to ensure sanitary practices in compliance with 105 CMR 590 are utilized.

Pre-Certification: Available to Economic Empowerment Priority Applicants, Social Equity Business Applicants, and Social Equity Program Participants License Applicants

License applications for all license types for businesses majority owned and controlled by Economic Empowerment Priority Applicants, Social Equity Program Participants, and Social Equity Businesses can now be submitted in one of two ways: (1) a single license application or (2) by utilizing a two-part pre-certification and provisional license application. Documentation will be required from all license applicants but may be requested at different parts of the application.

FYI—For Your Information

As a matter of policy, the Commission voted to extend the option for pre-certification to all license types for members of its social equity initiatives. The option to take advantage of this process is up to each individual applicant; however, some benefits of being pre-certified can include the following: (1) having a Commission-issued pre-certification notice in hand to demonstrate a propensity to operate a Marijuana Establishment; (2) using that notice to negotiate with municipalities and landlords; (3) seeking capital resources; and (4) being background checked sooner in the licensing process to see if, at that point in time, all persons and entities associated with the business are suitable for licensure.

Pre-Certification Application

The Pre-Certification Application will require applicants to submit limited information that demonstrates a propensity to successfully operate a ME. The applicant will have to disclose information pertaining to proposed ownership and control, background information, and operating policies and procedures commonly required for all license types. The application fee will be required unless waived under the regulations. However, in the Pre-Certification Application, applicants will not be prompted or required to submit the following information:

1. Disclosure of location and property interest;
2. Certification of Host Community Agreement;



3. Community Outreach Meeting documentation;
4. Proof of a bond or escrow;
5. Information about capital resources; and
6. Plan to remain compliant with local ordinances.

Additionally, the Commission now allows for background checks to be conducted on individuals and entities during the pre-certification phase to verify suitability for licensure. This is a voluntary option that will require additional costs (currently \$475 per individual). If this option is chosen, applicants will be required to submit background check authorization forms.

Once a Pre-Certification Application is submitted, it will be reviewed for compliance with Commission's regulations. Background check and fingerprinting is not required at this stage of the application. If approved by the Commission, the applicant will be considered pre-certified— this approval does not convey any type of license or guarantee licensure. However, upon approval, the applicant will be sent a dated notice and a copy of their Pre-Certification Application.

Provisional License Application

Within 24 months of an applicant being pre-certified, the applicant must submit a Provisional License Application. No application fee is required for this part of the application. In this part of the application, the applicant must update all previously provided information. The applicant will be required to submit all other required information and documentation usually disclosed in all other license applications.

Once a Provisional License Application is submitted, it will be reviewed for compliance with Commission's regulations. Background check and fingerprinting will be required at this stage of the application and the host community will be requested to respond as to the proposed ME's compliance with local ordinances or bylaws. If approved by the Commission, the applicant will be required to pay the associated license fee pursuant to the regulations and be issued a provisional license.

FYI—For Your Information

Social Consumption Establishment licenses shall be exclusively available to Economic Empowerment Applicants, Social Equity Participants, Microbusinesses, and Craft Marijuana Cooperatives for 36 months from when the first commence operations approval is provided to a Social Consumption licensee.



Order of Review

The Commission reviews all license applications that have been fully submitted. Once fully submitted, a license application enters the queue to be reviewed based on the date and time submitted and whether the application is a priority, expedited, or general application. Applications are reviewed in that order, with priority applications first, followed by expedited applications and finally general applications.

Priority Applications

Previously designated MTC Priority Applicants or Economic Empowerment Priority Applicants shall have priority status; consequently, they are reviewed before other applications. Priority status, however, is not available to new applicants as dictated by statute. The Commission reviews priority applications on an alternating basis, beginning with the first-in-time-application received from either an MTC Priority Applicant or Economic Empowerment Priority Applicant. The Commission has adopted a policy that an applicant can only utilize its MTC Priority status for an adult-use application where the proposed ME will be colocated with the MTC and perform the same type of operations (retail, product manufacturing or cultivation). Additionally, MTC Priority status is only conferred to adult-use applications where the MTC license is still active at the time of submission of the adult-use application(s) and at the same location as the MTC operation.

Expedited Applications

After priority applicants, the Commission will review expedited applications by the date and time the application was fully submitted. Expedited applications are those submitted by Social Equity Participants, Marijuana Microbusiness applicants, Craft Marijuana Cooperative applicants, Independent Testing Laboratory applicants, Outdoor Marijuana Cultivator applicants, minority-owned businesses, women-owned businesses, and veteran-owned businesses. Certain requirements exist for applicants seeking an expedited review:

- Applicants for Marijuana Microbusinesses, Craft Marijuana Cooperatives, Independent Testing Laboratories, and Outdoor Marijuana Cultivators may use expedited review for those specific applications only and no other type of license application;
- A Social Equity Participant must possess 10% or more of equity in a proposed ME for the application to receive expedited review.
 - Please note that Social Equity Participants may receive expedited review if 10% ownership is demonstrated but will be unable to be eligible for a fee waiver if under 50% ownership;
- A minority-owned business, women-owned business, and/or veteran-owned business must disclose this designation in their license application and either (1) be certified as that specific type of business with the Supplier Diversity Office or (2) signed up for the Supplier Diversity Office's required business class and complete and upload the Expedited Review Affidavit into



their license application. Certification as minority- owned business, women-owned business, and/or veteran-owned business by the Supplier Diversity Office will be required prior to obtaining a final license. For more information pertaining to obtaining certification from the Supplier Diversity Office can be located here: <https://www.mass.gov/supplier-diversity-office>.

- Please note that businesses intending to be certified by the Supplier Diversity Office can qualify for expedited review by demonstrating certain requirements. However, they will not be eligible for any fee waivers unless actually certified by the Supplier Diversity Office.

General Applications

When no priority or expedited application is awaiting initial review, all other general applications are reviewed by the date and time the application was fully submitted.

Adult/Medical License Application Difference

While adult-use applications will be reviewed based, in part, on the type of priority or expedited status they receive, MTC applications are reviewed solely by the date and time the application is submitted. No priority or expedited review is given to MTC applicants.

Responding to a Request for Information (RFI)

Once a license application is received, it is reviewed for compliance with the Commission’s regulations. If any part of the application does not comply with the Commission’s regulations, the applicant will receive a notice requesting further information, commonly referred to as an RFI. All RFI notices will contain information on any deficiency or non-compliant issue identified with a brief narrative.

Additionally, as part of the initial and subsequent review of new license applications, new statutes and regulations require the Commission to review and certify HCAs or HCA waivers effective March 1, 2024. If the Commission receives a non-compliant HCA or HCA waiver, the applicant and municipality will both receive RFIs. The municipal RFI will only contain information related to the relevant HCA portions of the application—it will be the same comments sent to the applicant. The applicant and municipality may then return to the “negotiation table” and rectify the non-compliant issues related to the HCA or waiver. For more information on HCAs, please see the Commission’s Guidance on Host Community Agreements on its website.

Applicants will receive RFI notices to the business email address identified in their application. Additional notifications will be sent through MassCIP to the user’s account when the license application



or relevant section of the license application is reopened. Applicants should endeavor to cure the deficiency or non-compliant issue in a timely manner and make no additional changes to the application that were not requested. However, if additional changes are made to the application, the applicant should send notification to licensing@cccmass.com.

Once all deficiencies and non-compliant issues have been cured, and all necessary documentation and information has been uploaded, the applicant should resubmit the license application or relevant section. The Commission will review the new information in a timely manner. The application will be deemed complete if it is now found to be in compliance with the Commission's regulations, otherwise, an additional RFI notice will be sent following a supplemental review.

Adult/Medical License Application Difference

All adult-use applications are processed through MassCIP. MTC license applications are also now only available through MassCIP.

Application Deemed Complete

The Commission will send applicants a notice when their application is deemed complete. The notice will contain the following information:

- Payment instructions for background checks to be performed;
- Fingerprint instructions for all required individuals;
- Notification that the application, to the extent permitted by law, has been sent to the municipality (in which the ME will be located) requesting a response as to the ME/MTCs compliance with local ordinances or bylaws within 60 days***; and
- Notification that the Commission will consider the application for a provisional license within 90 days.

***Please note that municipal notifications at this stage in the licensing process generally give municipalities 60 days to respond. Pursuant to new regulations, for license applications that are deemed complete, this timeframe will be reduced to 30 days for municipalities if the application is for a Social Equity Business or for businesses with majority ownership and control of Economic Empowerment Priority Applicants and/or Social Equity Program Participants.

Applicants should follow all instructions within this notice in a timely manner. Additionally, applicants are required to keep all information within their application current and can do so by notifying



licensing@cccmass.com. Please note that if a material change occurs after an application has been deemed complete, the Commission may deem the application incomplete pending further review.

During this 90-day window, the Commission will review all background check and fingerprint reports for suitability in compliance with 935 CMR 500.800, 500.801, 501.800, and 501.801, as applicable. Additionally, the Commission will review any response sent by the municipality as it relates to local compliance. If any information received presents compliance issues, the applicant will be notified. If all information received is in compliance, the application will be recommended for provisional licensure.

FYI—For Your Information

Municipalities most likely have local licensing requirements, such as special permits, that are required to operate a ME or MTC. Some municipalities require satisfaction of local licensing requirements prior to provisional licensure— applicants are expected to ensure any local licensing requirements are satisfied during the application phase including the possession of a compliant HCA or HCA waiver. However, as is frequently the case, special permits, building permits, and other local licensing requirements are required prior to final licensure and will be verified by Commission staff during the inspectional phase and prior to final licensure and the licensee being able to operate.

License Process

All applicants seeking licensure as a ME or MTC follow the same licensing process. Applicants first submit a license application for the particular license they are seeking. The license application process was discussed in prior sections. The upcoming sections discuss what occurs and is required once the Commission approves an applicant for a provisional license.

Provisional Licensure

Once an applicant is approved for a provisional license, they are considered to be provisionally approved. The provisionally approved applicant shall submit the required license fee payment within 90 days. Failure to pay the applicable license fee within the required time frame shall result in the license approval expiring. If this occurs, a new license application will need to be completed pursuant to 935 CMR 500.101 and will require Commission approval.

All provisionally approved applicants will receive a notice following the approval of the Commission via its business email address contained within its application explaining next steps which include the following:



- The process for remitting the required license fee;
- Information pertaining to requesting an architectural review, if applicable;
- The need to submit applications for all current executives, directors, board members, managers, employees, and volunteers as registered agents; and
- The need to submit a request for a Post-Provisional License Inspection once certain requirements have been fulfilled. A form to request this inspection will be included in your provisional license notice.

Licensees may request a Post-Provisional License Inspection once the following has been completed:

- All construction and renovations have been completed;
- All local permits, certificates of occupancy, local licenses, and approvals have been obtained;
- All current executives, directors, board members, managers, employees, and volunteers have been registered as agents;
- All conditions of the provisional license have been complied with and ready for review by Commission staff; and
- Full compliance exists as to security, storage, transportation, and all other operating procedures, as applicable.

Adult/Medical License Application Difference

The process for registering agents is different for MEs than for MTCs. First, all provisionally approved applicants must remit their required license fee. MEs must have their license fee approved in MassCIP. Once approved, licensees may start completing agent registration applications using their license number through MassCIP. MTCs must complete the onboarding documents sent with their provisional license notice and follow all instructions. Once principles have been assigned for your MTC, you will be able to complete agent registration applications through MMJOS.

Once the licensee is ready for a Post-Provisional License Inspection, they will complete the request form sent with the provisional license notice and follow the instructions. Commission staff will call and schedule the inspection—this inspection will be an announced inspection. On the day of the inspection, Commission staff will review the licensee’s compliance with applicable regulations. Please note that the Commission has extended priority and expedited scheduling of inspections to licensees who qualify as they did for their application.



After an inspection in which a violation is observed or a violation is otherwise determined to have occurred, the Commission shall issue a deficiency statement citing every violation identified, a copy of which shall be left with or sent to the licensee. A licensee shall submit to the Commission a written plan of correction for any violations cited in the deficiency statement issued within ten (10) business days after receipt of the statement. A plan shall state, with respect to each deficiency, the specific corrective step(s) to be taken, a timetable for such steps, and the date by which compliance will be achieved. The Commission shall review the plan of correction and shall notify the licensee of either the acceptance or rejection of the plan. An unacceptable plan must be amended and resubmitted within five (5) business days after receipt of such notice. Commission staff will schedule and perform a re-inspection until full compliance is achieved.

It is important to note that provisional licensees shall not possess marijuana for adult- or medical-use operations prior to being approved for a final license.

Final Licensure

Once the licensee is in full compliance following a Post-Provisional License Inspection, the ME and/or MTC will be recommended to the Commission for a final license. The Commission may approve the issuance of a final license subject to conditions which may include, but not be limited to, the ability to possess marijuana and marijuana products as well as perform operations for the particular license. All final licensees will be prohibited from selling marijuana and marijuana products to other licensees, and to consumers in the case of Marijuana Retailers and certain other licenses, until receiving permission to commence full operations.

All final licensees will receive a notice following the approval of the Commission via its business email address contained within its application explaining next steps which include the following:

- The need for the licensee to have key personnel successfully complete all Metrc training and be granted access into the Metrc system if not already completed;
- Enter beginning inventory into Metrc;
- Begin tagging all plants;
- Ensure all labeling and packaging for finished marijuana and marijuana products are in compliance;
- Ensure all marijuana and marijuana products that are packaged for sale to consumers have traceable lab results and such results were completed by an Independent Testing Laboratory approved by the Commission for licensure;
- Submit applications for all employees and volunteers as registered agents on an ongoing basis;
- Ensure that the licensee has registered for Marijuana Retail Tax with the Department of Revenue



(for Marijuana Retailers, Marijuana Delivery Operators, and Microbusiness utilizing a Delivery Endorsement only); and

- The need to submit a request for a Post-Final License Inspection once certain requirements have been fulfilled. A form to request this inspection will be included in your final license notice.

Once the licensee is ready for a Post-Final License Inspection, they will complete the request form sent with the final license notice and follow the instructions. Commission staff will call and schedule the inspection—this inspection will be an announced inspection. Please note that the Commission has extended priority and expedited scheduling of inspections to licensees who qualify as they did for their application.

On the day of the inspection, Commission staff will review the licensee’s compliance with applicable regulations. The procedures for deficiency statements and plans of correction that were stated in the section above also apply to this inspection.

Commence Operations

Once the licensee is in full compliance following a Post-Final License Inspection, the ME and/or MTC will be recommended to the Commission to commence operations. Once approved, the licensee will receive a notice to commence operations. Once received, the licensee shall provide written notice to the Commission three (3) full calendar days prior to the date operations will commence. Licensees may begin wholesaling products and certain licensees may begin selling marijuana and marijuana products to consumers and patients.

V. License Renewals

All licensees that have been approved by the Commission for at least a provisional license must renew their license annually. The licensee must access the Massachusetts Cannabis Industry Portal (“MassCIP”) using their username and password. A license becomes active once it is provisionally approved by the Commission and the license fee is received and processed. A license expires one (1) year from the date it becomes active. A renewal application will become available to the licensee in MassCIP 120 days prior to the expiration of their license. Licensees are required to submit an application for renewal at least 90 days prior to the license expiring.

Adult/Medical License Application Difference



MTCs that are, at a minimum, provisionally licensed, must submit their renewal application and required renewal fee outside of MassCIP for the near future. Forms with instructions are available on the Commission's website.

Once principles have been assigned for your MTC, you will be able to complete agent registration applications through MMJOS.

License Renewal Requirements

The renewal application will require all licensees to provide updated information for the following:

- The licensee's contact information, if necessary;
- The business information for entities currently on the license;
- The personal information for individuals currently on the license, including the removal of individuals and entities that are no longer associated with the license;
- The information pertaining to individual interest in cannabis-related businesses and licenses in Massachusetts and other jurisdictions;
- The licensee's plan to remain compliant with local ordinances or bylaws to specifically include all information pertaining to zoning districts, special permits, building permits, certificates of occupancy, and any other local requirements;
- New background disclosures for all individuals and entities associated with the license;
- Certificates of good standing from the Massachusetts Department of Revenue, Massachusetts Secretary of the Commonwealth, and Massachusetts Department of Unemployment Assistance dated within 90 days;
- If the licensee is not operational yet, a timeline to become operational which includes the following: outstanding local approvals, operational impediments, and specific projected date(s) as to when any issue will be resolved, and the establishment will become operational; and
- The submission of a compliant HCA or HCA waiver, if one has not already approved and certified by the Commission.

Additionally, licensees are required to upload the following:

- Updated summaries of plans, policies, and procedures relating to security, transportation, prevention of diversion, quality control and testing, dispensing, inventory, and others that were previously required;
- Detailed, demonstrative, and quantifiable proof of the establishment's efforts, progress, and



success of its approved Positive Impact Plan;

- Detailed, demonstrative, and quantifiable proof of the establishment's efforts, progress, and success of its approved Diversity Plan;
- Provide an updated Positive Impact Plan;
- Provide an updated Diversity Plan, and
- Finally, renewal applicants will be required to pay the required license fee.

The renewal application will require certain licensees to provide the following:

- Cultivators and Craft Marijuana Cooperatives must provide documentation and information that demonstrates that the cultivation operation has sold more than 70% of its product that has been fully harvested within the preceding six months. Cultivators and Craft Marijuana Cooperatives may have their tier level reduced if, based on the dry weight analysis, they have sold less than 70% of the amount of marijuana cultivated and cured to Product Manufacturers or Retailers. When determining whether to reduce a licensee's tier, additional factors may be considered:
 - Cultivation and production history and whether the inventory suffered a catastrophic event;
 - Transfer, sales, and excise tax payment history;
 - Existing inventory;
 - Sales contracts; and
 - Any other relevant factor to ensure responsible management.
- Cultivators, Craft Marijuana Cooperatives, and Microbusinesses shall provide the following: (1) a report of its energy and water usage over the previous 12 months and (2) a new or updated energy compliance letter prepared by a Massachusetts Licensed Professional Engineer or registered Architect along with supporting documentation.
- Product Manufacturers, Microbusinesses, and Craft Marijuana Cooperatives must provide detailed information regarding the products they produced. Required information includes the following: pictures of their products, pictures of the product labels, disclosure of type of product, and description of product including types, forms, shapes, colors, and flavors.
- Colocated Marijuana Retailers shall submit the following information pertaining to patient supply of marijuana:
 - The licensee's policy and the procedures (e.g., data points, formulas) relied on to determine what constitutes a sufficient quantity and variety of marijuana products consistent with 935 CMR 500.140(10); and
 - The licensee's policy and procedures for determining what qualifies as a reasonable substitution for a medical marijuana product under 935 CMR 500.140(10) and its policy for communicating reliance on the substitution to patients.



Licensees will not be able to update certain information in the renewal application as the Commission has alternative ways to make these changes:

- Licensees will not be able to add individuals or entities that will obtain ownership or control over the establishment;
- Licensees will not be able to change the location of the establishment; and
- Licensees will not be able to change the name of the establishment.

Once the license fee has been paid, and all the required information has been provided and updated, the licensee will be able to submit the renewal application.

The Commission may request additional information to determine whether the renewal application should be granted or denied. The Commission may deny a renewal application for any basis set forth in 935 CMR 500.450, including but not limited to, failure to provide complete, accurate, or truthful information.

License Renewal Questions & Answers

What changes to the license renewal process occurred based on Chapter 180 and related Commission regulations?

The license renewal application requirements have changed in the following ways:

The Commission now requires licensees to submit an HCA or HCA waiver in compliance with 935 CMR 500.180 or 935 CMR 501.180. All renewal license applications for the first year following March 1, 2024 will require one of these documents to be submitted and certified by the Commission in order to obtain renewal. Following that year, licensees will be required to provide any updated HCA or HCA waiver upon renewal if there has been a change to those documents.

Second, licensees are no longer required to submit letters to the municipality asking for the anticipated or actual costs resulting from the operation **as part of their renewal application**. A similar but different requirement will be part of a separate application specific to Community Impact Fees. For more information, please see the Commission's Guidance on Community Impact Fees that will be available around June 2024.

Lastly, licensees are now required to submit their license renewal application no later than 90 days prior to expiration.

How is the license expiration date calculated?



Once an applicant is approved by the Commission for a provisional license, they must pay their license fee. The date the Commission approved the license fee payment is when the license starts. It expires one year from the date the fee is approved.

How do I know when my license expires?

There are several ways to find out when your license will expire:

- The licensee will receive a notice approximately 150 days prior to the license expiration date.
- If you received a final license, the expiration date of your license will be on the upper right corner of the license certificate you received.
- If you log into the MassCIP, you can access your license information which will show the expiration date.

Why can't I add individuals or entities in the renewal application?

The process to add individuals or entities onto a license is a separate process provided for in the regulations. This process requires conducting background and fingerprint checks by a vendor. Additionally, it requires the Commission to review individuals and entities for the purpose of compliance with license limits.

Why can't I change the address of the establishment in the renewal application?

The process to change the location of an establishment is a separate process provided for in the regulations. This process requires an in-depth analysis of property interest documentation, conducting a Community Outreach Meeting, executing a Host Community Agreement, and requiring municipal notification and response.

Why can't I change the name of the establishment in the renewal application?

The process to change the name of an establishment is a separate process provided for in the regulations. This process requires the submission of proposed articles of incorporation and notification to the Secretary of the Commonwealth once the change is approved by the Commission. This notification will require additional approval by the Secretary of the Commonwealth.

What will I need to show for documentation to demonstrate the reasonable progress or success of my Positive Impact Plan?

Licensees are required to have a positive impact on disproportionately affected areas. All licensees submit a Positive Impact Plan in their initial application that outline the goals, programs, and measurements they plan to implement. Licensees are then required to demonstrate the progress or success of those programs.



Licensees should utilize the measurements, and overall metrics, to demonstrate progress or success of each component of their plan. Documentation that may be submitted to demonstrate the progress or success include the following:

- Internal reports with verifiable data;
- Participant information and surveys;
- Service and vendor agreements;
- Employment reports;
- News articles;
- Third-Party documentation;
- Documentation of donations; and
- Other documentation.

What will I need to show for documentation to demonstrate the reasonable progress or success of my Diversity Plan?

Licensees are required to promote equity among women, people of color, particularly Black, African American, Hispanic, Latinx, and Indigenous people, veterans, people with disabilities, and LGBTQ+ individuals. All licensees submit a Diversity Plan in their initial application that outline the goals, programs, and measurements they plan to implement or have implemented.

Licensees are then required to demonstrate the progress or success of those programs.

Licensees should utilize the measurements, and overall metrics, to demonstrate progress or success of each component of their plan. Documentation that may be submitted to demonstrate the progress or success include the following:

- Internal reports with verifiable data;
- Service and vendor agreements;
- Employment reports;
- Employee surveys;
- Training materials
- Other documentation.

Why do I need to update the summaries of plan, policies, and procedures of the establishment?

All licensees are required to update the information contained within its original application for licensure. Licensees must also keep and maintain standard operating procedures pursuant to the Commission's regulations. These standard operating procedures may be used to update these plans as long as the relevant sections are uploaded separately.



Do I need to have background checks and fingerprints for individuals and entities listed on the renewal application?

No. However, all individuals associated with the establishment must be registered as agents. The licensee is required to perform regular background checks on all agents.

What background information must I disclose for individuals and entities?

All background information required under 935 CMR 500.101(1)(b)(3) and 935 CMR 501.101(1)(b)(3), in addition any other information that may have direct correlation to the suitability of individuals and entities must be disclosed.

What documentation must I provide to show that I sold more than 70% of our product during the past six months for my cultivation or Craft Marijuana Cooperative license?

The Commission's regulations require documentation to demonstrate the amount of marijuana cultivated and sold. Documentation that should be provided include the following:

- Metrc report showing cultivation and production history including a statement of whether the plants or inventory suffered a catastrophic event since the issuance or last renewal of the license;
- Transfer, sales, and tax payment history;
- Existing inventory and inventory history;
- Sales contracts; and
- Any other factors or documentation relevant to ensuring responsible cultivation, production, and inventory management.

What if, under my cultivation license, I did not sell more than 70% of our product during the past six months?

The Commission may relegate, or reduce, your tier level.

How long are certificates of good standing valid for the renewal application?

Certificates of good standing are valid for 90 days. The Commission will consider the certificate valid as long as it is not older than 90 days from the date the renewal application is submitted.

What if my license expires and I don't renew?

The license is no longer valid, and the licensee must cease operations immediately.

Can I renew multiple licenses at once?

You may renew multiple licenses at once if they expire during the same time frame. Renewal applications become available 120 days prior to the expiration date and must be submitted no later than 60 days from the date the license expires. Regardless, each license must be renewed using a separate



renewal application within the MassCIP.

What if I need to request a change in ownership or control, location, or name of the establishment when it is time to renew?

You may submit the change request at the same time. However, the renewal of the license will take precedence.

Will I need an inspection prior to the renewal of my license?

Commission staff conduct announced and unannounced inspections periodically. They may conduct an inspection, request documentation, or take other investigative action, as necessary.

What are my appeal rights if my license renewal is denied?

You will receive written notice from the Commission if your renewal application is denied. You may request a hearing on the denial of your renewal application by submitting a request for hearing in writing within twenty-one (21) days after the effective date stated in the notice. Failure to timely request a hearing shall constitute a waiver of the right to a hearing before the Commission and final agency action of the Commission.

VI. License Changes

Once an applicant is at least provisionally licensed by the Commission, certain changes to a license shall be approved by the Commission before the change is effectuated. In order for one of the below changes to occur, an application for such change accompanied by the required fee, shall be sent to the Commission for its consideration. Fees for the below changes are identified within this document. The changes that first require Commission approval include the following:

- Changes to ownership and/or control***;
- Change of location;
- Change of name; and
- Change in structure.

The table below provides some clarification over these types of changes:

License Change	Regulatory Requirement	Additional Information
----------------	------------------------	------------------------



Ownership or Control***	Prior to any change in ownership or control where a new Person or Entity Having Direct or Indirect Control is to be added, the licensee shall submit a request for such change to the Commission.	All individuals and entities associated with this change will be required to undergo a background check and pay associated background checks fees when directed. Individuals will be required to undergo fingerprint checks when directed. Additional due diligence investigations may be conducted where deemed appropriate.
Location***	Prior to changing its location, a licensee shall submit a request for such change to the Commission.	Once a change of location application has been deemed complete, the municipality in which the licensee plans to operate will be notified and given 60 days to respond as to the licensee's compliance with local ordinances or bylaws. This will occur even in the circumstances where the licensee is moving to a new location within the same municipality.
Name***	Prior to changing its name, a licensee shall submit a request for such change to the Commission. Name change requests, and prior approval, shall apply to an establishment proposing a new or amending a current doing-business-as name.	
Structure	Prior to any modification, remodeling, expansion, reduction or other physical, non-cosmetic alteration of the MTC, the establishment shall submit a request for such change to the Commission.	

***Please note that change of ownership and control and location requests may require the submission of an HCA or HCA waiver as part of the request on or after March 1, 2024. A change of name request may require an attestation or documentation that notification to the municipality of the name change if



an HCA or HCA waiver has been previously executed.

None of the above changes shall be permitted until approved by the Commission. Failure to obtain approval of such changes may result in a license being suspended, revoked, or deemed void.

Other changes to a licensee's application shall be reported to the Commission within five (5) business days pursuant to 935 CMR 500.104(5) and 935 CMR 501.104(5). Examples of such changes include, but are not limited to, the following:

- Changes to contact information for the business or associated individuals and entities;
- Changes to plans, policies, and procedures; and
- Changes to hours of operation.

VII. Compliance and Enforcement

All licensees are required to remain in full compliance with applicable laws and regulations. Submission of a license application or issuance of a license constitutes consent for any inspection. In addition to the inspections that are conducted as part of the licensing process, licensees can expect any of the following to occur:

- Announced inspections;
- Unannounced inspections;
- Investigations related to complaints;
- Financial audits;
- Inspections related to the Commission's Secret Shopper Program; and
- Other inspections and investigations related to compliance with applicable laws and regulations.

Licensees shall allow immediate access to the facility on being presented with photo identification documenting the Commission representative's affiliation with the Commission. The licensee shall immediately on request make available to the Commission all information that may be relevant to an inspection or investigation of an incident or a complaint. Commission staff has the authority to access to a licensee's papers, books, documents, records, correspondence, electronic communications, and other tangible things to examine and inspect.

If noncompliance remains, or if a risk to public safety, health, or welfare exists, the following enforcement actions may occur:

- Administrative holds related to products;



- Limitation on sales;
- Removal and prohibition of products;
- Quarantine of products;
- Cease and desist orders;
- Summary suspension orders;
- Orders to show cause;
- Suspension of a license;
- Revocation of a license;
- Denial of a renewal of license; and
- License being deemed void.

The above items are not an exhaustive list. Detailed information regarding administrative actions can be found in the Commission's regulations. If aggrieved, and where applicable, licensees may request a hearing pursuant to 935 CMR 500.500 and/or 935 CMR 501.500.



VIII. Appendix

Appendix A: Licensure Flow Chart



- License applications are submitted by applicants through MassCIP.
- License applications are reviewed based on status and date/time.
- Applicants shall submit all required information and documentation that complies with the Commission's regulations.
- Applicants may receive requests for additional information.
- All license applications will be reviewed within 60 days of submission.



- Applicants will receive a notice once their application is deemed complete.
- Applicants shall pay all background check fees and have all required individuals fingerprinted.
- The host community will receive notification and a copy of the application. The host community will be given 30 or 60 days to respond as to compliance with local ordinances or bylaws depending on the applicant's status as a member of the Commission's social equity program .
- The Commission will approve or deny the application for a provisional license within 90 days.



- Applicants will receive a notice once approved for a provisional license. The notice will contain next steps in the licensing process as well as a form to request an inspection when ready.
- Applicants will pay the required license fee and start registering agents.
- Inspection(s) of the ME/MTC will be performed to ensure compliance with the Commission's regulations.



- Licensees will receive a notice once approved for a final license. The notice will contain next steps in the licensing process as well as a form to request an inspection when ready.
- Licensees will begin entering product into Metrc, labeling and packaging product, and continue registering agents among fulfilling other requirements.





- Inspection(s) of the ME/MTC will be performed to ensure compliance with the Commission's regulations.
- The licensee will receive a notice stating they can commence operations.
- The licensee is subject to ongoing compliance with all applicable laws and regulations and to announced and unannounced inspections.

Appendix B: License Application Checklist

Application of Intent Section

- ☐ List of all Persons or Entities Having Direct or Indirect Control
- ☐ List of all persons or entities contributing capital resources and bank statement(s) or letter(s) from a financial institution for each person or entity contributing capital resources showing proof of funds dated within 60 days of submission of the application (MTC applicants are required to show a specific minimum amount of capital resources)
- ☐ Disclosure and documentation of any out-of-state or in-state marijuana-related business interests for any individual or entity associated with the application
- ☐ Disclosure of the proposed address of the ME along with property interest documentation
- ☐ Bond or Escrow Account
- ☐ Compliant HCA or HCA Waiver
- ☐ Community Outreach Meeting Attestation Form with supporting documentation
- ☐ Plan to remain compliant with local zoning/ordinances
- ☐ Plan for Positively Impact Disproportionately Harmed People
- ☐ Specific Requirements for Certain License Types
 - Marijuana Microbusiness: evidence of MA residency for a majority of the members or executives
 - Craft Marijuana Cooperative: evidence of MA residency for all members and shareholders, evidence of cooperative's business organization, evidence of one member filing a Schedule F (Form 1040) or an agreement to lease land owned by a person or entity that has filed a Schedule F within 5 years, and evidence of organization consistent



- with Seven Cooperative Principles
- Marijuana Courier: disclosure and documentation of any delivery agreement with Marijuana Retailers and any agreement with a Third-Party Technology Platform Provider
- Marijuana Delivery Operator: disclosure and documentation of any delivery agreement with any Third-Party Technology Platform Provider

Background Check Section

- ☐ List of all individuals and entities that were entered in the Application of Intent.
- ☐ Disclosure of any past or pending criminal or civil actions, disciplinary actions, and denial of licensure for all individuals and entities.
- ☐ Submission of required documents for each individual: (1) valid government identification, (2) CORI Authorization Form, (3) Release and Authorization Form; and
- ☐ (4) Disclosure and Acknowledgment Form.

Management and Operations Profile Section

- ☐ Massachusetts Business Identification Number and any D/B/A information, if applicable
- ☐ Copy of Articles of Organization and Bylaws/Operating Agreement
- ☐ Certificate of Good Standing from the Department of Revenue, Secretary of the Commonwealth and Department of Unemployment Assistance
- ☐ Business Plan
- ☐ Proposed timeline to become operational
- ☐ Plan to obtain limited liability insurance
- ☐ Summaries of following Operating Plans, Policies, and Procedures:
 - Security Plan
 - Inventory Plan
 - Storage Plan
 - Transportation Plan
 - Plan to Restrict Access to 21 Years of Age
 - Prevention of Diversion Plan
 - Quality Control and Testing Procedures
 - Personnel Policies
 - Record Keeping Policies
 - Maintenance of Financial Records Policy
 - Qualifications and Intended Training
 - Diversity Plan
 - Energy Compliance Plan
- ☐ Specific Requirements for Certain License Types
 - MTC: cultivation plan, list of products to be produced, methods of production, safety



- plan, and sample of unique identifying mark
- Marijuana Cultivator: cultivation plan
- Marijuana Product Manufacturer: plan to obtain marijuana, list of products to be produced, methods of production, safety plan, and sample of unique identifying mark
- Marijuana Retailer and Marijuana Delivery Operator: plan to obtain marijuana and marijuana products and dispensing plan
- Marijuana Microbusiness: cultivation plan (if cultivating), plan to obtain marijuana (if not cultivating), list of products to be produced, methods of production, safety plan, and sample of unique identifying mark (if producing)
- Craft Marijuana Cooperative: cultivation plan, list of products to be produced, methods of production, safety plan, and sample of unique identifying mark
- Independent Testing Laboratory: ISO 17025:2017 certification
- Marijuana Courier and Marijuana Delivery Operator: delivery plans
- Social Consumption Establishment: additional plans are required—please see guidance document.
- Proposed Hours of Operation (Delivery applicants should be aware of operational time restrictions)
- Emergency Contact(s)

Application Fee Section

- Submit the required application fee

Questions?

If you have additional questions regarding this guidance on licensure, please contact the Commission at Commission@CCCMass.com or (774) 415-0200.



Memorandum

To: Acting Chair and Commissioners
Cc: Debbie Hilton Creek, Acting Executive Director & Chief People Officer
From: Kristina Gasson, General Counsel
Date: February 20, 2024
Subject: Sale of Lottery Products by Marijuana Establishments

Issue

The Cannabis Control Commission (“Commission”) received an inquiry from a Marijuana Establishment (“ME”) as to whether it may become separately licensed by the Massachusetts State Lottery Commission (“MSLC” or “Lottery”) and sell Lottery products at its retail location.

Lottery Sales

The MSLC requires that proposed locations be a retail business and cannot be established for the sole purpose of selling MSLC products.¹ Lottery products are commonly sold throughout the Commonwealth in liquor, grocery, and convenience stores.² The MSLC has an application process for Lottery Agent applicants and strict compliance obligations for licensed entities.³ Applicants must undergo a financial review, a criminal background screening, and a site assessment.⁴

Once licensed, Lottery Agents have several obligations to the MSLC.⁵ These obligations include, but are not limited to, compliance with state laws and directives issued by the MSLC Director, granting MSLC agents and representatives an irrevocable license to enter its premises, and providing all books and records for inspection at reasonable hours upon demand.⁶

Commission Statutory and regulatory authority

The Commission enjoys broad legal authority with “all the powers necessary or convenient to carry out and effectuate its purposes.”⁷ The Commission has the authority to condition or restrict a license, and set standards for the licensure of MEs.⁸ The Commission has expressly permitted

¹ See <https://www.masslottery.com/about/becoming-an-agent>

² See <https://www.masslottery.com/tools/location-finder>

³ 961 CMR 2.00.

⁴ 961 CMR 2.08(2); see also [Massachusetts Lottery, Becoming and Agent, Application Details](#)

⁵ 961 CMR 2.20.

⁶ *Id.*

⁷ G.L. c. 94G, § 4(a).

⁸ G.L. c. 94G, § 4(a)(xi); G.L. c. 94G, § 4(a½)(v).



sales of a limited category of non-Marijuana products in its regulations, such as Marijuana Accessories and Marijuana Establishment Branded Goods (“Branded Goods”), and expressly allows MEs to sell these products.⁹

When interpreting a statute or regulation, the court first reviews the text.¹⁰ “Language should be given effect consistent with its plain meaning. If the language is clear and unambiguous, it must be interpreted as written,” unless doing so would produce an absurd or unworkable result.¹¹ A statute or regulation is ambiguous when reasonably well-informed persons can understand it in two or more different ways.¹² If the statute or regulation is ambiguous, the agency’s “reasonable interpretation of [the statute or regulation] is generally entitled to deference.”¹³

Here, Commission laws and regulations neither explicitly allow nor prohibit MEs from selling lottery tickets. While Commission regulations passively refer to a Licensee’s tax obligations relative to the sale of Marijuana Products versus non-Marijuana items,¹⁴ the Commission has historically limited the sale of non-Marijuana items by Marijuana Retailers as a matter of policy.¹⁵ This policy is, in part, due to the Commission’s previous public discussions indicating its intent to limit the types of non-Marijuana items that Marijuana Retailers may sell.¹⁶

Commission regulations reflect this intent as Marijuana Retailers, like other MEs, are only explicitly licensed to take certain actions, including to purchase, repack, white label, and transport Marijuana and Marijuana Products and to sell Marijuana and Marijuana Products to consumers.¹⁷ Commission regulations also intentionally identify certain non-Marijuana items, such as Marijuana Accessories and Marijuana Establishment Branded Goods, that Licensees may also offer for sale.¹⁸

⁹ 935 CMR 500.002.

¹⁰ *DeCosmo v. Blue Tarp Redevelopment, LLC*, 487 Mass. 690, 696 (2021).

¹¹ *Id.* (quoting *Boss v. Leverett*, 484 Mass. 553, 557 (2020) (brackets omitted); see also *DiMasi v. Sec’y of Commonwealth*, 491 Mass. 186, 191-92 (2023)).

¹² See *Town of Falmouth v. Civil Service Com’n*, 447 Mass. 814, 818 (2006).

¹³ *DeCosmo*, 487 Mass. at 696.

¹⁴ See, e.g., 935 CMR 500.140(5)(g) (requiring MEs to “adopt separate accounting practices at the point of sale for Marijuana Products and non-Marijuana products”) and 935 CMR 501.140(5)(b) (requiring MTCs to “adopt separate accounting practices at the point-of-sale for Marijuana and Marijuana Product sales, and non-Marijuana sales.”).

¹⁵ See Enforcement Counsel Advisory, Subject: Non-Marijuana Product Sales (June 6, 2022) (“Until the Commission authorizes the sale of additional items, such as prepackaged food and drinks, MEs may not sell non-Marijuana products that are not explicitly authorized by 935 CMR 500.00, 935 CMR 501.000 or via an [Executive Director]-approved interpretation or policy.”).

¹⁶ See [Massachusetts Cannabis Control Commission Public Meeting](#) (Aug. 28, 2020) at 1:28:20 to 2:04:40 (discussing whether certain amendments to Commission regulations would allow Marijuana Retailers to sell any non-Marijuana product).

¹⁷ See 935 CMR 500.002 (definition of Marijuana Retailer); 935 CMR 500.050(8)(a)1.

¹⁸ See 935 CMR 500.002; see also 935 CMR 500.140(5)(g); 935 CMR 500.141(3)(e) (authorizing Social Consumption Establishments to sell Marijuana Accessories after receiving permission from the Commission); 935 CMR 500.145(1)(a) (including Marijuana Accessories and Marijuana Establishment Branded Goods in the definition of “delivery items”); 935 CMR 500.146(4)(f) (requiring Delivery Operators to “adopt separate accounting practices at the point of sale for Marijuana and Marijuana Product sales, and non-Marijuana sales”); 935 CMR 501.140(5)(b), (c), and (e).

In addition to the implicit limits on the permissible activities under the license, Commission regulations also directly compel Licensees to adopt “procedures to prevent loitering and ensure that only individuals engaging in activity *expressly or by necessary implication permitted by 935 CMR 500.000 and its enabling statute* are allowed to remain on the Premises.”¹⁹ Here, because the purchase of lottery tickets is not expressly or impliedly permitted by Commission regulations or G.L. c. 94G, a plain reading of the regulation would prohibit that activity.

However, since the statute does not forbid the sale of non-Marijuana items, Commission policies limiting or prohibiting the same may be revised upon further review by the Commission.²⁰

Compliance Considerations

As the Commission deliberates whether to permit lottery sales in MEs, there are other matters that the Investigations and Enforcement Department would consider when monitoring compliance with Commission regulations.

Of note, the age restrictions for sales of each products differs. Lottery sales are authorized for persons aged 18 and older; conversely, adult-use cannabis sales are restricted to persons aged 21 and older.²¹ Statutes also restrict persons under 21 from entering an ME’s licensed premises.²² These restrictions will remain effective even if the Commission permits lottery sales and MEs will be required to adhere to existing processes to ensure access is limited to consumers over 21 years old. Access to the premises could also conceivably expand to non-consumers and non-patients (*i.e.*, Lottery-only customers). Moreover, because Lottery operations would involve the pay out of cash to prize winners, the Licensee’s onsite cash-holding burden would increase,²³ introducing other potential public safety elements to daily operations which may be of interest to the host community. Allowance of Lottery sales may also complicate the department’s ability to

¹⁹ 935 CMR 500.110(1)(b) (emphasis added); *see also* 935 CMR 501.110(1)(b) (imposing the same requirement for MTCs). Due to these requirements, lottery games like Keno, a game of chance where you purchase a ticket and then wait for a video screen at an establishment to reveal the numbers, may be prohibited because it would encourage the purchaser to wait for the results.

²⁰ Of note, Colorado permits MEs in the state to sell lottery tickets; however, the lone ME taking advantage of that allowance has since stopped the practice. *See* Westword, [Colorado Dispensaries Can Sell Lottery Tickets, According to State Officials](#) (Oct. 4, 2023) (noting that, according to the Colorado Marijuana Enforcement Division, the “state law banning dispensaries from selling consumable items that don’t contain cannabis, such as tobacco and non-infused food and drinks” does not prohibit dispensaries from selling “merchandise, smoking accessories and other retail products.” In that instance, “[t]he point of sale is at the reception desk up front, away from the rooms in which medical and recreational marijuana transactions take place.”).

²¹ *See* G.L. c. 10, § 29 (“No ticket or share shall be sold to any person under age eighteen”), and M.G.L. c. 94G, §§ 1, 2, and 7. MTCs offering lottery sales may have different considerations since the purchase of medical Marijuana is not restricted to persons 21 and older.

²² *See* G.L. c. 94G, § 4(a½)(xxi) (directing the Commission to adopt regulations including “a prohibition on persons under 21 entering marijuana establishments”); 935 CMR 500.140(2)(a) (“An individual shall not be admitted to the Premises, unless the Marijuana Retailer has verified that the individual is 21 years of age or older by an individual’s proof of identification.”).

²³ *See* 961 CMR 2.38(2), allowing prize winners to cash winning tickets of up to \$600 at a Sales Agent’s premises. A prize winner could conceivably seek to cash many winning tickets at the Sales Agent’s premises during one visit.

perform compliance monitoring and enforcement relative to Licensees' obligation to prevent loitering on the Premises.²⁴

Because the Commission lacks the statutory authority to enforce laws pertaining to the Lottery, department staff would not be responsible for monitoring compliance with MSLC statutes and regulations.²⁵ Nonetheless, if authorized to sell lottery tickets, Licensees would have to submit Standard Operating Procedures (SOPs) to the department detailing the Licensee's process for separating and recording Marijuana sales from Lottery sales.²⁶ Licensees would also have to notify the Commission of the types of lottery games that would be offered at the Premises. This information will allow department staff to perform a compliance review for potential conflicts that may arise with Commission statutes or regulations.

Lastly, Licensees may be required to notify the Commission if they are cited for any Lottery-related violations pursuant to 935 CMR 500.104(5) and 501.104(5).²⁷ MEs have an ongoing obligation to comply with "any applicable ... laws or regulations of the Commonwealth."²⁸ Accordingly, violations of state laws and regulations, even as they relate to the Licensee's obligations as a Lottery Commission Sales Agent, may impact its standing with the Commission and could result in sanctions, license suspension or revocation, or denial of its License renewal application.²⁹

Policy Considerations

While a Marijuana Retailer may meet the MSLC's requirement of a retail business, the Commission's regulations do not expressly authorize the sale of Lottery products. Given that the Commission has previously expressed caution as to what a Marijuana Retailer may sell, and the policy of seeking Commissioner authorization for additional retail items, the issue of whether MEs may sell Lottery products if licensed by the MSLC, is ripe for Commission consideration. Additionally, a vote to authorize sales of Lottery products in MEs may also lead to requests and inquiries from other Licensees that the Commission permit sales of other retail items such as prepackaged food items or to request additional licenses from other state and local agencies to sell or offer items or services.

If the Commission were inclined to allow for MEs to become licensed Lottery Agents, then such a policy should be considered at Public Meeting. The Commission may also wish to deliberate as to whether Lottery product sales may occur at Medical Marijuana Treatment Centers, since these entities are more akin to pharmacies than retail businesses that currently sell Lottery products. In

²⁴ See 935 CMR 500.110(1)(b) (adopting procedures to prevent loitering and ensure that only individuals engaging in activity permitted by statute and regulations are allowed to remain on the premises).

²⁵ See G.L. c. 10, § 24 (granting authority to conduct a state lottery to the MSLC); *see also Massachusetts Muni. Wholesale Elec. Co. v. Massachusetts Energy Siting Council*, 411 Mass. 183, 194 (1991) (holding that an administrative agency's powers are granted by the Legislature and articulated via the agency's enabling act).

²⁶ 935 CMR 500.140(5)(g) (A retailer shall adopt separate accounting practices at the point of sale for Marijuana and Marijuana Product sales, and non-Marijuana sales).

²⁷ Licensees are required to "keep current all information required by [Commission regulations] or otherwise required by the Commission." 935 CMR 500.104(5) and 501.104(5).

²⁸ 935 CMR 500.450(3); 935 CMR 501.450(3).

²⁹ *Id.*

the alternative, the Commission could take no action, and decline to authorize the sale of Lottery products in MEs.

If authorized, the Legal and Investigations & Enforcement Departments would explore a Memorandum of Understanding or other agreement with the MSLC regarding compliance inspections or related matters.

Potential Motion Language

Move to authorize Marijuana Establishments, if duly licensed by the Massachusetts State Lottery Commission, to sell Lottery products, provided the Licensee complies with 935 CMR 500.000, including but not limited to requirements with respect to cash handling and loitering, and all applicable Massachusetts State Lottery Commission rules and regulations.



Cannabis Control Commission

Public Policy Meeting

February 29, 2024 at 10:00 a.m.
Via Microsoft Teams



Agenda

1. Call to Order
2. Commissioners' Comments and Updates
3. Commission Discussion and Votes
4. New Business that the Chair did not Anticipate at the Time of Posting
5. Next Meeting Date and Adjournment



Commission Discussion & Votes

Update: Chapter 180 Regulations Implementation

Phase 1: HCAs Deliverables for Commission Discussion & Vote

- Model Host Community Agreement Template (Post-Public Comment Period)
- Guidance on Host Community Agreements
- Guidance on Licensure



Chapter 180: Commission Discussion & Vote

Model Host Community Agreement (“Model HCA”) Template

- Initial draft provided to the Commission at its 1/11/24 public meeting.
- Launch of Public Comment Period for the Model HCA Template (1/17/24-1/31/24).
- All public comments received within the public comment period were reviewed.
- All public commenters provided invaluable input in substantive and ministerial areas—their input is sincerely appreciated.
- Staff members from General Counsel, Enforcement Counsel, Government Affairs and Policy, and other teams participated in two multi-hour sessions over the past weeks analyzing the comments for inclusion in the template.
- The Model HCA before the Commission today is substantively the same as the document presented on 1/11/24 with two notes: (1) the original draft has been formatted by our Communications/Digital team and (2) it contains tracked changes showing the modifications incorporated by staff from the public comments.
- If approved, track changes will be accepted, additional formatting will be completed to make the template a “fill-in-the-blank”, and it will be posted to the Commission’s website for use by license applicants, licensees, and municipalities.



Chapter 180: Commission Discussion & Vote (cont.)

Guidance on HCAs

- The draft Guidance on HCAs is essentially a newly formed guidance document.
- The document focuses its information on the required, permitted, and prohibitive terms and provisions regarding HCAs, including those affecting Community Impact Fees.
- Additionally, the document provides information on the following:
 - Use of the Model HCA
 - Use of an HCA Waiver
 - Equitable Relief Availability
 - Complaints about Non-Compliance
- If approved, this document will replace and expire the currently available “Guidance for Municipalities on Equity and Host Community Agreements” due to conflicting information no longer consistent with existing law and regulations.
- To be clear, Commission staff are committed to bringing forward to the Commission an updated “Guidance on Municipal Equity” that represents updates stemming from Chapter 180 and Commission policies. In fact, the first draft of this document was completed on 2/15/24.



Chapter 180: Commission Discussion & Vote (cont.)

Guidance on Licensure

- The draft Guidance on Licensure has been modified to incorporate minor changes to the licensing process stemming from Chapter 180 and other policy decisions.
- The following substantive changes were made:
 - Removal of information regarding the Social Consumption Pilot Program
 - Modification of the HCA Certification Form requirement to an actual HCA or HCA Waiver as part of the new and renewal license application process
 - Information about the Cannabis Social Equity Trust Fund being available and the ability to make donations to it as part of the license applicant/licensee's Positive Impact Plan
 - The soon-to-be available Pre-Certification application for all license types for Economic Empowerment Priority Applicants, Social Equity Participants, and Social Equity Businesses
 - Notice and Requests for Information expectations for license applicants, licensees, and municipalities regarding non-compliant HCAs
 - The bifurcated policy regarding timeframes for municipal responses (30/60) depending on the license applicant's status
 - The potential need for additional information regarding HCAs as it pertains to changes of ownership, location, or name applications.
- If approved, this document will replace and expire the currently available "Guidance for Licensure".



Other C. 180 Deliverable Updates

The Project Team, Coordinators, and other Team members can report the following to the Commission and the public of the other deliverable updates as of 2/27/24:

- Equitable Relief Form (*Finalized, Pending Approval, and Posting to the Website*)
- Update Change of Ownership Form (*Finalized, Pending Approval, and Posting to the Website*)
- Update Change of Location Form (*Finalized, Pending Approval, and Posting to the Website*)
- Update Change of Name Form (*Finalized, Pending Approval, and Posting to the Website*)
- Presentation to Johns Hopkins Graduate School on c. 180 & Research (*Occurred on 2/13/24*)
- General Complaint Form (*Draft Completed / Under Review*)
- Municipal Standard Evaluation Form (*Draft Completed / Under Review*)
- Guidance on Municipal Equity (*Draft Completed / Under Review*)
- Draft of Model Ordinances or By-laws (*Draft Underway*)
- Capturing New Social Equity Data Points (*Draft Plan Underway*)
- HCA Waiver Form (*Under Final Review*)



Other C. 180 Deliverable Updates (cont.)

- MassCIP Application Updates Regarding HCAs (x26) (*Finalized and Live*)
 - Updated instructions for new and renewal license applications.
 - Updated requirement upload selections for new and renewal license applications.
 - Free form text field questions asking simple questions about the document they uploaded for purposes of data collection and analysis. (i.e., Did you upload an HCA or HCA Waiver?, If you uploaded an HCA, did you utilize the Commission's Model HCA template?)
- MassCIP Application Updates Regarding Positive Impact Plans (x26) (*Finalized and Live*)
 - Updated instructions for new and renewal license applications.
 - Updated requirement upload selections for new and renewal license applications.
 - Free form text field questions asking simple questions about the document they uploaded for purposes of data collection and analysis. (i.e., What percentage of your staff will be hired from Areas of Disproportionate Impact?, Do you have a goal of donating monies to the Social Equity Trust Fund, and if so, how much?)
 - Additional verifying questions are prompted on renewals for licensees to enter how much of their goals they have achieved.
- Host Community Municipal Equity Notification Application (*Draft of MassCIP Application Requirements Underway*)
- Website Updates: 2023 Regulatory Changes FAQ (*Drafting Underway*)





**The Commission is in recess
until**



Upcoming Meetings & Adjournment

Upcoming Meetings and Important Dates

Next Meeting Date

March 7, 2023

Monthly Public Meeting
10:00am

