

THEORY WELLNESS INC.
MR281549

ESTABLISHMENT OVERVIEW

1. Name of the Marijuana Establishment:

Theory Wellness Inc.

2. Address of the Marijuana Establishment:

394 Stockbridge Road, Great Barrington, MA 01230

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

Retailer

LICENSING OVERVIEW

4. The licensee was granted a provisional license for this license type on October 18, 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 licenses.

INSPECTION OVERVIEW

8. The initial inspection took place at the facility on October 29, 2018.
9. The licensee's Marijuana Establishment 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 and local codes, bylaws, ordinances, and regulations.

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

a. Security

All persons arriving at the establishment must enter through its front entrance where they must be buzzed into a vestibule by security personnel. Once in the vestibule, security receptionists assess all identification cards prior to allowing access to the sales floor. A visitor log is maintained for all outside vendors. All visitors are issued a temporary visitor badge and escorted at all times. All limited access areas had appropriate signage.

The establishment has a primary and secondary security alarm system. The camera system complies with all applicable requirements. Several panic alarms are stationed throughout the facility. The establishment has the capability of remaining open during a power outage.

b. Inventory and Storage

All storage areas of the establishment were clean with no visible evidence of pests. During non-operational hours, all marijuana product is stored in a secured vault. The lighting, ventilation, temperature, and humidity of the vault room are controlled to ensure safe storage of inventory.

The establishment monitors inventory by using their inventory database. Once inventory is moved to the retail floor, agents keep all inventory in locked sales cabinets when they are not attended. Enforcement staff verified that the establishment has a plan to preserve 35% of its inventory for medical patients.

c. Cultivation Operation

Not applicable.

d. Product Manufacturing Operation

Not applicable.

e. Retail Operation (if applicable)

The retail area is clearly divided by crowd control barrier guides into two separate areas, one for medical-use and the other for adult-use. Individuals will be served based on the time they enter the establishment. Enforcement staff were informed that patients will be given priority service and be able to purchase products from both sides of the sales floor. The establishment has a dedicated space for patient consultation.

Enforcement staff reviewed the establishment's consumer education material and verified that it complies with all applicable requirements.

f. Transportation

The establishment has one transportation vehicle. It is equipped with a secure storage compartment, cameras, and GPS tracking. Enforcement staff inspected the vehicle, logs, manifests, and the establishment's transportation policy, and found them to comply with the Commission's regulations.

RECOMMENDATION

Commission staff recommends issuing a final license for the above Marijuana Establishment 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 and audit to ascertain compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable;
3. The licensee remains suitable for licensure pursuant to 935 CMR 500.102(1)(a)(2);
4. The licensee shall cooperate with and provide information to Commission investigators, agents, and employees upon request; and
5. The licensee shall demonstrate that it is in compliance with or has obtained applicable waivers or approvals from the Department of Public Health, as necessary, and provide documents as the Commission may request prior to commencing operations.

This recommendation was based on the licensee's demonstrated compliance with the laws and regulations of the Commonwealth, suitability for licensure, and upon the inspection(s) of the licensee's Marijuana Establishment.

Commission staff certify that a due diligence review of the licensee's Marijuana Establishment was performed. As of this date, the licensee has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Accordingly, the licensee is recommended for final licensure for the Marijuana Establishment with the previously mentioned conditions.

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