Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Public Meeting Packet- January 16, 2020

January 16, 2020

Worcester Union Station

Public Meeting Packet- January 16, 2020

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Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

January 14, 2020

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

CANNABIS CONTROL COMMISSION

January 16, 2020
10:00AM

Cannabis Control Commission
Worcester Union Station
2 Washington Square
Worcester, MA

PUBLIC MEETING AGENDA

1) Call to Order
2) Chairman's Comments & Updates
3) Approval of Minutes
4) Executive Director's Report
    a. Job Descriptions
    b. Guidance on Seed to Sale
5) Staff Recommendations on Change of Location
    a. Four Daughters Compassionate Care, Inc.
    b. The Green Harbor Dispensary, LLC
    c. Emerald Grove, Inc.
6) Staff Recommendations on Renewals
    a. HVV Massachusetts, Inc. (#RMD-1405), Vertically-Integrated Medical Marijuana Treatment Center Renewal
    b. Rise Holdings, Inc. (#MPR243506), Product Manufacturer Renewal
    c. Rise Holdings, Inc. (#MCR139857), Cultivation Renewal
    d. Sanctuary Medicinals, LLC (#MRR205551), Retailer Renewal
    e. Herbology Group, Inc. (#MRR205557), Retailer Renewal

f. Mass Alternative Care, Inc. (MCR139856), Cultivation Renewal
g. Mass Alternative Care, Inc. (#MPR243505), Product Manufacturer Renewal
h. Mass Alternative Care, Inc. (#MRR205554), Retailer Renewal
i. Garden Remedies, Inc. (#MRR205550), Retailer Renewal
j. Apothca Inc (f/k/a. MA Patient Found), (#MCR139858), Cultivation Renewal
k. Apothca Inc (f/k/a. MA Patient Found), (#MPR243507), Product Manufacturer Renewal
l. Apothca Inc (f/k/a. MA Patient Found), (#MRR205558), Retailer Renewal
m. Pioneer Valley Extracts, LLC (#MPR243504), Product Manufacturer Renewal
n. LDE Holdings, LLC. (#MRR205553), Retailer Renewal
o. Garden Remedies, Inc. (#MRR205559), Retailer Renewal
p. Urban Grown Inc. (#MCR139859), Cultivation Renewal
q. In Good Health, Inc. (#MCR139860), Cultivation Renewal
r. In Good Health, Inc. (#MPR243508), Product Manufacturer Renewal
s. Nova Farms, LLC (f/k/a BCWC, LLC), (#MRR205556), Retailer Renewal

7) Staff Recommendations on Final Licenses
   a. T. Bear, Inc. (#MP281314), Product Manufacturer
   b. Theory Wellness, Inc. (#MR281835), Retailer
   c. Nature's Remedy of Massachusetts, LLC (#RMD1285), Vertically-Integrated Medical Marijuana Treatment Center
   d. Revolutionary Clinics II (#RMD1346), Vertically-Integrated Medical Marijuana Treatment Center
   e. Solar Therapeutics, Inc. (#RMD1205), Vertically-Integrated Medical Marijuana Treatment Center
8) Staff Recommendations on Provisional Licenses
   a. Pharmacannis Massachusetts, Inc., Vertically-Integrated Medical Marijuana Treatment Center
   b. Alchemy League (#MRN281275), Retailer
   c. CTDW, LLC (#MRN281844), Retailer
   d. ELEV8 CANNABIS INC. (#MRN281383), Retailer
   e. ELEV8 CANNABIS INC. (#MRN281810), Retailer
   f. ELEV8 CANNABIS INC. (#MRN282630), Retailer
   g. Elevated Gardens, LLC (#MCN281448), Cultivation, Tier 1 / Indoor
   h. Fidelity Wellness Center, Inc. (#MRN282801), Retailer
   i. Green Railroad Group, Inc. (#MRN281745), Retailer
   j. Hampshire Hemp, LLC (#MRN281867), Retailer

k. Ipswich Pharmaceutical Associates, Inc. (#MCN281749), Cultivation, Tier 2 / Outdoor
l. Jolly Green, Inc. (#MCN281283), Cultivation, Tier 1 / Indoor
m. LDE Holdings, LLC (#MPN281436), Product Manufacturer
n. NEW DIA (#MRN281269), Retailer
o. ROARING GLEN FARMS, LLC (#CON281373), Craft Marijuana Cooperative, Tier 11 / Outdoor
p. Royalston Farms, LLC (#MCN281430), Cultivation, Tier 2 / Indoor
q. Royalston Farms, LLC (#MPN281544), Product Manufacturer
r. TETRAMED LLC (#MCN281611), Cultivation, Tier 4 / Indoor
s. The Headyco LLC (#MCN281292), Cultivation, Tier 2 / Indoor
t. Two Buds, LLC (#MCN281702), Cultivation, Tier 3 / Indoor
u. Two Buds, LLC (#MPN281506), Product Manufacturer
v. Two Buds, LLC (#MRN281959), Retailer
w. TYCA Green, Inc. (#MCN281844), Cultivation, Tier 1 / Indoor
x. TYCA Green, Inc. (#MPN281555), Product Manufacturer
y. TYCA Green, Inc. (#MRN282035), Retailer
z. West County Collective LLC (#MCN281512), Cultivation, Tier 2 / Indoor
aa. WISEACRE FARM INC (#MCN281406), Cultivation, Tier 1 / Outdoor

9) Commission Discussion and Votes
   a. Guidance for Farmers
   b. Guidance on Host Community Agreements
   c. Guidance on Positive Impact Plans
   d. Guidance on Distribution
   e. Compiled Guidance on Energy & Environmental Compliance
   f. Compiled Guidance on Licensing
   g. Memorandum: Chapter 55 Report on Potential Criminal Penalties
   h. Staff Recommendations on Responsible Vendor Training
      i. Crisis Solutionist Inc. (#RVN453134)
      ii. Kristi Talagan (#RVN453123)
      iii. Mary Hull (#RVN453160)
      iv. James Yagielo (#RVN453274)
      v. Leafy Green LLC (#RVN453244)
      vi. Marijuana Handlers (#RVN453288)
10) New Business that the Chairman did not anticipate at time of posting
11) Next Meeting Date

Notice of Executive Session

Under the Open Meeting Law, G.L. c. 30A, § 21(a)(2), (4) and (7) and the Public Records Law, G.L. c. 66, and the exemptions set forth in G.L. c. 4, § 7(26)(a), (b), (c), (d), (f), (g) and (n), the Commission may enter into executive session to discuss the following items if the relevant topic arises during the course of deliberations:

1) to discuss applicants' or provisional licensees' security plans if, in the opinion of the Chair, discussion of such plans in an open meeting may disclose information that could pose a risk to public safety or security.

Statement of Chair's Authority

Under the Open Meeting Law, G.L. c. 30A, §20(g):

> No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.

In order that the Commission may conduct the business duly before it as delineated in this agenda, the Chair shall exercise his discretion accordingly. Please respect fellow attendees and those with business before the Commission.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

CANNABIS CONTROL COMMISSION

December 19, 2019
10:00AM

UMass Medical School
Amphitheater II S4-102
Worcester, MA

PUBLIC MEETING MINUTES

Documents:

- Application materials for the following applications:
  - Krypies, LLC
  - Mass Yield Cultivation, LLC
  - New England Treatment Access, LLC
  - T. Bear, Inc.
  - Apothca, Inc., Vertically Integrated Medical Treatment Center (Dispensing)
  - Berkshire Roots Inc (# MRR205548), Retail Renewal
  - Berkshire Roots Inc (# MPR243499), Product Manufacturer Renewal
  - Berkshire Roots Inc (# MXR126655), Transporter with other Existing License Renewal
  - Berkshire Roots Inc (# MCR139849), Cultivation Renewal
  - Berkshire Welco LLC (# MCR139852), Cultivation Renewal
  - Caregiver-Patient Connection (# MCR139851), Cultivation Renewal
  - Garden Remedies Inc (# MCR139846), Cultivation Renewal
  - Garden Remedies Inc (# MPR243502), Product Manufacturer Renewal
  - Green Biz LLC (# MRR205545), Retail Renewal
  - Herbology Group, Inc (# MRR205552), Retail Renewal
  - LDE Holdings, LLC. (# MCR139854), Cultivation Renewal
  - Silver Therapeutics, Inc (# MRR205549), Retail Renewal
  - Silver Therapeutics, Inc (# MCR139853), Cultivation Renewal
  - T. Bear Inc. (MPR243498), Product Manufacturer Renewal
  - The Green Lady Dispensary, Inc. (# MCR139850), Cultivation Renewal
  - The Green Lady Dispensary, Inc. (# MPR243501), Product Manufacturer Renewal
  - The Green Lady Dispensary, Inc. (# MRR205547), Retail Renewal
  - ARL Healthcare, Inc., Vertically Integrated Medical Treatment Center
  - ARL Healthcare, Inc. (#RMD1085)

- Healthy Pharms, Inc. (#RMD545)
- Holistic Industries (#RMD685)
- Hope Heal Health, Inc. (#RMD686)
- Massmedicum Corp., Vertically Integrated Medical Treatment Center
- MD Holistics, Inc., Vertically Integrated Medical Treatment Center
- Middlesex Integrative Medicine, Inc. (#RMD1025)
- Nature's Remedy of Massachusetts, Inc. (#1285)
- Olde World Remedies, Inc., Vertically Integrated Medical Treatment Center
- Sanctuary Medicinals, Inc. (#RMD1128)
- Sanctuary Medicinals, Inc. (#RMD605)
- The Haven Center, Vertically Integrated Medical Treatment Center
- The Haven Center, Vertically Integrated Medical Treatment Center
- The Haven Center, Vertically Integrated Medical Treatment Center
- Alternative Therapies Group (# MR281346), Retail
- Curaleaf Massachusetts, LLC (# MR282052), Retail
- Sira Naturals, Inc. (# MC281252), Cultivation, Tier 3/Indoor
- HVV Massachusetts, Inc. (#RMD1405), Vertically Integrated Medical Treatment Center
- Hope Heal Health, Inc. (#MC281478), Cultivation, Tier 4/Indoor
- Hope Heal Health, Inc. (#MP281361), Product Manufacturer
- Hope Heal Health, Inc. (#MR281337), Retail

In Attendance:
Chairman Steven Hoffman
Commissioner Kay Doyle
Commissioner Jennifer Flanagan
Commissioner Britte McBride
Commissioner Shaleen Title

Minute:
1) Call to Order
   - The Chairman recognized a quorum then called the meeting to order.
   - The Chairman gave notice that the meeting was being recorded.

2) Chairman's Comments & Updates
   - The Chairman thanked UMass Medical School and gave notice that the next meeting would be in the Commission's new Worcester office.
   - The Chairman said that this would likely be a long meeting given the number of licenses up for consideration.
   - The Chairman gave an overview of the Agenda.

3) Approval of Minutes

- Minutes from 11.7.19
    - The Chairman asked if the Commission had a chance to review the minutes and for edits.
    - The Chairman asked for a motion to approve the minutes subject to ministerial changes.
    - Commissioner Doyle moved to approve the minutes subject to ministerial changes.
    - Commissioner Flanagan seconded the motion.
    - The Commission unanimously approved the minutes for the November 7, 2019 meeting.

4) Executive Director's Report

- The Executive Director introduced the statistical overview of the licensing process extracted from the Online System.
    - The Executive Director stated that there are 436 completed applications, having submitted all four packets.
        - The most common application is Marijuana Retailer applications followed by Marijuana Cultivator applications.
    - The Executive Director next gave an over view of the 4,736 total applications including pending, withdrawn, incomplete, denied, and approved.
        - 436 are completed applications pending.
        - 3,655 applicants have not submitted all four packets, and therefore are incomplete applications.
        - 414 applications were withdrawn.
        - The Commission denied 4 applications.
        - 227 applications were approved by the Commission.
            - Of those approved, most common is Marijuana Retailer followed by Marijuana Cultivator.
            - These 227 applications are at varying points in the progress toward commencement of operations:
                - 14 applicants have been Provisionally Approved (have not paid fees).
                - 115 applications have obtained a Provisional License (fees paid).
                - 19 applicants have received a final license.
                - 79 applicants have commenced operations.
    - Next the Executive Director gave an overview of the priority status applications.
        - A total of 667 applications representing 354 separate entities.
            - 232 have secured RMD Priority status.
            - 22 have secured Economic Empowerment Priority status.
            - 46 have been identified for Expedited Review.
            - 367 general applicants.
        - The Chairman asked, with respect to the 46 identified for Expedited Review, which categories the applicants fall into.
            - The Executive Director said he could not answer that question off the top of his head, but that over the next few weeks and months, this number will be fluid, given that this is based on identifying folks in the portal, but various circumstances will

impact that number, including applicants completing the required supplier diversity courses.
    - The Chairman asked for a breakdown of the folks identified for Expedited Review at the next meeting.
    - Commissioner Title acknowledged the logistical difficulty it took to define and identify Expedited Review applicants and wanted to thank staff for that work.
- The Executive Director next gave a breakdown of Disadvantaged Business Enterprise (DBE) statistics
    - This information is identified by the applicants on submission.
    - 82% have not identified themselves as a DBE.
- The Executive Director covered license applications and their status.
    - 667 total applications.
    - 156 applications have been submitted awaiting review.
    - 192 applications have been reviewed and more information was requested from the applicants.
    - 57 applications have been deemed complete and are awaiting third party responses.
    - 31 applications for which all information has been received and are therefore being considered by the Commission at this meeting.
    - 231 applications have been considered by the Commission to date.
- The Executive Director next gave a breakdown of the licenses by county with the largest number in Worcester County.
- The Executive Director next gave an overview of retail applications by county with the most being in Worcester County.
- The Executive Director gave an overview of the licenses by status and license type.
- The Executive Director gave an over view of Agent applications.
    - There are 6,955 active agents.
    - There are 1,535 surrendered agent licenses.
    - Workload of 250 pending applications:
        - 240 pending Marijuana Establishment Agents.
        - 10 pending Laboratory Agents.
        - 96 applications have not been reviewed.
        - 146 applications required additional information.
        - 8 applications are awaiting third party responses.
        - 0 awaiting approval by the Commission.
- The Executive Director gave a breakdown of Agents by demographics.
    - 66.3% identify as male.
    - 73.8% identify as white.
- The Executive Director gave an overview of medical licenses.
    - There are 161 total applications.
        - 36 are Pending at the Application of Intent stage.
        - 16 are pending at the Management and Operations Profile stage.
        - 6 are pending at the Siting Profile Stage.
        - 100 applications have expired.

        - There are 165 total licenses.
            - 93 are Provisional Licenses.
            - 6 are Final Licenses.
            - 56 licensees have commenced operations.
            - 10 licenses have expired.
    - The Executive Director stated that within the next few weeks, the plan is to move the medical applications into the Online System
    - Commissioner Doyle asked, with respect to the two slides giving demographic breakdown of gender and race, that the Commission be presented at the next meeting with an overview of how those demographics have changed since the Commission began tracking that information.
    - The Executive Director next dealt with Medical Treatment Center Agents and the overall Medical Marijuana Program
        - There are 8,450 total Agent applications
            - 5,302 are active Agent licenses.
        - There are 259 Certifying Physicians, 64 Registered Certifying Nurse Practitioners and 0 Certifying Physicians Assistants.
            - The Chairman asked when Physicians Assistants were authorized to certify patients for the Medical Marijuana Program.
                - The Executive Director stated that this was done by statute in 2016.
                - Commissioner Doyle clarified that the inclusion of Physicians Assistants was triggered by the transfer of the Medical Marijuana Program from DPH to the Commission, so it has been a little over a year since they were authorized to certify patients.
        - To date 39,607 ounces of Medical Marijuana have been sold.
- The Executive Director next explained that the Commission has moved to its new headquarters in Union station in Worcester and with a Boston satellite office at 50 Franklin Street.
    - The Commission was previously 7,000 square feet and is now in roughly 15,000 square feet.
    - The Commission now has sufficient office space with capacity to grow, including collaboration space and public meeting space.
    - The Commission is also moving virtually in addition to physically moving to a new server at CCCMass.com.
    - Both the virtual and physical moves were herculean tasks but doing them together was all the more challenging, but the Commission did so successfully.
    - 90% of the staff moved to Worcester.
    - The Commission is trying to reduce disruptions to patient services and staff work throughout the process.
    - The Chairman noted that calling the moves a “herculean task” is an understatement and wanted to thank the Executive Director, Chief Operating Officer, and Chief Technology Officer for their work to accomplish them.

- Based on the virtual move, the Executive Director would like to have a Commission discussion at a future meeting about how the move went and what the migration means in terms of advancing the Commission's goal of being a world class, modern agency.

- Next the Executive Director commented on the Quarantine Order issued in November.
  - On November 12, the Commission used its administrative authority to issue a quarantine order quarantining all vape cartridges across both Adult-Use and Medical-Use programs.
  - On December 12, the order was modified to allow for the prospective manufacturing and sale of those cartridges provided that the product go through additional testing, including testing the product in the cartridge itself, rather than the oil prior to infusion including a screen for vitamin E acetate.
    - This enhances our previous testing protocols, modifying and honing to include the vitamin E acetate screen.
    - Both adult-use testing labs licensed for testing have a verifiable test for vitamin E acetate.
    - The decision to test for vitamin E acetate is based on the Commission's research.
  - Of the tests done to date, all 91 have come back "non-detect" for vitamin E acetate.
  - In addition to testing, warnings will be issued to consumers and patients and Labeling requirements will require that the materials in the device be disclosed.
    - The warning must inform consumers that just because the product tested negative for Vitamin E acetate, that does not mean there aren't other substances in the products that could be harmful.
    - Patients will have access to the certificates of analysis for products to see for themselves what was tested and the results.
      - The Executive Director stated that the Commission is still doing research on the topic and will continue to gather information and adjust as necessary.
      - The Executive Director stated that there can also be "leeching" of metals into the oils.
    - The CDC has also identified other substances that could be contributing to the pulmonary illness issue, though not to the level of vitamin E acetate.
      - The Executive Director explained that products produced prior to the ban remain under quarantine.
    - The first screens done under the quarantine were just for vitamin E acetate and the most recent screens tested for vitamin E acetate as well as heavy metals.
    - This is an ongoing investigation.
      - Commissioner Title complimented the Executive Director for the thoroughness in this process and consistent focus on public health and safety.
      - Commissioner Title then asked what advice the Executive Director would give to consumers who have old products.
    - The Executive Director stated that as products sit over time, it may be developing contaminates, which is why the new quarantine order requires disclosure of what the devices are made of, and why the second round of testing includes testing for heavy metals.
  - The Chairman agreed with Commissioner Title and wanted to thank all the staff in their effort on this matter, but in particular the Chairman wanted to thank Enforcement Counsel

Paul Payer, Investigators Chantelle Porter, Katherine Binkoski, and Armond Enos, and Laboratory and Testing Analyst Geneive Hall-Frison.

- The Executive Director followed up to say that products purchased or produced prior the ban have been previously tested for contaminants but could develop contaminates overtime. This also does not cover the illicit market, which is not being tested. Research is still developing. The Executive Director reiterated that this is an ongoing investigation and the Commission will share information as it develops.

5) Staff Recommendations on Change of Ownership

a. Krypies, LLC

- Director Potvin presented the staff recommendation for a change of ownership.
- The Chairman asked for questions and comments then asked for a motion to approve the change of ownership application.
- Commissioner Flanagan moved to approve the change of ownership application.
- Commissioner Doyle seconded the motion.
- The Commission unanimously approved the change of ownership application.

b. Mass Yield Cultivation, LLC

- Director Potvin presented the staff recommendation for a change of ownership.
- The Chairman asked for questions and comments then asked for motion to approve the change of ownership application.
- Commissioner McBride moved to approve the change of ownership application.
- Commissioner Flanagan seconded the motion.
- The Commission unanimously approved the change of ownership application.

c. New England Treatment Access, LLC

- Director Potvin presented the staff recommendation for a change of ownership.
- The Chairman asked for questions and comments then asked for motion to approve the change of ownership application.
- Commissioner Doyle moved to approve the change of ownership application.
- Commissioner McBride seconded the motion.
- The Commission unanimously approved the change of ownership application.

d. T. Bear, Inc.

- Director Potvin presented the staff recommendation for a change of ownership.
- The Chairman asked for questions and comments then asked for motion to approve the change of ownership.
- Commissioner Flanagan moved to approve the change of ownership application.
- Commissioner Doyle seconded the motion.
- The Commission unanimously approved the change of ownership application.

6) Staff Recommendations on Change of Location

a. Apothca, Inc., Vertically Integrated Medical Treatment Center (Dispensing)

- Director Potvin presented the staff recommendation for a change of location.
- The Chairman asked for questions then asked for a motion to approve the change of location application.
- Commissioner Doyle moved to approve the change of location application.
- Commissioner Flanagan seconded the motion.
- The Commission unanimously approved the change of location for which no Commissioner requested a condition.

7) Staff Recommendations on Renewals

- The Chairman explained that the Commission generally considers renewals as a roster, unless a Commissioner has asked to separate specific applications for consideration. Therefore, there are four rosters with respect to renewals: (i) those for which Commissioner Doyle is requesting a condition, (ii) those for which Commissioner Title is requesting a condition (which will each be considered individually), (iii) those for which Commissioner Title will recuse herself, and (iv) all those without conditions or recusals.

a. Berkshire Roots Inc (# MRR205548), Retail Renewal
b. Berkshire Roots Inc (# MPR243499), Product Manufacturer Renewal
c. Berkshire Roots Inc (# MXR126655), Transporter with other Existing License Renewal
d. Berkshire Roots Inc (# MCR139849), Cultivation Renewal
e. Berkshire Welco LLC (# MCR139852), Cultivation Renewal

- Commissioner Title stated that this applicant appeared to paste its original positive impact plan and diversity plan into the "progress field" in lieu of providing an update.
    - Proposed condition: submit an update on each the positive impact plan and diversity plan within 60 days.
- The Chairman asked for additional questions then a motion to approve the Renewal subject to the condition requested by commissioner Title.
- Commissioner Title moved to approve the Renewal subject to the condition requested by Commissioner Title.
- Commissioner McBride seconded the motion.
- The Commission unanimously approved the Renewal subject to the condition requested by Commissioner Title.

f. Caregiver-Patient Connection (# MCR139851), Cultivation Renewal

- Commissioner Title noted that this applicant had a great diversity plan. It was very much in line with modern diversity plans and was very robust. The progress report did not address any of the items mentioned in the initial plan.
    - Proposed condition: Provide a progress report on the original plan within 60 days.

- Commissioner Title moved to approve the Renewal subject to the condition requested by commissioner Title.
- Commissioner Flanagan seconded the motion.
- The Commission unanimously approved the Renewal subject to the condition requested by Commissioner Title.

g. Garden Remedies Inc (# MCR139846), Cultivation Renewal
h. Garden Remedies Inc (# MPR243502), Product Manufacturer Renewal
i. Green Biz LLC (# MRR205545), Retail Renewal

- Commissioner Title noted that, as with Berkshire Welco, the applicant did not have an update on its diversity plan.
    - Proposed Condition: Submit an update on progress of the diversity plan within 60 days.
- The Chairman asked for additional comments then for a motion to approve the Renewal subject to the condition requested by Commissioner Title.
- Commissioner Title moved to approve the Renewal subject to the condition requested by Commissioner Title.
- Commissioner Doyle seconded the motion.
- The Commission unanimously approved the Renewal subject to the condition requested by Commissioner Title.

j. Herbology Group, Inc (# MRR205552), Retail Renewal
k. LDE Holdings, LLC. (# MCR139854), Cultivation Renewal

- Commissioner Title noted that this licensee had excellent diversity and positive impact plans, but did not provide an update, stating that the licensee hasn't been able to get started given their location, but their plan had some great things they could have started on, such as putting together their committee or drafting the surveys they were going to use.
    - Proposed condition: Submit an update of the diversity plan progress within 60 days of stating any progress it has achieved.
- The Chairman asked for additional comments then for a motion to approve the Renewal subject to the condition requested by Commissioner Title.
- Commissioner Title moved to approve the Renewal subject to the condition requested by Commissioner Title.
- Commissioner Flanagan seconded the motion.
- The Commission unanimously approved the Renewal subject to the condition requested by Commissioner Title.

l. Silver Therapeutics, Inc (# MRR205549), Retail Renewal
m. Silver Therapeutics, Inc (# MCR139853), Cultivation Renewal

- Commissioner Title requested that the two Silver Therapeutics Renewals be considered together.
- Commissioner Title stated that the diversity and positive impact plan were very broad and vague, but nonetheless the updates appeared to be unrelated to those plans
    - Proposed Condition: Submit an update on both plans within 60 days.

- Chairman asked for additional comments then a motion to approve the Renewals for Silver Therapeutics subject to the condition requested by Commissioner Title.
- Commissioner Title moved to approve the Renewal subject to the condition requested by Commissioner Title.
- Commissioner Flanagan seconded the motion.
- The Commission unanimously approved the Renewal subject to the condition requested by Commissioner Title.

n. T. Bear Inc (MPR243498), Product Manufacturer Renewal
    - Commissioner Title requested a condition.
        - Proposed Condition: Submit updated reports within 60 days with the statistics and metrics mentioned in initial diversity and positive impact plans.
    - Commissioner Flanagan moved to approve the Renewal subject to the condition requested by Commissioner Title.
    - Commissioner Doyle seconded the motion.
    - The Commission unanimously approved the Renewal subject to the condition requested by Commissioner Title.

o. The Green Lady Dispensary, Inc. (# MCR139850), Cultivation Renewal
p. The Green Lady Dispensary, Inc. (# MPR243501), Product Manufacturer Renewal
q. The Green Lady Dispensary, Inc. (# MRR205547), Retail Renewal
r. ARL Healthcare, Inc., Vertically Integrated Medical Treatment Center
s. ARL Healthcare, Inc. (#RMD1085)
t. Healthy Pharms, Inc. (#RMD545)
u. Holistic Industries (#RMD685)
v. Hope Heal Health, Inc. (#RMD686)
w. Massmedicum Corp., Vertically Integrated Medical Treatment Center
x. MD Holistics, Inc., Vertically Integrated Medical Treatment Center
y. Middlesex Integrative Medicine, Inc. (#RMD1025)
z. Nature's Remedy of Massachusetts, Inc. (#1285)
aa. Olde World Remedies, Inc., Vertically Integrated Medical Treatment Center
bb. Sanctuary Medicinals, Inc. (#RMD1128)
cc. Sanctuary Medicinals, Inc. (#RMD605)
dd. The Haven Center, Vertically Integrated Medical Treatment Center
ee. The Haven Center, Vertically Integrated Medical Treatment Center
ff. The Haven Center, Vertically Integrated Medical Treatment Center

- Applications for which Commissioner Doyle requested a Condition.
    - Proposed condition: submit an updated timeline within 60 days.
    - Chairman asked for a motion to approve the Renewal subject to the condition requested by Commissioner Doyle.
    - Commissioner Doyle moved to approve the Renewal subject to the condition requested by Commissioner Doyle.

- Commissioner Flanagan seconded the motion.
- The Commission unanimously approved the Renewal subject to the condition requested by Commissioner Doyle

- Applications for which Commissioner Title recused herself.
  - The Chairman asked for comments then asked for a motion to approve the roster of Renewals for which Commissioner Title recused herself.
  - Commissioner Flanagan moved to approve the roster of Renewals for which Commissioner Title recused herself.
  - Commissioner Doyle seconded the motion.
  - The Commission approved the Renewals by a vote of four in favor (Doyle, Flanagan, Hoffman, McBride) and one recusal (Title).

- Applications for which no Commissioner requested a condition or recused themselves.
  - The Chairman asked for questions or comments then asked for a motion to approve the Renewal for the remainder of the roster for which no Commissioner requested a condition or recused themselves.
  - Commissioner Flanagan moved to approve the roster of licenses.
  - Commissioner McBride seconded the motion.
  - The Commission unanimously approved the roster of renewal licenses for which no Commissioner requested a condition or recused themselves.

8) Staff Recommendations on Final Licenses

- The Chairman stated that, as with Renewals, Final Licenses will be considered as a roster, unless specifically requested by a Commissioner to be considered separately.
- Commissioner Title asked that there be a separate vote for HVV Massachusetts, Inc.

a. Alternative Therapies Group (# MR281346), Retail
b. Curaleaf Massachusetts, LLC (# MR282052), Retail
c. Sira Naturals, Inc. (# MC281252), Cultivation, Tier 3/Indoor
d. HVV Massachusetts, Inc. (#RMD1405), Vertically Integrated Medical Treatment Center

- The Chairman asked for questions then asked for a motion to approve the renewal licenses.
- Commissioner Doyle moved to approve the Final License.
- Commissioner Title seconded the motion.
- The Commission unanimously approved the Final licenses.

e. Hope Heal Health, Inc. (#MC281478), Cultivation, Tier 4/Indoor
f. Hope Heal Health, Inc. (#MP281361), Product Manufacturer
g. Hope Heal Health, Inc. (#MR281337), Retail

- The Chairman said that the remaining applications would be considered as a roster.
- The Chairman asked for questions or comments.

- Commissioner McBride asked if there have been any suitability issues since initial licensure for any of the applicants.
    - The Executive Director said that suitability runs through the license process for every entity, so if the Commission were to receive additional information, staff would investigate it. For these Final License applications, suitability has been evaluated and at this point there has been nothing that has come to light to bring to the Commission's attention or to result in an adverse determination from the Commission.
    - Commissioner McBride confirmed that this is an ongoing evaluation, and licenses have an obligation to alert the Commission of changes in their suitability status.
    - The Executive Director added that the licensees have a burden to bring new information to light in addition to Commission staff's investigative work to discover suitability issues.
- The Chairman asked for additional questions and comments.
- Commissioner Title stated that she will abstain from voting on this roster due to concerns with respect to the host community agreements signed by each of the applicants.
- Commissioner McBride moved to approve the roster of Final Licenses.
- Commissioner Flanagan seconded the motion.
- The Commission voted by four in favor (Doyle, Flanagan, Hoffman, and McBride) and one abstention (Title).

The meeting was interrupted by a demonstrator expressing their frustration with the licensing process as pertains to their license application.

- The chairman asked for a motion to adjourn the meeting.
- Commissioner Doyle moved to adjourn the meeting.
- Commissioner Flanagan seconded the motion.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

CANNABIS CONTROL COMMISSION

January 9, 2020
11:00AM

Cannabis Control Commission
Worcester Union Station
2 Washington Square
Worcester, MA

PUBLIC MEETING MINUTES

Documents:

- Application materials for the following applications:
  - 1620 Labs, LLC (#MCN281775), Cultivation, Tier 3/Indoor
  - 1620 Labs, LLC (#M281523), Product Manufacturer
  - 27 Broom Street, LLC (#MCN281723), Cultivation, Tier 10/Outdoor
  - 27 Broom Street, LLC (#MCN281880), Cultivation, Tier 2/Indoor
  - 27 Broom Street, LLC (#M281490), Product Manufacturer
  - Ascend Mass, LLC (#MRN282077), Retail
  - Bask, Inc. (#MRN282284), Retail
  - Bask, Inc. (#MRN282819), Retail
  - Berkshire Welco LLC (#MCN281949), Cultivation, Tier 7/Outdoor
  - Berkshire Welco LLC (#MPN281505), Product Manufacturer
  - Berkshire Welco LLC (#MRN281967), Retail
  - Cannabis Connection, Inc. (#MRN281362), Retail
  - Caregiver-Patient Connection LLC (#MCN282206), Cultivation, Tier 3/Indoor
  - Caregiver-Patient Connection LLC (#MCN282237), Cultivation, Tier 2/Indoor
  - Cultivate Holdings, LLC (#MRN281843), Retail
  - Cultivate Holidngs, LLC (#MRN28252), Retail
  - D2N2, LLC (#MRN281517), Retail
  - Evergreen Strategies, LLC (#MRN281834), Retail
  - Evergreen Strategies, LLC (#MRN282032), Retail
  - Four Daughters Compassionate Care, Inc. (#MRN282232), Retail
  - Frozen 4, LLC (#MCN281658), Cultivation, Tier 4/Indoor
  - Garden Remedies, Inc. (#MRN282471), Retail
  - Herbal Pathways, LLC (#MRN282037), Retail

- JOLO Can, LLC (#MCN281502), Cultivation, Tier 3/Indoor
- JOLO Can, LLC (#MPN281369), Product Manufacturer
- JOLO Can, LLC (#MRN281308), Retail
- Mass Alternative Care, Inc. (#MRN282062), Retail
- Pharmacannis Massachusetts, Inc. (#MRN282298), Retail
- Temescal Wellness of Massachusetts LLC (#MRN282033), Retail
- Wellman Farm, Inc. (#MCN281310), Cultivation, Tier 2/Indoor
- Whole Sun Farm, LLC (#MCN281757), Cultivation, Tier 1/Outdoor

In Attendance:
Chairman Steven Hoffman
Commissioner Kay Doyle
Commissioner Jennifer Flanagan
Commissioner Britte McBride
Commissioner Shaleen Title

1) Call to Order
- The Chairman recognized a quorum then called the meeting to order.
- The Chairman gave notice that the meeting was being recorded.

2) Chairman's Comments & Updates
- The Chairman gave an overview of the agenda for the day.
- The Chairman discussed the importance of public meetings in the context of the Open Meeting Laws and requested that the Commission be allowed to conduct its business without disruption.

3) Staff Recommendations on Provisional Licenses
- Commissioner McBride moved to adopt the Staff Recommendation on Provisional Licenses, as set forth in the agenda for January 9, 2020, subject to the following conditions, if Commission staff deems the condition(s) necessary:
    - Prior to final licensure, and upon inspection, all applicants shall submit to Commission staff an updated Diversity Plan with measurable and quantifiable goals.
    - Prior to final licensure, and upon inspection, all applicants shall submit to Commission staff an updated Positive Impact Plan that fully complies with the Commission's Guidance on Required Positive Impact Plans and ensure that all monetary and volunteer time donations to organizations have documentation from the organizations stating they will receive such donations and that the donations will directly affect disproportionately impacted areas.
    - Prior to final licensure, and upon inspection, all applicants shall have a standard operating plan that complies with cash handling and transportation requirements pursuant to 935 CMR 500.110(7).

    - Prior to final licensure, and upon inspection, all product manufacturer applicants shall submit a list of products they plan to produce with specific descriptions as to types, forms, shapes, colors, and flavors, if not already done so.
    - Within 60 days, all applicants that received MTC priority status and possess a non-operational Medical Marijuana Treatment Center (MTC) license shall submit an updated and detailed timeline as to when the MTC license(s) will become operational.
- Commissioner Flanagan seconded the motion
- Commissioner Title clarified that the Diversity Plan was covered.
- Commissioner McBride reread the Diversity Plan portion of her motion.
- The Commission unanimously approved the full roster of Provisional Licenses subject to the conditions requested by commissioner McBride.

a. 1620 Labs, LLC (#MCN281775), Cultivation, Tier 3/Indoor
b. 1620 Labs, LLC (#M281523), Product Manufacturer
c. 27 Broom Street, LLC (#MCN281723), Cultivation, Tier 10/Outdoor
d. 27 Broom Street, LLC (#MCN281880), Cultivation, Tier 2/Indoor
e. 27 Broom Street, LLC (#M281490), Product Manufacturer
f. Ascend Mass, LLC (#MRN282077), Retail
g. Bask, Inc. (#MRN282284), Retail
h. Bask, Inc. (#MRN282819), Retail
i. Berkshire Welco LLC (#MCN281949), Cultivation, Tier 7/Outdoor
j. Berkshire Welco LLC (#MPN281505), Product Manufacturer
k. Berkshire Welco LLC (#MRN281967), Retail
l. Cannabis Connection, Inc. (#MRN281362), Retail
m. Caregiver-Patient Connection LLC (#MCN282206), Cultivation, Tier 3/Indoor
n. Caregiver-Patient Connection LLC (#MCN282237), Cultivation, Tier 2/Indoor
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bb. Pharmacannis Massachusetts, Inc. (#MRN282298), Retail
cc. Temescal Wellness of Massachusetts LLC (#MRN282033), Retail
dd. Wellman Farm, Inc. (#MCN281310), Cultivation, Tier 2/Indoor
ee. Whole Sun Farm, LLC (#MCN281757), Cultivation, Tier 1/Outdoor

4) New Business that the Chairman did not anticipate at time of posting

The meeting was interrupted by demonstrators chanting “No approvals until Economic Empowerment approvals.”

- Commissioner Flanagan moved to adjourn the meeting.
- Commissioner Doyle seconded the motion.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Cannabis Control Commission
Job Description

Department: Technology

Reports To: Chief Technology Officer

Job Title: Director of IT and Security Operations

FLSA Status: Exempt

I. PURPOSE OF THE JOB

The Director of IT & Security Operations, under the direction of the Chief Technology Officer, is responsible for the management and maintenance of network services, technical support, server administration, local area networks, IT security, controls, and audit. This position is responsible for managing the triage problems to internal and external systems and assuring their resolution. The Director of IT & Security Operations is also responsible for the connectivity & integrity of infrastructure across multiple locations via the configuration of complex cloud-based security architecture. This management includes the configuration of domains, active directory, security policies, and the management of the Commissions infrastructure architecture supporting clear telecommunications while focusing on security.

II. ESSENTIAL FUNCTIONS AND RESPONSIBILITIES

- Be a "hands-on" leader and manage and support daily IT operations needs for the Commission and the user community;
- Provide guidance to help desk and support staff;
- Communicate with the senior staff for the operational activities and strategic goals;
- Oversee design, implementation, and maintenance of networks, firewalls, threat detection, security systems and on-premise IT services across all company offices;
- Define and execute strategy for employee computing needs, hardware selection, MDM, security configuration, SSO, VPN, employee training, etc.;
- Forecast hardware and desktop software requirements for the Commission and recommend software, hardware and other system products;
- Manage tangible technical assets and identify replacement when necessary;
- Assure internal and external customer satisfaction with adherence to service levels as determined by the Commission;
- Manage and maintain Network services, Server administration and LAN;
- Manage third-party vendor relationships and service contracts;
- Ensures compliance with all software licensing agreements;
- Triage issues to third party vendors for the Commission's critical systems, such as the Licensing system, Seed to Sale tracking, and related field software and assure their resolution;
- Maintain a focus on technology confidentiality, integrity, and availability at all times;

- Install and configure hardware, such as servers, routers, switches, and network related equipment;
- Assist in the implementation of the Commission's asset tracking software and ticket management system;
- Ensures that workstations, telecommunications, operating systems and software applications are operational;
- Manage and maintain the Commission's technical mobility, including mobile device management, tablets, field staff technology, and assuring availability 24/7;
- Perform periodic assessments related to the vulnerability of the Commission's network; and
- Assist the CTO in driving a multi-year roadmap for a "Zero-Trust" network while assuring all assets are secured.

IV. OTHER DUTIES AND RESPONSIBILITIES

- Work collaboratively with other staff to provide excellent customer service;
- Promote a culture of can-do attitudes, responsiveness, and service quality;
- Provide automation strategies to reduce effort on managing devices;
- Executes procedures and controls to ensure that the Commission's data is backed-up on a regular basis and stored at a secure location in accord with best practice IT standards and tests the back-up plan on a regular basis;
- Be primary contact for technical issues;
- Be a contact for IT security audits;
- Test and monitor IT business continuity and disaster recovery plans;
- Be the on-site technical leader for infrastructure projects and support end users and travel to various sites as required or needed;
- Performs related duties as assigned; and
- Required to lift 35 pounds and push 65 pounds of computer equipment.

V. SUPERVISORY RESPONSIBILITIES

- Direct daily supervision of personnel may be required.

VI. KNOWLEDGE AND SKILLS

- Able to demonstrate a flexible leadership style by being fair-minded, forward-thinking, competent, and inspiring while meeting the needs of a broad range of individuals and situations;
- Able to communicate in a clear and consistent manner across the Commission along with individuals outside the Commission while maintaining customer satisfaction;
- Able to build constructive working relationships characterized by a high level of acceptance, integrity, cooperation, and mutual regard;
- Able to earn the trust, respect, and confidence of co-workers and customers through honesty, forthrightness, and professionalism;
- Able to accept personal responsibility for the quality and timeliness of work, and for meeting expectations;
- Able to seek opportunities to resolve problems, achieve goals, or otherwise advance the Commission's mission;
- Ability to work out of the Worcester headquarters and travel between locations to assure high availability of technology and systems;
- Comfortable working independently, as well as with teams; and

- Experience working with people from diverse cultural and ethnic backgrounds.

VII. EDUCATION AND EXPERIENCE

- Bachelor's degree in Computer Science, Engineering, Mathematics or related degree. An advanced degree is preferred;
- At 7-10+ years' experience in the field of Information Technology with at least three in a supervisory capacity;
- At least 2 years' experience developing and executing maintenance on systems for medium sized or large company or public agency;
- ITIL Certification; and
- CISSP is desired but not required

Salary Range: $100,000 - $115,000

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Cannabis Control Commission
Job Description

Department: Technology

Reports To: Director of IT and Security Operations

Job Title: Systems Administrator

FLSA Status: Exempt

I. PURPOSE OF THE JOB

The Systems Administrator, under the direction of the Director of IT and Security Operations, this position is responsible for the administration of the Commission's network as well as executing configurations to support best in class technology operations. The System Administrator will support a high availability network while assuring proper controls over accessibility of technology resources. This position is expected to perform both help desk support as well as network administration.

II. ESSENTIAL FUNCTIONS AND RESPONSIBILITIES

Technology Administration, Implementation and Design

- Develop and recommend technical solutions for enterprise physical and virtual server configurations and functionality;
- Collaborate with other IT professionals to develop complex technical solutions;
- Develop and maintain Commission server software patching policy and plan and execute regular patch applications to keep all managed servers up to date with software updates;
- Plan and communicate patching events; execute within allocated time with very minimal unplanned down-time;
- Troubleshoot and provide both Tier-1 and Tier-2 technical support in these areas;
- Liaise with vendors to manage repairs and pro-active fixes; and
- Keep current on technologies for future improvements, and work with vendors to integrate and build on them.

Systems Support

- Manage the Active Directory environment, from design and implementation to maintenance and regular reporting;
- Responsible for our backup/recovery system, data flow, and archiving;
- Configure and manage routers, firewalls and VPN appliances in all Commission locations as necessary to secure and maintain the Commission's network;
- Work with stake-holders to develop required networking systems, and keep current on technologies to optimize networks;
- Configure and manage wireless access points in all Commission offices;
- Act as lead troubleshooting LAN/WAN outages;

- Establish practices for enabling VPN connectivity and SFTP configurations;
- Act as liaison with outsourced service providers, such as Windstream and Comcast and perform phone system administration; and
- Manage the Palo Alto network and all components which support network connectivity.

Customer Support

- Achieve high client satisfaction as measured by formal company surveys and informal inquiries; and
- Utilize strong customer service skills to communicate effectively with Commission employees at varying levels, troubleshoot issues, and gain consensus on technical plans.

III. OTHER DUTIES AND RESPONSIBILITIES

- Work collaboratively with other staff to provide excellent customer service;
- Be primary contact for technical issues;
- Test and monitor IT business continuity and disaster recovery plans;
- Be the on-site technical support for infrastructure projects and support end users and travel to various sites as required or needed;
- Performs related duties as assigned; and
- Required to lift 35 pounds and push 65 pounds of computer equipment.

IV. KNOWLEDGE AND SKILLS

- Able to communicate in a clear and consistent manner across the Commission along with individuals outside the Commission while maintaining customer satisfaction;
- Able to build constructive working relationships characterized by a high level of acceptance, integrity, cooperation, and mutual regard;
- Able to earn the trust, respect, and confidence of co-workers and customers through honesty, forthrightness, and professionalism;
- Able to accept personal responsibility for the quality and timeliness of work, and for meeting expectations;
- Able to seek opportunities to resolve problems, achieve goals, or otherwise advance the Commission's mission;
- Ability to work out of the Worcester headquarters and travel between locations to assure high availability of technology and systems;
- Comfortable working independently, as well as with teams; and
- Experience working with people from diverse cultural and ethnic backgrounds.

V. EDUCATION AND EXPERIENCE

- Bachelor's degree required;
- 7+ years in a User Services role supporting every aspect of the desktop computing including Windows, Apple, MS Office, desktop applications, printers, and hardware troubleshooting;
- 7+ years' proven installation, support, and administration of Microsoft Servers including operating systems, Active Directory, DNS, DHCP, group policies, and scripts;
- Specialized experience in MS Azure AD and cloud-based administration;

- Palo-Alto Firewall and network administration preferred;
- Familiarity with Zero-trust environments desired; and
- Experience with Cyber security AI and similar tools preferred.

Salary Range: $65,000 - $75,000

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Massachusetts Seed – to – Sale Guidance

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Definitions

Additive

means any botanically-derived or artificially-derived substance added to Marijuana or Marijuana Products to achieve a specific technical and/or functional purpose during processing, storage, or packaging. Additives may be direct or indirect. Direct additives are used to impart specific technological or functional qualities. Indirect additives are not intentionally added but may be present in trace amounts as a result of processing, packaging, shipping, or storage.

Cannabis or Marijuana

means all parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana(a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; Clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that Cannabis shall not include:

(a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;

(b) Hemp; or

(c) the weight of any other ingredient combined with Cannabis or Marijuana to prepare topical or oral administrations, food, drink or other products

Cannabis or Marijuana Products

means Cannabis or Marijuana and its products, unless otherwise indicated. Cannabis or Marijuana Products includes products that have been Manufactured and contain Cannabis or Marijuana or an extract from Cannabis or Marijuana, including concentrated forms of Marijuana and products composed of Marijuana and other ingredients that are intended for use or consumption, including Edible Cannabis Products, Beverages, topical products, ointments, oils and Tinctures. Cannabis or Marijuana Products include Marijuana-infused Products (MIPs) defined in 935 CMR 500.002.

Clone

means a clipping from a Cannabis or Marijuana plant that can be rooted and grown.

Cultivation 'Harvest' Batch

means a collection of Cannabis or Marijuana plants from the same seed or plant stock that are cultivated and harvested together, and receive an identical Propagation and cultivation treatment including, but not limited to: growing media, ambient conditions, watering and light regimes and agricultural or hydroponic inputs. Clones that come from the same plant are one batch. The Licensee shall assign and record a unique, sequential

alphanumeric identifier to each Cultivation Batch for the purposes of production tracking, product labeling and product recalls.

Flowering

means the gametophytic or reproductive state of Cannabis or Marijuana in which the plant produces flowers, trichomes, and Cannabinoids characteristic of Marijuana.

Finished Marijuana

means Usable Marijuana, Cannabis resin or Cannabis concentrate

Immature Plants

means a non-flowering Marijuana plant that is no taller than eight inches and no wider than eight inches produced from a cutting, clipping, or seedling and that is in a growing/cultivating container.

Licensee

means a person or entity on the application and licensed by the Commission to operate a Marijuana Establishment or Independent Testing Laboratory under St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000. Any person or entity that solely provides initial capital to establish or operate the establishment and to whom, in return for the initial capital, requires only repayment of the loan and does not have any ownership or direct or indirect authority to control the Marijuana Establishment or Independent Testing Laboratory, will not be a Licensee.

Marijuana Cultivator

means an entity licensed to cultivate, Process and package Marijuana, and to Transfer Marijuana to other Marijuana Establishments, but not to Consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Mature Plants

means plants greater than eight inches tall.

Mother Plant

means a marijuana plant that is grown or maintained for the purpose of generating Clones, and that will not be used to produce plant material for sale to another Marijuana Establishment or Medical Marijuana Treatment Center.

Packages

means an amount of marijuana that may be sold, processed or transferred and must be placed into one or more containers, each having a unique Metrc tag.

Production Batch

means a batch of cannabis resin, cannabis concentrate, cannabis extract or marijuana infused product made at the same time, using the same methods, equipment and

ingredients. The licensee shall assign and record a unique, sequential alphanumeric identifier to each production batch for the purposes of production tracking, product labeling and product recalls. All production batches shall be traceable to one or more cannabis or marijuana cultivation batches.

Seed-to-Sale Electronic Tracking System

means a system designated by the Commission as the system of record (SOR) or a secondary electronic tracking system used by a Marijuana Establishment, MTC, or Independent Testing Laboratory. This system shall capture everything that happens to an individual Marijuana plant, from seed and cultivation, through growth, harvest and Manufacture of Marijuana Products and MIPs, including transportation, if any, to final sale of finished products. Seed-to-sale Electronic Tracking System shall utilize a unique-plant identification and unique-batch identification. It will also be able to track agents' and Registrants' involvement with the Marijuana Product. Any secondary system used by the Marijuana Establishment, MTC, or Independent Testing Laboratory must integrate with the SOR in a form and manner determined by the Commission.

System of Record (SOR)

means the electronic tracking system designated and required by the Commission to perform a process.

Usable Marijuana

means the fresh or dried leaves and flowers of the female Marijuana plant and any mixture or preparation thereof, including Marijuana, Marijuana Products or MIPs, but does not include the seedlings, seeds, stalks, roots of the plant, or Marijuana rendered unusable in accordance with 935 CMR 500.105(12)(c).

Vegetation

means the sporophytic state of the Cannabis or Marijuana plant, which is a form of asexual reproduction in plants during which plants do not produce resin or flowers and are bulking up to a desired production size for Flowering.

Cultivation

Are additives required to be entered into Metrc?

No, during cultivation, additives are not required to be tracked in the state's seed-to-sale tracking system, Metrc. Cultivators may input additives into Metrc as a way track growing processes. A licensee cannot edit or delete an additive once it has been entered. During production, however, additives must be entered into Metrc.

How many tags do I need to order for plants and packages?

The number of tags you order is a business decision; however, you are responsible for having a sufficient stock of tags at all times for daily inventory reconciliation and tracking. A licensee can order a maximum of 5,000 tags per order.

Immature Plants

Can I transfer seeds or clones to another license?

Yes, seeds and clones that are under eight inches can be transferred to a different license. Once a plant is tagged in Metrc, it must remain under that license.

Can I bring in seeds or clones that are outside of Metrc?

Yes, please contact your Investigator or Compliance Officer.

How does a licensee add their inventory to Metrc?

Clones are entered as strain-specific immature batches. There is a maximum clone count of 100 clones per batch. The licensee is required to tag each clone once they are moved to the vegetative stage, usually once clones reach eight inches tall. All clone packages must be strain-specific, and the item name must include clones, for example, Blue Dream Clones.

The Commission strongly recommends licensees Marijuana Establishments ("MEs") manually enter their inventory into the state's seed-to-sale tracking system. If an ME chooses to upload their inventory through their third-party API, they must ensure the figures entered reflect accurate inventory.

If an ME chooses this route, the Commission recommends that the ME create a master spreadsheet of inventory to keep on file.

How are seeds entered into Metrc?

Harvested Seeds: Once seeds are harvested, they must be tracked. Each harvested seed package cannot contain more than 50 seeds.

Immature Seeds: Strain-specific immature seeds will be counted and entered into Metrc unless they are in the process of being planted. Retail licenses can store seed packages as count-based for internal use.

Transferring Seeds: When transferring to a retailer, the seeds are physically put into packages of 6 for sale. Licensees may put multiple packages of 6 under one Metrc tag.

How does a facility track the chain of custody for clones and seeds?

Strain-specific clone and seed packages are transferred using a transfer manifest in Metrc. The licensee will select the tab "create plantings" from each of the strain-specific package tags. This will create a new strain-specific immature planting. The same "create plantings" tab is available under both the vegetative and flowering tabs for seeds or cuttings generated from tagged plants.

How do I enter strain-specific immature batches if I do not know what the strain is?

A licensee is required to enter the strain name.

Flowering Plants

If a licensee enters the incorrect wet weight for a plant, are they required to destroy their harvest batch?

No, a licensee that enters the incorrect wet weight for plant is not required to destroy the harvest. Licensees have within 48 hours of harvest to make adjustments. Licensees should complete an incident report and document a plan of correction if an incorrect weight is entered. Outside of the 48 hours of harvest. licensees need to contact Metrc support. Licensees are not allowed to average the wet weights of plants in their harvest batches.

When plants are entered into Metrc, should they be weighed individually or in bulk and then averaged?

Plants must be weighed individually when entered into Metrc. Licensees are not allowed to average weights of plants.

How does a licensee make their test packages?

Test packages are made directly from each strain-specific harvest batch. Harvest batches are limited to 15 pounds of flower, shake, or trim.

When making a test sample, all associated package tags must be selected in the creation of the Metrc test sample package.

How should waste be tracked in Metrc?

Waste should be reported in Metrc either by room or by plant tag. A licensee may have multiple entries of waste, but all waste must be accounted for by the end of the business day.

Can a licensee wait to create their harvest batch until the entire strain is harvested, which might take several days?

No, at the end of day physical inventory must match Metrc. For example, if a licensee is harvesting a strain that takes two days to complete, the licensees would create a batch each day for what is harvested.

Is it a requirement that licensees enter the strain name as the harvest batch name?

Yes, licensees should include the strain name and date of harvest in the harvest batch name.

Is there a maximum amount of plants in a harvest batch?

No, there is no maximum amount of plants in a harvest batch. Any product harvested throughout the day must match the end-of-day inventory in Metrc.

Product Manufacturing

During the product manufacturing stages, when is it required to assign a production batch number?

If a product is physically or chemically altered, a new production batch number must be assigned.

Whenever a new product is created for the purpose of selling to the general public, or for the purpose of adding to a product which will be sold to the general public, that product must be tracked in Metrc..

Are additives required to be entered into Metrc?

At this time, additives may be listed for cultivation. The Commission is working to develop additional functionality with Metrc.

Is there a limit to how much product can be assigned to a Metrc tag?

Yes, no more than three liftable containers, each not heavier than 50 pounds, per Metrc tag. Once assigned a Metrc tag, these containers cannot be separated.

Retail

When does the separation of medical versus adult use product occur?

Separation of medical and adult use product will occur at the point of sale on the retail level. During production separation of medical and adult use product must occur if the product potency limit exceeds the allowable limit for adult use products.

If potency levels allow the product to be sold to either medical patients or adult consumers, the separation must be demonstrated at the point of sale.

All sales must be recorded under the appropriate license in Metrc. This ensures that medical patients remain exempt from paying sales' tax on products, and appropriate sales data is aggregated under the applicable license.

How should display product be tracked in Metrc?

Display products should have their own separate Metrc package tag, created from the parent package. This package tag will allow the display product to be sent back to the processor for disposal once the product is wasted.

These tags can be kept in a contained location in a secured area. Display products do not require tags to be physically displayed on the product.

How do retailers enter their sales into Metrc?

Retailers can utilize an API, csv file, or manual upload. Retails should contact their point of sale provider for the API function.

How does an MTC perform a patient return or exchange in Metrc?

Any patient returns that are accepted cannot be resold and must be wasted.

A new package tag is created with the item category name "waste – concentrate" or "waste – flower." Creating this category requires Commission approval. Contact the Commission in this situation.

How do I perform home delivery to medical patients?

Delivery to medical patients may be tracked using the sales delivery feature. At this time, the sales delivery feature is currently activated for medical-use licensees only.

Miscellaneous FAQ's

Can licensees list multiple drivers on a manifest?

Yes, include the names and badge or registration card number of all drivers on the manifest. All drivers must be entered in the space provided, separated with either a comma or slash. Licensees must include the travel route. If changing drivers in route, identify the location of the change in the planned route section.

When a marijuana establishment is transferring product to another marijuana establishment, what transfer type do they select on the manifest?

If the marijuana establishments are not affiliated through licensure, then it will be an "unaffiliated transfer."

When a marijuana establishment does an affiliated transfer within the same facility, does there need to be a physical paper manifest?

No, the package history will display this information.

Can a licensee send whole wet plants to another licensee to dry, cure and package into bud and trim packages and test on their behalf?

No, cultivators cannot send wet plants to another licensee to dry.

How do we adjust sample packages?

Retailers will choose the adjustment reason "sample" for their own use and adjust down for the sample since samples cannot be sold. All sample packages should be item specific and tested prior to transfer.

How do retailers edit their sales if their file was uploaded twice, sold from the incorrect package id or need to delete a sale if receipt based?

The retailer will be required to void or edit each receipt number individually upon notification of the issue and reconcile the void in Metrc and point-of-sale system by the end of the business day.

Can retailers create gift box package tags?

No, retailers are not allowed to create gift box package tags.

Commission Testing Protocol

Are the labs allowed to have the licensee make their own test samples?

Yes, a licensee is able to make its own lab sample. When making a lab sample, licensees must ensure that they follow the Commission sampling protocol. Unless otherwise specified in the Commission's testing protocols, flower samples are limited to 15 pounds batches. Each 15lbs batch requires one 5g test package (pesticide, heavy metals, microbes, micro-toxins, cannabinoid profile).

When making a test sample, all associated package tags must be selected in the creation of the Metrc test sample package.

What happens if my product fails testing?

A failure for pesticides cannot be remediated. If product fails testing for a reason other than pesticides, the ME has two options: 1) reanalyze the sample; or 2) remediate and then retest.

1. **Reanalyze**:

If an ME does not agree with the original test result, it can request the lab reanalyze the same sample. If this second test results in passing, the ME is required to have the same sample and analysis verified by a different lab. If upon reanalysis, the sample does not pass, the batch much be destroyed.

2. Remediation:

When a product fails testing, the ME needs to select "remediate" and the method of remediation in Metrc. Then, a new product sample can be sent to a lab for a full panel of testing. If the product fails a second time, it must be destroyed.

For adult-use product, do marijuana establishments need to submit two samples to the lab for every product they test?

No, two samples are not required for adult-use product. However, two samples will continue to be the requirement for the testing of medical product.

Can a licensee transfer or receive product from a licensee that is not licensed in Metrc?

No, licensee are not allowed to transfer or received cannabis product from licensee that is not in Metrc.

Transferring Product After Testing

Can a licensee transfer or receive product that has not been tested?

No, a licensee may only transfer cannabis product that has test results. This includes, transferring between licenses.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

FOUR DAUGHTERS COMPASSIONATE CARE, INC.

CHANGE OF LOCATION APPLICATION REVIEW

1. Name and current address of the licensee:

   Four Daughters Compassionate Care, Inc.
   1200 Providence Highway, Sharon, MA 02462

2. Type of license(s), and affected license number(s), that will be relocated if the change of location is approved:

   MTC Provisional License (Dispensing)

3. The licensee has requested to relocate its operations to the following location:

   2-4 Merchant Street, Sharon, MA 02067

4. The licensee has paid the applicable fees for this change of location request.

5. The licensee submitted certification that they executed a Host Community Agreement with the new municipality on June 19, 2018.

6. The municipal notice was sent on October 25, 2019. The Commission did not receive a municipal response from the municipality.

RECOMMENDATION

Commission staff recommend review and decision on the request for change of location, and if approved, request that the approval be subject to the following conditions:

1. The licensee may not commence operations associated with its licenses at the new location, until upon inspection, demonstrating full compliance with the Commission's regulations;
2. The licensee shall submit an Architectural Plan Review request to the Commission for the building or remodeling of the facility at the new location, if applicable; and
3. The applicant shall cooperate with and provide information to Commission staff.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

THE GREEN HARBOR DISPENSARY, LLC

CHANGE OF LOCATION APPLICATION REVIEW

1. Name and current address of the licensee:

   The Green Harbor Dispensary, LLC.
   45 Court Street, Provincetown, MA 02657

2. Type of license(s), and affected license number(s), that will be relocated if the change of location is approved:

   MTC Provisional License (Dispensing)

3. The licensee has requested to relocate its operations to the following location:

   79 Shank Painter Road, Provincetown, MA 02657

4. The licensee has paid the applicable fees for this change of location request.

5. The licensee submitted certification that they executed a Host Community Agreement with the new municipality on November 30, 2018.

6. The municipal notice was sent on October 12, 2019. The Commission did not receive a municipal response from the municipality.

RECOMMENDATION

Commission staff recommend review and decision on the request for change of location, and if approved, request that the approval be subject to the following conditions:

1. The licensee may not commence operations associated with its licenses at the new location, until upon inspection, demonstrating full compliance with the Commission's regulations;
2. The licensee shall submit an Architectural Plan Review request to the Commission for the building or remodeling of the facility at the new location, if applicable; and
3. The applicant shall cooperate with and provide information to Commission staff.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

EMERALD GROVE, INC.

CHANGE OF LOCATION APPLICATION REVIEW

1. Name and current address of the licensee:

   Emerald Grove, Inc.
   3 Main Street Unit #20, Eastham, MA 02462

2. Type of license(s), and affected license number(s), that will be relocated if the change of location is approved:

   MTC Provisional License (Dispensing)

3. The licensee has requested to relocate its operations to the following location:

   3 Main Street Unit #1, Eastham, MA 02462

4. The licensee has paid the applicable fees for this change of location request.

5. The licensee submitted certification that they executed a Host Community Agreement with the new municipality on May 22, 2019.

6. The municipal notice was sent on September 12, 2019. The Commission did not receive a municipal response from the municipality.

RECOMMENDATION

Commission staff recommend review and decision on the request for change of location, and if approved, request that the approval be subject to the following conditions:

1. The licensee may not commence operations associated with its licenses at the new location, until upon inspection, demonstrating full compliance with the Commission's regulations;
2. The licensee shall submit an Architectural Plan Review request to the Commission for the building or remodeling of the facility at the new location, if applicable; and
3. The applicant shall cooperate with and provide information to Commission staff.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

MEDICAL MARIJUANA TREATMENT CENTER RENEWALS
EXECUTIVE SUMMARY
COMMISSION MEETING: JANUARY 16, 2020

RENEWAL OVERVIEW

1. Name, license number, location(s), for each Medical Marijuana Treatment Center presented for renewal:

Medical Marijuana Treatment Center Name	License Number	Location (Cultivation & Processing)	Location (Dispensing)
HVV MASSACHUSETTS, INC.	RMD-1405	GLOUCESTER	BOSTON

2. All licensees have submitted renewal applications pursuant to 935 CMR 501.100(5).

3. All licensees have paid the appropriate annual license fee.

4. The licensees, when applicable, have been inspected over the previous year. Commission staff certify that, to the best of our knowledge, no information has been found that would prevent renewal of the licenses mentioned above pursuant to 935 CMR 501.405.

RECOMMENDATION

Commission staff recommend review and decision on the above-mentioned licenses applying for renewal, and if approved, request that the approval be subject to the licensee remaining in compliance with the Commission regulations and applicable law.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

MARIJUANA ESTABLISHMENT RENEWALS
EXECUTIVE SUMMARY
COMMISSION MEETING: JANUARY 16, 2020

RENEWAL OVERVIEW

1. Name, license number, renewal application number, host community, and funds deriving from a Host Community Agreement allocated for the municipality for each Marijuana Establishment presented for renewal:

Marijuana Establishment Name	License Number	Renewal Application Number	Location	Funds
RISE HOLDINGS, INC	MP281453	MPR243506	HOLYOKE	$0.00
RISE HOLDINGS, INC	MC281674	MCR139857	HOLYOKE	$0.00
SANCTUARY MEDICINALS, LLC	MR281950	MRR205551	BROOKLINE	$0.00
HERBOLOGY GROUP, INC	MR281814	MRR205557	GREENFIELD	$0.00
MASS ALTERNATIVE CARE, INC.	MC281685	MCR139856	CHICOPEE	$0.00
MASS ALTERNATIVE CARE, INC.	MP281468	MPR243505	CHICOPEE	$0.00
MASS ALTERNATIVE CARE, INC.	MR281371	MRR205554	CHICOPEE	$114,920.07
GARDEN REMEDIES INC.	MR281495	MRR205550	NEWTON	$180,170.26
APOTHCA INC (FKA MA PATIENT FOUND)	MC281276	MCR139858	FITCHBURG	$0.00
APOTHCA INC (FKA MA PATIENT FOUND)	MP281445	MPR243507	FITCHBURG	$0.00
APOTHCA INC (FKA MA PATIENT FOUND)	MR281447	MRR205558	LYNN	$60,231.18
PIONEER VALLEY EXTRACTS, LLC	MP281417	MPR243504	NORTHAMPTON	$0.00
LDE HOLDINGS, LLC.	MR281689	MRR205553	WAREHAM	$0.00
GARDEN REMEDIES INC	MR281942	MRR205559	MARLBOROUGH	$479,031.00
URBAN GROWN INC.	MC281413	MCR139859	WHATELY	$0.00

IN GOOD HEALTH, INC.	MC281273	MCR139860	BROCKTON	$110,873.73
IN GOOD HEALTH, INC.	MP281307	MPR243508	BROCKTON	$110,873.73
NOVA FARMS, LLC F/K/A BCWC, LLC	MR281379	MRR205556	ATTLEBORO	$0.00

2. All licensees have submitted renewal applications pursuant to 935 CMR 500.103(4) which include the licensee's disclosure of their progress or success towards their Positive Impact and Diversity Plans.

3. All licensees have submitted documentation of good standing from the Secretary of the Commonwealth, Department of Revenue, and Department of Unemployment Assistance, if applicable.

4. All licensees have paid the appropriate annual license fee.

5. The licensees, when applicable, have been inspected over the previous year. Commission staff certify that, to the best of our knowledge, no information has been found that would prevent renewal of the licenses mentioned above pursuant to 935 CMR 500.450.

RECOMMENDATION

Commission staff recommend review and decision on the above-mentioned licenses applying for renewal, and if approved, request that the approval be subject to the licensee remaining in compliance with the Commission regulations and applicable law.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

T. BEAR, INC.

MP281314

ESTABLISHMENT OVERVIEW

1. Name and address of the Marijuana Establishment:

   T. Bear, Inc.
   3103 Cranberry Highway, East Wareham, MA 02538

2. Type of final license sought (if cultivation, its tier level and outside/inside operation):

   Product Manufacturing

3. The licensee is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

   The licensee is not an applicant or licensee for any other license type.

LICENSING OVERVIEW

4. The licensee was approved for provisional licensure for the above-mentioned license type(s) on November 20, 2018.

5. The licensee has paid all applicable license fees.

6. No new information has been reported to Commission staff regarding the organizational structure of the entity since the issuance of the provisional license(s).

7. No new information has been discovered by Commission staff regarding the suitability of the licensee or the individuals and entities previously disclosed since the issuance of the provisional license(s).

INSPECTION OVERVIEW

8. Commission staff inspected the licensee's facility on the following date(s): December 6, 2019.

9. The licensee's facility was inspected by Commission staff and found to be in full compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable.

10. No evidence was discovered during the inspection(s) that indicated the Marijuana Establishment was not in compliance with all applicable state laws and local bylaws or ordinances.

11. Specific information from Commission staff's inspection is highlighted below:

    a. Security

    Enforcement staff verified that all security-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

    i. The security of all entrances and exits;
    ii. Visitor procedures;
    iii. Limited access areas;
    iv. Verification of a primary and back-up security company;
    v. Presence of perimeter and duress alarms; and
    vi. All cameras complied with Commission requirements.

    b. Inventory and Storage

    Enforcement staff verified that all inventory-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

    i. Secure storage of marijuana and marijuana products;
    ii. Sanitation and pest control measures; and
    iii. Inventory controls and procedures.

    c. Cultivation Operation

    Not applicable.

    d. Product Manufacturing Operation

    Enforcement staff verified that all manufacturing-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

    i. Proposed product compliance; and
    ii. Safety, sanitation, and security of the area and products.

    e. Retail Operation

    Not applicable.

f. Transportation

Enforcement staff verified that all transportation-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

i. Vehicle and staffing requirements;
ii. Communication and reporting requirements; and
iii. Inventory and manifests requirements.

RECOMMENDATION

Commission staff recommend final licensure with the following conditions:

1. The licensee may possess, prepare, produce, and otherwise acquire marijuana, but shall not sell, or otherwise transport marijuana to other Marijuana Establishments, until upon inspection, receiving permission from the Commission to commence full operations;
2. The licensee is subject to inspection to ascertain compliance with Commission regulations;
3. The licensee remains suitable for licensure; and
4. The licensee shall cooperate with and provide information to Commission staff.
5. Licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 500.105(1) prior to the issuance of a commencement of operations and that Commission staff be given adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.

The licensee has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the licensee is recommended for final licensure.

As part of the approval of final licensure, the Commission authorizes staff to take all necessary actions to review compliance with the above-referenced conditions and to approve the commencement of operations.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

THEORY WELLNESS, INC.

MR281835

ESTABLISHMENT OVERVIEW

1. Name and address of the Marijuana Establishment:

   Theory Wellness, Inc.
   672 Fuller Road, Chicopee, MA, 01020

2. Type of final license sought (if cultivation, its tier level and outside/inside operation):

   Retail

3. The licensee is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation, Tier 1/Indoor	Commence Operations	Bridgewater
Cultivation, Tier 6/Outdoor	Final License	Sheffield
Product Manufacturing	Commence Operations	Bridgewater
Retail	Commence Operations	Great Barrington
MTC	Commence Operations	Bridgewater
MTC	Commence Operations	Great Barrington
MTC	Application Submitted	Not Disclosed Yet

LICENSING OVERVIEW

4. The licensee was approved for provisional licensure for the above-mentioned license type(s) on May 30, 2019.

5. The licensee has paid all applicable license fees.

6. No new information has been reported to Commission staff regarding the organizational structure of the entity since the issuance of the provisional license(s).

7. No new information has been discovered by Commission staff regarding the suitability of the licensee or the individuals and entities previously disclosed since the issuance of the provisional license(s).

INSPECTION OVERVIEW

8. Commission staff inspected the licensee's facility on the following date(s): October 30, 2019 and November 13, 2019.

9. The licensee's facility was inspected by Commission staff and found to be in full compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable.

10. No evidence was discovered during the inspection(s) that indicated the Marijuana Establishment was not in compliance with all applicable state laws and local bylaws or ordinances.

11. Specific information from Commission staff's inspection is highlighted below:

    a. Security

    Enforcement staff verified that all security-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

    i. The security of all entrances and exits;
    ii. Visitor procedures;
    iii. Limited access areas;
    iv. Verification of a primary and back-up security company;
    v. Presence of perimeter and duress alarms; and
    vi. All cameras complied with Commission requirements.

    b. Inventory and Storage

    Enforcement staff verified that all inventory-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

    i. Secure storage of marijuana and marijuana products;
    ii. Sanitation and pest control measures; and
    iii. Inventory controls and procedures.

    c. Cultivation Operation

    Not applicable.

    d. Product Manufacturing Operation

Not applicable.

e. Retail Operation

Enforcement staff verified that all retail-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

i. Verification of identifications for access;
ii. Layout of the sales floor; and
iii. Availability and contents of adult-use consumer education materials.

f. Transportation

Transportation activities occur from the licensee's Bridgewater location. The licensee's vehicle and transportation policies were previously inspected.

RECOMMENDATION

Commission staff recommend final licensure with the following conditions:

1. The licensee may possess and otherwise acquire marijuana, but shall not dispense, sell, or otherwise transport marijuana to other Marijuana Establishments, or to consumers, until upon inspection, receiving permission from the Commission to commence full operations;
2. The licensee is subject to inspection to ascertain compliance with Commission regulations;
3. The licensee remains suitable for licensure; and
4. The licensee shall cooperate with and provide information to Commission staff.
5. Licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 500.105 (1) prior to the issuance of a commencement of operations and that Commission staff be given adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.

The licensee has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the licensee is recommended for final licensure.

As part of the approval of final licensure, the Commission authorizes staff to take all necessary actions to review compliance with the above-referenced conditions and to approve the commencement of operations.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

NATURE'S REMEDY OF MASSACHUSETTS, LLC

RMD1285

ESTABLISHMENT OVERVIEW

1. Name of the Medical Marijuana Treatment Center:

   Nature's Remedy of Massachusetts, LLC

2. Address(es) of Medical Marijuana Treatment Center:

   Cultivation: 310 Kenneth Welch Drive, Lakeville, MA 02347
   Product Manufacturing: 310 Kenneth Welch Drive, Lakeville, MA 02347
   Dispensary: 266 North Main Street, Millbury, MA 01527

3. The licensee is a licensee or applicant for other Medical Marijuana Treatment Center and/or Marijuana Establishment license(s):

Type	Status	Location
MTC	Provisional License	Falmouth
MTC	Provisional License	Acton
Cultivation, Tier 4/Indoor	Commence Operations	Lakeville
Product Manufacturer	Final License	Lakeville
Retail	Commence Operations	Millbury
Retail	Provisional License	Rowley
Retail	Provisional License	Tyngsborough

LICENSING OVERVIEW

4. The licensee was approved for provisional licensure on November 18, 2016.

5. The licensee has paid all applicable license fees.

6. No new information has been reported to Commission staff regarding the organizational structure of the entity since the issuance of the provisional license.

7. No new information has been discovered by Commission staff regarding the suitability of the licensee or the individuals and entities previously disclosed since the issuance of the provisional license.

INSPECTION OVERVIEW

8. Commission staff inspected the licensee's facilities on the following date(s): December 5, 2019 and December 11, 2019.

9. The licensee's Medical Marijuana Treatment Center was inspected by Commission staff and found to be in full compliance with the requirements listed in 935 CMR 501.000 as applicable.

10. No evidence was discovered during the inspection(s) that indicated the Medical Marijuana Treatment Center was not in compliance with all applicable state and local codes, bylaws, laws, ordinances, and regulations.

11. Specific information from Commission staff's inspection is highlighted below:

    a. Security

    Enforcement staff verified that all security-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

    i. The security of all entrances and exits;
    ii. Visitor procedures;
    iii. Limited access areas;
    iv. Verification of a primary and back-up security company;
    v. Presence of perimeter and duress alarms; and
    vi. All cameras complied with Commission requirements.

    b. Inventory and Storage

    Enforcement staff verified that all inventory-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

    i. Secure storage of marijuana and marijuana products;
    ii. Sanitation and pest control measures; and
    iii. Inventory controls and procedures.

    c. Cultivation Operation

    Enforcement staff verified that all cultivation operations were in compliance with the Commission's regulations. Some of the requirements verified include the following:

    i. Seed-to-sale tracking;
    ii. Compliance with applicable pesticide laws and regulations; and
    iii. Best practices to limit contamination.

d. Product Manufacturing Operation

Enforcement staff verified that all manufacturing-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

i. Proposed product compliance; and
ii. Safety, sanitation, and security of the area and products.

e. Retail Operation

Enforcement staff verified that all retail-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

i. Verification of identifications for access;
ii. Layout of the sales floor;
iii. Availability and contents of patient education materials; and
iv. Policies to ensure dispensing limits are followed.

f. Transportation

Enforcement staff verified that all transportation-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

i. Vehicle and staffing requirements;
ii. Communication and reporting requirements; and
iii. Inventory and manifests requirements.

RECOMMENDATION

Commission staff recommend final licensure with the following conditions:

1. The licensee may cultivate, harvest, possess, prepare, produce, and otherwise acquire marijuana, but shall not dispense, sell, or otherwise transport marijuana to other Medical Marijuana Treatment Centers, or to patients, until upon inspection, receiving permission from the Commission to commence full operations;
2. The licensee is subject to inspection to ascertain compliance with Commission regulations;
3. The licensee remains suitable for licensure;
4. The licensee shall cooperate with and provide information to Commission staff; and
5. Licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 501.105(1) prior to the issuance of a commencement of operations and that Commission staff be given adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.

The licensee has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the licensee is recommended for final licensure.

As part of the approval of final licensure, the Commission authorizes staff to take all necessary actions to review compliance with the above-referenced conditions and to approve the commencement of operations.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

REVOLUTIONARY CLINICS II
RMD1346

ESTABLISHMENT OVERVIEW

1. Name of the Medical Marijuana Treatment Center:

   Revolutionary Clinics II

2. Address(es) of Medical Marijuana Treatment Center:

   Cultivation: 1 Oak Hill Road, Fitchburg, MA 02140
   Product Manufacturing: 1 Oak Hill Road, Fitchburg, MA 02140
   Dispensary: 541 Massachusetts Avenue, Cambridge, MA 02139

3. The licensee is a licensee or applicant for other Medical Marijuana Treatment Center and/or Marijuana Establishment license(s):

Type	Status	Location
MTC	Commence Operations	Cambridge
MTC	Commence Operations	Somerville
Cultivation, Tier 8/Indoor	Commence Operations	Fitchburg
Product Manufacturing	Commence Operations	Fitchburg

LICENSING OVERVIEW

4. The licensee was approved for provisional licensure on June 2, 2017. The cultivation and product manufacturing facility were previously approved to commence operations in association with the other two (2) MTC licenses.

5. The licensee has paid all applicable license fees.

6. No new information has been reported to Commission staff regarding the organizational structure of the entity since the issuance of the provisional license.

7. No new information has been discovered by Commission staff regarding the suitability of the licensee or the individuals and entities previously disclosed since the issuance of the provisional license.

INSPECTION OVERVIEW

8. Commission staff inspected the licensee's facility on the following date(s): October 23, 2019 and November 6, 2019.

9. The licensee's Medical Marijuana Treatment Center was inspected by Commission staff and found to be in full compliance with the requirements listed in 935 CMR 501.000 as applicable.

10. No evidence was discovered during the inspection(s) that indicated the Medical Marijuana Treatment Center was not in compliance with all applicable state and local codes, bylaws, laws, ordinances, and regulations.

11. Specific information from Commission staff's inspection is highlighted below:

    a. Security

    Enforcement staff verified that all security-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

    i. The security of all entrances and exits;
    ii. Visitor procedures;
    iii. Limited access areas;
    iv. Verification of a primary and back-up security company;
    v. Presence of perimeter and duress alarms; and
    vi. All cameras complied with Commission requirements.

    b. Inventory and Storage

    Enforcement staff verified that all inventory-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

    i. Secure storage of marijuana and marijuana products;
    ii. Sanitation and pest control measures; and
    iii. Inventory controls and procedures.

    c. Cultivation Operation

    The cultivation facility was previously inspected and approved to commence operations.

    d. Product Manufacturing Operation

    The product manufacturing facility was previously inspected and approved to commence operations.

e. Retail Operation

Enforcement staff verified that all retail-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

i. Verification of identifications for access;
ii. Layout of the sales floor;
iii. Availability and contents of patient education materials; and
iv. Policies to ensure dispensing limits are followed.

f. Transportation

Transportation activities occur from the licensee's Fitchburg facility.

RECOMMENDATION

Commission staff recommend final licensure with the following conditions:

1. The licensee may continue to cultivate, harvest, possess, prepare, produce, transport, and wholesale marijuana to other Medical Marijuana Treatment Centers subject to Commission regulations, but shall not dispense marijuana to patients, until upon inspection, receiving permission from the Commission to commence full operations;
2. The licensee is subject to inspection to ascertain compliance with Commission regulations;
3. The licensee remains suitable for licensure;
4. The licensee shall cooperate with and provide information to Commission staff; and
5. Licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 501.105(1) prior to the issuance of a commencement of operations and that Commission staff be given adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.

The licensee has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the licensee is recommended for final licensure.

As part of the approval of final licensure, the Commission authorizes staff to take all necessary actions to review compliance with the above-referenced conditions and to approve the commencement of operations.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

SOLAR THERAPEUTICS, INC.

RMD1205

ESTABLISHMENT OVERVIEW

1. Name of the Medical Marijuana Treatment Center:

   Solar Therapeutics, Inc.

2. Address(es) of Medical Marijuana Treatment Center:

   Cultivation: 1400 Brayton Point Road, Somerset, MA 02725
   Product Manufacturing: 1400 Brayton Point Road, Somerset, MA 02725
   Dispensary: 1400 Brayton Point Road, Somerset, MA 02725

3. The licensee is a licensee or applicant for other Medical Marijuana Treatment Center and/or Marijuana Establishment license(s):

Type	Status	Location
Cultivation, Tier/5	Final License	Somerset
Product Manufacturing	Provisional License	Somerset
Retail	Commence Operations	Somerset
Retail	Application Submitted	Seekonk

LICENSING OVERVIEW

4. The licensee was approved for provisional licensure on July 12, 2018.

5. The licensee has paid all applicable license fees.

6. No new information has been reported to Commission staff regarding the organizational structure of the entity since the issuance of the provisional license.

7. No new information has been discovered by Commission staff regarding the suitability of the licensee or the individuals and entities previously disclosed since the issuance of the provisional license.

INSPECTION OVERVIEW

8. Commission staff inspected the licensee's facility on the following date(s): September 25, 2019, October 1, 2019, and December 27, 2019.

9. The licensee's Medical Marijuana Treatment Center was inspected by Commission staff and found to be in full compliance with the requirements listed in 935 CMR 501.000 as applicable.

10. No evidence was discovered during the inspection(s) that indicated the Medical Marijuana Treatment Center was not in compliance with all applicable state and local codes, bylaws, laws, ordinances, and regulations.

11. Specific information from Commission staff's inspection is highlighted below:

    a. Security

    Enforcement staff verified that all security-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

    i. The security of all entrances and exits;
    ii. Visitor procedures;
    iii. Limited access areas;
    iv. Verification of a primary and back-up security company;
    v. Presence of perimeter and duress alarms; and
    vi. All cameras complied with Commission requirements.

    b. Inventory and Storage

    Enforcement staff verified that all inventory-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

    i. Secure storage of marijuana and marijuana products;
    ii. Sanitation and pest control measures; and
    iii. Inventory controls and procedures.

    c. Cultivation Operation

    Enforcement staff verified that all cultivation operations were in compliance with the Commission's regulations. Some of the requirements verified include the following:

    i. Seed-to-sale tracking;
    ii. Compliance with applicable pesticide laws and regulations; and
    iii. Best practices to limit contamination.

    d. Product Manufacturing Operation

Enforcement staff verified that all manufacturing-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

i. Proposed product compliance; and
ii. Safety, sanitation, and security of the area and products.

e. Retail Operation

Enforcement staff verified that all retail-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

i. Verification of identifications for access;
ii. Layout of the sales floor;
iii. Availability and contents of patient education materials; and
iv. Policies to ensure dispensing limits are followed.

f. Transportation

The licensee will not be performing transportation activities at this time.

RECOMMENDATION

Commission staff recommend final licensure with the following conditions:

1. The licensee may cultivate, harvest, possess, prepare, produce, and otherwise acquire marijuana, but shall not dispense, sell, or otherwise transport marijuana to other Medical Marijuana Treatment Centers, or to patients, until upon inspection, receiving permission from the Commission to commence full operations;
2. The licensee is subject to inspection to ascertain compliance with Commission regulations;
3. The licensee remains suitable for licensure;
4. The licensee shall cooperate with and provide information to Commission staff; and
5. Licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 501.105(1) prior to the issuance of a commencement of operations and that Commission staff be given adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.

The licensee has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the licensee is recommended for final licensure.

As part of the approval of final licensure, the Commission authorizes staff to take all necessary actions to review compliance with the above-referenced conditions and to approve the commencement of operations.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

PHARMACANNIS MASSACHUSETTS, INC.

BACKGROUND & APPLICATION REVIEW

1. Name of the proposed Medical Marijuana Treatment Center:

   Pharmacannis Massachusetts, Inc.

2. Address(es) of Medical Marijuana Treatment Center Operations:

   Cultivation: 465 Hopping Brook Road, Holliston, MA 01746
   Product Manufacturing: 465 Hopping Brook Road, Holliston, MA 01746
   Dispensary: 164 Grove Street, Franklin, MA 02038

3. Applicant is a licensee or applicant for other Medical Marijuana Treatment Center(s):

Type	Status	Location
MTC	Commence Operations	Wareham
Retail	Commence Operations	Wareham
Retail	Application Submitted	Shrewsbury
Cultivation, Tier 7/Indoor	Application Submitted	Holliston

4. List of all required individuals and their business roles in the Medical Marijuana Treatment Center:

Individual	Role
Michelle Stormo	Director
Jeremy Unruh	Director
Theodore Scott	Executive
Kimberly Evans	Executive
Michael Chodil	Executive
Brendon Hershey	Director
Holly Carroll	Manager

5. List of all required entities and their roles in the Medical Marijuana Treatment Center:

Entity	Role
Pharmacann Mass, LLC	Capital Contributor
Pharmacann, LLC	Capital Contributor

6. Applicant's information pertaining to co-located operations:

   This location will not currently be co-located with an adult-use establishment.

7. The applicant executed a Host Community Agreements with the Town of Franklin on May 17, 2018 and the Town of Holliston on December 10, 2018.

8. The Commission received a municipal response from Franklin on December 16, 2019 and Holliston on December 17, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

SUITABILITY REVIEW

9. There were no concerns arising from background checks on the individuals or entities associated with the application.

10. There were no disclosures of any past civil or criminal actions, or occupational license issues.

MANAGEMENT AND OPERATIONS REVIEW

11. The applicant states that it can be operational by January 1, 2021.

12. The applicant was not required to submit proposed hours of operation. Commission staff will obtain this information during the inspectional phase.

13. The applicant submitted all applicable and required summaries of procedures for the operation of the proposed Medical Marijuana Treatment Center. The summaries were determined to be substantially compliant with the Commission's regulations.

14. The applicant submitted a summary of its plan for providing patient education materials. The plan is compliant with the Commission's regulations.

15. The applicant disclosed that it plans to perform home deliveries to registered patients. The summary of the applicant's plan is consistent with the Commission regulations and guidance documents.

16. Summary of cultivation plan:

The applicant submitted a summary of a cultivation plan that demonstrated the ability to comply with the regulations of the Commission.

17. Summary of products to be produced and/or sold (if applicable):

    a. Oils
    b. Butters;
    c. Bars;
    d. Capsules
    e. Tablets;
    f. Sublingual tincture;
    g. Shatters;
    h. Waxes; and
    i. Vaporizer Cartridges.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

ALCHEMY LEAGUE

MRN281275

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   Alchemy League
   1 Cabot Street, Holyoke, MA 01013

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Retail

   The application was reopened more than four (4) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

   The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Leah Daniels	Executive / Officer

5. List of all required entities and their roles in the Marijuana Establishment:

   No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

   Economic Empowerment Applicant

7. The applicant and municipality executed a Host Community Agreement on July 29, 2019.

8. The applicant conducted a community outreach meeting on August 2, 2019 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on October 8, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Reduce barriers to entry in the commercial adult-use cannabis industry among those with previous drug convictions and those whose parents or spouses have drug convictions, other Economic Empowerment priority applicants, and Social Equity Program participants in Holyoke and surrounding areas
2	Provide mentoring, professional, and technical services for individuals and businesses in Holyoke and surrounding areas that face systemic barriers to entry and success in the cannabis industry due to their previous drug convictions and/or their status as economic empowerment or social equity program participants.

SUITABILITY REVIEW

11. There were disclosures of past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within three (3) months of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Friday: 8:00 a.m. – 8:00 p.m.
    Saturday: 10:00 a.m. – 8:00 p.m.
    Sunday: 12:00 p.m. – 8:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Ensure that at least 25% of hires during the first year are members of one or more of the following demographics: minorities, women, veterans, people with disabilities, people of all gender identities and sexual orientations.
2	Provide quarterly trainings to minorities, women, veterans, people with disabilities, people of all gender identities and sexual orientations to promote their entry into the industry.

17. Summary of cultivation plan (if applicable):

    Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

    Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    The applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

CTDW, LLC

MRN281844

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   CTDW, LLC
   3 Dodge Street, Salem, MA 01970

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Retail

   The application was reopened two (2) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

   The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Paul Tuttle	Executive / Officer
Donald Wyse	Executive / Officer

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
CTDW Holdings, Inc.	Parent Company

6. Applicant's priority status:

   General Applicant

7. The applicant and municipality executed a Host Community Agreement on December 20, 2018.

8. The applicant conducted a community outreach meeting on August 13, 2018 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on November 4, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Give hiring preferences to individuals who reside in Chelsea, Lynn, and Revere and/or who have past drug convictions and/or parents or spouses with drug convictions.
2	Publicize and host two (2) job fairs in Lynn and one (1) in Revere.
3	Donate $25,000 on an annual basis to North Shore Community Development Coalition.

SUITABILITY REVIEW

11. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within four (4) months of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Thursday: 10:00 a.m. – 9:30 p.m.
    Friday – Saturday: 10:00 a.m. – 10:00 p.m.
    Sunday: 11:00 a.m. – 8:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal

1	Hire 25% of minorities, 50% of women, 5-10% of individuals with disabilities, 5-10% of veterans, and at least 25% of LGBTQ+ individuals.
2	Participate in three (3) job fairs.
3	Partner with North Shore Community Development Coalition's Youth Build program in order to identify potential candidates (21 years of age or older) for its internship program.

17. Summary of cultivation plan (if applicable):

    Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

    Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    The applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

ELEV8 CANNABIS INC.

MRN281383

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   Elev8 Cannabis Inc.
   14 South Main Street, Orange, MA 01364

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Retail

   The application was reopened more than four (4) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Retail	Application Submitted	Athol
Retail	Application Submitted	Williamstown

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Oluwaseun Adedeji	Executive
Katherine Long	Executive

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
SSZ Real Estate Holding LLC	Investor

6. Applicant's priority status:

   General Applicant

7. The applicant and municipality executed a Host Community Agreement on November 1, 2018.

8. The applicant conducted a community outreach meeting on February 14, 2019 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on December 5, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Elev8 intends to host quarterly educational seminars that are designed to empower individuals that work or reside within areas of disproportionate impact with skills training relative to the cannabis industry.

SUITABILITY REVIEW

11. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within six (6) months of receiving the provisional license(s).

14. The applicant's proposed hours of operation are the following:

    Monday – Saturday: 9:00 a.m. – 10:00 p.m.
    Sunday: 10:00 a.m. – 10:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Increasing the percentage of individuals who are minorities, women, veterans, LGBTQ+, and people with disabilities working in the establishment to 50%.
2	Providing and quantifying tools to ensure the success of individuals who are minorities, women, veterans, LGBTQ+, and people with disabilities.

17. Summary of cultivation plan (if applicable):

    Not Applicable.

18. Summary of products to be produced and/or sold (if applicable):

    Not Applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    Elev8 plans to purchase marijuana and marijuana products from those entities licensed to cultivate and manufacture marijuana and marijuana products under 935 CMR 500.000.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

ELEV8 CANNABIS, LLC

MRN281810

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   Elev8 Cannabis, LLC
   243 Main Street, Athol, MA 01331

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Retail

   The application was reopened more than four (4) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Retail	Application Submitted	Orange
Retail	Application Submitted	Williamstown

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Oluwaseun Adedeji	Executive
Katherine Long	Executive

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
SSZ Real Estate Holding LLC	Investor

6. Applicant's priority status:

   General Applicant

7. The applicant and municipality executed a Host Community Agreement on August 7, 2018.

8. The applicant conducted a community outreach meeting on May 3, 2018 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on December 2, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Elev8 intends to host quarterly educational seminars that are designed to empower individuals that work or reside within areas of disproportionate impact with skills training relative to the cannabis industry.

SUITABILITY REVIEW

11. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. None of the disclosures raised suitability issues.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within six (6) months of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Saturday: 10:00 a.m. – 8:00 p.m.
    Sunday: 12:00 a.m. – 6:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Increasing the percentage of individuals who are minorities, women, veterans, LGBTQ+, and people with disabilities working in the establishment to 50%.
2	Providing and quantifying tools to ensure the success of individuals who are minorities, women, veterans, LGBTQ+, and people with disabilities.

17. Summary of cultivation plan (if applicable):

    Not Applicable.

18. Summary of products to be produced and/or sold (if applicable):

    Not Applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    Elev8 plans to purchase marijuana and marijuana products from those entities licensed to cultivate and manufacture marijuana and marijuana products under 935 CMR 500.000

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

ELEV8 CANNABIS INC.

MRN282630

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   Elev8 Cannabis Inc.
   217 Main Street, Williamstown, MA 01267

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Retail

   The application was reopened more than four (4) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Retail	Application Submitted	Athol
Retail	Application Submitted	Orange

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Oluwaseun Adedeji	Executive
Katherine Long	Executive

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
SSZ Real Estate Holding LLC	Investor

6. Applicant's priority status:

   General Applicant

7. The applicant and municipality executed a Host Community Agreement on March 25, 2019.

8. The applicant conducted a community outreach meeting on February 15, 2019 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on January 2, 2020 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Elev8 intends to host quarterly educational seminars that are designed to empower individuals that work or reside within areas of disproportionate impact with skills training relative to the cannabis industry.

SUITABILITY REVIEW

11. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within six (6) months of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Saturday: 9:00 a.m. – 10:00 p.m.
    Sunday: 10:00 a.m. – 10:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Increasing the percentage of individuals who are minorities, women, veterans, LGBTQ+, and people with disabilities working in the establishment to 50%.
2	Providing and quantifying tools to ensure the success of individuals who are minorities, women, veterans, LGBTQ+, and people with disabilities.

17. Summary of cultivation plan (if applicable):

    Not Applicable.

18. Summary of products to be produced and/or sold (if applicable):

    Not Applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    Elev8 plans to purchase marijuana and marijuana products from those entities licensed to cultivate and manufacture marijuana and marijuana products under 935 CMR 500.000

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Investigation Closing Memorandum

To:	Yaw Gyebi, Jr., Chief of Investigations and Enforcement
Cc:	Kyle Potvin, Director of Licensing
	Paul Payer, Enforcement Counsel
	Eduardo Guardiola, Investigator
	Michael Yee, Investigator
	Armond Enos, Investigator
From:	Patrick Beyea, Director of Investigations
Date:	October 31, 2019
Subject:	TILT/Elev8 Ownership and Control Investigation

1. Investigation Background

On August 22, 2018, Elev8 submitted an application for licensure as a Marijuana Retailer in Athol. Elev8 subsequently submitted retail applications for Orange and Williamstown on March 6, 2019 and April 24, 2019, respectively. On April 30, 2019, Commission staff issued a request for information seeking additional information, including clarification of individuals listed as having direct or indirect authority over the establishment.[1]

On May 16, 2019, Elv8 responded to the request for information providing a memorandum of understanding, supply agreement, right of first refusal agreement, loan and security agreement, a mortgage and security agreement, and an associated secured promissory note (the "MOU Agreements")[2] executed between Elev8 and TILT through its various subsidiaries.[3] Elev8 did not identify TILT or as an entity with direct or indirect control in response to the RFI or in its subsequent applications.

In summary, the operative terms of the MOU Agreements provided as follows:

1. Supply Control. Elev8 must purchase at least seventy percent (70%) of its marijuana product inventory from CAC. Elev8 must pay a per-item fee of $3.00 for all purchased inventory. The per-item fee is in consideration of key services including "certain marketing, advertising and promotional services, including branding currently used by

[1] Exhibit A (Notice: Additional Information Required, dated April 30, 2019).
[2] Exhibit B (Memorandum of Understanding, dated September 7, 2018)
[3] Exhibit C (Clarification of Entities Contributing Capital to Elev8 Cannabis LLC, dated May 16, 2019)

Supplier for store names, buildouts and store formats, uniforms and merchandising, IT tech support and in-store technology, human resources services such as training and recruitment, general oversight and business consulting."[4]

2. Right of First Refusal ("ROFR") Option. Elev8 must present TILT with an offer on the same terms as any bona fide offer tendered to Elev8 to purchase an interest constituting a change in control. The agreement recognizes that the ROFR Option may only be exercised if the Massachusetts state marijuana laws and regulations are amended to remove existing ownership limits.[5]
3. Right of First Refusal ("ROFR") Debt/Equity Financing. In addition to the ROFR Option for purchase of equity, the ROFR agreement contains provisions prohibiting Elev8 from seeking any debt or equity financing to support opening a new retail store without first presenting TILT the opportunity to provide financing on substantially the same terms. Although the ROFR on debt and financing appears in the ROFR agreement, it is expressly distinguished from the "ROFR Option" for equity purchase and effective upon execution.
4. Loan prepayment. Elev8 must annually prepay 70% of any excess cash flow to TILT in repayment of a one million dollar loan at eight percent interest. TILT's obligations under the loan are conditioned on the Supply Agreement and ROFR Agreement remaining in full force and effect.[6]
5. Mortgage and Security Agreement. TILT's loan was secured against Elev8's assets and real estate through a mortgage and security agreement.[7]

On July 25, 2019, TILT attended an Investigative Conference and informed Commission staff that TILT intended to terminate its management agreement arrangements with affiliated licensees, including Elev8, dissolve defunct subsidiaries and negotiate traditional loan financing arrangement with those affiliate licensees. On August 16, 2019, counsel for TILT memorialized their planned actions as discussed at the Investigative Conference.[8]

On October 5, 2019, Elev8 amended its application to include an executed Termination, Settlement and Release Agreement and executed loan agreement ("restructured agreements").[9]

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[4] Exhibit D (TILT and Elev8 Supply Agreement, dated December 18, 2019).
[5] Exhibit E (Right of First Refusal Agreement (Elev8), dated January 11, 2019).
[6] Exhibit F (Loan and Security Agreement, dated January 11, 2019). See Section 4.1(i): *Conditions Precedent to Loans* ("The obligation of Lender to make advances hereunder is subject to the satisfaction of, or waiver of, immediately prior to or concurrently with the making of such Loan of each of the following conditions precedent . . . Each of the Supply Agreement and ROFR Agreement shall have been duly executed by the parties thereto and is in full force and effect and no breach by the Borrower or its stockholders shall have occurred under such agreement); and Section 9.7: *Sale of Assets, Consolidation, Merger, Dissolution, Other Prohibited Activities* ("Borrower shall not, directly or indirectly, without Lender's consent . . . terminate or breach the Supply Agreement or ROFR Agreement.").
[7] Exhibit G (Mortgage and Security Agreement, dated January 11, 2019) and Exhibit H (Secured Promissory Note dated January 11, 2019)
[8] Exhibit H ("CAC Updates" email from Adam Fine, dated August 16, 2019).
[9] Exhibit I (Loan Agreement by and among Elev8 Cannabis LLC and SH Finance Company, dated September 23, 2019); and Exhibit K (Termination Release and Settlement Agreement, dated September 23, 2019).

On October 28, 2019, Elev8 recorded a discharge and release of the mortgage and security agreement interest.[10]

The restructured agreements release all obligations pertaining to supply, rights of first refusal, cash flow sweep loan repayment and any secured interest in Elev8's real estate interests.

2. Investigation Outcome

The MOU Agreements between TILT and Elev8 established an interest that subject to disclosure on Elev8's initial application for licensure. However, Elev8 has since terminated the MOU Agreements and properly disclosed newly-executed traditional loan arrangements.

Prior to termination of the MOU Agreements, TILT exercised decision-making authority over management and operational decisions. TILT controlled at least 70% of the inventory Elev8 could offer and established a per-item revenue sharing arrangement. TILT held a Right of First Refusal over any offering Elev8 sought for debt or equity financing. Elev8 could not freely choose to cancel or renegotiate these arrangements because TILT's provision of capital under the loan agreement was expressly contingent on Elev8's agreement and adherence to the supply and right of first refusal agreement. Further default on the loan could impact Elev8's real property which was subject to a mortgage and security agreement in connection with the TILT loan.

Based on review of the restructured agreements, there is no evidence that TILT currently holds a controlling interest in Elev8. TILT and Elev8 have complied with all requests for information put forward by Commission staff and has promptly amended its application with new capital information. Accordingly, the ownership and control investigation pertaining to Elev8 is deemed closed.

3. Licensing Recommendation

An application for licensure may be denied based on the submission of misleading, incorrect, false or fraudulent information to the Commission. 935 CMR 500.400(2). The newly promulgated regulations revise this provision to further clarify the standard as submission of information that "was deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity." Enforcement does not find that the investigation results support a finding that Elev8 submitted misleading, incorrect, false or fraudulent information to the Commission.

First, failure to disclose TILT's interest is moot given the termination, settlement and release of the contractual agreements.

Second, any past failure to disclose an interest on the application was not intentional or bad-faith. At the time Elev8 submitted its application and responded to the Commission's RFI, it had an obligation to disclose close associates and other persons or entities having direct or indirect

[10] Exhibit K (Discharge of Mortgage, Absolute Assignment of Rents and Leases, Security Agreement and Fixture Filing, recorded in Worcester Registry of Deeds at Book 61309 and Page 393 on October 28, 2019).

authority over Elev8's management, policies, security operations or cultivation operations. 935 CMR 500.101(1)(a). During this time, TILT submitted applications for its wholly-owned subsidiary Commonwealth Alternative Care which lack disclosure of an interest in Elev8 or any other control affiliates. TILT held contractual interests similar to the Elev8 agreements with multiple other control affiliates (i.e. Herbology Group, Verdant, Ermont). None of the other control affiliates disclosed any interest held by TILT on their respective agreements. There is no TILT expressly directed control affiliates to omit reference to their controlling interest as to not negatively affect their wholly-owned subsidiary's licensing efforts. Regardless of express direction, TILT provided management and operational assistance to its control affiliates. Elev8 could have reasonably looked to TILT's application disclosures as implicit guidance on how to proceed with their own application.

There is insufficient evidence to support a finding that Elev8 acted in a deceiving manner warranting staff recommendation to deny licensure pursuant to 935 CMR 500.400(2).

4. Conclusion

Elev8 has provided all requested and required documentation to demonstrate termination of contractual arrangements with TILT that would otherwise have established direct or indirect control. The Director of Investigations has determined that no further investigative steps are necessary or appropriate at this time. The Director of Licensing has reviewed the investigative material in consultation with Enforcement Counsel and does not find any grounds warranting staff recommendation to deny licensure. Accordingly, this memorandum recommends that the Chief of Investigations and Enforcement deem this investigation closed.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

ELEVATED GARDENS, LLC

MCN281448

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   Elevated Gardens, LLC
   17 Taconic Park Drive, Pittsfield, MA 01201

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Cultivation – Tier 1 / Indoor (up to 5,000 sq. ft.)

   The application was reopened four (4) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

   The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Christopher Fazio	Executive / Officer
Angela Fazio	Capital Contributor

5. List of all required entities and their roles in the Marijuana Establishment:

   No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

   General Applicant

7. The applicant and municipality executed a Host Community Agreement on August 10, 2018.

8. The applicant conducted a community outreach meeting on June 13, 2018 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on November 8, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Give hiring preference to 25% of individuals who reside in Pittsfield as well as North Adams.
2	Donate $5,000 to the Cannabis Community Care and Research Network on an annual basis.

SUITABILITY REVIEW

11. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within seven (7) months of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Saturday: 9:00 a.m. – 8:00 p.m.
    Sunday: 10:00 a.m. – 6:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Hire 25% of individuals that are minorities, women, veterans, people with disabilities, and LGBTQ.

17. Summary of cultivation plan (if applicable):

The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

    Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

FIDELITY WELLNESS CENTER, INC.

MRN282801

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   Fidelity Wellness Center, Inc.
   256 Weymouth Street, Rockland, MA 02370

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Retail

   The application was reopened one (1) time for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
MTC	Provisional License	Holyoke

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Mario Chiuccariello	Owner / Partner
Ricardo Veiga	Executive / Officer

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
MJ Management Services, Inc.	Landlord

6. Applicant's priority status:

   MTC Priority Applicant

7. The applicant and municipality executed a Host Community Agreement on July 3, 2019.

8. The applicant conducted a community outreach meeting on April 17, 2019 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on December 5, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	**Goal**
1	Hire 25% of individuals who reside in Abington and Braintree.
2	Source 20% of contractors, suppliers, and vendors from Abington and Braintree.

SUITABILITY REVIEW

11. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within two (2) months of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Sunday: 9:00 a.m. – 8:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	**Goal**
1	Hire 50% of women and 30% of minorities, veterans, and people with disabilities.

17. Summary of cultivation plan (if applicable):

    Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

    Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    The applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

GREEN RAILROAD GROUP, INC.

MRN281745

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   Green Railroad Group, Inc.
   82 Railroad Street, Great Barrington, MA 01230

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Retail

   The application was reopened more than four (4) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

   The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Paul Aronofsky	Executive / Officer

5. List of all required entities and their roles in the Marijuana Establishment:

   No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

   General Applicant.

7. The applicant and municipality executed a Host Community Agreement on September 24, 2018.

8. The applicant conducted a community outreach meeting on September 27, 2018 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission sent the municipal notice to the City/Town of Great Barrington on November 4, 2019. To date, the Commission has not received a response.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit and hire 30% of individuals from Pittsfield.
2	Donate $5,000 to the Commission's Social Equity Training and Technical Assistance Fund on an annual basis.
3	Partner with at least 25% of its suppliers, contractors and wholesale partners from Pittsfield.

SUITABILITY REVIEW

11. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within three (3) months of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Sunday: 10:00 a.m. – 10:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit and hire a diverse group of employees with a goal of hiring at least 50% women and 25% minorities, LGBTQ, veterans and persons with disabilities.
2	Create an inclusive, safe and respectful work environment

3	Prioritize contracting with supply chain and ancillary service providers that are committed to the same goals of promoting equity and diversity in the adult-use marijuana industry.

17. Summary of cultivation plan (if applicable):

    Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

    Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    The applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE HEMP, LLC

MRN281867

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   Hampshire Hemp, LLC
   371 – 391 Damon Road, Northampton, MA 01060

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Retail

   The application was reopened four (4) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

   The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Peter Picknelly	Board Member
Mark Cutting	Manager
Nicholas Yee	Manager

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
Hampshire Management, LLC	Capital Contributor

6. Applicant's priority status:

   General Applicant

7. The applicant and municipality executed a Host Community Agreement on November 6, 2019.

8. The applicant conducted a community outreach meeting on October 31, 2019 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on November 6, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit and hire 50% of individuals who are residents of Holyoke and Springfield, Commission-designated Social Equity Program participants, Massachusetts residents who have past drug convictions and Massachusetts residents with parents or spouses who have drug convictions.
2	Donate $5,000, provide eight (8) hours of community service, and hold at least four (4) food drives on an annual basis to Margaret's Pantry.

SUITABILITY REVIEW

11. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within two (2) months of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Saturday: 10:00 a.m. – 6:00 p.m.
    Sunday: 10:00 a.m. – 6:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal

1	Hire and Recruit 50% of woman and 30% of minorities, people who identify as LBGTQ/Alternative Sexual Identities, veterans and people with disabilities.
2	Purchase 20% of goods and services from vendors, contractors, and professional service providers that are owned and operated by individuals that have cultural and ethnically diverse characteristics.

17. Summary of cultivation plan (if applicable):

    Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

    Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    The applicant intends to apply for additional marijuana establishment licenses, therefore plans to obtain marijuana from its affiliated licenses, if and when, they are approved. If the need arises, the applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

IPSWICH PHARMACEUTICAL ASSOCIATES, INC.

MCN281749

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   Ipswich Pharmaceutical Associates, Inc.
   O Bullards Crossing Road, Hinsdale, MA 01235

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Cultivation – Tier 2 / Outdoor (5,001 to 10,000 sq.ft.)

   The application was reopened three (3) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Retail	Provisional License	Rowley
MTC	Provisional License	Rowley

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Joseph McCarthy	Executive / Officer
Elizabeth McCarthy	Executive / Officer
Henry Zachs	Close Associate
Benjamin Zachs	Close Associate

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
ZAFA XXV, LLC	Entity with Direct or Indirect Authority

6. Applicant's priority status:

   MTC Priority Applicant

7. The applicant and municipality executed a Host Community Agreement on April 11, 2018.

8. The applicant conducted a community outreach meeting on April 10, 2019 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission sent the municipal notice to the Town of Hinsdale on November 1, 2019. To date, the Commission has not received a response.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Host a job fair once a year in Haverhill and Pittsfield
2	Donate $5,000 to 24 Hr. Power, Inc.
3	Co-Host an annual Silent Auction Night with 24 Hr. Power, Inc. to support Massachusetts residents recovering from opioid addiction.

SUITABILITY REVIEW

11. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within one (1) month of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Sunday: 6:00 a.m. – 6:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal

1	Hire and recruit 30% of diverse individuals for its hiring initiative.
2	Provide cultural training on cultural sensitivity and recognizing unconscious bias at least two (2) times per year.

17. Summary of cultivation plan (if applicable):

    The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

    Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

JOLLY GREEN, INC.

MCN281283

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   Jolly Green, Inc.
   60 Franklin Street, Winchendon, MA 01475

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Cultivation – Tier 1 / Indoor (up to 5,000 sq. ft.)

   The application was reopened more than four (4) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

   The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Kyle Higgins	Owner / Partner

5. List of all required entities and their roles in the Marijuana Establishment:

   No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

   General Applicant

7. The applicant and municipality executed a Host Community Agreement on January 14, 2019.

8. The applicant conducted a community outreach meeting on January 14, 2019 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on November 4, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Hire and recruit individuals from Fitchburg and Worcester.
2	Contract 50% of its vendors from Fitchburg and Worcester.

SUITABILITY REVIEW

11. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within five (5) months of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Sunday: 7:00 a.m. – 6:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Hire one (1) individual that is a minority, woman, veteran, person with disabilities, and/ or a person of all gender identities and sexual orientation per year.
2	Contract with 50% or more vendors that are owned by minorities, woman, veterans, people with disabilities, and/or people of all gender identities and sexual orientations.

17. Summary of cultivation plan (if applicable):

The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

    Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

LDE HOLDINGS, LLC

MPN281436

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   LDE Holdings, LLC
   6 Thatcher Lane, Wareham, MA 02571

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Product Manufacturer

   The application was reopened more than four (4) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation – Tier 2 / Indoor	Provisional License	Wareham
Retail	Provisional License	Wareham

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Jesse Pitts	Owner / Partner
Carl Giannone	Owner / Partner
Billie Giannone	Owner / Partner
Lei Feng	Owner / Partner

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
Toria Group LLC	Investor

6. Applicant's priority status:

General Applicant

7. The applicant and municipality executed a Host Community Agreement on June 21, 2018.

8. The applicant conducted a community outreach meeting on April 26, 2018 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality November 4, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	**Goal**
1	Hire 25% of individuals who reside in an area of disproportionate impact.
2	Donate $500 to six (6) local charities.
3	Host two career fairs (one each in Wareham and New Bedford).
4	Host two career seminars (one each in Wareham and New Bedford).

SUITABILITY REVIEW

11. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within eight (8) months of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Sunday: 6:00 a.m. – 10:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	**Goal**

1	Employ a workforce that is at least 40% composed of minorities, women, veterans, people with disabilities and LGBTQIA+ individuals.
2	Host two career fairs (one each in Wareham and New Bedford).
3	Perform at least one staff survey to solicit feedback from employees for increasing diversity and inclusion within the company.
4	Confirm that all managers have completed CTG's "Diversity & Sensitivity in the Workplace for Supervisors" module.

17. Summary of cultivation plan (if applicable):

    Not Applicable.

18. Summary of products to be produced and/or sold (if applicable):

#	**Product**
1	Concentrates
2	Oils
3	Shatter
4	Waxes
5	Live Resin
6	Terpene Profiles
7	High Terpene Full Spectrum Extract
8	High Cannabinoid Full Spectrum Extract
9	Distillate
10	Isolates
11	Vapor Cartridges
12	Tinctures
13	Capsules
14	Cooking Oils
15	Topical Salves

19. Plan for obtaining marijuana or marijuana products (if applicable):

    Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and

4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

NEW DIA

MRN281269

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   New Dia
   118 Cambridge Street, Worcester, MA 01603

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Retail

   The application was reopened tw0 (2) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

   The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Ross Bradshaw	Owner / Partner
Amanda Bradshaw	Owner / Partner
Shanel Lindsay	Owner / Partner
Susan Lindsay	Owner / Partner

5. List of all required entities and their roles in the Marijuana Establishment:

   No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

   Economic Empowerment Applicant

7. The applicant and municipality executed a Host Community Agreement on April 24, 2019.

8. The applicant conducted a community outreach meeting on August 12, 2019 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission sent the municipal notice to the City of Worcester on November 4, 2019. To date, the Commission has not received a response.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	**Goal**
1	Hosting at least four (4) company-sponsored community cleanups each year in South Worcester.
3	Host one (1) annual free educational workshops within the South Worcester community to educate and inform residents, parents, coaches, and other community stakeholders of responsible marijuana use, the legalities of recreational marijuana, and equity mandates with state regulations.
4	Host one (1) annual free resume workshop within the South Worcester community to assist individuals (21 and over) with creating resumes for employment.
5	Maintain at least 75% of employment from people residing in Worcester areas disproportionately impacted.

SUITABILITY REVIEW

11. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within four (4) months of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Saturday: 10:00 a.m. – 10:00 p.m.
    Sunday: 10:00 a.m. – 7:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	75% percentage of staff shall be minorities, women, veterans, and persons with disabilities.
2	Host one (1) annual free workshop within the community to assist minorities, women, veterans, persons with disabilities, and LGBTQ+ with creating resumes, cover letters, and references for entering the adult-use marijuana industry.
3	Assist three (3) individuals that are either a minority, woman, veteran, or a person with disabilities, successfully apply for the Social Equity Program.

17. Summary of cultivation plan (if applicable):

    Not Applicable.

18. Summary of products to be produced and/or sold (if applicable):

    Not Applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    New Día will obtain wholesale marijuana and marijuana products from licensed marijuana cultivators and product manufacturers.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

ROARING GLEN FARMS, LLC

CON281373

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   Roaring Glen Farms, LLC
   40 Whately Glen Road, Conway, MA 01341

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Craft Marijuana Cooperative (Tier 11/Outdoor (90,001 – 100,000 sq. ft))

   The application was reopened one (1) time for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

   The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Lisa Gustavsen	Owner / Partner
John Moore	Owner / Partner
Matthew Martin	Owner / Partner

5. List of all required entities and their roles in the Marijuana Establishment:

   No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

   General Applicant

7. The applicant and municipality executed a Host Community Agreement on March 18, 2019.

8. The applicant conducted a community outreach meeting on March 1, 2019 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on November 18, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	The applicant will actively recruit, hire, and train 20% of staff that are residents from nearby areas of disproportionate impact within the first year of obtaining a provisional license.
2	The applicant will purchase 10% of materials, supplies, or services from businesses located in and owned by residents in areas of disproportionate impact (e.g., towns of Greenfield, Amherst, West Springfield, etc.)

SUITABILITY REVIEW

11. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within four (4) months of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Sunday: 6:00 a.m. – 6:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	The applicant will actively recruit potential staff by attending at least 2 events organized by veteran groups (e.g., Weed for Warriors, New England Veteran Alliance (NEVA), etc.)

2	The applicant will employee 20% of staff from veteran and women demographic groups within one year of the issuance of a provisional license.

17. Summary of cultivation plan (if applicable):

    The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

    The applicant will only be performing cultivation operations at this facility at this time.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    Not Applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

ROYALSTON FARMS, LLC

MCN281430
MPN281544

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   Royalston Farms, LLC
   130 South Royalston Road, Royalston, MA 01368

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Cultivation – Tier 2 / Indoor (5,001 to 10,000 sq. ft.)
   Product Manufacturing

   The application was reopened one (1) time for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation – Tier 3/Indoor (10,001 to 20,000 sq. ft.)	Application Submitted	Templeton
Product Manufacturing	Application Submitted	Templeton

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Damon Schmidt	Director
Mark Vlachos	Director
Ronald Baldwin	Manager
Jordan Willetts	Board Member

5. List of all required entities and their roles in the Marijuana Establishment:

   No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

   General Applicant

7. The applicant and municipality executed a Host Community Agreement on January 8, 2019.

8. The applicant conducted a community outreach meeting on November 15, 2018 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on December 19, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Train, mentor, and help launch a new marijuana business for a minimum of one (1) Social Equity participant and one (1) Economic Empowerment priority applicant.

SUITABILITY REVIEW

11. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within one (1) month of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Sunday: 7:00 a.m. – 7:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Hire 50% of individuals falling into the demographics of minorities, women, veterans, people with disabilities and those falling under LGBTQ.
2	Provide mentoring and professional training to the company employees who are minorities, veterans, persons with disabilities, and women.

17. Summary of cultivation plan (if applicable):

    The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

#	Product
1	Bubble Hash
2	Rosin

19. Plan for obtaining marijuana or marijuana products (if applicable):

    Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

TETRAMED LLC

MCN281611

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   TetraMed LLC
   85 Winter Street, Gardner, MA 01440

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Cultivation – Tier 4 / Indoor (20,001 – 30,000 sq. ft)

   The application was reopened four (4) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

   The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Michael Brickey	Executive
Matthew Elam	Executive
James Dunn	Head of Cultivation
Eric Canestrari	Executive
James Delbonis	Close Associate
Ryan Winmill	Close Associate

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
The Winmill Group	Security Services – Independent Contractor

6. Applicant's priority status:

General Applicant

7. The applicant and municipality executed a Host Community Agreement on August 21, 2018.

8. The applicant conducted a community outreach meeting on July 30, 2018 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on November 1, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	TetraMed will endeavor to maintain a workforce consisting of not less than 15% of individuals that have endured disproportionate cannabis-related law enforcement or employment impacts.
2	TetraMed will provide financial contributions to non-profit and community--based organizations within Gardner and Fitchburg.
3	TetraMed will conduct industry-specific information and career fairs twice annually in and around Gardner and Fitchburg.

SUITABILITY REVIEW

11. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within one (1) year of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Sunday: Open 24 Hours

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	TetraMed's workforce will be comprised of at least 20% of individuals who are African-American/Black and/or Hispanic or Latino descent, women, and veterans.
2	Promote a diverse management and executive team.
3	Seek out and contract with a minimum of 15% qualified, diverse vendors and contractors.

17. Summary of cultivation plan (if applicable):

    The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

    Not Applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    Not Applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

THE HEADYCO LLC

MCN281292

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   The Headyco LLC
   4 Lachance Street, Gardner, MA 01440

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Cultivation – Tier 2 / Indoor (5,001 to 10,000 sq. ft.)

   The application was reopened more than four times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Product Manufacturing	Application Submitted	Gardner

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Danielle Daly	Owner
Nak Chung	Person with Direct or Indirect Control

5. List of all required entities and their roles in the Marijuana Establishment:

   No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

   General Applicant

7. The applicant and municipality executed a Host Community Agreement on July 8, 2019.

8. The applicant conducted a community outreach meeting on July 1, 2019 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on November 4, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Headyco will look to target >5% of new employees that have past drug convictions or have parents or spouses who have drug convictions.

SUITABILITY REVIEW

11. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within three (3) months of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Open 24 Hours

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Headyco will have a goal of >20% of all employees from Commission-approved areas of diversity.

17. Summary of cultivation plan (if applicable):

    The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

    Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

TWO BUDS, LLC

MCN281702
MPN281506
MRN281959

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   Two Buds, LLC
   53 Air Station Industrial Park, Rockland, MA 02370

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Cultivation - Tier 3 / Indoor (10,001 to 20,000 sq. ft.)
   Product Manufacturing
   Retail

   The application was reopened twice (2) for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

   The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
David Crowley	Owner
Grover Daniels	Owner
Christopher LeBlanc	Manager
Eliot Keele	Capital Contributor
Kathryn Keele	Capital Contributor

5. List of all required entities and their roles in the Marijuana Establishment:

   No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

   General Applicant

7. The applicant and municipality executed a Host Community Agreement on September 4, 2018.

8. The applicant conducted a community outreach meeting on October 29, 2018 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on December 5, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Two Buds, LLC will provide at least ten (10) hours of billable pro bono legal services each month to qualified residents of Abington, Braintree, Brockton, Randolph, Quincy, and Mission Hill (Boston).
2	Conduct quarterly workshops to educate registered attendees who reside in the Boston community.
3	Hire 20% of its employees who are residents of Abington, Braintree, Brockton, Randolph, Quincy, and Mission Hill (Boston).
4	Establish a management training program to provide training and experience in the cannabis industry for up to 3 qualified candidates each year.

SUITABILITY REVIEW

11. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within six (6) months of receiving the provisional licenses.

14. The applicant's proposed hours of operation are the following:

    Monday – Sunday: 8:00 a.m. – 10:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Two Buds shall hire 50% of its staff from Commission-approved areas of diversity.

17. Summary of cultivation plan (if applicable):

    The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

#	Product
1	Sublingual Tinctures
2	Topicals
3	Gels
4	Lotions
5	Salves
6	Balms
7	Concentrates
8	Oils
9	Rosin
10	Wax
11	Shatter
12	Bubble Hash
13	Vape Pen Cartridges

19. Plan for obtaining marijuana or marijuana products (if applicable):

    Two Buds, LLC plans to market and sell marijuana and marijuana products produced by its own cultivation and product manufacture licenses. In the event Two Buds, LLC is unable to do so, they will purchase marijuana and marijuana products only from Marijuana Establishments licensed in the Massachusetts.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

TYCA GREEN, INC.

MCN281844
MPN281555
MRN282035

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   TYCA Green, Inc.
   470 Main Street, Clinton, MA 01510

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Cultivation - Tier 1 / Indoor (up to 5,000 sq. ft.)
   Product Manufacturing
   Retail

   The application was reopened twice (2) for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
MTC	Provisional License	Clinton

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Maryann Castillo	Director
Franklin Hardy	Director
Caroline Pierce	Director
Zachary Harvey	Owner
Joshua Pierce	Close Associate
Zachary Wise	Close Associate
Seth Yaffe	Close Associate
Jeffrey Pierce	Capital Contributor

5. List of all required entities and their roles in the Marijuana Establishment:

   No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

   General Applicant

7. The applicant and municipality executed a Host Community Agreement on July 25, 2018.

8. The applicant conducted a community outreach meeting on October 17, 2018 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on November 27, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Implement a cannabis industry training curriculum in partnership with the Workforce Development Center at Springfield Technical Community College, where 40% of the students enrolled in the training curriculum will be from Commission-identified census tracts in Worcester and Springfield.
2	Funding two (2) positive impact scholarships for the cannabis industry training curriculum.
3	Host a minimum of two (2) career fairs per year in Worcester and Springfield.

SUITABILITY REVIEW

11. There were disclosures of past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. None of the disclosures raised suitability issues.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within one (1) year of receiving the provisional licenses.

14. The applicant's proposed hours of operation are the following:

Monday – Sunday: 8:00 a.m. – 8:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Hire minimum of 20% of employees are from diverse populations.

17. Summary of cultivation plan (if applicable):

    The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

#	Product
1	Dissolving Tablets and Strips
2	Tinctures
3	Nasal/Oral Sprays
4	Suppositories
5	Ready-to-use Extracted Cannabis and Hash Distillates
6	Oils
7	Waxes
8	Shatters
9	Budders
10	Saps
11	Crumbles
12	Creams
13	Salves
14	Lotions
15	Body Butters
16	Topicals
17	Dermal Patches
18	Capsules
19	Cooking Oils
20	Chocolates
21	Fruit Flavored Candies which may include Blueberry, Strawberry, Mango and Watermelon
22	Gums
23	Mints

19. Plan for obtaining marijuana or marijuana products (if applicable):

    TYCA Green intends to obtain the majority of the marijuana to be sold at its retail locations from its affiliated licenses. In the event that it is is unable to do so, TYCA Green may contract with other licensees to purchase marijuana for the purposes of manufacturing marijuana products for wholesale and retail sale.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

WEST COUNTY COLLECTIVE LLC

MCN281512

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   West County Collective LLC
   270 Cloverdale Street, Pittsfield, MA 01201

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Cultivation – Tier 2 / Indoor Tier (5,001 to 10,000 sq. ft.)

   The application was reopened three (3) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

   The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Jeremy McCann	Executive/Officer/Capital Contributor
Paul Collins	Executive/Officer/Capital Contributor

5. List of all required entities and their roles in the Marijuana Establishment:

   No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

   General Applicant

7. The applicant and municipality executed a Host Community Agreement on August 17, 2018.

8. The applicant conducted a community outreach meeting on August 1, 2018 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on November 8, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Employees will contribute 120 hours of community service, within the first two years, 360 within the first five years by volunteering twice monthly in its own bimonthly community clean-up project in Pittsfield.

SUITABILITY REVIEW

11. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within 14 months of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Sunday: 8:00 a.m. – 8:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Have 20% of staff and/or contractors be from Commission-approved areas of diversity.

17. Summary of cultivation plan (if applicable):

The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

    Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

WISEACRE FARM INC

MCN281406

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

   Wiseacre Farm Inc.
   276 Great Barrington Road, West Stockbridge, MA 01266

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

   Cultivation – Tier 1 / Outdoor (up to 5,000 sq. ft)

   The application was reopened one (1) time for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

   The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Jon Piasecki	Executive

5. List of all required entities and their roles in the Marijuana Establishment:

   No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

   General Applicant

7. The applicant and municipality executed a Host Community Agreement on March 13, 2019.

8. The applicant conducted a community outreach meeting on February 7, 2019 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on November 6, 2019 stating the applicant was in compliance with all local ordinances and bylaws.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Donate time and money to Central Berkshire Habitat for Humanity.

SUITABILITY REVIEW

11. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within two (2) months of receiving the provisional license.

14. The applicant's proposed hours of operation are the following:

    Monday – Sunday: 7:00 a.m. – 7:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	15% of service providers will be from the following demographics: minorities; women, veterans, people with disabilities, and LBTGQ or identify as non-normative sexual identity.
2	20% of wholesale partners will be from the following demographics: minorities; women, veterans, people with disabilities, and LBTGQ or identify as non-normative sexual identity.

17. Summary of cultivation plan (if applicable):

The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

    Not Applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

    Not Applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Guidance for Farmers

This guidance was created to provide farmers with answers to frequently asked questions about the marijuana cultivation regulations.

What licenses are available for someone who would like to cultivate Marijuana?

A **Marijuana Cultivator** means an entity licensed to cultivate, process and package Marijuana and to transfer Marijuana to other Marijuana Establishments, but not to Consumers. A **Craft Marijuana Cooperative** is a type of Marijuana Cultivator that is subject to certain limitations on licensure but enjoys certain benefits too. These benefits are discussed on page 2 of this guidance.

- **Marijuana Cultivators** are limited to three licenses, each of which is tied to a single location. A licensee may have no more than 100,000 square feet of **Canopy** across no more than three cultivation licenses.

Canopy means an area to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries. Canopy may be noncontiguous, but each unique area included in the total Canopy calculations shall be separated by an identifiable boundary which includes, but is not limited to interior walls, shelves, Greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total Canopy calculation.

- **Marijuana Cultivators** must select a cultivation tier. The tier level determines the square footage of Canopy that can be cultivated and the application and licensee fees that must be paid:

  Tier 1: up to 5,000;
  Tier 2: 5,001 to 10,000;
  Tier 3: 10,001 to 20,000;
  Tier 4: 20,001 to 30,000;
  Tier 5: 30,001 to 40,000;
  Tier 6: 40,001 to 50,000;

Tier 7: 50,001 to 60,000;
Tier 8: 60,001 to 70,000;
Tier 9: 70,001 to 80,000;
Tier 10: 80,001 to 90,000; and
Tier 11: 90,001 to 100,000.

Craft Marijuana Cooperative means a Marijuana Cultivator comprised of residents of the Commonwealth and formally organized under State law. A cooperative is licensed to cultivate, obtain, Manufacture, Process, package, brand and Transfer Marijuana or Marijuana Products to Marijuana Establishments, but not to Consumers.

- A Craft Marijuana Cooperative may be organized as a:
  - Limited liability company ("LLC");
  - Limited liability partnership ("LLP"); or
  - A cooperative corporation under the laws of the Commonwealth.
- The members or shareholders of the cooperative must be residents of the Commonwealth for the 12 months immediately preceding the filing of an application for a license.
- One member of the Craft Marijuana Cooperative shall have filed a F (Form 1040), Profit or Loss from Farming within the 5 years prior to application for licensure. See the link for more details on tax forms: https://www.irs.gov/forms-pubs/about-schedule-f-form-1040
- The Craft Marijuana Cooperative must operate consistently with the Seven Cooperative Principles established by the International Cooperative Alliance (ICA) in 1995 (the following language is quoted from the ICA):

  - ***Voluntary and Open Membership***
    Co-operatives are voluntary organizations, open to all persons able to use their services and willing to accept the responsibilities of membership, without gender, social, racial, political or religious discrimination.

  - ***Democratic Member Control***
    Co-operatives are democratic organizations controlled by their members, who actively participate in setting their policies and making decisions. Men and women serving as elected representatives are accountable to the membership. In primary co-operatives members have equal voting rights (one member, one vote) and co-operatives at other levels are also organized in a democratic manner.

- ***Member Economic Participation***
  Members contribute equitably to, and democratically control, the capital of their co-operative. At least part of that capital is usually the common property of the co-operative. Members usually receive limited compensation, if any, on capital subscribed as a condition of membership.

  Members allocate surpluses for any or all of the following purposes: developing their co-operative, possibly by setting up reserves, part of which at least would be indivisible; benefiting members in proportion to their transactions with the co-operative; and supporting other activities approved by the membership.

- ***Autonomy and Independence***
  Co-operatives are autonomous, self-help organizations controlled by their members. If they enter into agreements with other organizations, including governments, or raise capital from external sources, they do so on terms that ensure democratic control by their members and maintain their co-operative autonomy.

- ***Education, Training, and Information***
  Co-operatives provide education and training for their members, elected representatives, managers, and employees so they can contribute effectively to the development of their co-operatives. They inform the general public – particularly young people and opinion leaders – about the nature and benefits of cooperation.

- ***Cooperation among Co-operatives***
  Co-operatives serve their members most effectively and strengthen the co-operative movement by working together through local, national, regional, and international structures.

- ***Concern for Community***
  Co-operatives work for the sustainable development of their communities through policies approved by their members.

Benefits of a Craft Marijuana Cooperative license:

- The Craft Marijuana Cooperative is limited to one license; however, it is not limited in the number of locations it may cultivate.

- Each location combined may cultivate up to 100,000 square feet of canopy provided that for each location over 6 locations, additional application and licensing fees apply to cover the Cannabis Control Commission's (Commission) costs in processing the applications and inspecting the locations. A cooperative must negotiate and execute a Host Community Agreement with the municipality for each location that it operates.
- The cooperative may also conduct Marijuana Product Manufacturer operations at up to three locations.
- Seed-to-sale monthly program fees are waived for cooperatives, but this waiver does not include other costs associated with the Seed-to-sale licensing system, specifically the fees for plant and package tags.
- Members of a cooperative shall not be considered a Person or Entity Having Direct or Indirect Control in any other Marijuana Establishment. Restrictions on Direct or Indirect Control do not prohibit Craft Marijuana Cooperatives for applying for Marijuana Retailer, Marijuana Existing Licensee Transporter, Marijuana Research, or Marijuana Social Consumption Establishment Licenses.

Microbusiness means a Colocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator (5,000 square feet of canopy or less) or Product Manufacturer, or both, and if in receipt of a Delivery Endorsement issued by the Commission, may deliver Marijuana or Marijuana Products produced at the licensed location directly to Consumers in compliance with the operating procedures for each license.

- Most of its executives or members must have been residents of Massachusetts for no less than 12 months prior to application.
- A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of Marijuana per year from other Marijuana Establishments.
- A Microbusiness licensee cannot have an ownership stake in any other Marijuana Establishment except a Social Consumption Establishment.

Benefits of a Microbusiness license:

- Access to applying for a Social Consumption Establishment license.
- Access to receiving a Delivery Endorsement.
- Combined sum of application fees and license fees reduced by 50%.
- Seed-to-sale SOR monthly program fees are waived for Microbusinesses, but this waiver does not include other costs associated with the Seed-to-sale licensing system, specifically the fees for plant and package tags.

What are the fees associated with applying for and maintaining a license?

Application & License Fees. The application and license fees are provided in 935 CMR 500.005(d). There are reduced fees for outdoor cultivation, which is defined as "the cultivation of mature cannabis without the use of artificial lighting in the canopy area at any point in time. Artificial lighting is permissible only to maintain immature plants."

License Types	**Application Fees (Indoor/Outdoor)**	**Annual License Fee (Indoor/Outdoor)**
Indoor or Outdoor Cultivator		
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.
Microbusiness	$1,000	50% of all applicable fees
Manufacturing	$1,500	$10,000

Independent Testing Laboratory	$1,500	$10,000
Retail (brick and mortar)	$1,500	$10,000
Third-party Transporter	$1,500	$5,000
Existing Licensee Transporter	$1,000	$5,000
Research Facility	$300	$1,000

Application for Registration Cards for Employees

A Marijuana Establishment agent must register with the Commission. This includes board members, directors, employees, executives, managers, or volunteers of a Marijuana Establishment. A Marijuana Establishment agent also includes a consultant or contractor who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of Marijuana. A Marijuana Establishment agent must be 21 years of age or older. The application and renewal fee for a registration card is $100.

Once a Marijuana Establishment is operational, additional fees may apply:

Name Change Fee	$1,000
Location Change Fee	50% of applicable License Fee
Change in Building Structure Fee	$1,000
Change in Ownership or Control Fee (involving individuals, e.g. change of Board Member)	$500 per person

Background Checks

Please note that the fees described above do not include fees for background checks. The background check fee is set by the Massachusetts Secretary of Administration and Finance, in consultation with the Massachusetts Secretary of Public Safety and Security and the Commission, to offset the costs of operating and administering a Fingerprint-based criminal background-check system. The Commission may pay the fee or reimburse applicants the fee on a

basis of financial hardship. Guidance on background authorization forms may be found here: https://mass-cannabis-control.com/wp-content/uploads/2018/06/Guidance-on-Background-Authorization-Form2-.pdf

Plant Tagging. All Marijuana Establishments must track Marijuana from seed-to-sale using an interoperable database, as well as plant and package RFID tags. There is also a monthly program fee for the software of $40 per month for each Marijuana Establishment. That fee is waived for Economic Empowerment Applicants, Craft Marijuana Cooperatives, and Microbusinesses. The plant tags are $00.45 each and the package tags are $00.25 each.

Tier Expansion & Tier Relegation

Expansion

A Marijuana Cultivator (including a Craft Marijuana Cooperative) may apply to change its cultivation tier at the time of license renewal or 6 months after the issuance of its initial license issuance or license renewal. The tier can either be reduced or expanded.

- If the licensee decides to reduce its tier, the fees already paid for its application or licensee will not be refunded.
- If the licensee decides to expand its tier, it must demonstrate that while cultivating at the top of its production tier, it sold 85% of its product consistently over the 6 months preceding the application for expanded production. The Commission may evaluate sales history, including pricing, to determine whether expansion is appropriate.
- If permitted to expand, the licensee will pay the license fee for the new tier.

Relegation

At renewal, the Commission may relegate a cultivator's tier based on the Marijuana Cultivator's production during the 6 months prior to its application for renewal.

- The Commission may reduce the licensee's maximum canopy to a lower tier if the licensee sold less than 70% of what it produced.
- When determining whether to relegate, the Commission may evaluate the following factors:
    - cultivation and production history, including whether the plants/inventory suffered a catastrophic event during the licensing period;
    - 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.
- If relegated to a lower tier, the licensee will pay the license fee for the reduced tier.

Application Process

The Commission's online application process requires the completion of 4 packets: Application of Intent, Background Check, Management and Operations Profile, and Application Fee Payment. To aid applicants in the completion of these documents, there are tutorials on the Commission website (https://mass-cannabis-control.com/masscip-tutorials/), as well as guidance documents (https://mass-cannabis-control.com/wp-content/uploads/2018/04/Guidance-for-Marijuana-Establishment-Licensure-Applicants.pdf). There is also guidance for municipalities about local controls, such as zoning, in http://mass-cannabis-control.com/wp-content/uploads/2019/03/Final-Draft-Municipal-Guidance-Update-02.25.19_1.pdf, which may also be helpful for applicants to review.

Regarding the Application of Intent, please note that for each location, the applicant will need to file evidence of a properly conducted Community Outreach meeting and certification of a Host Community Agreement, among other requirements. Please refer to the Guidance on Host Community Agreements for more information, found on our website at https://mass-cannabis-control.com/wp-content/uploads/2018/08/Guidance-on-Host-Community-Guidance.pdf

> ***Example:*** *Craft Cooperative has a large cultivation and processing location in a town. Its members also have smaller cultivation locations in 9 other different communities. For each of the 10 communities, the Craft Cooperative will need to submit Community Outreach documentation and certification of a Host Community Agreement.*

There is no deadline to file an application and there is no cap on the number of licenses that may be issued in the Commonwealth as of the date of publication of this guidance.

Frequently Asked Questions (FAQs)

Does the agricultural exemption in the Zoning Act apply to the cultivation of Cannabis or Marijuana? No. The agricultural exemption in the Zoning Act, G.L. c.40A § 3 ¶1, expressly excludes the cultivation of Marijuana from protection:

> For the purposes of this section, the term "agriculture" shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and the sale thereof; provided, however, that the terms agriculture, aquaculture, floriculture and horticulture shall not include the growing, cultivation, distribution or dispensation of marijuana as defined in section 2 of chapter 369 of the acts

of 2012, marihuana as defined in section 1 of chapter 94C or marijuana or marihuana as defined in section 1 of chapter 94G. (emphasis added).

Farmers may wish to check the definition of "agriculture" in their local zoning bylaw or ordinance regarding whether it excludes marijuana cultivation or contact their local building inspector or zoning enforcement officer.

In a Right-to-Farm town, is marijuana cultivation exempted from local restrictions?
A Right-to-Farm bylaw does not typically confer any additional protections from local zoning and licensing restrictions. Instead, it notifies purchasers of property in the town that it is the policy of the town to protect agriculture and provides a means of dispute resolution, while reiterating the protections existing in state law for agriculture. As stated above, the cultivation of Marijuana is not protected under the exemption for agriculture in the Zoning Act, but may be otherwise allowed in your community. Farmers may wish to check their local zoning bylaw or ordinance or contact their local building inspector or zoning enforcement officer.

How do I find out whether my property is zoned to allow marijuana cultivation?
You may review your local zoning bylaws or ordinances, which are often available online, or can ask your local building inspector or zoning enforcement officer.

If my property is Chapter 61A land, may I use it to cultivate adult-use Marijuana for sale?
Farmers should confer with their local Board of Assessors as to whether the cultivation of Marijuana is authorized as an agricultural or horticultural use on their Chapter 61A land.

If my property is subject to an agricultural preservation restriction (APR), may I use it to cultivate Marijuana, if licensed?
Farmers should determine the type of APR they have. If it is an APR regulated by 330 CMR 22.00 and administered by Massachusetts Division of Agricultural Resources (MDAR), the farmer may need to get approval from MDAR and/or the municipality, if it is a co-holder of the deed restriction, prior to engaging in the cultivation of Marijuana. Similarly, if the APR is held by a conservation organization or municipality, the farmer may need to determine whether the cultivation of Marijuana and related activity, such as the construction of structures, is considered permissible under the deed restriction. Farmers are encouraged to seek legal advice. More information on APRs may be found here: https://www.mass.gov/service-details/agricultural-preservation-restriction-apr-program-details.

May I use pesticides in the cultivation of Marijuana?

No. Currently, the Environmental Protection Agency (EPA) does not allow the use of a registered pesticide on Marijuana or Hemp. Use of pesticides on Marijuana or Hemp is therefore prohibited in the Commonwealth.

MDAR has jurisdiction over pesticides, including the authority to register products not registered by the EPA, but it does not authorize any pesticides for marijuana cultivation at this time. For more information, please consult MDAR's pesticide policy for the cultivation of Marijuana and Hemp within the Commonwealth, at https://www.mass.gov/files/documents/2018/09/28/MA_Cannabis_Pesticide_Policy.pdf.

There are products that the EPA exempts from registration requirements, as the products or the ingredients within them are considered minimum risk by EPA. Please refer to EPA's website to find more information about products and ingredients that may be exempt from registration requirements: https://www.epa.gov/minimum-risk-pesticides.

While the exempt products may be an alternative for pest control, it is important to understand that the use of any product is done at the risk of the cultivator without the benefit of review and testing by the EPA to determine health and safety or other impacts. Marijuana Establishments will be inspected, and Marijuana and Marijuana Products will be tested by the Commission and MDAR for the presence of pesticides. If a pesticide is used in violation of Massachusetts laws on cannabis or pesticides, the Commission and MDAR may take enforcement action.

Can I operate as a CSA (Community Supported Agriculture) operation?
A CSA would need to comply with all applicable regulations regarding seed-to-sale tracking, security, and background checks. Even volunteers need to be registered as Marijuana Establishment agents, particularly if they have access to Marijuana and Marijuana Products. Please review the regulations carefully to determine whether a CSA could be operated in a way that is compliant with the law and regulations. Farmers are encouraged to seek legal advice.

If I receive federal services, such as loans, grants, or nutrient planning services, may I cultivate Marijuana on my property?
Farmers are strongly advised to check with representatives of the federal government before cultivating Marijuana. Farmers may find that federal services will be withheld, even for non-marijuana crops, if a farmer engages in marijuana cultivation on their property.

I hire seasonal help on my farm and the workers are usually under 21 years of age. Can they work with Marijuana or Marijuana products?

No. Only persons 21 years of age or older may work on the premises of a Marijuana Establishment. That means that not only are they restricted from working on your Marijuana or Marijuana Products, they cannot work on other crops on the same premises. If you are working with Marijuana, all workers will need to be 21 years of age or older.

If I have a Craft Marijuana Cooperative with cultivation sites in multiple towns, do I need a Host Community Agreement and community outreach meeting for each town with a cultivation site?
Yes. As discussed above, these regulatory requirements apply to all locations associated with the cultivation license.

Once I have been issued a Craft Marijuana Cooperative license for certain locations, may I add more locations?
Yes, but you will have to apply for approval from the Commission for the change. Among other things, you will be required to show that you have done a community outreach meeting and have a Host Community Agreement. Please note that the amount of canopy square footage is calculated based on the total of all locations, and a Craft Marijuana Cooperative may not exceed the 100,000 square foot limit on canopy.

Questions?
If you have additional questions regarding marijuana cultivation regulations, please contact the Commission at CannabisCommission@State.MA.US or (774) 415-0200.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Guidance on Host Community Agreements

Introduction

This document offers guidance to municipalities and applicants working cooperatively to negotiate and execute a Host Community Agreement (HCA), a municipal process separate and apart from the Cannabis Control Commission's (Commission) licensing process.[1] Before being issued a provisional license to operate as a Marijuana Establishment (ME) or Medical Marijuana Treatment Center (MTC), the applicant and municipality must execute an HCA and the municipality must submit a certification of this agreement to the Commission. See 935 CMR 501.101(1)(a)8; 935 CMR 502.101(1)(a)8.

Obligations for Municipalities

The parties to the HCA are the owners or authorized representatives of the ME or MTC and the contracting authority for the municipality. As with any agreement, the HCA must be negotiated between willing parties to the contract. As with any agreement entered into by a municipality, the municipality and contracting authority have obligations under federal and state law above and beyond M.G.L. c. 94G, § 3, which requires a municipality to act reasonably in negotiating essential terms with the ME or MTC that seeks to operate within its community.

Municipalities should be aware that the negotiation of HCAs have been and may be subject to scrutiny by federal and state law enforcement agencies. Municipalities are encouraged to develop a process that is fair and transparent and that is available to applicants of all types and businesses of all sizes.

There are state resources that municipal officials and members of the public can consult to ensure that HCAs are compliant with state law. The Office of the Inspector General (OIG)[2] can advise municipalities on whether the terms and conditions of an HCA implicate state

[1] In Mederi, Inc. v. City of Salem, et al, Essex Superior Court Civil Action No. 1877CV01878, the Suffolk Superior Court (Feeley, J.) found as follows:

> "As the [Commission] argues, it has been its consistent position that it has no role under Chapter 94G in reviewing the contents of HCAs, and the court agrees. The statute requires as part of a license application the inclusion of a certification that an HCA has been executed. The statute gives the [Commission] no further role in looking beyond the certification to the contents of the HCA. The executed HCA itself is not a required part of the license application submitted to the [Commission]."

[2] For information about contacting the OIG: https://www.mass.gov/orgs/office-of-the-inspector-general

procurement laws. The Department of Revenue (DOR)[3] can advise municipalities as to the optional local excise tax.

Getting Started
As noted above, a municipality must act reasonably in negotiating essential terms with the ME or MTC that seeks to operate within its community.

> "A [ME or MTC] seeking to operate or continue to operate in a municipality which permits such operation shall execute an agreement with the host community setting forth the conditions to have a [ME or MTC] located within the host community which shall include, but not be limited to, all stipulations of responsibilities between the host community and the [ME or MTC]. An agreement between a [ME or MTC] and a host community may include a community impact fee for the host community; provided, however, that the community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the [ME or MTC] and shall not amount to more than 3 percent of the gross sales of the [ME or MTC] or be effective for longer than 5 years. Any cost to a city or town imposed by the operation of a [ME or MTC] shall be documented and considered a public record as defined by clause Twenty-sixth of section 7 of chapter 4."

M.G.L. c. 94G, § 3(d).

Required – Basic Terms & Conditions[4]
The only requirements of an HCA are that the HCA identifies "the conditions to have a [ME or MTC] located within the host community" and "all stipulations of responsibilities between the host community and the [ME or MTC]." M.G.L. c. 94G, § 3(d).

As a municipality and applicant can agree on additional terms and conditions that vary widely, the following should not be construed as an exhaustive or exclusive list, but as possible provisions of an HCA:

- [Municipality] agrees to submit to the Commission, or other such licensing authority as required by law or regulation, certification of compliance with applicable local bylaws and ordinances relating to the [ME's or MTC's] application for licensure and/or operation where such compliance has been properly met, but makes no representation or promise that it will act on any other license or permit request including but not limited to special permit or other zoning applications submitted by the [ME or MTC] in any particular way other than in accordance with the municipality's governing laws.

- In the case that the [ME or MTC] desires to relocate within [Municipality], it must first obtain approval of the new location before any relocation of the facility.

[3] For information about applicable marijuana retail taxes: https://www.mass.gov/regulations/830-CMR-64n-marijuana-retail-taxes
[4] https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94G/Section3

- The [ME or MTC] agrees that jobs created at the facility will be made available to [Municipality] residents. [Municipality] residency will be one of several positive factors in hiring decisions at the facility but shall not be determinative and shall not prevent the [ME or MTC] from hiring the most qualified candidates and otherwise complying with all Massachusetts anti-discrimination and employment laws.

- The [ME or MTC] agrees to provide a paid police detail for the purposes of traffic and crowd management during peak hours of operation, which shall include, but may not be limited to, Fridays between []:00 pm – []:00 pm; Saturdays, Sundays, and state holidays.

- A key-and-lock system shall not be the sole means of controlling access to the [ME or MTC]. The [ME or MTC] 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 [935 CMR 500.000 and 501.000].

- Termination of the HCA: The [ME or MTC] may terminate this agreement [] ([]) days after the cessation of operations of any facility within [Municipality]. The [ME or MTC] 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. If the [ME or MTC] terminates this agreement, the final annual payment as defined in paragraph [] of this agreement shall be paid to the [Municipality] by the [ME or MTC]. The [ME or MTC] shall pay the final annual payment to [Municipality] within [] ([]) days following the date of termination.

- The [Municipality] agrees to work with the [ME or MTC], if approved, to assist the [ME or MTC] with community support, public outreach, and employee outreach programs.

- The [ME or MTC] agrees to work collaboratively with the [Municipality] and provide staff to participate in a reasonable number of municipal-sponsored educational programs on public health and drug abuse prevention geared toward public health and public safety personnel.

Optional – Local Excise Tax[56]

Under M.G.L. c. 64H and 64N, the Legislature explicitly authorized municipalities to adopt an optional local excise tax of up to 3%, as applied to retail transactions, in addition to state sales and excise taxes. M.G.L. c. 64H, § 2 and M.G.L. c. 64N, §§2 and 3(a); 830 CMR 64N. 1. 1: Marijuana Retail Taxes. In so doing, the Legislature established the ceiling for state-authorized taxes that may be assessed on MEs (not MTCs):

[5] https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64H/Section2
[6] https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64N

- the 6.25% sales tax;
- the 10.75% excise tax on Marijuana and Marijuana Products; and
- the optional 3% local tax, which may be applied to retail sales only.

More information on the tax implications for ME operations is available from DOR at https://www.mass.gov/marijuana-retail-taxes.

Optional – Community Impact Fee
Under § 3(d), an HCA may also "include a community impact fee for the host community." It must be structured appropriately and consistently with § 3(d) and the decisional law on fees. While § 3(d) does not include a definition of what constitutes a "community impact fee" and does not provide for elements of the fee, it does impose other express limitations on any community impact fee included as part of an HCA:

1. The fee must not amount to more than 3% of the gross annual sales of the ME or MTC.
2. It must be "reasonably related to the costs imposed upon the municipality by the operation of the [ME or MTC]."
3. It must be limited to a term of 5 years.

Capped at 3%
The Commission emphasizes that there is a strict limitation on the amount of the community impact fee that a municipality may collect as part of an HCA. The fee is capped at 3% of the ME's or MTC's gross annual sales. Thus, any fee that is more than 3% of gross annual sales is not a valid community impact fee. The Commission reiterates that, consistent with the statutory requirement of "reasonable relation" and decisional law on fees, there must be a specificity and proportionality between the cost or impact claimed by the community and the fee required of the ME or MTC.

As discussed below, any fee – whether characterized as a fee, donation, or other exaction, including any assessment above 3% of gross annual sales – must also comply with applicable legal requirements.

Reasonably Related
The Commission views fees that are "reasonably related" as those that compensate the municipality for its anticipated and actual costs resulting from the operation of the ME or MTC. It is important that the fee bears some reasonable relation to the costs of providing municipal services or other benefits to the ME or MTC and not merely be a fee without a sufficient basis and justification.

In accordance with the decisional law on fees, there must be a proportionality between the cost or impact claimed by the community and the fee required of the ME or MTC.[7] While municipalities have some latitude to plan for expenses, municipalities are encouraged to develop a plan that provides a sufficient basis and justification for requiring the applicant to pay the community impact fee to cover the municipality's anticipated costs and that provides the mechanism to monitor the relationship between the fee and actual costs. When negotiating with MEs or MTCs, municipalities are cautioned against relying on fees that are simply revenue generators and planning their municipal budgets around these fees.

When an ME or MTC renews its license, the host municipality and ME or MTC are encouraged to amend the HCA so that the terms are related to the actual costs incurred by the operation of the ME or MTC.

5-Year Term
The Commission reads the provision that provides "the community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the [ME or MTC] and shall not…be effective for longer than 5 years," as strictly limiting the HCA to a term of 5 years or less.

Both M.G.L. c. 94G, § 3(d) and the Commission's regulations anticipate the collection and publication of additional information on the costs imposed by the operation of ME or MTCs. Thus, the parties' agreement on community impact fees may be renegotiated.

- Parties may consider negotiating a fee with a shorter duration. This may be particularly helpful to reaching an agreement where the parties have difficulty ascertaining unknown costs and wish to revisit the community impact fee once more information relevant to the particular ME or MTC is available.

- At, or before, the conclusion of the term of the preceding community impact fee, the parties may choose to negotiate a new, optional community impact fee which shall similarly be limited to a term of 5 years or less.

Regardless of whether the parties choose to negotiate a new community impact fee, the Commission interprets the strict time limitation of § 3(d) as extinguishing the preceding community impact fee upon the expiration of 5 years or less, whichever was originally agreed to by the parties.

Decisional Law
The Commission also interprets the "community impact fee" as needing to comply with applicable legal requirements established in the decisional law. In the municipal context, "regulatory fees" can be imposed based on the municipality's power to regulate businesses or activities within its borders, but only if certain requirements are met:

[7] Koontz v. St. John's River Water Management District, 133 S. Ct. 2686 (2013); See also Attorney General's letter on Hanover Annual Town Meeting Warrant Articles #22 and 23 (Zoning), December 1, 2014.

1. The fee must be charged in exchange for a service which benefits the ME or MTC paying the fee in a manner not shared by other members of the public;

2. It is paid by choice, in that the ME or MTC paying the fee has the option of not utilizing the service and thereby avoiding the charge; and

3. It is collected not to raise revenues but to compensate the municipality providing the services for its expenses.

Denver St. LLC v. Town of Saugus, 462 Mass. 651, 652-653 (2012), citing Emerson College v. Boston, 391 Mass. 415, 424-425 (1984).

What is Permissible as Part of a Community Impact Fee?
Some anticipated costs that may reasonably be included in a fee of up to 3% of gross annual sales include services such as:

- Municipal inspection costs;

- Traffic intersection design studies where additional heavy traffic is anticipated because of the location of a retail or social consumption establishment;

- Public safety personnel overtime costs during times where higher congestion or crowds are anticipated;

- Environmental impact or stormwater or wastewater studies anticipated as the result of cultivation; or

- Additional substance abuse prevention programming during the first years of operation.

The aforementioned list is illustrative, not exhaustive or exclusive.

Optional – Additional Fees
While M.G.L. c. 94G, § 3(d) does not preclude fees above and beyond the community impact fee, the Commission has sought clarity from the Legislature as to whether municipalities can exact additional fees for several reasons. Importantly, the imposition of additional fees makes it difficult for applicants and businesses of all sizes to operate within a host community.

As discussed in detail above, a municipality seeking to impose any fee whether characterized as a fee, donation, gift, or other exaction, including any assessment above the 3% community impact fee, must also comply with the applicable legal requirements for regulatory fees. Denver St., supra at 652-653, citing Emerson College, supra at 424-425.

Renewal

Both M.G.L. c. 94G, § 3(d) and the Commission's regulations anticipate the collection and publication of additional information on the costs imposed by the operation of an ME or MTC in a host community. Section 3(d) provides:

> "Any cost to a city or town imposed by the operation of an [ME or MTC] shall be documented and considered a public record as defined by clause Twenty-sixth of section 7 of chapter 4."

The associated regulations provide:

> "A [ME or MTC] shall submit as a component of the renewal application documentation that the establishment requested from its Host Community the records of any cost to a city or town reasonably related to the operation of the establishment, which would include the city's or town's anticipated and actual expenses resulting from the operation of the establishment in its community. The applicant shall provide a copy of the electronic or written request, which should include the date of the request, and either the substantive response(s) received or an attestation that no response was received from the city or town. The request should state that, in accordance with M.G.L. c. 94G, § 3(d), any cost to a city or town imposed by the operation of a [ME or MTC] shall be documented and considered a public record as defined by M.G.L. c. 4, § 7, cl. 26."

935 CMR 500.103; 935 CMR 501.103. Thus, an ME or MTC licensee must seek documentation of the cost imposed by its operations in the host community.

Seeking Counsel & Support

Municipalities, applicants for licensure as an ME or MTC, and licensees are encouraged to seek legal advice from a licensed attorney regarding HCA negotiations.

Other resources that are available:

- Municipalities can seek advice on state procurement laws by contacting the OIG's Chapter 30B Assistance Hotline at (617) 722-8838.
- Eligible applicants for licensure and licensees may be qualified to receive services through the Commission's Social Equity Program. If you are a participant in the Social Equity Program or are interested in learning more about the services offered as part of the Social Equity Program, please contact the Commission at (774) 415-0200.
- Individuals concerned about fraud, waste, and abuse can contact the OIG's Hotline at (800) 322-1323.

Questions?

If you have additional questions regarding Host Community Agreements, please contact the Commission at CannabisCommission@State.MA.US or (774) 415-0200.

GUIDANCE ON PLANS TO POSITIVELY IMPACT DISPROPORTIONATELY HARMED PEOPLE

(REVISED 12/2/19)

PURPOSE

The purpose of this amended guidance is to assist applicants with information on the Cannabis Control Commission ("Commission") requirement to submit a plan to positively impact people disproportionately harmed by cannabis prohibition. This guidance is not legal advice. If you have questions regarding the legal requirements for licensure and renewal in the Commonwealth, you are encouraged to consult an attorney.

Diagram: People Disproportionately Harmed by Cannabis Prohibition

LEGAL BACKGROUND AND BASIS

The Commission is charged by state law to adopt procedures and policies to promote and encourage full participation in the regulated cannabis industry by individuals from communities disproportionately harmed by cannabis prohibition and enforcement and to positively impact those communities. M.G.L. c. 94G, § 4.

As part of that mandate, the Commission requires every applicant to develop a plan to contribute to this objective.

DISPROPORTIONATELY HARMED PEOPLE

Every applicant seeking licensure must submit its own plan to invest in people who have been disproportionately impacted by cannabis prohibition, specifically the five populations defined by the Commission (see diagram above). When this guidance refers disproportionately harmed people, it refers to these five populations described below.

The first step for the applicant is to decide who the plan is intended to benefit, so that the plan can tailor the goals, programs, and measurements to that specific group. **The five identified populations of disproportionately harmed people that the Positive Impact Plan should impact are the following:**

1. 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.
2. Commission-designated Economic Empowerment Priority applicants;
3. Commission-designated Social Equity Program participants;
4. Massachusetts residents who have past drug convictions; and
5. Massachusetts residents with parents or spouses who have drug convictions.

A compliant positive impact plan will be tailored to benefit at least one of the groups identified above. Applicants are encouraged to design plans to benefit more than one identified group.

Commission resources are available to facilitate services for the Commission-designated groups.

ELEMENTS OF A PLAN

As part of an extensive review of application materials, the Commission will assess the Positive Impact Plan to make sure it includes the following:

1. **Goals**: one or more desired outcomes of the plan;
2. **Programs**: detailed actions, activities, or processes that will be utilized or implemented to achieve the outlined goals; and
3. **Measurements**: specific metrics that will be implemented to assess the progress and success of the program.

Each plan should follow this format to be considered compliant with the Commission's regulations. Miscellaneous, extraneous, or additional information unrelated to the goals, programs, and measurements of each plan is not necessary and should not be included in the submission.

The following sections will provide guidance on the Commission's expectations, examples, and additional state requirements that should be included in the plan. The examples provided below

are not an exhaustive list and applicants are encouraged to be innovative while remaining compliant with the Commission's regulations and requirements and any other applicable laws.

GOALS

Each applicant must establish specific goals that will make a positive impact on one or more of the five identified groups of people as identified above. Each plan must clearly list and describe these goals. We encourage you to develop your own goals, especially by taking and considering input from the disproportionately harmed people and/or communities that your plan is intended to impact.

The Commission defines equity as the recognition and accommodation of differences through fairness in process and result to prevent the continuation of an inequitable status quo. Some examples of equity-focused goals include the following:

1. **Reducing barriers to entry in the commercial adult-use cannabis industry for disproportionately harmed people** (specifically list which barriers the plan intends to reduce);
2. **Providing mentoring, professional, and technical services for disproportionately harmed people** (specifically list the services the plan will offer); and
3. **Providing business assets or other benefits for disproportionately harmed people** (specifically list the benefits the plan will provide).

PROGRAMS

Each applicant should develop specific programs to accomplish its stated goals to positively affect disproportionately harmed people and clearly describe the proposed programs in its plan. Please be as specific as possible. We discourage you from creating plans that consist solely of donation-based activities.

You should develop and individualize your own programs to reach your goals. Some examples of programs are below. To prioritize the sentiment, reflections, and perspectives of the people most affected by cannabis prohibition and enforcement, the first four program examples below are those most commonly identified by recent Social Equity Program participants as activities that cannabis businesses should initiate or fund, in the order they were preferred.

1. **Providing grant funding or providing low-interest loans**
   This could be accomplished by providing debt and/or equity funding to help businesses founded by disproportionately harmed people with limited net worth and access to traditional sources of capital meet start-up and working capital needs. This funding may take the form of investment vehicles including, but not limited to: standard debt instruments; convertible debt instruments; or equity investment pools with other enterprises.
2. **Creating accelerator or incubator programs**
   Such programs for disproportionately harmed people could provide: grants; access and introductions to potential sources of capital; cultivation, manufacturing or retail space;

management training or other forms of industry-specific technical training; mentorship from experts; formation of peer support groups; and other benefits that do not violate the Commission's regulations with respect to limitations on ownership and control.

3. **Providing educational sessions and record sealing/expungement services**
   Collaborations with an educational institution such as a community college could be used to provide knowledge, information, and practical skills about the cannabis industry to disproportionately harmed people. Educational events with nonprofit organizations could also make a positive impact. For both types of education, you should document how the programs benefits disproportionately harmed people specifically. Often, educational sessions include a record sealing or expungement component as an additional benefit.
4. **Creating jobs**
   This could be accomplished by giving hiring preferences to disproportionately harmed people. If you choose to implement this type of program, your program must affirmatively identify the specific disproportionately impacted people or groups and how you will reach them, and track your progress on an ongoing basis. If your data shows that you are not succeeding in creating jobs for the group(s) you identified, you should adjust your approach in alignment with this goal.
5. **Funding charitable efforts**
   Providing assistance to named non-profits and charities whose mission(s) benefit disproportionately harmed people could make a positive impact. You should include the name and mission of a listed non-profit or charity in the plan and how you will ensure that your contributions specifically benefit disproportionately harmed people. Note that if you intend to make monetary donations to nonprofits or charities, you must obtain written correspondence certifying that the nonprofit or charity will accept the donation prior to including it as a component of your plan.

MEASUREMENTS

Each applicant must disclose the specific measurement metrics that will be used in measuring the success of its programs. This is important because 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 approved plans.

Therefore, this section of the plan should include both qualitative and quantitative measures ("metrics") that demonstrate the progress or success of the plan. Metrics should have an identified data source and method for tracking that data.

The applicant is responsible for disclosing and tracking the intended measurement metrics. Depending on the stated goals and programs, measurement metrics will vary. You should design your metrics as a practical way to measure your progress toward the goals you set in your plan. Some examples of metrics that could be utilized include the following:

1. Number of employees hired, retained, or promoted that come from disproportionate impacted areas or one of the other groups of people previously identified in this guidance;
2. Number and subject matter of trainings offered and performed, with documentation of attendance by people from disproportionately harmed communities;

3. Number of records sealed or expunged;
4. Specific financial data and/or employee hours showing donations to or investments in specific causes that benefit disproportionately harmed people;
5. Number of businesses owned by disproportionately harmed people that obtained training or assistance from the programs, along with the businesses' assessment of the programs; or
6. Number of businesses or people participating in and successfully paired with the employer through the Commission's Social Equity Program.

ADDITIONAL REQUIREMENTS PERTAINING TO POSITIVE IMPACT PLAN

In addition to those requirements stated above, the Positive Impact Plan require the applicant to affirmatively state the following:

1. The applicant acknowledges and is aware, and will adhere to, the requirements set forth in 935 CMR 500.105(4), which provides the permitted and prohibited advertising, branding, marketing, and sponsorship practices of every Marijuana Establishment; and
2. Any actions taken, or programs instituted, will not violate the Commission's regulations with respect to limitations on ownership or control or other applicable state laws.

TIPS FOR DESIGNING YOUR POSITIVE IMPACT PLAN

When drafting the plan, every applicant should be mindful of the following information:

1. The plan to positively impact disproportionately harmed people is a distinct application requirement. The Positive Impact Plan deals with benefiting areas of disproportionate impact and/or disproportionately harmed people as defined in this guidance. The plan should positively impact one or more of the five identified populations. If it is geographically or otherwise impractical for your business to reach geographic areas of disproportionate impact, consider a plan that focuses on the other four specified groups.
2. You should endeavor to disclose only the information necessary to comply with the requirements of the plan. This plan should be no longer than three pages. You may include appendices; however, this is discouraged, excluding support letters for non-profits accepting monetary donations.
4. Progress on this plan will be evaluated upon license renewal. Please ensure that the plan you submit as part of the application is practical and that you plan to implement and achieve success in the programs you list. We recommend instituting a process to evaluate the progress of your plan quarterly in preparation for demonstrating success upon renewal. Upon license renewal, the Commission shall evaluate any information deemed necessary to assess the bona fide progress of each plan.
5. This revised guidance should be utilized immediately. For compliance purposes, Commission staff will begin reviewing all applications not previously reviewed in accordance with this document upon approval by the Commission.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Memorandum

To: Executive Director Shawn Collins
Cc: Alisa Stack, Chief Operating Officer; Erika Scibelli, Chief of Staff
From: Cedric Sinclair, Director of Communications; Christine Bailey, General Counsel; Alycia DeAngelis, Associate General Counsel
Date: December 4, 2020
Subject: Guidance Document Transition

The Communications and General Counsel departments recently formed a writing team to review and propose updates to several guidance documents including the Guidance for Consumption of Marijuana for Adult Use and the Guidance on Distribution. The guidance documents were initially developed in the spring of 2018, prior to the development of the statewide public awareness campaign. The writing team recommends phasing the guidance documents out in response to duplicative content on MoreAboutMJ.org, Mass.Gov/MedicalMarijuana, and MassCannabisControl.com. Additionally, any critical content that isn't currently available on the websites would be transitioned to the appropriate outlet as inline copy.

The adult-use consumption guidance is primarily focused on public consumption prohibitions, rights and limitations of home consumption, and private entities that may have more restrictive consumption policies (e.g. landlords, employers, etc.), amongst other guidance. This content has been expanded and is prominently featured in the public awarenss campaign and its associated website, billboards, television ads, and social media content. All key content is covered and this document can be removed in whole.

The distribution-focused guidance provides a brief summary of the pertinent laws that govern the gifting of cannabis and the limitations of the practice (e.g. in conjunction with the sale of another item). The guidance document also refers constituents to the Medical-use program's website to identify licensed MTCs that are allowed to deliver cannabis to registered patients. Lastly, a list of civil and criminial penalities associated with the transfer of cannabis and cannabis products to a person under the age of 21 is included. The content's focus areas are featurd on a number of Commission outlets including MoreAboutMJ.org, Mass.gov/MedicalMarijuana, and MassCannabisControl.com. The information that is not currently present is captured by broader messgaes on the outlets or can be added to an existing topic area. For instance, a "Distribution"

tile can be added to the "Know the Law" page, noting the age limits on distribution and linking to Section 13: Penalties of 94G for greater detail on the penalties.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Energy and Environment Compiled Guidance

December 2019

Massachusetts Cannabis Control Commission:

Steven J. Hoffman, Chairman
Kay Doyle, Commissioner
Jennifer Flanagan, Commissioner
Britte McBride, Commissioner
Shaleen Title, Commissioner
Shawn Collins, Executive Director

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I. Overview and Applicability

This guidance is not legal advice. It is meant to assist licensed Marijuana Establishments (MEs) with developing best practices in water management and to comply with state laws and regulations. Please consult an attorney if you have any questions regarding the legal requirements that apply.

II. Energy

a. Guidance on Basic Energy Efficiency Practices & Reporting for Marijuana Establishments

The following guidance is provided to assist applicants seeking to be licensed as an adult-use ME under 935 CMR 500.000: Adult Use of Marijuana. This guidance also applies to Medical Marijuana Treatment Centers (MTCs, formerly known as Registered Marijuana Dispensaries), seeking to be licensed under 935 CMR 501.000: Medical Use of Marijuana. Please note that Cultivation Facilities, whether licensed as an ME or MTC (ME/MTC), must also comply with additional requirements set forth in *Guidance on Energy Efficiency Standards & Reporting for Cultivation Facilities [see page 7]*.

All applications submitted on or after January 1, 2020, if they are not otherwise exempted, must comply with the energy efficiency standards and reporting requirements described in this guidance. This guidance is not legal advice. If you have questions regarding the legal requirements for licensure in the Commonwealth, you are encouraged to consult an attorney. An ME/MTC is responsible for complying with any revisions to this guidance that may be issued if legal or regulatory requirements change.

Applicants

Consideration of energy efficiency and conservation should occur during the application process

and throughout the operational life of a facility. During the application process, an ME/MTC must submit a summary of their written operating procedures regarding energy efficiency and conservation as part of their Management and Operation Profile in accordance with 935 CMR 500.101(1)(c)10. and 500.105(15), or 935 CMR 501.101(1)(c)10. and 501.105(15). As part of the Architectural Review process, additional information should be submitted at the same time as building plans after receipt of a Provisional License. Please note that applicants seeking a Transporter or Delivery license have different issues, which are addressed in a separate section below. An ME/MTC is required[1] to engage in:

(1) Identification of potential energy-use reduction opportunities (such as natural lighting and energy efficiency measures), and a plan for implementation of such opportunities;
(2) Consideration of opportunities for renewable energy generation, including, where applicable, submission of building plans showing where energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable;
(3) Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage); and
(4) Engagement with energy efficiency programs offered pursuant to M.G.L. c. 25, § 21, or through municipal lighting plants.

The guidance will go through each item above.

Identification of potential energy-use reduction opportunities and a plan for implementation of such opportunities.
There are many opportunities in an ME/MTC to reduce energy usage and costs through energy efficient equipment and operations. Lighting is a major energy user in everything from retail spaces, to cultivation, and back-office operations. Heating and air conditioning are also large drivers of energy use for all buildings in the Northeast. It is recommended that the design team for an ME/MTC include energy professionals who will review facility and equipment needs and make recommendations for optimal facility equipment choices based on energy usage.

The applicant must address how its written operating procedures in the Management and Operations Profile packet will incorporate the following elements:

[1] 935 CMR 500.105(1)(q) & 500.105(15); 935 CMR 501.105(1)(q) & 501.105(15).

- Description of how the ME/MTC will monitor energy consumption and make adjustments to operations based on energy-usage data;
- Procedures for identifying energy savings opportunities as part of any facility upgrades, renovations, or expansions; and
- Procedures for identifying energy savings opportunities when equipment fails and needs to be replaced.

At the Architectural Review stage, further information should be submitted to demonstrate actual consideration of energy reduction opportunities, including a list of energy reduction opportunities that were considered. Information should include whether opportunities are being implemented, will be implemented at a later date, or not planning to be implemented. An ME/MTC should also include a summary of information that was considered to make the decision (i.e. costs, available incentives, and bill savings). As a general matter, submission of a Mass Save® or municipal light plant (MLP) audit report or rebate applications should suffice to demonstrate compliance with this item.

Consideration of opportunities for renewable energy generation, including, where available, submission of building plans showing where energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable.
Renewable energy such as solar panels, wind turbines, and renewable thermal can reduce and stabilize energy costs for an ME/MTC. The applicant must address how its written operating procedures in the Management and Operations Profile packet will incorporate the following elements:

- Description of how the ME/MTC will make energy supply decisions and regularly evaluate renewable options;
- Procedures for identifying renewable or alternative energy opportunities as part of any facility upgrades, renovations, or expansions; and
- Procedures for identifying renewable or alternative energy opportunities when equipment fails and needs to be replaced.

At the Architectural Review stage, further information should be submitted to demonstrate actual consideration of renewable energy generation opportunities, including a list of renewable or alternative energy reduction opportunities that were considered. Information should include whether opportunities:

- are being implemented;
- will be implemented at a later date; or
- are not planned to be implemented.

An ME/MTC should include a summary of information that was considered to make a decision (i.e. costs, available incentives, and bill savings). ME/MTCs should consider incentives through programs which can help offset costs of renewable and alternative energy installation, such as:

- Massachusetts Department of Energy Resources' Solar Massachusetts Renewable Target (SMART) (http://masmartsolar.com/);
- Renewable Portfolio Standard (https://www.mass.gov/guides/rps-class-i-and-class-ii-statement-of-qualification-application); and
- Alternative Portfolio Standard (https://www.mass.gov/guides/aps-renewable-thermal-statement-of-qualification-application; https://www.mass.gov/guides/apply-to-the-aps-chp-flywheel-storage-and-fuel-cells).

Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage).
Demand is how much electricity an ME/MTC can use at a given time in its facility – more demand means more electricity capacity is needed, and an ME/MTC pays for this capacity on electricity bills.

The applicant must address how its written operating procedures in the Management and Operations Profile packet will incorporate the following elements:

- Description of how the ME/MTC will monitor energy demand and make adjustments to operations based on data; and
- Procedures for participation in load curtailment, energy storage, or other active demand management programs (as applicable).

At the Architectural Review stage, further information should be submitted to demonstrate actual consideration of demand reduction opportunities, including whether opportunities are being implemented, will be implemented at a later date, or not planning to be implemented. Include a summary of information that was considered to make a decision (i.e. costs, available incentives, and bill savings). As a general matter, submission of a Mass Save® or MLP audit report or rebate applications should suffice to demonstrate compliance with this item.

Engagement with energy efficiency programs offered pursuant to M.G.L. c. 25, § 21, or through municipal lighting plants.
The Mass Save® programs (https://www.masssave.com/en/saving/business-rebates/) provide financial incentives for energy efficiency and demand reduction measures, including efficient lighting, heating ventilation and air conditioning (HVAC), and other equipment. These programs

are available to homes and businesses across the Commonwealth. For communities where Mass Save® is not available, please engage with the local MLP (http://www.mmwecgoprogram.org, https://www.ene.org/energy-efficiency/).

The applicant must address how its written operating procedures in the Management and Operations Profile packet will incorporate regular engagement with energy efficiency programs (account representative, vendors, etc.) to ensure awareness of new opportunities and incentives. At the Architectural Review stage, further information should be submitted to demonstrate actual engagement with energy efficiency (Mass Save® or MLP) programs and any financial incentives received. As a general matter, submission of a Mass Save® or MLP audit report or rebate applications should suffice to demonstrate compliance with this item.

Transporters and Delivery

Transporters and delivery operators are different from other license types because their energy use is derived primarily from vehicles instead of buildings.

Vehicles that use alternative fuels – such as biodiesel, electricity, and natural gas – help to reduce carbon emissions and increase our energy security. In the Management and Operations profile, the applicant must describe how it will make fleet decisions and affirm that it will regularly evaluate alternative fuel vehicle options. At the Architectural Review stage, the applicant must submit a narrative describing the process the Transporter or Delivery operation used to select vehicles to be used in operations, and if alternative fuel vehicles are not being used, a detailed explanation of why other vehicle fuel sources were selected. A description of any other energy and water conservation strategies employed at the physical facility for transportation and delivery (e.g. garage, dispatch) should also be included.

Conclusion

Application sections pertaining to energy are reviewed for compliance with 935 CMR 500.000 & 501.000 and for completeness. The regulations and guidance are designed to ensure that an ME/MTC considers how to optimally use energy early in the facility design process, and continually assess new opportunities for reduced energy usage and costs. Licensees should use best management practices to reduce energy and water usage, engage in energy conservation, and mitigate other environmental impacts. Licensees are also required to meet all applicable environmental laws, regulations, permits, and other applicable approvals, including those related to water quality and solid and hazardous waste management, prior to obtaining a final license. At this time, the Cannabis Control Commission (Commission) deems compliance with the operational requirements of the regulations, as described above, to constitute best management

practices as related to energy usage and conservation. Cultivation facilities should maintain policies and procedures addressing all efforts to mitigate environmental impacts, as required under 935 CMR 500.120(12)(e) and 935 CMR 501.120(13)(e). Applicants will be responsible for complying with any revisions to this guidance that may be issued if legal or regulatory requirements change.

Other Helpful Resources

License applicants can use this guidance to learn more about how to comply with the energy usage requirements set forth in the following sections of 935 CMR 500.000 and 501.000:

- 935 CMR 500.040(3)(c) – Energy and Environmental Leader Award
- 935 CMR 500.103(1)(b) & 501.103(1)(a) – Architectural Review, Energy Letters
- 935 CMR 500.103(1)(f) & 501.103(1)(e) – Provisional License, Energy Letters
- 935 CMR 500.103(4)(c),(d) & 501.103(4)(c),(d) – Renewal, Energy Letters
- 935 CMR 500.105(1)(q) & 501.105(1)(q) – Written Operating Procedures
- 935 CMR 500.105(13)(h) & 501.105(13)(h) – General Operating Requirements / Transporters
- 935 CMR 500.105(15) & 501.105(15) – General Operating Requirements / Energy Efficiency and Conservation
- 935 CMR 500.120(11) – Marijuana Cultivators
- 935 CMR 501.120(11) – Additional Operational Requirements for the Cultivation, Acquisition, and Distribution of Marijuana
- 935 CMR 500.130(3) & (5)(e) – Marijuana Product Manufacturers
- 935 CMR 501.130(3) – Additional Operational Requirements for Handling and Testing Marijuana and for Production of Marijuana-Infused Products (MIPs)

b. Guidance on Energy Efficiency Standards & Reporting for Cultivation Facilities

The following guidance is provided to assist indoor cultivation facilities, whether they are licensed as a Craft Cooperative, Microbusiness, or Marijuana Cultivator under 935 CMR 500.000*: Adult Use of Marijuana*, or as an MTC to cultivate cannabis under 935 CMR 501.000: *Medical Use of Marijuana*. All relevant entities are referenced as "Cultivation Facilities" in this guidance. Indoor operations associated with outdoor cultivation are also subject to these requirements. Please note that Cultivation Facilities must also meet the requirements in the

Guidance on Basic Energy Efficiency Practices & Reporting for Marijuana Establishments [see page 2].

This guidance, in conjunction with applicable regulations, establish the requirements for licensure in the Commonwealth. This guidance is not legal advice. If you have questions regarding the legal requirements for licensure in the Commonwealth, you are encouraged to consult an attorney. Cultivators are responsible for complying with any revisions to this guidance that may be issued if legal or regulatory requirements change.

Applicability

All applications for initial licensure or renewal submitted on or after January 1, 2020, if they are not otherwise exempted, must comply with the energy efficiency standards and reporting requirements described in this guidance. A co-located ME and MTC with a final Certificate of Licensure before November 1, 2019 shall have until January 1, 2020 to comply with 935 CMR 500.120(11), except that any additions to or renovations to a facility must comply with 935 CMR 500.120(11). An MTC with a final Certificate of Licensure before November 1, 2019 and that is not co-located with an ME shall have until January 1, 2021 to comply with 935 CMR 501.120(11), except that any additions to or renovations to a facility must comply with 935 CMR 501.120(11). An ME or MTC may apply for an additional six-month extension beyond the date applicable to it, if it agrees to install meters to monitor energy usage, water usage, and other data determined by the Commission, as well as provide reports on energy usage, water usage, waste production and other data in a form and manner determined by the Commission.

Overview

Cannabis cultivation uses significant energy, primarily because of three energy uses: (i) horticultural lighting; (ii) dehumidification; and (iii) HVAC. To mitigate the impact of increased energy usage, and associated costs and greenhouse gas emissions, specific operational requirements have been adopted for Cultivation Facilities in the adult-use and medical-use marijuana regulations.[2]

To document compliance with the energy efficiency requirements of the regulations, materials must be submitted at three different points in the licensure/renewal process and be maintained throughout operations:

- Application: A Cultivation Facility must maintain written operating procedures that demonstrate compliance with the energy efficiency standards in the regulations. A

[2] 935 CMR 500.120 (11) & (12); 935 CMR 501.120 (11) & (12).

summary of such procedures must be submitted as part of the Management and Operations Profile[3];

- Architectural Review: As part of the Architectural Review process, building and equipment information should be submitted at the same time as building plans after receipt of a Provisional License;[4] and
- Operations & Renewal: A Cultivation Facility must continue to maintain written operating procedures on energy usage for the duration of its operations. When it comes time for renewal, a Cultivation Facility must provide information regarding its energy and water consumption usage.[5] This information must be included every year that a renewal application is submitted.

Application: Demonstrating Compliance with Energy Efficiency Standards in the Management and Operations Profile

Cultivation Facilities must, in addition to the other materials submitted as part of the Management and Operations Profile, submit a summary of their written operating procedures that demonstrate compliance with energy efficiency standards.[6] Please complete the basic summary required in the *Guidance on Basic Energy Efficiency Practices & Reporting for Marijuana Establishments [see page 2]*. In addition to the basic summary required of all MEs, a Cultivation Facility must address how its written operating procedures will incorporate the following additional elements:

1. How the cultivator will ensure on a regular basis that equipment is maintained, calibrated and operating properly, including maintain operations manuals and operating procedures for all major energy using equipment, including, but not limited to horticultural lighting, HVAC systems, dehumidification systems.

2. How the cultivator regularly assesses opportunities to reduce energy and water usage, which should include:
   a. Identification of potential energy use reduction opportunities (such as natural lighting and energy efficiency measures), and a plan for implementation of such opportunities;
   b. Consideration of opportunities for renewable energy generation, including, where applicable, identification of building plans, available upon inspection, showing where

[3] 935 CMR 500.101(1)(c)(10) & 500.120(12)(e); 935 CMR 501.101(1)(c)(10) & 501.120(13)(e).
[4] 935 CMR 500.103(1); 935 CMR 501.103(1).
[5] 935 CMR 500.103(4)(c) & 120(11); 935 CMR 501.103(4)(c) & 120(11).
[6] 935 CMR 500.101(1)(c)(10) & 500.120(12)(e); 935 CMR 501.101(1)(c)(10) & 501.120(13)(e).

energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable;

c. Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage); and
d. Engagement with energy efficiency programs offered pursuant to M.G.L. c. 25, § 21, or through municipal lighting plants.

Architectural Review: Letters and Supporting Documentation

As part of the Architectural Review process, Cultivation Facilities must document compliance with the energy requirements by submitting an energy compliance letter prepared by a Massachusetts Licensed Professional Engineer or Massachusetts Licensed Registered Architect with supporting documentation, together with submission of building plans.

For a Microbusiness or Craft Marijuana Cooperative with a cultivation location sized as Tier 1 or Tier 2, or such other Cultivation Facilities meeting the requirements of 935 CMR 500.850: *Waivers*, there are additional options. They may demonstrate compliance with any of the requirements of 935 CMR 500.120(11) through an energy compliance letter or updated energy compliance letter prepared by one or more of the following energy professionals:

1. A Certified Energy Auditor certified by the Association of Energy Engineers;
2. A Certified Energy Manager certified by the Association of Energy Engineers;
3. A Massachusetts Licensed Professional Engineer; or
4. A Massachusetts Licensed Registered Architect.

In addition, all facilities regardless of compliance path shall provide third-party safety certification for lighting products by an Occupational Safety and Health Administration (OSHA), Nationally Recognized Testing Laboratory (NRTL), or Standards Council of Canada (SCC)-recognized body, which shall certify that the products meet a set of safety requirements and standards deemed applicable to horticultural lighting products by that safety organization.

The following paragraphs provide guidance regarding the necessary components of the contents of the Energy Compliance Letter.

Building Envelope

A building envelope is what separates the outside from the inside of a building. Building envelope items include insulation, roofs, windows, doors, walls, etc. Having a tight building envelope is fundamental to good energy performance. Poor performing building envelopes

results in wasted energy, increase energy costs, and may have ancillary impacts like neighbor smell complaints.

The regulations identify specific ways to demonstrate compliance regarding a Marijuana Establishment's building envelope as follows:[7]

> The building envelope for all facilities, except greenhouses, must meet minimum Massachusetts Building Code requirements and all Massachusetts amendments (780 CMR: State Building Code), International Energy Conservation Code (IECC) Section C.402, or The American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE) Chapters 5.4 and 5.5 as applied or incorporated by reference in 780 CMR: State Building Code, except that facilities using existing buildings may demonstrate compliance by showing that the envelope insulation complies with code minimum standards for Type Factory Industrial F-1, as further defined in guidelines issued by the Commission.

An Energy Compliance Letter submitted as part of the Architectural Review must include a narrative confirming compliance with the building envelope requirements and the output from COMcheck™ software used to show building envelope compliance with Massachusetts Building Code, 780 CMR.

Lighting

When discussing horticultural lighting, it is helpful to be aware of the following definitions in the regulations:[8]

> Canopy means an area to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries, Canopy may be noncontiguous, but each unique area included in the total Canopy calculations shall be separated by an identifiable boundary which include, but is not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total Canopy calculation.
>
> Horticultural Lighting Equipment (HLE) means any lighting equipment (e.g. fixtures, bulbs, ballasts, controls, etc.) that uses energy for the cultivation of plants, at any stage of

[7] 935 CMR 500.120(11)(a); 935 CMR 501.120(12)(a).
[8] 935 CMR 500.002, 500.120(11)(h) and 501.120(12)(g).

growth (e.g. germination, cloning/mother plants, propagation, vegetation, flowering, and harvest).

Horticulture Lighting Square Footage (HLSF) means Canopy.

Horticulture Lighting Power Density (HLPD) is a measure of total watts of HLE per total Horticulture Lighting Square Footage (HLE / HLSF = HLPD), expressed as number of watts per square foot.

Indoor and some greenhouse cultivators use HLE to grow plants. These lights are very powerful and have significantly higher energy use and light intensity compared to typical screw-in light bulbs. As there are numerous horticultural lighting technology options, the regulations set forth two lighting compliance options to provide flexibility for Cultivators to make technology decisions that meet the requirements.[9]

It is important to note that long-term exposure to horticultural lighting may impact vision. Eye safety protocols must be established prior to the time of initial operations and regularly updated and implemented as part of the Cultivation Facility's detailed written operating procedures.

These eye protection requirements are <u>in addition</u> to any other safety protocols required under state, federal, or local law (e.g. OSHA).

Cultivators must demonstrate compliance with either: (1) the HLPD standard; or (2) the Horticultural Lighting Qualified Product List (Horticultural QPL):

1. HLPD: HLPD must not exceed 36 watts per gross square foot, but for Tier 1 and Tier 2 which must not exceed 50 watts per square foot.

   HLPD is a measure of total watts of Horticultural Lighting Equipment per total Horticulture Lighting Square Footage, expressed as number of watts per square foot.
   (HLE / HLSF = HLPD)

2. Horticultural QPL: All horticultural lighting used in a facility must be:

[9] 935 CMR 500.120 (11)(b); 935 CMR 501.120 (12)(b).

a. listed on the current Design Lights Consortium Solid-State Horticultural QPL or other similar list approved by the Commission as of the date of license application, AND
b. lighting Photosynthetic Photon Efficacy (PPE) is at least 15 percent above the minimum Horticultural QPL threshold rounded up to the nearest 0.1 micromoles per joule (μmol/J).

The HLPD Energy Compliance Letter submitted as part of the Architectural Review must contain the following regarding horticultural lighting:

1. The letter must include the calculations that show compliance with the HLPD requirements;
2. Narrative explanation of how the facility complies with 935 CMR 500.120(11)(b) or 501.120(12)(b), supported by copies of the facility lighting schedule, square footage of canopy, description of HLE, number, type, and wattage of all HLE;
3. Cutsheets for all HLE to be submitted as part of the Architectural Review;
4. Detailed identification of the stamped plans showing the layout of all HLE, which means any lighting equipment (e.g. fixtures, bulbs, ballasts, controls, etc.) that uses energy for the cultivation of plants, at any stage of growth (e.g. germination, cloning/mother plants, propagation, vegetation, flowering, and harvest), such plans must be available immediately upon inspection and two copies of the plans must be available for immediate surrender upon request;
5. Detailed identification of the stamped plans showing the areas considered as HLSF, such plans must be available immediately upon inspection and two copies of the plans must be available for immediate surrender upon request;
6. Description of an eye safety plan that includes the following:
    a. Safety protocols related to eye safety for those exposed to horticultural lighting;
    b. Communication plan for how eye safety protocols will be communicated to employees;
    c. Description of how protective eyewear will be provided for anyone coming in to contact with active horticultural lights;
    d. Description of signage that will be used to remind workers of eye safety;
    e. Affirmation that the safety protocols will be reviewed and updated by the Cultivation Facility on an annual basis.

The Horticultural QPL Energy Compliance Letter submitted as part of the Architectural Review must contain the following regarding horticultural lighting:

1. Narrative explanation of how the facility complies with 935 CMR 500.120(11)(b) or 501.120(12)(b), supported by copies of the facility lighting schedule, square footage of canopy, description of HLE, number, type and wattage of all HLE;
2. Cutsheets for all HLE to be submitted as part of the Architectural Review;
3. Description of an eye safety plan that includes the following:
    a. Safety protocols related to eye safety for those exposed to horticultural lighting;
    b. Communication plan for how eye safety protocols will be communicated to employees;
    c. Description of how protective eyewear will be provided for anyone coming in to contact with active horticultural lights;
    d. Description of signage that will be used to remind workers of eye safety.
    e. Affirmation that the safety protocols will be reviewed and updated by the Cultivation Facility on an annual basis.

HVAC & Dehumidification Systems

HVAC as well as dehumidification are primary drivers of energy use in a Cultivation Facility. Air conditioning is used to cool the air to offset heat generated from lighting. Dehumidification is necessary to remove water, used by plants, from the air.

The regulations[10] require HVAC and dehumidification systems to meet Massachusetts Building Code requirements, 780 CMR, which in turn incorporates Chapter 403 of the International Energy Conservation Code (IECC) and Chapter 6 of the American Society of Heating, Refrigerating and Air-Conditioning Engineers Handbook. To demonstrate compliance, a Cultivation Facility must provide a certification from a Massachusetts Licensed Mechanical Engineer that the HVAC and dehumidification systems meets the Massachusetts State Building Code as specified in the regulations and that such systems have been evaluated and sized for the anticipated loads of the facility.

The Professional Engineer (PE) providing the Energy Compliance Letter may also serve as a Licensed Mechanical Engineer, if the PE license covers mechanical engineering. The letter must include the following information:

- Certification from a Massachusetts Licensed Mechanical Engineer that the HVAC and dehumidification systems meet the Massachusetts State Building Code, and that HVAC and dehumidification equipment have been evaluated and sized for the loads of the facility;

[10] 935 CMR 500.120(11)(c); 935 CMR 501.120(12)(c).

- Total of tons of refrigeration (TR), thousands of British thermal units (BTUs) per hour (MBH), and a listing of all HVAC equipment to be installed. The information provided in the letter must be supported by equipment data sheets available immediately upon request.
- Total of tons of dehumidification (TD), and a listing of all dehumidification equipment to be installed, supported by equipment data sheets.
- Details about energy recovery equipment installed as part of the ventilation system.
- A listing of all odor mitigation equipment to be installed. The information provided in the letter must be supported by equipment data sheets available immediately upon request.

Exemptions

Indoor cultivation facilities may be exempt[11] from the regulatory requirements for horticultural lighting, HVAC, and dehumidification systems if they are generating 80% or more of the total annual onsite energy use for all fuels (expressed on a MWh basis) from:

1. a clean or renewable generating source; or
2. renewable thermal generation.

A "clean or renewable resource" should be understood to refer to renewable energy generating sources, as provided in M.G.L. c. 25A, § 11F and regulations promulgated thereunder, or renewable thermal generating sources, as provided in M.G.L. c. 25A, § 11F½ and regulations promulgated thereunder.

As of September 2019, acceptable renewables technologies include the following:

1. Renewable Generation Unit as defined by 225 CMR 14 (https://www.mass.gov/guides/rps-class-i-and-class-ii-statement-of-qualification-application)
   a. Solar photovoltaic or solar thermal electric energy
   b. Wind energy
   c. Ocean thermal, wave, or tidal energy
   d. Fuel cells using eligible Renewable Energy Portfolio Standard (RPS) Class I renewable fuel
   e. Landfill methane gas
   f. Hydroelectric

[11] 935 CMR 500.120(11)(e); 935 CMR 500.120(12)(e).

g. Low-emission, Advanced Biomass Power Conversion Technologies using Eligible Biomass Fuel
h. Marine or hydrokinetic energy
i. Geothermal energy

2. Renewable Thermal Generation Unit as defined by 225 CMR 16 (https://www.mass.gov/guides/aps-renewable-thermal-statement-of-qualification-application)
   a. Air-Source Heat Pump
   b. Ground Source Heat Pump
   c. Deep Geothermal Heat Exchange
   d. Solar Thermal
   e. Woody Biomass
   f. Biogas
   g. Liquid Biofuels
   h. Compost Heat Exchange System

Additionally, the Cultivation Facility must document that renewable energy credits or alternative energy credits representing the portion of the Licensee's energy usage not generated onsite has been purchased and retired on an annual basis.

In order to demonstrate eligibility for the exemption, a Cultivation Facility must submit an Energy Compliance Exemption Letter, demonstrating exemption as part of Architectural Review.

The letter must be provided by someone with the same qualifications as for the Energy Compliance Letter and include:

1. Description of clean or renewable energy system, including an attestation that the system meets eligibility requirements above. This requirement can be satisfied by providing an RPS or APS Conditional Statement of Qualification approved by the Department of Energy Resources.
2. Energy usage calculations for the facility, supported by building plans and energy models, including inputs and outputs by end use.
3. Clean or renewable energy generation calculations for the facility, supported by building plans and energy models, including inputs and outputs by end use.
4. Written plan on how Renewable Energy Certificates (RECs) or Alternative Energy Credits (AECs) will be generated and retired on at least an annual basis. Note that the option of retiring RECs and AECs is available only to demonstrate

the portion of energy usage *not* generated for onsite use (maximum of 20% of total onsite energy usage).

5. HVAC information, including:
    a. Certification from a Massachusetts Licensed Mechanical Engineer that the HVAC and dehumidification systems meet the Massachusetts State Building Code, and that HVAC and dehumidification equipment have been evaluated and sized for the loads of the facility.
    b. Total of TR, thousands of BTUs per hour (MBH), and a listing of all HVAC equipment to be installed. The information provided in the letter must be supported by equipment data sheets available immediately upon request.
    c. Total of TD, and a listing of all dehumidification equipment to be installed, supported by equipment data sheets.
    d. Details about energy recovery equipment installed as part of the ventilation system.
    e. A listing of all odor mitigation equipment to be installed. The information provided in the letter must be supported by equipment data sheets available immediately upon request.
6. Description of an eye safety plan that includes the following:
    a. Safety protocols related to eye safety for those exposed to horticultural lighting;
    b. Communication plan for how eye safety protocols will be communicated to employees;
    c. Description of how protective eyewear will be provided for anyone coming in to contact with active horticultural lights;
    d. Description of signage that will be used to remind workers of eye safety.
    e. Affirmation that the safety protocols will be reviewed and updated by the Cultivation Facility on an annual basis.

Operations & Renewal

A Cultivation Facility shall continue to maintain written operating procedures on energy usage for the duration of its operations. Cultivation Facilities should continuously re-evaluate opportunities for energy conservation and the mitigation of their environmental impact as their operations are ongoing.

A Cultivation Facility, whether operated by a Marijuana Cultivator or an MTC, must provide energy and water reporting as part of the annual license renewal requirement.[12] All Cultivation Facilities are subject to this requirement, regardless of whether they file a Letter of Compliance or a Letter of Compliance Exemption. This guidance document outlines the steps that Cultivation Facilities should take to be in compliance with this reporting requirement.

Requirements: Based on the previous 12-month period, a Cultivation Facility must provide energy consumption by fuel (monthly, including consumption and demand), water consumption (gallons per month), on-site energy generation (monthly), and cannabis yield by weight (annual).

Timing: The required information must be included as part of the licensee's completed renewal application as outlined in 935 CMR 500.103(4)(c) and 935 CMR 501.103(4)(c). This information must be included every year that a renewal application is submitted. Please note that if a Cultivation Facility has filed its renewal application prior to January 31, 2020 without complying with the documentation requirements for renewal as described in the regulations and this guidance or applying for an Energy Reporting Extension (if eligible), a condition will be placed on its renewal that the documentation must be filed within 60 days. All applications for renewal filed on or after February 1, 2020 must include the required documentation.

Annual Energy and Environmental Reporting

1. Facilities should use the Cannabis PowerScore for annual reporting for electricity consumption. If non-electric fuels, such as natural gas consumption, other delivered fuels or clean or renewable energy generation are not yet available on the Cannabis PowerScore at the time of renewal, facilities may submit monthly usage information in a separate format.
2. It is recommended to create an account on https://www.cannabispowerscore.org by clicking the "sign up" link, this will allow you to save work and return to it later. Creating an account is not required.
3. Complete information about your facility. The more information provided, the more you will learn in comparing to other facilities.
4. On the annual totals page, a Cultivator will provide the following information:
    a. Monthly
        i. Electricity consumption (kWh and KW)
        ii. Natural gas consumption (Therms) (*if available*)
        iii. Other delivered fuels (specify fuel, gallons) (*if available*)

[12] 935 CMR 500.103(4) and 935 CMR 501.103(4).

iv. Water consumption (gallons)
v. Clean or renewable energy generation (kWh) (*if available*)

b. Annual
i. Total cannabis flower and byproduct (grams)

5. Complete your submission.
6. Print final Cannabis PowerScore report and include as part of renewal application. Please ensure the following information is included on the printed submission:
   a. Cannabis PowerScore report number
   b. Production efficiency – grams per kwh
   c. Monthly energy consumption/generation and water usage breakdown

Update Energy Compliance Letter or Energy Compliance Exemption Letter
If any information reflected in the Energy Compliance Letter or Energy Compliance Exemption Letter, including plans or other technical information, has changed, an updated letter and any required supporting documentation must be filed together with the renewal application.

NOTE: Cultivation Facilities that did not submit an Energy Compliance Letter or an Energy Compliance Exemption Letter as part of initial licensure must submit these letters and any other required documentation explained in this guidance at the time of the renewal application, subject to the timing allowances explained above.

Conclusion

Application sections pertaining to energy are reviewed for compliance with 935 CMR 500.000 or 935 CMR 501.000, as applicable, and for completeness. The regulations and guidance are designed to ensure that Cultivation Facilities consider how to optimally use energy early in the facility design process, and continually assess new opportunities for reduce energy usage and costs. Current regulations[13] require that Cultivation Facilities use best management practices to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts. At this time, the Commission deems compliance with the operational requirements, as described above, to constitute best management practices as related to Cultivation Facilities. Cultivation facilities should maintain policies and procedures addressing all efforts to mitigate environmental impacts, as required under 935 CMR 500.120(12)(e) and 501.120(13)(e).

Applicants will be responsible for complying with any revisions to this guidance that may be issued if legal or regulatory requirements change.

[13] 935 CMR 500.120(11) and 935 CMR 501.120(11) & (12).

Other Helpful Resources

License applicants can use this guidance to learn more about how to comply with the energy usage requirements set forth in the following sections of 935 CMR 500.000 and 501.000:

- 935 CMR 500.040(3)(c) – Energy and Environmental Leader Award
- 935 CMR 500.103(1)(b) & 501.103(1)(a) – Architectural Review, Energy Letters
- 935 CMR 500.103(1)(f) & 501.103(1)(e) – Provisional License, Energy Letters
- 935 CMR 500.103(4)(c),(d) & 501.103(4)(c),(d) – Renewal, Energy Letters
- 935 CMR 500.105(1)(q) & 501.105(1)(q) – Written Operating Procedures
- 935 CMR 500.105(13)(h) & 501.105(13)(h) – General Operating Requirements / Transporters
- 935 CMR 500.105(15) & 501.105(15) – General Operating Requirements / Energy Efficiency and Conservation
- 935 CMR 500.120(11) – Marijuana Cultivators
- 935 CMR 501.120(11) – Additional Operational Requirements for the Cultivation, Acquisition, and Distribution of Marijuana
- 935 CMR 500.130(3) & (5)(e) – Marijuana Product Manufacturers
- 935 CMR 501.130(3) – Additional Operational Requirements for Handling and Testing Marijuana and for Production of MIPs

c. Grandfathering & Energy Extension Reporting

Grandfathering

For adult-use cultivation facilities, the requirement to comply with the energy efficiency and equipment standards has been in effect as of March 23, 2018. MTCs with a final certificate of registration before March 15, 2018 who sought an adult cultivation license were given an additional 12 months to comply, until March 23, 2019. The regulations were amended again to give these operators an additional 9 months to comply, until January 1, 2020. The Commission has voted to delay enforcement until January 31, 2020 to allow additional time for implementation. The same date applies to cultivation facilities that are co-located medical and adult use. Facilities that are only medical have until January 1, 2021 to comply.

The regulations also permit licensees to apply for a 6-month extension to the deadline if they agree to submit quarterly reports to the Commission regarding their energy and environmental impact.

III. Best Management Practices

a. Guidance on Best Management Practices for Water Use

Cannabis, whether in the form of industrial hemp or marijuana, has varying requirements in water and nutrient levels based on the method of cultivation. This document aims to compare the water needs and differences between all methods of cultivation, including removing the plant entirely from natural systems and growing in sealed indoor environments, and the considerations that a grower should be taking into account when locating their facility and establishing watering operations for plant growth and facility maintenance.

***It should be noted that given the lack of research on hemp and marijuana growth in the United States, there is conflicting information on cultivation practices, and the vast differences between methods leads to high amounts of variability. The following numbers are cited but subject to change upon the release of more current regional data.*

Location of Facility and Source of Water

An important consideration for siting of a facility is the availability of water for production.

Typically, water for a greenhouse or indoor facility would come from local municipal water or from a regional water supplier like the Massachusetts Water Resources Authority (MWRA). In the case of local municipal water, attention should be paid to whether the water supplier has enough capacity to supply the water both from a source and infrastructure perspective. Depending on the watershed and the specific town the facility is located in, the additional volumes may not be available within the town's registered or permitted amounts, or an Interbasin Transfer[14] approval may be required.

Increased demand on the system may cause a community to seek a new permitted volume which may have additional mitigation requirements. If a grower chooses to develop their own local water supply such as a new well, it is recommended that they contact the local Massachusetts Department of Environmental Protection (MassDEP) office for guidance on new source approval. A marijuana cultivation facility could trigger the Water Management Act's permitting requirements if it pumps from its own water sources more than an average of 100,000 gallons per day or more for three consecutive months of the year, or more than nine million unregistered gallons over any three-month period. In addition, an ME that is supplying its own potable water and has a restroom that is accessible to 25 or more people 60 or more days per year is considered a Public Water System and would need to obtain an approval. A permit application will need to be filed with MassDEP before operations commence.

Water Use

It is also important to know and understand that prior to establishing your facility, you will need to consider how much water you may use. If your water source is public then you must consider that the city or town you are operating in has a limited amount of water it is allocated to use per year.[15] This information may be useful when you are preparing for and going through the state licensing process and local permitting and/or licensing process.

Seeds vs. Clones

Literature does not currently provide an in-depth analysis of the water necessities of an individual plant, but there is significant evidence to indicate that seeds require less water than clones regardless of the cultivation setting. Seeds are hardier and more resistant to stress and disease, and even though they need more water initially, the growing period for seeds is shorter

[14] For information about the Interbasin Transfer Act and Application materials: https://www.mass.gov/interbasin-transfer-act

[15] https://www.mass.gov/lists/massdep-water-management-act-laws-regulations-policies-and- guidance

than that of clones. Clones, while providing insurance for an exact chemical profile upon maturity, require more nutrients which are usually mixed in a water solution.

Outdoor Cultivation

Water requirements for outdoor cultivation vary widely by region, variety, and planting date. As outdoor large-scale cultivation of cannabis is new to Massachusetts, there is no data yet to confirm exact amounts of water required. Studies have shown, however, that the ranges can vary between 12-15" in British Columbia to 20-30" in Europe.[16] This equates to about six gallons per plant per day,[17] which is about twice as much as is required by grapes in California, but not as much as cotton in Georgia (10 gallons/day).[18]

Notably, cannabis requires that most of its water be received by the plant within the first six weeks of cultivation, while metrics generally list watering averages over the lifespan of the plant. Flowering of the plant significantly decreases water uptake. Within that six-week period, it is critical that the plant experience neither drought nor flooding. Dry conditions hasten maturity and stunt the growth of the plant, whereas puddled areas of a field will kill seedlings within two days if not drained appropriately. Soil composition and conditions play a critical role in this.

It should also be noted that varieties respond differently across agricultural regions, with variability in height, biomass, and chemical composition. It has been found that it may take up to three years to develop a localized strain that is acclimatized to the conditions set forth in the region.

Indoor Cultivation

Indoor cannabis cultivation is generally referred to as the process of removing the crop completely from natural conditions such as sunlight, soil, and air and substituting those elements with artificial alternatives. The benefit of indoor growing lies in being able to control the elements of the plant's environment and be able to produce multiple harvests in a year. This method of growing is much more intensive in its usage of energy, water, and chemicals. There are many different methods of cultivating the plants themselves. These methods include:

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[16] Nelson, R. A. (2000). *Hemp Husbandry*, https://www.hempbasics.com/hhusb/hh2cul.htm

[17] Bauer S, Olson J, Cockrill A, van Hattem M, Miller L, et al. (18 March 2015) Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds. Plos One 10(9): e0138935. https://doi.org/10.1371/journal.pone.0137935

[18] Bednarz, C., et. al. (2003). *Cotton crop water use and irrigation scheduling*, http://www.ugacotton.com/vault/rer/2003/p72.pdf

- Hydroponics (water medium)
- Pots/trays (soil medium)
- Aeroponics (plant suspended on wall, not as common)

In the more typical methods of cultivation (namely soil and hydroponics), medical marijuana studies have estimated that indoor grows require watering in quantities of 98"/room-year, or 40 gallons/room-day (one room = 250 sq. ft.).[19] Hydroponically grown cannabis is much more water intensive than other crops. When grown indoors, however, facilities have the capacity to set up recycling systems that clean and filter used water to be recycled back into irrigation; which helps negate the amount of freshwater input into the system. Treating water and reusing treated water are activities that are regulated by MassDEP and require permits.[20] This water would need to be changed periodically, and nutrient levels can reach unusable points for the plants if not applied correctly.

Generally, for non-cannabis crops, indoor cultivation facilities with natural sun and/or ventilation present appear to provide a more balanced method of cultivation, as they are less energy and water intensive than a sealed indoor facility.

Monitoring and Reporting

Water is a crucial resource in the growth of cannabis and in the functioning and operations of cannabis growing facilities. In addition to plant needs, water is also used for heating, processing, sanitary purposes, and landscaping on the property. Minimizing water loss from leaks as well as monitoring total water use as a compliment to instituting best management practices help advance the water conservation goals of the Commonwealth.

Growers should:

- install water meters;
- conduct regular water audits to determine the amount and location of water use;
- develop and implement a water savings strategy; and
- repair all leaks as quickly as possible.

Water Application Methods

[19] O'Hare, M., et. al. (7 September, 2013). *Environmental Risks and Opportunities in Cannabis*, https://lcb.wa.gov/publications/Marijuana/SEPA/5d_Environmental_Risks_and_Opportunities_in_Cannabis_Cultivation.pdf

[20] https://www.mass.gov/lists/massdep-wastewater-discharge-and-reuse-regulations

Several different methods of water application are used as standards in the horticultural industry. Whereas outdoor fields rely mostly on rainfall or irrigation in cases of drought, indoor facilities must install their own application systems. The most commonly used methods are as follows:

Flood tables utilize large, shallow tables that flood usually on an automated system and provide a layer of water and/or nutrients to plants growing in hydroponic mediums. Large amounts of water are used for this method, but the water can be recycled through the system and used again after treatment via filtration and cleaning.

Drip watering involves irrigation systems that feed directly to each plant through thin drip tubes. The amount of water can be controlled directly or on an automated schedule, and virtually eliminates excess water waste or runoff from the plants.

Wick systems employ a reservoir that provides water and nutrients for a plant via capillary action through wicking material. Seedlings and newly vegetating plants are occasionally watered with this method since it is a simple system that does not require machinery or electricity. However, it is insufficient in supplying large plants with greater water needs.

Hand watering is one of the most common practices used since it requires relatively little equipment and expense initially or in maintenance. However, the amount of applied water varies greatly between applicators and there is a much larger potential for water being wasted through either over application or by missing the plant root systems. If hand watering is being used, the facility should have a good operating procedure on how to hand water.

Aeroponics uses spray nozzles to mist the stem or roots with nutrients. Larger operations will put the stem/root in a channel and have the spray nozzles line the channel, while others may use the bucket system in which the nitrified water and air are maintained in buckets.

Nutrient film technique (NFT) Systems use very shallow nutrient solution that runs downward in a tube or tray toward the reservoir where it is reused. It is best used on smaller plants with short crop cycle.

Water culture systems are systems where plants are suspended so roots hang down in nutrient solution and the reservoir is continually aerated.

Wastewater Disposal

Many indoor facilities utilize water recapture methods to save money and energy in their

operations. Depending on the system in place this could be done through drain pipes and lines, ditches, dehumidifiers, or condensation recapture modules. The recaptured water requires treatment if it is to be reapplied to plants to prevent the growth and spread of microbial pathogens and to reduce the amount of ionic and toxic elements that can be introduced to the water through the addition of nutrients. Common practices include carbon filtration, which neutralizes salinity and other inorganic materials in the water, and reverse osmosis, which allows for close to 97% reuptake but produces a brine that is difficult to dispose of. Other chemicals may be added to clean the water before reapplication to reduce microbe levels. Facilities may also employ the use of an aerobic treatment unit to reduce chemical and microbial levels in the returned water to a satisfactory level.[21] Studies have shown that there is no significant difference in plant growth between the use of recycled water versus the use of fresh water.

Even with recapture methods, however, systems need to be flushed on occasion and new water introduced, especially in the event of pathogen outbreaks or from the presence of high levels of salts or ions that could be detrimental to crop growth and development. Water which is not reused must be discharged to a sewer or collected and stored in a certified holding tank for disposal at an approved facility. Note that water which is being disposed of cannot be discharged to an on-site septic system. If wastewater is being discharged out of the facility (e.g., to a Title 5 system, a sewer system, the ground, or surface waters), the proponent must contact their local MassDEP office to determine if a discharge permit is required. If wastewater is being stored, it must be kept in a holding tank that is permitted by MassDEP (Transmittal Form DEP01).

In other states, this waste has traditionally been disposed through landfills (often with unused cannabis waste material such as leaves and stems chopped up and mixed in to form a slurry) or is considered industrial waste, depending on the method the waste was created and the definition of industrial/hazardous waste by law. In Massachusetts, however, this waste may not be disposed in a landfill. If the waste is combined with unused cannabis waste, it may be composted or sent to an anaerobic digester. As a last resort, if such slurry is sufficiently dewatered, it may be disposed at a landfill so long as the remaining sludge does not contain free-draining liquids and contains a minimum of 20% solids (note that the disposal facility will need advance notice in order to submit the required documentation to MassDEP). If wastewater is being discharged out of the facility (e.g., to a Title 5 system, a sewer system, the ground, or surface waters), the proponent must contact their local MassDEP office to determine if a discharge permit is required. If wastewater is being stored, it must be kept in a holding tank that is permitted by MassDEP

[21] Oyama, N. (2005). Recycling of treated domestic effluent from an on-site wastewater treatment system for hydroponics, https://www.ncbi.nlm.nih.gov/pubmed/16104424

(Transmittal Form DEP01). For more information on waste disposal, please refer to the Commission's Guidance on Cannabis Waste Management Requirements.

Best Management Practice Guides

Water use on a crop should strike an appropriate balance between both agricultural needs for water and the need to conserve water. Examples of conservation approaches include proper irrigation scheduling in both timing (daily and seasonal) and volume, control of runoff, the uniform application of water, irrigation technologies, such as drip irrigation (where appropriate), and automated irrigation systems. The Massachusetts Water Conservation Standards[22] (WCS) outline many approaches and best management practices that an agricultural entity should adopt that are environmentally and economically appropriate for their specific operation and site conditions. In addition, the WCS outlines standards and best approaches for indoor water use to ensure high levels of efficiency in structural items such as toilets and other water fixtures. Based on the information gathered above, there are three best management practice categories listed below that are considered high priority and should be implemented, to the greatest extent practicable, by all cannabis growers. These practices, along with some others, can help reduce or mitigate strains to disposal and environmental systems and improve water and energy efficiency as a whole.

1. Soil health
    - Determine the soil needs and develop a soil health management system to improve the health and function of the soil. Soils are an ecosystem that can be managed to provide nutrients for plant growth, absorb and hold rainwater for use during drier periods, filter and buffer potential pollutants from leaving fields, serve as a firm foundation for agricultural activities, and provide habitat for soil microbes to flourish.
    - Consider using compost to help promote the health of the soil.
    - Maintain adequate soil moisture based on crop needs for optimum plant growth without causing excessive water loss, erosion, or reduced water quality.
2. Watering methods
    - Use water in a targeted, planned, and efficient manner with appropriate amounts and frequency to meet the needs of the crop without excessive water loss.
    - Automation of watering systems is critical to reducing water waste and decreasing variability in plant health through overwatering. If automation is not financially

[22] Massachusetts Water Conservation Standards (2018), Water Resources Commission. https://www.mass.gov/massachusetts-water-conservation-standards

feasible, water nozzles and other flow-reducing systems should be put in place to monitor and check flow rates.
- Micro-irrigation systems, such as subsurface drip irrigation, should be adopted if the facility is designed to be compatible for it.
- Establish an irrigation schedule based on the specific needs of the crop.
- Irrigation system efficiency should be evaluated on an annual basis.
- Where sprinkler systems are used for irrigation, the systems should be capable of uniform application of water with minimal evaporative loss and minimal surface run-off.

3. Water capture and reuse
    - A water recapturing system should be used to recycle and reuse water so as to reduce the total amount of water used. Systems can include ones that capture water from watering the plant and reusing and/or capturing water condensation from the HVAC system.
    - Explore the options of capturing and using rainwater.
4. Other
    - Be knowledgeable of the municipal and state laws relative to water use.
    - Choose a site that is capable of managing the amount of water that will be used and will not impact other water users.
    - Cultivators should consider utilizing greenhouses and outdoor settings to reduce the amount of energy and water required to maintain plant health.
    - Monitor and document your water use.
    - If cultivating outdoors, growers should be mindful of all other relevant agricultural and environmental protection regulations in place regarding watershed areas, buffer zones, irrigation runoff, erosion control, and soil amendments.
    - Ensure that the appropriate dilution rates and application schedules are followed for any nutrients or cleaning solutions that are being used during cultivation or in treating water. Over application can lead to unnecessary contaminant levels in the water or poor plant health and require further treatment, more frequent system flushes, and loss of expensive chemicals.

b. Guidance on Best Management Practices for Waste Management

Managing Solid Waste Materials

Like any other business, MEs generate a variety of common waste materials. While some materials need to be disposed of in the trash, others should be recycled or composted.

Massachusetts has waste disposal ban regulations (310 CMR 19.017, available at https://www.mass.gov/regulations/310-CMR-19000-solid-waste-facility-regulations) that ban the disposal of certain materials in the trash. Commonly generated waste that is banned from disposal include cardboard, bottles and cans, paper, and leaves and yard waste. You can see more information on the waste bans and what materials are banned from disposal.

Under the waste ban regulations, MassDEP considers cannabis plant material to be "commercial organic material." This material is banned from disposal in the trash if a business generates one ton or more per week for disposal. If an ME generates one ton or more of commercial organic material per week for disposal, it would need to divert this material from disposal, typically to a compost or anaerobic digestion (AD) operation. If an ME generates less than one ton of plant material per week, the material may be disposed of in the trash, although MassDEP still encourages this material to be composted where possible.

Composting or AD

According to 935 CMR 500.105(12), cannabis plant parts and associated materials sent for composting or AD must first be ground and mixed with other organic materials such that the cannabis material is rendered unusable. Other organic materials may include growing media, soil, mulch, food waste, or agricultural material such as manure or other plant materials.

There are no unique requirements for hauling this material to a compost or anaerobic digestion facility. MassDEP does not license or grant permits to waste haulers. The best place to start is to check with the haulers that currently service businesses in the area, though ideally an ME should work with a hauler that has experience hauling other similar organic materials. If you need to find a new hauler, you can search for haulers by material type and location at Recycling Works Massachusetts.

Once on the webpage, select the material type "Food-Waste/Compostables" for cannabis plant materials (note: you can also use this webpage to search for recycling service providers). A hauler can help you determine which facility to deliver your material to, as well as the number and size of containers you need to meet your needs. You can also search for compost or AD facilities that can accept that material using that same link, or by referring to MassDEP's list of sites accepting diverted food material.

On-site composting: In some cases, it may work well for an ME to compost materials on site. Composting on site requires sufficient space to construct and maintain a compost pile, as well as additional materials to mix with cannabis plant material to compost successfully. For general

guidance on composting practices, please refer to the Massachusetts Department of Agricultural Resources' Composting Guidebook. Under MassDEP's regulations, a business can compost up to 20 cubic yards of material per week on site, but must complete and submit a one-time notification form to MassDEP and your local board of health. If you are interested in composting on site, you can receive free assistance and guidance through the RecyclingWorks in Massachusetts' Compost Site Technical Assistance Program.

Solid waste disposal: The requirements under 935 CMR 500.105(12) for disposing of cannabis waste are similar to those for sending it to composting or AD. The cannabis waste must be ground and mixed with other solid wastes so that the material is rendered unusable. Suitable materials for mixing cannabis wastes for disposal include food waste, coffee grounds, manure, sawdust, or growing media. The best approach is to work with your existing waste hauler to provide this collection service. Cannabis wastes mixed with other solid waste can be brought to any permitted transfer station, landfill, or municipal waste combustion facility for disposal. Your solid waste hauler will typically determine the best nearby facility to deliver the waste to for disposal. A hauler can also help you determine what number and size of containers you need to meet your needs.

Storage, documentation, and recordkeeping: Cannabis wastes should be stored in a secure and locked container and location prior to collection. Under 935 CMR 500.105(12), at least two ME agents must witness and document how the marijuana waste is handled. The same regulation requires your business to develop and maintain records for at least three years that include:

1. How the cannabis waste is secured prior to collection;
2. The date the material is sent for composting, anaerobic digestion, or disposal;
3. The type and amount of material managed;
4. The name, location, and type of facility to which the material was delivered;
    - (The facility can provide a scale or load ticket that includes all of this information.)
5. The manner of disposal or handling; and
6. The names and signatures of the two agents who witness the material management.

This three-year period is extended for the duration of any enforcement action and also may be extended by an order of the Commission.

Hazardous waste management: MEs may also generate some wastes that need to be managed as hazardous wastes. This may include: spent lighting, pesticides, solvents, used oil, or other chemicals used in facility operation and maintenance.

Massachusetts hazardous waste regulations (314 CMR 30.000) include provisions governing storage (how much material and for how long), labeling, manifest, transportation, and final management and disposal. If you generate hazardous waste, you will need an EPA ID. Your hazardous waste generator status determines how much waste you may accumulate at your site at one time, and how quickly you need to ship it off site for recycling or disposal. Please see the MassDEP Hazardous Waste Generation web page for more information and guidance.

Managing liquid wastes: Liquid waste containing marijuana or by-products of marijuana processing shall be disposed of in compliance with all applicable state and federal requirements. These requirements will depend on how liquid waste from a facility is being managed, whether discharged via a sewer connection, holding tank, or to groundwater or surface water. For more information on the applicable regulations and points of contact for each, please see the links in the Regulation Links and Contacts section below.

Packaging: It is recommended that recyclable and compostable packaging be used for marijuana products. Existing resources relative to packaging include the following:

- For recycling, MassDEP maintains a website with educational guidance: www.RecycleSmartMA.Org. This website summarizes what types of packaging are recyclable at our recycling facilities. For general guidance, see https://recyclesmartma.org/smart-recycling-guide. For more specific questions, you can search the "recyclopedia" using the search bar at the top of the page.
- For compostable packaging, search the internet for organizations that certify compostable packaging. Specifications relative to labeling are available at:
  - https://www.astm.org/Standards/D6400.htm
  - https://www.astm.org/Standards/D6868.htm

Regulation Links & Contacts

For any facility-specific permitting questions, please contact your MassDEP regional office. You can find which MassDEP region you are in using MassDEP's list of environmental protection locations. Links to relevant regulations are as follows:

Massachusetts Waste Ban Regulations – 310 CMR 19.017
Massachusetts Hazardous Waste Regulations – 314 CMR 30.000
Surface Water Discharge Permit Program – 314 CMR 3.00
Groundwater Discharge Program – 314 CMR 5.00

Operation, Maintenance and Pretreatment Standards for Wastewater Treatment Works – 314 CMR 12.00
Sewer System Extension and Connection Permit Program – 314 CMR 7.00
Industrial Wastewater Holding Tanks and Containers – 314 CMR 18.00

Other Resources

For assistance with recycling, running a compost operation, and solid waste management, please contact the RecyclingWorks in Massachusetts Program at (888) 254-5525, by email at Info@RecyclingWorksMA.com, or visit the program website at www.RecyclingWorksMA.com. RecyclingWorks in Massachusetts is funded by MassDEP and administered under contract with MassDEP by the Center for EcoTechnology. The program provides free assistance to Massachusetts businesses on waste reduction, recycling, composting, and best management practices.

c. Guidance on Best Management Practices for Integrated Pest Management

Licensed marijuana cultivators must comply with 935 CMR 500.120(9), which states:

The cultivation process shall use best practices to limit contamination including, but not limited to, mold, fungus, bacterial diseases, rot, pests, pesticides not in compliance with 500.120(5) for use on marijuana, mildew, and any other contaminant identified as posing potential harm.

To help licensed cultivators establish best practices in preventing pests and contamination, this guidance serves to assist growers in creating an integrated pest management plan.

The Plant – *Cannabis sativa L*[23]

Cannabis can be grown outdoors as a field crop, indoors in greenhouses, or in grow rooms. Each cultivation method has specific pest and disease problems that may arise due to the different conditions presented by each setting. For example, the high humidity environment of a grow room provides ideal conditions for fungal pathogens. Cannabis grown outdoors may be susceptible to vertebrate pests such as deer and mice as well as larger insect pests, such as stem

[23] Hemp and marijuana are different varieties of the same plant species, *Cannabis sativa L*. For the purposes of this document, the term *Cannabis* refers to marijuana only.

borers. Whether the cannabis crop is grown indoors or outdoors, cultivators should be prepared with the knowledge to prevent, identify, and control pests using Integrated Pest Management.

Integrated pest management (IPM) is an approach to pest control that applies a combination of methods to manage pest problems. The primary objective of IPM is to prevent, reduce, or maintain pest populations at non-damaging levels by utilizing mechanical, physical, and biological controls to reduce the need for reliance on chemical pesticides. In Massachusetts, IPM is defined under 333 CMR 14.02 as:

> A comprehensive strategy of pest control whose major objective is to achieve desired levels of pest control in an environmentally responsible manner by combining multiple pest control measures to reduce the need for reliance on chemical pesticides; more specifically, a combination of pest controls which addresses conditions that support pests and may include, but is not limited to, the use of monitoring techniques to determine immediate and ongoing need for pest control, increased sanitation, physical barrier methods, the use of natural pest enemies, and a judicious use of lowest risk pesticides when necessary.

IPM takes advantage of all available pest management strategies. It does not rely on a single pest control method, but rather establishes a way of evaluating the situation and determining the most environmentally safe or ecological solution.

The basic concepts that comprise an effective IPM strategy include:

1. Knowledge
    - Identify the pests: accurate identification of pests is critical in determining the proper methods of control.
    - Establish thresholds to determine when and if action is required to control pests before they reach damaging levels.
2. Prevention
    - Inspect/quarantine plants entering closed environments to ensure you are not bringing in pests.
    - Maintain controlled environments to inhibit growth of plant pathogens.
    - Reduce habitat for potential pests such as poor drainage, standing water, or overgrown vegetation/weeds.
3. Monitoring
    - Scout crops for evidence of pest damage. Use pest traps (like pheromone traps or yellow sticky cards) to determine presence and levels of insect pests.

4. Intervention
    - If intervention is required to control pests, evaluate all the options to determine the least risky and most effective controls available, including cultural, mechanical, biological, and/or chemical methods.

This document is not intended to provide comprehensive IPM recommendations for every cannabis pest; rather, it should serve as a basic guideline and assist cultivators with development of an IPM plan for their crop.

Pesticide Use in Cannabis

As cannabis remains prohibited by federal law, the United States Environmental Protection Agency (EPA) does not allow for the use of any registered pesticides in cannabis. Massachusetts pesticide laws follow federal laws, and thus registered pesticides cannot be applied to cannabis in Massachusetts. The Massachusetts Department of Agriculture has published an advisory regarding the use of pesticides on cannabis. As a result, cannabis cultivators must rely more heavily on other methods of management, as they have fewer available tools for use in pest control.

Indoor Cannabis Pest Prevention

Growing cannabis indoors is unique from other cultivation practices in that environmental factors such as ventilation and light are not naturally occurring. Instead, these inputs are produced and controlled by equipment. As with other crops, however, IPM starts with pest prevention. It is recommended to design and operate facilities to prevent the introduction and spread of pests.

Recommendations for indoor pest prevention include:

1. Keeping plants healthy: Healthy plants are more readily able to fight off pests or infections.
2. Sanitation: Keep your facility clean and organized. Seal potential points of entry for pests including cracks, crevices, and voids. Establish protocols to prevent pests from entering the facility on workers' clothing, shoes, or equipment.
3. Quarantine: Inspect all new plant material entering your facility for signs of infestation. Keep new plant material in a separate space for several days to ensure that signs of infestation do not present.
4. Maintain environmental conditions to minimize optimal pest habitat: Ensure humidity levels are appropriate and do not promote pathogen growth. Prevent standing water from forming and ensure that any reservoirs are sealed and filtered.

5. Inspections/monitoring: Regularly inspect plants for signs or symptoms of pest infestations. Place traps like yellow sticky cards in strategic locations to help detect early infestations of flying insect pests.

Outdoor Cannabis Pest Prevention

Cannabis grown outdoors is susceptible to a wide variety of pests including deer, insects, and fungi. Outdoor environments, by nature, are not as well controlled as indoor, and exclusion/prevention practices may be less effective against certain pests. In addition, the use of chemical controls is restricted, so cultural, mechanical, and biological controls have increased importance.

Recommendations for outdoor cannabis pest prevention include:

1. Keeping plants healthy: Healthy plants are more readily able to fight off pests or infections.
2. Exclusion: Use fencing or netting to keep out unwanted pests like deer or birds.
3. Sanitation: Inspect all new plant material for signs of infestation. Keep new plant material in a separate location for several days to ensure that signs of infestation do not present.
4. Maintain field conditions to minimize optimal pest habitat: Remove any overgrown vegetation that may harbor insect pests. Prevent standing water and promote plant health.
5. Inspections/monitoring: Regularly inspect the crop for signs or symptoms of pest infestations. Place traps like yellow sticky cards in strategic locations to help detect early infestations of flying insect pests like moths or aphids.

Cannabis Pest Control Actions

Even with a solid preventative program implemented, it is still possible for a cannabis crop to develop a pest problem. The first step once you've discovered a pest problem is to identify your pest. Proper identification of the pest is vital to determining the most effective control strategy.

There are four primary strategies available in a pest management program:

1. Cultural controls: Cultural controls modify the environment to make the cultivation operation an unaccommodating habitat for pests. They involve practices such as adjusting the irrigation schedule to combat root disease, reducing humidity to make the environment less hospitable to pathogenic fungus and shaping the canopy to facilitate superior airflow, or companion plantings to boost the populations of beneficial insects.

2. Mechanical controls: Mechanical controls use physical methods to trap, exclude, and remove pests, such as putting filters on air intakes, placing sticky traps in strategic locations to trap flying pests, removal of diseased plant material, or removal of weeds.
3. Biological controls: Biological controls utilize natural enemies (predators and parasites that deplete the health of a pest population) to directly attack pests. Biological control organisms can be extremely effective at maintaining pest populations below economic thresholds, and preventing infestations from reaching damaging levels.
4. Chemical controls: Chemical controls should be used judiciously in any IPM program. Cannabis cultivators are limited in their options for chemical controls since Massachusetts prohibits the use of any pesticide with an EPA registration number. While there are minimum-risk (25(b)) pesticides available for use in cannabis cultivation, pesticides in general should not be used as a primary pest control method in cannabis.

IV. Appendices

a. Appendix A: Checklists for Energy Compliance

I. Application

a. Basic Requirements for Applicants Other than Transporters & Delivery

1. Identification of potential energy-use reduction opportunities (such as natural lighting and energy efficiency measures), and a plan for implementation of such opportunities;
   - Description of how the ME/MTC will monitor energy consumption and make adjustments to operations based on energy usage data;
   - Procedures for identifying energy savings opportunities as part of any facility upgrades, renovations, or expansions; and
   - Procedures for identifying energy savings opportunities when equipment fails and needs to be replaced.

2. Consideration of opportunities for renewable energy generation, including, where applicable, submission of building plans showing where energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable;
   - Description of how the ME/MTC will make energy supply decisions and regularly evaluate renewable options;
   - Procedures for identifying renewable or alternative energy opportunities as part of any facility upgrades, renovations, or expansions; and
   - Procedures for identifying renewable or alternative energy opportunities when equipment fails and needs to be replaced.

3. Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage); and
   - Description of how the ME/MTC will monitor energy demand and make adjustments to operations based on data; and
   - Procedures for participation in load curtailment, energy storage, or other active demand management programs (as applicable).

4. Engagement with energy efficiency programs offered pursuant to M.G.L. c. 25, § 21, or through municipal lighting plants.
   - Description of how the applicant will incorporate regular engagement with energy efficiency programs (account representative, vendors, etc.) to ensure awareness of new opportunities and incentives.

b. Basic Requirements for Transporters & Delivery

- Applicant must describe how it will make fleet decisions and affirm that it will regularly evaluate alternative fuel vehicle options.

c. Additional Requirements for Cultivation Facilities

- How the cultivator will ensure on a regular basis that equipment is maintained, calibrated, and operating properly, including maintaining operations manuals and operating procedures for all major energy-using equipment – including, but not limited to, horticultural lighting, HVAC systems, dehumidification systems.

II. Architectural Review

a. Basic Requirements for Applicants Other than Transporter & Delivery

1. Identification of potential energy-use reduction opportunities (such as natural lighting and energy efficiency measures), and a plan for implementation of such opportunities;
   - Information demonstrating actual consideration of energy reduction opportunities, including a list of energy reduction opportunities that were considered.
   - Information about whether opportunities are being implemented, will be implemented at a later date, or are not planned to be implemented.
   - Summary of information that was considered to make the decision (i.e. costs, available incentives, and bill savings). NOTE: submission of a Mass Save® or MLP audit report or rebate applications is sufficient to demonstrate compliance.

2. Consideration of opportunities for renewable energy generation, including, where applicable, submission of building plans showing where energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable;
   - Information should be submitted to demonstrate actual consideration of renewable energy generation opportunities, including a list of renewable or alternative energy reduction opportunities that were considered.
   - Information about whether opportunities are being implemented; will be implemented at a later date; or are not planned to be implemented.
   - A summary of information that was considered to make a decision (i.e. costs, available incentives, and bill savings).

3. Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage);
   - Information should be submitted to demonstrate actual consideration of demand reduction opportunities.
   - Information about whether opportunities are being implemented, will be implemented at a later date, or not planning to be implemented.

- A summary of information that was considered to make a decision (i.e. costs, available incentives, and bill savings). NOTE: submission of a Mass Save® or MLP audit report or rebate applications is sufficient to demonstrate compliance.

4. Engagement with energy efficiency programs offered pursuant to M.G.L. c. 25, § 21, or through municipal lighting plants.
   - Information should be submitted to demonstrate actual engagement with energy efficiency (Mass Save® or MLP) programs and any financial incentives received. NOTE: submission of a Mass Save® or MLP audit report or rebate applications is sufficient to demonstrate compliance.

b. Basic Requirements for Transporter & Delivery

- Narrative describing the process the Transporter or Delivery operation used to select vehicles to be used in operations.
- If alternative fuel vehicles are not being used, detailed explanation of why other vehicle fuel sources were selected.
- A description of any other energy and water conservation strategies employed at the physical facility for the Transporter and Delivery operation (e.g. garage, dispatch) should also be included.

c. Additional Requirements for Cultivation Facilities: Energy Compliance & Energy Compliance Exemption Letters

1. Who needs to sign the letter?
   For Indoor Marijuana Cultivators, Medical Marijuana Treatment Centers – the letter must be signed by a:
   - Massachusetts Licensed Professional Engineer; or
   - Massachusetts Licensed Registered Architect.

   For Microbusinesses or Craft Marijuana Cooperatives with a cultivation location sized as Tier 1 or Tier 2, or such other Marijuana Cultivators meeting the requirements of 935 CMR 500.850 for a waiver:

   The letter must be signed by a:

- Massachusetts Licensed Professional Engineer;
- Massachusetts Licensed Registered Architect;
- Certified Energy Auditor certified by the Association of Energy Engineers; or
- Certified Energy Manager certified by the Association of Energy Engineers.

Please note: The HVAC & dehumidification systems portion of the letter must be separately completed and signed by a:

- Massachusetts Licensed Mechanical Engineer; or
- Professional Engineer with license that covers mechanical engineering.

2. What needs to be in the letter?
   Energy Compliance Letters or Energy Compliance Exemption Letters must include, at a minimum, the information required below.

- Letter Demonstrating HLPD Compliance

The letter must include the following information:

- *Building Envelope*
  - Narrative confirming compliance with 935 CMR 500.120(11)(a) or 935 CMR 501.120(11)(a), as applicable; and
  - The output from COMcheck™ software used to show building envelope compliance with State Building Code, 780 CMR.

- *HLPD Lighting (you should select either HLPD or HQPL, not both)*
  - If the applicant chooses the HLPD compliance path, the letter must include the calculations that show compliance with the HLPD requirements;
  - Narrative explanation of how the facility complies with 935 CMR 500.120(11)(b) or 501.120(12)(b), supported by copies of the facility lighting schedule, square footage of canopy, description of horticultural lighting equipment, number, type and wattage of all HLE;
  - Cutsheets for all HLE to be submitted as part of the Architectural Review;
  - Detailed identification of the stamped plans showing the layout of all HLE, which means any lighting equipment (e.g. fixtures, bulbs, ballasts, controls, etc.) that uses energy for the cultivation of plants, at

any stage of growth (e.g. germination, cloning/mother plants, propagation, vegetation, flowering, and harvest), such plans must be available immediately upon inspection and two copies of the plans must be available for immediate surrender upon request;

- Detailed identification of the stamped plans showing the areas considered as HLSF, such plans must be available immediately upon inspection and two copies of the plans must be available for immediate surrender upon request;
- Description of eye safety plan that includes the following:
    - Safety protocols related to eye safety for those exposed to horticultural lighting;
    - Communication plan for how eye safety protocols will be communicated to employees;
    - Description of how protective eyewear will be provided for anyone coming in to contact with active horticultural lights;
    - Description of signage that will be used to remind workers of eye safety; and
    - Affirmation that the safety protocols will be reviewed and updated by the Marijuana Cultivator or MTC on an annual basis.

- *HQPL Lighting (you should select either HLPD or HQPL, not both)*
    - Narrative explanation of how the facility complies with 935 CMR 500.120(11)(b) or 501.120(12)(b), supported by copies of the facility lighting schedule, square footage of canopy, description of horticultural lighting equipment, number, type and wattage of all HLE;
    - Cutsheets for all HLE to be submitted as part of the Architectural Review;
    - Description of eye safety plan that includes the following:
        - Safety protocols related to eye safety for those exposed to horticultural lighting;
        - Communication plan for how eye safety protocols will be communicated to employees;
        - Description of how protective eyewear will be provided for anyone coming in to contact with active horticultural lights;
        - Description of signage that will be used to remind workers of eye safety; and

- Affirmation that the safety protocols will be reviewed and updated by the Marijuana Cultivator or MTC on an annual basis.

- *HVAC & Dehumidification Systems*
  - Certification from a MA Licensed Mechanical Engineer that the HVAC and dehumidification systems meet Massachusetts building code, and that HVAC and dehumidification equipment have been evaluated and sized for the loads of the facility;
  - Total of TR, thousands of BTUs per hour (MBH), and a listing of all HVAC equipment to be installed, supported by equipment data sheets;
  - Total of TD, and a listing of all dehumidification equipment to be installed, supported by equipment data sheets;
  - Details about energy recovery equipment installed as part of the ventilation system; and
  - A listing of all odor mitigation equipment to be installed, supported by equipment data sheets.

- Letter Demonstrating Compliance Exemption

  - *Eligible Technologies*
    - Renewable Generation Unit as defined by 225 CMR 14:
      - Solar photovoltaic or solar thermal electric energy;
      - Wind energy;
      - Ocean thermal, wave or tidal energy;
      - Fuel cells using eligible RPS Class I renewable fuel;
      - Landfill methane gas;
      - Hydroelectric;
      - Low-emission, Advanced Biomass Power Conversion Technologies using Eligible Biomass Fuel;
      - Marine or hydrokinetic energy; or
      - Geothermal energy.
    - Renewable Thermal Generation Unit as defined by 225 CMR 16:
      - Air-Source Heat Pump;
      - Ground Source Heat Pump;
      - Deep Geothermal Heat Exchange;

- Solar Thermal;
- Woody Biomass;
- Biogas;
- Liquid Biofuels; or
- Compost Heat Exchange System.

- *Narrative Contents of Letter*
  - Description of clean or renewable energy system, including an attestation that system meets eligibility requirements above. This requirement can be satisfied by providing an RPS or APS Statement of Qualification approved by the Department of Energy Resources.
  - Energy usage calculations for the facility, supported by building plans, energy models, and energy model outputs, including inputs and outputs by end use;
  - Clean or renewable energy generation calculations for the facility, supported by building plans and energy models, including inputs and outputs by end use; and
  - Written plan on how RECs or AECs will be generated and retired on at least an annual basis. Note that the option of retiring RECs and AECs is available only to demonstrate the portion of energy usage *not* generated for onsite use (maximum of 20% of total onsite energy usage).
  - Description of eye safety plan that includes the following:
    - Safety protocols related to eye safety for those exposed to horticultural lighting;
    - Communication plan for how eye safety protocols will be communicated to employees;
    - Description of how protective eyewear will be provided for anyone coming in to contact with active horticultural lights;
    - Description of signage that will be used to remind workers of eye safety; and
    - Affirmation that the safety protocols will be reviewed and updated by the Marijuana Cultivator or MTC on an annual basis.

- *HVAC & Dehumidification Systems*

- Certification from a MA Licensed Mechanical Engineer that the HVAC and dehumidification systems meet Massachusetts building code, and that HVAC and dehumidification equipment have been evaluated and sized for the loads of the facility;
- Total of TR, thousands of BTUs per hour (MBH), and a listing of all HVAC equipment to be installed, supported by equipment data sheets;
- Total of TD, and a listing of all dehumidification equipment to be installed, supported by equipment data sheets;
- Details about energy recovery equipment installed as part of the ventilation system; and
- A listing of all odor mitigation equipment to be installed, supported by equipment data sheets.

d. Additional Requirements for Cultivation Facilities: Third-Party Safety Certification

- Third-party safety certification for lighting products by an OSHA, NRTL, or SCC-recognized body, which shall certify that the products meet a set of safety requirements and standards deemed applicable to horticultural lighting products by that safety organization.

III. Renewal

- Cannabis PowerScore
- Update Energy Compliance Letter or Energy Compliance Exemption Letter

b. Appendix B: DLC Horticulture QPL Process

Finding qualified lighting products on the DLC Horticultural QPL
Draft date: November 5, 2019

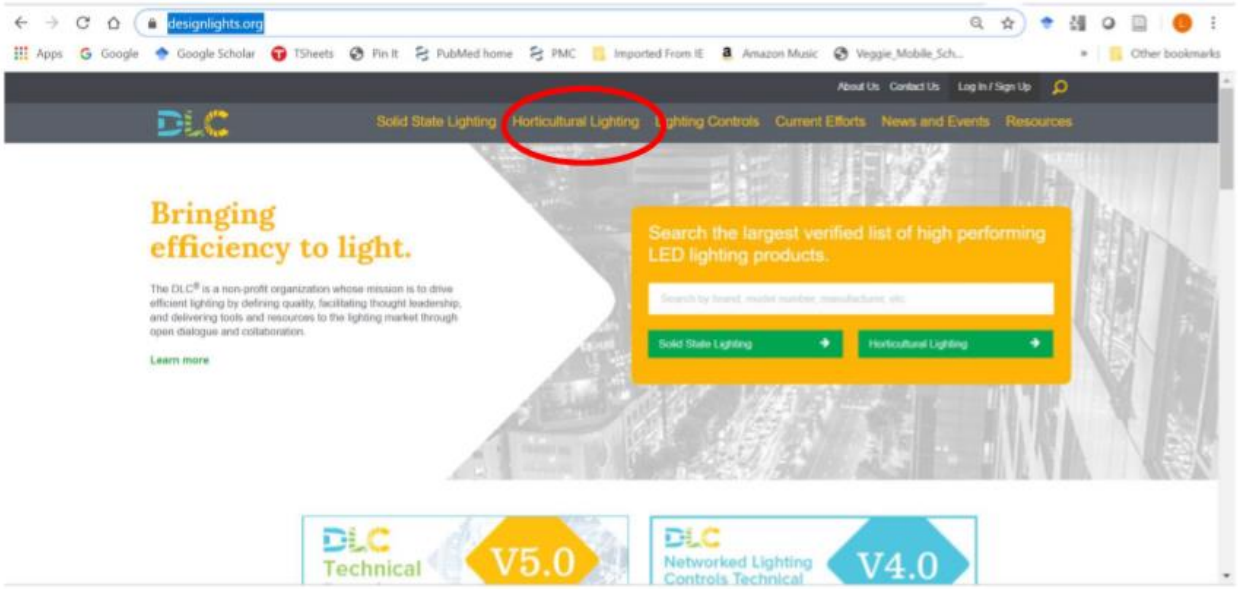
The Commission recently updated its regulations so that qualified LED lighting fixtures on the DesignLights Consortium (DLC) Horticultural Qualified Products List (QPL) can be used to comply with the minimum Commission Photosynthetic Photon Efficacy (PPE) metric.

The current baseline PPE for LED lighting fixtures on the DLC Horticultural QPL is 1.9 micromoles per Joule (µmol/J). The Commission regulations stipulate that the "lighting Photosynthetic Photon Efficacy (PPE) is at least 15% above the minimum Horticultural QPL threshold rounded up to the nearest 0.1 µmol/J (micromoles per joule)." This equates to a minimum Commission PPE requirement of 2.2 µmol/J (1.9 x 1.15 = 2.19, which rounds up to 2.2).

To find products that are on the DLC Horticultural QPL with PPEs of at least 2.2 µmol/J, follow these steps:

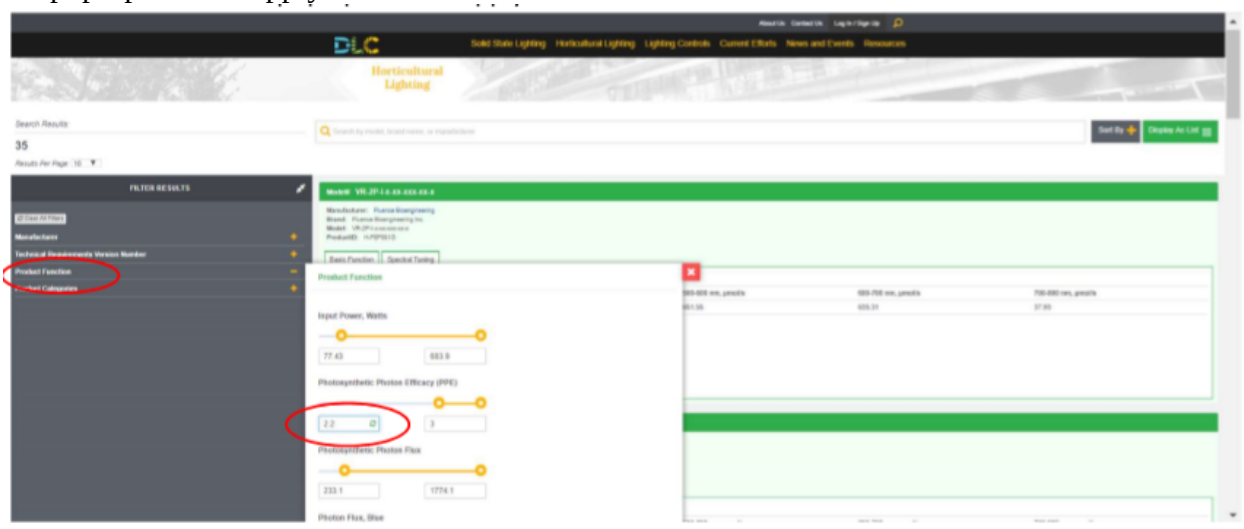
1. Go to www.designlights.org

2. Click on "Horticultural Lighting"



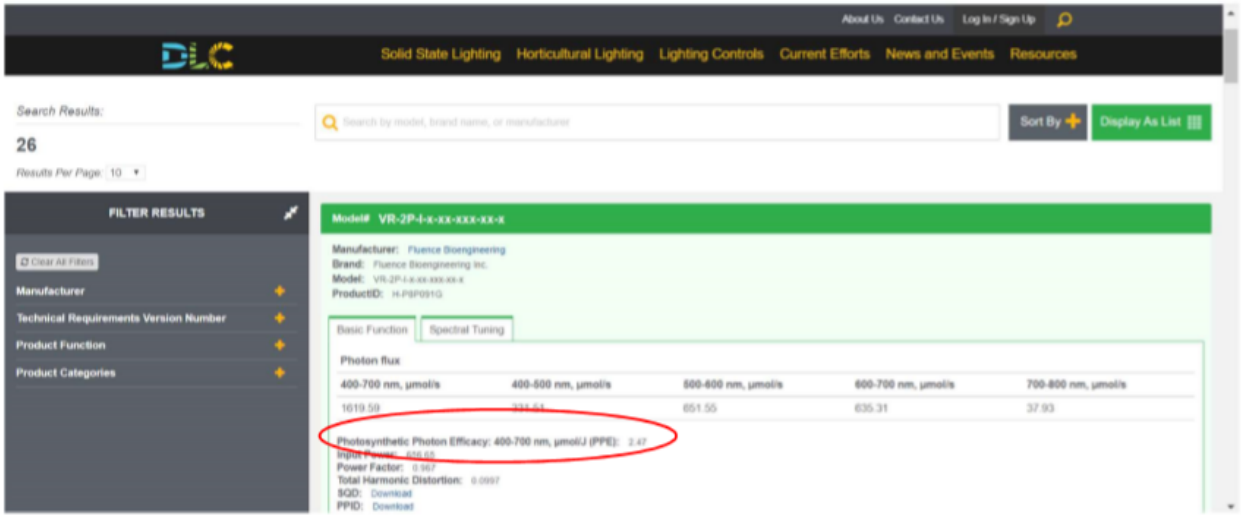
3. On the left side of the web page, click on the “Horticultural Lighting QPL” link

4. All qualified lighting products will be shown in the Tile format by default. To filter products by a specific minimum PPE, first click on the “Product Function” filter on the left side of the web page, then in the pop-up form, change the minimum PPE Filter Value to 2.2. Click out of the pop-up form to apply the filter.

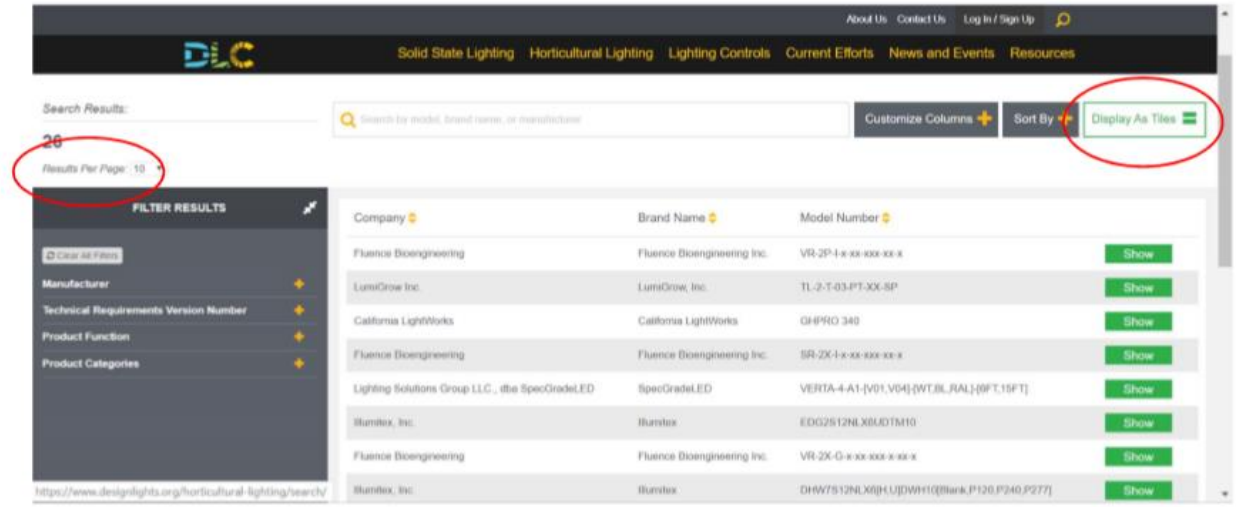


5. The number of qualifying products that meet or exceed the minimum PPE = 2.2 will be shown (26 as of November 5, 2019).

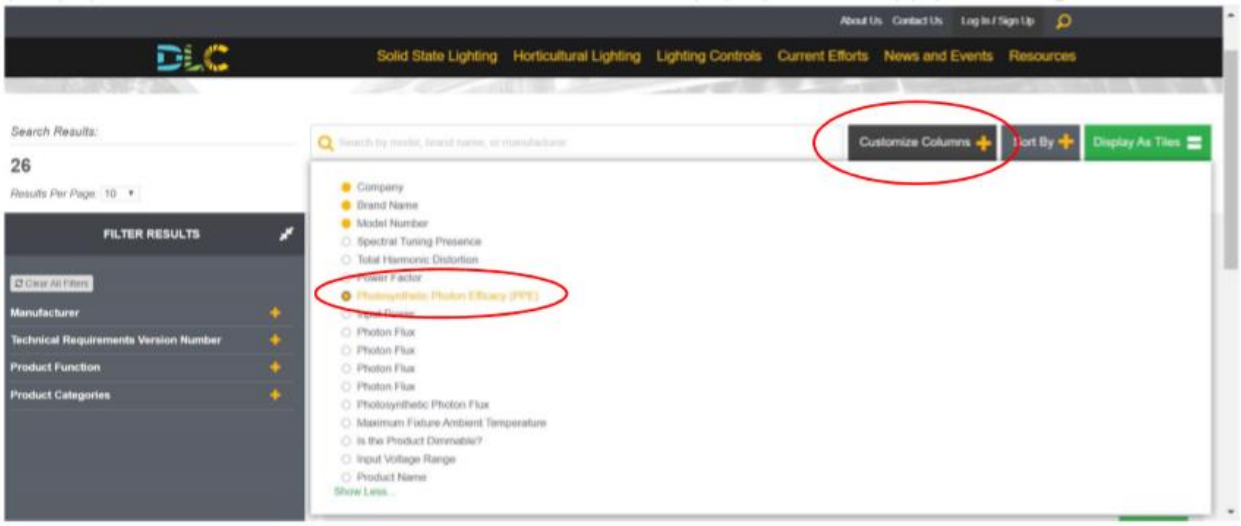
6. In the Tile view, the tested PPE for each qualifying product is shown in the Basic Function tab. You can change the Tile display order by sorting by various QPL metrics (click the “Sort By” button to see a pop-up list).



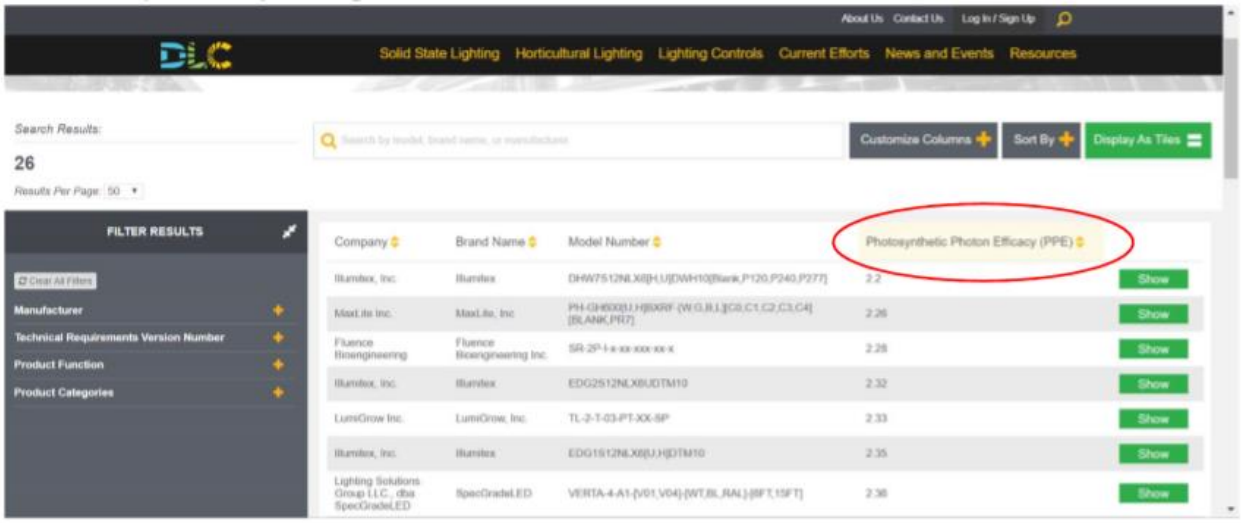
7. To review all the PPE values in a list format, click on the “Display as List” button on the upper right portion of the QPL web page. The qualifying products will be displayed 10 at a time. To see more products at once, change the “Results per Page” value to 20, 50, or 100.



8. To view the tested PPE value for each product, click on the “Customize Columns” button. From the pop-up form, click on “Show More… link.” Then, click on the PPE option to add this column to the list. Click out of the pop-up form to apply the changes.



9. You can change the sort order of the columns by clicking on the column title. You can see more about each product by clicking on the Show button.



Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

DRAFT VERSION 2.3–1/3/20

Guidance on Licensure

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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), formally known as Registered Marijuana Dispensaries or RMDs).

The Commission 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
- 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 CMR 500.000: Adult Use of Marijuana
    - 935 CMR 501.000: Medical Use of Marijuana
    - 935 CMR 502.000: Colocated Adult-Use and Medical-Use Marijuana Operations
- 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 be 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 that all requests for information are fully complied with 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 Marijuana Establishment (ME) licenses: a Marijuana Cultivation license, a Craft Cooperative license or a Microbusiness license. Further information about each license type is available below.
- Applicants who want to assist registered patients with medical marijuana can obtain a Medical Marijuana Treatment Center (MTC) license, which will allow them to cultivate, produce, and dispense marijuana to registered patients and their caregivers.

Additionally, all license types have limits on the number of licenses an individual or entity can possess, and other restrictions.

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.

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 mature plants 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.

Marijuana Cultivator may submit an application to change the tier in which it is classified. In connection with the renewal of 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 operative according to the seven cooperative principles published by the International Cooperative Alliance in 1995.

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 and transport marijuana and marijuana products from other MEs and to sell or otherwise transfer marijuana and marijuana products to other MEs and 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.

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 Marijuana Establishments 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 is an academic institution, non-profit corporation, domestic corporation, or entity authorized to do business in the Commonwealth of Massachusetts. A Marijuana Research Facility may cultivate, purchase, or otherwise acquire marijuana for the purpose of conducting research regarding marijuana and marijuana products. Any research involving humans must be authorized by an Institutional Review Board. A Marijuana Research Facility may not sell marijuana it has cultivated to other MTCs, MEs or to consumers.

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 Marijuana Establishment 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 or that is otherwise approved by the Commission. Additionally, ITLs, and the individuals and entities associated with it, shall be independent financially from any licensed MTC or Marijuana Establishment.

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 year.

Microbusiness licensee shall 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 deliver marijuana or marijuana products produced at the licensed location directly to consumers in compliance with established regulatory requirements for retail sale as it relates to delivery.

Delivery-Only Licensee

A Delivery-Only licensee may deliver marijuana or marijuana products directly to consumers at a residential address from a licensed Marijuana Retailer with which the Delivery-Only Licensee 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 Delivery-Only Licensee shall not have a retail location accessible to the public. Residential deliveries of marijuana or marijuana products are limited to municipalities that: 1) are listed on the Commission-issued license as the Delivery-Only Licensee's place of business; 2) that allow for the operation of Marijuana Retailers whether one or more retailers are operational or not; and 3) municipalities that opt-in to residential delivery. The Commission shall maintain a database of municipalities that have opted-in to residential delivery. Deliveries may only take place between the hours of 8:00 a.m. – 9:00 p.m., unless otherwise allowed *or* limited by municipal by-law or ordinance. Municipalities may broaden the time for delivery or may narrow it. It is the responsibility of the licensee to know the rules of the municipality where the licensee delivers.

A Delivery-Only Licensee 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 twenty-four (24) months from the date the first Delivery-Only Licensee receives a notice to commence operations.

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. The application for this license will be made available only after six communities have been selected to participate in the Commission's Social Consumption Pilot Program.

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 24 months from the date the first Social Consumption Establishment receives a notice to commence operations.

Delivery Endorsement

In addition to the license types discussed above, the Commission may grant delivery endorsements to qualifying MEs. A delivery endorsement authorizes the licensee to perform deliveries direct 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 or Social Equity Program Participants.

Residential deliveries of marijuana or marijuana products are limited to municipalities that: 1) are listed on the Commission-issued license as the Delivery Endorsement holder's place of business; 2) that allow for the operation of Marijuana Retailers whether one or more retailers are operational or not; and 3) municipalities that opt-in to residential delivery. The Commission shall maintain a database of municipalities that have opted-in to residential delivery. Deliveries may only take place between the hours of 8:00 a.m. – 9:00 p.m., unless otherwise allowed *or* limited by municipal by-law or ordinance. Municipalities may broaden the time for delivery or may narrow it. It is the responsibility of the licensee to know the rules of the municipality where the licensee delivers.

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, 501.002, and 502.002. If you encounter a term and don't know it's meaning, please check the definition sections for their meaning.

Type	Limits	Additional Limitations
MTC	No Person or Entity Having Direct or Indirect Control shall be granted more than (3) three MTCs 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 (3) three 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 a MTC license.

Craft Marijuana Cooperative	Craft Marijuana Cooperatives are limited to one license.	Members or shareholders shall not be Persons or Entities Having Direct or Indirect Control in any other Marijuana Establishment. Such restriction shall not be construed to prohibit members or shareholders from applying for a Marijuana Retailer, Existing Licensee Transporter, Marijuana Research Facility or Social Consumption Establishment license.
Marijuana Product Manufacturer	No Person or Entity Having Direct or Indirect Control shall be granted more than (3) three licenses.	
Marijuana Retailer	No Person or Entity Having Direct or Indirect Control shall be granted more than (3) three licenses.	
Third-Party Transporter	No Person or Entity Having Direct or Indirect Control shall be granted more than (3) three licenses.	No Person or Entity Having Direct or Indirect Control shall have another type of ME or MTC license.
Existing Licensee Transporter	No Person or Entity Having Direct or Indirect Control shall be granted more than (3) three licenses.	A Person or Entity Having Direct or Indirect Control must have another type of MTC license.
Marijuana Research Facility	No Person or Entity Having Direct or Indirect Control shall be granted more than (3) three licenses.	
Independent Testing Laboratory	No Person or Entity Having Direct or Indirect Control shall be granted more than (3) three licenses.	No Person or Entity Having Direct or Indirect Control shall have another type of MTC or ME license
Standards Testing Laboratory	No Person or Entity Having Direct or Indirect Control shall be granted more than (3) three licenses.	No Person or Entity Having Direct or Indirect Control shall have another type of MTC or ME license
Marijuana Microbusiness	No Person or Entity Having Direct or Indirect Control shall be granted more than (3) three licenses.	The licensee(s) shall not be a Person or Entity Having Direct or Indirect Control for any other Marijuana Establishment 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 for a period of

		twenty-four (24) months from the date the first Delivery-Only Licensee receives a notice to commence operations.
Delivery-Only	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 for a period of twenty-four (24) months from the date the first Delivery-Only Licensee 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 twenty-four (24) 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 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;
- The annual license fee when renewing a license; and
- When requesting a change of location, name, ownership, or building or renovating an existing structure.

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 Tier 2: 5,001 to 10,000 sq. ft. Tier 3: 10,001 to 20,000 sq. ft. Tier 4: 20,001 to 30,000 sq. ft. Tier 5: 30,001 to 40,000 sq. ft. Tier 6: 40,001 to 50,000 sq. ft. Tier 7: 50,001 to 60,000 sq. ft. Tier 8: 60,001 to 70,000 sq. ft. Tier 9: 70,001 to 80,000 sq. ft. Tier 10: 80,001 to 90,000 sq. ft. Tier 11: 90,001 to 100,000 sq. ft.	 $200 (I)/$100 (O) $400 (I)/$200 (O) $600 (I)/$300 (O) $2000 (I)/$1500 (O) $2000 (I)/$1500 (O) $2000 (I)/$1500 (O) $2000 (I)/$1500 (O) $2000 (I)/$1500 (O) $2000 (I)/$1500 (O) $2000 (I)/$1500 (O) $2000 (I)/$1500 (O)	 $1,250 (I)/$625 (O) $2,500 (I)/$1,250 (O) $5,000 (I)/$2,500 (O) $20,000 (I)/$10,000 (O) $22,500 (I)/$11,250 (O) $25,000 (I)/$12,500 (O) $30,000 (I)/$15,000 (O) $35,000 (I)/$17,500 (O) $40,000 (I)/$20,000 (O) $45,000 (I)/$22,500 (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	$1500	$10,000
Marijuana Microbusiness	$1000	50% of all applicable license fees
Independent Testing Laboratory	$1500	$10,000
Marijuana Retailer (brick and mortar)	$1500	$10,000
Social Consumption Establishment	$1500	$10,000
Marijuana Transporter: Third-party Transporter	$1500	$5,000
Marijuana Transporter: Existing Licensee Transporter	$1000	$5,000
Marijuana Delivery-Only Licensee	$1500	$10,000
Marijuana Establishment with a Delivery Endorsement	$1500	$10,000
Marijuana Research Facility	$300	$1,000

Unless otherwise specified below, all fees are non-refundable and. cannot be waived. In addition to the fees above, there are additional fees for background checks and for the Metrc program.

Certain fees are waived for Economic Empowerment applicants and Social Equity Program participants:

- Application fees;

- Annual license fees are reduced 50%; and
- Monthly Metrc program fees, but not fees for plant tags.

Certain fees are waived Craft Marijuana Cooperatives and Microbusinesses:

- Monthly Metrc program fees, but not fees for plant tags.

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

All fees are non-refundable and cannot be waived. In addition to the fees above, additional fees exist for background checks and for the Metrc program.

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. The fees for these types of changes are as follows:

Change or Review	Fee
Name Change	$1000
Location Change	50% of the applicable license fee *(Adult)* 10,000 *(Medical)*
Building Structure Change	$1000
Ownership or Control Change *(involving at least one entity gaining ownership/control)*	$5000 per entity, per license
Ownership or Control *(involving individuals, e.g., change of Board Member)*	$500 per person
Architectural Review Request	$1500

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 tags *(once licensed)*; and
- Application fees for registering 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 sections of the 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 understanding of, and plans to comply with, 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 possess 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 or exclusive contracts; or
- to earn 10% or more of the profits or collect more than 10% of the dividends.

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.

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- or license-related business interests in other states and to provide documentation of their interests. Applicants should also disclose any ownership interest in a business that transacts with any cannabis-related businesses. 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 (i.e. cultivation) and must select no more than one location. Applicants to become a 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:

a. clear legal title to the proposed site;
b. an option to purchase the proposed site;
c. a legally enforceable agreement to give such title; or
d. 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 Certification

Each applicant must upload a single-page certification signed by the contracting authorities for the host community and applicant evidencing that they have executed a Host Community Agreement. A single-page certification form is available on the Commission's website. If the applicant will operate at more than one location (for example, Craft Marijuana Cooperatives or MTCs), a certification form with the above requirements is required for each location.

Additional guidance on the laws governing Host Community Agreements can be located on the Commission's website. A fully executed Host Community Agreement will not be accepted in lieu of the single-page certification form.

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 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.

FYI—FOR YOUR INFORMATION

Please note that the requirement regarding the publication of the Community Outreach Meeting in a newspaper of general circulation as changed. The notice now must be published at least 14 calendar days prior to the meeting. The previous requirement required only a seven (7) day notice. Notices published after November 1, 2019 must comply with this requirement.

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.

Plan to Positively Impact Disproportionately Harmed People

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

1. 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.
2. Commission-designated Economic Empowerment Priority applicants;
3. Commission-designated Social Equity Program participants;
4. Massachusetts residents who have past drug convictions; and
5. 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

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

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 determination of suitability 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 or another jurisdiction:

- A description of any criminal action, whether felony or misdemeanor, that resulted in a conviction, guilty plea, plea of nolo contendere or admission of 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. This document is valid for one year from the original signature date.
- 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 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 a Marijuana Establishment, 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 provision licensed. 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 the 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, 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.	N/A

FYI—FOR YOUR INFORMATION

Security regulations have been updated to include specific requirements relating to cash handling. Applicants and licensees shall include compliant cash handling procedures in their summary of security plans. Cash handling requirements are located in 935 CMR 500.110(7) (adult-use) and 501.110(7) (medical-use).

FYI—FOR YOUR INFORMATION

Energy compliance regulations have been updated and now require all applicants to submit plans in their initial application for licensure. In-depth guidance documents and checklists are available on the Commission's website to assist applicants with complying with this requirement.

Diversity Plan

Applicants for licensure as an ME or MTC shall submit a Diversity Plan as part of its Management and Operations Profile. Diversity Plans shall be designed to promote equity among minorities, women, veterans, people with disabilities, and LGBTQ+ individuals, 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 60% women, 50% minorities, 25% veterans, 10% people with disabilities, and 10% LGBTQ.

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 be specifically described 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).

This list should be updated with the Commission once the applicant or licensee changes the products they are producing or plan to produce.

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; 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 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 500.130; and

d. Sample of any unique identifying mark 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 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 500.130; and
    d. Sample of any unique identifying mark that will appear on the product.

Marijuana Microbusinesses

Applicants for licensure as a Marijuana Microbusiness shall include the following information 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 requirements, 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 CMR 500.120 (if cultivating marijuana); and
2. A list of all products that 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 manufacture and production of products in compliance with 935 CMR 500.130;
    d. Sample of any unique identifying mark 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 CMR 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

Applicants for licensure as an Independent Testing Laboratory 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.

Delivery-Only Licensee

Applicants for licensure as a Delivery-Only Licensee 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.

Applicants may not have delivery agreements with Marijuana Retailers or agreements with Third-Party Platform Providers when applying for a Delivery-Only license. 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, Delivery-only Licensee 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.

FYI—FOR YOUR INFORMATION

The Commission has approved delivery regulations for the delivery of marijuana and marijuana products to adult-use consumers, registered qualifying patients, and caregivers. Some delivery requirements for licensees include the following:

- *All deliveries shall be tracked through the Commission' seed to sale system;*
- *Only shelf-stable items shall be delivered;*
- *Deliveries shall only occur during certain time frames;*
- *Deliveries shall be performed by registered agents; and*
- *Various requirements pertaining to security and transportation apply.*

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.*

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 area 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.

DRAFT VERSION 2.3–1/3/20

License Application for Delivery-Only Licensees and Social Consumption Establishments

The license application for Delivery-only Licensees and Social Consumption Establishments will vary from all other license applications and consist of two parts: (1) Pre-Certification Application and (2) Provisional License Application. All information and documentation required of all license applicants will be required but at different parts of the application.

FYI—FOR YOUR INFORMATION

The Commission may select up to 12 municipalities for participation in the pilot program. An interested municipality may submit an application to participate in the program which is signed by the city or town's contracting authority. In selecting a city or town, the Commission may take into consideration factors including, but not limited to, the geographic location, socioeconomic characteristics, and population size of municipal applicants. The Social Consumption Establishment application will be made available once at least six (6) municipalities are selected to participate in the pilot program.

FYI—FOR YOUR INFORMATION

Some limitations on what can be served or what can occur within a Social Consumption Establishment pursuant to 935 CMR 500.141:

- *No more than 20 mg of Δ9-THC can be sold to a single consumer in a single day;*
- *Alcohol and tobacco products cannot be sold or consumed on the premises;*
- *Sale of edible marijuana products is limited to pre-packaged Shelf-stable items (no perishable products);*
- *Sale of food pre-packaged, shelf-stable, and drink items other than edible marijuana products is allowed if the ME acquires all necessary licenses and permits to do so; and*
- *May sell marijuana accessories after receiving permission from the Commission.*

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 required 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.

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 12 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 24 months from when the first commence operations approval is provided to a Social Consumption licensee.

Delivery-Only licenses shall be exclusively available to Economic Empowerment Applicants and Social Equity Participants for 24 months from when the first commence operations approval is provided to a Delivery-Only licensee.

Both 24-month periods above may be extended by the Commission.

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.

Previously designated MTC Priority Applicants or Economic Empowerment Applicants may have priority status; consequently, they are reviewed before other applications. Priority status, however, is not available to new applicants. 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 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.

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;
- A minority-owned business, women-owned business, and/or veteran-owned business must be 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 completed and uploaded an 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.

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.

FYI—FOR YOUR INFORMATION

Expedited review will be provided to certain applicants that submit qualify and fully submit their application prior to December 31, 2020. The Commission will review the effects of this policy, and if needed, may extend the end date.

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.

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 no 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 will also be available through MassCIP. However, for any MTC applicant that is currently in the paper-driven application process, those applicants will continue to submit paper-driven sections of the MTC application for each new stage and in response to any RFI notice received. Please note that all RFI notices for all applications will be sent to the business email address contained within the application.

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 host community 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.

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. 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 Investigators 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.

ADULT/MEDICAL LICENSE APPLICATION DIFFERENCE

The process for remitting the required license fee is different for MEs than for MTCs. Provisionally approved applicants for MEs will log into MassCIP, complete a license fee packet that will be available to them once approved by the Commission for a provisional license, and have the option to pay the license fee electronically or by mailing a check with a document provided for by MassCIP. Provisionally approved applicants for MTCs are currently required to submit the required license fee by completing a remittance form and by mailing the payment via check. Detailed instructions will be given via notice.

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.

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

- All construction and renovations have been completed;
- All local permits 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.

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.

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 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. 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 a provisional license, final license, or have commenced operation 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 the MassCIP 90 days prior to the expiration of their license. Licensees are required to submit an application for renewal at least 60 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.

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;
- Proof that the licensee requested from the host community the records of any costs imposed on the city or town that are reasonably related to the operation of the ME or MTC. The licensee's request shall state that, in accordance with M.G.L. c. 94G, § 3(d), any cost to a city or town imposed by the operation of a ME or MTC shall be documented and considered a public record as defined by M.G.L. c. 4, § 7, cl. 26. Documentation shall include the request and the substantive response from the city or town that includes the actual and anticipated expenses resulting from the operation. If the city or town does not submit a substantive response, the licensee shall provide an attestation to that effect.
- 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 following plans:

- 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.

<u>License Renewal Questions & Answers</u>

1. 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.

2. 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 90 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.

3. 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.

4. 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.

5. 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.

6. 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:

i. Internal reports with verifiable data;
ii. Participant information and surveys
iii. Service and vendor agreements;
iv. Employment reports;
v. News articles;
vi. Third-Party documentation;
vii. Documentation of donations; and
viii. Other documentation.

7. 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, minorities, veterans, people with disabilities, people of all gender identities and sexual orientation. 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:

   i. Internal reports with verifiable data;
   ii. Service and vendor agreements;
   iii. Employment reports;
   iv. Employee surveys;
   v. Training materials
   vi. Other documentation.

8. 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.

9. 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 annual background checks on all agents.

10. What background information must I disclose for individuals and entities?

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

11. 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:

    i. 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;
    ii. Transfer, sales, and tax payment history;
    iii. Existing inventory and inventory history;
    iv. Sales contracts; and
    v. Any other factors or documentation relevant to ensuring responsible cultivation, production, and inventory management.

12. 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.

13. Do I need to provide a full list of all products that we produce under a product manufacturer license?

    Yes. You must disclose a full list of the names, types, forms, descriptions, and item pictures for all products produced.

14. 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.

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

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

16. 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 90 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.

17. 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.

18. 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.

19. 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. Failing 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;
- Changes to 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	Prior to any change in ownership, where an Equity Holder acquires or increases its ownership to 10% or more of the equity or contributes 10% or more of the initial capital to operate an ME/MTC, including capital that is in the form of land or buildings, 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.
Control	Prior to any change in control, where a new Person or Entity Having Direct or Indirect Control should be added to the license, the licensee shall submit a request for such change to the Commission prior to effectuating such a change. An individual, corporation, or entity shall be determined to be in a position to control the decision-making of an ME/MTC if the individual, corporation, or entity falls within the definition of Person or Entity Having Direct or Indirect Control.	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.	

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(2) and 935 CMR 501.104(2). 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 make 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 demand access to a licensee's papers, books, documents, records, correspondence, electronic communications, and other tangible things to examine and inspect.

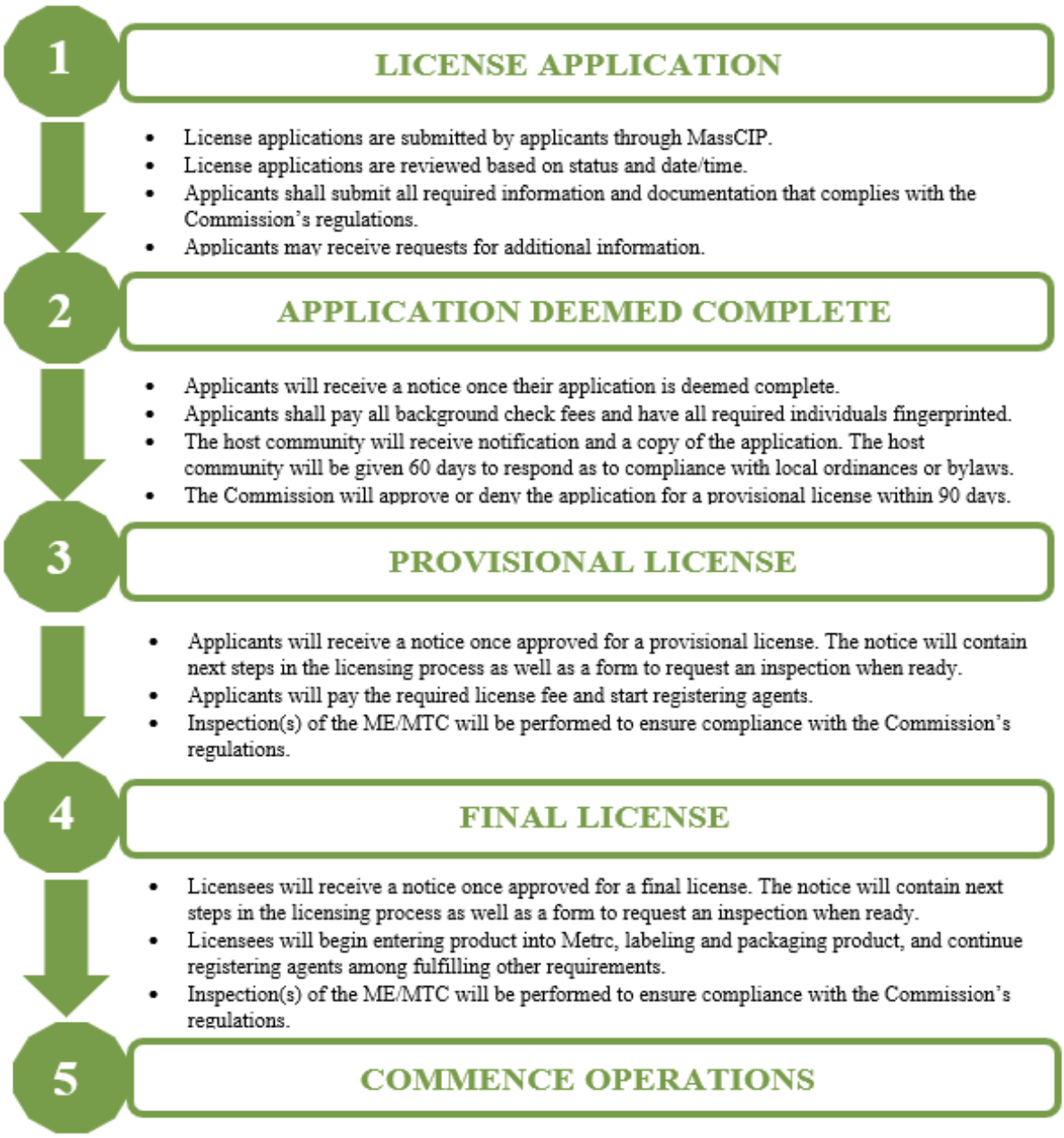
If noncompliance remains, or if a risk to public safety, health, or welfare exists, the following enforcement actions may occur:

- 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



Appendix B: License Application Checklist

Application of Intent Section

- □ List of all Persons or Entities with Direct or Indirect Control
- □ List of all persons or entities contributing 10% or more of capital resources and bank statement(s) or letter(s) from financial institution for each person or entity contributing capital resources showing proof of funds dated within 30 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
- □ Host Community Agreement Certification form
- □ Community Outreach Meeting Attestation Form, as well as, a copy of Community Outreach Notice from a newspaper, a copy of the Community Outreach Notice filed with the municipality, and a copy of Community Outreach Notice to all abutters within 300 feet of the property
- □ Plan to remain compliant with local zoning/ordinances
- □ Plan for Positive Impact
- □ 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), and evidence of organization consistent with Seven Cooperative Principles
    - *Delivery-Only Licensee:* disclosure and documentation of any delivery agreement with Marijuana Retailers and any agreement with a 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; (4) IVES 4506-T Form; and (5) 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:* plan to obtain marijuana and marijuana products
  - *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
  - *Delivery-Only Licensee:* agreements with Marijuana Retailers and Third-Party Technology Platforms and delivery plan
  - *Social Consumption Establishment:* additional plans are required—please see guidance document.
- □ Proposed Hours of Operation
- □ Emergency Contact(s)

Application Fee Section

- □ Required application fee

Massachusetts Cannabis Control Commission & the Attorney General's Office Joint Report as mandated by Section 74 of Chapter 55 of the Acts of 2017, *An Act to Ensure Safe Access to Marijuana*

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ADDENDUM 24

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I. INTRODUCTION

This report is submitted pursuant to Section 74 of Chapter 55 of the Acts of 2017, which requires that the Cannabis Control Commission (Commission) and the Attorney General's Office (AGO) "conduct an investigation and study of the advisability of establishing criminal penalties for violations of this act, and shall report their recommendations for amendments to the General Laws to establish such criminal penalties."[1]

To fulfill this mandate, the Commission and AGO staff worked cooperatively (1) to review existing criminal laws and laws establishing criminal and civil penalties, (2) to identify the existing penalties that apply to individuals and entities licensed by the Commission in accordance with M.G.L. c. 94G and 94I but engaged in illicit activities and to individuals and entities not licensed but engaged in illicit activities, and (3) to recommend new penalties.

II. EXECUTIVE SUMMARY

Based on our review of existing laws, criminal penalties can be applied to unlicensed marijuana operations for the illegal manufacturing, distribution, dispensing, or cultivation of controlled substances, which include marijuana, or possession with such an intent; sales to minors; money laundering; and criminal conspiracy, among other crimes. These statutes also apply to licensed marijuana operations that engage in illegal activity outside the scope of their licensure. Marijuana operations engaged in illegal activity also risk criminal charges and civil penalties under existing environmental laws. Finally, the Department of Revenue (DOR) can assess the sales tax on illegal sales, as an alternative to criminal prosecution.

Given the broad range of available criminal and civil penalties under existing law, we do not advise establishing any additional criminal penalties at this time. Our review, however, revealed that certain recommendations are warranted to clarify the application of existing laws to address illegal activity, and to provide additional civil enforcement tools and resources to address the illicit market. Accordingly, we recommend the following:

Recommendation 1: To the extent that the Commission's governing laws could be read to allow licensed marijuana operations to engage in illegal activities and claim that they cannot be prosecuted given their licensure status, it is recommended that that M.G.L. c. 94G and 94I be amended to clarify that M.G.L. c. 94C, § 32C and other criminal statues apply to licensed marijuana operations engaging in activities such as inversion and diversion.

Recommendation 2: We recommend supporting the concept of an inter-agency task force to encourage coordination among administrative agencies and law enforcement to target illegal sales, promote alternatives to arrest where feasible and enable the efficient sharing of information and use of resources to narrow the illicit market and achieve compliance with the law.

[1] A letter was filed with the clerks of the Massachusetts House and Senate on December 23, 2019, providing a status update on this report.

Recommendation 3: Currently, DOR can impose liability for the sales tax on illegal marijuana sales, but not the excise tax. For this reason, we support expanding DOR's authority to assess excise taxes at the same rates for illegal sales as legal sales of marijuana. As with criminal penalties, the goal is to have a deterrent effect on the illicit market.

These recommendations will be discussed in detail in Section V of this report.

III. BACKGROUND AND HISTORY

A. State Context.

i. The Commission's Legislative History. [2]

The joint recommendations may be better understood in the context of marijuana legalization in the Commonwealth. Following decriminalization in 2008, voters approved the legalization of medical-use marijuana in 2012, and of adult-use marijuana in 2016.

On November 4, 2008, Massachusetts voters passed Ballot Question 2, "The Sensible Marijuana Policy Initiative," which decriminalized possession of small amounts of marijuana. More specifically, it: (1) replaced criminal penalties with a $100 fine; (2) eliminated collection of Criminal Offender Record Information (CORI) for minor infractions; (3) maintained existing penalties for selling, growing, and trafficking marijuana, as well as the prohibition against driving under the influence of marijuana; and (4) required additional penalties for minors such as parental notification, compulsory drug awareness program, community service, and larger fines, and possible delinquency proceedings for those under age seventeen (17).

Following decriminalization, medical use of marijuana was legalized. On November 6, 2012, Ballot Question 3, "An Initiative Petition for a Law for Humanitarian Medical Use of Marijuana" passed with 63.3% of the vote, making Massachusetts the eighteenth (18th) state in the nation, in addition to the District of Columbia (DC), to legalize medical-use marijuana. The resulting law, Chapter 369 of the Acts of 2012, *An Act for the Humanitarian Medical Use of Marijuana*, eliminated state criminal and civil penalties related to the medical use of marijuana, allowing patients meeting certain conditions to purchase through dispensaries marijuana for medical use, and in specific hardship cases, to grow marijuana for their own use. It also required the Massachusetts Department of Public Health (DPH) to issue regulations and implement the medical-use program, which was transferred to the Commission on December 23, 2018.

On November 8, 2016, Ballot Question 4 "Legalization, Regulation and Taxation of Marijuana" passed with 53.6% of the vote. At that time, Massachusetts joined seven other states,

[2] The Commission's enabling legislation can be found at https://mass-cannabis-control.com/the-laws/.

and DC in legalizing adult-use marijuana. On December 15, 2016, the corresponding law, Chapter 334 of the Acts of 2016, *The Regulation and Taxation of Marijuana Act*, became effective. That law was later amended when, on July 28, 2017, the Governor signed into law Chapter 55 of the Acts of 2017, *An Act to Ensure Safe Access to Marijuana* (the Act).

Chapter 334 of the Acts of 2016, *The Regulation and Taxation of Marijuana Act*, as amended by the Act, created the Commission consisting of five commissioners, appointed by the Governor, the Treasurer, the Attorney General, or all three, and serving three- to five-year terms which began on September 1, 2017. Under the Act, the Commission regulates medical- and adult-use establishments. The mission of the Commission is to honor the will of the voters of Massachusetts by safely, equitably and effectively implementing and administering the laws enabling access to medical- and adult-use marijuana in the Commonwealth.

ii. The Current State of Implementation in the Commonwealth.

1. The Commission's Regulatory Authority.[3]

The Commission's regulatory authority is set forth in M.G.L. c. 94G, § 4(a) and (a½) and M.G.L. c. 94I and requires the Commission to adopt regulations establishing the license application process, standards and qualifications for licensure, and operational requirements for Marijuana Establishments and Medical Marijuana Treatment Centers, including those related to marketing and branding, packaging, labeling and testing, security, energy use and waste management. Section 4(a½) also requires the Commission to establish policies and procedures to promote and encourage full participation in the regulated marijuana industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement and to positively impact those communities. M.G.L. c. 94G, § 4(a½)(iv).

Since their appointment on September 1, 2017, the Commissioners have promulgated regulations implementing the Act. The first adult-use regulations, 935 CMR 500.00: *Adult Use of Marijuana*, were published on March 23, 2018. On December 23, 2018, as part of the transfer of the medical-use marijuana program from the DPH, the Commission promulgated 935 CMR 501.000: *Medical Use of Marijuana*, which transferred existing regulations 105 CMR 725.000: *Implementation of an Act for the Humanitarian Medical Use of Marijuana*, and also 935 CMR 502.000: *Colocated Adult Use and Medical Use Marijuana Operations*. Most recently, on November 1, 2019, changes to the medical- and adult-use regulations were promulgated.

[3] The Commission's statutes and regulations are available at https://mass-cannabis-control.com/the-laws/.

2. The Scope of the Regulated Market. [4]

As of the date of the adoption of this report, 227 license Marijuana Establishments (MEs) have been approved by the Commission in all but one of the counties of the Commonwealth. Seventy-nine marijuana establishments have been authorized to begin operations. The maps below show the distribution of licensed entities, including entities with a retail license. Given that there are an additional 436 pending applications, it is likely that the number of operational MEs will exponentially increase. Among those seeking to work in the industry, there are [] registered agents. Because of statutory limitations, the Commission cannot collect data on the number of adult-use consumers. That being said, the Commission has tracked in its seed-to-sale system, [] of adult-use marijuana sales.

Licensing Applications | December 19, 2019

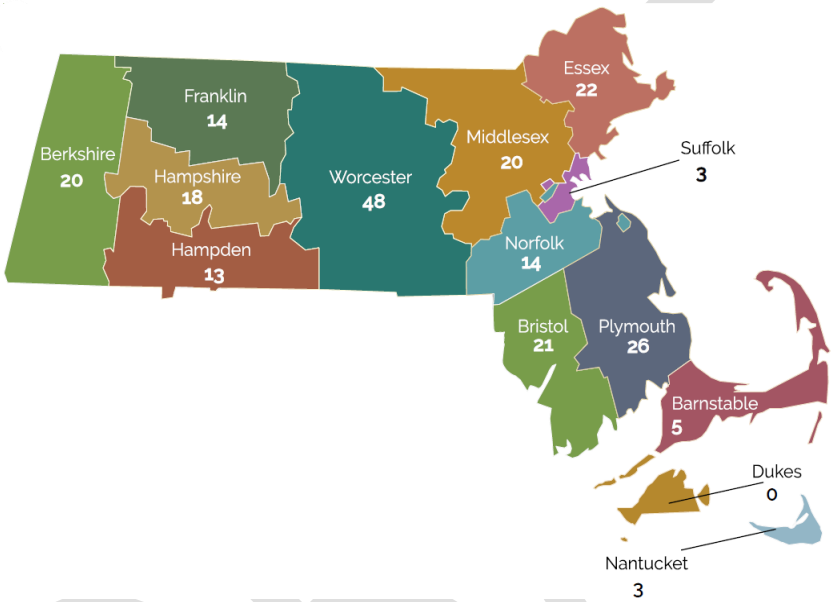
LICENSE TYPE	PENDING APPLICATION	INITIAL LICENSE DENIED	PROVISIONALLY APPROVED	PROVISIONAL LICENSE	FINAL LICENSE	COMMENCE OPERATION	TOTAL
Craft Marijuana Cooperative	2	0	0	0	0	0	**2**
Independent Testing Laboratory	4	0	0	1	0	2	**7**
Marijuana Cultivator	126	2	6	34	9	22	**199**
Marijuana Microbusiness	11	0	1	2	1	0	**15**
Marijuana Product Manufacturer	96	1	5	28	6	20	**156**
Marijuana Research Facility	4	0	0	0	0	0	**4**
Marijuana Retailer	185	1	2	49	3	33	**273**
Marijuana Transporter with Other Existing ME License	3	0	0	0	0	2	**5**
Third Party Transporter	5	0	0	1	0	0	**6**

[4] The Commission's latest statistics can be found at https://mass-cannabis-control.com/documents/, by searching Meeting Materials.

Total	**436**	**4**	**14**	**115**	**19**	**79**	**667**

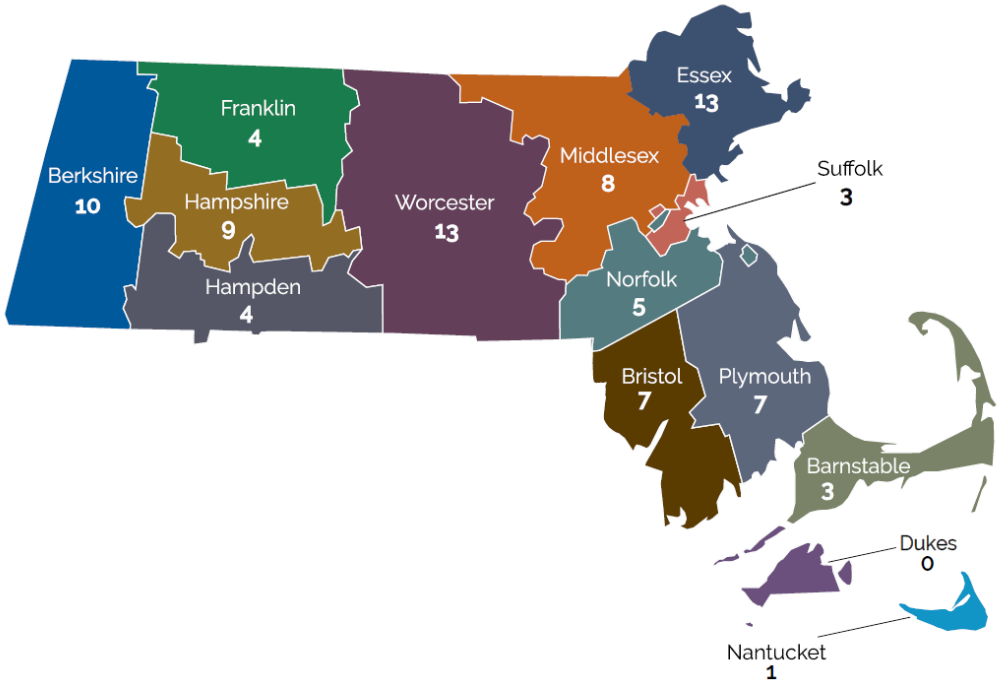
Approved Licensing Applications | December 19, 2019

The totals below are the total number of provisionally approved, provisional, final or commence operation licenses by county.



Approved Retail Applications | December 19, 2019

The totals below are the total number of provisionally approved, provisional, final or commence operation retail licenses by county.



In the medical-use market, 165 license Medical Marijuana Treatment Centers (MTC) have been approved by the Commission, 56 of which have been authorized to operate. Given that there are an additional 58 pending applications, it is likely that the number of operational MTCs will continue to increase, although not at the rate of MEs. Among those seeking to work in this market, [] agents have registered to work in MTCs. There are 60,110 active patients and 6,261 caregivers registered to purchase adult-use marijuana. Commission data shows that [] of medical use of marijuana sales have occurred since the transfer of the program from the DPH.

MTC Licenses	#
Provisional	93
Final	6
Commence Operations	56
License Expired	10
Total	**165**

B. National Context.

The movement to decriminalize and legalize medical and adult-use marijuana across the country has been undertaken on a state-by-state basis. While regulatory structures vary, Massachusetts is among the majority of states that have legalized the use of marijuana in some capacity.

To date, twenty-six (26) states and DC have decriminalized the possession of small amounts of marijuana for personal consumption. Thirty-three (33) states and DC have established medical-marijuana programs. Massachusetts is among eleven (11) states and DC in its legalization of adult-use marijuana and among seven that currently have established regulated markets for legal sales.[5] It is the first state in the Northeast to amend its state statutes, license medical- and adult-use businesses, and authorize legal sales.

At the federal level, the sale of marijuana remains illegal, classified as a Schedule I drug under the Controlled Substances Act of 1970. Although federal officials have indicated that they will not focus prosecutorial resources on businesses operating legally within their jurisdictions, the likelihood of legalization reform at the federal-level remains unclear.[6]

The discrepancy between state laws and federal law and the resulting uncertainty has important implications for the rapidly growing marijuana industry. Businesses and individuals that possess and sell marijuana within a state-regulated market are still in violation of federal law. While the Commission works closely with the DOR to track legal state sales, the state/federal dichotomy adds significant burdens for businesses seeking to operate in a manner that is safe and compliant with state law, as well as for law enforcement agencies working to enforce compliance.

Though legal marijuana is a multibillion-dollar industry, it remains difficult for state-regulated businesses to access traditional banking and financial systems. Financial institutions that provide services, even indirectly, risk liability under the Controlled Substances Act and federal banking laws.[7] Across the country, limited banking and financing options lead many businesses to conduct a greater proportion of transactions in cash. This means transactions may not be secure, revenue may be more difficult to manage for regulatory compliance, and the business may be left vulnerable to criminal enterprises targeting their operations.

[5] For a full list of status of marijuana legalization in each state, see National Conference of State Legislatures http://www.ncsl.org/research/civil-and-criminal-justice/marijuana-overview.aspx

[6] Boston Globe, US attorney general says he prefers marijuana reform bill to current federal law, April 10, 2019, available at https://www.bostonglobe.com/news/marijuana/2019/04/10/attorney-general-says-prefers-marijuana-reform-bill-current-federal-law/XdaqmJ2aAA5EYWTFmXWubK/story.html

[7] Caulkins, J. P., Kilmer, B., & Kleiman, M. A. (2016). Marijuana Legalization: What Everyone Needs to Know®. Oxford University Press. 227-228.

The reality remains that entrepreneurs attempting to enter the industry legally face barriers in obtaining the financial capital necessary to do so without access to traditional banking and financing systems. This is especially true for women, racial minorities, and persons with criminal histories, who face well-documented difficulty accessing capital in general.[8] This factor has contributed to the challenges that the Commission has faced in establishing "procedures and policies to promote and encourage full participation in the regulated marijuana industry by people that have previously been disproportionately harmed by marijuana prohibition and enforcement and to positively impact those communities," an essential part of its statutory mandate under M.G.L. c. 94G, § 4(a½).[9] In Massachusetts, while a limited number of financial institutions have begun to offer basic banking services such as checking accounts to state-licensed businesses, access to traditional means of financing, such as small business loans, remains constrained. Thus, Massachusetts has mitigated, but not eliminated, these barriers.

IV. INVESTIGATION & STUDY

A. A Review of the Commission's Regulatory Requirements for Licensure.

The Commission's primary function as an administrative agency is to regulate licensees operating in the legal adult- and medical-use marijuana markets in Massachusetts. While the Commission has exclusive authority to regulate medical- and adult-use businesses, this authority does not extend to individuals and entities operating in the illicit market. Accordingly, enforcement against the illicit market remains under the jurisdiction of federal, state, and municipal law enforcement agencies.

i. License Types.

The Commission currently issues licenses for adult-use MEs and medical-use MTCs, formally known as Registered Marijuana Dispensaries or RMDs, and registering agents. Applicants and licensees must comply with applicable laws[10] and policies, which include the following:

- St. 2017, c. 55, An Act to Ensure Safe Access to Marijuana;
- G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed;
- G.L. c. 94I, Medical Use of Marijuana;
- 935 CMR 500.000: *Adult Use of Marijuana*; 935 CMR 501.000: *Medical Use of Marijuana*; and 935 CMR 502.000: *Colocated Adult-Use and Medical-Use Marijuana Operations*; and

[8] Politico, Makada Henry-Nickie, John Hudak and Aaron Klein, The cannabis banking bill isn't just about banks, Sept. 25, 2019, available at https://www.politico.com/agenda/story/2019/09/25/cannabis-banking-bill-000987
[9] M.G.L. c. 94G, § 4 (a 1/2)(iv).
[10] The Commission's governing laws are available at https://mass-cannabis-control.com/the-laws/.

- And various guidance documents, which are available at CCCMass.Com.[11]

1. Medical Marijuana Treatment Centers (MTCs).

An MTC is an entity licensed under M.G.L. c. 94G and 94I and the medical-use regulations, 935 CMR 501.000. An MTC is vertically integrated, and may acquire, cultivate, possess, process, transport, sell, distribute, deliver, dispense, or administer marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. With Commission approval, MTCs may deliver marijuana, marijuana products and marijuana-infused products.

2. Marijuana Establishments (MEs).

An ME is an entity licensed under G.L. c. 94G and the adult-use regulations, 935 CMR 500.000. Unlike MTCs, most licenses types are limited to specific regulated activities. This is a brief synopsis of the regulated activity and its associated adult-use license type(s):

- Cultivation
  - Marijuana Cultivator (Indoor or Outdoor)
- Manufacturing
  - Marijuana Product Manufacturer
- Testing
  - Independent Testing Laboratory
- Transporting
  - Existing Licensee Transporter
  - Third Party Transporter
- Retail
  - Marijuana Retailer
  - Social Consumption Establishment
- Delivery
  - Delivery-Only License
  - ME with a Delivery Endorsement
- Research
  - Marijuana Research Facility

Other license types allow for multiple types of regulated activity, for example, a Craft Marijuana Cooperative or Marijuana Microbusiness.

ii. License Application Process. [12]

[11] The Commission's guidance documents are available at https://mass-cannabis-control.com/guidancedocuments/.
[12] More information about the Commission's licensing process can be found at https://mass-cannabis-control.com/licensing/.

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Adult- and medical-use license applications have similar requirements. All individuals and entities that seek an adult- and medical-use license must submit all three sections of the application, as well as the application fee:

- Application of Intent, which includes the disclosure of persons or entities having direct or indirect control and its compliance with certain financial requirements and municipal requirements, e.g., Community Outreach Meeting and Host Community Agreement.
- Background Check(s), and
- Management and Operations Profile. As part of this section, all applicants must submit certain Business Information, articles of Organization, and Bylaws. They must also submit certain plans, policies, and procedures related to operating an ME and/or MTC. An applicant may be required to submit plans concerning the following matters: Security, Prevention of Diversion, Storage, Transportation, Inventory, Quality Control and Testing Procedures, Personnel Policies, Dispensing Procedures, Recordkeeping Procedures, Maintenance of Financial Records, Detailed Description of Qualifications and Intended Trainings for Agents, Energy Compliance Plan, Restricting Access to Individuals 21 or Older, Diversity Plans and Social Equity Plans.

Based on these submissions, the Commission determines whether the applicant understands the legal requirements to operate in a lawful manner.

For some applicants, a Pre-Certification Application will require applicants to submit limited information that demonstrates a propensity to successfully operate a ME. All applicants must eventually obtain a provisional license, final license, and authorization to commence operations.

iii. Monitoring of Medical- and Adult-use Sales Via the Commission's Seed-to-Sale Tracking System.

An essential part of the Commission's efforts to detect whether a state-regulated business is engaging in criminal activity is an electronic tracking system, which allows the Commission to track individual marijuana plants, from their early cultivation, through growth, harvest and manufacture of marijuana products, including transportation, if any, to final sale of finished products. It also monitors registered agents' involvement with the marijuana product.

Before the commencement of operations, a licensee must be able to demonstrate that it integrates with the Commission's Seed-to-sale System of Record (SOR). By requiring this level of tracking as a condition of operating, the Commission minimizes the risk of inversion, or the risk that a business may sell illegal marijuana and marijuana products as if they were legal, and diversion, the potential that it may divert legal marijuana and marijuana products to the illicit market.

B. Existing Options for Criminal (and Related Civil) Enforcement.

As part of our investigation and study, the AGO and the Commission conducted an extensive review of existing statutes that may apply to licensed or unlicensed individuals that engage in illicit marijuana-related activity.[13]

i. A Review of the Controlled Substances Act and Select Enforcement Activities.

Under M.G.L. c. 94C, § 32C, criminal charges may be brought against unlicensed marijuana operations and individuals that engage in illegal manufacturing, distributing, dispensing, cultivating, or possession of marijuana with such an intent. Additional provisions of the Controlled Substances Act prohibit the illegal trafficking of over 50 pounds of marijuana,[14] inducing or abetting a minor to distribute marijuana,[15] criminal conspiracy,[16] and provide for enhanced penalties based on proximity to a school, park or playground.[17] Other criminal laws that may apply in the context of illicit marijuana sales include the prohibition on money laundering under M.G.L. c. 267A, § 2. Lastly, any sale of marijuana to a minor is prohibited and carries criminal penalties if violated by any entity under M.G.L. c. 94G, § 13(h).

Although the law now provides for the licensed sale of marijuana, law enforcement maintains its authority to prosecute individuals that illegally operate outside of the scope of the regulated legal market. For example, in June 2019 an investigation by the AGO in partnership with other law enforcement agencies culminated in the arrest and arraignment of two Braintree brothers accused of operating a major multistate marijuana trafficking operation. The AGO alleged the defendants were running a scheme to launder the proceeds from their multistate marijuana trafficking operation through various casinos in the northeast. The brothers were charged with Money Laundering, Possession with Intent to Distribute a Class D Substance, Marijuana Trafficking, and Conspiracy to Violate the Drug Laws. This example represents the type of large-scale illicit marijuana operation, in which targeted criminal enforcement efforts are particularly appropriate.

ii. A Review of DOR's Ability to Impose Sales Tax on the Illegal Sale of Marijuana and Marijuana Products and Limitations.

Under the statutes governing the DOR, all sales of adult-use marijuana—both legal and illegal—are subject to the 6.25% state sales tax and DOR has enforcement capabilities as to the

[13] These statutes represent examples and should not be taken to be an exhaustive list of every crime or penalty that can be applied in the illicit marijuana context.
[14] M.G.L. Ch. 94C, § 32E.
[15] M.G.L. Ch. 94C, § 32K.
[16] M.G.L. Ch. 94C, § 40.
[17] M.G.L. Ch. 94C, § 32J.

sales tax. See M.G.L. c. 64H § 1. In M.G.L. c. 64N: Marijuana Tax Law, the Legislature established a 10.75% excise tax for the sale of adult-use marijuana by a licensed marijuana retailer to an individual, other than a marijuana establishment. In certain communities, sales of marijuana by a licensed retailer are subject to an additional 3% local option tax. See M.G.L. c. 64N, § 3. Because the excise and local option taxes are imposed on the sale by a licensed marijuana retailer, however, DOR does not have the ability to impose the excise and local option taxes on the illegal sale of marijuana, for example, an illegal sale by someone other than a licensed marijuana retailer. See M.G.L. c. 64N § 2. Thus, the DOR could not assess the state excise tax under M.G.L. c. 64N § 2 (10.75%), or any applicable local option tax, for illegal sales.

iii. A Review of Select Environmental Laws.

Massachusetts has a robust set of environmental civil and criminal statutes and regulations that may be applied to licensed or unlicensed marijuana operations that engage in water or air pollution, the improper disposal of hazardous waste, or otherwise create a substantial risk of damage to natural resources or property.[18] (It is important to note too that, the Commission has established energy and other environmental standards for its licensees.) These laws provide the potential for civil or criminal exposure for licensed or unlicensed marijuana operations engaged in unlawful activities that have harmful environmental implications, as we have observed in states that legalized prior to Massachusetts. For example, California has seen pesticide pollution in its water supply as a result of illegal grow operations on protected lands.[19] Colorado has experienced air pollution as a result of plant emissions of certain chemicals.[20] We acknowledge that these existing regulations and standards may need to be updated as more is learned about the potential environmental risks associated with the legal marijuana industry.

C. Unknown Scope & Persistence of the Illicit Market.

i. Difficulty of Assessing Current Scope of Illicit Market.

Under Section 17(a) of the Act, the Commission is tasked with developing a research agenda to include assessing the scope of the illicit market, which includes both legally

[18] M.G.L. c. 21, § 42 (establishing criminal and civil penalties for water pollution); M.G.L. c. 21C, § 5 (establishing criminal and civil penalties for the knowing improper disposal of hazardous waste); M.G.L. c. 21E, § 7 (establishing penalties for the failure to notify the Massachusetts DEP of a release of hazardous material); M.G.L. c. 21H, § 8 (establishing criminal and civil penalties for the failure to comply with the requirements for the disposal of solid waste); M.G.L. c. 21L, § 2 (establishing criminal and civil penalties for environmental violations that create a substantial risk of damage to natural resources or property of another in amount exceeding $25,000 and of serious bodily injury);

[19] NPR, Eric Westervelt, Illegal Pot Operations In Public Forests Are Poisoning Wildlife And Water, Nov. 12, 2019, available at https://www.npr.org/2019/11/12/773122043/illegal-pot-grows-in-americas-public-forests-are-poisoning-wildlife-and-water

[20] Colorado Department of Public Health and Environment, Air Quality - environmental impacts of cannabis, available at https://www.colorado.gov/pacific/cdphe/greencannabis/air-quality

manufactured, produced, and/or sold ***diverted*** marijuana as well as illegally manufactured, produced, sold, and/or trafficked marijuana, to understand the social and economic trends of marijuana in the Commonwealth, to inform future decisions to aid in the closure of the illicit marketplace and to inform the Commission on the public health impacts of marijuana. The Commission has published an initial research report on public safety (*see A Baseline Review and Assessment of Cannabis Use and Public Safety Part 2: 94C Violations and Social Equity: Literature Review and Preliminary Data in Massachusetts*), which is available on its website,[21] and is currently preparing four other reports, including an assessment of the illicit market.

Among the factors contributing to the difficulty of assessing the current scope of the illicit market, several data sources identified to assess the market were all subject to significant limitations that preclude valid and reliable estimates. In addition to the limitations of existing data sources, there is simply a lack of available systemic data collection. For example, with regards to assessing M.G.L. c. 94C violations, no research or data sources were identified that link criminal justice data from first-interaction with law enforcement through adjudication and/or incarceration period.

The Commission is currently in the process of implementing a primary survey to assess self-reported marijuana access and amount of use, that may shed light on the illicit market, by providing a preliminary assessment of the expansion or contraction of the legal marketplace, including estimates and comparisons of pricing and product availability in both markets among Massachusetts respondents.

ii. Selective Lessons Learned from Other States.

States' efforts to establish well-regulated, accessible legal markets for marijuana have not deterred illegal sales or eliminated the illicit market. Specific issues vary state-by-state and depend on their respective history and regulatory systems, but there are shared structural similarities that provide incentives and opportunities for the illicit market to survive across the country. In states, such as Massachusetts, that have legalized, networks engaging in unlicensed cultivation and supply continue to meet a high demand for the product, often at a lower cost and greater convenience, compared to a limited number of licensed retailers.[22]

States that have legalized have seen that high demand and continued prohibition in other states create an opportunity and a financial incentive for diversion, where marijuana is transferred to the state's illicit market or is transported across state lines. This is the case in Oregon, where favorable environmental conditions for outdoor cultivation have resulted in

[21] A Baseline Review and Assessment of Cannabis Use and Public Safety Part 2: 94C Violations and Social Equity: Literature Review and Preliminary Data in Massachusetts) is available at https://mass-cannabis-control.com/wp-content/uploads/2019/04/1.-RR2-94C-Violations-FINAL.pdf.

[22] Politico, Natalie Fertig, How Legal Marijuana Is Helping the Black Market, July 21, 2019, available at https://www.politico.com/magazine/story/2019/07/21/legal-marijuana-black-market-227414

significant overproduction, a corresponding decline in the price of wholesale legal marijuana, and thus a financial incentive to divert the surplus product to profitable illicit markets in states where marijuana sales are prohibited.[23] Regulators in Washington and northern California have experienced similar instances of diversion.[24] In Colorado, a provision in the 2000 medical marijuana law allowing for individuals to home grow up to 99 plants contributed to the proliferation of operations that may have legally grown marijuana that was ultimately diverted to the illicit market within the state or outside of its borders. Colorado has recently instituted a cap of 12 plants that one is permitted to grow, but illicit activity remains a concern.[25]

Additionally, the creation of a legal, regulated system may provide a way for illicit actors to evade detection by operating under the guise of licensure and making it difficult for consumers and law enforcement to distinguish the legality of the operation.[26] Washington has seen networks of large scale illegal outdoor grow operations utilizing the legal industry as a cover, by establishing locations close to legal sites and using the same type of fencing.[27] In California, this issue is especially persistent in the retail space. The medical marijuana industry operated for decades with minimal oversight, and when these shops became subject to the retail regulations after adult-use marijuana was legalized in 2018, many chose to continue operating as usual rather than go through the process of obtaining licensure. This is compounded by the fact that 80% of the state's municipalities have banned adult-use shops, limiting the number of licensed entities. Difficulty distinguishing between licensed and unlicensed businesses, high consumer demand, and a relatively limited legal supply contribute to California's strong illicit market.[28]

The factors perpetuating the existence of the illicit market are interconnected and influenced by the diverse characteristics of each state. As such, lawmakers and regulators are in the process of determining best practices on how to reduce the scope of the illicit market. Pending and enacted measures have included various ways of expanding and increasing the accessibility of the legal market and boosting resources to local law enforcement initiatives to effectively halt illegal operations.

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[23] Oregon State Police, A Baseline Evaluation of Cannabis Enforcement Priorities in Oregon, Jan. 2017, available at https://media.oregonlive.com/today/other/cannabis_enforcement_oregon%202.pdf

[24] NPR, Martin Kaste, Despite Legalization, Marijuana Black Market Hides In Plain Sight, May 16, 2018 available at https://www.npr.org/2018/05/16/610579599/despite-legalization-marijuana-black-market-hides-in-plain-sight

[25] KUNC, Esther Honig, Seven Years After Legalization, Colorado Battles An Illegal Marijuana Market, Aug. 14, 2019, available at https://www.kunc.org/post/seven-years-after-legalization-colorado-battles-illegal-marijuana-market#stream/0

[26] Washington State Institute for Public Policy, Suppressing Illicit Cannabis Markets After State Marijuana Legalization, Aug. 2019, available at http://www.wsipp.wa.gov/ReportFile/1708/Wsipp_Suppressing-Illicit-Cannabis-Markets-After-State-Marijuana-Legalization_Report.pdf

[27] NPR, Martin Kaste, Despite Legalization, Marijuana Black Market Hides In Plain Sight, May 16, 2018 available at https://www.npr.org/2018/05/16/610579599/despite-legalization-marijuana-black-market-hides-in-plain-sight

[28] New York Times, Thomas Fuller, 'Getting Worse, Not Better': Illegal Pot Market Booming in California Despite Legalization, April 27, 2019, available at https://www.nytimes.com/2019/04/27/us/marijuana-california-legalization.html

iii. Risks Associated with Illicit Market Operations.

The continued existence of the illicit marijuana market presents significant risks to public health and public safety, diverts tax money from the Commonwealth, and undermines the work of the Commission to implement a legal, regulated and taxed marijuana industry in Massachusetts.

Despite the Commission's efforts to implement comprehensive public health regulations and testing protocols to ensure the safety of marijuana products sold through licensed establishments, products sold on the illicit market go unregulated and untested. The recent outbreak of severe vaping-associated lung illness and injuries highlights the dangers of illicit marijuana products. In Massachusetts, the Governor declared a public health emergency and the Department of Public Health temporarily banned the sale of nicotine and marijuana vaping products and devices in response to confirmed and suspected cases of severe lung disease associated with the use of e-cigarettes and marijuana vaping products. The Commission exercised its authority to quarantine products while it put in place additional testing requirements to ensure the safety of products sold through the legal market.[29]

The Center for Disease Control (CDC) reports that, as of December 17, 2019, there have been 2,506 cases of vaping-associated lung illness resulting in hospitalization, with 54 deaths confirmed nationwide.[30] The CDC has identified THC-containing vape products obtained through the illicit market as playing a major role in the outbreak. While investigations are ongoing and there may be more than one cause, the CDC has identified Vitamin E acetate, a chemical used to dilute THC primarily in illicit and counterfeit vape products, as a chemical of concern linked to a large number of patients suffering from vaping-related lung illnesses.[31] Despite the best efforts of the Governor and state and municipal officials to address this recent threat, including the Commission's effort to adjust its laboratory-testing protocols and consumer-labeling requirements, the lack of a comprehensive and coordinated response to prevent dangerous products from being sold on the illicit market continues to present a significant threat to public health.

The illicit sale of marijuana also presents a significant risk to public safety. While licensed marijuana establishments must follow protocols to ensure they do not engage in sales to minors, illicit operators regularly sell to those under 21. Because their business is conducted primarily in cash, illicit marijuana operators may serve as an attractive target for criminal activity

[29] The Commission's quarantine order can be found at https://mass-cannabis-control.com/wp-content/uploads/2019/11/20191112114809266.pdf, and amended quarantine order at https://mass-cannabis-control.com/wp-content/uploads/2019/12/First-Amended-Quarantine-Order-Applying-to-Vaporizer-Products-with-Conditions-12-12-2019.pdf.

[30] CDC, States Update Number of Hospitalized EVALI Cases and EVALI Deaths, Dec. 19, 2019, available at https://www.cdc.gov/media/releases/2019/s1220-states-update-evali-cases.html.

[31] CDC, Outbreak of Lung Injury Associated with the Use of E-Cigarette, or Vaping, Products, Dec. 20, 2019, available at https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html#map-cases.

such as breaking and entering, assault and battery, and larceny. We have also seen situations in which those engaged in illicit marijuana sales attempt to launder the cash proceeds through criminal schemes, such as the case discussed above in which individuals attempted to use another regulated entity that handles large volumes of cash—casinos--to launder the proceeds from an illicit marijuana trafficking and sales operation. Furthermore, reports from other states with legal marijuana markets suggest that foreign cartels and transnational criminal organizations may have a hand in some large scale multistate illicit trafficking operations.[32]

Ultimately, the persistence of the illicit market threatens to undermine the will of the voters and the Legislature to create a legal market in the Commonwealth subject to regulation and taxation. Businesses seeking licensure from the Commission must invest significant capital to meet regulatory requirements before they are able to commence operations. However, these licensed operators must compete for customers with an illicit market that offers marijuana products at a significantly reduced price and sometimes with greater convenience for customers. These illicit operations provide unfair competition to those licensed entities who comply with our laws and regulations.

One concrete consequence is that illicit market sales of marijuana divert large amounts of tax revenue from the Commonwealth. When the voters and Legislature put in place the framework for the legal market, taxation of marijuana was an important component of the law. Legal marijuana sales are subject to a 6.75% sales tax, a 10.25% excise tax, and, in some communities, an additional local option tax of up to 3%. According to Revenue Commissioner Christopher Harding, the DOR expects to collect between $93 million and $173 million in legal marijuana tax revenue this current fiscal year and could collect as much as $189 million in the next budget year.[33] As set forth in statute, this money will be allocated to the Marijuana Regulation Fund and expended on the operations of the Commission, as well as articulated priorities including public and behavioral health, public safety, municipal police training, and programing for restorative justice, jail diversion, workforce development, industry specific technical assistance, and mentoring services for economically-disadvantaged persons in communities disproportionately impacted by high rates of arrest and incarceration for marijuana offenses. M.G.L. c. 94G, § 14. But because all taxes are not collected on illicit market sales, the Commonwealth is potentially losing millions of dollars each year in revenue that should be dedicated to these and other important legislative priorities. However, the exact amount of lost revenue is unknown. Researching and collecting data to obtain this figure would be useful in understanding the scope of the issue.

V. PROPOSED RECOMMENDATIONS

[32] NBC News, Dennis Romero, Foreign cartels embrace home-grown marijuana in pot-legal states, May 29, 2018, available at https://www.nbcnews.com/news/us-news/foreign-cartels-embrace-home-grown-marijuana-pot-legal-states-n875666.

[33] Colin Young, Boston Globe, Massachusetts on target for sizeable share of pot money, Dec. 4, 2019, available at https://www.bostonglobe.com/news/marijuana/2019/12/04/massachusetts-target-for-sizeable-share-pot-money/xteLqLREdIhL3kV7roMdZK/story.html.

A. Recommendation 1: Amend M.G.L. c. 94G and 94I to Clarify that Individuals and Entities Could be Subject to Criminal Prosecution Under the Controlled Substances Act, M.G.L. c. 94C, § 32C, and Other Applicable Statutes.

While as a result of decriminalization and legalization, licensed individuals and entities cannot be prosecuted for engaging in lawful activities, it is also true that they are not immune from prosecution for criminal activity. We recommend that M.G.L. c. 94G and 94I be amended to clarify that the Controlled Substances Act, M.G.L. c. 94C, § 32C, and other applicable statutes apply to licensed marijuana operations engaging in illicit activities, such as diversion. For example, an agent of a licensed retail entity that cultivates and diverts marijuana to the illicit market, beyond the scope of licensure, remains subject to prosecution. These amendments would clarify that under M.G.L. c. 94G and 94I, licensed marijuana operations could not claim that they cannot be prosecuted given their licensure status. Proposed language is attached.

B. Recommendation 2: Establish a Multi-Agency Illicit Marijuana Task Force.

Given the continued threat posed by the illicit market, we recommend the creation of a Multi-Agency Illicit Marijuana Task Force, modeled after the Illegal Tobacco Task Force, to coordinate efforts between state agency partners with a focus on recouping tax revenue lost to illicit sales and protecting public health and safety from the risks of unregulated and untested illicit marijuana products. Such a Task Force would receive and develop information about those entities that engage in illicit operations or hold themselves out as licensed marijuana businesses but operate without a license from the Commission.

An effective Task Force would bring together state agencies with relevant expertise, regulatory and enforcement authority, including the DOR, the State Police, the Commission, the AGO, the Department of Agricultural Resources, the DPH and local law enforcement representatives. The creation of such an investigatory Task Force will facilitate timely sharing of information and coordination among these stakeholders in order to identify and carry out joint investigations and enforcement actions to address unlicensed marijuana cultivation, processing, manufacturing, transportation, and distribution.

Working together, Task Force members could have access to a range of tools available to effectively identify and cause to be shut down unlicensed marijuana operations. The Task Force would serve as a central point to accept referrals of potential investigatory interest from state and local law enforcement, state and municipal agencies, and the general public. It would also facilitate the coordination and sharing of resources between state agencies to maximize efficiency and effectiveness of investigations. When an investigation uncovers an unlicensed business engaged in illicit marijuana sales, DOR will be able to use its civil enforcement authority to assess taxes and seize illegal marijuana products. To maximize resources, any

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criminal enforcement efforts should focus on disrupting large scale illicit marijuana operations and those that present additional criminal elements, such as organized crime, money laundering operations, sales of untested marijuana products and their associated accessories, or sales to minors. The Task Force would also collaborate with and make referrals to federal law enforcement and other law enforcement partners as appropriate.

The existing Illegal Tobacco Task Force provides a model for multi-agency coordination that can be readily applied to address unlicensed marijuana distribution. Created by the Legislature in 2015, the Illegal Tobacco Task Force is co-chaired by the DOR and the State Police, and also includes representation from the Executive Office of Public Safety and Security, the DPH, the State Treasurer's Office and the AGO. The Illegal Tobacco Task Force is charged with coordinating efforts to combat contraband tobacco distribution, including efforts to foster compliance with the law and conduct targeted investigations and enforcement actions against violators. It is funded through its own line-item in the state budget, which provides for investigatory and prosecutorial resources at the relevant state agencies to carry out the work of the task force. Enforcement actions have resulted in disrupting and shutting down tobacco smuggling operations, removing illegal contraband tobacco from circulation, increasing tobacco tax collections, and suspending or revoking the licenses of tobacco retailers found to be in violation of state tobacco laws. This model can be adapted to bring an efficient coordination of investigation and civil and criminal enforcement resources to achieve similar success in disrupting illicit marijuana market operations.

We are aware that legislation is currently pending before the Joint Committee on Cannabis Policy, filed by Representative Hannah Kane, that would establish a Multi-Agency Illicit Marijuana Task Force.[34] A similar bill has been filed by Senator Michael Moore. The AGO and the Commission welcome the opportunity to work with the Legislature as they consider these proposals. In particular, we encourage the Legislature to consider the critical issue of a funding mechanism for the Task Force, which could include an expenditure from the Marijuana Regulation Fund or a dedicated line-item budget appropriation. For any Task Force to be successful, it must be well-resourced and come with adequate funding to support the investigatory and enforcement resources necessary to carry out its mission. This includes funding for law enforcement, financial investigators, prosecutors, and infrastructure such as storage facilities to secure seized contraband marijuana products that must be preserved as evidence in civil or criminal enforcement cases.

To maximize the efficiency and effectiveness of the Task Force, we also encourage the Legislature to consider options to enable the Task Force to conduct its meetings in a manner conducive to the sharing confidential information and coordination of investigatory and enforcement efforts. However, we recommend that the Task Force be required to collect data and report on its civil and criminal enforcement efforts, including demographic information

[34] See H. 4168, An Act to Enhance Enforcement Against Unlicensed Marijuana Operators, available at https://malegislature.gov/Bills/191/H4168.

about the subjects of enforcement actions. This will allow for transparency, without compromising the operational efficiency of the Task Force.

C. Recommendation 3: Expand DOR's Authority to Assess Excise Taxes at the Same Rates for Illegal Sales as Legal Sales of Marijuana.

A critical component of the Commission and AGO's joint recommendations is the ability of the DOR comprehensively to assess a business engaged in the illicit sale of marijuana products for forgone tax revenue.

As discussed above, a gap in the law currently exists with respect to DOR's ability to assess the 10.75% excise tax and up to 3% local option tax against those operating without a Commission-issued license. M.G.L. c. 64N § 2; M.G.L. c. 64N § 3. Accordingly, we recommend that the law be amended to impose the excise tax and any applicable local option tax at the same rate for legal and illegal marijuana sales alike.

While DOR currently has authority to assess unpaid sales tax on marijuana sales by unlicensed entities, extending this authority to the excise and local option tax will significantly increase the amount of assessments and thus have a broader deterrent effect. Such a change in the law will also allow DOR to utilize its full range of enforcement powers to recoup the lost tax revenue owed to the Commonwealth and its municipalities in sales, excise and any applicable local option tax. M.G.L. c. 62C § 2.

Finally, in order to maximize participation in the legal market, we recommend that a tax assessment against a person engaged in the illicit sale of marijuana not necessarily serve as a bar to that person later receiving a license from the Commission, provided that the individual or entity is otherwise deemed suitable under the Commission's suitability standards.

VI. CONCLUSION

The Commission has put in place and implemented a robust regulatory structure that applies to licensed marijuana operations in Massachusetts. Meanwhile, existing criminal statutes continue to apply to illegal marijuana activities, including cultivation, manufacturing, and sales, that take place beyond the scope of the regulated market. For this reason, the Commission and AGO do not advise establishing any additional criminal penalties at this time.

We acknowledge, however, that the continued prevalence of the illicit market remains a problem—both in our state and across the country—that presents significant risks to public health and public safety, diverts tax money from the Commonwealth, and undermines the legal marijuana industry. Accordingly, our recommendations aim to clarify the application of existing laws to address illegal activity, and to provide additional civil enforcement tools and resources to address the illicit market. In particular, the creation of an Illicit Marijuana Task Force will bring

together key stakeholders to recoup tax revenue lost to illicit sales and protect public health and safety from the risks of unregulated and untested illicit marijuana products. We encourage the Legislature to consider these recommendations and believe that, if implemented, they will deter and contribute to a reduction in the scope of the illicit market and maximize participation in the legal market.

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ADDENDUM

Suggested Language for Recommendation 1.

i. M.G.L. 94G § 9: Lawful operation of marijuana establishments

1. Proposed amendments to M.G.L. c. 94G, § 9(a) in italics. https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94G/Section9

[]. Notwithstanding any general or special law to the contrary, except as otherwise provided in this chapter, the following people involved in the distribution of marijuana as authorized by this chapter shall not be arrested, prosecuted, penalized, sanctioned or disqualified and shall not be subject to seizure or forfeiture of assets for activities authorized by this chapter when conducted under a valid license or registration issued by the Commission and specified for*:*

(1) a marijuana retailer or an owner, operator, employee or other agent acting on behalf of a marijuana retailer possessing or testing marijuana or marijuana products; purchasing, selling or otherwise transferring or delivering marijuana or marijuana products to or from a marijuana establishment; or selling or otherwise transferring or delivering marijuana or marijuana products to a consumer;
(2) a marijuana cultivator or an owner, operator, employee or other agent acting on behalf of a marijuana cultivator cultivating, propagating, breeding, harvesting, processing, packaging, testing, storing or possessing marijuana or marijuana products, or selling or otherwise transferring, purchasing or delivering marijuana and marijuana products to or from a marijuana establishment;
(3) a marijuana product manufacturer or an owner, operator, employee or other agent acting on behalf of a marijuana product manufacturer packaging, processing, manufacturing, storing, testing or possessing marijuana or marijuana products, or delivering, selling or otherwise transferring and purchasing marijuana or marijuana products to or from a marijuana establishment; or
(4) a marijuana testing facility or an owner, operator, employee or other agent acting on behalf of a marijuana testing facility possessing, processing, storing, transferring or testing marijuana or marijuana products.

2. M.G.L. c. 94I, § 2(c).

[] Notwithstanding any general or special law to the contrary, a medical marijuana treatment center and its employees registered with the commission shall not be penalized or arrested for activities authorized by this chapter when conducted under a valid license or registration issued by the commission, including acquiring, possessing, cultivating, processing, transferring, transporting, selling, distributing or

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dispensing medical use marijuana and related supplies and educational materials to qualifying patients or their personal caregivers.

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Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

[RESPONSIBLE VENDOR TRAINING VENDOR CERTIFICATION]: CRISIS SOLUTIONIST INC.

VENDOR OVERVIEW

Application Number:
RVN453134

Name and address of the Marijuana Establishment:
Crisis Solutionist™ Inc.
12 11th Street
W Salisbury MA 01952

Contact:
Lawrence P. Smith
lsmith@crisissolutionist.com
617-245-4111

RECOMMENDATION

Commission staff recommends Crisis Solutionist Inc. for a two-year certification to provide responsible vendor training with the following conditions:

- All training materials reflect current Regulations 935 CMR 500.000 (*e.g. Safe Delivery Practices, etc.*);
- Applicant updates training materials to include Delivery (see current Regulations);
- Applicant updates training materials to the Effects of Specific Marijuana Products on the Human Body section;
- Applicant updates training materials on License Sanctions and Court Sanctions (Slides 74-92); and
- Applicant adds/incorporates Commission Guidance on Cannabis Waste Management Requirements.

This recommendation is based on review of required materials submitted to the Commission and stands as long as the vendor remains in compliance with regulation provisions under 935 CMR 500.105(2).

EXECUTIVE SUMMARY

Crisis Solutionist is a reopened applicant. If certified in Massachusetts, Crisis Solutionist Inc. plans to implement in-person classroom training at various locations across the Commonwealth, including hotel conference and function facilities and/or host Marijuana Establishment locations. The training is expected to take 8 hours to complete, including interactive, instructor-led discussion and a 50-question final examination. The course intends to target all owners, managers and agents of Marijuana Establishments.

RECOMMENDATION IMPETUS

Crisis Solutionist Inc. provided the required information and materials required to sufficiently train marijuana establishment agents, including:

1. General Content, including:
    a. Outline of attendees that the Training Program intends to target, its recruitment approach and the objectives of the Training Program;
    b. Mechanism(s) of training (*i.e. in person and/or* $^{+}$*interactive virtual training*) in detail, including modalities used (if $^{+}$virtual interactive training) and facilities where trainings will take place (if in-person training); and timeline of training to ensure it meets the two-hour training requirement;
    c. Plan for vendor to maintain its training records at its principal place of business, including length of time for retention; and
    d. List of owners, controlling persons and employees.

2. Attestations were agreed upon with signature and date, including:
    a. Staff training attendance of training with no notice;
    b. Comply with requirement that RVT trainer must update training educational materials within 20 days of a change in regulation(s) that affect(s) educational materials;
    c. Obligation to be aware of any changes to federal or state laws or regulations governing of marijuana establishments within the Commonwealth of Massachusetts; and
    d. No owner or employee of the applicant has an interest in a licensed Marijuana Establishment.

3. Course Material and Attachments:
    a. All training materials associated with discussion concerning marijuana's effect on the human body as outlined in *Section 1. Marijuana's Effect on the Human Body* were provided;
    b. All training materials associated with diversion prevention and prevention of sales to minors as outlined in *Section 2. Diversion Prevention and Prevention of Sales to Minors* were provided;
    c. All training materials associated with tracking requirements as outlined in *Section 3. Compliance with all Tracking Requirements* were provided;

d. All training materials associated with key state laws and rules affecting owners, managers, and employees as outlined in *Section 4. Key State Laws & Rules* were provided;
e. All testing materials associated with the responsible vendor training program as outlined in *Section 5. Testing Materials* were provided; and
f. All materials associated with the responsible vendor training program evaluation as outlined in *Section 6. Evaluation Materials* were provided.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

[RESPONSIBLE VENDOR TRAINING VENDOR CERTIFICATION]: KRISTI TALAGAN

VENDOR OVERVIEW

Application Number:
RVN453123

Name and address of the Marijuana Establishment:
Kristi Talagan
21 Farrington Ave
Saugus MA, 01906

Contact:
Kristi Talagan
kristitalagan@comcast.net
781-710-5948

RECOMMENDATION

Commission staff recommends Kristi Talagan for a two-year certification to provide responsible vendor training with the following conditions:

- All training materials reflect current Regulations 935 CMR 500.000 (*e.g. Safe Delivery Practices, etc.*); and
- Applicant adds training materials to the Effects of Specific Marijuana Products on the Human Body section, specifically on the amount of time to feel impairment.

This recommendation is based on review of required materials submitted to the Commission and stands as long as the vendor remains in compliance with regulation provisions under 935 CMR 500.105(2).

EXECUTIVE SUMMARY

Kristi Talagan is a reopened applicant. If certified in Massachusetts, Kristi Talagan plans to implement in-person training at the Marijuana Establishment and/or conference centers throughout the Commonwealth. The training is expected to take 3-3.5 hours to complete, including: instructor led discussion, videos, interactive tools, group discussion, quizzes and a 20-question final examination. The course intends to target all owners, managers and agents of Marijuana Establishments.

RECOMMENDATION IMPETUS

Kristi Talagan provided the required information and materials required to sufficiently train marijuana establishment agents, including:

1. General Content, including:
    a. Outline of attendees that the Training Program intends to target, its recruitment approach and the objectives of the Training Program;
    b. Mechanism(s) of training (*i.e. in person and/or* [+]*interactive virtual training*) in detail, including modalities used (if [+]virtual interactive training) and facilities where trainings will take place (if in-person training); and timeline of training to ensure it meets the two-hour training requirement;
    c. Plan for vendor to maintain its training records at its principal place of business, including length of time for retention; and
    d. List of owners, controlling persons and employees.

2. Attestations were agreed upon with signature and date, including:
    a. Staff training attendance of training with no notice;
    b. Comply with requirement that RVT trainer must update training educational materials within 20 days of a change in regulation(s) that affect(s) educational materials;
    c. Obligation to be aware of any changes to federal or state laws or regulations governing of marijuana establishments within the Commonwealth of Massachusetts; and
    d. No owner or employee of the applicant has an interest in a licensed Marijuana Establishment.

3. Course Material and Attachments:
    a. All training materials associated with discussion concerning marijuana's effect on the human body as outlined in *Section 1. Marijuana's Effect on the Human Body* were provided;
    b. All training materials associated with diversion prevention and prevention of sales to minors as outlined in *Section 2. Diversion Prevention and Prevention of Sales to Minors* were provided;
    c. All training materials associated with tracking requirements as outlined in *Section 3. Compliance with all Tracking Requirements* were provided;
    d. All training materials associated with key state laws and rules affecting owners, managers, and employees as outlined in *Section 4. Key State Laws & Rules* were provided;
    e. All testing materials associated with the responsible vendor training program as outlined in *Section 5. Testing Materials* were provided; and
    f. All materials associated with the responsible vendor training program evaluation as outlined in *Section 6. Evaluation Materials* were provided.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

[RESPONSIBLE VENDOR TRAINING VENDOR CERTIFICATION]: MARY HULL

VENDOR OVERVIEW

Application Number:
RVN453160

Name and address of the Marijuana Establishment:
10 Homer Dr.
Monson MA, 01057

Contact:
Mary Hull
MassRVT@yahoo.com
413-336-8715

RECOMMENDATION

Commission staff recommends Mary Hull a two-year certification to provide responsible vendor training with the following conditions:

- All training materials reflect current Regulations 935 CMR 500.000 (*e.g. Safe Delivery Practices, etc.*);
- Applicant adds training materials to the Compliance with all Tracking Requirements section; and
- Applicant adds/incorporates Commission Guidance on Cannabis Waste Management Requirements.

This recommendation is based on review of required materials submitted to the Commission and stands as long as the vendor remains in compliance with regulation provisions under 935 CMR 500.105(2).

EXECUTIVE SUMMARY

Mary Hull is a reopened applicant. If certified in Massachusetts, Mary Hull plans to implement in-person training for 15< attendants per class. Training will include role playing, six quizzes, and a final examination. The length of time for course completion is unknown. The course intends to target all owners, managers and agents of Marijuana Establishments.

RECOMMENDATION IMPETUS

Mary Hull provided the required information and materials required to sufficiently train marijuana establishment agents, including:

1. General Content, including:
    a. Outline of attendees that the Training Program intends to target, its recruitment approach and the objectives of the Training Program;
    b. Mechanism(s) of training (*i.e. in person and/or* $^{+}$*interactive virtual training*) in detail, including modalities used (if $^{+}$virtual interactive training) and facilities where trainings will take place (if in-person training); and timeline of training to ensure it meets the two-hour training requirement;
    c. Plan for vendor to maintain its training records at its principal place of business, including length of time for retention; and
    d. List of owners, controlling persons and employees.

2. Attestations were agreed upon with signature and date, including:
    a. Staff training attendance of training with no notice;
    b. Comply with requirement that RVT trainer must update training educational materials within 20 days of a change in regulation(s) that affect(s) educational materials;
    c. Obligation to be aware of any changes to federal or state laws or regulations governing of marijuana establishments within the Commonwealth of Massachusetts; and
    d. No owner or employee of the applicant can have an interest in a licensed Marijuana Establishment.

3. Course Material and Attachments:
    a. All training materials associated with discussion concerning marijuana's effect on the human body as outlined in *Section 1. Marijuana's Effect on the Human Body* were provided;
    b. All training materials associated with diversion prevention and prevention of sales to minors as outlined in *Section 2. Diversion Prevention and Prevention of Sales to Minors* were provided;
    c. All training materials associated with tracking requirements as outlined in *Section 3. Compliance with all Tracking Requirements* were provided;
    d. All training materials associated with key state laws and rules affecting owners, managers, and employees as outlined in *Section 4. Key State Laws & Rules* were provided;
    e. All testing materials associated with the responsible vendor training program as outlined in *Section 5. Testing Materials* were provided; and
    f. All materials associated with the responsible vendor training program evaluation as outlined in *Section 6. Evaluation Materials* were provided.

[RESPONSIBLE VENDOR TRAINING VENDOR CERTIFICATION]: JAMES YAGIELO

VENDOR OVERVIEW

Application Number:
RVN453274

Name and address of the Marijuana Establishment:
James Yagielo
PO Box 371992
Key Largo, FL 33037

Contact:
James Yagielo
james@hempstaff.com
305-753-1178

RECOMMENDATION

Commission staff recommends James Yagielo for a two-year certification to provide responsible vendor training with the following conditions:

- All training materials reflect current Regulations 935 CMR 500.000 (*e.g. Safe Delivery Practices, etc*.); and
- Applicant adds training materials to the Effects of Specific Marijuana Products on the Human Body section, specifically effects of adult-use products.

This recommendation is based on review of required materials submitted to the Commission and stands as long as the vendor remains in compliance with regulation provisions under 935 CMR 500.105(2).

EXECUTIVE SUMMARY

James Yagielo is a new applicant. If certified in Massachusetts, James Yagielo plans to implement training in both: (1) in-person classroom settings and/or (2) interactive virtual online webinars via Zoom. In-person training would take place in hotel conference rooms across the Commonwealth, alternating between Boston, Worcester, and Springfield. The training is

expected to take 2 or more hours to complete, including a 20-question final examination. This course intends to target all owners, managers and agents of Marijuana Establishments.

RECOMMENDATION IMPETUS

James Yagielo provided the required information and materials required to sufficiently train marijuana establishment agents, including:

1. General Content, including:
    a. Outline of attendees that the Training Program intends to target, its recruitment approach and the objectives of the Training Program;
    b. Mechanism(s) of training (*i.e. in person and/or* [+]*interactive virtual training*) in detail, including modalities used (if [+]virtual interactive training) and facilities where trainings will take place (if in-person training); and timeline of training to ensure it meets the three-hour training requirement;
    c. Plan for vendor to maintain its training records at its principal place of business, including length of time for retention; and
    d. List of owners, controlling persons and employees.

2. Attestations were agreed upon with signature and date, including:
    a. Staff training attendance of training with no notice;
    b. Comply with requirement that RVT trainer must update training educational materials within 20 days of a change in regulation(s) that affect(s) educational materials;
    c. Obligation to be aware of any changes to federal or state laws or regulations governing of marijuana establishments within the Commonwealth of Massachusetts; and
    d. No owner or employee of the applicant has an interest in a licensed Marijuana Establishment.

3. Course Material and Attachments:
    a. All training materials associated with discussion concerning marijuana's effect on the human body as outlined in *Section 1. Marijuana's Effect on the Human Body* were provided;
    b. All training materials associated with diversion prevention and prevention of sales to minors as outlined in *Section 2. Diversion Prevention and Prevention of Sales to Minors* were provided;
    c. All training materials associated with tracking requirements as outlined in *Section 3. Compliance with all Tracking Requirements* were provided;
    d. All training materials associated with key state laws and rules affecting owners, managers, and employees as outlined in *Section 4. Key State Laws & Rules* were provided;
    e. All testing materials associated with the responsible vendor training program as outlined in *Section 5. Testing Materials* were provided; and
    f. All materials associated with the responsible vendor training program evaluation as outlined in *Section 6. Evaluation Materials* were provided.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

[RESPONSIBLE VENDOR TRAINING VENDOR CERTIFICATION]: LEAFY GREEN LLC

VENDOR OVERVIEW

Application Number:
RVN453244

Name and address of the Marijuana Establishment:
Leafy Green Agency LLC
2020 S Hill Dr.,
Irving TX, 75038

Contact:
Vanessa Niles
dreambig@leafygreenagency.com
707-563-1457

RECOMMENDATION

Commission staff recommends Leafy Green Agency LLC for a two-year certification to provide responsible vendor training with the following conditions:

- All training materials reflect current Regulations 935 CMR 500.000 (*e.g. Safe Delivery Practices, etc.*);
- Applicant deletes outdated/ errant information about the oversight of the medical use of marijuana program under the Local and State Licensing and Enforcement section;
- Applicant adds requirements regarding water supply and plumbing; and
- Applicant adds training materials for what is permitted and prohibited for each license type.

This recommendation is based on review of required materials submitted to the Commission and stands as long as the vendor remains in compliance with regulation provisions under 935 CMR 500.105(2).

EXECUTIVE SUMMARY

Leafy Green Agency LLC is a new applicant. If certified in Massachusetts, Leafy Green Agency LLC plans to implement training available in both: (1) interactive classroom settings and/or (2)

interactive virtual online webinars. The training is expected to take 3 hours to complete, including instructor led-discussion, discussion modules, interactive activities, and a 50-question final examination. The course intends to target all owners, managers and agents of Marijuana Establishments.

RECOMMENDATION IMPETUS

Leafy Green Agency LLC provided the required information and materials required to sufficiently train marijuana establishment agents, including:

1. General Content, including:
    a. Outline of attendees that the Training Program intends to target, its recruitment approach and the objectives of the Training Program;
    b. Mechanism(s) of training (*i.e. in person and/or* $^{+}$*interactive virtual training*) in detail, including modalities used (if $^{+}$virtual interactive training) and facilities where trainings will take place (if in-person training); and timeline of training to ensure it meets the two-hour training requirement;
    c. Plan for vendor to maintain its training records at its principal place of business, including length of time for retention; and
    d. List of owners, controlling persons and employees.

2. Attestations were agreed upon with signature and date, including:
    a. Staff training attendance of training with no notice;
    b. Comply with requirement that RVT trainer must update training educational materials within 20 days of a change in regulation(s) that affect(s) educational materials;
    c. Obligation to be aware of any changes to federal or state laws or regulations governing of marijuana establishments within the Commonwealth of Massachusetts; and
    d. No owner or employee of the applicant has an interest in a licensed Marijuana Establishment.

3. Course Material and Attachments:
    a. All training materials associated with discussion concerning marijuana's effect on the human body as outlined in *Section 1. Marijuana's Effect on the Human Body* were provided;
    b. All training materials associated with diversion prevention and prevention of sales to minors as outlined in *Section 2. Diversion Prevention and Prevention of Sales to Minors* were provided;
    c. All training materials associated with tracking requirements as outlined in *Section 3. Compliance with all Tracking Requirements* were provided;
    d. All training materials associated with key state laws and rules affecting owners, managers, and employees as outlined in *Section 4. Key State Laws & Rules* were provided;
    e. All testing materials associated with the responsible vendor training program as outlined in *Section 5. Testing Materials* were provided; and

f. All materials associated with the responsible vendor training program evaluation as outlined in *Section 6. Evaluation Materials* were provided.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

[RESPONSIBLE VENDOR TRAINING VENDOR CERTIFICATION]: MARIJUANA HANDLERS

VENDOR OVERVIEW

Application Number:
VN453288

Name and address of the Marijuana Establishment:
Marijuana Handlers™
12005 Wilderness Road
Anchorage AK, 99516

Contact:
George M. Coleman
support@marijuanahandlers.com
800-484-5432

RECOMMENDATION

Commission staff recommends Marijuana Handlers™ for a two-year certification to provide responsible vendor training for in-person classroom training. This vendor also submitted an online, virtual training, which is not currently accepted as a mechanism of RVT training, thus, approval pertains only to in-classroom training.

This recommendation is based on review of required materials submitted to the Commission and stands as long as the vendor remains in compliance with regulation provisions under 935 CMR 500.105(2).

EXECUTIVE SUMMARY

Marijuana Handlers is a new applicant. If certified in Massachusetts, Marijuana Handlers™ plans to implement in-person training. The training is expected to take 2 hours to complete, including 4 quizzes and a 10-question final examination.

This course intends to target all owners, managers and agents of Marijuana Establishments as well as individuals interested in working in the Cannabis Industry.

RECOMMENDATION IMPETUS

Marijuana Handlers™ provided the required information and materials required to sufficiently train marijuana establishment agents, including:

1. General Content, including:
    a. Outline of attendees that the Training Program intends to target, its recruitment approach and the objectives of the Training Program;
    b. Mechanism(s) of training (*i.e. in person and/or* [+]*interactive virtual training*) in detail, including modalities used (if [+]virtual interactive training) and facilities where trainings will take place (if in-person training); and timeline of training to ensure it meets the two-hour training requirement;
    c. Plan for vendor to maintain its training records at its principal place of business, including length of time for retention; and
    d. List of owners, controlling persons and employees.

2. Attestations were agreed upon with signature and date, including:
    a. Staff training attendance of training with no notice;
    b. Comply with requirement that RVT trainer must update training educational materials within 20 days of a change in regulation(s) that affect(s) educational materials;
    c. Obligation to be aware of any changes to federal or state laws or regulations governing of marijuana establishments within the Commonwealth of Massachusetts; and
    d. No owner or employee of the applicant has an interest in a licensed Marijuana Establishment.

3. Course Material and Attachments:
    a. All training materials associated with discussion concerning marijuana's effect on the human body as outlined in *Section 1. Marijuana's Effect on the Human Body* were provided;
    b. All training materials associated with diversion prevention and prevention of sales to minors as outlined in *Section 2. Diversion Prevention and Prevention of Sales to Minors* were provided;
    c. All training materials associated with tracking requirements as outlined in *Section 3. Compliance with all Tracking Requirements* were provided;
    d. All training materials associated with key state laws and rules affecting owners, managers, and employees as outlined in *Section 4. Key State Laws & Rules* were provided;
    e. All testing materials associated with the responsible vendor training program as outlined in *Section 5. Testing Materials* were provided; and
    f. All materials associated with the responsible vendor training program evaluation as outlined in *Section 6. Evaluation Materials* were provided.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

CANNABIS CONTROL COMMISSION
Public Meeting

January 16, 2020

10:00AM

Cannabis Control Commission
Union Station
2 Washington Square
Worcester, MA

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Agenda

1) Call to Order
2) Chairman's Comments & Updates
3) Approval of Minutes
4) Executive Director's Report
5) Staff Recommendations on Change of Location
6) Staff Recommendations on Renewals
7) Staff Recommendations on Final Licenses
8) Staff Recommendations on Provisional Licenses
9) Commission Discussion and Votes
10) New Business that the Chairman did not anticipate at time of posting
11) Next Meeting Date

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Licensing Applications | January 16, 2020

The totals below are applications that have submitted all four packets and are pending review.

Type	#
Craft Marijuana Cooperative	2
Independent Testing Laboratory	4
Marijuana Cultivator	128
Marijuana Microbusiness	11
Marijuana Product Manufacturer	98
Marijuana Research Facility	4
Marijuana Retailer	180
Marijuana Transporter with Other Existing ME License	4
Third Party Transporter	6
Total	**437**

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Licensing Applications | January 16, 2020

The totals below are all license application received to date.

Type	#
Pending (All 4 packets submitted)	437
Withdrawn	433
Incomplete (Less than 4 packets submitted)	3,760
Denied	4
Approved	258
Total	**4,892**

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Licensing Applications | January 16, 2020

The totals below are number of licenses approved by category.

Type	#
Craft Marijuana Cooperative	0
Independent Testing Laboratory	3
Marijuana Cultivator	81
Marijuana Microbusiness	4
Marijuana Product Manufacturer	63
Marijuana Research Facility	0
Marijuana Retailer	104
Marijuana Third Party Transporter	1
Marijuana Transporter with Other Existing ME License	2
Total	**258**

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Licensing Applications | January 16, 2020

The totals below are number of licenses approved by stage.

Type	#
Provisionally Approved	33
Provisional License	121
Final License	24
Commence Operations	80
Total	**258**

Provisionally approved means approved by the Commission but has not submitted license fee payment yet – provisional license has not started

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Licensing Applications | January 16, 2020

The totals below are distinct license numbers that have submitted all required packets.

The 699 applications represent 369 separate entities

Type	#
RMD Priority	234
Economic Empowerment Priority	24
Expedited Review	63
General Applicant	378
Total	**699**

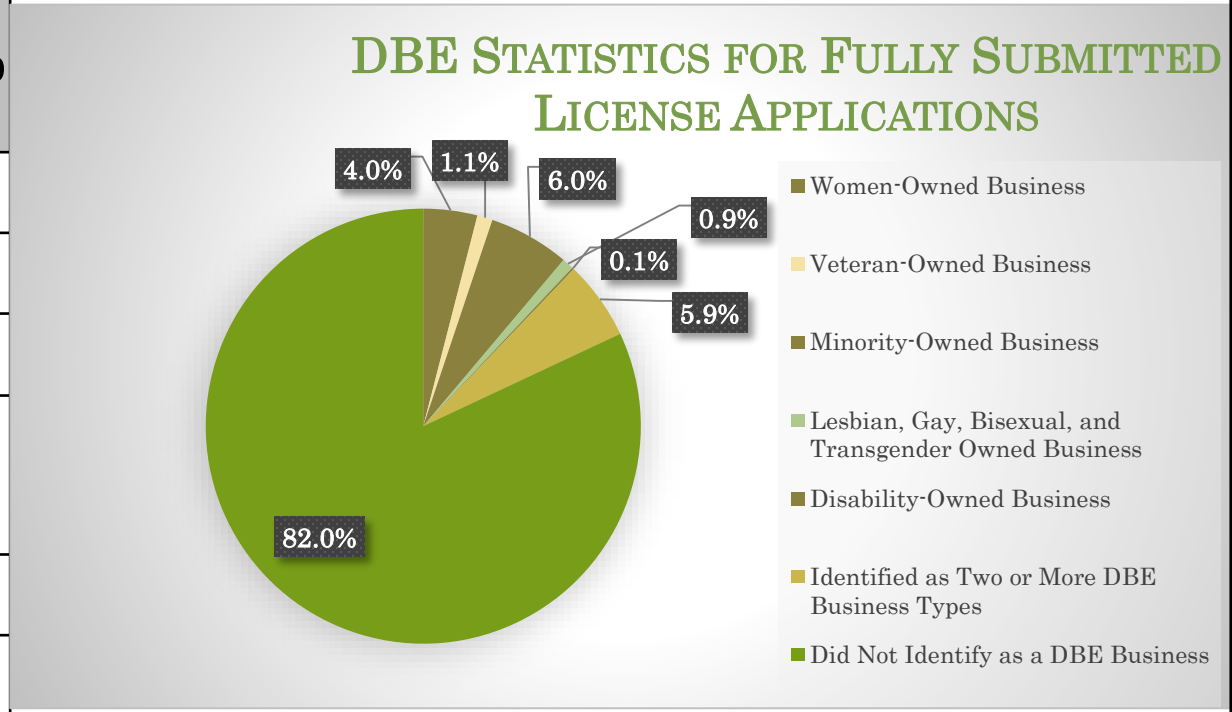
Expedited Applications	
Expedited: License Type	16
Expedited: Social Equity Participant	14
Expedited: Disadvantaged Business Enterprise	28
Expedited: Two or More Categories	5
Total	**63**

Licensing Applications | January 16, 2020

Disadvantaged Business Enterprise (DBE) Statistics

The totals below are distinct license numbers that have submitted all required packets.

Type	#	% of Group
Women-Owned Business	28	4%
Veteran-Owned Business	8	1.1%
Minority-Owned Business	42	6%
Lesbian Gay, Bisexual, and Transgender Owned Business	6	0.9%
Disability-Owned Business	1	0.1%
Identified as Two or More DBE Business Types	41	5.9%
Did Not Identify as a DBE Business	573	82%
Total	**699**	**100.0**



Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Licensing Applications | January 16, 2020

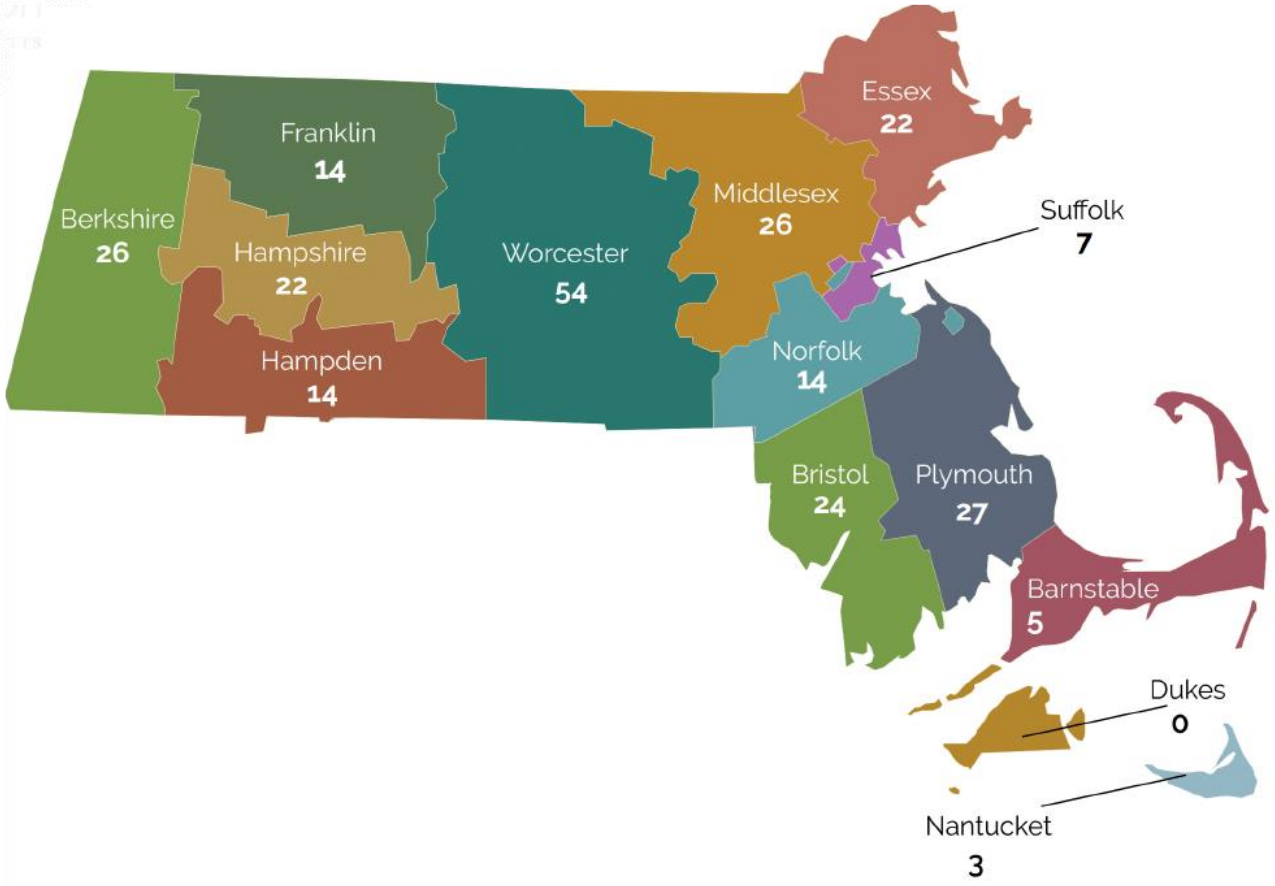
Status	#
Application Submitted: Awaiting Review	167
Application Reviewed: More Information Requested	175
Application Deemed Complete: Awaiting 3rd Party Responses	69
All Information Received: Awaiting Staff Recommendation	26
Applications Considered by Commission	262
Total	**699**

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Licensing Applications | January 16, 2020

The totals below are the total number of licenses by county.

COUNTY	#	+/-
BARNSTABLE	5	
BERKSHIRE	26	+6
BRISTOL	24	+3
DUKES	0	
ESSEX	22	
FRANKLIN	14	
HAMPDEN	14	+1
HAMPSHIRE	22	+4
MIDDLESEX	26	+6
NANTUCKET	3	
NORFOLK	14	
PLYMOUTH	27	+1
SUFFOLK	7	+4
WORCESTER	54	+6
TOTAL	258	+31



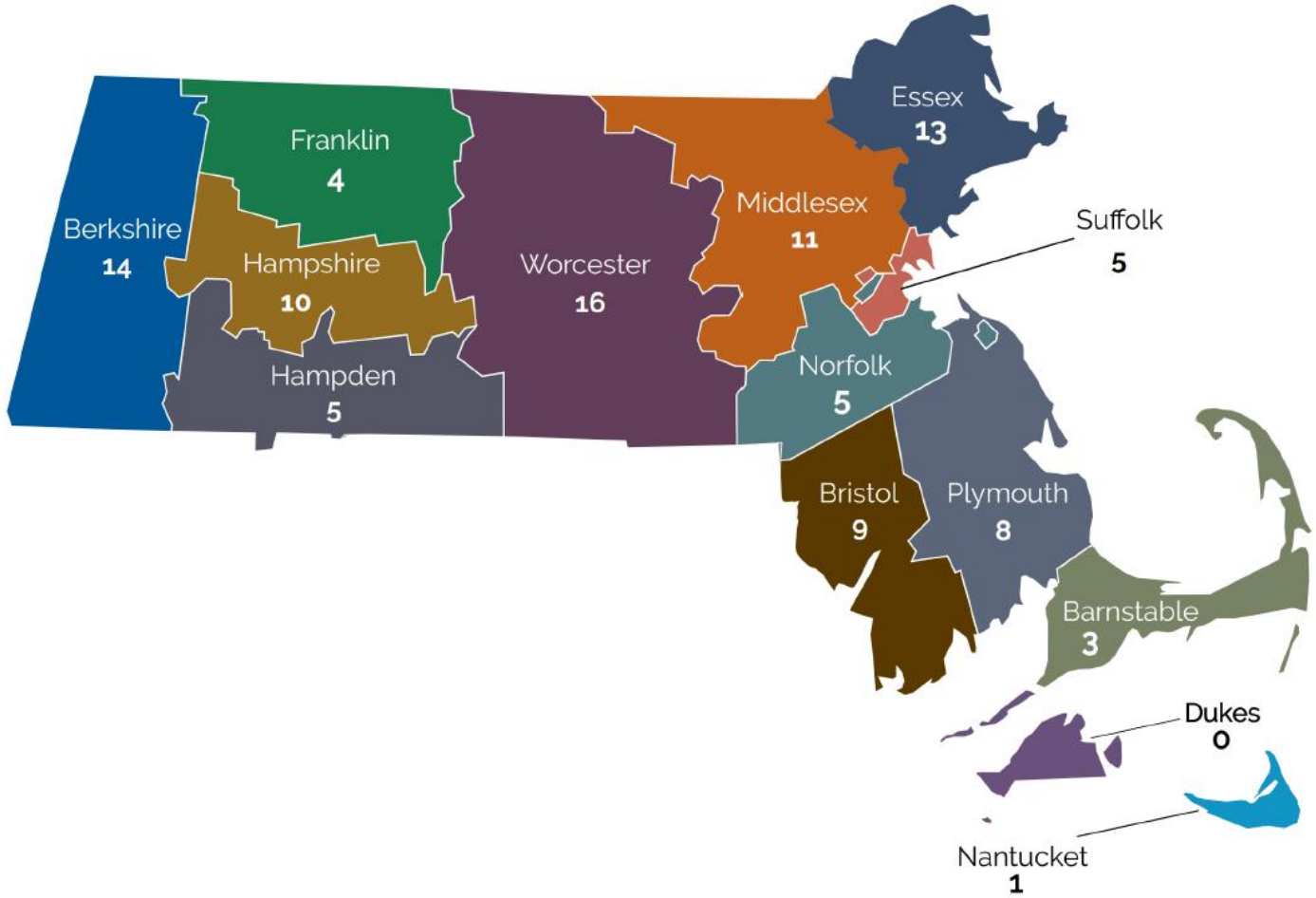
As of January 10, 2020

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Retail Applications | January 16, 2020

The totals below are the total number of retail licenses by county.

COUNTY	#	+/-
BARNSTABLE	3	
BERKSHIRE	14	+4
BRISTOL	9	+2
DUKES	0	
ESSEX	13	
FRANKLIN	4	
HAMPDEN	5	+1
HAMPSHIRE	10	+1
MIDDLESEX	11	+3
NANTUCKET	1	
NORFOLK	5	
PLYMOUTH	8	+1
SUFFOLK	5	+2
WORCESTER	16	+3
TOTAL	104	+17



Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Licensing Applications | January 16, 2020

TYPE	PENDING APPLICATION	INITIAL LICENSE DENIED	PROVISIONALLY APPROVED	PROVISIONAL LICENSE	FINAL LICENSE	COMMENCE OPERATION	TOTAL
Craft Marijuana Cooperative	2	0	0	0	0	0	**2**
Independent Testing Laboratory	4	0	0	1	0	2	**7**
Marijuana Cultivator	128	2	13	35	11	22	**211**
Marijuana Microbusiness	11	0	1	2	0	1	**15**
Marijuana Product Manufacturer	98	1	7	29	7	20	**162**
Marijuana Research Facility	4	0	0	0	0	0	**4**
Marijuana Retailer	180	1	12	53	6	33	**285**
Marijuana Transporter with Other Existing ME License	4	0	0	0	0	2	**6**
Third Party Transporter	6	0	0	1	0	0	**7**
Total	**437**	**4**	**33**	**121**	**24**	**80**	**699**

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Adult Use Agent Applications | January 16, 2020

10,898 Total Agent Applications:

169 Total
- 163 Pending Establishment Agents
- 6 Pending Laboratory Agents
- 523 Withdrawn
- 1,111 Incomplete
- 28 Expired
- 1,786 Surrendered
- 7,281 Active

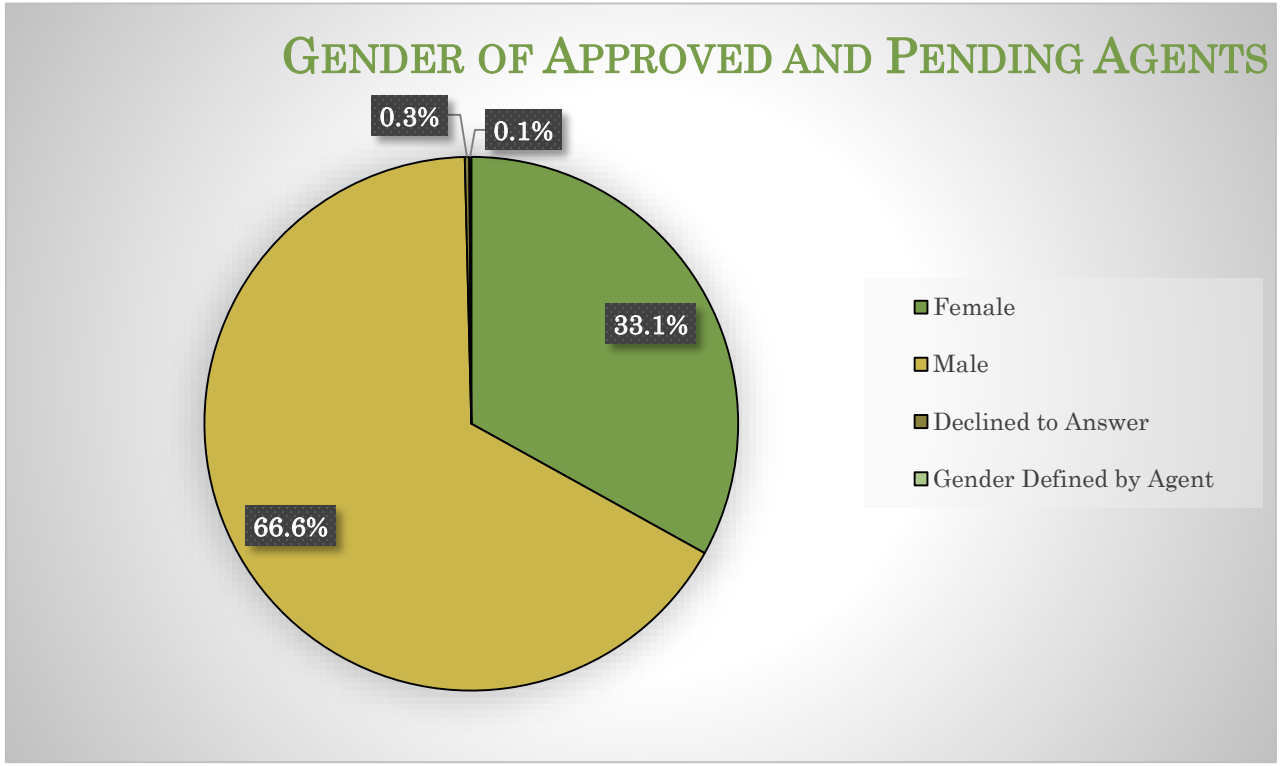
Of Total Pending:

- 27 not yet reviewed
- 138 CCC requested more information
- 4 awaiting third party response
- 0 Review complete; awaiting approval

Agent Applications | January 16, 2020

Demographics of Approved and Pending Agents

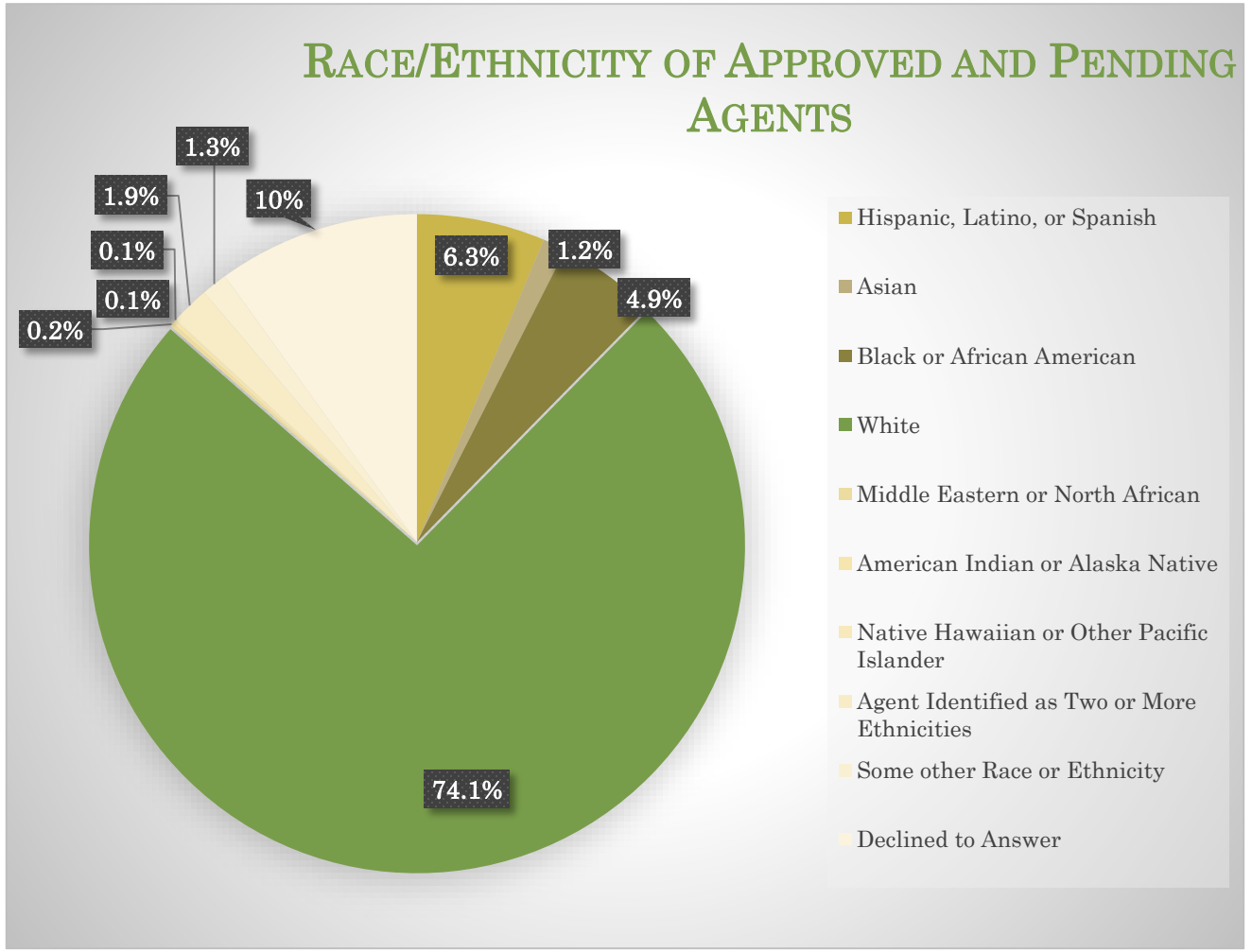
Gender	#	%
Female	2,463	33.1
Male	4,958	66.6
Declined to Answer	20	0.3
Gender Defined by Applicant	9	0.1
Total	**7,450**	**100.0**



Agent Applications | January 16, 2020

Demographics of Approved and Pending Agents

Race/Ethnicity	#	%
Hispanic; Latino; Spanish	471	6.3
Asian	86	1.2
Black; African American	364	4.9
White	5,520	74.1
Middle Eastern; North African	14	0.2
American Indian; Alaska Native	11	0.1
Native Hawaiian; Other Pacific Islander	5	0.1
Identified as Two or More Ethnicities	142	1.9
Other Race or Ethnicity	95	1.3
Declined to Answer	742	10
Total	**7,450**	**100.0**



Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

Agent Applications | January 16, 2020
Demographic Comparison: Gender

	January 10, 2020		October 15, 2018		Difference +/-	
Gender	**#**	**%**	**#**	**%**	**#**	**%**
Female	2,463	33.1%	236	32.6%	2,200	0.47%
Male	4,958	66.6%	537	66.5%	4,421	0.01%
Declined to Answer	20	0.3%	5	0.6%	15	-0.35%
Gender Defined by Agent	9	0.1%	2	0.2%	7	-0.13%
Total	7,450	100%	807	100%		

Agent Applications | January 16, 2020
Demographic Comparison: Race and Ethnicity

	January 10, 2020		October 15, 2018		Difference +/-	
Race / Ethnicity	**#**	**%**	**#**	**%**	**#**	**%**
Hispanic, Latino, or Spanish	471	6.3%	57	7.1%	414	-0.74%
Asian	86	1.2%	12	1.5%	74	-0.33%
Black or African American	364	4.9%	38	4.7%	326	0.18%
White	5,520	74.1%	571	70.8%	4,949	3.34%
Middles Eastern or North African	14	0.2%	1	0.1%	13	0.06%
American Indian or Alaska Native	11	0.1%	1	0.1%	10	0.02%
Native Hawaiian or Other Pacific Islander	5	0.1%	0	0%	5	0.07%
Agent Identified as Two or More	142	1.9%	10	1.2%	132	0.67%
Some other Race or Ethnicity	95	1.3%	19	2.4%	76	-1.08%
Declined to Answer	742	10%	98	12.1%	644	-2.18%
Total	**7,450**	**100**	**807**	**100**		

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

MMJ Licensing Data | January 16, 2020

MTC License Applications	#
Pending-Application of Intent Stage	36
Pending-Management and Operations Profile Stage	15
Pending-Siting Profile Stage	6
Application Expired	100
Application Withdrawn	3
Total	160

MTC Licenses	#
Provisional	92
Final	7
Commence Operations	56
License Expired	10
Total	165

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

MMJ Agent and Program Data | January 16, 2020

MTC Agent Applications	#
Pending-MTC Agent Applications	26
Pending-Laboratory Agents	0
Revoked	3
Surrendered	2,733
Expired	433
Active	5,402
Total	8,597

The numbers below are a snapshot of the program for the month of December.

MMJ Program	#
Certified Patients	67,298
Certified Active Patients	59,282
Active Caregivers	5,726
Registered Certifying Physicians	261
Registered Certifying Nurse Practitioners	72
Ounces Sold	41,235

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

5) Staff Recommendations on Change of Location

a. Four Daughters Compassionate Care, Inc.
b. The Green Harbor Dispensary, LLC
c. Emerald Grove, Inc.

Cannabis Control Commission
COMMONWEALTH OF MASSACHUSETTS

6) Staff Recommendations on Renewals

a. HVV Massachusetts, Inc. (#RMD-1405), Vertically-Integrated Medical Marijuana Treatment Center Renewal
b. Rise Holdings, Inc. (#MPR243506), Product Manufacturer Renewal
c. Rise Holdings, Inc. (#MCR139857), Cultivation Renewal
d. Sanctuary Medicinals, LLC (#MRR205551), Retailer Renewal
e. Herbology Group, Inc. (#MRR205557), Retailer Renewal
f. Mass Alternative Care, Inc. (MCR139856), Cultivation Renewal
g. Mass Alternative Care, Inc. (#MPR243505), Product Manufacturer Renewal
h. Mass Alternative Care, Inc. (#MRR205554), Retailer Renewal
i. Garden Remedies, Inc. (#MRR205550), Retailer Renewal

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6) Staff Recommendations on Renewals

j. Apothca Inc (f/k/a. MA Patient Found), (#MCR139858), Cultivation Renewal
k. Apothca Inc (f/k/a. MA Patient Found), (#MPR243507), Product Manufacturer Renewal
l. Apothca Inc (f/k/a. MA Patient Found), (#MRR205558), Retailer Renewal
m. Pioneer Valley Extracts, LLC (#MPR243504), Product Manufacturer Renewal
n. LDE Holdings, LLC. (#MRR205553), Retailer Renewal
o. Garden Remedies, Inc. (#MRR205559), Retailer Renewal
p. Urban Grown Inc. (#MCR139859), Cultivation Renewal
q. In Good Health, Inc. (#MCR139860), Cultivation Renewal
r. In Good Health, Inc. (#MPR243508), Product Manufacturer Renewal
s. Nova Farms, LLC (f/k/a BCWC, LLC), (#MRR205556), Retailer Renewal

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7) Staff Recommendations on Final Licenses

a. T. Bear, Inc. (#MP281314), Product Manufacturer
b. Theory Wellness, Inc. (#MR281835), Retailer
c. Nature's Remedy of Massachusetts, LLC (#RMD1285), Vertically-Integrated Medical Marijuana Treatment Center
d. Revolutionary Clinics II (#RMD1346), Vertically-Integrated Medical Marijuana Treatment Center
e. Solar Therapeutics, Inc. (#RMD1205), Vertically-Integrated Medical Marijuana Treatment Center

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8) Staff Recommendations on Provisional Licenses

a. Pharmacannis Massachusetts, Inc., Vertically-Integrated Medical Marijuana Treatment Center
b. Alchemy League (#MRN281275), Retailer
c. CTDW, LLC (#MRN281844), Retailer
d. ELEV8 CANNABIS INC. (#MRN281383), Retailer
e. ELEV8 CANNABIS INC. (#MRN281810), Retailer
f. ELEV8 CANNABIS INC. (#MRN282630), Retailer
g. Elevated Gardens, LLC (#MCN281448), Cultivation, Tier 1 / Indoor
h. Fidelity Wellness Center, Inc. (#MRN282801), Retailer
i. Green Railroad Group, Inc. (#MRN281745), Retailer
j. Hampshire Hemp, LLC (#MRN281867), Retailer
k. Ipswich Pharmaceutical Associates, Inc. (#MCN281749), Cultivation, Tier 2 / Outdoor

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8) Staff Recommendations on Provisional Licenses

l. Jolly Green, Inc. (#MCN281283), Cultivation, Tier 1 / Indoor
m. LDE Holdings, LLC (#MPN281436), Product Manufacturer
n. NEW DIA (#MRN281269), Retailer
o. ROARING GLEN FARMS, LLC (#CON281373), Craft Marijuana Cooperative, Tier 11 / Outdoor
p. Royalston Farms, LLC (#MCN281430), Cultivation, Tier 2 / Indoor
q. Royalston Farms, LLC (#MPN281544), Product Manufacturer
r. TETRAMED LLC (#MCN281611), Cultivation, Tier 4 / Indoor
s. The Headyco LLC (#MCN281292), Cultivation, Tier 2 / Indoor
t. Two Buds, LLC (#MCN281702), Cultivation, Tier 3 / Indoor
u. Two Buds, LLC (#MPN281506), Product Manufacturer
v. Two Buds, LLC (#MRN281959), Retailer

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8) Staff Recommendations on Provisional Licenses

w. TYCA Green, Inc. (#MCN281844), Cultivation, Tier 1 / Indoor
x. TYCA Green, Inc. (#MPN281555), Product Manufacturer
y. TYCA Green, Inc. (#MRN282035), Retailer
z. West County Collective LLC (#MCN281512), Cultivation, Tier 2 / Indoor
aa. WISEACRE FARM INC (#MCN281406), Cultivation, Tier 1 / Outdoor

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9) Commission Discussion and Votes

a. Guidance for Farmers
b. Guidance on Host Community Agreements
c. Guidance on Positive Impact Plans
d. Guidance on Distribution
e. Compiled Guidance on Energy & Environmental Compliance
f. Compiled Guidance on Licensing
g. Memorandum: Chapter 55 Report on Potential Criminal Penalties
h. Staff Recommendations on Responsible Vendor Training

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9) Commission Discussion and Votes

a. Staff Recommendations on Responsible Vendor Training
   1. Crisis Solutionist Inc. (#RVN453134)
   2. Kristi Talagan (#RVN453123)
   3. Mary Hull (#RVN453160)
   4. James Yagielo (#RVN453274)
   5. Leafy Green LLC (#RVN453244)
   6. Marijuana Handlers (#RVN453288)

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Next Meeting Date

Applicant Forum
January 23, 2020
1:00 PM

Worcester Union Station
Cannabis Control Commission
Public Meeting Room

2 Washington Square
Worcester, MA