



# September Public Meeting

September 12-13, 2019

Department of Transportation: Board Room

10 Park Plaza

Boston, MA

10:00AM



September 10, 2019

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**

**September 12 and 13, 2019  
10:00AM**

**Massachusetts Department of Transportation  
10 Park Plaza  
Boston, MA 02116**

**PUBLIC MEETING AGENDA**

- 1) Call to Order
- 2) Chairman's Comments & Updates
- 3) Commission Discussion and Votes
  - a. Final Regulations
  - b. Expedition Policy Proposal
  - c. Board of Fire Prevention: Regulatory Comment
  - d. Research Report: A Baseline Review and Assessment of Cannabis Use and Youth Literature Review and Preliminary Data
- 4) Approval of Minutes
- 5) Executive Director's Report
  - a. Job Descriptions
- 6) Enforcement Actions
  - a. MCR Laboratories, LLC (#IL281278), Independent Testing Lab
- 7) Staff Recommendations on Renewals
  - a. Patriot Care Corp. (#MCR139826), Cultivation
  - b. Patriot Care Corp. (#MPR243483), Product Manufacturer
  - c. Patriot Care Corp. (#MRR205532), Retail
  - d. Patriot Care Corp. (#MRR205533), Retail



- e. CDX Analytics, LLC. (#ILR267888), Independent Testing Lab
  - f. MCR Labs, LLC. (#ILR267887), Independent Testing Lab
  - g. Northeast Alternatives, Inc. (#MCR139828), Cultivation
  - h. Northeast Alternatives, Inc. (#MPR243486), Product Manufacturer
  - i. Cultivate Holdings, LLC. (#MPR243485), Product Manufacturer
  - j. Temescal Wellness of Massachusetts, LLC. (#MRR205531), Retail
  - k. Temescal Wellness of Massachusetts, LLC. (#MRR205529), Retail
  - l. Alternative Therapies Group. (#MRR205530), Retail
  - m. Good Chemistry of Massachusetts, Inc. (#RMD725), Vertically Integrated Medical Marijuana Treatment Center
  - n. Patient Centric of Martha's Vineyard, LTD. (#RMD1165), Vertically Integrated Medical Marijuana Treatment Center
  - o. Tyca Green, Inc., Vertically Integrated Medical Marijuana Treatment Center
  - p. The Green Harbor Dispensary, LLC. (#RMD1305), Vertically Integrated Medical Marijuana Treatment Center
  - q. The Green Harbor Dispensary, LLC. Vertically Integrated Medical Marijuana Treatment Center
  - r. Heal, Inc. Vertically Integrated Medical Marijuana Treatment Center
- 8) Staff Recommendations on Final Licenses
- a. BeWell Organic Medicine, Inc. (#RMD1245), Vertically Integrated Medical Marijuana Treatment Center
  - b. Green Gold Group, Inc. (#RMD786), Vertically Integrated Medical Marijuana Treatment Center
  - c. Apothca, Inc. (#MR281447), Retail
  - d. Curaleaf Massachusetts, Inc. (#MC281309), Cultivation - Tier 11/Indoor
  - e. Curaleaf Massachusetts, Inc. (#MP281318), Product Manufacturer
  - f. Curaleaf Massachusetts, Inc. (#MR281263), Retail
  - g. In Good Health, Inc. (#MC281273), Cultivation - Tier 4/Indoor
  - h. In Good Health, Inc. (#MP281307), Product Manufacturer
  - i. In Good Health, Inc. (#MR282468), Retail
  - j. M3 Ventures, Inc. (#MC281446), Cultivation - Tier 2/Indoor
  - k. M3 Ventures, Inc. (#MP281346), Product Manufacturing
  - l. M3 Ventures, Inc. (#MR281290), Retail
- 9) Staff Recommendations on Provisional Licenses
- a. Curaleaf Massachusetts, Inc. (#MRN282183), Retail
  - b. Curaleaf Massachusetts, Inc. (#MRN282052), Retail
  - c. HVV Massachusetts, Inc. (#MCN282121), Cultivation - Tier/Indoor
  - d. HVV Massachusetts, Inc. (#MPN281657), Product Manufacturing
  - e. HVV Massachusetts, Inc. (#MRN282578), Retail

- f. The Heirloom Collective, Inc. (#MCN281438), Cultivation - Tier 2/Indoor
  - g. The Heirloom Collective, Inc. (#MPN281407), Product Manufacturing
- 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)(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), (d), (f), (g) and (n), the Commission may enter into executive session on the following agenda items:

- 1) to discuss provisional licensees' qualifications for final licensure, including, but not limited to, the Commission staff's strategies for reviewing, inspecting, and monitoring the proposed security plans of the Marijuana Establishment and for the marijuana and marijuana products.
- 2) to discuss operational issues, including, but not limited to, the Commission staff's strategies for securely receiving and transferring cash deposits.



CANNABIS CONTROL COMMISSION  
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- 9) Staff Recommendations on Provisional Licenses
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### **3) Commission Discussion and Votes**

- a. Final Regulations
- b. Expedition Policy Proposal
- c. Board of Fire Prevention: Regulatory Comment
- d. Research Report: A Baseline Review and Assessment of Cannabis Use and Youth Literature Review and Preliminary Data

# Cannabis Use and Youth: Literature Review and Preliminary Data in Massachusetts

Public Meeting of the Cannabis Control Commission:  
September 12, 2019

Julie K. Johnson, Ph.D.  
Samantha M. Doonan, B.A.

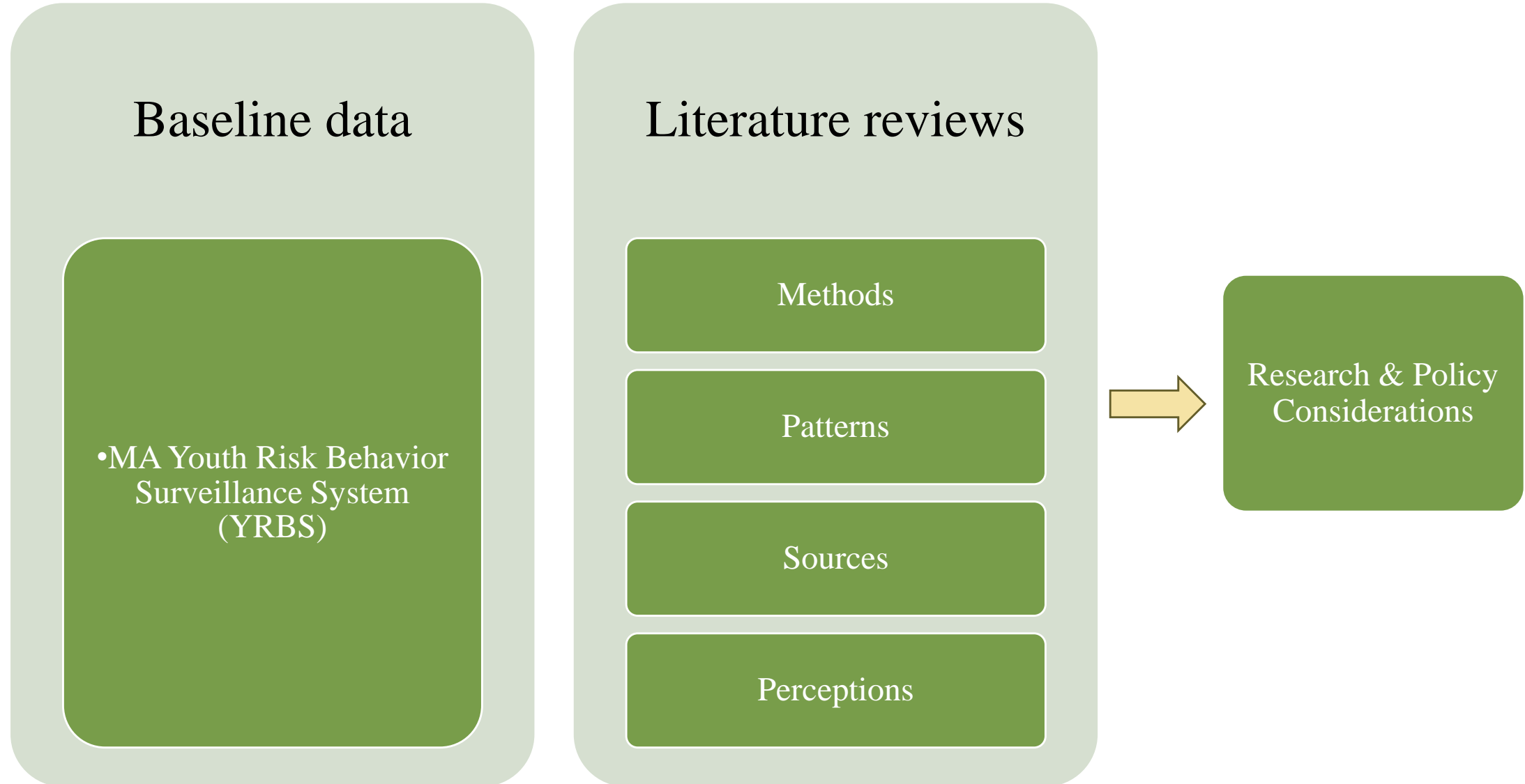


# Chapter 55: An Act to Ensure Safe Access to Marijuana

**Section 17. (a) The commission shall develop a research agenda in order to understand the social and economic trends of marijuana in the commonwealth, to inform future decisions that would aid in the closure of the illicit marketplace and to inform the commission on the public health impacts of marijuana. The research agenda shall include, but not be limited to:**

- (i) patterns of use, methods of consumption, sources of purchase and general perceptions of marijuana among minors, among college and university students and among adults;
- (ii) incidents of impaired driving, hospitalization and use of other health care services related to marijuana use, including a report of the state of the science around identifying a quantifiable level of marijuana-induced impairment of motor vehicle operation and a report on the financial impacts on the state healthcare system of hospitalizations related to marijuana;
- (iii) economic and fiscal impacts for state and local governments including the impact of legalization on the production and distribution of marijuana in the illicit market and the costs and benefits to state and local revenue;
- (iv) ownership and employment trends in the marijuana industry examining participation by racial, ethnic and socioeconomic subgroups, including identification of barriers to participation in the industry;
- (v) a market analysis examining the expansion or contraction of the illicit marketplace and the expansion or contraction of the legal marketplace, including estimates and comparisons of pricing and product availability in both markets;
- (vi) a compilation of data on the number of incidents of discipline in schools, including suspensions or expulsions, resulting from marijuana use or possession of marijuana or marijuana products; and
- (vii) a compilation of data on the number of civil penalties, arrests, prosecutions, incarcerations and sanctions imposed for violations of chapter 94C for possession, distribution or trafficking of marijuana or marijuana products, including the age, race, gender, country of origin, state geographic region and average sanctions of the persons charged.

# Report Overview



# Considerations



- 1) Policy impacts on youth will likely be lagged;
- 2) All youth will not be affected equally; and
- 3) Youth cannabis use must be understood in context [This includes specific policy environment (“policy heterogeneity”)].



Source: social ecological model

# Baseline Data

# Youth Risk Behavioral Surveillance System (YRBS)

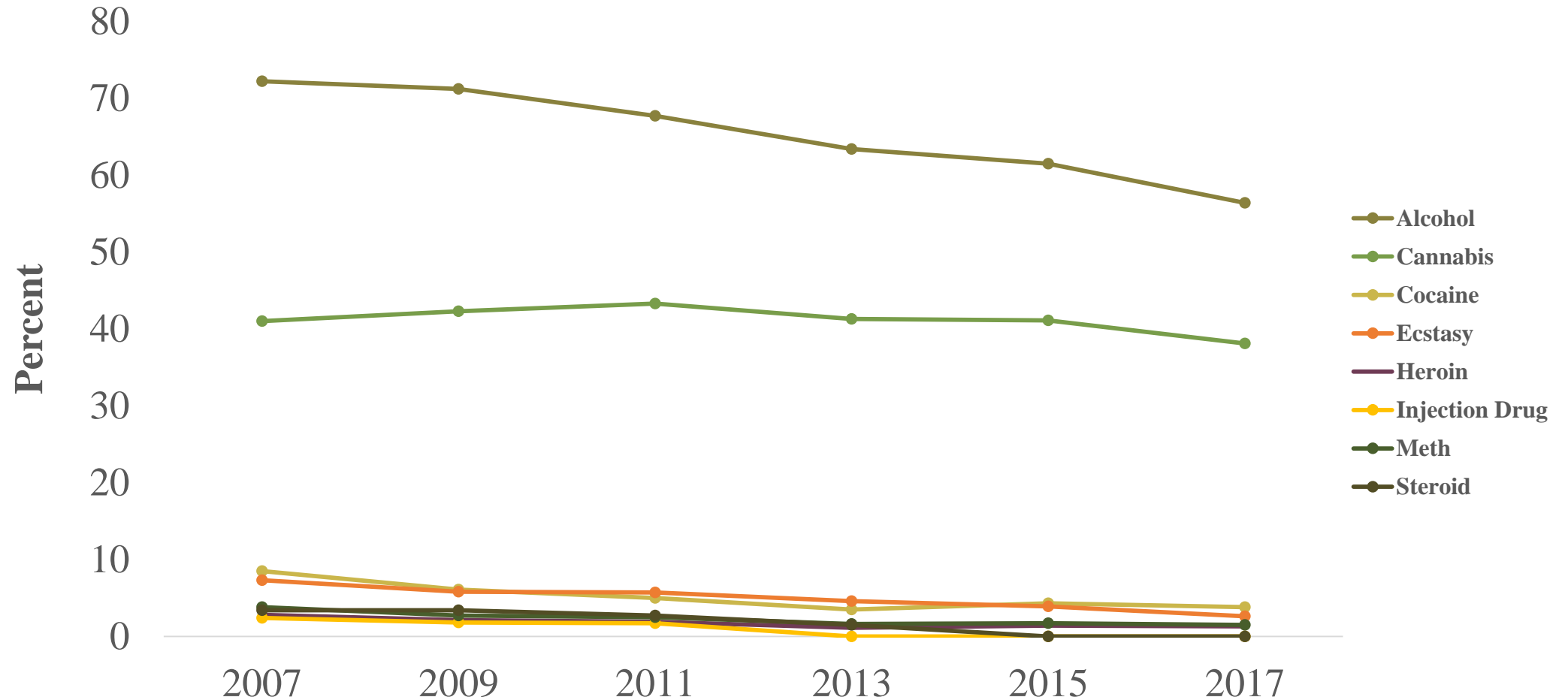
- School-based survey 
- Conducted every two years
- Assesses health and risky behaviors, includes demographic information 

## Who is excluded?

- Chronically absent & those who have dropped out;
- Private school students;
- Those in juvenile justice system;
- Some students with impairments or disabilities.

# Cannabis and Substance Use in Context

## MA High Schoolers Lifetime Substance Use, YRBS 2007-2017

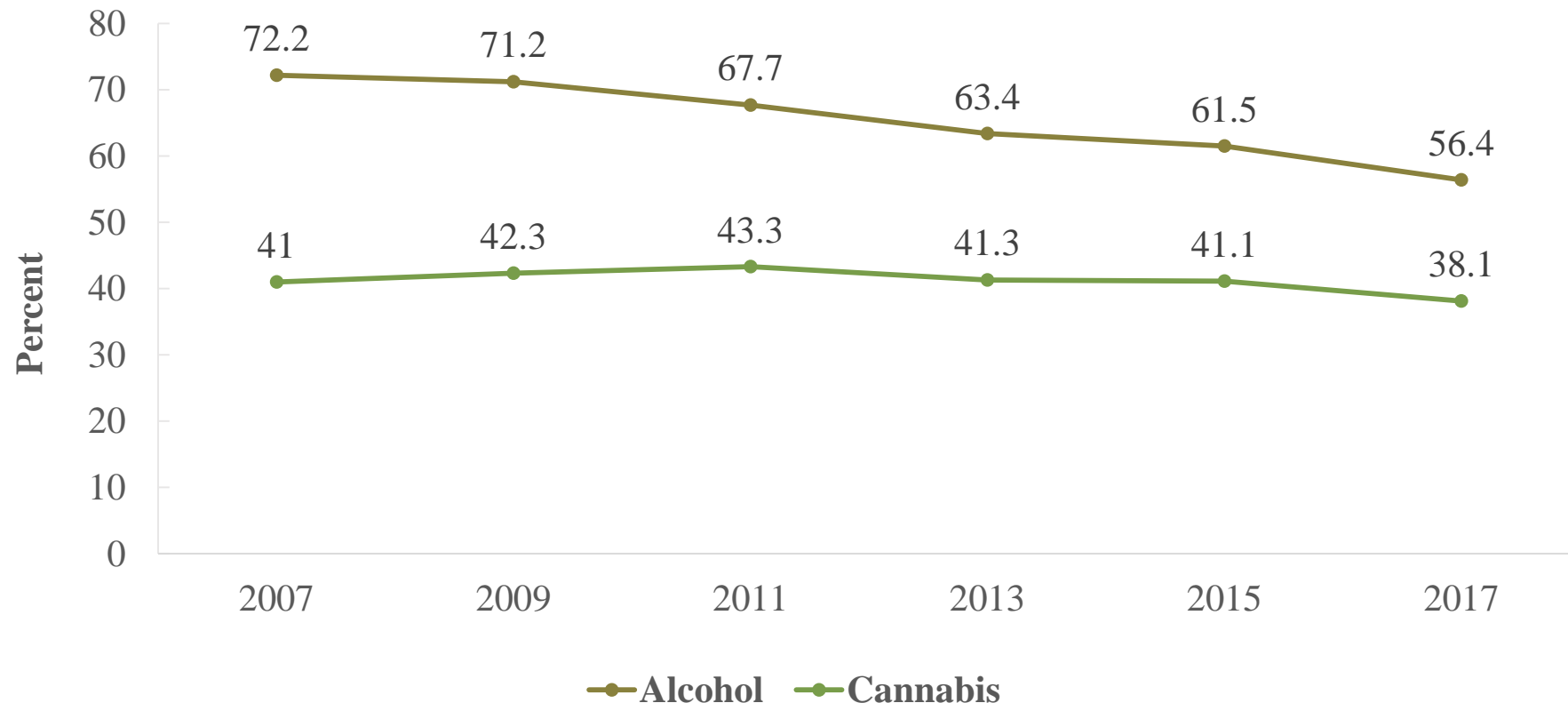


# What percent of MA high schoolers report lifetime cannabis use?

In 2017:

- 38.1% report lifetime cannabis use
- For reference, 56.4% report lifetime alcohol use

**MA High Schoolers Lifetime Cannabis and Alcohol Use, YRBS 2007-2017**

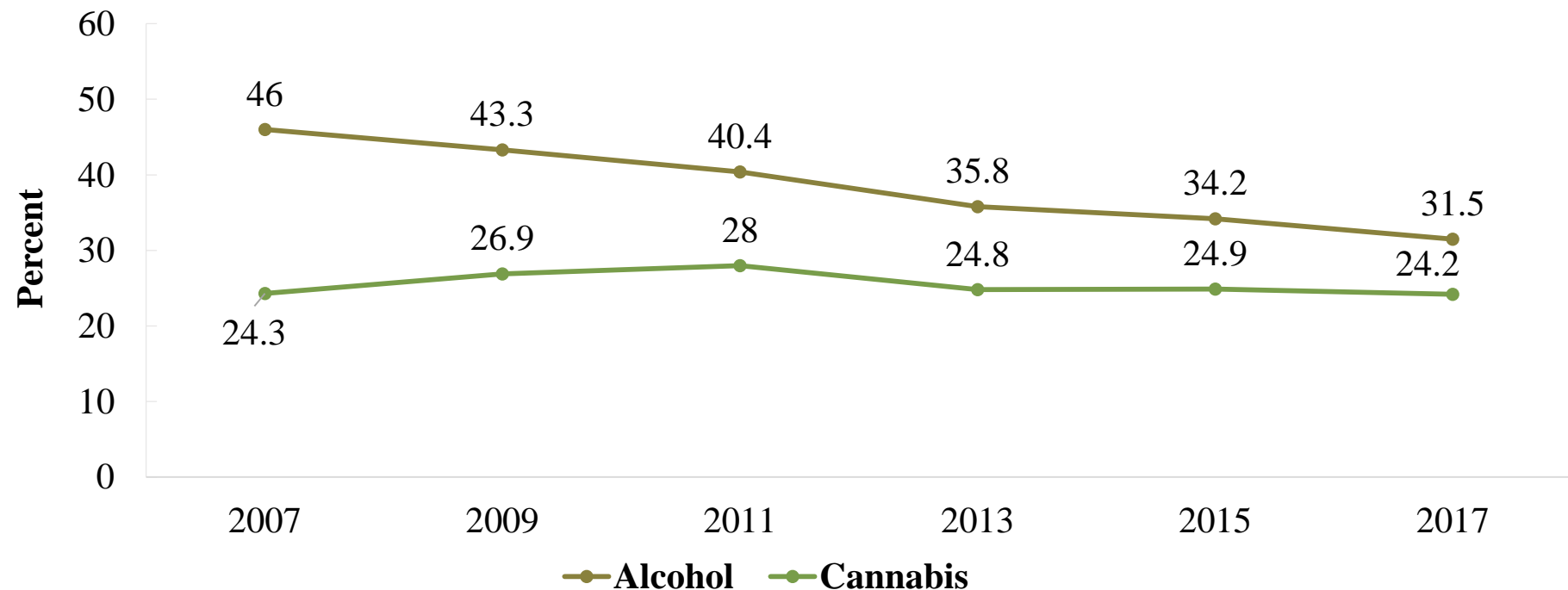


# What percent of MA high schoolers report current use of cannabis?

In 2017:

- 24.2% report past 30-day cannabis use
- For reference, 31.5% report past 30-day alcohol use

**MA High Schoolers Current Cannabis and Alcohol Use, YRBS 2007-2017**



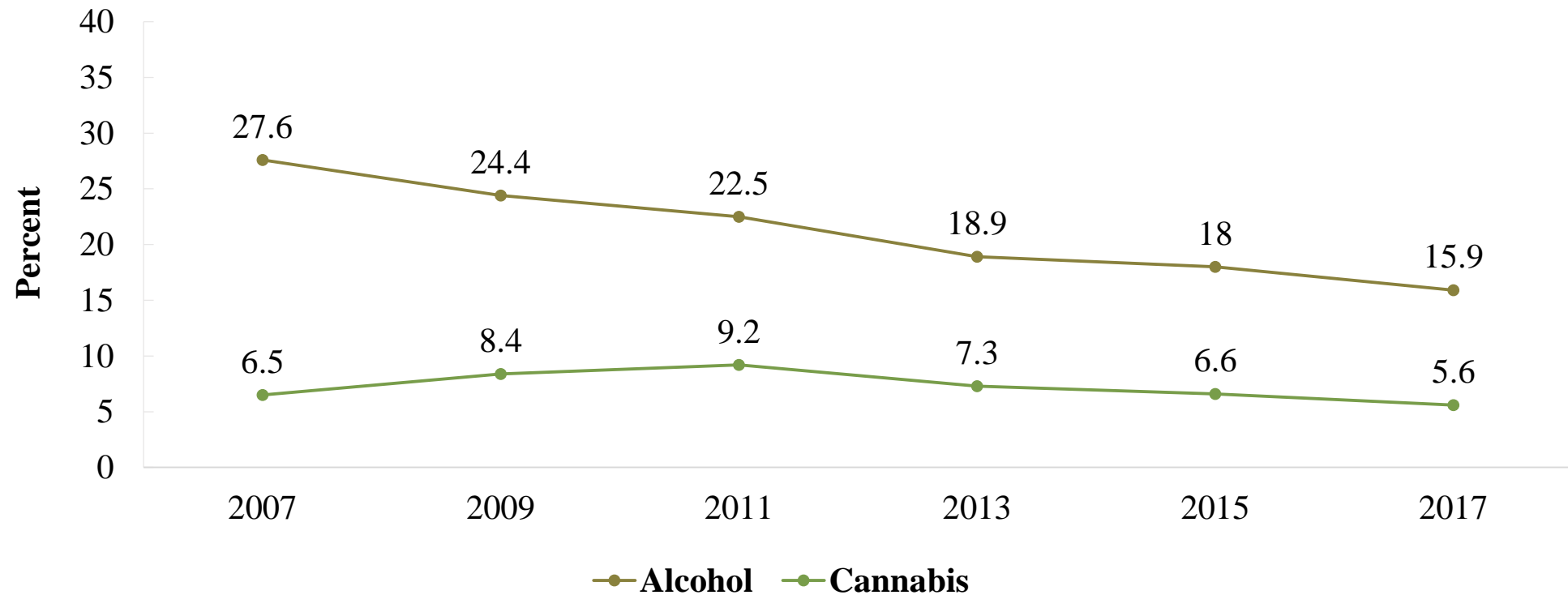


# What percent of MA high schoolers report heavy cannabis use?

In 2017:

- 5.6% report using cannabis 20+ times in the past 30-days
- For reference, 15.9% report binge drinking in the past 30-days

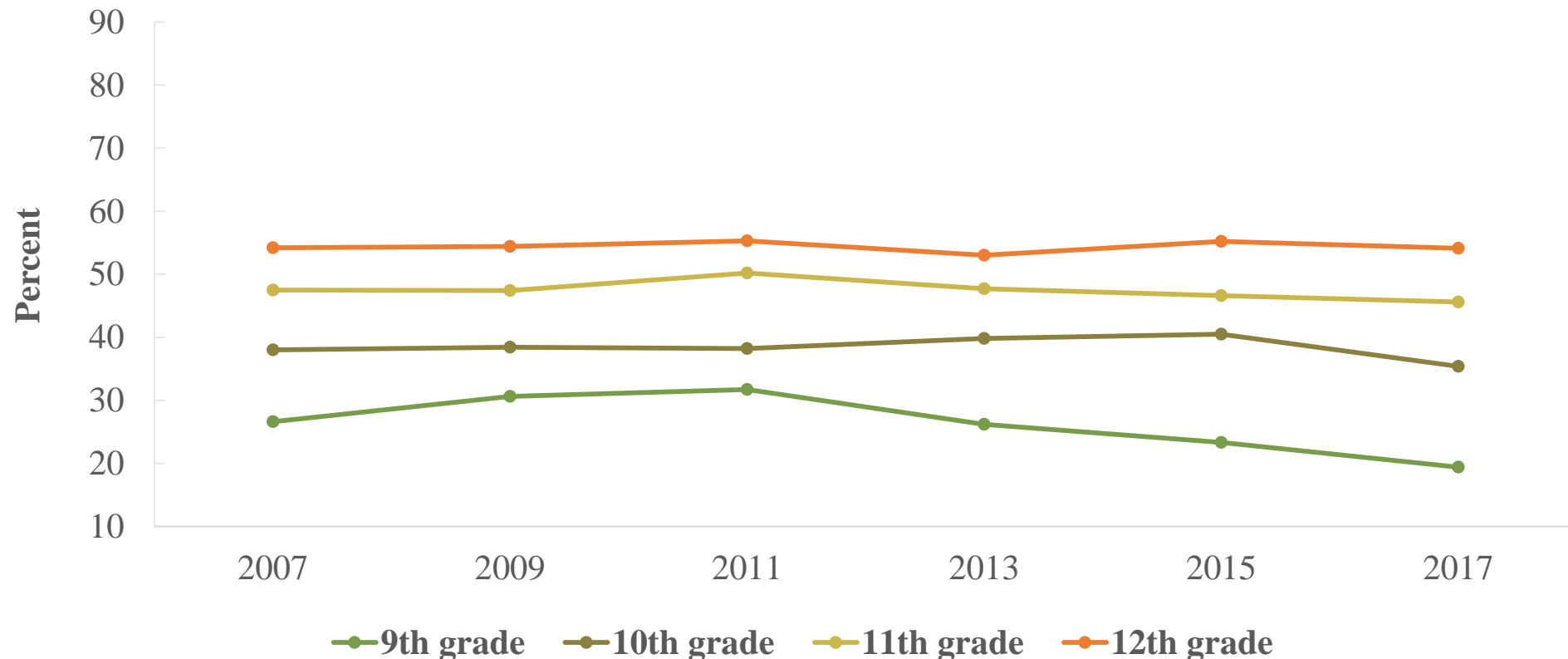
**MA High Schoolers Heavy Cannabis and Alcohol Use, YRBS 2007-2017**



# How does lifetime cannabis use differ by grade?

- Cannabis use is higher among 11<sup>th</sup> and 12<sup>th</sup> graders

**MA High Schoolers Lifetime Cannabis Use by Grade, YRBS 2007-2017**



# How does lifetime cannabis use differ by gender?

- For the first time, lifetime use slightly higher by females in 2017
- Gap also closing for current use

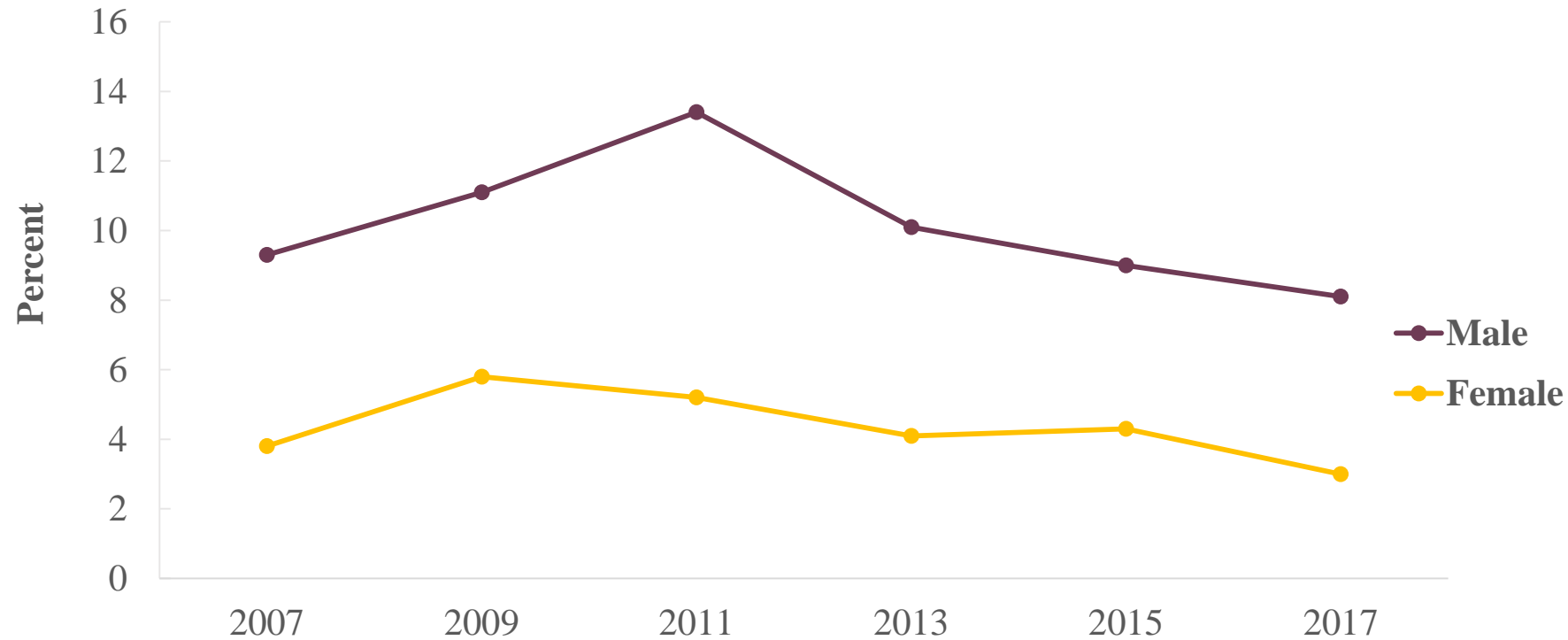
**MA High Schoolers Lifetime Cannabis Use by Gender, YRBS 2007-2017**



# How does heavy cannabis use differ by gender?

- Higher for males

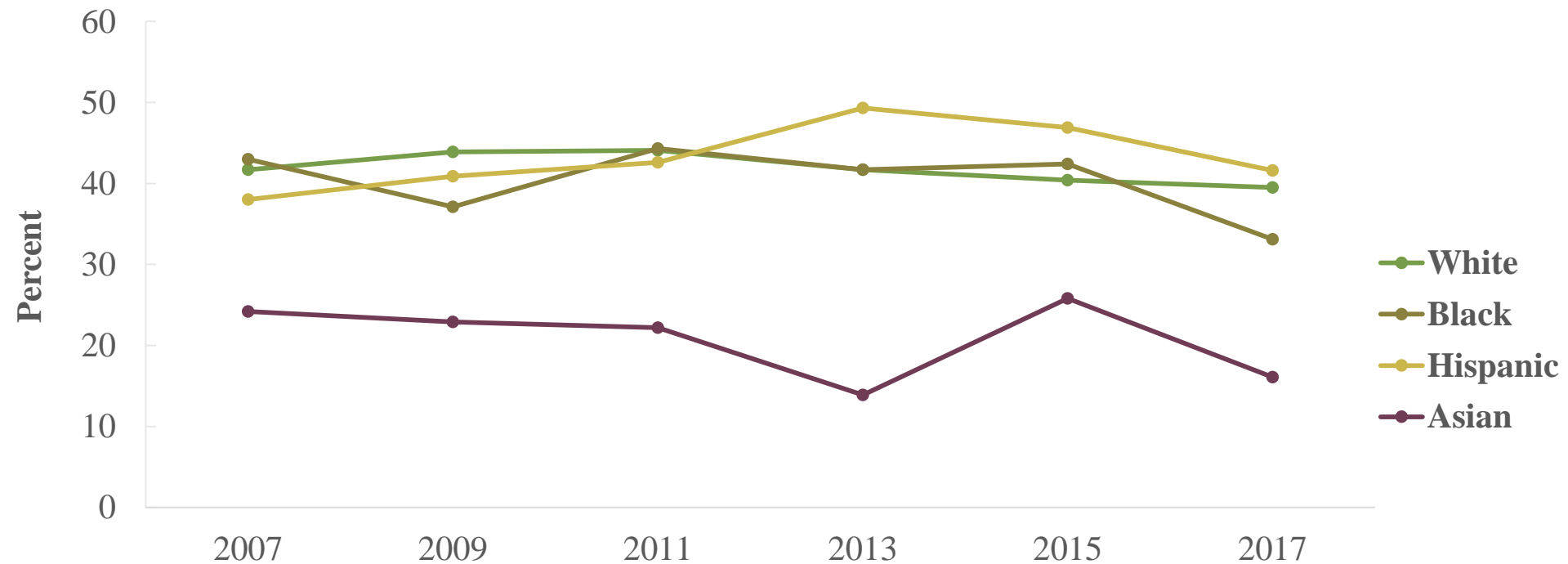
**MA High Schoolers Heavy Cannabis Use by Gender, YRBS 2007-2017**



# How does lifetime cannabis use differ by race/ethnicity?

- In 2017, highest use by Hispanic (41.6%) and White (39.5%) cohorts, followed by Black (33.1%) and Asian (16.1%) cohorts
- Similar for current users

**MA High Schoolers Lifetime Cannabis Use by Race/Ethnicity, YRBS 2007-2017**



# How does heavy cannabis use differ by race/ethnicity?

- In 2017, highest for Hispanics (6.2%), Blacks (6.1%), Whites (5.8%), and lowest among Asians (1.4%) cohorts

**MA High Schoolers Heavy Cannabis Use by Race/Ethnicity, YRBS 2007-2017**



# Logistical Regression Models

Enactment of cannabis policies:

- Decriminalization
- Medical cannabis
- Adult-use

Risk and Protective Factors

# Logistic Regression Findings

- Cannabis policies not associated with increased youth cannabis use in MA from 2007-2017;
- 19 Risk and 5 Protective Factors identified
  - Cannabis policies did not moderate effects of risk/protective factors on cannabis use outcomes [Exception: *Driving after alcohol use*].



# Cannabis Policies and Youth Cannabis Use in MA, 2007-2017

Cannabis Use Outcomes	Decriminalization		Medical Cannabis Policy		Adult-Use Cannabis Policy	
	Adjusted+ OR	(95% CI)	Adjusted+ OR	(95% CI)	Adjusted+ OR	(95% CI)
<b>Cannabis Variables</b>						
Lifetime cannabis use	1.00	(0.85-1.19)	0.92	(0.82-1.04)	0.85	(0.73-0.98)
Past 30-day cannabis use	1.08	(0.89-1.31)	0.92	(0.83-1.02)	0.92	(0.80-1.05)
Past 30-day frequent cannabis use	1.14	(0.88-1.46)	<b>0.79*</b>	(0.66-0.95)	<b>0.71**</b>	(0.56-0.89)
Past 30-day cannabis use at school	1.06	(0.85-1.31)	<b>0.81*</b>	(0.69-0.96)	0.89	(.69-1.15)

# Risk and Protective Factors: Disability Status and Driving Behaviors

Cannabis Use Outcomes	Any Use		Past 30-Day Use		Past 30-Day Frequent Use (≥20 times) <sup>a</sup>	
	Adjusted <sup>+</sup> OR	(95%CI)	Adjusted <sup>+</sup> OR	(95%CI)	Adjusted <sup>+</sup> OR	(95%CI)
<i>Disability</i>						
Learning Disability	<b>1.34***</b>	(1.13- 1.58)	<b>1.33***</b>	(1.14- 1.56)	<b>1.58**</b>	(1.20- 2.07)
Physical Disability	<b>1.14*</b>	(1.02- 1.28)	1.12	(0.96- 1.31)	1.26	(0.96- 1.65)
<i>Driving Behaviors</i>						
Ride with driver who had been drinking (past 30-day)	<b>3.91***</b>	(3.58- 4.27)	<b>4.13***</b>	(3.79- 4.49)	<b>4.62***</b>	(4.04- 5.29)
Drive after drinking alcohol (past 30-day)	<b>2.15***</b>	(1.95- 2.39)	<b>2.33***</b>	(2.05- 2.64)	<b>3.07***</b>	(2.59- 3.65)
Text or email while driving (past 30-day)	<b>3.67***</b>	(3.22- 4.18)	<b>2.74***</b>	(2.33- 3.22)	<b>2.28***</b>	(1.80- 2.90)
Talk on cell phone while driving (past 30-day)	<b>3.25***</b>	(2.74- 3.86)	<b>2.67***</b>	(2.23- 3.20)	<b>2.11***</b>	(1.63- 2.74)

# Risk and Protective Factors:

## Weapon carrying/ exposure, violence, and bullying

Cannabis Use Outcomes	Any Use		Past 30-Day Use		Past 30-Day Frequent Use (≥20 times) <sup>a</sup>	
	Adjusted <sup>+</sup> OR	(95%CI)	Adjusted <sup>+</sup> OR	(95%CI)	Adjusted <sup>+</sup> OR	(95%CI)
<i>Weapon carrying/exposure, violence, and bullying</i>						
Carry weapon (past 30-day)	<b>3.59***</b>	(3.22- 4.01)	<b>3.54***</b>	(3.15- 3.97)	<b>4.33***</b>	(3.73- 5.02)
Carry weapon on school property (past 30-day)	<b>4.61***</b>	(3.61- 5.89)	<b>4.66***</b>	(3.82- 5.69)	<b>5.72***</b>	(4.75- 6.89)
Carry gun (past 30-day)	<b>4.48***</b>	(3.44- 5.84)	<b>4.55***</b>	(3.42- 6.05)	<b>6.69***</b>	(4.99- 8.98)
Threatened or injured with weapon on school property (past 12- month)	<b>3.30***</b>	(2.76- 3.95)	<b>3.29***</b>	(2.68- 4.04)	<b>4.07***</b>	(3.35- 4.94)
Physical fight (past 12- month)	<b>3.92***</b>	(3.55- 4.33)	<b>3.82***</b>	(3.50- 4.18)	<b>4.82***</b>	(4.35- 5.35)
Bullied on school property (past 12- month)	<b>1.52***</b>	(1.37- 1.69)	<b>1.49***</b>	(1.32- 1.69)	<b>1.51***</b>	(1.28- 1.79)
<i>Sexual and Dating Violence</i>						
Physically forced to have sex (lifetime)	<b>2.64***</b>	(1.93- 3.63)	<b>2.43***</b>	(1.83- 3.21)	<b>3.29***</b>	(2.05- 5.27)
Physically forced to have sex or physical dating violence (lifetime)	<b>2.83***</b>	(2.57- 3.12)	<b>2.28***</b>	(2.24- 2.74)	<b>2.84***</b>	(2.43-3.21)

# Risk and Protective Factors: Hopelessness and Suicide

Cannabis Use Outcomes	Any Use		Past 30-Day Use		Past 30-Day Frequent Use (≥20 times) <sup>a</sup>	
	Adjusted <sup>+</sup> OR	(95%CI)	Adjusted <sup>+</sup> OR	(95%CI)	Adjusted <sup>+</sup> OR	(95%CI)
<b>Hopelessness and Suicide Behaviors</b>						
Hopelessness (past 12- month)	<b>2.22***</b>	(2.01- 2.46)	<b>2.03***</b>	(1.82- 2.25)	<b>2.42***</b>	(2.11- 2.79)
Consider suicide (past 12- month)	<b>2.35***</b>	(2.06- 2.68)	<b>2.32***</b>	(2.05- 2.62)	<b>2.43***</b>	(2.09- 2.82)
Plan suicide (past 12- month)	<b>2.08***</b>	(1.86- 2.33)	<b>2.00***</b>	(1.77- 2.26)	<b>2.13***</b>	(1.77- 2.55)
Attempt suicide (past 12- month)	<b>2.72***</b>	(2.29- 3.23)	<b>2.61***</b>	(2.22- 3.07)	<b>3.15***</b>	(2.61- 3.81)
Treated for suicide attempt (past 12- month)	<b>3.18***</b>	(2.34- 4.33)	<b>3.05***</b>	(2.32- 4.02)	<b>4.34***</b>	(3.24- 5.81)
Purposely hurt yourself (past 12- month)	<b>2.34***</b>	(2.10- 2.59)	<b>2.24***</b>	(2.02- 2.49)	<b>2.48***</b>	(2.05- 3.01)

# Risk and Protective Factors: Sexual Orientation and Behaviors

Cannabis Use Outcomes	Any Use		Past 30-Day Use		Past 30-Day Frequent Use (≥20 times) <sup>a</sup>	
	Adjusted <sup>+</sup> OR	(95%CI)	Adjusted <sup>+</sup> OR	(95%CI)	Adjusted <sup>+</sup> OR	(95%CI)
<i>Sexual Orientation and Behaviors</i>						
Sexual intercourse (lifetime)	<b>7.20***</b>	(6.52- 7.95)	<b>5.94***</b>	(5.33- 6.62)	<b>8.10***</b>	(6.55- 10.02)
Age first sexual intercourse encounter	<b>1.28***</b>	(1.25- 1.30)	<b>1.22***</b>	(1.20- 1.25)	<b>1.19***</b>	(1.15- 1.23)
Sex partners (past 90-days)	<b>2.44***</b>	(2.31- 2.57)	<b>2.03***</b>	(1.93- 2.13)	<b>1.85***</b>	(1.76- 1.95)
Alcohol or other substance use before sexual intercourse last time	<b>12.26***</b>	(10.22- 14.70)	<b>8.76***</b>	(7.56- 10.15)	<b>9.46***</b>	(8.13- 11.01)
Condom use last sexual encounter	<b>3.20***</b>	(2.85- 3.58)	<b>2.63***</b>	(2.37- 2.92)	<b>2.05***</b>	(1.76- 2.40)
Ever been or gotten someone pregnant (lifetime)	<b>4.46***</b>	(3.64- 5.47)	<b>3.20***</b>	(2.70- 3.79)	<b>4.64***</b>	(3.89- 5.53)
Ever been tested for any Sexually Transmitted Disease(s) (STDs) (lifetime)	<b>2.74***</b>	(2.50- 3.0)	<b>2.24***</b>	(2.00- 2.50)	<b>2.65***</b>	(2.25- 3.13)
Sexuality- Heterosexual ("straight")	<b>0.48***</b>	(0.42- 0.55)	<b>0.50***</b>	(0.44- 0.58)	<b>0.42***</b>	(0.34- 0.51)
Sexuality- Gay, Lesbian, or Bisexual	<b>2.08***</b>	(1.81- 2.39)	<b>1.99***</b>	(1.72- 2.30)	<b>2.39***</b>	(1.96- 2.91)

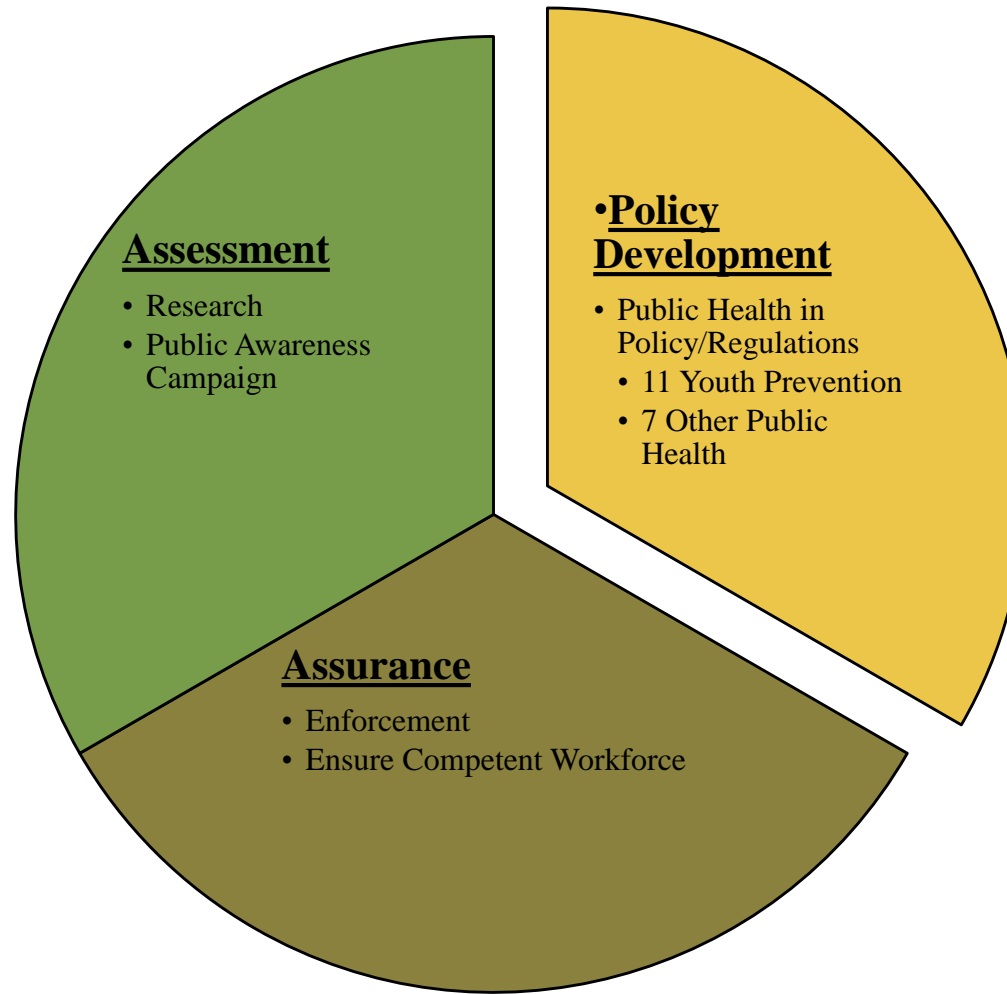
# Risk and Protective Factors: Other Factors

Cannabis Use Outcomes	Any Use		Past 30-Day Use		Past 30-Day Frequent Use (≥20 times) <sup>a</sup>	
	Adjusted <sup>+</sup> OR	(95%CI)	Adjusted <sup>+</sup> OR	(95%CI)	Adjusted <sup>+</sup> OR	(95%CI)
<i>Other Risk/Protective Factors</i>						
Any adult support (family or other)	<b>0.58***</b>	(0.50- 0.67)	<b>0.56***</b>	(0.50- 0.63)	<b>0.43***</b>	(0.37- 0.50)
Physically active (past week)	0.95	(0.86- 1.06)	0.97	(0.87- 1.08)	<b>0.68***</b>	(0.57- 0.81)
Sports team involvement (past 12-month)	0.94	(0.86- 1.03)	<b>0.89*</b>	(0.81- 0.98)	<b>0.60***</b>	(0.52- 0.69)
Play video games on average school day	<b>0.89**</b>	(0.82- 0.97)	0.95	(0.86- 1.04)	<b>0.86*</b>	(0.77- 0.98)
Watch TV on average school day	0.95	(0.88- 1.03)	0.93	(0.85- 1.03)	0.86	(0.71- 1.05)
Grades are A's and B's	<b>0.34***</b>	(0.34- 0.38)	<b>0.34***</b>	(0.30- 0.38)	<b>0.25***</b>	(0.21- 0.29)

# Public Health Framework

# Public Health Framework for Legalization

Colorado Department of Public Health and Environment, 2015



Source: Ghosh TS, Van Dyke M, Maffey A, Whitley E, Erpelding D, Wolk L. Medical marijuana's public health lessons--implications for retail marijuana in Colorado. *N Engl J Med.* 2015;372(11):991-993.




# State of Science

# What is the impact of cannabis policies on youth use?

- Mixed findings whether decriminalization is associated with increased use – one study found decriminalization in CA was associated with more 12<sup>th</sup> grade cannabis use;<sup>1</sup> another review found most studies (4:5) did not show impact;<sup>2</sup>
- Research does not suggest medical cannabis legalization impacted youth use;<sup>3–10</sup>
- Research is still developing about adult-use:
  - Early studies do not find evidence of impact on youth use;<sup>4,11–15</sup> and
  - Lagged effect, certain cohorts may be uniquely affected.<sup>16,17</sup>

# Literature review – Methods of Use

- Cannabis flower most common cannabis product used by youth;<sup>1-7</sup>
- Smoking is primary use method;<sup>1-7</sup>
- Research gaps around edible use  may be perceived as healthier alternative;<sup>1,4,8,9</sup> and
- Research gaps around vaping cannabis.<sup>4,10-12</sup>

# Literature review – Patterns of Use

Co-use and polysubstance use associated with worse outcomes;<sup>30–32</sup>

Alcohol and cannabis:

- “Alcohol-only” use highest among youth, followed by alcohol & cannabis use; “cannabis-only” use is much lower;<sup>30</sup>
- Risk factors for cannabis and alcohol use include male, truancy, more evenings out; other substance use, mixed findings around race/ethnicity;<sup>30,33</sup>
- Complementary **and** substitution effects found;<sup>33–36</sup>

Tobacco and cannabis:

- Tobacco and cannabis use is more common than “tobacco-only” or “cannabis-only” use among youth, less common than alcohol and cannabis use;<sup>30</sup> and

Other-substances and cannabis:

- Gaps in literature.<sup>37,38</sup>

# Literature review – Sources of Cannabis

- Most youth receive cannabis for free,<sup>39</sup> “purchasers” may be at greater risk for negative outcomes;<sup>39,40</sup>
- Most receive cannabis from a friend, youth who obtain cannabis elsewhere may be at greater risk for negative outcomes;<sup>39–41</sup>
- Few youth report using another’s medical cannabis in legal states but those that do are at greater risk for other risky behaviors;<sup>42,43</sup> and
- Little research assessing any changes following adult use legalization:
  - One self-report study of Washington state 10<sup>th</sup> graders found of those who use cannabis, 18% reported giving someone money to purchase for them, 11% obtained cannabis from their home with or without parent permission, and 6% reported buying cannabis at a retail store.<sup>41</sup>

# Literature review – Perception of Cannabis’ Harms

- A lower perception of cannabis’s harm is associated with increased cannabis use; <sup>45,54–57</sup>
- Nationally, youth perception of cannabis’s harms has been decreasing: <sup>6,44–47</sup>
  - Most, but not all, <sup>48</sup> studies did not find medical cannabis laws were associated with decreased risk; <sup>6,47,49,50</sup>
  - Adult-use research is developing; early studies have mixed findings; <sup>11,12,14,51–53</sup>
- Despite decreased risk perceptions, youth cannabis use has not increased at the level that would be expected: <sup>56</sup>
  - Decreased cigarette use may explain. <sup>45,56</sup>

# Research Gaps: Overview

1. Impact of adult use legalization (*Note: Lagged, Cohort-specific, Contextual*):
  - a) Use rates, patterns, perceptions, problem use, and beyond;
  - b) Policy heterogeneity considered;
2. Individual-level data to better understand risk and protective factors:
  - a) Cohort-specific; and
3. Best practices for youth prevention and intervention, and assessment of current school-based practices.

# Policy Considerations: *Prevention*

**Consideration 1:** Cannabis prevention efforts should not occur in a silo. Cannabis prevention efforts should be broadly integrated into other evidence-based prevention mechanisms.

**Consideration 2:** Commonwealth could continue the Public Awareness Campaign with continued focus on youth prevention and harm mitigation.

\*\*All education materials must be inclusive, multi-lingual, and reach all affected communities.



# Policy Considerations:

## *Data Collection and Monitoring*

**Consideration 1:** Commonwealth could work with health care system, school health system, and researchers to monitor rates of cannabis use behaviors, cannabis use disorders, and any acute-use clinical presentations.

**Consideration 2:** Commission collaboration with the Massachusetts Department of Elementary and Secondary Education (DESE) to assess youth receiving disciplinary action for cannabis-related incidents at school.

**Consideration 3:** Commonwealth to add measures to systematic data collection mechanisms to assess exposure, use, frequency, quantity of cannabis use and perceptions of harm among youth, pregnant and breastfeeding women.

Thank you

Questions?

Doonan SM., Hamilton, JR., Johnson, JK (2019, September). A Baseline Review and Assessment of Cannabis Use and Youth: *Literature Review and Preliminary Data in Massachusetts*. Boston, MA: *Massachusetts Cannabis Control Commission*.

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## Licensing Applications | September 12, 2019

*The totals below are applications that have submitted all four packets and are pending review.*

Type	#
Craft Marijuana Cooperative	2
Independent Testing Laboratory	3
Marijuana Cultivator	104
Marijuana Microbusiness	9
Marijuana Product Manufacturer	79
Marijuana Research Facility	4
Marijuana Retailer	144
Marijuana Transporter with Other Existing ME License	1
Third Party Transporter	2
<b>Total</b>	<b>348</b>

## Licensing Applications | September 12, 2019

*The totals below are all license application received to date.*

Type	#
Pending (All 4 packets submitted)	348
Withdrawn	356
Incomplete (Less than 4 packets submitted)	3,280
Denied	4
Approved	189
<b>Total</b>	<b>4,177</b>

## Licensing Applications | September 12, 2019

*The totals below are number of licenses approved by category.*

Type	#
Craft Marijuana Cooperative	0
Independent Testing Laboratory	3
Marijuana Cultivator	57
Marijuana Microbusiness	4
Marijuana Product Manufacturer	49
Marijuana Research Facility	0
Marijuana Retailer	73
Marijuana Third Party Transporter	1
Marijuana Transporter with Other Existing ME License	2
<b>Total</b>	<b>189</b>



## Licensing Applications | September 12, 2019

*The totals below are number of licenses approved by stage.*

Type	#
Provisionally Approved	1
Provisional License	109
Final License	15
Commence Operations	64
<b>Total</b>	<b>189</b>

*Provisionally approved means approved by the Commission but has not submitted license fee payment yet – provisional license has not started*

## Licensing Applications | September 12, 2019

*The totals below are distinct license numbers that have submitted all required packets.*

**The 500 applications represent 265 separate entities**

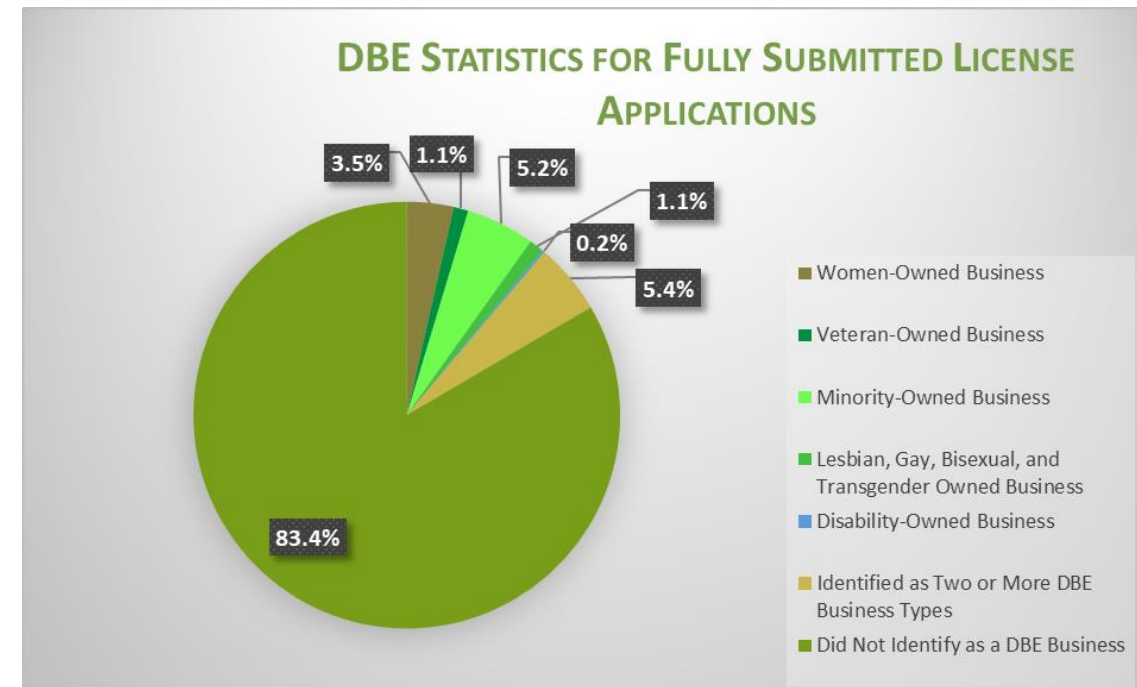
Type	#
RMD Priority	211
Economic Empowerment Priority	14
General Applicant	312
<b>Total</b>	<b>537</b>

## Licensing Applications | September 12, 2019

### Disadvantaged Business Enterprise (DBE) Statistics

*The totals below are distinct license numbers that have submitted all required packets.*

Type	#	% of Group
Women-Owned Business	19	3.5
Veteran-Owned Business	6	1.1
Minority-Owned Business	28	5.2
Lesbian Gay, Bisexual, and Transgender Owned Business	6	1.1
Disability-Owned Business	1	0.2
Identified as Two or More DBE Business Types	29	5.4
Did Not Identify as a DBE Business	448	83.4
<b>Total</b>	<b>537</b>	<b>100.0</b>



## Licensing Applications | September 12, 2019

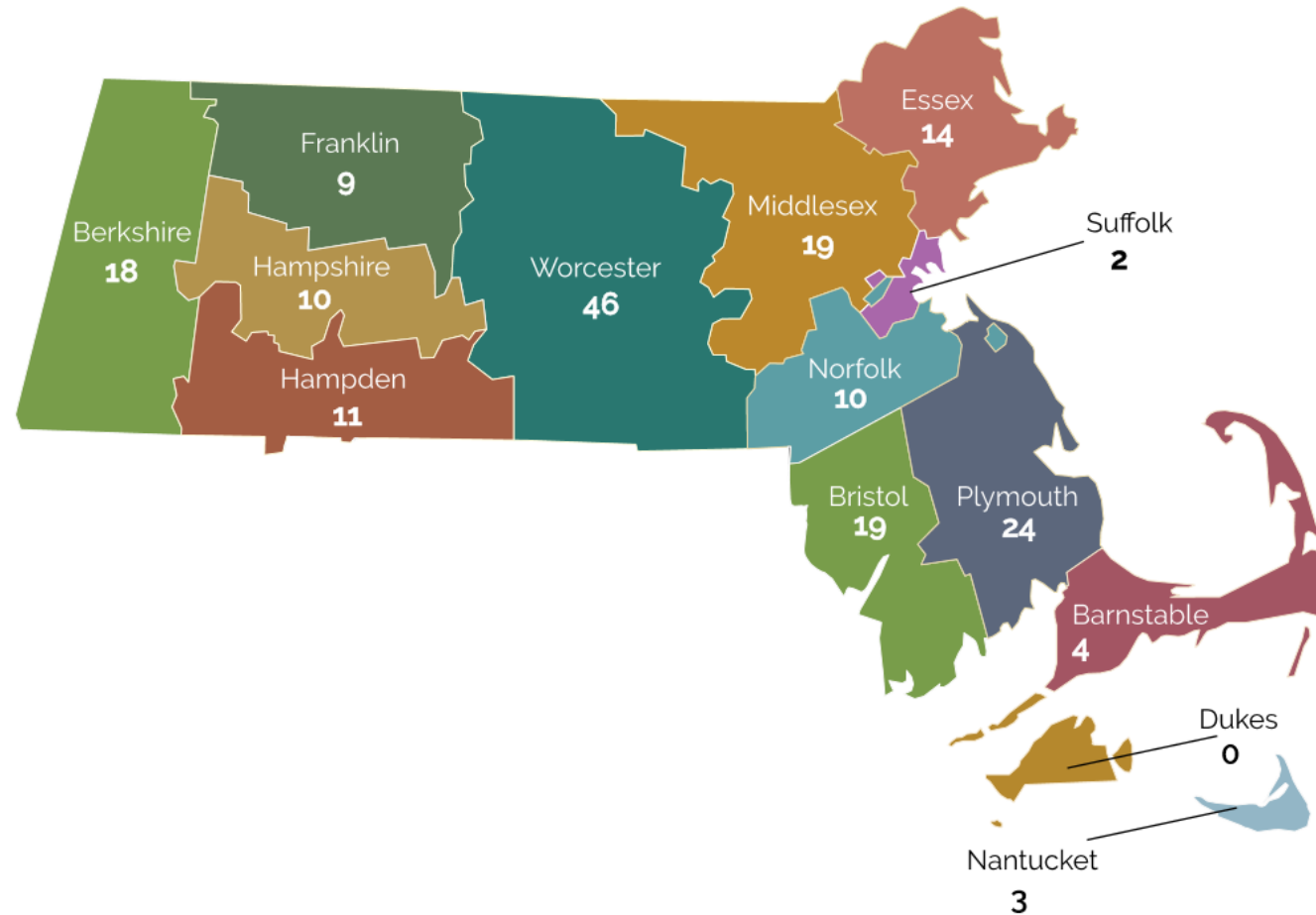
Status	#
Application Submitted: Awaiting Review	188
Application Reviewed: More Information Requested	113
Application Deemed Complete: Awaiting 3 <sup>rd</sup> Party Responses	36
All Information Received: Awaiting Staff Recommendation	7
Applications Considered by Commission	193
<b>Total</b>	<b>537</b>



## Licensing Applications | September 12, 2019

*The totals below are the total number of licenses by county.*

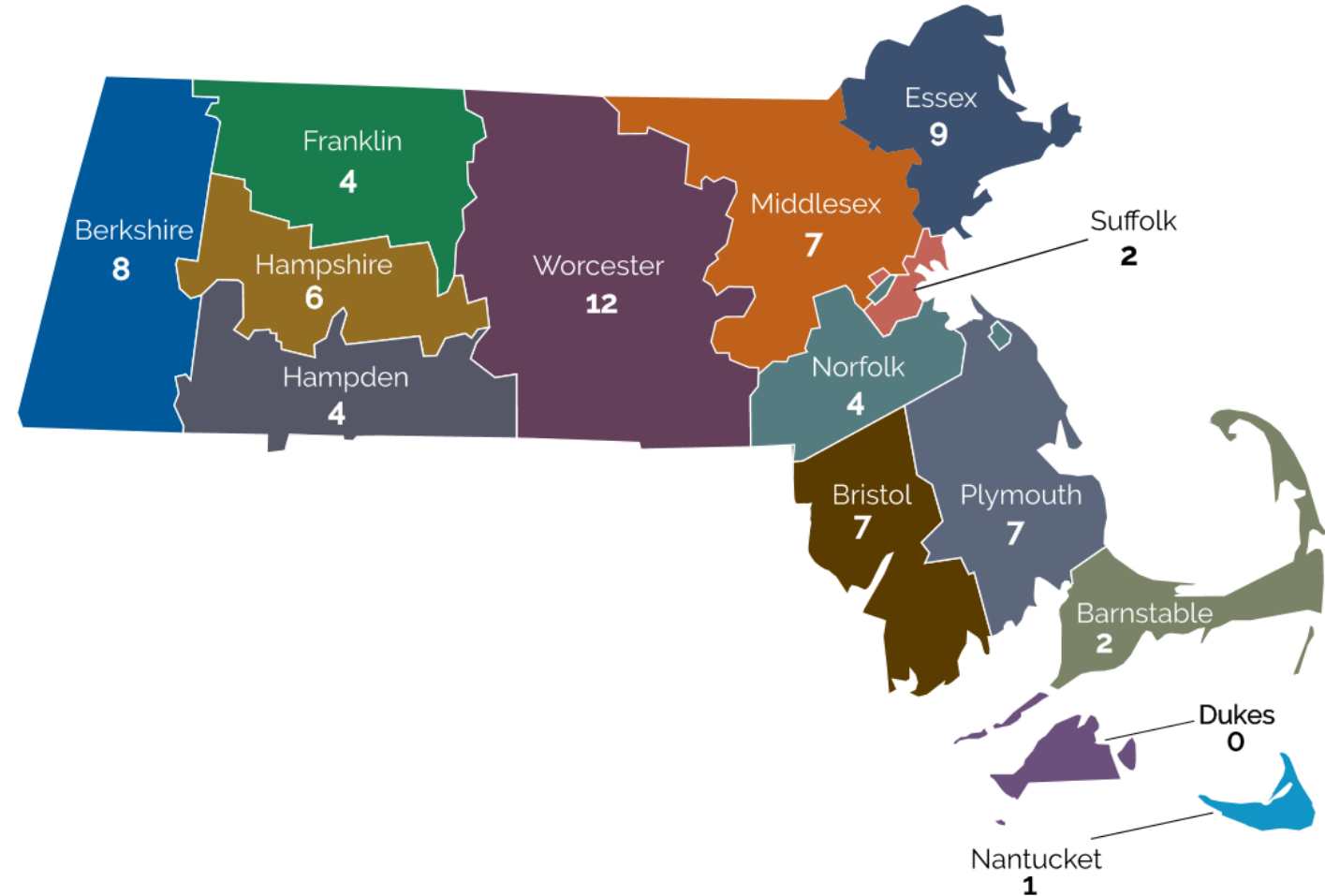
County	+/-
Barnstable	
Berkshire	
Bristol	
Dukes	
Essex	+1
Franklin	
Hampden	
Hampshire	
Middlesex	+2
Nantucket	
Norfolk	
Plymouth	
Suffolk	+1
Worcester	
<b>Total</b>	<b>+4</b>



## Retail Applications | September 12, 2019

*The totals below are the total number of retail licenses by county.*

County	+/-
Barnstable	
Berkshire	
Bristol	
Dukes	
Essex	+1
Franklin	
Hampden	
Hampshire	
Middlesex	
Nantucket	
Norfolk	
Plymouth	
Suffolk	+1
Worcester	
<b>Total</b>	<b>+2</b>



## Licensing Applications | September 12, 2019

TYPE	PENDING APPLICATION	INITIAL LICENSE DENIED	PROVISIONAL LY APPROVED	PROVISIONAL LICENSE	FINAL LICENSE	COMMENCE OPERATION	TOTAL
Craft Marijuana Cooperative	2	0	0	0	0	0	2
Independent Testing Laboratory	3	0	0	1	0	2	6
Marijuana Cultivator	104	2	0	33	7	17	163
Marijuana Microbusiness	9	0	1	2	1	0	13
Marijuana Product Manufacturer	79	1	0	28	4	17	129
Marijuana Research Facility	4	0	0	0	0	0	4
Marijuana Retailer	144	1	0	44	3	26	218
Marijuana Transporter with Other Existing ME License	1	0	0	0	0	2	3
Third Party Transporter	2	0	0	1	0	0	3
<b>Total</b>	<b>348</b>	<b>4</b>	<b>1</b>	<b>109</b>	<b>15</b>	<b>64</b>	<b>541</b>

## Adult Use Agent Applications | September 12, 2019

8,186 Total Agent Applications:

- 207  
Total
- 202 Pending Establishment Agents
  - 5 Pending Laboratory Agents
  - 426 Withdrawn
  - 971 Incomplete
  - 736 Surrendered
  - 5,846 Active

Of Total Pending:

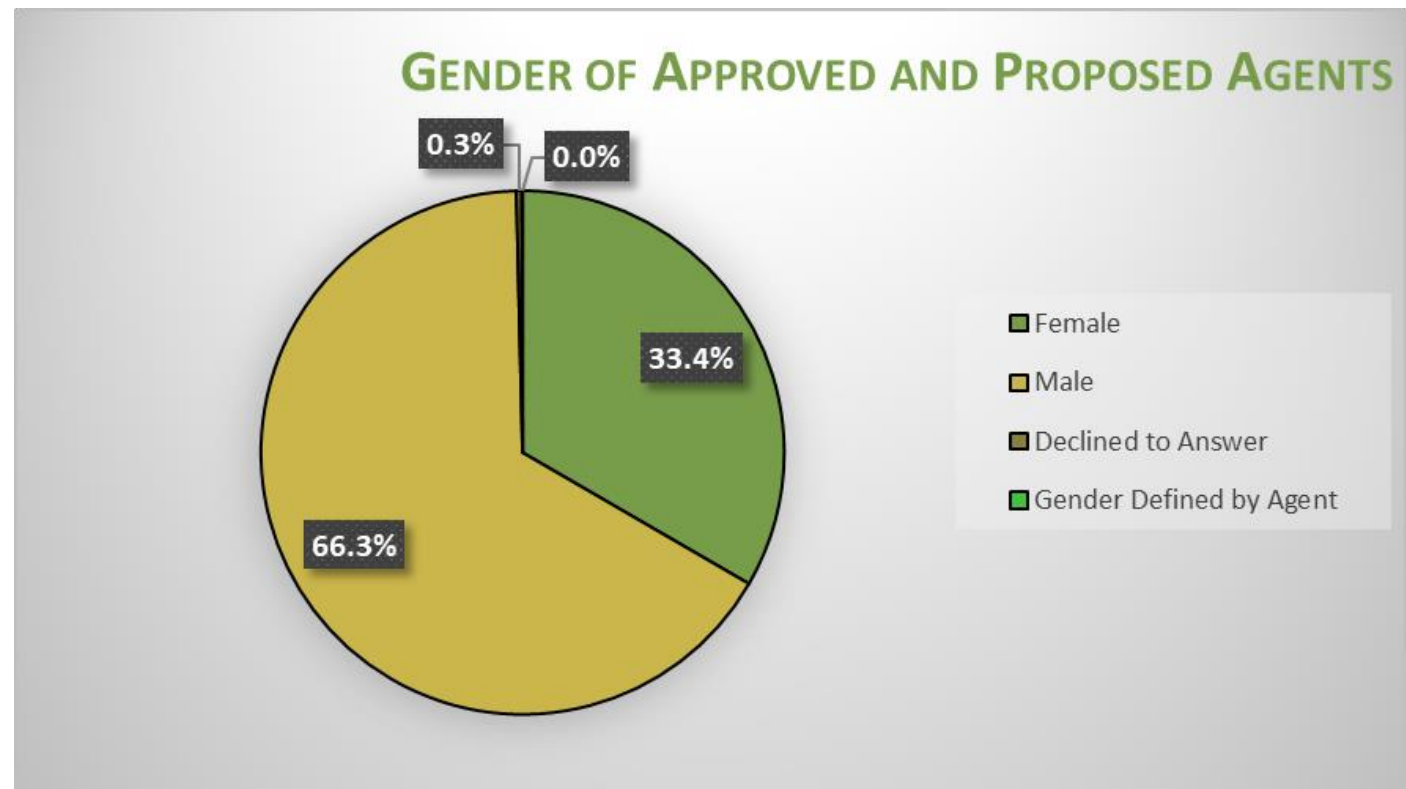
- 98 not yet reviewed
- 107 CCC requested more information
- 2 awaiting third party response
- 0 Review complete; awaiting approval



# Agent Applications | September 12, 2019

## Demographics of Approved and Pending Agents

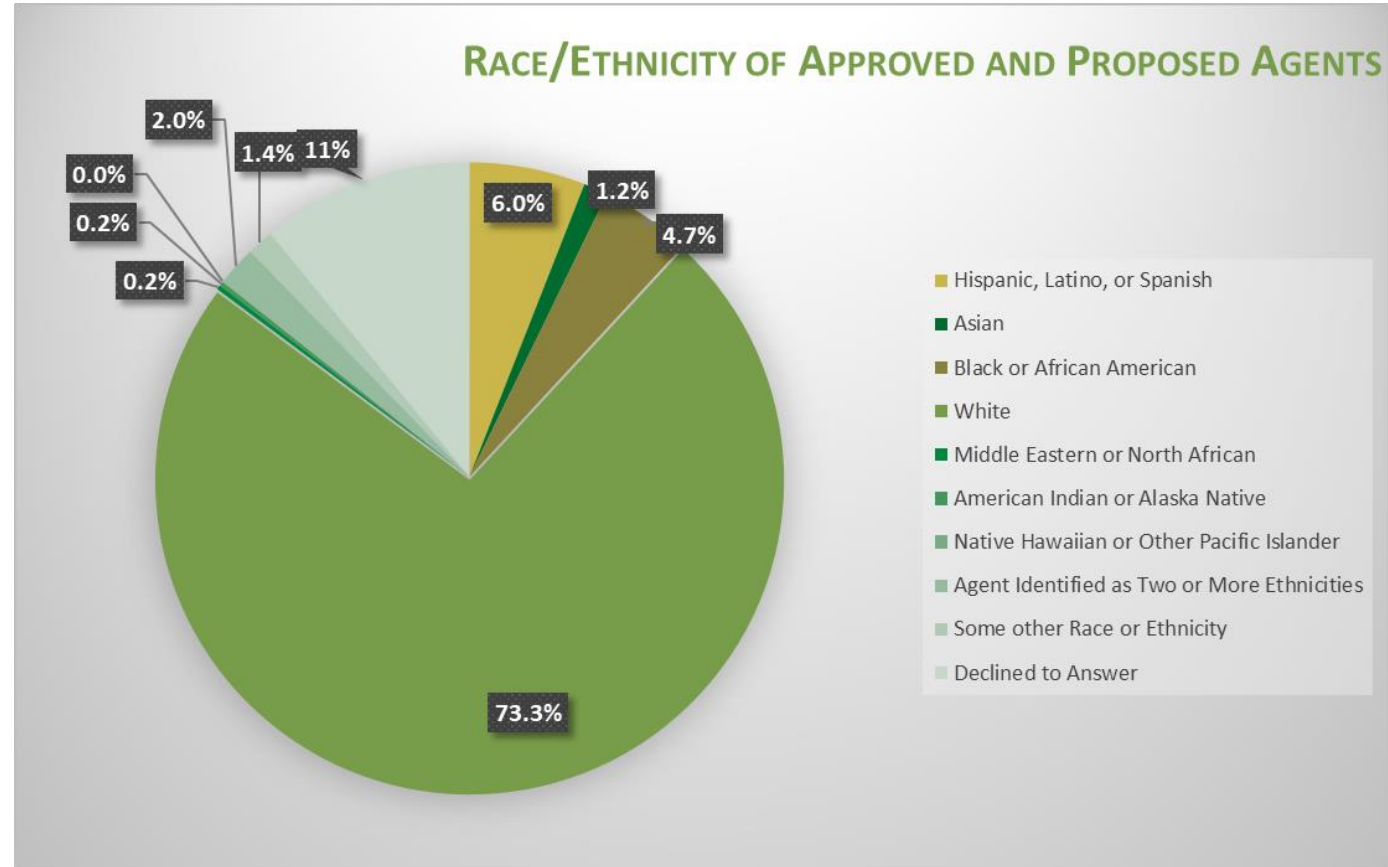
Gender	#	%
Female	2,019	33.4
Male	4,011	66.3
Declined to Answer	20	0.3
Gender Defined by Applicant	3	0.0
<b>Total</b>	<b>6053</b>	<b>100.0</b>



# Agent Applications | September 12, 2019

## Demographics of Approved and Pending Agents

Race/Ethnicity	#	%
Hispanic; Latino; Spanish	361	6.0
Asian	75	1.2
Black; African American	283	4.7
White	4,435	73.3
Middle Eastern; North African	15	0.2
American Indian; Alaska Native	13	0.2
Native Hawaiian; Other Pacific Islander	2	0.0
Identified as Two or More Ethnicities	124	2.0
Other Race or Ethnicity	82	1.4
Declined to Answer	661	10.9
<b>Total</b>	<b>6,051</b>	<b>100.0</b>



## MMJ Licensing Data | September 12, 2019

MTC License Applications	#
Pending-Application of Intent Stage	36
Pending-Management and Operations Profile Stage	12
Pending-Siting Profile Stage	6
Application Expired	102
Application Withdrawn	3
<b>Total</b>	<b>159</b>

MTC Licenses	#
Provisional	97
Final	4
Commence Operations	53
License Expired	10
<b>Total</b>	<b>164</b>

## MMJ Agent and Program Data | September 12, 2019

<b>MTC Agent Applications</b>	<b>#</b>
Pending-MTC Agent Applications	53
Pending-Laboratory Agents	0
Revoked	3
Surrendered	2,310
Active	4,782
<b>Total</b>	<b>7,148</b>

*The numbers below are a snapshot of the program as of August 30, 2019.*

<b>MMJ Program</b>	<b>#</b>
Certified Patients	67,487
Certified Active Patients	60,917
Active Caregivers	6,481
Registered Certifying Clinicians	315

## **6) Enforcement Actions**

- a. MCR Laboratories, LLC (#IL281278), Independent Testing Lab

## **7) Staff Recommendations on Renewals**

- a. Patriot Care Corp. (#MCR139826), Cultivation
- b. Patriot Care Corp. (#MPR243483), Product Manufacturer
- c. Patriot Care Corp. (#MRR205532), Retail
- d. Patriot Care Corp. (#MRR205533), Retail
- e. CDX Analytics, LLC. (#ILR267888), Independent Testing Lab
- f. MCR Labs, LLC. (#ILR267887), Independent Testing Lab
- g. Northeast Alternatives, Inc. (#MCR139828), Cultivation
- h. Northeast Alternatives, Inc. (#MPR243486), Product Manufacturer
- i. Cultivate Holdings, LLC. (#MPR243485), Product Manufacturer
- j. Temescal Wellness of Massachusetts, LLC. (#MRR205531), Retail

## **7) Staff Recommendations on Renewals**

- k. Temescal Wellness of Massachusetts, LLC. (#MRR205529), Retail
- l. Alternative Therapies Group. (#MRR205530), Retail
- m. Good Chemistry of Massachusetts, Inc. (#RMD725), Vertically Integrated Medical Marijuana Treatment Center
- n. Patient Centric of Martha's Vineyard, LTD. (#RMD1165), Vertically Integrated Medical Marijuana Treatment Center
- o. Tyca Green, Inc. Vertically Integrated Medical Marijuana Treatment Center
- p. The Green Harbor Dispensary, LLC. (#RMD1305), Vertically Integrated Medical Marijuana Treatment Center
- q. The Green Harbor Dispensary, LLC. Vertically Integrated Medical Marijuana Treatment Center
- r. Heal, Inc. Vertically Integrated Medical Marijuana Treatment Center

## **8) Staff Recommendations on Final Licenses**

- a. BeWell Organic Medicine, Inc. (#RMD1245), Vertically Integrated Medical Marijuana Treatment Center
- b. Green Gold Group, Inc. (#RMD786), Vertically Integrated Medical Marijuana Treatment Center
- c. Apothca, Inc. (#MR281447), Retail
- d. Curaleaf Massachusetts, Inc. (#MC281309), Cultivation - Tier 11/Indoor
- e. Curaleaf Massachusetts, Inc. (#MP281318), Product Manufacturer
- f. Curaleaf Massachusetts, Inc. (#MR281263), Retail
- g. In Good Health, Inc. (#MC281273), Cultivation - Tier 4/Indoor
- h. In Good Health, Inc. (#MP281307), Product Manufacturer
- i. In Good Health, Inc. (#MR282468), Retail
- j. M3 Ventures, Inc. (#MC281446), Cultivation - Tier 2/Indoor
- k. M3 Ventures, Inc. (#MP281346), Product Manufacturing
- l. M3 Ventures, Inc. (#MR281290), Retail



## **9) Staff Recommendations on Provisional Licenses**

- a. Curaleaf Massachusetts, Inc. (#MRN282183), Retail
- b. Curaleaf Massachusetts, Inc. (#MRN282052), Retail
- c. HVV Massachusetts, Inc. (#MCN282121), Cultivation - Tier 3/Indoor
- d. HVV Massachusetts, Inc. (#MPN281657), Product Manufacturing
- e. HVV Massachusetts, Inc. (#MRN282578), Retail
- f. The Heirloom Collective, Inc. (#MCN281438), Cultivation -Tier 2/Indoor
- g. The Heirloom Collective, Inc. (#MPN281407), Product Manufacturing

## Upcoming Public Meetings

### Public Meeting: October 10

- 10AM
- Western New England University, School of Law
- 1215 Wilbraham Road Springfield, MA

### Public Meeting: November 7

- 10AM
- Location TBD

### Public Meeting: December 5

- 10AM
- Time and Location TBD

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## DRAFT Memorandum

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**To:** Chairman Hoffman and Commissioners Doyle, Flanagan, McBride and Title  
**Cc:** Shawn Collins, Executive Director  
**From:** Christine Baily, General Counsel  
Allie DeAngelis, Associate General Counsel  
**Date:** September 9, 2019  
**Subject:** Proposed revisions to Draft Regulations  
935 CMR 500.000: *Adult Use of Marijuana*

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Based on the review of oral and written comment, the following issues warrant Commission consideration. The highlighted portions represent proposed language.

### DELIVERY DISCUSSION

#### 500.002: *Definitions.*

- **Delivery endorsement**
  - Proposed language:
    - **Delivery Endorsement** means authorization granted Licensees in categories of Marijuana Establishments identified by the Commission to perform deliveries direct from the establishment to Consumers.
- **Delivery-only licensee**
  - Proposed language:
    - **Delivery-Only Licensee** means an entity that is authorized to deliver directly to Consumers, Registered Qualifying Patients or Caregivers from a licensed Marijuana Retailer or a Licensee with a Delivery Endorsement and that does not provide a retail location accessible to the public.
  - If the Commission approves this change, the defined term will be substituted throughout the regulations.



- **Microbusiness**

- Proposed language:

- **Microbusiness** means a **Colocated** Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license **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 established regulatory requirements for retail sale.** A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of Marijuana per year from other Marijuana Establishments **for the purpose of Marijuana Product manufacturing by the licensee.**

- These additional changes are proposed for associated sections:

- 500.050: *Marijuana Establishments*

- (5) Marijuana Microbusiness

- (a) A Microbusiness is a **Colocated** Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator 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 established regulatory requirements for retail sale.** A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of Marijuana or its dry-weight equivalent in raw concentrate per year from other Marijuana Establishments, but not any other Marijuana Products.

- (b) A Microbusiness shall comply with all operational requirements imposed by 935 CMR 500.105: *General Operational Requirements for Marijuana Establishments* through 935 CMR 500.140: *Additional Operational Requirements for Retail Sale* on Marijuana Cultivators and **Product** Manufacturers, and **Retailers**, to the extent the Licensee engages in such activities.

- **(e) Delivery endorsements shall be subject to the exclusivity provisions for Delivery Licensees established in Section 500.050(10)(b).**

- 500.101(3):

- (i). Additional Requirements for Microbusinesses. In addition to the requirements set forth in 935 CMR 500.101(1)(c), applicants for a license to operate a Marijuana Establishment as a Microbusiness shall also provide: . . .



- b. as part of the Management and Operations Profile, the same plans required of Marijuana Cultivators pursuant to 935 CMR 500.101[], Product Manufacturers pursuant to 935 CMR 500.101[], and in the case of a Delivery Endorsement, Retailers pursuant to 935 CMR 500.101[].
- 500.110(8): *Security Requirements for Delivery Operations*
  - Revise Delivery-Only Retail Licensee to read **Delivery-Only Licensee or Licensee with a Delivery Endorsement** throughout.

**500.050: Marijuana Establishments.**

- **Start of exclusivity period**
  - Proposed language:
    - Option 1:
      - licenses shall be limited on an exclusive basis . . . for a period of twenty-four (24) months from the date the **first Social Consumption Establishment receives a notice to commence operations . . .**
    - Option 2:
      - licenses shall be limited on an exclusive basis . . . for a period of twenty-four (24) months from the date the **first Social Consumption Establishment is issued a provisional license . . .**
- **Extension of exclusivity period**
  - Proposed language:
    - The licenses may be made available to any qualifying applicants after the 24-month period unless a majority of the voting Commissioners **affirmatively votes to extend the period of exclusivity by a period of 12 months after the first 24-month period and thereafter.**

**500.145: Additional Operational Requirements for Delivery of Marijuana and Marijuana Products.**

- **(1) General Requirements.**
  - Proposed language:
    - (h) Deliveries of Marijuana or Marijuana Products by a Delivery-Only Retailer shall be geographically limited to: . . .
      - 2. Any municipality **which after receiving notice from the Commission, has notified the Commission that a Delivery Only Licensee may not operate within its borders.**



- (2) **Orders.**
  - Proposed language:
    - (c) Delivery-Only Retailers shall deliver Marijuana or Marijuana Products only to the Residence address provided. Delivery-Only Retailers shall be prohibited from delivering to college or university dormitories; and federal public housing identified at <https://resources.hud.gov/>.
  
- (3) **Consumer Age Verification.**
  - Proposed language:
    - (a) A Marijuana Retailer shall require any Consumer making a purchase for delivery by a Delivery-Only Retailer to have the government-issued photo identification a Consumer intends to use to verify her or his age at the time of delivery examined and authenticated by the Marijuana Retailer prior to the first Individual Order. Pre-Verification of the Consumer's identification shall be performed in-person at the Marijuana Retailer's physical location or through a Commission approved electronic means and shall include examination of the Consumer's valid, unexpired government-issued photo identification that bears a date of birth. A Delivery-Only Retailer may make accommodations for a Consumer who is disabled, so long as Pre-Verification is performed in-person and includes examination of a valid, unexpired government-issued photo identification that bears a date of birth. A Delivery-Only Retailer is prohibited from performing a delivery to any Consumer who has not established an account for delivery through Pre-Verification of the Consumer's identification by the Marijuana Retailer.



## SOCIAL CONSUMPTION DISCUSSION

### **500.002: Definitions.**

- **Shelf-stable.**

- Proposed language:

- **Shelf-stable** means able to be safely stored at room temperature in a sealed container. Shelf-stable does not include “Time/Temperature Controlled for Safety Food” as it is defined in the 2013 Retail Food Code as adopted under 105 CMR 590.001(A).

### **500.050: Marijuana Establishments.**

- **Start of exclusivity period**

- Proposed language:

- Option 1:

- licenses shall be limited on an exclusive basis . . . for a period of twenty-four (24) months from the date the **first Social Consumption Establishment** receives a notice to commence operations . . .

- Option 2:

- licenses shall be limited on an exclusive basis . . . for a period of twenty-four (24) months from the date the **first Social Consumption Establishment** is issued a provisional license . . .

- **Extension of exclusivity period**

- Proposed language:

- The licenses may be made available to any qualifying applicants after the 24-month period unless a majority of the voting Commissioners **affirmatively** votes to extend the period of exclusivity **by a period of 12 months after the first 24-month period and thereafter.**

### **500.141: Additional Requirements for Social Consumption Establishments**

- **Removal of unconsumed product**

- (2) **Written Policies and Procedures.**

- Proposed language:

- (f) procedures to ensure that Marijuana or Marijuana Products purchased on site does not leave the Premises, **except as otherwise authorized in 935 CMR 500.141(3)(a);**

- (3) **Limitation on Sales.**

- Proposed language:

- (a) Marijuana Social Consumption Establishment agents shall only sell Marijuana or Marijuana Products to individuals in an amount



reasonable for on-site consumption. Notwithstanding the terms of 935 CMR 500.140(3)(a), 935 CMR 500.140(4)(c) and 935 CMR 500.150(4)(a) and (b), Consumers may not purchase more than 20 milligrams of delta-nine-tetrahydrocannabinol (?9-THC) within any single day. **Unconsumed Marijuana or Marijuana Products that is packaged by the establishment in a Commission preapproved sealed and resealable exit bag may be removed from the premises.**

▪ (4) Social Consumption Sales.

• Proposed language:

○ (a) The sale of Marijuana and Marijuana Products for consumption on site shall take place in compliance with the following:

- 1. **Except as otherwise authorized in 935 CMR 500.141(3)(a),** Marijuana and Marijuana Products may only be used by Consumers on the Premises who have demonstrated in compliance with 935 CMR 500.140(2)(b) that they are 21 years of age or older;

○ **Food and accessories**

▪ Proposed language:

• (3) Limitation on Sales.

○ (c) **Sale of Edible Products.** Sale of edible Marijuana Products shall be limited to pre-packaged Shelf-stable items. Products that are perishable or “Time/ and Temperature Controlled for Safety Food” as it is defined in the 2013 Retail Food Code as adopted under 105 CMR 590.001(A) shall not be allowed to be sold.

○ (d) **Sale of Shelf-stable Products.** A Marijuana Social Consumption Establishment may sell **pre-packaged, Shelf-stable** food and drink items other than edible Marijuana products if it acquires all necessary licenses and permits to do so. A Marijuana Social Consumption Establishment may not sell alcohol or tobacco products.

○ (e) **A Marijuana Social Consumption Establishment may sell marijuana accessories. A Marijuana Social Consumption Establishment may sell items not expressly authorized herein only after receiving the express written permission of the Commission following receipt of an application in a form and manner determined by the Commission.**

○ **Right to refuse**

▪ Proposed language:

- (2) **Written Policies and Procedures.**





- (b) Procedures to ensure that Consumers are not overserved, including the developments of standards, consistent with Responsible Vendor Training, for Marijuana Establishment Agents to use to evaluate impairment;
- (4) Social Consumption Sales.
  - (f) A Marijuana Establishment Agent may refuse the sale of Marijuana or Marijuana Products based on a reasonable belief that a Consumer is visibly impaired.
- (9) Prohibitions.
  - (j) Shall not permit Consumers determined to be impaired by its Marijuana Establishment Agents to purchase additional Marijuana or Marijuana Products while still impaired;
- **Outdoor smoking and vaping**
  - Proposed language:
    - (3) Consumption areas.
      - (g) Vaping may be permitted in a designated outdoor area if it is not in view of the general public and complies with 105 CMR 661.200, *Smoking in Outdoor Spaces.*
    - (10) Outdoor Smoking Waiver.
      - (b)(2)
        - d. would not be in the view of the general public; and
        - e. be physically separated from an enclosed workspace and there is no migration of smoke into the workspace;
        - f. comply with the following requirements:
          - (1) In accordance with M.G.L. c. 270, § 22, any outdoor space that has a structure capable of being enclosed, regardless of the materials or removable nature of the walls or covers, shall be regarded as an enclosed space when the walls or covers are in place.
          - (2) The outdoor space shall be open to the air at all times. For purposes of 105 CMR 661.000: *Regulations Implementing M.G.L. c. 270, § 22,* this shall mean that the space has thorough, unobstructed circulation of outside air to all parts of the outdoor space. An outdoor space shall be presumed to meet this test if:
            - (a) the space has a ceiling and at least one half of the total surface area of the walls and other vertical boundaries of



- the space permits unobstructed flow of outside air into the space; or
- (b) the space has no ceiling and no more than two walls or other vertical boundaries of the space that obstruct the flow of air into the space exceed eight feet in height.
- (3) For purposes of 105 CMR 661.000; *Regulations Implementing M.G.L. c. 270, § 22*, a ceiling shall include any top or covering that is placed or maybe placed over a space, or any other structure or arrangement above the space (including substantial coverage by umbrellas or awnings) that may impede the flow of air into the space, regardless of the type or nature of the materials or the partial or removable nature of the covering.
- (4) The local board of health shall be notified in writing prior to initiating construction or renovation of an outdoor space for the purpose of permitting smoking, if such construction or renovation requires notification of the local building department or a licensing authority.
- (5) **Age Verification.**
  - Proposed language:
    - (c) At the point of sale by an individual, a Marijuana Establishment Agent shall inspect the individual's proof of identification and determine the individual's age.



935 CMR: CANNABIS CONTROL COMMISSION

935 CMR 500.000: ADULT USE OF MARIJUANA

Section

- 500.001: Purpose
- 500.002: Definitions
- 500.005: Fees
- 500.029: Registration and Conduct of Laboratory Agents
- 500.030: Registration of Marijuana Establishment Agents
- 500.031: Denial of a Marijuana Establishment Agent Registration Card
- 500.032: Revocation of a Marijuana Establishment Agent Registration Card
- 500.033: Void Registration Cards
- 500.040: Leadership Rating Program for Marijuana Establishments and Marijuana-related Businesses
- 500.050: Marijuana Establishments
- 500.100: Application for Licensing of Marijuana Establishments
- 500.101: Application Requirements
- 500.102: Action on Applications
- 500.103: Licensure and Renewal
- 500.104: Notification and Approval of Changes
- 500.105: General Operational Requirements for Marijuana Establishments
- 500.110: Security Requirements for Marijuana Establishments
- 500.120: Additional Operational Requirements for Indoor and Outdoor Marijuana Cultivators
- 500.130: Additional Operational Requirements for Marijuana Product Manufacturers
- 500.140: Additional Operational Requirements for Retail Sale
- 500.141: Additional Operating Requirements for Marijuana Social Consumption Establishments
- 500.145: Additional Operational Requirements for Delivery of Marijuana and Marijuana Products to Consumers
- 500.150: Edible Marijuana Products
- 500.160: Testing of Marijuana and Marijuana Products
- 500.170: Municipal Requirements
- 500.200: Counties of Dukes County and Nantucket
- 500.300: Complaints Process
- 500.301: Inspections and Compliance
- 500.302: Compliance Examination
- 500.303: Unannounced Purchase for Purpose of Investigative Testing (Secret Shopper Program)
- 500.310: Deficiency Statements
- 500.320: Plans of Correction
- 500.321: Administrative Hold
- 500.330: Limitation of Sales
- 500.335: Removal and Prohibition of Marijuana and Marijuana Products
- 500.340: Quarantine Order
- 500.350: Cease and Desist Order and Summary Suspension Order
- 500.360: Fines
- 500.370: Order to Show Cause
- 500.400: Marijuana Establishments: Grounds for Denial of Application for Licensure
- 500.415: Void Marijuana Establishment License
- 500.450: Marijuana Establishment License: Grounds for Suspension, Revocation and Denial of Renewal Applications.
- 500.500: Hearings and Appeals of Actions on Licenses
- 500.800: Background Check Suitability Standard for Licensure and Registration
- 500.801: Suitability Standard for Licensure
- 500.802: Suitability Standard for Registration as a Marijuana Establishment Agent
- 500.803: Suitability Standard for Registration as a Laboratory Agent
- 500.820: Confidentiality
- 500.830: Petitions for the Adoption, Amendment or Repeal of Regulations
- 500.840: Non-conflict with Other Laws
- 500.850: Waivers
- 500.860: Notice

935 CMR: CANNABIS CONTROL COMMISSION

500.900: Severability

500.001: Purpose

The purpose of 935 CMR 500.000: *Adult Use of Marijuana* is to implement St. 2016, c. 334, The Regulation and Taxation of Marijuana Act, as amended by St. 2017, c. 55, An Act to Ensure Safe Access to Marijuana.

500.002: Definitions

For the purposes of 935 CMR 500.000: *Adult Use of Marijuana*, the following terms shall have the following meanings:

Administrative Hold means a hold requiring temporary isolation of Marijuana or Marijuana Products by a Marijuana Establishment Licensee or Registrant pending further investigation.

Adult-use Cannabis or Marijuana means Marijuana that is cultivated, processed, transferred, tested or sold to adults 21 years of age or older.

Adult-use Marijuana or Marijuana Products means Marijuana and Marijuana Products that are processed manufactured, transferred, tested or sold to adults 21 years of age or older.

Affixed means the attachment of a label or other packaging materials so that it is not easily removed or lost.

Area of Disproportionate Impact means a geographic area identified by the Commission for the purposes identified in M.G.L. c. 94G, 4(a $\frac{1}{2}$ )(iv) and 935 CMR 500.040: *Leadership Rating Program for Marijuana Establishments and Marijuana-related Businesses* and 500.101: *Application Requirements*, which has had historically high rates of arrest, conviction, and incarceration related to Marijuana crimes.

Arming Station means a device that allows control of a security alarm system.

Beverage means a liquid intended for drinking.

Brick-and-Mortar 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. This establishment is a type of Marijuana Social Consumption Establishment.

Cannabinoid means any of several compounds produced by Marijuana plants that have medical and psychotropic effects.

Cannabinoid Profile means the amounts, expressed as the dry-weight percentages, of delta-nine-tetrahydrocannabinol, cannabidiol, tetrahydrocannabinolic acid and cannabidiolic acid in a Cannabis or Marijuana Product. Amounts of other cannabinoids may be required by the Commission.

Cannabis or Marijuana means all parts of any plant of the genus Cannabis, not excepted in (a) through (c) of the definition for "Cannabis or Marijuana" in 935 CMR 500.002: *Definitions* 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:

935 CMR: CANNABIS CONTROL COMMISSION

- (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 Accessories means equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, ~~p~~Processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing Cannabis or Marijuana into the human body.

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 products, beverages, topical products, ointments, oils and ~~T~~inctures. Cannabis or Marijuana Products include MIPs defined in 935 CMR 500.002: *Definitions*.

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.

Card Holder means a Registered Qualifying Patient, Personal Caregiver, Marijuana Establishment agent, Medical Marijuana Treatment Center (MTC) agent, or Laboratory agent who holds a valid patient or agent registration card.

Caregiver means a Personal Caregiver or Caregiving Institution.

Caregiving Institution means a hospice program, long term care facility, or hospital duly registered formerly and validly by the DPH or currently or validly by the Commission, providing care to a Registered Qualifying Patient on the premises of the facility or through a hospice program.

Cease and Desist Order means an order to stop or restrict operations, including, but not limited to, cultivation, product manufacturing, Transfer, sale, delivery, or testing, of Marijuana or Marijuana Products by a Licensee or Registrant to protect the public health, safety or welfare.

Ceases to Operate means a Marijuana Establishment, Medical Marijuana Treatment Center (MTC) or Independent Testing Laboratory closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen. The Commission may determine that an establishment has ceased to operate based on its actual or apparent termination of operations.

Certificate of Registration means a certificate formerly and validly issued by the Department of Public Health (DPH) or currently and validly issued by the Commission, that confirms a Marijuana Establishment, MTC, Independent Testing Laboratory, individual or entity has met all applicable requirements pursuant to M.G.L. c. 94I and 935 CMR 501.000: *Medical Use of Marijuana* and is registered by the Commission. An MTC or Independent Testing Laboratory may have been issued a provisional or final

935 CMR: CANNABIS CONTROL COMMISSION

Certificate of Registration. After the ~~effective date of these regulations~~ [identify date certain], new or renewal licenses, as applicable, may be issued to MTCs and Independent Testing Labs.

Certifying Certified Nurse Practitioner means a Massachusetts licensed certified nurse practitioner (CNP) licensed pursuant to 244 CMR 4.00: *Advanced Practice Registered Nursing*, who certifies that in their professional opinion, the potential benefits of the medical use of Marijuana would likely outweigh the health risks for a Qualifying Patient.

Certifying Healthcare Provider means a certifying CNP, a Certifying Physician or a Certifying Physician Assistant.

Certifying Physician means a Massachusetts licensed physician (Medical Doctor or Doctor of Osteopathy) who certifies that in their professional opinion, the potential benefits of the medical use of Marijuana would likely outweigh the health risks for a Qualifying Patient.

Certifying Physician Assistant means a Massachusetts physician assistant licensed pursuant to 263 CMR 3.00: *Licensure of Individual Physician Assistants*, who certifies that in their professional opinion, the potential benefits of the medical use of Marijuana would likely outweigh the health risks for a Qualifying Patient.

Citizen Review Committee means a nine-person advisory committee, the members of which will be appointed by the Commission or its designee and will serve two-year terms. The committee advises the Commission on the implementation of the Social Equity Program and the use of community reinvestment funds. The committee makes specific recommendations as to the use of community reinvestment funds in the areas of programming, restorative justice, jail diversion, workforce development, industry-specific technical assistance, and mentoring services, in areas of disproportionate impact.

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

Close Associate means a person who holds a relevant managerial, operational or financial interest in the business of an applicant or Licensee and, by virtue of that interest or power, is able to exercise a significant influence over the management, operations or finances of a Marijuana Establishment or Independent Testing Laboratory licensed under 935 CMR 500.000: *Adult Use of Marijuana*. A Close Associate is deemed to be a Person or Entity Having Direct or Indirect Control.

Colocated Marijuana Operations (CMO) means an MTC operating under a license or a registration pursuant to 935 CMR 501.000: *Medical Use of Marijuana*, and a Marijuana Establishment operating under at least one license pursuant to 935 CMR 500.000: *Adult Use of Marijuana*, on the same Premises. Colocated Marijuana Operations pertain to cultivation, product manufacturing, and retail, but not any other adult-use license.

Commission means the Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76; or its representatives. The Commission has authority to implement the state Marijuana laws, which include, but are not limited to, St. 2016, c. 334, *The Regulation and Taxation of Marijuana Act*, as amended by St. 2017, c. 55, *An Act to Ensure Safe Access to Marijuana*; M.G.L. 10, § 76, M.G.L. c. 94G; M.G.L. c. 94I; 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*.

Commission Delegee(s) means other state or local officials or agencies working in cooperation with the Commission ~~and as delegated by the Commission to carry out the Commission's responsibilities and to ensure compliance with the adult use, medical use, and colocated operations laws, and any other applicable federal or state laws by~~ delegation or agreement, to carry out the Commission's responsibilities and to ensure

[compliance with the adult-use, medical-use, and colocated-operations laws, and any other applicable federal or state laws.](#)

Confidential Application Materials means any electronic or written document, communication or other record pertaining to an application for licensure or registration that is required to be confidential or protected from disclosure by law, which includes, but is not limited to, personally identifiable information concerning an applicant, Registrant, or Licensee; background check information or Criminal Offender Record Information (CORI) as defined by 803 CMR 2.02: *Definitions*, or Criminal History Record Information (CHRI) as defined by 803 CMR 7.02: *Definitions*; and information that implicates security concerns.

Confidential Database means the Commission database that holds data concerning: (i) the Qualifying Patients issued a registration card for medical use of Marijuana; (ii) the healthcare professionals registered to issue written certifications; (iii) the MTCs; (iv) the quantity of medical use Marijuana dispensed to a card holder; and (v) any other pertinent information.

Confidential Information means information that is legally required to be kept confidential, or that is protected from disclosure by a legally recognized privilege. This includes, but is not limited to, M.G.L. c. 4, § 7, cl. 26 and M.G.L. c. 94I, § 3.

Confidential Investigatory Materials means any electronic or written document, communication or other record pertaining to an investigation, which concerns: (a) a possible violation of a statute, regulation, rule, practice or procedure, or professional or industry standard, administered or enforced by the Commission; (b) an ongoing investigation that could alert subjects to the activities of an investigation; (c) any details in witness statements, which if released create a grave risk of directly or indirectly identifying a private citizen who volunteers as a witness; (d) investigative techniques the disclosure of which would prejudice the Commission's future investigative efforts or pose a risk to the public health, safety or welfare; or (e) the background of any person the disclosure of which would constitute an unwarranted invasion of personal privacy.

Confidential Records means any electronic or written record required to be kept confidential or protected from disclosure by law, which includes, but is not limited to, Confidential Application Materials, Confidential Social Equity Application Materials, and Confidential Investigatory Materials as defined herein.

Confidential Social Equity Application Materials means any electronic or written document, communication or other record pertaining to an application for the Social Equity Program that is required to be confidential or protected from disclosure by law, which includes, but is not limited to, CORI as defined by 803 CMR 2.02: *Definitions*, or CHRI as defined by 803 CMR 7.02: *Definitions*.

Consumer means a person who is 21 years of age or older.

Craft Marijuana Cooperative means a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, Process, package, brand and Transfer Marijuana or Marijuana Products to Marijuana Establishments, but not to Consumers.

Criminal Offender Record Information (CORI) shall have the same meaning as it is defined in 803 CMR 2.02: *Definitions*.

Cultivation 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 Marijuana 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.

Delivery Agreement means a contract between a licensed Marijuana Retailer and a licensed Delivery-Only Retailer to deliver Marijuana or Marijuana Products from the Marijuana Retailer directly to Consumers under the provisions of a Delivery-Only Retailer license.

Delivery Endorsement means authorization granted Licensees in categories of Marijuana Establishments identified by the Commission to perform deliveries direct from the establishment to Consumers.

~~Delivery Only Retailer means an entity that is authorized to deliver directly to Consumers, Registered Qualifying Patients or Caregivers from a licensed Marijuana Retailer and does not provide a retail location accessible to the public.~~

Delivery-Only Licensee means an entity that is authorized to deliver directly to Consumers, Registered Qualifying Patients or Caregivers from a licensed Marijuana Retailer or a Licensee with a Delivery Endorsement and that does not provide a retail location accessible to the public.

Department of Agricultural Resources (MDAR) means the Massachusetts Department of Agricultural Resources, unless otherwise specified. MDAR has jurisdiction over Hemp and pesticides.

Department of Criminal Justice Information Services (DCJIS) means the Massachusetts Department of Criminal Justice Information Services, unless otherwise specified. DCJIS shall have the same meaning as it is defined in 803 CMR 2.02: *Definitions*.

Department of Public Health (DPH) means the Massachusetts Department of Public Health, unless otherwise specified. DPH is the agency that administered the Medical Use of Marijuana Program prior to 2019.

Department of Revenue (DOR) means the Massachusetts Department of Revenue, unless otherwise specified.

Department of Unemployment Assistance (DUA) means the Massachusetts Department of Unemployment Assistance, unless otherwise specified.

Duress Alarm means a silent security alarm signal generated by the entry of a designated code into an Arming Station that signals an alarm user is under duress and turns off the system.

Economic Empowerment Priority Applicant means an applicant who demonstrated and continues to demonstrate three or more of the following criteria: a majority of ownership belongs to people who have lived for five of the preceding ten years in an Area of Disproportionate Impact, as determined by the Commission; a majority of ownership has held one or more previous positions where the primary population served were disproportionately impacted, or where primary responsibilities included economic education, resource provision or empowerment to disproportionately impacted individuals or communities; at least 51% of current employees or subcontractors reside in Areas of Disproportionate Impact and by the first day of business, the ratio will meet or exceed 75%; at least 51% ~~of~~ employees or subcontractors have drug-related CORI and are otherwise legally employable in Cannabis enterprises; a majority of the ownership is made up of individuals from Black, African American, Hispanic or Latino descent; and other significant articulable demonstration of past experience in or business practices that promote economic empowerment in Areas of Disproportionate Impact. This applicant has priority for the purposes of the review of its license application.



Edible Cannabis Products or Edibles means a Cannabis or Marijuana Product that is to be consumed by humans by eating or drinking. These products, when created or sold by a Marijuana Establishment or MTC, shall not be considered a food or a drug as defined in M.G.L. c. 94G, § 1.

Electronic Certification means a document signed or executed electronically by a registered healthcare professional, stating that in the healthcare professional's professional opinion, the potential benefits of the medical use of Marijuana would likely outweigh the health risks for the Qualifying Patient. Such certification shall be made only in the course of a *bona fide* healthcare professional-patient relationship and shall specify the Qualifying Patient's debilitating medical condition. Electronic Certifications, on submission by a healthcare professional to the Commission, shall automatically generate a temporary registration.

Enclosed Area means an indoor or outdoor area equipped with locks or other security devices, which is accessible only to Consumers 21 years of age or older, Marijuana Establishment agents, Registered Qualifying Patients, or Caregivers.

Equity Holder means a person or entity that holds or will hold any amount of equity in a Marijuana Establishment.

Executive means members of the board of directors, chief executive officer, executive director, president, and any other officer of the Marijuana Establishment or Independent Testing Laboratory.

Executive Office of Energy and Environmental Affairs (EOEEA) means the Massachusetts Executive Office of Energy and Environmental Affairs, unless otherwise specified.

Existing Licensed Transporter means an entity 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 to other establishments, but not to Consumers.

Fingerprint-based Background Check Trust Fund means a fund established under M.G.L. c. 29, § 2HHH, in which fees for fingerprint background checks are deposited.

Finished Marijuana means Usable Marijuana, Cannabis resin or Cannabis concentrate.

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

Food and Drug Administration (FDA) means the United States Food and Drug Administration.

Greenhouse means an Enclosed Area where Cannabis or Marijuana plants are cultivated that has been inspected by the Commission and determined to be a Greenhouse.

Healthcare Clinician or Provider means a Certifying Physician, Certifying Certified Nurse Practitioner or Certifying Physician's Assistant qualified under 935 CMR 501.000: *Medical Use of Marijuana*, to issue written certifications for the medical use of Marijuana.

Hemp means the plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight

935 CMR: CANNABIS CONTROL COMMISSION

of Cannabis or Marijuana Product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content. MDAR has jurisdiction over Hemp.

**Holdup Alarm** means a silent alarm signal generated by the manual activation of a device that signals a robbery in progress.

**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 growth (e.g. germination, cloning/mother plants, propagation, Vegetation, Flowering, and harvest).

**Horticulture Lighting Square Footage (HLSF)** means Canopy, plus any additional areas(s) that will contain live plants at any point in time that will be exposed to horticultural lighting equipment.

**Host Community** means a municipality in which a Marijuana Establishment or Independent Testing Laboratory is located or in which an applicant has proposed locating an establishment.

**Independent Testing Laboratory** means a laboratory that is licensed or registered by the Commission and is:

- (a) currently and validly licensed under 935 CMR 500.101: *Application Requirements*, or formerly and validly registered by the Commission;
- (b) accredited to [ISO 17025:2017](#) or the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (c) independent financially from any Medical Marijuana Treatment Center (MTC), Marijuana Establishment or Licensee; and
- (d) qualified to test Marijuana or Marijuana Products, including MIPs, in compliance with M.G.L. c. 94C, § 34; M.G.L. c. 94G, § 15; 935 CMR 500.000: *Adult Use of Marijuana*; 935 CMR 501.000: *Medical Use of Marijuana*; and Commission protocol(s).

**Individual Order** means a delineated amount of Marijuana or Marijuana Products to be delivered by a Delivery-Only Retailer to an individual Consumer and not to exceed the individual possession amount limits as determined by statute.

**Institutional Caregiver** means an employee of a hospice program, long-term care facility, or hospital providing care to a Registered Qualifying Patient on the premises of a long-term care facility, hospital or through a hospice program.

**Known Allergen** means milk, egg, fish, crustacean shellfish, tree nuts, wheat, peanuts, and soybeans, or such other allergen identified by the Commission.

**Laboratory agent** means an employee of an Independent Testing Laboratory registered in accordance with 935 CMR 500.029: *Registration and Conduct of Laboratory Agents*, who transports, possesses or tests Cannabis or Marijuana in compliance with 935 CMR 500.000: *Adult Use of Marijuana*.

**Law Enforcement Authorities** means local law enforcement, including but not limited to the local police and fire departments within the municipality where the Licensee is sited, unless otherwise indicated.

License means the certificate issued by the Commission that confirms that a Marijuana Establishment or an Independent Testing Laboratory has met all applicable requirements pursuant to St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000: *Adult Use of Marijuana*. A Marijuana Establishment or Independent Testing Laboratory may hold a provisional or final license.

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: *Adult Use of Marijuana*. 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.

Lighting Power Density (HLPD) means a measure of total watts of Horticultural Lighting Equipment per total Horticulture Lighting Square Footage,  $(HLE / HLSF = HLPD)$  expressed as number of watts per square foot.

Limitation on Sales means a limitation on the sales of Marijuana or Marijuana Products by a Marijuana Establishment Licensee or Registrant arising from the regulations and until substantial compliance by a Licensee or Registrant with a law, regulation, guidance or other requirement for licensure or registration.

Limited Access Area means an indoor or outdoor area on the Premises of a Marijuana Establishment where Marijuana or Marijuana Products, or their byproducts are cultivated, stored, weighed, packaged, processed, or disposed, under the control of a Marijuana Establishment, with access limited to only those Marijuana Establishment or Laboratory agents designated by the Establishment.

Local Authorities means local municipal authorities unless otherwise indicated.

Manufacture means to compound, blend, extract, infuse or otherwise make or prepare a Cannabis or Marijuana Product.

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.

Marijuana Establishment means a Marijuana Cultivator (Indoor or Outdoor), Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Independent Testing Laboratory, Marijuana Retailer, Marijuana Transporter, Delivery-Only Retailer, Marijuana Research Facility, or any other type of licensed Marijuana-related business, except a Medical Marijuana Treatment Center (MTC).

Marijuana Establishment Agent means a board member, director, employee, Executive, manager, or volunteer of a Marijuana Establishment, who is 21 years of age or older. Employee 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.

Marijuana-infused Product (MIP) means a Marijuana Product infused with Marijuana that is intended for use or consumption including, but not limited to, edible products, ointments, aerosols, oils, and Tinctures. A Marijuana-infused Product (MIP), when created or sold by a Marijuana Establishment or MTC, shall not be considered a food or a drug as defined in M.G.L. c. 94, § 1. MIPs are a type of Marijuana Product.

Marijuana Product Manufacturer means an entity licensed to obtain, Manufacture, Process and package Marijuana or Marijuana Products and to Transfer these products to

other Marijuana Establishments, but not to Consumers.

Marijuana Regulation Fund means the fund established under M.G.L. c. 94G, § 14, in which fees, fines, and other monies collected by the Commission are deposited, except for fees collected by the Commission on behalf of other state agencies.

Marijuana Retailer means an entity licensed to purchase and transport Cannabis or Marijuana Product from Marijuana Establishments and to Transfer or otherwise Transfer this product to Marijuana Establishments and to sell to Consumers. Unless licensed, retailers are prohibited from offering Marijuana or Marijuana Products for the purposes of on-site social consumption on the Premises of a Marijuana Establishment.

Marijuana Social Consumption Establishment means an entity licensed to purchase Marijuana or Marijuana Products from a cultivator, manufacturer or Microbusiness, sell Marijuana or Marijuana Products to Consumers at an approved premise, and allow Consumers to consume Marijuana or Marijuana Products at this premise.

Marijuana Transporter means an entity, not otherwise licensed by the Commission, that is licensed to possess Cannabis or Marijuana Products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to Consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third-Party Transporter.

Massachusetts Resident means a person whose primary residence is in Massachusetts.

Medical Marijuana Treatment Center (MTC) formerly known as a Registered Marijuana Dispensary (RMD) means an entity licensed under 935 CMR 501.101:- *Application Requirements for Medical Marijuana Treatment Centers*, that acquires, cultivates, possesses, processes (including development of related products such as edible Marijuana or Marijuana Products, Tinctures, aerosols, oils, or ointments), 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. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Cannabis or Marijuana for medical use.

Medical-use Cannabis or Marijuana means Marijuana that is cultivated, processed, transferred, tested or sold in compliance with 935 CMR 501.000: *Medical Use of Marijuana*.

Medical-use Marijuana or Marijuana Products means Marijuana Products that are manufactured, transferred, tested or sold in compliance with 935 CMR 501.000: *Medical Use of Marijuana*.

Medical Registration Card means an identification card issued formerly and validly by the DPH or currently or validly by the Commission, by the Medical Use of Marijuana Program, to a Registered Qualifying Patient, Personal Caregiver, Institutional Caregiver, MTC agent or Laboratory agent. The medical registration card allows access into Commission-supported databases. The medical registration card facilitates verification of an individual Registrant's status, including, but not limited to, the identification by the Commission and law enforcement authorities, of those individuals who are exempt from Massachusetts criminal and civil penalties under St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94G, and M.G.L. c. 94I.

Member means a member of a non-profit entity incorporated pursuant to M.G.L. c. 180.

Microbusiness means a [Colocated Marijuana Establishment](#) that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license [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 established regulatory requirements for retail sale. —A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of Marijuana ~~or its dry weight equivalent in raw concentrate~~ per year from other Marijuana Establishments for the purpose of Marijuana Product manufacturing by the licensee, ~~but cannot purchase any other Marijuana Products.~~

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.

MTC Priority Applicant means a previously Registered Marijuana Dispensary (RMD) Priority Applicant that demonstrated that it had received a Final Certificate of Registration and is selling Marijuana or Marijuana-infused products as of the date of application; it had received a Final Certificate of Registration, but is not selling Marijuana or Marijuana-infused products as of the date of application; or it had received a Provisional Certificate of Registration, but not a Final Certificate of Registration. This applicant has priority for the purposes of the review of its license application.

Mycotoxin means a secondary metabolite of a microfungus that is capable of causing death or illness in humans and other animals. For ~~the~~ purposes of this chapter, Mycotoxin shall include aflatoxin B1, aflatoxin B2, aflatoxin G1, aflatoxin G2, and ochratoxin A.

Order to Show Cause means an order issued by the Commission or its delegee on a determination that there are grounds to suspend or revoke a license or registration.

Other Jurisdictions shall mean the United States, another state, or foreign jurisdiction, or a military, territorial or Native American tribal authority.

Outdoor cultivation shall mean 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 or vegetative Mother Ppplants.

Owner means any Equity Holder that possesses 10% ~~equity or more~~ more of equity in a Marijuana Establishment or Independent Testing Laboratory.

Panic Alarm means an audible security alarm signal generated by the manual activation of a device that signals a life threatening or emergency situation and calls for a law enforcement response.

Paraphernalia means “drug paraphernalia” as defined in M.G.L. c. 94C, § 1.

Patient Registration Card means a registration card formerly and validly issued by DPH, ~~the Department~~ or a temporary or an annual registration card currently and validly issued by the Commission; to a Rregistered Qualifying Patient. ~~Through Commission supported databases, the Patient #R~~egistration Card facilitates verification of an individual Registrant’s status including, but not limited to, identification by the Commission and law enforcement authorities; of those individuals who are exempt from Massachusetts criminal and civil penalties under M.G.L. c. 94I, and 935 CMR 501.000: Medical Use of Marijuana through Commission supported databases. A temporary patient registration issued to a Qualifying Patient shall be deemed a registration card.

Person means an individual or entity under the laws of the Commonwealth.

Persons or Entities Having Direct Control means any person or entity having direct control over the operations of a Marijuana Establishment, which satisfies one or more of the following criteria:

935 CMR: CANNABIS CONTROL COMMISSION

- An Owner that possess a financial interest in the form of equity of 10% or greater in a Marijuana Establishment;
- A Person or Entity that possess a voting interest of 10% or greater in a Marijuana Establishment 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 Marijuana Establishment. 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 Marijuana Establishment.

Persons or Entities Having Direct or Indirect Control means any person or entity having direct or indirect control.

Personal Caregiver means a person, registered by the Commission, who is 21 years of age or older, who has agreed to assist with a Registered Qualifying Patient's medical use of Marijuana, and is not the Registered Qualifying Patient's Certifying Healthcare Provider. A visiting nurse, personal care attendant, or home health aide providing care to a Registered Qualifying Patient may serve as a Personal Caregiver, including to patients younger than 18 years old as a second caregiver.

Personal Caregiver Registration Card means a registration card formerly and validly issued by the DPH or a temporary or an annual registration card currently and validly issued by the Commission to a personal caregiver. The registration card allows access into Commission supported databases. The registration card facilitates verification of an individual Registrant's status including, but not limited to, identification by the Commission and law enforcement authorities, of those individuals who are exempt from Massachusetts criminal and civil penalties under M.G.L. c. 94I, and 935 CMR 501.000: *Medical Use of Marijuana*. A temporary registration issued to a Personal Caregiver shall be deemed a registration card.

Pesticide means a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; provided that Pesticide shall not include any article that is a "new animal drug" within the meaning of § 201(w) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 321(w)), or that has been determined by the Secretary of the United States Department of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of § 201(x) of such act (21 U.S.C. § 321 (x)).

Pre-Certification Application means an application reviewed by the Commission for pre-certification prior to provisional licensure. The Pre-Certification Application may be available in a form and manner determined by the Commission.

Pre-Verification means the process of a Marijuana Retailer examining the identification presented by an individual Consumer to confirm that the identification is valid and matches the individual presenting it and collecting the information required by these

regulations prior to that Consumer being able to receive deliveries of Marijuana or Marijuana Products to the Consumer's Residence. A Marijuana Retailer shall not acquire or record personal information about Consumers other than information typically required in a retail transaction.

Premises means any indoor or outdoor location over which a Marijuana Establishment or its agents may lawfully exert substantial supervision or control over entry or access to the property or the conduct of persons.

Priority Applicant means an MTC Priority Applicant (formerly a Registered Marijuana Dispensary or RMD Priority Applicant) or an Economic Empowerment Priority Applicant.

Process or Processing means to harvest, dry, cure, trim and separate parts of the Cannabis or Marijuana plant by manual or mechanical means, except it shall not include Manufacture as defined in 935 CMR 500.002: *Definitions*.

Production Area means a Limited Access Area within the Marijuana Establishment where Cannabis or Marijuana is handled or produced in preparation for sale.

Production Batch means a batch of finished plant material, Cannabis resin, Cannabis concentrate, or Marijuana-infused Pproduct 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 cCultivation bBatches.

Propagation means the reproduction of Cannabis or Marijuana plants by seeds, cuttings, or grafting.

Provisional Marijuana Establishment License means a license issued by the Commission confirming that a Marijuana Establishment has completed the application process and satisfied the qualifications for initial licensure

Qualifying Patient means a Massachusetts resident 18 years of age or older who has been diagnosed by a Certifying Healthcare Provider as having a debilitating medical condition, or a Massachusetts resident younger than 18 years old who has been diagnosed by two Massachusetts licensed Certifying Physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 935 CMR 501.010(10).

Quarantine Order means an order to quarantine or otherwise restrict the sales or use of Marijuana or Marijuana Products by a Marijuana Establishment Licensee or Registrant to protect the public health, safety, or welfare.

Registered Qualifying Patient means a Qualifying Patient who was formerly and validly issued a registration card by the DPH or is currently and validly issued a temporary or an annual registration card by the Commission.

Registrant means the holder of a Registration Card formerly and validly registered with the DPH or currently and validly with the Commission. It also means an RMD holder of Certificate of Registration formally and validly registered with the DPH or the Commission. After the effective date of the promulgation of these regulations, new and renewal MTC licenses, as applicable, may be issued.

Registration Card means an identification card issued by the Commission to a Marijuana Establishment or Laboratory agent. The registration card allows access into Commission-supported databases. The registration card facilitates verification of an individual Registrant's status, including, but not limited to the identification by the

935 CMR: CANNABIS CONTROL COMMISSION

Commission and law enforcement authorities of those individuals who are exempt from Massachusetts criminal and civil penalties under St. 2016, c. 334 as amended by St. 2017, c. 55, and 935 CMR 500.000: *Adult Use of Marijuana*.

Removal of Product means an order issued against a Marijuana Establishment to remove and prohibit sales of categories of products, product types, specific product types or specific brands of products after notice and on a determination that the Marijuana Product poses a substantial risk to the public health, safety or welfare, including, but not limited to, [where](#) the product is especially appealing to persons younger than 21 years of age.

Research Facility means an entity licensed to engage in research projects by the Commission.

Residence means a house, condominium or apartment, and excludes, unless otherwise authorized by law, dormitories or other on-campus college or university housing; bed-and-breakfast establishments, hotels, motels or other commercial hospitality operations; and ~~federally and state subsidized housing, shelters or residential programs; and federal public housing identified at <https://resources.hud.gov/>.~~

Residual Solvent means a volatile organic chemical used in the Manufacture of a Cannabis or Marijuana Product ~~and~~ that is not completely removed by practical manufacturing techniques.

Responsible Vendor means a Marijuana Establishment that the Commission has determined to have completed the initial training requirements and has maintained its training requirement under 935 CMR 500.105(2).

Responsible Vendor Training Program means a program operated by an education provider accredited by the Commission to provide an annual minimum of three hours of required training to Marijuana ~~e~~Establishment agents. ~~The~~ program shall be mandatory and the topics covered shall include, but ~~are~~ not be limited to: an understanding of different products and methods of consumption including edibles; potency; effects; secondhand absorption time; procedures to ensure that Consumers are not overserved; ~~and~~ procedures for mitigating the risk of an impaired Consumer and ensuring the safety of patrons and the general public in the event of impairment.

Seed-to-sale Electronic Tracking System means a system designated by the Commission as the system of record (Seed-to-sale SOR) or a secondary electronic tracking system used by a Marijuana Establishment or MTC or an 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 or MTC or Independent Testing Laboratory must integrate with the SOR in a form and manner determined by the Commission.~~

Seed-to-sale System of Record (Seed-to-sale SOR) means the electronic tracking system designated and required by the Commission to perform a process.

Shelf-stable means able to be safely stored at room temperature in a sealed container. ~~Shelf-stable does not include "Time/Temperature Controlled for Safety Food" as it is defined in the 2013 Retail Food Code as adopted under 105 CMR 590.001(A).~~

Social Consumption Pilot Program means a limited number of Marijuana Social Consumption Establishments, specifically Brick-and-Mortar Consumption Establishments, in certified municipalities.



935 CMR: CANNABIS CONTROL COMMISSION

Social Equity Program Participant means an individual who qualified to participate in the Social Equity Program and is designated as a program participant by the Commission.

Summary suspension means the suspension of any license or registration issued under 935 CMR 500.000: *Adult Use of Marijuana*, and the cessation of all operations in order to protect the public health, safety and welfare.

Third-Party Technology Platform Provider means an individual or entity that provides or hosts an internet-based application or group of applications developed for the facilitation of ordering and delivering Cannabis through a Delivery-Only Retailer to a Consumer.

Tincture means a Cannabis-infused alcohol or oils concentrate administered orally in small amounts using a dropper or measuring spoon. Tinctures are not considered an edible product under 935 CMR 500.000: *Adult Use of Marijuana* and are not subject to the dosing limitations applicable to edible Marijuana Products.

Transfer means the sale of Marijuana or Marijuana Products from a Marijuana Establishment to a separate Marijuana Establishment, Independent Testing Laboratory or MTC (but not to Consumers) subject to entry of the transaction in the Commission's Seed-to-sale SOR.

United States (US) means the United States of America.

Unreasonably Impracticable means that the measures necessary to comply with the regulations, ordinances or bylaws adopted pursuant to St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94G, or 935 CMR 500.000: *Adult Use of Marijuana* subject Licensees to unreasonable risk or require such a high investment of risk, money, time or any other resource or asset that a reasonably prudent businessperson would not operate a Marijuana Establishment.

Usable Marijuana means the fresh or dried leaves and flowers of the female Marijuana plant and any mixture or preparation thereof, including Marijuana or Marijuana Products, 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.

~~Verified Financial Hardship means that an individual is a recipient of MassHealth, or Supplemental Security Income, or the individual's income does not exceed 300% of the federal poverty level, adjusted for family size.~~

Veteran means a person who served in the active military, naval or air service of the United States and who was discharged or released under conditions other than dishonorable.

Visitor means an individual, other than a Marijuana Establishment ~~Agent-agent~~ authorized by the Marijuana Establishment, on the Premises of an ~~E~~establishment for a purpose related to its operations and consistent with the objectives of St. 2016, c. 334, as amended by St. 2017, c. 55 and 935 CMR 500.000: *Adult Use of Marijuana*, provided, however, that no such individual shall be younger than 21 years old.

Visitor Identification Badge means a badge issued by an MTC, Marijuana Establishment or the Commission to be used at all times while on the Premises of a Marijuana Establishment or MTC or Independent Testing Laboratory. These identification badges must be issued in a form and manner determined by the Commission.

Written Certification means a form submitted to ~~DPH~~the Department or ~~the~~ Commission

935 CMR: CANNABIS CONTROL COMMISSION

by a Massachusetts licensed Certifying Healthcare Provider describing the Qualifying Patient’s pertinent symptoms, specifying the patient’s debilitating medical condition, and stating that in the physician’s professional opinion the potential benefits of the medical use of Marijuana would likely outweigh the health risks for the patient.

500.005: Fees

(1) Marijuana Establishment Application and License Fees.

- (a) Each applicant for licensure as a Marijuana Establishment shall pay to the Commission a nonrefundable application fee, annual license fee, and a monthly seed-to-sale licensing fee. These fees do not include the costs associated with the seed-to-sale licensing system, which includes a monthly program fee and fees for plant and package tags. These fees do not include the costs associated with criminal background checks as required under 935 CMR 500.101(1)(b) or 935 CMR 500.030, *Registration of Marijuana Establishment Agents*.
- (b) Waiver of fees.
  - 1. Application fees are waived for Social Equity Program Participants and Economic Empowerment Priority Applicants. This does not include the costs associated with background checks.
  - 2. For Annual License Fees, Social Equity Program Participants and Economic Empowerment Priority Applicants receive a 50% reduction in the fee associated with an application.
  - 3. Seed-to-sale SOR monthly program fees are waived for Economic Empowerment Priority Applicants, Social Equity Program Participants, Craft Marijuana Cooperatives, and Microbusinesses. This waiver does not include other costs associated with the seed-to-sale licensing system, specifically the fees for plant and package tags.
  - 4. All other applicants are responsible for the payment of fees in accordance with 935 CMR 500.005(a) and may not waive their obligation pursuant to 935 CMR 500.850, *Waivers*.
- (c) Each applicant shall choose the tier at which it will be initially licensed.
- (d) Application and annual license fee schedule:

License Types	Application Fees (Indoor/Outdoor)	Annual License Fee (Indoor/Outdoor)
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935 CMR: CANNABIS CONTROL COMMISSION

Marijuana Cultivator (Indoor or Outdoor)		
Tier 1: up to 5,000 square feet	\$200 (I)/\$100 (O)	\$1,250 (I)/\$625 (O)
Tier 2: 5,001 to 10,000 sq. ft.	\$400 (I)/\$200 (O)	\$2,500 (I)/\$1,250 (O)
Tier 3: 10,001 to 20,000 sq. ft.	\$600 (I)/\$300 (O)	\$5,000 (I)/\$2,500 (O)
Tier 4: 20,001 to 30,000 sq. ft.	\$2000 (I)/\$1500 (O)	\$20,000 (I)/\$10,000 (O)
Tier 5: 30,001 to 40,000 sq. ft.	\$2000 (I)/\$1500 (O)	\$22,500 (I)/\$11,250 (O)
Tier 6: 40,001 to 50,000 sq. ft.	\$2000 (I)/\$1500 (O)	\$25,000 (I)/\$17,500 (O)
Tier 7: 50,001 to 60,000 sq. ft.	\$2000 (I)/\$1500 (O)	\$30,000 (I)/\$15,000 (O)
Tier 8: 60,001 to 70,000 sq. ft.	\$2000 (I)/\$1500 (O)	\$35,000 (I)/\$17,500 (O)
Tier 9: 70,001 to 80,000 sq. ft.	\$2000 (I)/\$1500 (O)	\$40,000 (I)/\$20,000 (O)
Tier 10: 80,001 to 90,000 sq. ft.	\$2000 (I)/\$1500 (O)	\$45,000 (I)/\$22,500 (O)
Tier 11: 90,001 to 100,000 sq. ft.	\$2000 (I)/\$1500 (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	<del>\$15,000</del> 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
Brick-and-Mortar 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 Retailer	\$1500	\$10,000
Marijuana Research Facility	\$300	\$1,000

(e) Other fees (cost per license):

Change in Name Fee	\$1000
Change in Location Fee	50% of the applicable license fee
Change in Building Structure Fee	\$1000
Change in Ownership or Control Fee (involving at least one entity gaining ownership/control)	\$5000 per entity, per license
Change in Ownership or Control Fee (involving individuals, e.g., change of Board Member)	\$500 per person
Architectural Review Request Fee	\$1500

(2) Registration Card Holder Fees.

- (a) An applicant for a registration card as a Marijuana Establishment agent, a Laboratory agent, or any other position designated as an agent by the Commission shall pay a nonrefundable application fee of \$100 with any such application.
- (b) An applicant for a renewal of a registration card as a Marijuana Establishment agent, a Laboratory agent, or any other position designated as an agent by the Commission shall pay a fee of \$100.

(3) Fingerprint-based Criminal Background Checks Fees.

935 CMR: CANNABIS CONTROL COMMISSION

- (a) All persons required to submit fingerprints shall pay a fee to be established by the Massachusetts Secretary of Administration and Finance, in consultation with 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.
- (b) The Commission may pay the fee on behalf of applicants or reimburse applicants for all or part of the fee on the grounds of financial hardship.
- (c) Any fees collected from fingerprinting activity under 935 CMR 500.000: *Adult Use of Marijuana* shall be deposited into the Fingerprint-based Background Check Trust Fund, established in M.G.L. c. 29, § 2HHH.

500.029: Registration and Conduct of Laboratory Agents

- (1) The Commission shall issue a Laboratory agent registration card to each applicant associated as an employee or volunteer with an Independent Testing Laboratory licensed pursuant to 935 CMR 500.050(7) or 935 CMR 501.029: *Registration of Independent Testing Laboratory Agents*, who is determined to be suitable for registration. All such individuals shall:
  - (a) be 21 years of age or older;
  - (b) have not been convicted of any felony drug offense in the Commonwealth or a like violation of the laws of an Other Jurisdiction;
  - (c) have not been convicted of any offense involving the distribution of controlled substances to a minor or a like violation of the laws of an Other Jurisdiction; and
  - (d) be determined to be suitable for registration consistent the provisions of 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration* and 500.801: *Suitability Standard for Licensure* or 500.803: *Suitability Standard for Registration as a Laboratory Agent*.
- (2) An application for registration of a Laboratory agent, submitted to the Commission by an Independent Testing Laboratory, shall include:
  - (a) the full name, date of birth, and address of the individual;
  - (b) all aliases used previously or currently in use by the individual, including maiden name, if any;
  - (c) a copy of the applicant's driver's license, government-issued identification card, liquor purchase identification card issued pursuant to M.G.L. c. 138, § 34B, or other verifiable identity document acceptable to the Commission;
  - (d) an attestation signed by the applicant that the applicant will not engage in the diversion of Marijuana Products;
  - (e) written acknowledgment signed by the applicant of any limitations on his or her authorization to possess, test or transport Marijuana Products in the Commonwealth;
  - (f) authorization to obtain a full set of fingerprints, in accordance with M.G.L. c. 94G, § 21, submitted in a form and manner as determined by the Commission; and
  - (g) background information, including, as applicable:

935 CMR: CANNABIS CONTROL COMMISSION

1. a description and the relevant dates of any criminal action under the laws of the Commonwealth, or an Other Jurisdiction, whether for a felony or misdemeanor and which resulted in conviction, or guilty plea, or plea of *nolo contendere*, or admission of sufficient facts;
  2. a description and the relevant dates of any civil or administrative action under the laws of the Commonwealth or an Other Jurisdiction, relating to any professional or occupational or fraudulent practices;
  3. a description and relevant dates of any past or pending denial, suspension, or revocation of a license or registration, or the denial of a renewal of a license or registration, for any type of business or profession, by Other Jurisdictions;
  4. a description and relevant dates of any past discipline by, or a pending disciplinary action or unresolved complaint by, the Commonwealth, or a like action or complaint by an Other Jurisdiction, with regard to any professional license or registration held by the applicant;
  5. a nonrefundable application fee paid by the Marijuana Establishment with which the Marijuana establishment agent will be associated; and
  6. any other information required by the Commission.
- (3) An Independent Testing Laboratory Person Having Direct Control registered with the Massachusetts DCJIS pursuant to 803 CMR 2.04: *iCORI Registration* shall submit to the Commission a CORI report and any other background check information required by the Commission for each individual for whom the Independent Testing Laboratory seeks a Laboratory agent registration, obtained within 30 days prior to submission.
- (4) The Commission shall conduct fingerprint-based checks of state and national criminal history databases, as authorized by Public Law 92-544, to determine the suitability of Laboratory agents. The Independent Testing Laboratory shall pay a non-refundable fee to the Commission for the purpose of administering the fingerprint-based background check.
- (5) An Independent Testing Laboratory shall notify the Commission no more than one business day after a Laboratory agent ceases to be associated with the Independent Testing Laboratory. The Laboratory agent's registration shall be immediately void when the agent is no longer associated with the Independent Testing Laboratory.
- (6) A registration card shall be valid for one year from the date of issue, and may be renewed on an annual basis on a determination by the Commission that the applicant for renewal continues to be suitable for registration based on satisfaction of the requirements included in 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration* and 500.801: *Suitability Standard for Licensure* or 500.803: *Suitability Standard for Registration as a Laboratory Agent*.
- (7) After obtaining a registration card for a Laboratory agent, an Independent Testing Laboratory is responsible for notifying the Commission, in a form and manner determined by the Commission, as soon as possible, but in any event, within five business days of any changes to the information that the Independent Testing Laboratory was previously required to submit to the Commission or after discovery that a registration card has been lost or stolen.
- (8) A Laboratory agent shall always carry the registration card associated with the appropriate Independent Testing Laboratory while in possession of Marijuana Products, including at all times while at an Independent Testing Laboratory, or while transporting Marijuana Products.

- (9) A Laboratory agent affiliated with multiple Independent Testing Laboratories shall be registered as a Laboratory agent by each Independent Testing Laboratory and shall be issued a registration card for each lab.
- (10) Laboratory agents are strictly prohibited from receiving direct or indirect financial compensation from any Marijuana Establishment for which the Laboratory agent is conducting testing, other than reasonable contract fees paid for conducting the testing in the due course of work.
- (11) Laboratory agents shall not be employed by other types of Marijuana Establishments while employed as a Laboratory agent at one or more Independent Testing Laboratories.

500.030: Registration of Marijuana Establishment Agents

- (1) A Marijuana Establishment shall apply for registration for all its board members, directors, employees, ~~e~~Executives, managers, and volunteers who are associated with that Marijuana Establishment. The Commission shall issue an agent registration card to each individual determined to be suitable for registration. All such individuals shall:
  - (a) be 21 years of age or older;
  - (b) have not been convicted of an offense in the Commonwealth involving the distribution of controlled substances to minors, or a like violation of the laws of Other Jurisdictions; and
  - (c) be determined suitable for registration consistent with the provisions of 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration* and 500.801: *Suitability Standard for Licensure* or 500.802: *Suitability Standard for Registration as a Marijuana Establishment Agent*.
- (2) An application for registration of a Marijuana Establishment agent shall include:
  - (a) the full name, date of birth, and address of the individual;
  - (b) all aliases used previously or currently in use by the individual, including maiden name, if any;
  - (c) a copy of the applicant's driver's license, government-issued identification card, liquor purchase identification card issued pursuant to M.G.L. c. 138, § 34B, or other verifiable identity document acceptable to the Commission;
  - (d) an attestation that the individual will not engage in the diversion of Marijuana Products;
  - (e) written acknowledgment by the applicant of any limitations on his or her authorization to cultivate, harvest, prepare, package, possess, transport, and dispense Marijuana in the Commonwealth;
  - (f) background information, including, as applicable:
    - 1. a description and the relevant dates of any criminal action under the laws of the Commonwealth, or an Other Jurisdiction, whether for a felony or misdemeanor and which resulted in conviction, or guilty plea, or plea of *nolo contendere*, or admission of sufficient facts;
    - 2. a description and the relevant dates of any civil or administrative action under the laws of the Commonwealth, or an Other Jurisdiction, relating to

935 CMR: CANNABIS CONTROL COMMISSION

any professional or occupational or fraudulent practices;

3. a description and relevant dates of any past or pending denial, suspension, or revocation of a license or registration, or the denial of a renewal of a license or registration, for any type of business or profession, by any federal, state, or local government, or any foreign jurisdiction;
4. a description and relevant dates of any past discipline by, or a pending disciplinary action or unresolved complaint by, the Commonwealth, or an Other Jurisdiction, with regard to any professional license or registration held by the applicant; and

(g) a nonrefundable application fee paid by the Marijuana Establishment with which the Marijuana Establishment agent will be associated; and

(h) any other information required by the Commission.

(3) A Marijuana Establishment Executive registered with the DCJIS pursuant to 803 CMR 2.04: *iCORI Registration*, shall submit to the Commission a CORI report and any other background check information required by the Commission for each individual for whom the Marijuana Establishment seeks a Marijuana Establishment agent registration, obtained within 30 days prior to submission.

(a) The CORI report obtained by the Marijuana Establishment shall provide information authorized under Required Access Level 2 pursuant to 803 CMR 2.05(3)(a)2.

(b) The Marijuana Establishment's collection, storage, dissemination and usage of any CORI report or background check information obtained for Marijuana Establishment agent registrations shall comply with 803 CMR 2.00, *et seq.* and all other applicable state and local laws and regulations.

(4) A Marijuana Establishment shall notify the Commission no more than one business day after a Marijuana Establishment agent ceases to be associated with the establishment. The registration shall be immediately void when the agent is no longer associated with the establishment.

(5) An agent registration card shall be valid for one year from the date of issue and may be renewed on an annual basis on a determination by the Commission that the applicant for renewal continues to be suitable for registration.

(6) After obtaining an agent registration card for a Marijuana Establishment agent, a Marijuana Establishment is responsible for notifying the Commission, in a form and manner determined by the Commission, as soon as possible, but in any event, within five business days of any changes to the information that the establishment was previously required to submit to the Commission or after discovery that a registration card has been lost or stolen.

(7) A Marijuana Establishment agent shall always carry the agent registration card associated with the appropriate Marijuana Establishment while in possession of Marijuana Products, including at all times while at the establishment or while transporting Marijuana Products.

(8) A Marijuana Establishment agent affiliated with multiple Marijuana Establishments shall be registered as a Marijuana Establishment agent by each Marijuana Establishment and shall be issued an agent registration card for each establishment.

500.031: Denial of a Marijuana Establishment Agent Registration Card

935 CMR: CANNABIS CONTROL COMMISSION

Each of the following, in and of itself, constitutes full and adequate grounds for denial of an agent registration card for a Marijuana Establishment agent, including Laboratory agents:

- (1) Failure to provide the information required in 935 CMR 500.029: *Registration and Conduct of Laboratory Agents* or 500.030: *Registration of Marijuana Establishment Agents* for an agent registration card;
- (2) Provision of information on the application that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity;
- (3) Failure to meet the requirements set forth in 935 CMR 500.029: *Registration and Conduct of Laboratory Agents* or 500.030: *Registration of Marijuana Establishment Agents* for an agent registration card;
- (4) Revocation or suspension of an agent registration card in the previous six months;
- (5) Failure by the Marijuana Establishment to pay all applicable fees; or
- (6) Other grounds, as the Commission may determine in the exercise of its discretion, that are directly related to the applicant's ability to serve as a Marijuana Establishment agent, or that make the applicant unsuitable for registration; however, the Commission will provide notice to the applicant of the grounds prior to the denial of the agent registration card and a reasonable opportunity to correct these grounds.
  - (a) The Commission may delegate Registrants' suitability determinations to the Executive Director, who may appoint a Suitability Review Committee, in accordance with 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration*. Suitability determinations shall be based on credible and reliable information.
  - (b) The Executive Director may institute a suitability review based on a recommendation from Enforcement staff that background check information would result in or could support an adverse suitability determination. All suitability determinations will be made in accordance with the procedures set forth in 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration*.

500.032: Revocation of a Marijuana Establishment Agent Registration Card

- (1) Each of the following, in and of itself, constitutes full and adequate grounds for revocation of an agent registration card issued to a Marijuana Establishment agent, including Laboratory agents:
  - (a) Submission information in the application or renewal application that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity;
  - (b) Violation of the requirements of the state Marijuana laws, including 935 CMR 500.000: *Adult Use of Marijuana*;
  - (c) Fraudulent use of a Marijuana Establishment agent registration card, including, but not limited to, tampering, falsifying, altering, modifying, duplicating, or allowing another person to use, tamper, falsify, alter, modify, or duplicate an agent registration card;
  - (d) Selling, transferring, distributing, or giving Marijuana to any unauthorized person;



935 CMR: CANNABIS CONTROL COMMISSION

- (e) Failure to notify the Commission within five business days after becoming aware that the agent registration card has been lost, stolen, or destroyed;
  - (f) Failure to notify the Commission within five business days after a change in the registration information contained in the application or required by the Commission to have been submitted in connection with the application an agent registration card, including open investigations or pending actions as delineated in 935 CMR 500.802: *Suitability Standard for Registration as a Marijuana Establishment Agent*, as applicable, that may otherwise affect the status of the suitability for registration of the Marijuana establishment agent;
  - (g) Conviction, guilty plea, plea of *nolo contendere*, or admission to sufficient facts of a felony drug offense involving distribution to a minor in the Commonwealth, or a like violation of the laws of an Other Jurisdiction; or
  - (h) Conviction, guilty plea, plea of *nolo contendere* or admission to sufficient facts in the Commonwealth, or a like violation of the laws of another state, to an offense as delineated in 935 CMR 500.802: *Suitability Standard for Registration as a Marijuana Establishment Agent* or 500.803: *Suitability Standard for Registration as a Laboratory Agent*, as applicable, that may otherwise affect the status of the suitability for registration of the Marijuana Establishment agent.
- (2) Other grounds as the Commission may determine in the exercise of its discretion, that are directly related to the applicant's ability to serve as a Marijuana Establishment agent, that make the Registrant unsuitable for registration. The Commission will provide notice to the Registrant of the grounds prior to the revocation of an agent registration card and a reasonable opportunity to correct these grounds.
- (a) The Commission may delegate Registrants' suitability determinations to the Executive Director, who may appoint a Suitability Review Committee, in accordance with 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration*. Suitability determinations shall be based on credible and reliable information.
  - (b) The Executive Director may institute a suitability review based on a recommendation from Enforcement staff that background check information would result in or could support an adverse suitability determination. All suitability determinations will be made in accordance with the procedures set forth in 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration*.

500.033: Void Registration Cards

- (1) An agent registration card issued to a Marijuana Establishment agent, including a Laboratory agent, shall be void when:
- (a) the agent has ceased to be associated with the Marijuana Establishment or Independent Testing Laboratory that applied for and received the agent's registration card;
  - (b) the card has not been surrendered on the issuance of a new agent registration card based on new information; or
  - (c) the agent is deceased.
- (2) A void agent registration card is inactive and invalid.

500.040: Leadership Rating Program for Marijuana Establishments and Marijuana-related Businesses

(1) Leadership Rating Categories. In a time and manner to be determined by the Commission, Licensees will be eligible to earn leadership ratings in the following categories:

- (a) Social Justice Leader
- (b) Local Employment Leader
- (c) Energy and Environmental Leader
- (d) Compliance Leader

(2) Leadership Rating Application

- (a) Marijuana Establishments annually submit information, in a time and manner determined by the Commission, demonstrating their eligibility for the applicable leadership rating.
- (b) All information submitted is subject to verification and audit by the Commission prior to the award of a leadership rating.
- (c) Award of a leadership rating in one year does not entitle the applicant to a leadership rating for any other year.

(3) Leadership Rating Criteria

(a) Social Justice Leader. In the year preceding the date of application for a leadership rating:

- 1. One percent of the Marijuana Establishment's gross revenue is donated to the Social Equity Training and Technical Assistance Fund; and
- 2. The Licensee has conducted 50 hours of educational seminars targeted to residents of Areas of Disproportionate Impact in one or more of the following: Marijuana cultivation, Marijuana Product manufacturing, Marijuana retailing, or Marijuana business training.

A Social Justice Leader may use a logo or symbol created by the Commission to indicate its leadership status.

(b) Local Employment Leader. In the year preceding the date of application for a leadership rating:

- 1. 51% or more of the Licensee's employees have been a Massachusetts resident for 12 months or more, as determined by the Commission; and
- 2. 51% or more of the Licensee's executives have been a Massachusetts resident for 12 months or more, as determined by the Commission.

(c) Energy and Environmental Leader. In the year preceding the date of application for a leadership rating:

- 1. The Licensee has met or exceeded its energy and environmental impact goals for its registration period;
- 2. The Licensee has consistently documented and complied with best management practices for energy use, waste disposal and environmental impact;

935 CMR: CANNABIS CONTROL COMMISSION

3. The Licensee has documented that renewable energy credits representing 100% of the Licensee's energy usage have been retired; and
4. The Licensee has labeled all their products as being produced using 100% renewable energy.

(d) Compliance Leader. In the year preceding the date of application for a leadership rating:

1. All Licensee employees have completed all required trainings for their positions within 90 days of hire;
2. The Licensee has not been issued a written deficiency statement;
3. The Licensee has not been the subject of a Cease and Desist Order or a Quarantine Order;
4. The Licensee has not had its license suspended; and
5. The Licensee has met all timelines required by the Commission.

~~(4)~~ Leadership ratings will be taken into consideration by the Commission in assessing fines pursuant to 935 CMR 500.360: *Fines* and disciplinary action pursuant to 935 CMR 500.450: *Marijuana Establishment License: Grounds for Denial of Renewal Applications, Suspension and Revocation*.

~~(5)~~

500.050: Marijuana Establishments

(1) General Requirements.

(a) A Marijuana Establishment is required to be registered to do business in the Commonwealth as a domestic business corporation or another domestic business entity in compliance with 935 CMR 500.000: *Adult Use of Marijuana* and to maintain the corporation or entity in good standing with the Secretary of the Commonwealth, DOR, and DUA.

(b) Control Limitations

~~1.~~ -No Person or Entity Having Direct or Indirect Control shall be granted, or Licensee hold, more than three licenses in a particular class, except as otherwise specified in 935 CMR 500.000: *Adult Use of Marijuana*.

~~2.~~ An Independent Testing Laboratory or Standards Laboratory Licensee, or any associated Person or Entity Having Direct or Indirect Control, may not have a license in any other class.

~~a.~~ To the extent that persons or entities seek to operate a testing facility in the Counties of Dukes County and Nantucket, 935 CMR 500.200: *Counties of Dukes County and Nantucket* applies.

3. The Commission shall receive notice of any such interests as part of the application pursuant to 935 CMR 500.101: *Application Requirements*.

4. Any Person or Entity Having Direct or Indirect Control, or Licensee, shall be limited to a total of 100,000 square feet of Canopy distributed across no more than three cultivation licenses under 935 CMR 500.000: *Adult Use of Marijuana* and three MTC licenses. ~~A~~ Craft Marijuana Cooperative

935 CMR: CANNABIS CONTROL COMMISSION

Licensee shall be limited to one license and a total of 100,000 square feet of Canopy.

(c) License Classes are as follows:

1. Marijuana Cultivator (Indoor or Outdoor):
  - a. Tier 1: up to 5,000 square feet of Canopy;
  - b. Tier 2: 5,001 to 10,000 square feet of Canopy;
  - c. Tier 3: 10,001 to 20,000 square feet of Canopy;
  - d. Tier 4: 20,001 to 30,000 square feet of Canopy;
  - e. Tier 5: 30,001 to 40,000 square feet of Canopy;
  - f. Tier 6: 40,001 to 50,000 square feet of Canopy;
  - g. Tier 7: 50,001 to 60,000 square feet of Canopy;
  - h. Tier 8: 60,001 to 70,000 square feet of Canopy;
  - i. Tier 9: 70,001 to 80,000 square feet of Canopy;
  - j. Tier 10: 80,001 to 90,000 square feet of Canopy; or
  - k. Tier 11: 90,001 to 100,000 square feet of Canopy.
2. Craft Marijuana Cooperative;
3. Marijuana Product Manufacturer;
4. Marijuana Microbusiness;
5. Independent Testing Laboratory and Standards Laboratory;
6. Marijuana Retailer;
7. Marijuana Social Consumption Establishment:
  - a. Brick-and-Mortar Social Consumption Establishment;
8. Marijuana Transporter:
  - a. Existing Licensing Transporter;
  - b. Third Party Transporter;
9. Delivery-Only Retailer;
10. Marijuana Research Facility.

(d) A Marijuana Establishment shall operate all activities authorized by the License only at the address(es) reported to the Commission for that license.

(e) All Marijuana Establishment agents of the Marijuana Establishment must be registered with the Commission pursuant to 935 CMR 500.030: *Registration of Marijuana Establishment Agents*.

(2) Marijuana Cultivator (Indoor or Outdoor).

- (a) A Marijuana Cultivator may cultivate, Process and package Marijuana, to transport Marijuana to Marijuana Establishments and to Transfer Marijuana to other Marijuana Establishments, but not to Consumers.
- (b) Marijuana Cultivators shall select a cultivation tier. Cultivation tiers are based on the square footage of Canopy:
  1. Tier 1: up to 5,000;
  2. Tier 2: 5,001 to 10,000;
  3. Tier 3: 10,001 to 20,000;
  4. Tier 4: 20,001 to 30,000;
  5. Tier 5: 30,001 to 40,000;
  6. Tier 6: 40,001 to 50,000;
  7. Tier 7: 50,001 to 60,000;
  8. Tier 8: 60,001 to 70,000;
  9. Tier 9: 70,001 to 80,000;
  10. Tier 10: 80,001 to 90,000; or
  11. Tier 11: 90,001 to 100,000.

- (c) Tier Expansion. A Marijuana Cultivator may submit an application, in a time and manner determined by the Commission, to change the tier in which it is classified. A Marijuana Cultivator may change tiers to either expand or reduce production. If a Marijuana Cultivator is applying to expand production, it must demonstrate that, while cultivating at the top of its production tier, it has sold 85% of its product consistently over the six months preceding the application for expanded production for an indoor cultivator, or during the harvest season prior to the application for expanded production for an outdoor cultivator.
- (d) Tier Relegation. In connection with the license renewal process for Marijuana Cultivators, the Commission will review the records of the Marijuana Cultivator during the six months prior to the application for renewal for an indoor cultivator or during the harvest season prior to the application for renewal for an outdoor cultivator. The Commission may reduce the Licensee's maximum Canopy to a lower tier if the Licensee sold less than 70% of what it produced during the six months prior to the application for renewal for an indoor cultivator or during the harvest season prior to the application for renewal for an outdoor cultivator.
- (e) Tier Factors. When determining whether to allow expansion or relegate a Licensee to a different tier, the Commission may consider factors including but not limited to:
  - 1. Cultivation and production history including whether the plants/inventory suffered a catastrophic event during the licensing period;
  - 2. Transfer, sales, and excise tax payment history;
  - 3. Existing inventory and inventory history;
  - 4. Sales contracts; and
  - 5. Any other factors relevant to ensuring responsible cultivation, production, and inventory management.

(3) Craft Marijuana Cooperative.

- (a) A Craft Marijuana Cooperative may be organized as a limited liability company, limited liability partnership, or a cooperative corporation under the laws of the Commonwealth.
- (b) 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.
- (c) One Member of the Craft Marijuana Cooperative shall have filed a Schedule F tax income form within the five years prior to application for licensure.
- (d) The Craft Marijuana Cooperative must operate consistently with the Seven Cooperative Principles established by the International Cooperative Alliance in 1995.
- (e) The cooperative license authorizes it to cultivate, obtain, Manufacture, Process, package, brand and Transfer Marijuana Products to deliver Marijuana to Marijuana Establishments, but not to Consumers.
- (f) The Craft Marijuana Cooperative is limited to one license, under which it may cultivate Marijuana, subject to the limitations of 935 CMR 500.050: *Marijuana Establishments*. The cooperative's total locations are limited to cultivating 100,000 square feet of Canopy. A cooperative is not limited in the number of cultivation locations it may operate, provided that for each location over six locations, additional application and licensing fees shall apply pursuant to 935 CMR 500.050(3)(d). The cooperative may also conduct activities authorized for

Marijuana Product Manufacturers at up to three locations.

- (g) For the Seed-to-sale SOR, a cooperative that designates a system administrator will pay one licensing program fee on a monthly basis for seed-to-sale tracking software.
- (h) Members of a cooperative shall not be a Person or Entity Having Direct or Indirect Control in any other Marijuana Establishment. Such restriction shall not be construed to prohibit a Craft Marijuana Cooperative for applying for a Marijuana Retailer, Marijuana Existing Licensee Transporter, Marijuana Research or Marijuana Social Consumption Establishment License.
- (i) Tier Expansion. A Craft Marijuana Cooperative may submit an application, in a time and manner determined by the Commission, to change the tier in which it is classified. A cooperative may change tiers to either expand or reduce production. If a cooperative is applying to expand production, it must demonstrate that while cultivating at the top of its production tier, it has sold 85% of its product consistently during the six months preceding the application for expanded production for an indoor cultivator, or during the harvest season prior to the application for expanded production for an outdoor cultivator.
- (j) Tier Relegation. In connection with the license renewal process for Craft Marijuana Cooperatives, the Commission will review the records of the cooperative during the six months prior to the application for renewal for an indoor cultivator or during the harvest season prior to the application for renewal for an outdoor cultivator. The Commission may reduce the Licensee's maximum Canopy to a lower tier if the Licensee sold less than 70% of what it produced during the six months prior to the application for renewal for an indoor cultivator or during the harvest season prior to the application for renewal for an outdoor cultivator.
- (k) Tier Factors. When determining whether to allow expansion or relegate a Licensee to a different tier, the Commission may consider factors including but not limited to:
  - 1. cultivation and production history including whether the plants/inventory suffered a catastrophic event during the licensing period;
  - 2. transfer, sales, and excise tax payment history;
  - 3. existing inventory and inventory history;
  - 4. sales contracts; and
  - 5. any other factors relevant to ensuring responsible cultivation, production, and inventory management.
- (4) Marijuana Product Manufacturer. A Marijuana Product manufacturer may obtain, Manufacture, Process and package Marijuana Products, to transport Marijuana Products to Marijuana Establishments and to Transfer Marijuana Products to other Marijuana Establishments, but not to Consumers.
- (5) Marijuana Microbusiness.
  - (a) A Microbusiness is a ~~C~~olocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator 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 established regulatory requirements for retail sale. A

935 CMR: CANNABIS CONTROL COMMISSION

Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of Marijuana or its dry-weight equivalent in raw concentrate per year from other Marijuana Establishments, but not any other Marijuana Products.

- (b) A Microbusiness shall comply with all operational requirements imposed by 935 CMR 500.105: *General Operational Requirements for Marijuana Establishments* through 935 CMR 500.140: *Additional Operational Requirements for Retail Sale on Marijuana Cultivators and [Product](#) Manufacturers, [and Retailers](#),* to the extent the Licensee engages in such activities.
- (c) A Microbusiness Licensee shall not be a Person or Entity Having Direct or Indirect Control for any other Marijuana Establishment except a Delivery-Only Retailer or Marijuana 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.
- (d) Application fees and license fees for Microbusinesses shall be set at 50% of the combined sum of the application fees and license fees for all the cultivation or manufacturing activities in which the Licensee engages.

~~(d)~~(e) Delivery endorsements shall be subject to the exclusivity provisions for Delivery Licensees established in Section 500.050(10)(b).

(6) Marijuana Social Consumption Establishment Pilot Program.

- (a) Under the Social Consumption Establishment Pilot Program, Brick-and-Mortar Social Consumption Establishments may apply for licensure.
- (b) Marijuana Social Consumption Establishment 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 Commission makes the license application available for submission on its website, provided, however, that the Commission may, by a vote of a majority of the voting Commissioners, decide to extend that period following a determination that the goal of the exclusivity period 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 of the law, by farmers, and by businesses of all sizes, has not been met.

Commented [DAJ(1): See options in memo.

- 1. ~~The~~ Commission shall develop criteria for evaluating whether the goals of the exclusivity period are met, which shall include but not be limited to:
  - a. Overall rates of participation in the regulated Marijuana industry by people from communities that have previously been disproportionately harmed by Marijuana prohibition and enforcement of the law, by farmers, and by businesses of all sizes;
  - b. Overall rates of participation in the regulated Marijuana industry by people of color;
  - c. Licenses granted to businesses with majority ownership comprised of Economic Empowerment Priority Applicants and Social Equity Program Participants; Microbusinesses; and Craft Marijuana Cooperatives;
  - d. Number of registered agents who are Social Equity Program Participants;

935 CMR: CANNABIS CONTROL COMMISSION

- e. Number of Social Consumption Establishments in operation and business performance relative to other Marijuana Establishments;
  - f. Financial feasibility of continued participation in the regulated Marijuana industry by people from communities that have previously been disproportionately harmed by Marijuana prohibition and enforcement of the law, by farmers, and by businesses of all sizes if exclusivity period ends; and
  - g. any other information the Commission determines relevant.
2. The Commission shall collect and report on data measuring the criteria throughout the exclusivity period. The Commission shall begin evaluating whether the goals of the exclusivity period have been met at least eight months before the end of the 24-month period to provide adequate time to consider whether an extension of the 24-month period is necessary prior to the conclusion of that time period.
  3. The licenses may be made available to any qualifying applicants after the 24-month period unless a majority of the voting Commissioners votes to extend the period of exclusivity.

Commented [DAJ(2)]: See options in memo.

- (c) No person or entity other than those disclosed in the application shall be a Person or Entity Having Direct or Indirect Control in a Marijuana Social Consumption Establishment license.

(7) Independent Testing Laboratory.

- (a) An Independent Testing Laboratory shall be:
  1. 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
  2. Certified, registered, or accredited by an organization approved by the Commission.
- (b) An Executive or Member of a Marijuana Establishment is prohibited from being a Person or Entity Having Direct or Indirect Control in an Independent Testing Laboratory providing testing services for any Marijuana Establishment, except as otherwise provided in 935 CMR 500.200: *Counties of Dukes County and Nantucket*;
- (c) No individual employee of a laboratory providing testing services for Marijuana Establishments may receive direct or indirect financial compensation from any Marijuana Establishment, except as otherwise provided in 935 CMR 500.200: *Counties of Dukes County and Nantucket*;
- (d) Standards Laboratory. A laboratory meeting the requirements of the Independent Testing Laboratory may be licensed as a Standards Laboratory to ensure consistent and compliant testing by the Independent Testing Laboratories. An Independent Testing Laboratory may not serve as a Standards Laboratory.
  1. On request by the Commission, a Standards Laboratory shall test samples of Marijuana Products in a time and manner to be determined by the Commission.
  2. Testing shall be performed in a manner determined by the Commission so as not to reveal to the laboratory the source of the Marijuana Products.



3. The Standards Laboratory shall submit the results of testing to the Commission for review.
4. The Standards Laboratory shall retain the Marijuana Products tested pursuant to 935 CMR 500.050(7)(d)(1), until directed to Transfer or dispose of them by the Commission. Any disposal shall take place in compliance with 935 CMR 500.105(12).

(8) Marijuana Retailer.

(a) General Requirements.

1. A Marijuana Retailer may purchase and transport Marijuana Products from Marijuana Establishments and to transport, sell or otherwise Transfer Marijuana Products to Marijuana Establishments and to Consumers. A retailer cannot deliver Marijuana Products to Consumers or allow on-site social consumption by Consumers on the Premises of the Marijuana Establishment.
  2. A retailer shall operate all Marijuana-related activities solely at the address identified in the license.
- (b) A Marijuana Retailer shall provide a retail location accessible to Consumers 21 years of age or older, or, if co-located with an MTC, Registered Qualifying Patients with the Medical Use of Marijuana Program in possession of a medical registration card.

(9) Marijuana Transporter.

- (a) An entity may only transport Marijuana Products when such transportation is not already authorized under a Marijuana Establishment license if it is licensed as a Marijuana Transporter:
1. Third-party Transporter. An entity formerly registered or currently licensed to do business in Massachusetts that does not hold another Marijuana Establishment license pursuant to 935 CMR 500.050: *Marijuana Establishments* and is not formerly registered or currently licensed as an MTC pursuant to 935 CMR 501.000: *Medical Use of Marijuana*. A Third-party Transporter is permitted to transport Marijuana and Marijuana Products between Marijuana Establishments and between MTCs.
  2. Existing Licensee Transporter. A Marijuana Establishment that wishes to contract with other Marijuana Establishments to transport their Marijuana Products to other Marijuana Establishments.
- (b) All Marijuana Transporter, their agents and employees, who contract with a Marijuana Establishment to transport Marijuana Products must comply with St. 2016, c. 334, as amended by St. 2017, c. 55 and 935 CMR 500.000: *Adult Use of Marijuana*.
- (c) Marijuana Transporters will be allowed to warehouse Marijuana Products in a form and manner determined by the Commission.

(10) Delivery-Only Retailer.

- (a) A Delivery-Only Retailer may deliver Marijuana or Marijuana Products directly to Consumers from a Marijuana Retailer with which the Delivery-Only Retailer has a

Delivery Agreement. A Delivery-Only Retailer shall not have a retail location accessible to the public.

(b) A Delivery-Only Retailer Licensees 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 Commission makes the license application available for submission on its website, provided, however, that the Commission may by a vote of a majority of the Commissioners voting decide to extend that period following a determination that the goal of the exclusivity period 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 of the law has not been met.

Commented [DAJ(3)]: See options in memo.

1. The Commission shall develop criteria for evaluating whether the goals of the exclusivity period are met, which shall include but not be limited to:

- a. Overall rates of participation in the regulated Marijuana industry by people from communities that have previously been disproportionately harmed by Marijuana prohibition and enforcement of the law;
- b. Overall rates of participation in the regulated Marijuana industry by people of color;
- c. Licenses granted to businesses with majority ownership comprised of Economic Empowerment Priority Applicants and Social Equity Program Participants;
- d. Number of registered agents who are Social Equity Program Participants;
- e. Number of Delivery-Only Retailers in operation and business performance relative to other Marijuana Establishments;
- f. Financial feasibility of continued participation in the regulated Marijuana industry by communities that have previously been disproportionately harmed by Marijuana prohibition and enforcement of the law if exclusivity period ends; and
- g. Any other information the Commission determines relevant.

2. The Commission shall collect and report on data measuring the criteria throughout the exclusivity period. The Commission shall begin evaluating whether the goals of the exclusivity period have been met at least eight months before the end of the 24-month period to provide adequate time to consider whether an extension of the 24-month period is necessary prior to the conclusion of that time period.

3. The licenses shall generally be available to applicants after the 24-month period unless a majority of the voting Commissioners votes to extend the period of exclusivity.

Commented [DAJ(4)]: See options in memo.

(b)(c) No person or entity other than those disclosed in the application shall be a Person or Entity Having Direct or Indirect Control in a Delivery-Only Retailer license.

(11) Marijuana Research Facility.

- (a) A Marijuana Research Facility may cultivate, purchase or otherwise acquire Marijuana for the purpose of conducting research regarding Marijuana Products.
  - (b) A Research Facility may be an academic institution, nonprofit corporation or domestic corporation or entity authorized to do business in the Commonwealth.
  - (c) Any research involving humans must be authorized by an Institutional Review Board.
  - (d) A Research Facility may not Transfer to another Marijuana Establishment or sell to a Consumer Marijuana that has been cultivated under its research license.
- ~~(e)~~ All research regarding Marijuana must be conducted by individuals 21 years of age or older.

500.100: Application for Licensing of Marijuana Establishments.

500.101: Application Requirements

(1) New Applicants. An applicant in any category of Marijuana Establishment shall file, in a form and manner specified by the Commission, an application for licensure as a Marijuana Establishment. The application shall consist of three sections: Application of Intent; Background Check; and Management and Operations Profile, except as otherwise provided. The applicant may complete any section of the application in any order. Once all sections of the application have been completed, the application may be submitted. Application materials, including attachments, may be subject to release pursuant to the Public Records Law, M.G.L. c. 66, § 10 and M.G.L. c. 4, § 7, cl. 26.

- (a) Application of Intent. An applicant for licensure as a Marijuana Establishment shall submit the following as part of the Application of Intent:
  - 1. ~~D~~ocumentation that the Marijuana Establishment is an entity registered to do business in Massachusetts and a list of all Persons or Entities Having Direct or Indirect Control. In addition, the applicant shall submit any contractual, management, or other written document that explicitly or implicitly conveys direct or indirect control over the Marijuana Establishment to the listed person or entity pursuant to 935 CMR 500.050(1)(b);
  - 2. ~~A~~ disclosure of an interest of each individual named in the application in any Marijuana Establishment application for licensure or Licensee in Massachusetts;
  - 3. ~~D~~ocumentation disclosing whether any individual named in the application have past or present business interests in Other Jurisdictions;
  - 4. ~~D~~ocumentation detailing the amounts and sources of capital resources available to the applicant from any individual or entity that will be contributing capital resources to the applicant for purposes of establishing or operating the identified Marijuana Establishment for each license applied for. If any person or entity contributing initial capital, either in cash or in kind, would be classified as a Person or Entity Having Direct or Indirect Control, in exchange for the initial capital, they must also be listed pursuant to 935 CMR 500.101(1)(a)1. Information submitted shall be subject to review and verification by the Commission as a component of the application process. Required documentation shall include:

935 CMR: CANNABIS CONTROL COMMISSION

- a. the proper name of any individual or registered business name of any entity;
  - b. the street address, provided, however that the address shall not be a post office box;
  - c. the primary telephone number;
  - d. electronic mail;
  - e. the amount and source of capital provided or promised;
  - f. a bank record dated within 60 days of the application submission date verifying the existence of capital;
  - g. certification that funds used to invest in or finance the Marijuana Establishment were lawfully earned or obtained; and
  - h. any contractual or written agreement pertaining to a loan of initial capital, if applicable.
5. ~~D~~ocumentation of a bond or an escrow account in an amount set by 935 CMR 500.105(16);
  6. ~~I~~dentification of the proposed address for the license;
  7. ~~D~~ocumentation of a property interest in the proposed address. ~~\_~~The proposed Marijuana Establishment must be identified in the documentation as the entity that has the property interest. ~~\_~~Interest may be demonstrated by one of the following:
    - a. ~~c~~lear legal title to the proposed site;
    - b. ~~a~~n option to purchase the proposed site;
    - c. ~~a~~ legally enforceable agreement to give such title; or
    - d. ~~d~~ocumentation evidencing permission to use the Premises.
  8. ~~D~~ocumentation in the form of a single-page certification signed by the contracting authorities for the municipality and applicant evidencing that the applicant for licensure and host municipality in which the address of the Marijuana Establishment is located have executed a Host Community agreement;
  9. ~~D~~ocumentation that the applicant has conducted a community outreach meeting consistent with the Commission's *Guidance for License Applicants on Community Outreach* within the six months prior to the application. Documentation must include:
    - a. copy of a notice of the time, place and subject matter of the meeting, including the proposed address of the Marijuana Establishment, that was published in a newspaper of general circulation in the city or town at least 14 calendar days prior to the meeting;
    - ~~b.~~ copy of the meeting notice filed with the city or town clerk;
    - ~~b.~~c. attestation that at least one meeting was held within the

municipality where the establishment is proposed to be located;

~~e.d.~~ attestation that at least one meeting was held after normal business hours;

~~e.e.~~ attestation that notice of the time, place and subject matter of the meeting, including the proposed address of the Marijuana Establishment, was mailed at least seven calendar days prior to the community outreach meeting to abutters of the proposed address of the Marijuana Establishment, and residents within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town;

~~e.f.~~ information presented at the community outreach meeting, which shall include, but not be limited to:

- i. the type(s) of Marijuana Establishment to be located at the proposed address;
- ii. information adequate to demonstrate that the location will be maintained securely;
- iii. steps to be taken by the Marijuana Establishment to prevent diversion to minors;
- iv. a plan by the Marijuana Establishment to positively impact the community;
- v. information adequate to demonstrate that the location will not constitute a nuisance as defined by law; and
- vi. an attestation that community members were permitted to ask questions and receive answers from representatives of the Marijuana Establishment.

10. ~~A~~ description of plans to ensure that the Marijuana Establishment is or will be compliant with local codes, ordinances, and bylaws for the physical address of the Marijuana Establishment which shall include, but not be limited to, the identification of all local licensing requirements for the adult use of Marijuana;

11. ~~A~~ plan by the Marijuana Establishment to positively impact Areas of Disproportionate Impact, as defined by the Commission, for the purposes established in M.G.L. c. 94G, § 4(a½)(iv). ~~The~~ plan shall outline the goals, programs, and measurements the Marijuana Establishment will pursue once licensed;

12. ~~The~~ requisite non-refundable application fee pursuant to 935 CMR 500.005: *Fees*; and

13. ~~A~~ny other information required by the Commission.

(b) Background Check. Prior to an application being considered complete, each applicant for licensure must submit the following information:

1. ~~The~~ list of individuals and entities in 935 CMR 500.101(1)(a)1.;
2. ~~I~~nformation for each individual identified in 935 CMR 500.101(1)(a)1.,

935 CMR: CANNABIS CONTROL COMMISSION

which shall include:

- a. the individual's full legal name and any aliases;
  - b. the individual's address;
  - c. the individual's date of birth;
  - d. a photocopy of the individual's driver's license or other government-issued identification card;
  - e. a CORI Acknowledgment Form, pursuant to 803 CMR 2.09: *Requirements for Requestors to Request CORI*, provided by the Commission, signed by the individual and notarized;
  - f. authorization to obtain a full set of fingerprints, in accordance with M.G.L. c. 94G, § 21, submitted in a form and manner as determined by the Commission; and
  - g. any other authorization or disclosure deemed necessary by the Commission, for the purposes of conducting a background check.
3. Relevant Background Check Information. All Persons and Entities Having Direct or Indirect Control, including those individuals and entities contributing 10% or more in the form of a loan, shall provide information detailing involvement in any of the following criminal, civil, or administrative matters:
- a. a description and the relevant dates of any criminal action under the laws of the Commonwealth, or an Other Jurisdiction, whether for a felony or misdemeanor including, but not limited to, action against any health care facility or facility for providing Marijuana for medical- or adult-use purposes, in which those individuals either owned shares of stock or served as board member, executive, officer, director or member, and which resulted in conviction, or guilty plea, or plea of *nolo contendere*, or admission of sufficient facts;
  - b. a description and the relevant dates of any civil action under the laws of the Commonwealth, or an Other Jurisdiction, including, but not limited to a complaint relating to any professional or occupational or fraudulent practices;
  - c. a description and relevant dates of any past or pending legal or enforcement actions in the Commonwealth or any other state against an entity whom the applicant served as a Person or Entity Having Direct or Indirect Control, related to the cultivation, Processing, distribution, or sale of Marijuana for medical- or adult-use purposes;
  - d. a description and the relevant dates of any administrative action with regard to any professional license, registration, or certification, including any complaint, order, stipulated agreement or settlement, or disciplinary action, by the Commonwealth, or like action in an Other Jurisdiction, including, but not limited to any complaint or issuance of an order relating to the denial, suspension, or revocation of a license, registration, or certification;
  - e. a description and relevant dates of any administrative action, including any complaint, order or disciplinary action, by the Commonwealth, or a like action by an Other Jurisdiction with regard to any professional

935 CMR: CANNABIS CONTROL COMMISSION

license, registration, or certification, held by any Person or Entity Having Direct or Indirect Control, if any;

- f. a description and relevant dates of actions against a license to prescribe or distribute controlled substances or legend drugs held by any Person or Entity Having Direct or Indirect Control that is part of the applicant's application, if any; and
  - g. any other information required by the Commission.
- (c) Management and Operations Profile. Each applicant shall submit, with respect to each application, a response in a form and manner specified by the Commission, which includes:
1. Detailed information regarding its business registration with the Commonwealth, including the legal name, a copy of the articles of organization and bylaws as well as the identification of any doing-business-as names;
  2. A certificate of good standing, issued within the previous 90 days from submission of an application, from the Corporations Division of the Secretary of the Commonwealth;
  3. A certificate of good standing or certificate of tax compliance issued within the previous 90 days from submission of an application, from the DOR;
  4. A certificate of good standing, issued within the previous 90 days from submission of an application, from the DUA, if applicable. If not applicable, a written statement to this effect is required;
  5. A proposed timeline for achieving operation of the Marijuana Establishment and evidence that the Marijuana Establishment will be ready to operate within the proposed timeline after notification by the Commission that the applicant qualifies for licensure;
  6. A description of the Marijuana Establishment's plan to obtain a liability insurance policy or otherwise meet the requirements of 935 CMR 500.105(10);
  7. A detailed summary of the business plan for the Marijuana Establishment;
  8. A detailed summary of operating policies and procedures for the Marijuana Establishment which shall include, but not be limited to provisions for:
    - a. security;
    - b. prevention of diversion;
    - c. storage of Marijuana;
    - d. transportation of Marijuana;
    - e. inventory procedures;
    - f. procedures for quality control and testing of product for potential contaminants;

935 CMR: CANNABIS CONTROL COMMISSION

- g. personnel policies;
  - h. dispensing procedures;
  - i. record-keeping procedures;
  - j. maintenance of financial records; and
  - k. diversity plans to promote equity among minorities, women, veterans, people with disabilities, and people of all gender identities and sexual orientation, in the operation of the Marijuana Establishment. The plan shall outline the goals, programs, and measurements the Marijuana Establishment will pursue once licensed.
9. ~~A~~ detailed description of qualifications and intended training(s) for Marijuana Establishment agents who will be employees;
10. ~~T~~he Management and Operation Profile submitted in accordance with 935 CMR 500.101(1)(c) shall demonstrate compliance with the operational requirements set forth in 935 CMR 500.105: *General Operational Requirements for Marijuana Establishments* through 935 CMR 500.140: *Additional Operational Requirements for Retail Sale*, as applicable;
11. ~~D~~isclosure of the proposed hours of operation, and the names and contact information for individuals that will be the emergency contacts for the Marijuana Establishment; and
12. ~~A~~ny other information required by the Commission.

(2) Social Consumption Pilot Program Application Process.

(a) Municipal Participation.

- 1. The Commission may select no more than 12 Massachusetts municipalities for participation in the pilot program.
- 2. The Commission shall establish criteria for selecting participating municipalities. The Commission may take into consideration factors, including but not limited to, the geographic location, socioeconomic characteristics, and population size of municipal applicants.
- 3. An interested municipality shall submit an application for participation in a form and manner determined by the Commission.
- 4. The application for participation shall be signed by the municipality's contracting authority.

(b) Marijuana Social Consumption Establishment Applicants. An applicant for a Marijuana Social Consumption Establishment license shall file, in a form and manner specified by the Commission, an application for licensure. An application for licensure shall consist of two component parts: a Pre-certification Application and a Provisional License Application. Until the Commission determines that both component parts have been fully submitted, the application shall not be deemed complete. After an applicant receives a Provisional License, the applicant shall comply with the requirements of 935 CMR 500.103: *Licensure and Renewal*.

(c) Pre-Certification Application. The Pre-Certification Application shall consist of



935 CMR: CANNABIS CONTROL COMMISSION

three sections: Application of Intent, Background Check and Management and Operations Profile.

1. The Commission shall make the Pre-Certification Application available on the Commission selecting at least six municipalities for participation in the Social Consumption Pilot Program pursuant to 935 CMR 500.101(2)(a).
2. The applicant may submit any section of the application in any order. Once all sections of the application have been completed, the application may be submitted.
3. The Commission may determine an applicant to be pre-certified upon finding the applicant has submitted responsive documentation demonstrating a propensity to successfully operate a Marijuana Social Consumption Establishment.
4. On approval of the Pre-Certification Application, the applicant shall be given a dated notice of such approval along with a copy of the Pre-Certification Application to the extent permitted by law.
- ~~5.~~ Application materials, including attachments, may be subject to release pursuant to the Public Records Law, M.G.L. c. 66, § 10 and M.G.L. c. 4, § 7, cl. 26.

~~6.~~

~~(e)~~(d) Application of Intent. An applicant for pre-certification under this section shall submit the following as part of the Application of Intent:

1. ~~D~~ocumentation that the Marijuana Establishment is an entity registered to do business in Massachusetts and a list of all Persons or Entities Having Direct or Indirect Control;
- ~~2.A~~ disclosure of an interest of each individual named in the application in any Marijuana Establishment for licensure in Massachusetts;
3. ~~D~~ocumentation disclosing whether any individual named in the application have past or present business interests in Other Jurisdictions;
4. ~~T~~he requisite non-refundable application fee pursuant to 935 CMR 500.005: *Fees*; and
- ~~2.5.A~~ any other information required by the Commission.

~~(d)~~(e) Background Check. Each applicant for pre-certification must submit the following information:

1. ~~T~~he list of individuals and entities in 935 CMR 500.101(1)(a)1;
2. Relevant Background Check Information. All Persons and Entities Having Direct or Indirect Control listed in the Pre-Certification Application shall provide information detailing involvement in any of the following criminal, civil, or administrative matters:
  - a. a description and the relevant dates of any criminal action under the laws of the Commonwealth, or Other Jurisdictions, whether for a felony or misdemeanor including, but not limited to, action against any health care facility or facility for providing

Marijuana for medical- or adult-use purposes, in which those individuals either owned shares of stock or served as board member, executive, officer, director or member, and which resulted in conviction, or guilty plea, or plea of *nolo contendere*, or admission of sufficient facts;

- b. a description and the relevant dates of any civil action under the laws of the Commonwealth, or Other Jurisdictions, including, but not limited to a complaint relating to any professional or occupational or fraudulent practices;
  - c. a description and relevant dates of any past or pending legal or enforcement actions in the Commonwealth or any Other Jurisdiction against an entity whom the applicant served as a Person or Entity Having Direct or Indirect Control, related to the cultivation, Processing, distribution, or sale of Marijuana for medical- or adult-use purposes;
  - d. a description and the relevant dates of any administrative action with regard to any professional license, registration, or certification, including any complaint, order, stipulated agreement or settlement, or disciplinary action, by the Commonwealth, or like action in an Other Jurisdiction, including, but not limited to any complaint or issuance of an order relating to the denial, suspension, or revocation of a license, registration, or certification or the surrender of a license;
  - e. a description and relevant dates of any administrative action, including any complaint, order or disciplinary action, by the Commonwealth, or a like action by Other Jurisdictions with regard to any professional license, registration, or certification, held by any Person or Entity Having Direct or Indirect Control, if any;
  - f. a description and relevant dates of actions against a license to prescribe or distribute controlled substances or legend drugs held by any Person or Entity Having Direct or Indirect Control that is part of the applicant's application, if any; and
- ~~a.g.~~ any other information required by the Commission.

~~(e)(f)~~ **Management and Operations Profile.** Each applicant shall submit, with respect to each application, a response in a form and manner specified by the Commission, which includes:

1. ~~A~~ description of the Marijuana Establishment's plan to obtain a liability insurance policy or otherwise meet the requirements of 935 CMR 500.105(10);
2. ~~A~~ detailed summary of the business plan for the Marijuana Establishment;
3. ~~A~~ detailed summary of operating policies and procedures for the Marijuana Establishment which shall include, but not be limited to provisions for:
  - a. security, including specific plans for securing entrances and that all Marijuana and Marijuana Products are kept out of plain sight and not visible from a public place;

- b. prevention of diversion;
- c. prevention of a Consumer from bringing Marijuana or Marijuana Products, Marijuana Accessories onto the Premises that have not been obtained from the Marijuana Social Consumption Establishment, including policies for ensuring Marijuana Accessories brought on site, if permitted, do not contain Marijuana or Marijuana Products not obtained from the Marijuana Social Consumption Establishment;
- ~~a-d.~~ storage of Marijuana, including, but not limited to, disposal procedures for unsold and unconsumed Marijuana Products;
- e. transportation of Marijuana;
- f. inventory procedures;
- g. procedures for quality control and testing of product for potential contaminants;
- h. personnel policies;
- i. dispensing procedures;
- j. procedures to ensure that Consumers are not overserved;
- k. procedures to educate Consumers about risk of impairment and penalties for operating under the influence;
- l. procedural and operational plans to ensure the Marijuana Establishment makes a diligent effort to assist customers who may be impaired in finding means of transportation and that explain how the plans are adequately tailored to the region in which the establishment is located;
- m. record-keeping procedures;
- n. maintenance of financial records; and
- o. If vaporization or other non-smoking forms of consumption involving heat are permitted indoors, procedures and building plans or schematic to ensure that:

  - i. the area(s) in which consumption involving heat takes place are isolated from the other areas, separated by walls and a secure door, with access only from the Marijuana Social Consumption Establishment;
  - ii. Employees have access to a smoke-free, vapor-free area where they may monitor the consumption area from a smoke-free, vapor-free area;
  - iii. a ventilation system directs air 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;
- p. procedures to ensure no sales occur within the consumption area;

935 CMR: CANNABIS CONTROL COMMISSION

q. employees shall monitor the consumption from a smoke-free, vapor-free area, including but not limited to an employing monitoring the exit of the Marijuana Establishment;

r. ~~p~~Procedures to ensure that smoking as defined by M.G.L. c. 137, § 22 is prohibited indoors;

s. ~~s~~Sanitary practices in compliance with 105 CMR 500: *Good manufacturing practices for food*; and

t. ~~t~~a detailed description of qualifications and intended training(s) for Marijuana establishment agents who will be employees;

~~4.~~4. ~~T~~The Management and Operation Profile submitted in accordance with 935 CMR 500.101(1)(c) shall demonstrate compliance with the operational requirements set forth by incorporation in 935 CMR 500.050(2)(b), as applicable;

~~5.~~5. ~~D~~Disclosure of the proposed hours of operation, and the names and contact information for individuals that will be the emergency contacts for the Marijuana Establishment;

~~6.~~6. ~~A~~ny other information required by the Commission.

(g) Provisional License Application. The provisional license application shall consist of the three sections of the application, the Application of Intent, Background Check, and Management and Operations Profile.

1. An applicant may submit a provisional license application within 12 months of the date of the applicant's precertification approval pursuant to 935 CMR 500.101(2)(c)(4).
2. If there has been a material change of circumstances after the submission of these sections as part of the Pre-Certification Application, the applicant shall revise this information and attest in a form and manner determined by the Commission.
3. The applicant may submit any section of the application in any order. Once all sections of the application have been completed, the application may be submitted.
4. Once all sections of the application have been completed, the application may be submitted for review.
5. Once the Provisional License application has been submitted, it will be reviewed in the order it was received pursuant to 935 CMR 500.102(2).
6. The Pre-Certification and Provisional License application combined will be reviewed in accordance with 935 CMR 500.102(1).
7. Application materials, including attachments, may be subject to release pursuant to the Public Records Law, M.G.L. c. 66, § 10 and M.G.L. c. 4, § 7, cl. 26.

(h) Application of Intent. An applicant for licensure under this section shall submit the following as part of the Application of Intent:

935 CMR: CANNABIS CONTROL COMMISSION

1. A list of all Persons or Entities Having Direct or Indirect Control currently associated with the proposed establishment. In addition, the applicant shall submit any contractual, management, or other written document that explicitly or implicitly conveys direct or indirect control over the Marijuana Establishment to the listed person or entity pursuant to 935 CMR 500.050(1)(b);
2. A disclosure of an interest of each individual named in the application in any Marijuana Establishment or MTC application for in Massachusetts;
3. Documentation disclosing whether any individual named in the application have past or present business interests in Other Jurisdictions;
4. Documentation of a bond or an escrow account in an amount set by 935 CMR 500.105(16);
5. Identification of the proposed address for the license;
6. Documentation of a property interest in the proposed address. The proposed Marijuana Establishment must be identified in the documentation as the entity that has the property interest. Interest 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.
7. Disclosure and documentation detailing the amounts and sources of capital resources available to the applicant from any individual or entity that will be contributing capital resources to the applicant for purposes of establishing or operating the identified Marijuana Establishment for each license applied for. If any person or entity contributing initial capital, either in cash or in kind, would be classified as a Person or Entity Having Direct or Indirect Control, in exchange for the initial capital, they must also be listed pursuant to 935 CMR 500.101(1)(a)(1). Information submitted shall be subject to review and verification by the Commission as a component of the application process. Required documentation shall include:
  - a. the proper name of any individual or registered business name of any entity;
  - b. the street address, provided, however that the address shall not be a post office box;
  - c. the primary telephone number;
  - d. electronic mail;
  - e. the amount and source of capital provided or promised;
  - f. a bank record dated within 60 days of the application submission date verifying the existence of capital;

~~g.~~ certification that funds used to invest in or finance the Marijuana Establishment were lawfully earned or obtained; and

~~a.h.~~ any contractual or written agreement pertaining to a loan of initial capital, if applicable.

8. Documentation that the applicant has conducted a community outreach meeting consistent with the Commission's *Guidance for License Applicants on Community Outreach* within the six months prior to the application. Documentation must include:

~~a.~~ ~~c~~ Copy of a notice of the time, place and subject matter of the meeting, including the proposed address of the Marijuana Establishment, that was published in a newspaper of general circulation in the city or town at least seven calendar days prior to the meeting;

~~a.b.~~ ~~c~~ Copy of the meeting notice filed with the city or town clerk;

~~6.9.~~ Attestation that notice of the time, place and subject matter of the meeting, including the proposed address of the Marijuana Establishment, was mailed at least seven calendar days prior to the community outreach meeting to abutters of the proposed address of the Marijuana Establishment, and residents within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town;

a. ~~i.~~ Information presented at the community outreach meeting, which shall include, but not be limited to:

- i. the type(s) of Marijuana Establishment to be located at the proposed address;
- ii. information adequate to demonstrate that the location will be maintained securely;
- iii. steps to be taken by the Marijuana Establishment to prevent diversion to minors;
- iv. a plan by the Marijuana Establishment to positively impact the community;
- v. information adequate to demonstrate that the location will not constitute a nuisance as defined by law; and

~~vi.~~ an attestation that community members were permitted to ask questions and receive answers from representatives of the Marijuana Establishment.

~~vii.~~

b. ~~d~~ Documentation in the form of a single-page certification signed by the contracting authorities for the municipality and applicant evidencing that the applicant for licensure and host municipality in which the establishment is located executed a Host Community agreement and accepted the applicant's plans to (1) mitigate noise, (2) mitigate odor, and (3) comply with outdoor smoking laws, ordinances, or bylaws;

c. ~~a~~ description of plans to ensure that the Marijuana Establishment is or will be compliant with local codes, ordinances, and bylaws for the physical address of the Marijuana Establishment which shall include, but not be limited to, the

935 CMR: CANNABIS CONTROL COMMISSION

identification of any local licensing requirements for social consumption of the adult use of Marijuana;

d. a plan by the Marijuana Establishment to positively impact Areas of Disproportionate Impact, as defined by the Commission, for the purposes established in M.G.L. c. 94G, § 4(a½)(iv). The plan shall outline the goals, programs, and measurements the Marijuana Establishment will pursue once licensed; and

e. any other information required by the Commission.

(i) Background Check. Each applicant for licensure must submit complete background check application information in compliance with the provisions of 935 CMR 500.101(2)(e);

1. Each applicant for licensure under shall submit the list of individuals and entities in 935 CMR 500.101(1)(b)(2) and 500.101(2)(d)1.

2. The applicant shall resubmit the information required under 935 CMR 500.101(b) if there has been a material change of circumstances, including, but not limited to, a change in the list of individuals and entities identified above.

(j) Management and Operations Profile. Each applicant shall submit, with respect to each application, a response in a form and manner specified by the Commission, which includes:

~~3.1. detailed~~ Detailed information regarding its business registration with the Commonwealth, including the legal name, a copy of the articles of organization and bylaws as well as the identification of any doing-business-as names;

~~2. A~~ certificate of good standing, issued within the previous 90 days from submission of an application, from the Corporations Division of the Secretary of the Commonwealth;

~~a.~~ a certificate of good standing or certificate of tax compliance issued within the previous 90 days from submission of an application, from the DOR;

~~b.~~ a certificate of good standing, issued within the previous 90 days from submission of an application, from the DUA, if applicable. If not applicable, a written statement to this effect is required;

~~c.~~ a proposed timeline for achieving operation of the Marijuana Establishment and evidence that the Marijuana Establishment will be ready to operate within the proposed timeline after notification by the Commission that the applicant qualifies for licensure;

~~a-d.~~ a diversity plan to promote equity among minorities, women, veterans, people with disabilities, and people of all gender identities and sexual orientation, in the operation of the Marijuana Establishment. The plan shall outline the goals, programs, and measurements the Marijuana Establishment will pursue once licensed.

(3) Additional Specific Requirements.

(a) Additional Requirements for Cultivators. In addition to the requirements set

935 CMR: CANNABIS CONTROL COMMISSION

forth in 935 CMR 500.101(1)(c), applicants for a license to operate Marijuana Establishment for cultivation shall also provide as part of the Management and Operation Profile packet an operational plan for the cultivation of Marijuana, including a detailed summary of the policies and procedures for cultivation, consistent with state and local law, including but not limited to, the Commission's *Guidance on Integrated Pest Management* in effect of the date of these regulations and as subsequently amended.

(b) Additional Requirements for Craft Marijuana Cooperatives. In addition to the requirements set forth in 935 CMR 500.101(1)(c), applicants for a license to operate a Marijuana Establishment as a Craft Marijuana Cooperative shall provide:

1. As part of the Application of Intent:

a. evidence of residency within the Commonwealth for a period of 12 consecutive months prior to the date of application;

b. evidence of the cooperative's organization as a limited liability company or limited liability partnership, or a cooperative corporation under the laws of the Commonwealth;

c. evidence that one Member has filed a Schedule F tax income form within the past five years; and

d. evidence that the cooperative is organized to operate consistently with the Seven Cooperative Principles established by the International Cooperative Alliance in 1995.

2. As part of the Management and Operations Profile:

a. the plan required of Cultivators pursuant to 935 CMR 500.101(1)(d)(1); and

b. the plan(s) and documentation required of Product Manufacturers pursuant to 935 CMR 500.101(1)(d)(3), as applicable.

(c) Additional Requirements for Product Manufacturers. In addition to the requirements set forth in 935 CMR 500.101(1)(c), applicants for a license to operate a Marijuana Establishment for Product Manufacturing shall also provide, as part of the Management and Operation Profile packet:

1. a description of the types, forms and shapes, colors, and flavors of Marijuana Products that the Marijuana Establishment intends to produce;

2. the methods of production;

3. a safety plan for the Manufacture and production of Marijuana Products, including, but not limited to, sanitary practices in compliance with 105 CMR 590.000: *Minimum sanitation standards for food establishments.*

4. a sample of any unique identifying mark that will appear on any product produced by the applicant as a branding device; and

5. a detailed description of the Marijuana Establishment's proposed plan for obtaining Marijuana from a licensed Marijuana Establishment(s).



935 CMR: CANNABIS CONTROL COMMISSION

~~3(d)~~ Additional Requirements for Microbusinesses. In addition to the requirements set forth in 935 CMR 500.101(1)(c), applicants for a license to operate a Marijuana Establishment as a Microbusiness shall also provide:

1a. ~~As~~ part of the Application of Intent, evidence of residency within the Commonwealth for a period of 12 consecutive months prior to the date of application;

2b. ~~As~~ part of the Management and Operations Profile, the same plans required of Marijuana Cultivators pursuant to 935 CMR 500.101(3)(a), ~~and Product Manufacturers pursuant to 935 CMR 500.101(3)(c)(1)(d)(1)~~, and in the case of a Delivery Endorsement, Retailers pursuant to 935 CMR 500.101(3)(e)(1)(d)(3).

4(e) Additional Requirements for Retailers. In addition to the requirements set forth in 935 CMR 500.101(1)(c), applicants for a license to operate a Marijuana Establishment for retail shall also provide, as part of the Management and Operation Profile packet, a detailed description of the Marijuana Establishment's proposed plan for obtaining Marijuana Products from a licensed Marijuana Establishment(s).

500.102: Action on Applications

(1) Action on Each Application. The Commission shall grant licenses with the goal of ensuring that the needs of the Commonwealth are met regarding access, quality, and community safety.

(a) License applications shall be evaluated based on the applicant's:

1. demonstrated compliance with the laws and regulations of the Commonwealth;
2. suitability for licensure based on the provisions of 935 CMR 500.101(1), 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration* and 935 CMR 500.801: *Suitability Standard for Licensure*; and
3. evaluation of the thoroughness of the applicant's responses to the required criteria. The Commission shall consider each license application submitted by an applicant on a rolling basis.

(b) The Commission shall notify each applicant in writing that:

1. the application has been deemed complete; or
2. the Commission requires further information within a specified period of time before the packet is determined to be complete.

(c) Failure of the applicant to adequately address all required items in its application in the time required under 935 CMR 500.102: *Action on Applications* by the Commission will result in evaluation of the application as submitted. Nothing in 935 CMR 500.101: *Application Requirements* is intended to confer a property or other right or interest entitling an applicant to a meeting before an application may be denied.

(d) On determination that the application is complete, a copy of the completed application, to the extent permitted by law, will be forwarded to the municipality in which the Marijuana Establishment will be located. The Commission shall request that the municipality respond within 60 days of the date of the

935 CMR: CANNABIS CONTROL COMMISSION

correspondence that the applicant's proposed Marijuana Establishment is in compliance with municipal bylaws or ordinances.

- (e) The applicant shall keep current all information required by 935 CMR 500.000: *Adult Use of Marijuana*, or otherwise required by the Commission. The applicant shall report any changes in or additions to the content of the information contained in the application to the Commission within five business days after such change or addition. If a material change occurs to an application deemed complete, the Commission may deem the application incomplete pending further review.

(2) Action on Completed Applications.

- (a) Priority application review will be granted to existing MTC Priority Applicants and Economic Empowerment Priority Applicants.
- (b) The Commission shall review applications from Priority Applicants on an alternating basis, beginning with the first-in-time-application received from either an MTC Priority Applicant or Economic Empowerment Priority Applicant as recorded by the Commission's electronic license application tracking system. Where no completed application is available for review by the Commission from either of the priority groups defined in 935 CMR 500.102(2)(a), the Commission shall review the next complete application from either group.
- (c) The Commission shall grant or deny a provisional license not later than 90 days following notification to the applicant that all required packets are considered complete. Applicants shall be notified in writing that:
  - 1. the applicant shall receive a provisional license which may be subject to further conditions as determined by the Commission; or
  - 2. the applicant has been denied a license. Denial shall include a statement of the reasons for the denial.
- (d) Failure of the applicant to complete the application process within the time specified by the Commission in the application instructions shall be grounds for denial of a license.

500.103: Licensure and Renewal

- (1) Provisional License. On selection by the Commission, an applicant shall submit the required license fee and subsequently be issued a provisional license to develop a Marijuana Establishment, in the name of the entity. Such provisional license shall be subject to reasonable conditions specified by the Commission, if any.
  - (a) The Commission shall review architectural plans for the building or renovation of a Marijuana Establishment. Construction or renovation related to such plans shall not begin until the Commission has granted approval. Submission of such plans shall occur in a manner and form established by the Commission including, but not limited to, a detailed floor plan of the Premises of the proposed Marijuana Establishment that identifies the square footage available and describes the functional areas of the Marijuana Establishment, including areas for any preparation of Marijuana Products, and, if applicable, such information for the single allowable off-premises location in Massachusetts where Marijuana will be cultivated or Marijuana Products will be prepared; and a description of plans to ensure that the Marijuana Establishment will be compliant with requirements of the *Americans with Disabilities Act (ADA) Accessibility Guidelines*.
  - (b) To demonstrate compliance with 935 CMR 500.120(11), a Marijuana Cultivator

applicant must also submit an energy compliance letter prepared by a Massachusetts Licensed Professional Engineer or Massachusetts Licensed Registered Architect with supporting documentation. For a Microbusiness or Craft Marijuana Cooperative with a cultivation location sized as Tier 1 or Tier 2, compliance with any of the requirements of 935 CMR 500.120(11) may be demonstrated through an 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.
- (c) A Marijuana Establishment shall construct its facilities in accordance with 935 CMR 500.000: *Adult Use of Marijuana*, conditions set forth by the Commission in its provisional license and architectural review, and any applicable state and local laws, regulations, permits or licenses.
- (d) The Commission may conduct inspections of the facilities, as well as review all written materials required in accordance with 935 CMR 500.000: *Adult Use of Marijuana*.
- (e) The applicable license fee shall be paid within 90 days from the date the applicant was approved for a provisional license by the Commission. 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: *Application Requirements* and will require Commission approval.
- (f) To the extent updates are required to the information provided for initial licensure, the Marijuana Cultivator must submit an updated energy compliance letter prepared by a Massachusetts Licensed Professional Engineer or Massachusetts Licensed Registered Architect with supporting documentation, together with a renewal application submitted under 935 CMR 500.103(4).
- (2) **Final License.** On completion of all inspections required by the Commission, a Marijuana Establishment is eligible for a final license. All information described in 935 CMR 500.000: *Adult Use of Marijuana* that is not available at the time of submission must be provided to and approved by the Commission before Marijuana Establishment may receive a final license. Such final licenses shall be subject to reasonable conditions specified by the Commission, if any.
- (a) No person or entity shall operate a Marijuana Establishment without a final license issued by the Commission.
  - (b) A provisional or final license may not be assigned or transferred without prior Commission approval.
  - (c) A provisional or final license shall be immediately void if the Marijuana Establishment Ceases to Operate or if, without the permission of the Commission, it relocates.
  - (d) Acceptance of a provisional or final license constitutes an agreement by the Marijuana Establishment that it will adhere to the practices, policies, and procedures that are described in its application materials, as well as all relevant laws, regulations, and any conditions imposed by the Commission as part of licensure.

- (e) The Marijuana Establishment shall post the final license in a conspicuous location on the Premises at each Commission-approved location.
  - (f) The Marijuana Establishment shall conduct all activities authorized by 935 CMR 500.000: *Adult Use of Marijuana* at the address(es) identified on the final license issued by the Commission.
- (3) The Marijuana Establishment must be operational within the time indicated in 935 CMR 500.101(1)(c)4. or as otherwise amended through the application process and approved by the Commission through the issuance of a final license.
- (4) Expiration and Renewal of Licensure. The Marijuana Establishment's license, as applicable, shall expire one year after the date of issuance of the provisional license and annually thereafter, and may be renewed as follows unless an action has been taken based on the grounds set forth in 935 CMR 500.450: *Marijuana Establishment Licenses: Grounds for Denial of Renewal Applicants, Suspension and Revocation.*
- (a) No later than 60 calendar days prior to the expiration date, a Marijuana Establishment shall submit a completed renewal application to the Commission in a form and manner determined by the Commission, as well as the required license fee.
  - (b) The Marijuana Establishment shall submit as a component of the renewal application a report or other information demonstrating the establishment's efforts to comply with the plans required under 935 CMR 500.101(1), including 935 CMR 500.101(1)(a)11. and (1)(c)7.k., as applicable. The report shall, at a minimum, have detailed, demonstrative, and quantifiable proof of the establishment's efforts, progress, and success of said plans.
  - (c) A Marijuana Cultivator engaged in indoor cultivation must include a report of the Marijuana Cultivator's energy and water usage over the 12-month period preceding the date of the application.
  - (d) To the extent updates are required to the information provided for initial licensure, the Marijuana Cultivator must submit an updated energy compliance letter prepared by a Massachusetts Licensed Professional Engineer or Massachusetts Licensed Registered Architect with supporting documentation, together with a renewal application submitted under 935 CMR 500.103(4).
  - (e) The Marijuana Establishment shall submit as a component of the renewal application certification of good standing from the Secretary of the Commonwealth, the DOR, and the DUA. Certificates of good standing will be valid if issued within 90 days of the submittal of the renewal application.
  - (f) ~~The Marijuana Establishment shall submit as a component of the renewal application document of any cost to a city or town imposed by the operation of a Marijuana Establishment or MTC.~~ A Marijuana Establishment shall make reasonable efforts to 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 and either the substantive response(s) received or an attestation that no response was received from the city or town. In accordance with M.G.L. c. 94G, § 3(d), any cost to a city or town imposed by the operation of a Marijuana Establishment or MTC shall be documented and considered a public record as defined by M.G.L. c. 4, § 7, cl. 26.

- (g) The Marijuana Establishments shall update as needed, and ensure the accuracy of, all information that it submitted on its initial application for a license.
- (h) The Marijuana Establishment shall comply with the requirements of 935 CMR 500.104(1) in accordance with that section separately from the renewal application.
- (i) Commission shall issue a renewal license within 30 days of receipt of a renewal application and renewal license fee to a Licensee in accordance with M.G.L. c. 94G, § 6, if the Licensee:
  - 1. is in good standing with the Secretary of Commonwealth, DOR, and DUA;
  - 2. provided documentation demonstrating substantial effort or progress towards achieving its goals submitted as part of its plans required under 935 CMR 500.101(1), including 935 CMR 500.101(1)(a)11. and (1)(c)7.k., as applicable; and
  - 3. no new information submitted as part of the renewal application, or otherwise obtained, presents suitability issues for any individual or entity listed on the application or license.

500.104: Notification and Approval of Changes.

- (1) Prior to making the following changes, the Marijuana Establishment shall submit a request for such change to the Commission and pay the appropriate fee. No such change 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.
  - (a) Location Change. Prior to changing its location, a Marijuana Establishment shall submit a request for such change to the Commission.
  - (b) Ownership or Control Change.
    - 1. Ownership change. 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 the Marijuana Establishment including capital that is in the form of land or buildings, the Marijuana Establishment shall submit a request for such change to the Commission.
    - 2. Control change. Prior to any change in control, where a new Person or Entity Having Direct or Indirect Control should be added to the license, the Marijuana Establishment 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 a Marijuana Establishment if the individual, corporation, or entity falls within the definition of Person or Entity Having Direct or Indirect Control.
    - 3. Priority Applicants Change in Ownership or Control. Where a certified Economic Empowerment Priority Applicant seeks approval by the Commission of a change in ownership or control, the applicant must undergo the approval process provided by 935 CMR 500.104: *Notification and Approval of Changes* prior to making a change in ownership or control.
      - a. In order to maintain its status as an Economic Empowerment Priority Applicant, the Economic Priority Applicant in its submission must demonstrate that it continues to qualify as an Economic Empowerment

935 CMR: CANNABIS CONTROL COMMISSION

Priority Applicant, as defined in 935 CMR 500.002: *Definitions*.

- b. On receipt of notice and a request for approval under 935 CMR 500.104: *Notification and Approval of Changes*, the Commission shall review anew the applicant's eligibility for economic empowerment certification status.
- c. If the qualifications are no longer are met subsequent to the approved change, the applicant will no longer be certified as an Economic Empowerment Priority Applicant and will no longer receive any benefits stemming from that designation.
- d. The applicant may still seek approval of a change of ownership or control.

(c) Structural Change. Prior to any modification, remodeling, expansion, reduction or other physical, non-cosmetic alteration of the Marijuana Establishment, the establishment shall submit a request for such change to the Commission.

(d) Name Change. Prior to changing its name, the Marijuana Establishment 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.

(2) The Marijuana Establishment shall keep current all information required by 935 CMR 500.000: *Adult Use of Marijuana* or otherwise required by the Commission. The Marijuana Establishment shall report any changes in or additions to the content of the information contained in any document to the Commission within five business days after such change or addition.

500.105: General Operational Requirements for Marijuana Establishments

(1) Written Operating Procedures. Every Marijuana Establishment shall have and follow a set of detailed written operating procedures. If the Marijuana Establishment has a second location, it shall develop and follow a set of such operating procedures for that facility. Operating procedures shall include, but need not be limited to the following:

- (a) security measures in compliance with 935 CMR 500.110: *Security Requirements for Marijuana Establishments*;
- (b) employee security policies, including personal safety and crime prevention techniques;
- (c) a description of the Marijuana Establishment's hours of operation and after-hours contact information, which shall be provided to the Commission, made available to law enforcement authorities on request, and updated pursuant to 935 CMR 500.000: *Adult Use of Marijuana*.;
- (d) storage and waste disposal of Marijuana in compliance with 935 CMR 500.105(11);
- (e) description of the various strains of Marijuana to be cultivated, Processed or sold, as applicable, and the form(s) in which Marijuana will be sold;
- (f) price list for Marijuana and Marijuana Products and any other available products, and alternate price lists for patients with documented Verified Financial Hardship as required by 935 CMR 501.100(1)(f);
- (g) procedures to ensure accurate recordkeeping, including inventory protocols for Transfer and inventory in compliance with 935 CMR 500.105(8) and (9);

935 CMR: CANNABIS CONTROL COMMISSION

- (h) plans for quality control, including product testing for contaminants in compliance with 935 CMR 500.160: *Testing of Marijuana and Marijuana Products*;
- (i) a staffing plan and staffing records in compliance with 935 CMR 500.105(9);
- (j) emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies;
- (k) alcohol, smoke, and drug-free workplace policies;
- (l) a plan describing how Confidential Information will be maintained;
- (m) a policy for the immediate dismissal of any Marijuana establishment agent who has:
  - 1. diverted Marijuana, which shall be reported to law enforcement authorities and to the Commission;
  - 2. engaged in unsafe practices with regard to operation of the Marijuana Establishment, which shall be reported to the Commission; or
  - 3. been convicted or entered a guilty plea, plea of *nolo contendere*, or admission to sufficient facts of a felony drug offense involving distribution to a minor in the Commonwealth, or a like violation of the laws of Other Jurisdictions.
- (n) a list of all board members and Executives of a Marijuana Establishment, and Members, if any, of the Licensee must be made available on request by any individual. This requirement may be fulfilled by placing this required information on the Marijuana Establishment's website;
- (o) Policies and procedure for the handling of cash on MTC Premises including, but not limited to, storage, collection frequency, and transport to financial institution(s), to be available on inspection.
- (p) policies and procedures to prevent the diversion of Marijuana to individuals younger than 21 years old;
- (q) policies and procedures for energy efficiency and conservation that shall include:
  - 1. identification of potential energy use reduction opportunities (including but not limited to natural lighting, heat recovery ventilation 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.
- (r) Policies and procedures to promote workplace safety consistent with applicable standards set by the Occupational Safety and Health Administration, including plans to identify and address any biological, chemical or physical hazards. Such

policies and procedures shall include, at a minimum, a hazard communication plan, personal protective equipment assessment, a fire protection plan, and an emergency action plan.

(2) Marijuana Establishment Agent Training.

(a) Marijuana Establishments shall ensure that all Marijuana establishment agents complete training prior to performing job functions. Training shall be tailored to the roles and responsibilities of the job function of each Marijuana establishment agent, and at a minimum must include a Responsible Vendor Training Program under 935 CMR 500.105(2)(b). Agents responsible for tracking and entering product into the Seed-to-Sale SOR must receive training in a form and manner determined by the Commission. At a minimum, staff shall receive eight hours of on-going training annually.

(b) Responsible Vendor Training.

1. On or after July 1, 2019, all current Owners, managers and employees of a Marijuana Establishment that are involved in the handling and sale of Marijuana for adult use at the time of licensure or renewal of licensure, as applicable, shall have attended and successfully completed a Responsible Vendor Training Program to be designated a "Responsible Vendor."
2. Once a Licensee is designated a "Responsible Vendor," all new employees involved in the handling and sale of Marijuana for adult use shall successfully complete a Responsible Vendor Training Program within 90 days of hire.
3. After initial successful completion of a Responsible Vendor Training Program, each Owner, manager, and employee involved in the handling and sale of Marijuana for adult use shall successfully complete the program once every year thereafter to maintain designation as a "Responsible Vendor."
4. Administrative employees who do not handle or sell Marijuana may take the "Responsible Vendor" program on a voluntary basis.
5. Marijuana establishments must maintain records of Responsible Vendor Training Program compliance for four years and make them available to inspection by the Commission and any other applicable licensing authority on request during normal business hours.
6. Certification Training Program Standards.
  - a. No owner, manager or employee of a Responsible Vendor program shall have an interest in a licensed Marijuana Establishment.
  - b. Program providers shall submit their programs to the Commission every two years for approval as a Responsible Vendor program.
  - c. The program shall include at least two hours of instruction time.
  - d. The program shall be taught in a real-time, interactive classroom setting where the instructor is able to verify the identification of each individual attending the program and certify completion of the program by the individual identified.
  - e. The program provider shall maintain its training records at its principal place of business during the applicable year and for the



following three years.

- f. The provider shall make the records available for inspection by the Commission and any other applicable licensing authority on request during normal business hours.
- g. The program shall provide written documentation of attendance and successful passage of a test on the knowledge of the required curriculum for each attendee.
- h. Attendees who can speak and write English must successfully pass a written test with a score of 70% or better.
- i. Attendees who cannot speak or write English may be offered a verbal test, provided that the same questions are given as are on the written test and the results of the verbal test are documented with a passing score of 70% or better.
- j. Program providers shall solicit effectiveness evaluations from individuals who have completed their program.

7. Certification Training Class Core Curriculum.

- a. Discussion concerning Marijuana's effect on the human body. Training shall include:
  - i. scientifically based evidence on the physical and mental health effects based on the type of Marijuana Product;
  - ii. the amount of time to feel impairment;
  - iii. visible signs of impairment; and
  - iv. recognizing the signs of impairment.
- b. Diversion prevention and prevention of sales to minors, including best practices.
- c. Compliance with all tracking requirements.
- d. Acceptable forms of identification. Training shall include:
  - i. how to check identification;
  - ii. spotting false identification;
  - iii. Patient Registration Cards formerly and validly issued by the DPH or currently and validly issued by the Commission;
  - iv. provisions for confiscating fraudulent identifications; and
  - v. common mistakes made in verification.
- e. Other key state laws and rules affecting Owners, managers, and employees, which shall include:
  - i. local and state licensing and enforcement;
  - ii. incident and notification requirements;

- iii. administrative and criminal liability;
- iv. license sanctions;
- v. waste disposal;
- vi. health and safety standards;
- vii. patrons prohibited from bringing Marijuana onto licensed Premises;
- viii. permitted hours of sale;
- ix. conduct of establishment;
- x. permitting inspections by state and local licensing and enforcement authorities;
- xi. Licensee responsibilities for activities occurring within licensed Premises;
- xii. maintenance of records;
- xiii. privacy issues; and
- xiv. prohibited purchases and practices.

f. Such other areas of training determined by the Commission to be included in a Responsible Vendor Training Program.

(3) Requirements for the Handling of Marijuana.

(a) A Marijuana Establishment authorized to Process Marijuana shall do so in a safe and sanitary manner. A Marijuana Establishment shall Process the leaves and flowers of the female Marijuana plant only, which shall be:

1. well cured and generally free of seeds and stems;
2. free of dirt, sand, debris, and other foreign matter;
3. free of contamination by mold, rot, other fungus, and bacterial diseases with the sanitation requirements in 105 CMR 500.000: *Good Manufacturing Practices for Food*, and if applicable, 105 CMR 590.000: *Minimum Sanitation Standards for Food Establishments*;
4. prepared and handled on food-grade stainless steel tables with no contact with Licensees' or agents' bare hands; and
5. packaged in a secure area.

(b) All Marijuana Establishments, including those that develop or Process non-edible Marijuana Products, shall comply with the following sanitary requirements:

1. any Marijuana establishment agent whose job includes contact with Marijuana or nonedible Marijuana Products, including cultivation, production, or packaging, is subject to the requirements for food handlers specified in 105 CMR 300.000: *Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements*;
2. any Marijuana establishment agent working in direct contact with preparation of Marijuana or nonedible Marijuana Products shall conform to sanitary practices while on duty, including:
  - a. maintaining adequate personal cleanliness; and
  - b. washing hands thoroughly in an adequate hand-washing area before starting work, and at any other time when hands may have become soiled or contaminated.
3. hand-washing facilities shall be adequate and convenient and shall be furnished with running water at a suitable temperature. Hand-washing

935 CMR: CANNABIS CONTROL COMMISSION

facilities shall be located in the Marijuana Establishment in Production Areas and where good sanitary practices require employees to wash and sanitize their hands, and shall provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices;

4. there shall be sufficient space for placement of equipment and storage of materials as is necessary for the maintenance of sanitary operations;
5. litter and waste shall be properly removed, disposed of so as to minimize the development of odor and minimize the potential for the waste attracting and harboring pests. The operating systems for waste disposal shall be maintained in an adequate manner pursuant to 935 CMR 500.105(12);
6. floors, walls, and ceilings shall be constructed in such a manner that they may be adequately kept clean and in good repair;
7. there shall be adequate safety lighting in all Processing and storage areas, as well as areas where equipment or utensils are cleaned;
8. buildings, fixtures, and other physical facilities shall be maintained in a sanitary condition;
9. all contact surfaces, including utensils and equipment, shall be maintained in a clean and sanitary condition. Such surfaces shall be cleaned and sanitized as frequently as necessary to protect against contamination, using a sanitizing agent registered by the US Environmental Protection Agency (EPA), in accordance with labeled instructions. Equipment and utensils shall be so designed and of such material and workmanship as to be adequately cleanable;
10. all toxic items shall be identified, held, and stored in a manner that protects against contamination of Marijuana Products. Toxic items shall not be stored in an area containing products used in the cultivation of Marijuana. The Commission may require a Marijuana Establishment to demonstrate the intended and actual use of any toxic items found on the Premises;
11. a Marijuana Establishment's water supply shall be sufficient for necessary operations. Any private water source shall be capable of providing a safe, potable, and adequate supply of water to meet the Marijuana Establishment's needs;
12. plumbing shall be of adequate size and design, and adequately installed and maintained to carry sufficient quantities of water to required locations throughout the Marijuana Establishment. Plumbing shall properly convey sewage and liquid disposable waste from the Marijuana Establishment. There shall be no cross-connections between the potable and wastewater lines;
13. a Marijuana Establishment shall provide its employees with adequate, readily accessible toilet facilities that are maintained in a sanitary condition and in good repair;
14. products that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms;

935 CMR: CANNABIS CONTROL COMMISSION

15. storage and transportation of finished products shall be under conditions that will protect them against physical, chemical, and microbial contamination as well as against deterioration of finished products or their containers; and
  16. all vehicles and transportation equipment used in the transportation of Marijuana Products or edibles requiring temperature control for safety must be designed, maintained, and equipped as necessary to provide adequate temperature control to prevent the Marijuana Products or edibles from becoming unsafe during transportation, consistent with applicable requirements pursuant to 21 CFR 1.908(c).
- (c) All Marijuana Establishments, including those that develop or Process edible Marijuana Products, shall comply with sanitary requirements. All edible products shall be prepared, handled, and stored in compliance with the sanitation requirements in 105 CMR 590.000: *Minimum Sanitation Standards for Food Establishments*.

(4) Marketing and Advertising Requirements.

- (a) Permitted Practices. The following advertising, marketing, and branding activities are permitted:
1. ~~A~~ Marijuana Establishment may develop a business name and logo to be used in labeling, signage, and other materials; provided, however, that use of medical symbols, images of Marijuana, or related Paraphernalia, images that are appealing to persons younger than 21 years of age, and colloquial references to Cannabis and Marijuana are prohibited from use in this business name and logo;
  2. ~~S~~ponsorship of a charitable, sporting or similar event, except that advertising, marketing, and branding at or in connection with such an event is prohibited unless at least 85% of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data;
  3. ~~A~~ Marijuana Establishment may display, in secure, locked cases, samples of each product offered for sale and subject to the requirements of 935 CMR 500.110: *Security Requirements for Marijuana Establishments*. These display cases may be transparent. An authorized Marijuana establishment agent may remove a sample of Marijuana from the case and provide it to the Consumer for inspection, provided the Consumer may not consume or otherwise use the sample unless otherwise authorized herein;
  4. ~~T~~he establishment may post prices in the store and may respond to questions about pricing. ~~T~~he Marijuana Establishment shall provide a catalogue or a printed list of the prices and strains of Marijuana available at the Marijuana Establishment to Consumers and may post the same catalogue or printed list on its website and in the retail store;
  5. ~~A~~ Marijuana Establishment may engage in reasonable marketing, advertising and branding practices that are not otherwise prohibited in 935 CMR 500.105(4)(b) that do not jeopardize the public health, welfare or safety of the general public or promote the diversion of Marijuana or Marijuana use in individuals younger than 21 years old. Any such marketing, advertising and branding created for viewing by the public shall include the statement "Please Consume Responsibly," in a conspicuous manner on the face of the advertisement and shall include a minimum of two of the following warnings in their entirety in a

conspicuous manner on the face of the advertisement:

- a. "This product may cause impairment and may be habit forming.";
  - b. "Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug.";
  - c. "There may be health risks associated with consumption of this product.";
  - d. "For use only by adults 21 years of age or older. Keep out of the reach of children."; or
  - e. "Marijuana should not be used by women who are pregnant or breastfeeding."
6. All marketing, advertising and branding produced by or on behalf of a Marijuana Establishment shall include the following warning, including capitalization, in accordance with M.G.L. c. 94G, § 4(a½)(xxvi):

This product has not been analyzed or approved by the Food and Drug Administration (FDA). There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN. There may be health risks associated with consumption of this product. Marijuana can impair concentration, coordination, and judgment. The impairment effects of edible Marijuana may be delayed by two hours or more. In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1. This product may be illegal outside of MA.

(b) Prohibited Practices. The following advertising, marketing, and branding activities are prohibited:

1. Aadvertising, marketing, and branding in such a manner that is deemed to be is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly or by omission or ambiguity;
2. Aadvertising, marketing and branding by means of television, radio, internet, mobile applications, social media, or other electronic communication, billboard or other outdoor advertising, or print publication, unless at least 85% of the audience is reasonably expected to be 21 years of age or older as determined by reliable and current audience composition data;
3. Aadvertising, marketing, and branding that utilizes statements, designs, representations, pictures or illustrations that portray anyone younger than 21 years old;
4. Aadvertising, marketing, and branding including, but not limited to, mascots, cartoons, brand sponsorships and celebrity endorsements, that is deemed to appeal to a person younger than 21 years old;
5. Aadvertising, marketing, and branding, including statements by a

935 CMR: CANNABIS CONTROL COMMISSION

Licensee, that makes any false or statements concerning other Licensees and the conduct and products of such other Licensees that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly or by omission or ambiguity;

6. ~~A~~advertising, marketing, and branding through certain identified promotional items as determined by the Commission including, but not limited to, gifts, giveaways, discounts, points-based reward systems, customer loyalty programs, coupons, or “free” or “donated” Marijuana;
7. ~~A~~advertising, marketing, and branding by a Licensee that asserts that its products are safe, or represent that its products have curative or therapeutic effects, other than labeling required pursuant to M.G.L. c. 94G, § 4(a/2)(xxvi), unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor as determined by the Commission;
8. ~~A~~advertising on any billboards, or any other public signage, which fails to comply with all state and local ordinances and requirements;
9. ~~I~~nstallation of any illuminated, neon-, or external signage beyond the period of 30 minutes before sundown until closing provided however that the Commission may further specify minimum signage requirements;
10. ~~T~~he use of vehicles equipped with radio or loudspeakers for the advertising of Marijuana;
11. ~~T~~he use of radio or loudspeaker equipment in any Marijuana Establishment for the purpose of attracting attention to the sale of Marijuana;
12. ~~A~~advertising, marketing, and branding at, or in connection with, a charitable, sporting or similar event, unless at least 85% of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data;
13. ~~O~~peration of any website of a Marijuana Establishment that fails to verify that the entrant is 21 years of age or older;
14. ~~U~~se of unsolicited pop-up advertisements on the internet or text message;
15. ~~A~~ny advertising of an improper or objectionable nature including, but not limited to, the use of recipe books or pamphlets for Marijuana Products which contain obscene or suggestive statements;
16. ~~A~~advertising, marketing or branding of Marijuana Products, on clothing, cups, drink holders, apparel accessories, electronic equipment or accessories, sporting equipment, novelty items and similar portable promotional items;
17. ~~A~~advertising, marketing or branding, on or in public or private vehicles and at bus stops, taxi stands, transportation waiting areas, train stations, airports, or other similar transportation venues including, but not limited to, vinyl-wrapped vehicles or signs or logos on transportation vehicles or company cars;
18. ~~A~~advertising, marketing, branding, signs or other printed matter advertising any brand or kind of Marijuana Products that are displayed on the exterior or interior of any Premises licensed by the Commonwealth

935 CMR: CANNABIS CONTROL COMMISSION

where Marijuana Products are not regularly and usually kept for sale;

19. Addvertising or marketing of the price of Marijuana Products, except as permitted above pursuant to 935 CMR 500.105(4)(a); and
20. Display of Marijuana Products so as to be clearly visible to a person from the exterior of a Marijuana Establishment.

(c) Nothing in 935 CMR 500.105(4) prohibits a Marijuana Establishment from using a mark provided by the Commission which uses images of Marijuana.

(5) Labeling of Marijuana and Marijuana Products.

(a) Labeling of Marijuana Not Sold as a Marijuana Product. Prior to Marijuana being sold or transferred, a Marijuana Cultivator shall ensure the placement of a legible, firmly affixed label on which the wording is no less than 1/16 inch in size on each package of Marijuana that it makes available for retail sale, containing at a minimum the following information:

1. the name and registration number of the Marijuana Cultivator that produced the Marijuana, together with the retail Licensee's business telephone number, electronic mail address, and website information, if any;
2. the quantity of Usable Marijuana contained within the package;
3. the date that the Marijuana Retailer or Marijuana Cultivator packaged the contents and a statement of which Licensee performed the packaging;
4. a batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and Processing;
5. the full Cannabinoid Profile of the Marijuana contained within the package, including THC and other Cannabinoid level;
6. a statement and a seal certifying that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with M.G.L. c. 94G, § 15;
7. this statement, including capitalization:

This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN.**;

8. the following symbol or easily recognizable mark issued by the Commission that indicates the package contains Marijuana Product:



9. the following symbol or other easily recognizable mark issued by the Commission that indicates that the product is harmful to children:



10. 935 CMR 500.105(5)(a) shall not apply to Marijuana packaged by a Marijuana Cultivator for transport to a Marijuana Retailer in compliance with 935 CMR 500.105(13) provided however that the retailer is responsible for compliance with 935 CMR 500.105(5) for all Marijuana Products sold or displayed for Consumers.

- (b) **Labeling of Edible Marijuana Products.** Prior to edible Marijuana Products being sold or transferred, the Marijuana Product Manufacturer shall place a legible, firmly affixed label on which the wording is no less than  $\frac{1}{16}$  inch in size on each edible Marijuana Product that it prepares for retail sale or wholesale, containing at a minimum the following information:
1. the name and registration number of the product manufacturer that produced the Marijuana Product, together with the product manufacturer's business telephone number, e-mail address, and website information, if any;
  2. the name of the Marijuana Product;
  3. refrigeration of the product is required, as applicable;
  4. net weight or volume in US customary and metric units;
  5. the quantity of Usable Marijuana contained within the product as measured in ounces;
  6. the type of Marijuana used to produce the product, including what, if any, Processing technique or solvents were used;
  7. a list of ingredients, including the full Cannabinoid Profile of the Marijuana contained within the Marijuana Product, including the amount of delta-nine-tetrahydrocannabinol ( $\Delta$ 9-THC) and other cannabinoids in the package and in each serving of a Marijuana Product as expressed in absolute terms and as a percentage of volume;
  8. the serving size of the Marijuana Product in milligrams;
  9. the number of serving sizes within the Marijuana Product based on the limits provided in 935 CMR 500.150: *Edible Marijuana Products*;
  10. the amount, in grams, of sodium, sugar, carbohydrates and total fat per serving;
  11. the date of creation and the recommended "use by" or expiration date which shall not be altered or changed;



12. a batch number, sequential serial number and bar codes when used, to identify the batch associated with manufacturing and Processing;
13. directions for use of the Marijuana Product;
14. a statement and a seal that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with M.G.L. c. 94G, § 15;
15. a warning if nuts or other Known Allergens are contained in the product;
16. this statement, including capitalization:

The impairment effects of edible products may be delayed by two hours or more. This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN;**

17. The following symbol or easily recognizable mark issued by the Commission that indicates the package contains Marijuana Product:



18. The following symbol or other easily recognizable mark issued by the Commission that indicates that the product is harmful to children:



19. 935 CMR 500.105(5)(b) shall apply to edible Marijuana Products produced by a Marijuana Product Manufacturer for transport to a Marijuana Retailer in compliance with 935 CMR 500.105(13) and shall be in addition to any regulation regarding the appearance of edible Marijuana Products under 935 CMR 500.150: *Edible Marijuana Products*.

- (c) **Labeling of Marijuana Concentrates and Extracts.** Prior to Marijuana concentrates or extracts being sold or transferred, the Marijuana Product Manufacturer shall place a legible, firmly affixed label on which the wording is no less than  $\frac{1}{16}$  inch in size on each Marijuana concentrate container that it prepares for retail sale or wholesale, containing at a minimum the following information:

1. the name and registration number of the product manufacturer that

935 CMR: CANNABIS CONTROL COMMISSION

produced the Marijuana Product, together with the product manufacturer's business telephone number, e-mail address, and website information, if any;

2. the name of the Marijuana Product;
3. product identity including the word "concentrate" or "extract" as applicable;
4. net weight of volume expressed in US customary units and metric units;
5. the type of Marijuana used to produce the product, including what, if any, Processing technique or solvents were used;
6. a list of ingredients, including but not limited to, the full Cannabinoid Profile of the Marijuana contained within the Marijuana Product, including the amount of delta-nine-tetrahydrocannabinol ( $\Delta$ 9-THC) and other cannabinoids in the package and in each serving of a Marijuana Product as expressed in absolute terms and as a percentage of volume, and the amount of any specific additives infused or incorporated during the manufacturing process, including, but not limited to, specific terpenes, expressed in absolute terms and as a percentage of volume;
7. a statement of the serving size and number of servings per container or amount suggested for use based on the limits provided in 935 CMR 500.150: *Edible Marijuana Products*;
8. the date of creation and the recommended "use by" or expiration date;
9. a batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and Processing;
10. directions for use of the Marijuana Product;
11. a statement and a seal that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with M.G.L. c. 94G, § 15;
12. a warning if nuts or other Known Allergens are contained in the product;
13. this statement, including capitalization:

This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN.**;

14. The following symbol or easily recognizable mark issued by the Commission that indicates the package contains Marijuana Product:



15. The following symbol or other easily recognizable mark issued by the Commission that indicates that the product is harmful to children:



16. 935 CMR 500.105(5)(c) shall apply to Marijuana concentrates and extracts produced by a Marijuana Product Manufacturer for transport to a Marijuana Retailer in compliance with 935 CMR 500.105(13).

(d) Labeling of Marijuana Infused Tinctures and Topicals. Prior to Marijuana infused Tinctures or topicals being sold or transferred the Marijuana Product Manufacturer shall place a legible, firmly affixed label on which the wording is no less than  $\frac{1}{16}$  inch in size on each container of Marijuana infused Tincture or topical that it prepares for retail sale or wholesale, containing at a minimum the following information:

1. the name and registration number of the product manufacturer that produced the Marijuana Product, together with the product manufacturer's business telephone number, e-mail address, and website information, if any;
2. the Marijuana Product's identity;
3. the type of Marijuana used to produce the product, including what, if any, Processing technique or solvents were used;
4. a list of ingredients, including the full Cannabinoid Profile of the Marijuana contained within the Marijuana Product, including the amount of delta-nine-tetrahydrocannabinol ( $\Delta 9$ -THC) and other cannabinoids in the package and in each serving of a Marijuana Product as expressed in absolute terms and as a percentage of volume;
5. net weight or volume as expressed in US customary units or metric units;
6. the date of product creation;
7. a batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and Processing;
8. directions for use of the Marijuana Product;
9. a statement and a seal that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with M.G.L. c. 94G, § 15;
10. a warning if nuts or other Known Allergens are contained in the product;
11. this statement, including capitalization:

This product has not been analyzed or approved by the FDA.

There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN.**;

12. The following symbol or easily recognizable mark issued by the Commission that indicates the package contains Marijuana Product:



13. The following symbol or other easily recognizable mark issued by the Commission that indicates that the product is harmful to children:



14. 935 CMR 500.105(5)(d) shall apply to Marijuana-infused Tinctures and topicals produced by a Marijuana Product Manufacturer for transport to a Marijuana Retailer in compliance with 935 CMR 500.105(13).

- (e) In circumstances where the labeling of the Marijuana Product is unreasonable or impractical, the Marijuana Establishment may include the labeling information on a peel-back label or may place the product in a sealed bag with an insert or additional, easily readable label firmly affixed to that bag.

(6) Packaging of Marijuana and Marijuana Products.

- (a) Tamper ~~and-or~~ Child-resistant Packaging. Licensees licensed subject to 935 CMR 500.050(5) shall ensure that all Marijuana Products, other than those offered at wholesale by a Marijuana Cultivator, that are provided for sale to Consumers by a Licensee shall be sold in tamper ~~and-or~~ child-resistant packaging. To be in compliance with 935 CMR 500.105(6), Licensees shall ensure:

1. That to the extent it is not Unreasonably Impracticable for the specific type of product, Marijuana Products are packaged in containers that are:
  - a. opaque and plain in design;
  - ~~a.b.~~ not be able to be opened easily with scissors if appealing to children;
  - ~~b.c.~~ resealable for any Marijuana Product intended for more than a single use or containing multiple servings; and
  - ~~e.d.~~ certified by a qualified third-party tamper ~~and-or~~ child-resistant packaging testing firm that the packaging is in compliance with the

935 CMR: CANNABIS CONTROL COMMISSION

most recent poison prevention packaging regulations of the US Consumer Product Safety Commission as included at 16 CFR 1700; or

2. That where compliance with the requirements of tamper ~~and or~~ child-resistant packaging is deemed to be Unreasonably Impracticable, Marijuana Products shall be placed in an exit package that is:
    - a. capable of being resealed and made tamper ~~and or~~ child-resistant again after it has been opened;
    - ~~b. not be able to be opened easily with scissors or knives if appealing to children;~~
    - ~~e.b.~~ includes the following statement, including capitalization, in at least ten-point Times New Roman, Helvetica or Arial font: KEEP OUT OF REACH OF CHILDREN; and
    - ~~e.c.~~ is certified by a qualified third-party tamper ~~and or~~ child-resistant packaging testing firm that the packaging is in compliance with the most recent poison prevention packaging regulations of the US Consumer Product Safety Commission as included at 16 CFR 1700.
- (b) Limits on Packaging Design. Packaging for Marijuana Products sold or displayed for Consumers, including any label or imprint affixed to any packaging containing Marijuana Products or any exit packages, shall not be attractive to minors. Packaging is explicitly prohibited from:
1. using bright colors, defined as colors that are “neon” in appearance;
  2. imitating or having a semblance to any existing branded Consumer products, including foods and beverages, that do not contain Marijuana;
  3. featuring cartoons;
  4. featuring a design, brand or name that resembles a non-Cannabis Consumer product of the type that is typically marketed to minors;
  5. featuring symbols or celebrities that are commonly used to market products to minors;
  6. featuring images of minors; and
  7. featuring words that refer to products that are commonly associated with minors or marketed to minors.
- (c) Packaging of Multiple Servings.
1. Packaging for Marijuana Products sold or displayed for Consumers in multiple servings shall include the following statement on the exterior of the package in a printed font that is no smaller than ten-point Times New Roman, Helvetica or Arial, including capitalization: “INCLUDES MULTIPLE SERVINGS.”
  2. Packaging for Marijuana Products in solid form sold or displayed for Consumers in multiple servings shall allow a Consumer to easily perform the division into single servings.

935 CMR: CANNABIS CONTROL COMMISSION

- a. Edible Marijuana Products in a solid form shall be easily and permanently scored to identify individual servings.
  - b. Notwithstanding 935 CMR 500.105(6)(c)2a, where a product is unable, because of its form, to be easily and permanently scored to identify individual servings, the product shall be packaged in a single serving size. The determination of whether a product is able to be easily and permanently scored shall be decided by the Commission consistent with sub-regulatory guidelines established by the Commission and provided to Licensees.
  - c. Packaging for Marijuana Product beverages shall be packages solely in a single serving size. Multiple serving beverages are strictly prohibited for sale.
- (d) Each single serving of an edible Marijuana Product contained in a multiple-serving package shall be marked, stamped or otherwise imprinted with the symbol issued by the Commission under 935 CMR 500.105(5) that indicates that the single serving is a Marijuana Product.
- (e) Serving size shall be determined by the processor but in no instance shall an individual serving size of any Marijuana Product contain more than five milligrams of delta-nine-tetrahydrocannabinol ( $\Delta$ 9-THC) subject to the testing variance specified in 935 CMR 500.160(11).
- (7) Packaging and Labeling Pre-approval. Prior to a Marijuana Product being sold at a Marijuana Establishment, a Licensee or license applicant may submit an application, in a form and manner determined by the Commission, for packaging and label approval to the Commission. The Commission may charge a fee for packaging and labeling pre-approval. The packaging and labeling pre-approval process shall in no way substitute for compliance with 935 CMR 500.105(4) through (6).
- (8) Inventory and Transfer.
- (a) Subject to Marijuana or Marijuana Products being entered into the Seed-to-sale SOR, a Marijuana Establishment may Transfer product to an MTC; and an MTC may Transfer product to a Marijuana Establishment as long as there is no violation of the dosing limitations set forth in 935 CMR 500.150(4) or the limitations on total MTC inventory as set forth in 935 CMR 501.105(8)(k)2. and 3. Such Transfers cannot violate provisions protecting patient supply under 935 CMR 502.140(9). An MTC must limit its Transfer of inventory of seeds, plants, and Usable Marijuana to reflect the projected needs of registered Qualifying Patients.
  - (b) Real-time inventory shall be maintained as specified by the Commission and in 935 CMR 500.105(8)(c) and (d), including, at a minimum, an inventory of Marijuana plants; Marijuana plant-seeds and Clones in any phase of development such as Propagation, Vegetation, and Flowering; Marijuana ready for dispensing; all Marijuana Products; and all damaged, defective, expired, or contaminated Marijuana and Marijuana Products awaiting disposal.
  - (c) A Marijuana Establishment shall:
    1. Establish inventory controls and procedures for the conduct of inventory reviews, and comprehensive inventories of Marijuana Products in the process of cultivation, and finished, stored Marijuana;
    2. Conduct a monthly inventory of Marijuana in the process of cultivation and finished, stored Marijuana;

3. Conduct a comprehensive annual inventory at least once every year after the date of the previous comprehensive inventory; and
  4. Promptly transcribe inventories if taken by use of an oral recording device.
- (d) The record of each inventory shall include, at a minimum, the date of the inventory, a summary of the inventory findings, and the names, signatures, and titles of the individuals who conducted the inventory.
- (e) A Marijuana Establishment shall attach plant tags to all Marijuana, Clones, and plants and attach package tags to all Finished Marijuana and Marijuana Products, and track all Marijuana seeds, Clones, plants, and Marijuana Products, using a seed-to-sale methodology in a form and manner to be approved by the Commission.
- (f) No Marijuana Product, including Marijuana, may be sold or otherwise marketed for adult use that has not first been tested by Independent Testing Laboratories, except as allowed under 935 CMR 500.000: *Adult Use of Marijuana*.
- (9) **Record Keeping.** Records of a Marijuana Establishment must be available for inspection by the Commission, on request. The financial records of a Marijuana Establishment shall be maintained in accordance with generally accepted accounting principles. Written records that are required and are subject to inspection include, but are not necessarily limited to, all records required in any section of 935 CMR 500.000: *Adult Use of Marijuana*, in addition to the following:
- (a) written operating procedures as required by 935 CMR 500.105(1);
  - (b) inventory records as required by 935 CMR 500.105(8);
  - (c) seed-to-sale tracking records for all Marijuana Products as required by 935 CMR 500.105(8)(e);
  - (d) the following personnel records:
    1. job descriptions for each employee and volunteer position, as well as organizational charts consistent with the job descriptions;
    2. a personnel record for each Marijuana establishment agent. Such records shall be maintained for at least 12 months after termination of the individual's affiliation with the Marijuana Establishment and shall include, at a minimum, the following:
      - a. all materials submitted to the Commission pursuant to 935 CMR 500.030(2);
      - b. documentation of verification of references;
      - c. the job description or employment contract that includes duties, authority, responsibilities, qualifications, and supervision;
      - d. documentation of all required training, including training regarding privacy and confidentiality requirements, and the signed statement of the individual indicating the date, time, and place he or she received said training and the topics discussed, including the name and title of presenters;
      - e. documentation of periodic performance evaluations;

935 CMR: CANNABIS CONTROL COMMISSION

- f. a record of any disciplinary action taken; and
      - g. notice of completed Responsible Vendor and eight-hour related duty training.
    - 3. a staffing plan that will demonstrate accessible business hours and safe cultivation conditions;
    - 4. personnel policies and procedures; and
    - 5. all background check reports obtained in accordance with 935 CMR 500.030: *Registration of Marijuana Establishment Agents*.
  - (e) business records, which shall include manual or computerized records of:
    - 1. assets and liabilities;
    - 2. monetary transactions;
    - 3. books of accounts, which shall include journals, ledgers, and supporting documents, agreements, checks, invoices, and vouchers;
    - 4. sales records including the quantity, form, and cost of Marijuana Products; and
    - 5. salary and wages paid to each employee, or stipend, executive compensation, bonus, benefit, or item of value paid to any Persons Having Direct or Indirect Control over the Marijuana Establishment.
  - (f) waste disposal records as required under 935 CMR 500.105(12); and
  - (g) following closure of a Marijuana Establishment, all records must be kept for at least two years at the expense of the Marijuana Establishment and in a form and location acceptable to the Commission.
- (10) Liability Insurance Coverage or Maintenance of Escrow.
- (a) A Marijuana Establishment shall obtain and maintain general liability insurance coverage for no less than \$1,000,000 per occurrence and \$2,000,000 in aggregate, annually, and product liability insurance coverage for no less than \$1,000,000 per occurrence and \$2,000,000 in aggregate, annually, except as provided in 935 CMR 500.105(10)(b) or otherwise approved by the Commission. The deductible for each policy shall be no higher than \$5,000 per occurrence.
  - (b) A Marijuana Establishment that documents an inability to obtain minimum liability insurance coverage as required by 935 CMR 500.105(10)(a) may place in escrow a sum of no less than \$250,000 or such other amount approved by the Commission, to be expended for coverage of liabilities.
  - (c) The escrow account required pursuant to 935 CMR 500.105(10)(b) must be replenished within ten business days of any expenditure.
  - (d) Reports documenting compliance with 935 CMR 500.105(10) shall be made in a manner and form determined by the Commission pursuant to 935 CMR 500.000: *Adult Use of Marijuana*.
- (11) Storage Requirements.



935 CMR: CANNABIS CONTROL COMMISSION

- (a) A Marijuana Establishment shall provide adequate lighting, ventilation, temperature, humidity, space, and equipment, in accordance with applicable provisions of 935 CMR 500.105: *General Operational Requirements for Marijuana Establishments* and 500.110: *Security Requirements for Marijuana Establishments*.
  - (b) A Marijuana Establishment shall have separate areas for storage of Marijuana that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging have been opened or breached, until such products are destroyed.
  - (c) Marijuana Establishment storage areas shall be maintained in a clean and orderly condition.
  - (d) Marijuana Establishment storage areas shall be free from infestation by insects, rodents, birds, and pests of any kind.
  - (e) Marijuana Establishment storage areas shall be maintained in accordance with the security requirements of 935 CMR 500.110: *Security Requirements for Marijuana Establishments*.
- (12) Waste Disposal.
- (a) All recyclables and waste, including organic waste composed of or containing Finished Marijuana and Marijuana Products, shall be stored, secured, and managed in accordance with applicable state and local statutes, ordinances, and regulations. All exterior waste receptacles located on the Marijuana Establishment's Premises shall be locked and secured as to prevent unauthorized access.
  - (b) Liquid waste containing Marijuana or by-products of Marijuana Processing shall be disposed of in compliance with all applicable state and federal requirements, including but not limited to, for discharge of pollutants into surface water or groundwater (Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53; 314 CMR 3.00: *Surface Water Discharge Permit Program*; 314 CMR 5.00: *Groundwater Discharge Program*; 314 CMR 12.00: *Operation Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers*; the Federal Clean Water Act, 33 U.S.C. 1251 *et seq.*, the National Pollutant Discharge Elimination System Permit Regulations at 40 CFR Part 122, 314 CMR 7.00: *Sewer System Extension and Connection Permit Program*), or stored pending disposal in an industrial wastewater holding tank in accordance with 314 CMR 18.00: *Industrial Wastewater Holding Tanks and Containers*.
  - (c) Organic material, recyclable material and solid waste generated at a Marijuana Establishment shall be redirected or disposed of as follows:
    - 1. Organic and recyclable material shall be redirected from disposal in accordance with the waste disposal bans described at 310 CMR 19.017: *Waste Bans*.
    - 2. To the greatest extent feasible:
      - a. Any recyclable material as defined in 310 CMR 16.02: *Definitions* shall be recycled in a manner approved by the Commission; and
      - b. Any Marijuana containing organic material as defined in 310 CMR 16.02: *Definitions* shall be ground up and mixed with other organic material as defined in 310 CMR 16.02: *Definitions* at the Marijuana Establishment such that the resulting mixture renders

any Marijuana unusable for its original purpose. Once such Marijuana has been rendered unusable, the organic material may be composted or digested at an aerobic or anaerobic digester at an operation that is in compliance with the requirements of 310 CMR 16.00: *Site Assignment Regulations for Solid Waste Facilities*.

3. Solid waste containing Marijuana generated at a Marijuana Establishment shall be ground up and mixed with other solid waste at the Marijuana Establishment such that the resulting mixture renders any Marijuana unusable for its original purpose. Once such Marijuana has been rendered unusable, the resulting solid waste may be brought to a solid waste transfer facility or a solid waste disposal facility (*e.g.*, landfill or incinerator) that holds a valid permit issued by the Department of Environmental Protection or by the appropriate agency in the jurisdiction in which the facility is located.
- (d) No fewer than two Marijuana establishment agents must witness and document how the solid waste or organic material containing Marijuana is handled on-site, including, but not limited to, the grinding up, mixing, storage and removal from the Marijuana Establishment in accordance with 935 CMR 500.105(12). When Marijuana Products or waste is disposed or handled, the Marijuana Establishment must create and maintain an electronic record of the date, the type and quantity disposed or handled, the manner of disposal or other handling, the location of disposal or other handling, and the names of the two Marijuana Establishment Agents present during the disposal or other handling, with their signatures. A Marijuana Establishment shall keep these records for at least three years. This period shall automatically be extended for the duration of any enforcement action and may be extended by an order of the Commission.

(13) Transportation Between Marijuana Establishments.

(a) General Requirements.

1. A licensed Marijuana Establishment shall, as an element of its license, be licensed to transport its Marijuana Products to other licensed establishments, except as otherwise provided herein.
2. Marijuana products may only be transported between licensed Marijuana Establishments by registered Marijuana establishment agents.
3. A licensed Marijuana Transporter may contract with a licensed Marijuana Establishment to transport that Licensee's Marijuana Products to other licensed Marijuana Establishments.
4. The originating and receiving licensed Marijuana Establishments shall ensure that all transported Marijuana Products are linked to the Seed-to-Sale tracking program. For the purposes of tracking, seeds and Clones shall be properly tracked and labeled in a form and manner determined by the Commission.
5. Any Marijuana Product that is undeliverable or is refused by the destination Marijuana Establishment shall be transported back to the originating establishment.
6. All vehicles transporting Marijuana Products shall be staffed with a minimum of two Marijuana establishment agents. At least one agent shall always remain with the vehicle when the vehicle contains Marijuana or Marijuana Products.

7. Prior to leaving a Marijuana Establishment for the purpose of transporting Marijuana Products, the originating Marijuana Establishment must weigh, inventory, and account for, on video, all Marijuana Products to be transported.
8. Within eight hours after arrival at the destination Marijuana Establishment, the destination establishment must re-weigh, re-inventory, and account for, on video, all Marijuana Products transported.
9. When videotaping the weighing, inventorying, and accounting of Marijuana Products before transportation or after receipt, the video must show each product being weighed, the weight, and the manifest.
10. Marijuana products must be packaged in sealed, labeled, and tamper ~~and~~ or child-resistant packaging prior to and during transportation.
11. In the case of an emergency stop during the transportation of Marijuana Products, a log must be maintained describing the reason for the stop, the duration, the location, and any activities of personnel exiting the vehicle.
12. A Marijuana Establishment or a Marijuana Transporter transporting Marijuana Products shall ensure that all transportation times and routes are randomized.
13. A Marijuana Establishment or a Marijuana Transporter transporting Marijuana Products shall ensure that all transport routes remain within the Commonwealth.
14. All vehicles and transportation equipment used in the transportation of Cannabis products or edibles requiring temperature control for safety must be designed, maintained, and equipped as necessary to provide adequate temperature control to prevent the Cannabis products or edibles from becoming unsafe during transportation, consistent with applicable requirements pursuant to 21 CFR 1.908(c).
15. All vehicles shall be equipped with a video system that includes one or more video cameras in the storage area of the vehicle and one or more video cameras in the driver area of the vehicle and which shall remain operational at all times during the entire transportation process and which shall have:
  - a. the ability to produce a clear color still photo whether live or recorded; and
  - b. A date and time stamp embedded in all recordings which shall always be synchronized and set correctly and shall not significantly obscure the picture.

(b) Reporting Requirements.

1. Marijuana establishment agents must document and report any unusual discrepancy in weight or inventory to the Commission and law enforcement authorities not more than 24 hours of the discovery of such a discrepancy.
2. Marijuana establishment agents shall report to the Commission and law enforcement authorities any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport, not more than 24 hours of such accidents, diversions, losses, or other reportable incidents.

(c) Vehicles.

1. A vehicle used for transporting Marijuana Products must be:
  - a. owned or leased by the Marijuana Establishment or the Marijuana Transporter;
  - b. properly registered, inspected, and insured in the Commonwealth (documentation of such status shall be maintained as records of the Marijuana Establishment or the Marijuana Transporter, and shall be made available to the Commission on request);
  - c. equipped with an alarm system approved by the Commission; and
  - d. equipped with functioning heating and air conditioning systems appropriate for maintaining correct temperatures for storage of Marijuana Products.
2. Marijuana Products must not be visible from outside the vehicle.
3. Any vehicle used to transport Marijuana Products shall not bear any markings indicating that the vehicle is being used to transport Marijuana Products, and any such vehicle shall not indicate the name of the Marijuana Establishment or the Marijuana Transporter.
4. When transporting Marijuana Products, no other products may be transported or stored in the same vehicle.
5. No firearms may be located within the vehicle or on a Marijuana establishment agent.

(d) Storage Requirements.

1. Marijuana Products must be transported in a secure, locked storage compartment that is a part of the vehicle transporting the Marijuana Products.
2. The storage compartment must be sufficiently secure that it cannot be easily removed.
3. If a Marijuana Establishment, pursuant to a Marijuana Transporter License, or a Marijuana Transporter is transporting Marijuana Products for more than one Marijuana Establishment at a time, the Marijuana Products for each Marijuana Establishment shall be kept in a separate locked storage compartment during transportation and separate manifests shall be maintained for each Marijuana Establishment.
4. If a Marijuana Establishment is transporting Marijuana Products to multiple other establishments, it may seek the Commission's permission to adopt reasonable alternative safeguards.

(e) Communications.

1. Any vehicle used to transport Marijuana Products shall contain a global positioning system (GPS) monitoring device that is:
  - a. not a mobile device that is easily removable;
  - b. attached to the vehicle at all times that the vehicle contains

Marijuana Products;

- c. monitored by the Marijuana Establishment or Marijuana Transporter during transport of Marijuana Products; and
  - d. inspected by the Commission prior to initial transportation of Marijuana Products, and after any alteration to the locked storage compartment.
2. Each Marijuana Establishment agent transporting Marijuana Products shall always have access to a secure form of communication with personnel at the originating location when the vehicle contains Marijuana and Marijuana Products.
  3. Secure types of communication include, but are not limited to:
    - a. two-way digital or analog radio (UHF or VHF);
    - b. cellular phone; or
    - c. satellite phone.
  4. When choosing a type of secure communications, the following shall be taken into consideration:
    - a. cellular signal coverage;
    - b. transportation area;
    - c. base capabilities;
    - d. antenna coverage; and
    - e. frequency of transportation.
  5. Prior to, and immediately after leaving the originating location, the Marijuana Establishment agents shall use the secure form of communication to contact the originating location to test communications and GPS operability.
  6. If communications or the GPS system fail while on route, the Marijuana Establishment agents transporting Marijuana Products must return to the originating location until the communication system or GPS system is operational.
  7. The Marijuana Establishment agents transporting Marijuana Products shall contact the originating location when stopping at and leaving any scheduled location, and regularly throughout the trip, at least every 30 minutes.
  8. The originating location must have a Marijuana Establishment agent assigned to monitoring the GPS unit and secure form of communication, who must log all official communications with Marijuana Establishment agents transporting Marijuana Products.

(f) Manifests.

1. A manifest shall be filled out in triplicate, with the original manifest remaining with the originating Marijuana Establishment, a second copy provide to the destination Marijuana Establishment on arrival, and a copy to be kept with the licensed Marijuana Establishment agent during transportation and returned to the Marijuana Establishment or Marijuana Transporter on completion of the transportation.
2. Prior to transport, the manifest shall be securely transmitted to the

destination Marijuana Establishment by facsimile or email.

3. On arrival at the destination Marijuana Establishment, a Marijuana establishment agent at the destination Marijuana Establishment shall compare the manifest produced by the agents who transported the Marijuana Products to the copy transmitted by facsimile or email. This manifest must, at a minimum, include:
  - a. the originating Marijuana Establishment name, address, and registration number;
  - b. the names and registration numbers of the agents who transported the Marijuana Products;
  - c. the name and registration number of the Marijuana Establishment agent who prepared the manifest;
  - d. the destination Marijuana Establishment name, address, and registration number;
  - e. a description of the Marijuana Products being transported, including the weight and form or type of product;
  - f. the mileage of the transporting vehicle at departure from originating Marijuana Establishment and mileage on arrival at destination Marijuana Establishment, as well as mileage on return to originating Marijuana Establishment;
  - g. the date and time of departure from originating Marijuana Establishment and arrival at destination Marijuana Establishment for each transportation;
  - h. a signature line for the Marijuana establishment agent who receives the Marijuana Products;
  - i. the weight and inventory before departure and on receipt;
  - j. the date and time that the transported products were re-weighed and re-inventoried;
  - k. the name of the Marijuana Establishment agent at the destination Marijuana Establishment who re-weighed and re-inventoried products; and
  - l. the vehicle make, model, and license plate number.
4. The manifest shall be maintained within the vehicle during the entire transportation process, until the delivery is completed.
5. A Marijuana Establishment shall retain all transportation manifests for no less than one year and make them available to the Commission on request.

(g) Requirements for Agents.

1. Each employee or agent transporting or otherwise handling Marijuana Products for a Marijuana Transporter must be registered as a Marijuana establishment agent and have a driver's license in good standing issued by the Massachusetts Registry of Motor Vehicles for all classes of vehicle the Marijuana establishment agent will operate for the Marijuana Transporter prior to transporting or otherwise handling Marijuana Products.
2. A Marijuana establishment agent shall carry his or her agent registration card at all times when transporting Marijuana Products and shall produce his or her agent registration card to the Commission or law enforcement authorities on request.

- (h) Marijuana Transporters shall use best management practices to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts.

(14) Access to the Commission, Emergency Responders and Law Enforcement.

- (a) The following individuals shall have access to a Marijuana Establishment or Marijuana Establishment transportation vehicle:
  - 1. representatives of the Commission in the course of responsibilities authorized by St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94G, or 935 CMR 500.000: *Adult Use of Marijuana*;
  - 2. representatives of other state agencies of the Commonwealth; and
  - 3. emergency responders in the course of responding to an emergency.
- (b) 935 CMR 500.000: *Adult Use of Marijuana* shall not be construed to prohibit access by authorized law enforcement personnel or local public health, inspectional services, or other permit-granting agents acting within their lawful jurisdiction.

(15) Energy Efficiency and Conservation. A Marijuana establishment must demonstrate consideration of the following factors as part of its operating plan and application for licensure:

- (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, 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;
- (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.

(16) Bond.

- (a) Prior to commencing operations, a Marijuana Establishment shall provide proof of having obtained a surety bond in an amount equal to its licensure fee payable to the Marijuana Regulation Fund to ensure payment of the cost incurred for the destruction of Cannabis goods necessitated by a violation of St. 2016, c. 334, as amended by St. 2017, c. 55 or 935 CMR 500.000: *Adult Use of Marijuana* or the cessation of operation of the Marijuana Establishment.
- (b) All bonds required under 935 CMR 500.000: *Adult Use of Marijuana* must be issued by a corporate surety licensed to transact surety business in the Commonwealth.
- (c) If the Marijuana Establishment is unable to secure a surety bond, as required by 935 CMR 500.105(16)(a), it may place in escrow a sum of no less than \$5,000 or such other amount approved by the Commission, to be expended for coverage of liabilities.
- (d) The escrow account required pursuant to 935 CMR 500.105(16)(c) must be replenished within ten business days of any expenditure required under 935 CMR 500.105: *General Operational Requirements for Marijuana Establishments* unless the Marijuana Establishment has ceased operations. Documentation of the

replenishment must be promptly sent to the Commission.

(17) Social Equity Program.

(a) There shall be a Social Equity Program established by the Commission to provide training and technical assistance to eligible applicants and Licensees which may include, but shall not be limited to:

1. Management, recruitment and employee trainings;
2. Accounting and sales forecasting;
3. Tax prediction and compliance;
4. Legal compliance;
5. Business plan creation and operational development;
6. Marijuana industry best practices; and
7. Assistance with identifying or raising funds or capital.

(b) Eligibility for the Social Equity Program shall be met if applicants or Licensees satisfy one or more of the following criteria:

1. Income does not exceed 200% of Area Median Income and Residency in an Area of Disproportionate impact, as defined by the Commission, for at least five of the preceding ten years, as established by:
  - a. A Massachusetts driver's record or Massachusetts ID card record;
  - b. A signed lease agreement that includes the subject's name;
  - c. Residential property deed that includes the subject's name;
  - d. School records;
  - e. Housing authority records;
  - f. Banking records;
  - g. Utility bills, which identifies energy and water use; or
  - h. Dated notices or correspondence from a local or state government entity that includes the subject's name.
2. Residency in Massachusetts for at least the preceding 12 months and a conviction or continuance without a finding for a c. 94C offense under M.G.L. c. 94C or an equivalent conviction in Other Jurisdictions; or
3. Residency in Massachusetts for at least the preceding 12 months and proof that the individual was either married to or the child of an individual convicted or continuance without a finding for a M.G.L. c. 94C offense or an equivalent conviction in Other Jurisdictions.

500.110: Security Requirements for Marijuana Establishments

(1) General Requirements. A Marijuana Establishment shall implement sufficient security measures to deter theft of Marijuana and Marijuana Products, prevent unauthorized entrance into areas containing Marijuana and Marijuana Products and ensure the safety of Marijuana Establishment employees, Consumers and the general public. Security measures taken by the Licensee to protect the Premises, employees, Marijuana Establishment agents, Consumers and general public shall include, but not be limited to, the following:

- (a) Positively identifying individuals seeking access to the Premises of the Marijuana Establishment or to whom or Marijuana Products are being transported pursuant to 935 CMR 500.105(14) to limit access solely to individuals 21 years of age or older;
- (b) Adopting procedures to prevent loitering and ensure that only individuals engaging in activity expressly or by necessary implication permitted by these regulations and its enabling statute are allowed to remain on the Premises;



935 CMR: CANNABIS CONTROL COMMISSION

- (c) Disposing of Marijuana in accordance with 935 CMR 500.105(12) in excess of the quantity required for normal, efficient operation as established within 935 CMR 500.105: *General Operational Requirements for Marijuana Establishment*;
- (d) Securing all entrances to the Marijuana Establishment to prevent unauthorized access;
- (e) Establishing Limited Access Areas pursuant to 935 CMR 500.110(4), which shall be accessible only to specifically authorized personnel limited to include only the minimum number of employees essential for efficient operation;
- (f) Storing all Finished Marijuana Products in a secure, locked safe or vault in such a manner as to prevent diversion, theft and loss;
- (g) Keeping all safes, vaults, and any other equipment or areas used for the production, cultivation, harvesting, Processing or storage, including prior to disposal, of Marijuana or Marijuana Products securely locked and protected from entry, except for the actual time required to remove or replace Marijuana;
- (h) Keeping all locks and security equipment in good working order;
- (i) Prohibiting keys, if any, from being left in the locks or stored or placed in a location accessible to persons other than specifically authorized personnel;
- (j) Prohibiting accessibility of security measures, such as combination numbers, passwords or electronic or biometric security systems, to persons other than specifically authorized personnel;
- (k) Ensuring that the outside perimeter of the Marijuana Establishment is sufficiently lit to facilitate surveillance, where applicable;
- (l) Ensuring that all Marijuana Products are kept out of plain sight and are not visible from a public place, outside of the ME, without the use of binoculars, optical aids or aircraft;
- (m) Developing emergency policies and procedures for securing all product following any instance of diversion, theft or loss of Marijuana, and conduct an assessment to determine whether additional safeguards are necessary;
- (n) Developing sufficient additional safeguards as required by the Commission for Marijuana Establishments that present special security concerns;
- (o) At Marijuana Establishments where transactions are conducted in cash, establishing procedures for safe cash handling and cash transportation to financial institutions to prevent theft, loss and associated risks to the safety of employees, customers and the general public;
- (p) Sharing the Marijuana Establishment's floor plan or layout of the facility with law enforcement authorities, and in a manner and scope as required by the municipality and identifying when the use of flammable or combustible solvents, chemicals or other materials are in use at the Marijuana Establishment; and
- (q) Sharing the Marijuana Establishment's security plan and procedures with law enforcement authorities, including police and fire departments, in the municipality where the Marijuana Establishment is located and periodically updating law enforcement authorities, police and fire departments, if the plans or procedures are modified in a material way.

(2) Alternate Security Provisions.

935 CMR: CANNABIS CONTROL COMMISSION

- (a) Notwithstanding the requirements specified in 935 CMR 500.110(1), (5), (6) and (7), if a Marijuana Establishment has provided other, specific safeguards that may be regarded as an adequate substitute for those requirements, such measures may be taken into account by the Commission in evaluating the overall required security measures. For purposes of cash handling and cash transportation, only alternative safeguards that comply with the requirements of 935 CMR 500.110(7)(b) shall be considered to be adequate substitutes.
- (b) The applicant or Licensee shall submit a request for an alternative security provision to the Commission on a form as determined and made available by the Commission. On receipt of the form, the Commission shall submit the request to the chief law enforcement officer in the municipality where the Marijuana Establishment is located or will be located. The Commission shall request that the chief law enforcement officer review the request and alternative security provision requested and, within 30 days,
1. certify the sufficiency of the requested alternate security provision; or
  2. provide the Commission with a statement of reasons why the alternative security provision is not sufficient in the opinion of the chief law enforcement officer.

The Commission shall take the chief law enforcement officer's opinion under consideration in determining whether to grant the alternative security provision, provided that it shall not be determinative. If no response is received from the chief law enforcement officer or a delegee within 30 days of submitting the request to the chief law enforcement officer, the Commission shall proceed with a determination.

(3) Buffer Zone. The property where the proposed Marijuana Establishment is to be located, at the time the license application is received by the Commission, is not located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12, unless a city or town adopts an ordinance or bylaw that reduces the distance requirement. The distance under 935 CMR 500.110(3) shall be measured in a ~~straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located.~~

Option 1: Buffer Zone. ~~The property where the proposed Marijuana Establishment is to be located, at the time the license application is received by the Commission, is not located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12, unless a city or town adopts an ordinance or bylaw that reduces the distance requirement. The distance under 935 CMR 500.110(3) shall be measured as odometric distance along public ways, accessible by vehicle or on foot, from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located.~~

Option 2: Buffer Zone. ~~The property where the proposed Marijuana Establishment is to be located, at the time the license application is received by the Commission, is not located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12, unless a city or town adopts an ordinance or bylaw that reduces the distance requirement. The distance under 935 CMR 500.110(3) shall be measured in a form and manner determined by the Commission, including that it may consider submissions demonstrating the nearest point of the property line where the Marijuana Establishment is or will be located is not located within 500 feet of the nearest point of the school in question.~~

~~(3)(4)~~ Limited Access Areas.

- (a) All Limited Access Areas must be identified by the posting of a sign that shall be

a minimum of 12" x 12" and which states: "Do Not Enter—Limited Access Area—Access Limited to Authorized Personnel Only" in lettering no smaller than one inch in height.

- (b) All Limited Access Areas shall be clearly described by the filing of a diagram of the licensed Premises, in the form and manner determined by the Commission, reflecting entrances and exits, walls, partitions, counters, Propagation, Vegetation, Flowering, Processing, production, storage, disposal and retail sales areas.
- (c) Access to Limited Access Areas shall be restricted to employees, agents or volunteers specifically permitted by the Marijuana Establishment, agents of the Commission, Commission delegees, and state and local law enforcement authorities acting within their lawful jurisdictions, police and fire departments, and emergency medical services acting in the course of their official capacity.
- (d) Employees of the Marijuana Establishment shall visibly display an employee identification badge issued by the Marijuana Establishment at all times while at the Marijuana Establishment or transporting Marijuana.
- (e) All outside vendors, contractors and Visitors shall obtain a Visitor Identification Badge prior to entering a Limited Access Area and shall be escorted at all times by a Marijuana establishment agent authorized to enter the Limited Access Area. The Visitor Identification Badge shall be visibly displayed at all times while the Visitor is in any Limited Access Area. All Visitors must be logged in and out and that log shall be available for inspection by the Commission at all times. All Visitor Identification Badges shall be returned to the Marijuana Establishment on exit.

(4)(5) Security and Alarm Requirements for Marijuana Establishments Operating Enclosed Areas.

- (a) A Marijuana Establishment located, in whole or in part, in a building, Greenhouse or other Enclosed Area shall have an adequate security system to prevent and detect diversion, theft or loss of Marijuana or unauthorized intrusion, utilizing commercial grade equipment which shall, at a minimum, include:
  - 1. A perimeter alarm on all building entry and exit points and perimeter windows, if any;
  - 2. A failure notification system that provides an audible, text or visual notification of any failure in the security system. The failure notification system shall provide an alert to designated employees of the Marijuana Establishment within five minutes after the failure, either by telephone, email or text message;
  - 3. A Duress Alarm, Panic alarm or Holdup alarm connected to local public safety or law enforcement authorities;
  - 4. Video cameras in all areas that may contain Marijuana or vaults or safes for the purpose of securing cash, at all points of entry and exit and in any parking lot which shall be appropriate for the normal lighting conditions of the area under surveillance. The cameras shall be directed at all safes, vaults, sales areas and areas where Marijuana is cultivated, harvested, processed, prepared, stored, handled or dispensed, or where cash is kept and processed. Cameras shall be angled so as to allow for the capture of clear and certain identification of any person entering or exiting the Marijuana Establishment or area;
  - 5. Recordings from all video cameras which shall be enabled to record 24

hours each day and be available for immediate viewing by the Commission on request for at least the preceding 90 calendar days or the duration of a request to preserve the recordings for a specified period of time made by the Commission, whichever is longer. Video cameras may use motion detection sensors to begin recording, so long as the motion detection sensor system provides an alert to designated employees of the Marijuana Establishment in a manner established in the Marijuana Establishment's written security procedures and approved by the Commission or its delegee. If a Marijuana Establishment receives notice that the motion detection sensor is not working correctly, it must take prompt action to make corrections and document those actions. Recordings shall not be destroyed or altered, and shall be retained as long as necessary if the Marijuana Establishment is aware of a pending criminal, civil or administrative investigation or legal proceeding for which the recording may contain relevant information;

6. The ability to immediately produce a clear, color still image whether live or recorded;
  7. A date and time stamp embedded in all recordings, which shall be synchronized and set correctly at all times and shall not significantly obscure the picture;
  8. The ability to remain operational during a power outage for a minimum of ~~48 hours; and~~ four hours and, if it appears likely that the outage will last for more than four hours, the Marijuana Establishment takes sufficient steps to ensure security on the premises in consultation with the Commission; and
  9. A video recording that allows for the exporting of still images in an industry standard image format, including .jpg, .bmp and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that may be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.
- (b) All security system equipment and recordings shall be maintained in a secure location so as to prevent theft, loss, destruction and alterations.
  - (c) In addition to the requirements listed in 935 CMR 500.110(5)(a) and (b), the Marijuana Establishment shall have a back-up alarm system, with all the capabilities of the primary system, provided by a company supplying commercial grade equipment, which shall not be the same company supplying the primary security system, or shall demonstrate to the Commission's satisfaction alternate safeguards to ensure continuous operation of a security system.
  - (d) Access to surveillance areas shall be limited to persons that are essential to surveillance operations, law enforcement authorities acting within their lawful jurisdictions, security system service personnel and the Commission.
  - (e) A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Commission on request. If the surveillance room is on-site of the Marijuana Establishment, it shall remain locked and shall not be used for any other function.
  - (f) All security equipment shall be in good working order and shall be inspected and tested at regular intervals, not to exceed 30 calendar days from the previous

inspection and test.

- (g) Trees, bushes and other foliage outside of the Marijuana Establishment shall be maintained so as to prevent a person or persons from concealing themselves from sight.

(5)(6) Security and Alarm Requirements for Marijuana Establishments Operating Outdoors.

- (a) A Marijuana Establishment that is outdoors shall implement adequate security measures to ensure that outdoor areas are not readily accessible to unauthorized individuals and to prevent and detect diversion, theft or loss of Marijuana which shall, at a minimum, include:
  - 1. A perimeter security fence designed to prevent unauthorized entry to the cultivation facility with signs notifying observers that it is a Limited Access Area;
  - 2. Commercial-grade, nonresidential locks;
  - 3. A security alarm system that shall:
    - a. be continuously monitored, whether electronically, by a monitoring company or other means determined to be adequate by the Commission; and
    - b. provide an alert to designated employees of the Marijuana Establishment within five minutes after a notification of an alarm or a system failure, either by telephone, email or text message.
  - 4. Video cameras at all points of entry and exit and in any parking lot which shall be appropriate for the normal lighting conditions of the area under surveillance. The cameras shall be directed at all safes, vaults, sales areas, and areas where Marijuana is cultivated, harvested, processed, prepared, stored, handled, transferred or dispensed and for the purpose of securing cash. Cameras shall be angled so as to allow for the capture of clear and certain identification of any person entering or exiting the Marijuana Establishment or area;
  - 5. 24-hour recordings from all video cameras that are available immediate viewing by the Commission on request and that are retained for at least 90 calendar days. Recordings shall not be destroyed or altered, and shall be retained as long as necessary if the Marijuana Establishment is aware of a pending criminal, civil or administrative investigation or legal proceeding for which the recording may contain relevant information;
  - 6. The ability to immediately produce a clear, color still image whether live or recorded;
  - 7. A date and time stamp embedded in all recordings, which shall be synchronized and set correctly at all times and shall not significantly obscure the picture;
  - 8. The ability to remain operational during a power outage; and
  - 9. A video recording that allows for the exporting of still images in an industry standard image format, including .jpg, .bmp and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that may be played

935 CMR: CANNABIS CONTROL COMMISSION

on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.

- (b) All security system equipment and recordings shall be maintained in a secure location so as to prevent theft, loss, destruction and alterations.
- (c) In addition to the requirements listed in 935 CMR 500.110(4)(a) and (b), the Marijuana Establishment shall have a back-up alarm system, with all capabilities of the primary system, provided by a company supplying commercial grade equipment, which shall not be the same company supplying the primary security system, or shall demonstrate to the Commission's satisfaction alternate safeguards to ensure continuous operation of a security system.
- (d) Access to surveillance areas shall be limited to persons that are essential to surveillance operations, law enforcement authorities acting within their lawful jurisdiction, police and fire departments, security system service personnel and the Commission. A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Commission on request. If the surveillance room is on-site of the Marijuana Establishment, it shall remain locked and shall not be used for any other function.
- (e) All security equipment shall be in good working order and shall be inspected and tested at regular intervals, not to exceed 30 calendar days from the previous inspection and test.
- (f) Security plans and procedures shared with law enforcement authorities pursuant to 935 CMR 500.110(1)(o) shall include:
  - 1. a description of the location and operation of the security system, including the location of the central control on the Premises;
  - 2. a schematic of security zones;
  - 3. the name of the security alarm company and monitoring company, if any;
  - 4. a floor plan or layout of the facility in a manner and scope as required by the municipality.
  - 5. a safety plan for the Manufacture and production of Marijuana Products as required pursuant to 935 CMR 500.101(1)(d)(3)(c).

~~(6)(7)~~ Cash Handling and Transportation Requirements.

- (a) A Marijuana Establishment with a contract to deposit funds with a financial institution that conducts any transaction in cash shall establish and implement adequate security measures and procedures for safe cash handling and cash transportation to financial institutions or DOR facilities to prevent theft and loss, and to mitigate associated risks to the safety of employees, customers and the general public. Adequate security measures shall include:
  - 1. An on-site secure locked safe or vault maintained in an area separate from retail sales areas used exclusively for the purpose of securing cash;
  - 2. Video cameras directed to provide images of areas where cash is kept, handled and packaged for transport to financial institutions or DOR facilities, provided that the cameras may be motion-sensor activated cameras and provided, further, that all cameras be able to produce a clear, still image whether live or recorded;
  - 3. A written process for securing cash and ensuring transfers of deposits to the Marijuana Establishment's financial institutions and DOR facilities on an incremental basis consistent with the requirements for deposit by the financial institution or DOR facilities; and

4. Use of an armored transport provider that is licensed pursuant to M.G.L. c. 147, § 25 (watch, guard or patrol agency) and has been approved by the financial institution or DOR facility.
- (b) Notwithstanding the requirement of 935 CMR 500.110(7)(a)(4), a Marijuana Establishment may request an alternative security provision under 935 CMR 500.110(2) for purposes of cash transportation to financial institutions and DOR facilities. Any approved alternative security provision shall be included in the security plan shared with law enforcement in the municipality in which the Marijuana Establishment is licensed and periodically updated as required under 935 CMR 500.110(1)(q). To be determined to provide a sufficient alternative, any such alternative safeguard shall include, but may not be limited to:
1. Requiring the use of a locked bag for the transportation of cash from a Marijuana Establishment to a financial institution or DOR facility;
  2. Requiring any transportation of cash be conducted in an unmarked vehicle;
  3. Requiring two registered Marijuana Establishment agents employed by the Licensee to be present in the vehicle at all times during transportation of deposits;
  4. Requiring real-time GPS tracking of the vehicle at all times when transporting cash;
  5. Requiring access to two-way communications between the transportation vehicle and the Marijuana Establishment;
  6. Prohibiting the transportation of Marijuana or Marijuana Products at the same time that cash is being transported for deposit to a financial institution or DOR facility; and
  7. Approval of the alternative safeguard by the financial institution or DOR facility.
- (c) All written safety and security measures developed under this section shall be treated as security planning documents, the public disclosure of which would jeopardize public safety.

(7)(8) Security Requirements for Delivery-Only Retailer Operations

- (a) A Marijuana Establishment licensed as a Delivery-Only Retailer shall implement adequate security measures to ensure that each vehicle used for transportation of Marijuana and Marijuana Products is not readily accessible to unauthorized individuals and to prevent and detect diversion, theft or loss of Marijuana. Security measures shall, at a minimum, include for each operational delivery vehicle:
1. A vehicle security system that includes an exterior alarm;
  2. A secure, locked storage compartment in each vehicle and not easily removable for the purpose of transporting the Marijuana or Marijuana Products.
  3. A secure, locked storage compartment in each vehicle and not easily removable for the purpose of transporting and securing cash used as payment for deliveries of Marijuana or Marijuana Products.

4. A means of secure communication between each vehicle and the Marijuana Establishment's dispatching location which shall be capable of being monitored at all times that a vehicle is performing a delivery route. Means of communication shall include:
    - a. two-way digital or analog radio (UHF or VHF);
    - b. cellular phone; or
    - c. satellite phone.
  5. A global positioning system (GPS) monitoring device that is:
    - a. Not a mobile device and that is attached to the vehicle at all times that the vehicle contains Marijuana or Marijuana Products; and
    - b. Monitored by the Delivery-Only Retailer at a fixed location during the transportation of Marijuana or Marijuana Products for the purpose of home delivery with location checks occurring at least every 30 minutes. The Delivery-Only Retailer may delegate monitoring of the GPS to the Third-Party Technology Platform Provider with which the Delivery-Only Retailer has a contract, provided that the Delivery-Only Retailer shall be responsible for ensuring that monitoring occurs as required under these regulations.
  6. A video system that includes one or more video cameras in the storage area of the vehicle and one or more video cameras in the driver area of the vehicle and which shall remain operational at all times during the entire transportation process and which shall have:
    - a. the ability to produce a clear color still photo whether live or recorded; and
    - b. A date and time stamp embedded in all recordings which shall be synchronized and set correctly at all times and shall not significantly obscure the picture.
  7. All security equipment in each vehicle shall be in good working order and shall be inspected and tested at regular intervals, not to exceed 30 calendar days from the previous inspection and test.
- (b) Delivery-Only Retailer Agents engaged in the delivery of Marijuana or Marijuana Products to a Consumer shall have on their person an operational body camera during all times that the Marijuana Establishment Agent is outside of the delivery vehicle for the purpose of transacting a delivery.
1. The body camera shall record all deliveries.
  2. Consumers shall be notified of the use of body cameras to record delivery transactions at the time of order, on the proof of order and by the Marijuana Establishment Agent on arrival at the Residence.
  3. Video of deliveries shall be retained for a minimum of 90 days, or the duration of an investigation by the Commission or law enforcement that the Licensee has been notified about, whichever is longer, and shall be accessible to the Commission or law enforcement on request.
- (c) Delivery-Only Retailers transporting Marijuana and Marijuana Products for home delivery shall ensure that all vehicles used for deliveries are staffed with a minimum of two Marijuana Establishment Agents. At least one Marijuana Establishment Agent shall remain with the vehicle at all times that the vehicle contains Marijuana or Marijuana Products.



- (d) All Marijuana Establishment Agents acting as delivery employees of a Delivery-Only Retailer shall have attended and successfully completed Responsible Vendor Training in accordance with 935 CMR 500.105(2)(b) prior to making a delivery which shall include, but may not be limited to, training on:
1. Safely conducting deliveries;
  2. Safe cash handling practices;
  3. Strategies for de-escalating potentially dangerous situations;
  4. Collecting and communicating information to assist in investigations;
  5. Procedures for checking identification;
  6. Indications of impairment;
  7. Notification to Consumers of use of mandatory recording devices; and
  8. Such other areas of training determined by the Commission to be included in a Responsible Vendor Training Program.
- (e) A Delivery-Only Retailer Agent shall document and report any unusual discrepancy in inventory to the Commission and the local law enforcement authorities in which the establishment is licensed within 24 hours of the discovery of such a discrepancy.
- (f) A Delivery-Only Retailer shall report to the Commission and local law enforcement any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport immediately and, under no circumstances, more than 24 hours of becoming aware of any accidents, diversions, losses, or other reportable incidents.
- (g) The following individuals shall have access to Delivery-Only Retailer operations and vehicles, including video recordings:
1. Representatives of the Commission in the course of responsibilities authorized by M.G.L. c. 94G or 935 CMR 500.000: *Adult Use of Marijuana*;
  2. Representatives of other state agencies acting within their jurisdiction; and
  3. Law enforcement, police and fire departments, and emergency medical services in the course of responding to an emergency.
- (h) This regulation shall not be construed to prohibit access to authorized law enforcement authorities or local public health, inspectional services, or other permit-granting agents acting within their lawful jurisdiction.
- (i) All vehicles used by the Delivery-Only Retailer for home delivery are subject to inspection and approval by the Commission prior being put into use. It shall be the Delivery-Only Retailers responsibility to make the Commission aware of its intent to introduce a new vehicle into operation and ensure an inspection of the vehicle prior to commencing operation.
- (j) Firearms are strictly prohibited from Delivery-Only Retailer vehicles and from Marijuana Establishment Agents performing home deliveries.

~~(8)(9)~~ Incident Reporting

- (a) A Marijuana Establishment shall notify appropriate law enforcement authorities and the Commission of any breach of security or other reportable incident defined herein immediately and, in no instance, more than 24 hours following discovery of the breach or incident. Notification shall occur, but not be limited to, during the following occasions:
1. discovery of inventory discrepancies;

2. diversion, theft or loss of any Marijuana Product;
  3. any criminal action involving or occurring on or in the Marijuana Establishment Premises or Licensee or agent;
  4. any suspicious act involving the sale, cultivation, distribution, Processing or production of Marijuana by any person;
  5. unauthorized destruction of Marijuana;
  6. any loss or unauthorized alteration of records related to Marijuana;
  7. an alarm activation or other event that requires response by public safety personnel, including but not limited to local law enforcement, police and fire departments, public works or municipal sanitation departments, and municipal inspectional services departments, or security personnel privately engaged by the Marijuana Establishment;
  8. the failure of any security alarm system due to a loss of electrical power or mechanical malfunction that is expected to last more than eight hours; or
  9. any other breach of security.
- (b) A Marijuana Establishment shall, within ten calendar days, provide notice to the Commission of any incident described in 935 CMR 500.110(9)(a) by submitting an incident report in the form and manner determined by the Commission which details the circumstances of the event, any corrective action taken, and confirmation that the appropriate law enforcement authorities were notified.
- (c) All documentation related to an incident that is reportable pursuant to 935 CMR 500.110(9)(a) shall be maintained by a Marijuana Establishment for not less than one year or the duration of an open investigation, whichever is longer, and made available to the Commission and law enforcement authorities within their lawful jurisdiction on request.

~~(9)~~(10) **Security Audits.** A Marijuana Establishment must, on an annual basis, obtain at its own expense, a security system audit by a vendor approved by the Commission. A report of such audit must be submitted, in a form and manner determined by the Commission, no later than 30 calendar days after the audit is conducted. If the audit identifies concerns related to the establishment's security system, the Marijuana Establishment must also submit a plan to mitigate those concerns within ten business days of submitting the audit.

**500.120: Additional Operational Requirements for Indoor and Outdoor Marijuana Cultivators**

- (1) In addition to the general operational requirements for Marijuana Establishments required under 935 CMR 500.105: *General Operational Requirements for Marijuana Establishments*, Marijuana Cultivators shall comply with additional operational requirements required under 935 CMR 500.120: *Additional Operational Requirements for Indoor and Outdoor Marijuana Cultivators*.
- (2) A Marijuana Cultivator may cultivate its own Marijuana or acquire Marijuana from other Marijuana Establishments for the purposes of Propagation.
- (3) Only a licensed Marijuana Cultivator or Microbusiness is permitted to cultivate Marijuana for adult use for sale to Marijuana Establishments.
- (4) All phases of the cultivation, Processing, and packaging of Marijuana by a Marijuana Cultivator shall take place in a designated area that is not visible from a public place without the use of binoculars, aircraft or other optical aids.
- (5) Application of Pesticides shall be performed in compliance with M.G.L. c. 132B and the regulations promulgated at 333 CMR 2.00: *General Information* through 333 CMR 14.00. Any testing results indicating noncompliance shall be immediately reported to the Commission, who may refer any such result to the MDAR.

- (6) A Marijuana Cultivator selling or otherwise Transferring Marijuana to another Marijuana Establishment shall provide documentation of its compliance, or lack thereof, with the testing requirements of 935 CMR 500.160.
- (7) A Marijuana Cultivator may label Marijuana with the word “organic” only if all cultivation is consistent with US Department of Agriculture organic requirements at 7 CFR 205 and consistent with MDAR requirements for Pesticide usage;
- (8) Soil for cultivation shall meet federal standards identified by the Commission, including but not limited to the U.S. Agency for Toxic Substances and Disease Registry’s Environmental Media Evaluation Guidelines for residential soil levels.
- (9) 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. Best practices shall be consistent with state and local law, including but not limited to the Commission’s *Guidance on Integrated Pest Management* in effect of the date of these regulations and as subsequently amended.
- (10) Any application of plant nutrient to land used for the cultivation of Marijuana shall comply with St. 2012, c. 262, as amended by St. 2013, c. 118, § 26, and 330 CMR 31.00: *Plant Nutrient Application Requirements for Agricultural Land and Non-agricultural Turf and Lawns*.
- (11) A Marijuana Cultivator shall satisfy minimum energy efficiency and equipment standards established by the Commission and meet all applicable environmental laws, regulations, permits and other applicable approvals, including, but not limited to, those related to water quality and quantity, wastewater, solid and hazardous waste management, and air pollution control, including prevention of odor and noise pursuant to 310 CMR 7.00: *Air Pollution Control* as a condition of obtaining a final license under 935 CMR 500.103(2) and as a condition of renewal under 935 CMR 500.103(4). A Marijuana Cultivator shall adopt and use additional best management practices as determined by the Commission, in consultation with the working group established under St. 2017, c. 55, § 78(b) or applicable departments or divisions of the EOEEA, to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts, and shall provide energy and water usage reporting to the Commission in a form determined by the Commission. Each license renewal application under 935 CMR 500.103(4) must include a report of the Marijuana Cultivator’s energy and water usage over the 12-month period preceding the date of application.

Marijuana Cultivators shall be subject to the following minimum energy efficiency and equipment standards:

- (a) 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.
- (b) Lighting used for Cannabis Cultivation must meet one of the following compliance requirements:
  1. Horticulture Lighting Power Density must not exceed 36 watts per square foot, except for Tier 1 and Tier 2 which must not exceed 50 watts per square foot; or

2. All horticultural lighting used in a facility is listed on the current Design Lights Consortium Solid-State Horticultural Lighting Qualified Products List (“Horticultural QPL”) or other similar list approved by the Commission as of the date of license application, and lighting Photosynthetic Photon Efficacy (PPE) is at least 15 percent above the minimum Horticultural QPL threshold rounded up to the nearest 0.1  $\mu\text{mol}/\text{J}$  (micromoles per joule).

2.3. A facility seeking to use horticultural lighting not included on the Horticultural QPL or other similar list approved by the Commission shall seek a waiver pursuant to 935 CMR 500.850 and provide documentation of third-party certification of the energy efficiency features of the proposed lighting. All facilities regardless of compliance path shall provide third-party safety certification for the lighting used.

- (c) Heating Ventilation and Air Condition (HVAC) and dehumidification systems must meet Massachusetts Building Code requirements and all Massachusetts amendments (780 CMR *State Building Code*), IECC Section C.403 or ASHRAE Chapter 6 as applied or incorporated by reference in (780 CMR: *State Building Code*). As part of the documentation required under 935 CMR 500.120(11)(b), a Marijuana Cultivator must provide a certification from a Massachusetts Licensed Mechanical Engineer that the HVAC and dehumidification systems meet Massachusetts building code as specified in this 935 CMR 500.120(11)(c) and that such systems have been evaluated and sized for the anticipated loads of the facility.
- (d) Safety protocols shall be established and documented to protect workers and Consumers (e.g., eye protection near operating Horticultural Lighting Equipment).
- (e) Requirements in 935 CMR 500.120(11)(b) and (c) shall not be required if an indoor Marijuana cultivator is generating 80% or more of the total annual onsite energy use for all fuels (expressed on a MWh basis) from an onsite clean or renewable generating source, renewable thermal generation, as defined by provided in M.G.L. c. 25A § 11F & 11F½ and regulations promulgated thereunder, and/or alternative energy generating source, as defined by M.G.L. c. 25A § 11F½, as defined by M.G.L. c. 25A § 11F, and/or alternative energy generating source, as defined by M.G.L. c. 25A § 11F½. Additionally, the Marijuana Establishment 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.
- (f) Prior to final licensure, a Marijuana Cultivator Licensee must demonstrate compliance with 935 CMR 500.120(11), 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 under 935 CMR 500.103(1) For a Microbusiness or Craft Marijuana Cooperative with a cultivation location sized as Tier 1 or Tier 2, or such other Marijuana Cultivator meeting the requirements of 935 CMR 500.050(1), compliance with any of the requirements of 935 CMR 500.120(11) may be demonstrated 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;

935 CMR: CANNABIS CONTROL COMMISSION

3. A Massachusetts Licensed Professional Engineer; or
4. A Massachusetts Licensed Registered Architect.

(g) A co-located Marijuana Establishment and MTC with a final Certificate of Registration 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).

(h) For purposes of 935 CMR 500.120(11), the following terms shall have the following meanings:

1. 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 growth (e.g. germination, cloning/mother plants, Propagation, Vegetation, Flowering, and harvest).
2. Horticulture Lighting Square Footage (HLSF) means Canopy; ~~plus any additional areas(s) that will contain live plants at any point in time that will be exposed to horticultural lighting equipment.~~
3. Lighting Power Density (HLPD) means a measure of total watts of Horticultural Lighting Equipment per total Horticulture Lighting Square Footage, (HLE / HLSF = HLPD) expressed as number of watts per square foot.

(12) In addition to the written operating policies required under 935 CMR 500.105(1), a Marijuana Cultivator, including co-located Marijuana Cultivators and MTCs, shall maintain written policies and procedures for the cultivation, production, Transfer or distribution of Marijuana, as applicable, which shall include but not be limited to:

- (a) Methods for identifying, recording, and reporting diversion, theft, or loss, and for correcting all errors and inaccuracies in inventories. The policies and procedures, at a minimum, must be in compliance with 935 CMR 500.105(8);
- (b) Policies and procedures for handling voluntary and mandatory recalls of Marijuana. Such procedures shall be adequate to deal with recalls due to any action initiated at the request or order of the Commission, and any voluntary action by a Marijuana Establishment to remove defective or potentially defective Marijuana from the market, as well as any action undertaken to promote public health and safety;
- (c) Policies and procedures for ensuring that any outdated, damaged, deteriorated, mislabeled, or contaminated Marijuana is segregated from other Marijuana and destroyed. Such procedures shall provide for written documentation of the disposition of the Marijuana. The policies and procedures, at a minimum, must be in compliance with 935 CMR 500.105(12);
- (d) Policies and procedures for transportation. The policies and procedures, at a minimum, must be in compliance with 935 CMR 500.105(13);
- (e) Policies and procedures to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts. The policies and procedures, at a minimum, must be in compliance with 935 CMR 500.105(15) and 935 CMR 500.120(11); and
- (f) Policies and procedures for the Transfer, acquisition, or sale of Marijuana between Marijuana Establishments.

500.130: Additional Operational Requirements for Marijuana Product Manufacturers

- (1) In addition to the general operational requirements for Marijuana Establishments required under 935 CMR 500.105: *General Operational Requirements for Marijuana Establishments*, Marijuana Product Manufacturers shall comply with additional operational requirements required under 935 CMR 500.130: *Additional Operational Requirements for Marijuana Product Manufacturers*.
- (2) Production of edible Marijuana Products shall take place in compliance with the following:
  - (a) All edible Marijuana Products shall be prepared, handled, and stored in compliance with the sanitation requirements in 105 CMR 590.000: *Minimum Sanitations Standards for Food Establishments*, and with the requirements for food handlers specified in 105 CMR 300.000: *Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements*; and
  - (b) Any Marijuana Product that is made to resemble a typical food or Beverage product must be packaged and labelled as required by 935 CMR 500.105(5) and 500.105(6).
- (3) A Marijuana Product Manufacturer shall meet all applicable environmental laws, regulations, permits and other applicable approvals, including, but not limited to, those related to water quality and quantity, wastewater, solid and hazardous waste management and air pollution control, including prevention of odor and noise pursuant to 310 CMR 7:00: *Air Pollution Control*, and to use additional best management practices as determined by the Commission in consultation with the working group established under St. 2017, c. 55, § 78(b) or applicable departments or divisions of the EOEEA to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts.
- (4) A Marijuana Product Manufacturer selling or otherwise transferring Marijuana to another Marijuana Establishment shall provide documentation of its compliance, or lack thereof, with the testing requirements of 935 CMR 500.160: *Testing of Marijuana and Marijuana Products*, and standards established by the Commission for the conditions, including time and temperature controls, necessary to protect Marijuana Products against physical, chemical, and microbial contamination as well as against deterioration of finished products during storage and transportation.
- (5) In addition to the written operating policies required under 935 CMR 500.105(1), a Marijuana Product Manufacturer shall maintain written policies and procedures for the production or distribution of Marijuana Products, as applicable, which shall include, but not be limited to:
  - (a) Methods for identifying, recording, and reporting diversion, theft, or loss, and for correcting all errors and inaccuracies in inventories. The policies and procedures, at a minimum, must be in compliance with 935 CMR 500.105(8);
  - (b) Policies and procedures for handling voluntary and mandatory recalls of Marijuana Products. Such procedures shall be adequate to deal with recalls due to any action initiated at the request or order of the Commission, and any voluntary action by a Marijuana Establishment to remove defective or potentially defective Marijuana Products from the market, as well as any action undertaken to promote public health and safety;
  - (c) Policies and procedures for ensuring that any outdated, damaged, deteriorated, mislabeled, or contaminated Marijuana Products is segregated from other product and destroyed. Such procedures shall provide for written documentation of the disposition of the Marijuana Products. The policies and procedures, at a

minimum, must be in compliance with 935 CMR 500.105(12);

- (d) Policies and procedures for transportation. The policies and procedures, at a minimum, must be in compliance with 935 CMR 500.105(13);
  - (e) Policies and procedures to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts. The policies and procedures, at a minimum, must be in compliance with 935 CMR 500.105(15);
  - (f) Policies and procedures for the Transfer, acquisition, or sale of Marijuana Products between Marijuana Establishments;
  - (g) Policies and procedures to ensure that all edible Marijuana Products are prepared, handled, and stored in compliance with the sanitation requirements in 105 CMR 500.000: *Good Manufacturing Practices for Food*, and with the requirements for food handlers specified in 105 CMR 300.000: *Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements*; and
  - (h) Policies and procedures for maintaining a product catalogue identifying all types of Marijuana Products actively manufactured at the facility. The catalog shall include a description of the product, photograph or illustration, packaging design, and dosage amounts, including expected Cannabinoid profile.
- (6) Notwithstanding a stricter municipal or state regulation, a Marijuana Product Manufacturer shall identify the method of extraction (e.g., Butane, Propane, CO2) on a physical posting at all entrances of the Marijuana Establishment. The Posting shall be a minimum of 12" x 12" and identify the method of extraction in lettering no smaller than one inch in height. A Marijuana Product Manufacturer shall post a copy of a permit to keep, store, handle or otherwise use flammable and combustible at each place of operation within the facility.

500.140: Additional Operational Requirements for Retail Sale.

- (1) In addition to the general operational requirements for Marijuana Establishments required under 935 CMR 500.105: *General Operational Requirements for Marijuana Establishments*, Licensees engaged in retail sales shall comply with 935 CMR 500.140: *Additional Operational Requirements for Retail Sale*.
- (2) On-Premises Verification of Identification.
  - (a) On entry into the Premises of a Marijuana Retailer by an individual, a Marijuana establishment agent shall immediately inspect the individual's proof of identification and determine the individual's age. An individual shall not be admitted to the Premises unless the Marijuana Retailer has verified that the individual is 21 years of age or older by an individual's proof of identification.
  - (b) On point of sale by an individual, a Marijuana establishment agent shall inspect the individual's proof of identification and determine the individual's age.
  - (c) A Marijuana Retailer may not acquire or record Consumer personal information other than information typically required in a retail transaction, which can include identifying information to determine the Consumer's age. A Marijuana Retailer may not record or retain any additional personal information from Consumer without the Consumer's voluntary written permission.
  - (d) A Marijuana Retailer that has entered into Delivery Agreements with Delivery-Only Retailers for the purpose of transacting home deliveries to Consumers under 935 CMR 500.050(9) shall establish a Pre-Verification process for Consumers who intend to place orders for delivery with the Marijuana Establishment. To

comply with the requirements of pre-verification, the Marijuana Establishment shall:

1. Require the Consumer to appear in-person at the Marijuana Establishment to present the Consumer's valid, unexpired government-issued photo identification; and
  2. Examine the identification and verify that the individual Consumer presenting the identification is the individual Consumer that matches the identification and that the individual Consumer is 21 years of age or older.
- (e) Collect and maintain relevant information about the individual Consumer, for the purpose of transacting a delivery and ensuring that the recipient of a delivery under 935 CMR 500.145: *Additional Operational Requirements for Delivery of Marijuana and Marijuana Products to Consumers* is legally allowed to receive Marijuana and Marijuana Products:
1. The individual's name;
  2. The individual's date of birth;
  3. The individual's address,
  4. The individual's primary telephone number; and
  5. The individual's email address.
- (f) Any such information collected by the Marijuana Establishment shall be used solely for the purpose of transacting a delivery of Marijuana or Marijuana Products under 935 CMR 500.145: *Additional Operational Requirements for Delivery of Marijuana and Marijuana Products to Consumers* and shall be otherwise maintained confidentially.

(3) Limitation on Sales.

- (a) In accordance with M.G.L. c. 94G, § 7, a Marijuana Retailer shall not knowingly sell more than one ounce of Marijuana or its combined dry weight equivalent in Marijuana concentrate or edible Marijuana Products to a retail customer per day.
1. One ounce of Marijuana flower shall be equivalent to five grams of active tetrahydrocannabinol (THC) in Marijuana concentrate, including but not limited to Tinctures.
  2. One ounce of Marijuana flower shall be equivalent to five hundred milligrams of active tetrahydrocannabinol (THC) in edible Marijuana Products.
  3. Topicals and ointments shall not be subject to a limitation on daily sales.
- (b) A Marijuana Retailer shall not sell Marijuana or Marijuana Products in excess of the potency levels established by 935 CMR 500.150(4);
- (c) A Marijuana Retailer must demonstrate that it has a Point-of-Sale System that does not allow for a transaction in excess of the limit established in subsection (a) or the potency levels established in subsection (b).

(4) Unauthorized Sales and Right to Refuse Sales.

- (a) A Marijuana Retailer shall refuse to sell Marijuana to any Consumer who is unable to produce valid proof of identification.
- (b) A retailer may refuse to sell Marijuana Products to a Consumer if, in the opinion of the Marijuana establishment agent based on the information available to the agent at that time, the Consumer or the public would be placed at risk. This includes, but is not limited to, the Consumer engaging in daily transactions that exceed the legal possession limits or that create a risk of diversion.
- (c) A retailer shall not sell to an individual more than one ounce of Marijuana or its



dry weight equivalent in Marijuana concentrate or edible Marijuana Products per transaction. A retailer shall not knowingly sell to an individual more than one ounce of Marijuana or its dry weight equivalency per day.

- (d) A retailer is prohibited from selling Marijuana Products containing nicotine.
- (e) A retailer is prohibited from selling Marijuana Products containing alcohol, if sales of such alcohol would require licensure pursuant to M.G.L. c. 138.

(5) Recording Sales.

- (a) A Marijuana Retailer shall only utilize a point-of-sale (POS) system approved by the Commission, in consultation with the DOR.
- (b) A retailer may utilize a sales recording module approved by the DOR.
- (c) A retailer is prohibited from utilizing software or other methods to manipulate or alter sales data.
- (d) A retailer shall conduct a monthly analysis of its equipment and sales data to determine that no software has been installed that could be utilized to manipulate or alter sales data and that no other methodology has been employed to manipulate or alter sales data. A Marijuana Retailer shall maintain records that it has performed the monthly analysis and produce it on request to the Commission. If a retailer determines that software has been installed for the purpose of manipulation or alteration of sales data or other methods have been utilized to manipulate or alter sales data:
  - 1. it shall immediately disclose the information to the Commission;
  - 2. it shall cooperate with the Commission in any investigation regarding manipulation or alteration of sales data; and
  - 3. take such other action directed by the Commission to comply with 935 CMR 500.105: *General Operational Requirements for Marijuana Establishments.*
- (e) A retailer shall comply with 830 CMR 62C.25.1: *Record Retention* and DOR Directive 16-1 regarding recordkeeping requirements.
- (f) A retailer shall adopt separate accounting practices at the point-of-sale for Marijuana and Marijuana Product sales, and non-Marijuana sales.
- (g) The Commission and the DOR may audit and examine the point-of-sale system used by a retailer in order to ensure compliance with Massachusetts tax laws and 935 CMR 500.000: *Adult Use of Marijuana.*

(6) Consumer Education. A Marijuana Retailer shall make available educational materials about Marijuana Products to Consumers. A retailer must have an adequate supply of current educational material available for distribution. Educational materials must be available in commonly spoken languages designated by the Commission, which will include, but not be limited to appropriate materials for the visually- and hearing-impaired. Such materials shall be made available for inspection by the Commission on request. The Commission will establish fines or other civil penalties for a Marijuana Establishment's failure to provide these materials. The educational material must include at least the following:

- (a) A warning that Marijuana has not been analyzed or approved by the FDA, that there is limited information on side effects, that there may be health risks associated with using Marijuana, and that it should be kept away from children;

935 CMR: CANNABIS CONTROL COMMISSION

- (b) A warning that when under the influence of Marijuana, driving is prohibited by M.G.L. c. 90, § 24, and machinery should not be operated;
- (c) Information to assist in the selection of Marijuana, describing the potential differing effects of various strains of Marijuana, as well as various forms and routes of administration;
- (d) Materials offered to Consumers to enable them to track the strains used and their associated effects;
- (e) Information describing proper dosage and titration for different routes of administration. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of potency must also be explained;
- (f) A discussion of tolerance, dependence, and withdrawal;
- (g) Facts regarding substance abuse signs and symptoms, as well as referral information for substance abuse treatment programs;
- (h) A statement that Consumers may not sell Marijuana to any other individual;
- (i) Information regarding penalties for possession or distribution of Marijuana in violation of Massachusetts law; and
- (j) Any other information required by the Commission.

(7) **Testing.** No Marijuana Product, including Marijuana, may be sold or otherwise marketed for adult use that has not first been tested by Independent Testing Laboratories, except as allowed under 935 CMR 500.000: *Adult Use of Marijuana*. The product must be deemed to comply with the standards required under 935 CMR 500.160: *Testing of Marijuana and Marijuana Products*.

**500.141 Additional Operating Requirements for Marijuana Social Consumption Establishments**

(1) In addition to the general operational requirements for Marijuana Establishments required under 935 CMR 500.105: *General Operational Requirements for Marijuana Establishments*, and except as otherwise provided herein, a Marijuana Social Consumption Establishment shall comply with 935 CMR 500.110: *Security Requirements for Marijuana Establishments*; and additional operational requirements under 935 CMR 500.140: *Additional Operational Requirements for Retail Sale* and 935 CMR 500.141: *Additional Operating Requirements for Marijuana Social Consumption Establishments*.

(2) **Written Policies and Procedures.** In addition to the written operating policies required under 935 CMR 500.105(1), a Marijuana Social Consumption Establishment shall maintain written policies and procedures for the sale, distribution, and serving of Marijuana and Marijuana Products, and provide Responsible Vendor Training to employees on the policies and procedures prior to commencing operations, which shall include but not be limited to:

- (a) Methods for identifying, recording, and reporting diversion, theft, or loss, and for correcting all errors and inaccuracies in inventories in compliance with 935 CMR 500.110(7) and 935 CMR 500.141(8);
- (b) Procedures to ensure that all sales of Marijuana and Marijuana Products under a Marijuana Social Consumption Establishment license shall include a label or supplementary insert with the following information:

1. the symbols issued by the Commission under 935 500.105(b)(17)-(18);

2. the following statement, including capitalization:

This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN.;

3. additionally, for edible products, the warning, “The impairment effects of edibles may be delayed by two hours or more”;

4. the name and contact information of the Marijuana Establishment that produced the Marijuana or Marijuana Product;

5. the results of sampling, testing and analysis conducted by an Independent Testing Laboratory;

6. a seal certifying the Marijuana or Marijuana Products meets such testing standards;

7. a unique batch number identifying the Production Batch associated with manufacturing, Processing, and cultivating;

8. a list of ingredients and possible allergens;

9. the amount of delta-nine-tetrahydrocannabinol ( $\Delta$ 9-THC) in the package and in each serving of Marijuana or Marijuana Product as expressed in absolute terms and as a percentage of volume;

10. an explanation of the number of “servings” in the package; and

11. a use-by date, if applicable.;

- (c) security procedures, including specific plans for securing entrances and that all Marijuana and Marijuana Products are kept out of plain sight and not visible from a public place;
- (d) procedures to ensure prevention of diversion;
- (e) procedures to ensure the prevention of a Consumer from bringing Marijuana or Marijuana Products onto the Premises that have not been obtained from the Marijuana Social Consumption Establishment, including policies for ensuring Marijuana Accessories brought on site, do not contain Marijuana or Marijuana Products not obtained from the Marijuana Social Consumption Establishment;
- (f) procedures to ensure that Marijuana or Marijuana Products purchased on site does not leave the Premises; except as otherwise authorized in 935 CMR 500.141(3)(a);
- (g) procedures for the storage of Marijuana or Marijuana Products, including, but not limited to, disposal procedures for unconsumed Marijuana or Marijuana Products;

935 CMR: CANNABIS CONTROL COMMISSION

- (h) Procedural and operational plans making a diligent effort to assist Consumers who may be impaired in finding means of transportation. Such requirements must be tailored to the region in which the establishment is located.
- (i) Procedures to ensure that Consumers are not overserved, including the developments of standards, consistent with Responsible Vendor Training, for Marijuana Establishment Agents to use to evaluate impairment.
- (j) Procedures to ensure that no one younger than 21 years old may access the establishment;
- (k) If vaporization or other non-smoking forms of consumption involving heat are permitted indoors, procedures and building plans or schematic to ensure that:
  - 1. the area(s) in which consumption involving heat takes place are isolated from the other areas, separated by walls and a secure door, with access only from the Marijuana Social Consumption Establishment;
  - 2. employees may monitor the consumption area from a smoke-free, vapor-free area; and
  - 3. a ventilation system directs air from the consumption area to the outside of the building through a filtration system sufficient to remove visible vapor, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line.
- (l) procedures to ensure that no sales occur within the consumption area.
- (m) procedures to ensure that smoking as defined by M.G.L. c. 137, § 22 is prohibited indoors.
- (n) Sanitary practices in compliance with 105 CMR 590.000: *Minimum Sanitation Standards for Food Establishments*; and
- (o) a detailed description of qualifications and intended training(s) for Marijuana establishment agents who will be employees;

(3) Limitation on Sales

- (a) Marijuana Social Consumption Establishment agents shall only sell Marijuana or Marijuana Products to individuals in an amount reasonable for on-site consumption. Notwithstanding the terms of 935 CMR 500.140(3)(a), 935 CMR 500.140(4)(c) and 935 CMR 500.150(4)(a) and (b), Consumers may not purchase more than 20 milligrams of delta-nine-tetrahydrocannabinol ( $\Delta$ 9-THC) within any single day. Unconsumed Marijuana or Marijuana Product(s) that is packaged by the establishment in a Commission preapproved sealed and resealable exit bag may be removed from the premises.
- (b) A Marijuana Social Consumption Establishment shall not knowingly sell to a Consumer more than 20 milligrams of delta-nine-tetrahydrocannabinol ( $\Delta$ 9-THC) per day.
- (c) Sale of Edible Products. Sale of edible Marijuana Products shall be limited to pre-packaged Shelf-stable items. Products that are perishable, or "Time/ and Temperature Controlled for Safety Food" as it is defined in the 2013 Retail Food

935 CMR: CANNABIS CONTROL COMMISSION

Code as adopted under 105 CMR 590.001(A) or time and temperature controlled to prevent deterioration shall not be allowed to be sold.

(d) Sale of Shelf-stable Products. A Marijuana Social Consumption Establishment may sell food pre-packaged, Shelf-stable and drink items other than edible Marijuana products if it acquires all necessary licenses and permits to do so. A Marijuana Social Consumption Establishment may not sell alcohol or tobacco products.

(e) A Marijuana Social Consumption Establishment may sell marijuana accessories. A Marijuana Social Consumption Establishment may sell items not expressly authorized herein only after receiving the express written permission of the Commission following receipt of an application in a form and manner determined by the Commission.

(4) Social Consumption Sales

- (a) Except as otherwise authorized in 935 CMR 500.141(3)(a), The sale of Marijuana and Marijuana Products for consumption on site shall take place in compliance with the following:
1. Except as otherwise authorized in 935 CMR 500.141(3)(a), Marijuana and Marijuana Products may only be used by Consumers on the Premises who have demonstrated in compliance with 935 CMR 500.140(2)(b) that they are 21 years of age or older;
  2. In addition to the requirements of 935 CMR 500.140(8), A Marijuana Social Consumption Establishment must distribute to each Consumer a Consumer information card, which shall be provided by the Commission that informs Consumers about the impairment effects of different forms of consumption of Marijuana or Marijuana Products, including, but not limited to, the length of time that the Marijuana or Marijuana Products may take in order to take effect, and information to prevent impaired driving. The informational card will be scientifically based. The information card will be two-sided and presented in a form and manner determined by the Commission.
  3. Consumer shall orally affirm to a Marijuana establishment agent receipt and understanding of the Consumer information card prior to the dispensing of Marijuana or Marijuana Products.
- (b) A Marijuana Social Consumption Establishment shall not allow the consumption of alcohol or the smoking of tobacco, or the sale of alcohol or tobacco on the Premises.
- (c) All Marijuana and Marijuana Product sales shall be tracked using the Seed-to-sale SOR.
- (d) Limitations on the time for sales of Marijuana or Marijuana Products shall comply with all municipal bylaws and ordinances. Unless otherwise explicitly authorized by the municipality, sales shall only occur between the hours of 8:00 a.m. and 9:00 p.m.

(e) Every effort shall be made to minimize the amount of cash held by a Marijuana Social Consumption Licensee at any one time. Licensees shall use best efforts to implement platforms for the electronic payment of funds.

~~(e)(f)~~ A Marijuana Social Consumption Establishment Agent may refuse the sale of Marijuana or Marijuana Products based on a reasonable belief that a consumer is visibly impaired.

(5) Age Verification

(a) Entry into the Premises of a Marijuana Social Consumption Establishment by persons under the age of twenty-one is prohibited.

(b) On entry into the Premises of a Marijuana Social Consumption Establishment by an individual, a Marijuana Establishment agent shall immediately inspect the individual's proof of identification and determine the individual's age. An individual shall not be admitted to the Premises unless the establishment has verified that the individual is 21 years of age or older by an individual's proof of identification.

~~(b)(c)~~ At the point of sale by an individual, a Marijuana Establishment Agent shall inspect the individual's proof of identification and determine the individual's age.

(6) Consumption Areas

(a) Where needed for security or health reasons, a Brick-and-Mortar Social Consumption Establishment shall separate the designated sales and consumption areas. Each area shall be isolated from other areas of the establishment. The consumption area shall be separated by walls and a secure door and accessible only from the sales area.

(b) The consumption area shall be visible to individuals located in the sales area.

(c) The Marijuana Establishment shall maintain an updated diagram of the consumption area which must show the location of:

1. the licensed Premises of the Marijuana Establishment;
2. serving area or areas;
3. ventilation exhaust points, if applicable;
4. the employee monitoring area;
5. doors, windows, or other exists; and
6. any other information required by the Commission.

~~(c)(d)~~ Consumption of Marijuana or Marijuana Products through vaporization or other non-smoking forms of consumption involving heat shall require the following:

1. A ventilation system that directs air 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.
2. A smoke-free area for agents to monitor the Marijuana consumption area.

~~(d)~~(e) The establishment shall have a standard operating procedure to ensure the health of agents in the cleaning and sanitation of all consumption areas.

(f) A Marijuana Social Consumption Establishment shall provide Consumers with adequate, readily accessible toilet facilities that are maintained in a sanitary condition and in good repair.

~~(e)~~(g) Vaping may be permitted in a designated outdoor area if it is not in view of the general public and complies with 105 CMR 661.200, *Smoking in Outdoor Spaces*

(7) Waste Disposal

- (a) The Marijuana Social Consumption Establishment shall be responsible for ensuring Consumers dispose of any unused Marijuana or Marijuana Products prior to exiting the establishment.
- (b) The Marijuana Social Consumption Establishment shall provide a secure receptacle to dispose of Marijuana or Marijuana Products sold on-site but not consumed by the Consumer prior to exiting the establishment.
- (c) Marijuana or Marijuana Products returned by a Consumer shall be disposed of in accordance with 935 CMR 500.105(12).

(8) Incident Reporting

- (a) The Marijuana Social Consumption Establishment shall provide notice to appropriate law enforcement authorities and the Commission in accordance with 935 CMR 500.110(8).
- (b) In addition to the incidents identified in 935 CMR 500.110(8)(a), a Marijuana Social Consumption Establishment shall provide notification shall notify the Commission of any of the following incidents immediately, and in no instance, no more than 24 hours after the following occasions:
  - 1. Any instance involving the consumption of tobacco, tobacco products or alcohol on the Premises;
  - 2. Any instance involving the consumption of any Marijuana or Marijuana Product not purchased from the Marijuana Social Consumption Establishment; or
  - 3. Any instance involving the consumption of any Marijuana or Marijuana Product in a designated sales area or other area outside the designated consumption area.

(9) Prohibitions. A Marijuana Social Consumption Establishment shall not:

- (a) Sell Marijuana or Marijuana Products other than those authorized pursuant to 935 CMR 500.141: *Additional Operating Requirements for Marijuana Social Consumption Establishments*.
- (b) Allow a Consumer to smoke or otherwise consume Marijuana through combustible methods, except outdoors as otherwise authorized under 935 CMR 500.000 *Adult Use of Marijuana*, so long as smoking is not a nuisance to the non-smoking public.
- (c) Allow any agent to consume Marijuana or Marijuana Products during the course of a work shift;
- (d) Allow the consumption of tobacco or tobacco products or alcohol or alcoholic

- products on the Premises;
- (e) Allow the possession or consumption of any Marijuana or Marijuana Product that was not purchased from the Marijuana Social Consumption Establishment;
  - (f) Offer to sell or sell any Marijuana or Marijuana Product for a discounted or promotional price or for any price other than the product's fixed price;
  - (g) Gift or discount Marijuana and Marijuana Products;
  - (h) Allow, encourage or permit any organized game or contest involving the consumption of Marijuana or Marijuana Product or awarding of Marijuana or Marijuana Products as a prize; or
  - (i) Advertise, market or brand any practice prohibited by this section or 935 CMR 500.105(4)(b).
  - (j) Shall not permit Consumers determined to be impaired by its Marijuana Establishment Agents to purchase additional Marijuana or Marijuana Products while still impaired.

(10) Outdoor Smoking Waiver

- (a) The prohibition on smoking in an indoor area cannot be waived.
- (b) The prohibition on smoking in a designated outdoor area may be subject to a waiver in accordance with the following process:
  - 1. The waiver request shall comply with the requirements outlined in 935 CMR 500.850(1);
  - 2. On receipt of the waiver request and written documentation, the Commission shall submit the request and documentation to the Board of Health or Health Commissioner in the municipality where the Marijuana Social Consumption Establishment is located. The Commission shall request that the local health authority examine the waiver and documentation and provide a determination whether the proposed outdoor smoking activity would:
    - a. comply with the municipality's applicable local rules and regulations pertaining to smoking;
    - b. be compatible with uses in the surrounding community; ~~and~~
    - c. not pose an unacceptable risk to public, health, safety or welfare greater than if consumption were to occur indoors;
    - d. would not be in view of the general public;
    - e. be physically separated from an enclosed workspace and there is no migration of smoke into the workplace;
    - f. comply with the following requirements:
      - (1) In accordance with M.G.L. c. 270, § 22, any outdoor space that has a structure capable of being enclosed, regardless of the materials or removable nature of the walls or covers, shall be regarded as an enclosed space when the walls or covers are in place.
      - (2) The outdoor space shall be open to the air at all times. For purposes of 105 CMR 661.000: Regulations Implementing M.G.L. c. 270, § 22, this shall mean that the space has



thorough, unobstructed circulation of outside air to all parts of the outdoor space. An outdoor space shall be presumed to meet this test if:

(a) the space has a ceiling and at least one half of the total surface area of the walls and other vertical boundaries of the space permits unobstructed flow of outside air into the space; or

(b) the space has no ceiling and no more than two walls or other vertical boundaries of the space that obstruct the flow of air into the space exceed eight feet in height.

(3) For purposes of 105 CMR 661.000: *Regulations Implementing M.G.L. c. 270, § 22*, a ceiling shall include any top or covering that is placed or maybe placed over a space, or any other structure or arrangement above the space (including substantial coverage by umbrellas or awnings) that may impede the flow of air into the space, regardless of the type or nature of the materials or the partial or removable nature of the covering.

(4) The local board of health shall be notified in writing prior to initiating construction or renovation of an outdoor space for the purpose of permitting smoking, if such construction or renovation requires notification of the local building department or a licensing authority.-

500.145 Additional Operational Requirements for Delivery of Marijuana and Marijuana Products to Consumers

(1) General Requirements.

- (a) A Delivery-Only Retailer License is a necessary prerequisite for the delivery of Marijuana and Marijuana Products directly to Consumers.
- (b) Prior to commencing operations, Delivery-Only Retailers shall comply with all operational requirements imposed by:
  - 1. 935 CMR 500.105: *General Operational Requirements for Marijuana Establishments*;
  - 2. 935 CMR 500.110(8); and
  - 3. 935 CMR 500.145: *Additional Operating Requirements for Delivery of Marijuana and Marijuana Products to Consumers*.
- (c) All individuals delivering Marijuana and Marijuana Products for a Delivery-Only Retailer directly to Consumers shall be employees of the Delivery-Only Retailer and shall hold a valid Marijuana Establishment Agent registration.
- (d) All Marijuana and Marijuana Products delivered by a Delivery-Only Retailer shall be obtained from a licensed Marijuana Retailer.
  - 1. Delivery-Only Retailers shall only obtain Marijuana or Marijuana Products for delivery from a licensed Marijuana Retailer with which the Delivery-Only Retailer Licensee has a Delivery Agreement.

935 CMR: CANNABIS CONTROL COMMISSION

~~2.2~~ All agreements between a Delivery-Only Retailer and a Marijuana Retailer shall be disclosed under the requirements of licensure in 935 CMR 500.101: *Application Requirements* and subject to limitations on control over licenses under 935 CMR 500.050(1)(a).

~~2.3~~ The Commission shall be notified in writing of any substantial modification to a Delivery Agreement.

(e) A Delivery-Only Retailer and Marijuana Retailer may use a Third-Party Technology Platform Provider to facilitate the ordering of Marijuana or Marijuana Products by Consumers.

~~1.~~ All agreements between a Delivery-Only Retailer and a Third-Party Technology Platform Provider shall be available for inspection as part of the requirements for licensure in 935 CMR 500.101: *Application Requirements* and shall be subject to the control limitations under 935 CMR 500.050 (1)(a).

~~2.~~ The Commission shall be notified in writing within five days of any substantial modification to an agreement between a Delivery-Only Retailer and a Third-Party Technology Platform Provider.

~~3.~~ Any Third-Party Technology Platform shall comply with privacy and Consumer protection standards established by the Commission.

~~4.4.~~ The Commission shall be notified in writing of an ongoing basis of any new or additional or assigned agreements between a Delivery-Only Retailer and a Third-Party Technology Platform Provider within five days.

(f) The maximum retail value of Marijuana or Marijuana Products allowed in a Delivery-Only Retailer's vehicle at any one time shall be \$10,000.00.

(g) All Marijuana and Marijuana Product deliveries shall be tracked using the Seed-to-Sale System of Record as designated by the Commission.

(h) Deliveries of Marijuana or Marijuana Products by a Delivery-Only Retailer shall be geographically limited to:

1. The municipality identified on the Marijuana Establishment license as the Delivery-Only Retailer's place of business; and

2. Any municipality which after receiving notice from the Commission, has notified the Commission that a Delivery Only Licensee may not operate within its borders. in which a Marijuana Retailer licensed under 935-CMR 500 Adult Use of Marijuana may operate, whether or not a Marijuana Retailer currently operates in the municipality, pursuant to the municipality's bylaws and ordinances.

(i) Limitations on the time for delivery shall comply with all municipal bylaws and ordinances, provided, however, that all deliveries of Marijuana or Marijuana Products must be completed before 9:00 p.m. local time or the time determined by municipal bylaw or ordinance, whichever occurs first, and deliveries of Marijuana or Marijuana Products shall not occur between the hours of 9:00 p.m. and 8:00 a.m., unless otherwise explicitly authorized by municipal bylaw or ordinance.

(j) Every effort shall be made to minimize the amount of cash carried in a Delivery-Only Retail vehicle at any one time. Marijuana Retailers utilizing a Delivery-

935 CMR: CANNABIS CONTROL COMMISSION

Only Retailer for Consumer transactions shall use best efforts to implement platforms for the electronic payment of funds. Where cash is carried in a Delivery-Only Retailer vehicle the storage and transport of cash shall comply with the requirements of 935 CMR 500.110(7).

(2) Orders. All orders for deliveries made by Delivery-Only Retailers shall comply with the following requirements:

- (a) All Marijuana and Marijuana Products delivered by a Delivery-Only Retailer shall be obtained from a licensed Marijuana Retailer with which the Delivery-Only Retailer has a Delivery Agreement.
- (b) Orders for home delivery shall be received by a Marijuana Retailer and transmitted to a Delivery-Only Retailer for delivery to a Residence.
- (c) Only Marijuana Products that are Shelf-stable may be delivered. Products that are perishable, or time and temperature controlled to prevent deterioration shall not be allowed to be delivered by a Delivery-Only Retailer.
- (d) Delivery-Only Retailers shall deliver Marijuana or Marijuana Products only to the Residence address provided. Delivery-Only Retailers shall be prohibited from delivering to college or university dormitories; [and federal public housing identified at https://resources.hud.gov/](https://resources.hud.gov/); ~~and federally and state subsidized housing, shelters or residential programs.~~
- (e) Delivery-Only Retailers shall only deliver Marijuana or Marijuana Products for which a specific order has been received by a licensed Marijuana Retailer with which the Delivery-Only Retailer has a Delivery Agreement. Delivery-Only Retailers are prohibited from delivering Marijuana or Marijuana Products without a specific order destined for an identified Residence. An order may be generated directly through a Marijuana Retailer or through a Third-Party Technology Platform identified to the Commission under 935 CMR 500.145(1)(~~ed~~).
- (f) Delivery-Only Retailers are prohibited from delivery of more Marijuana or Marijuana Products to an individual Consumer than the individual possession amounts authorized by M.G.L. c. 94G, § 7(a)(1). An Individual Order shall not exceed one ounce of Marijuana or its dry-weight equivalent. The Individual Order shall only be delivered to the individual Consumer identified on the order after verification of the individual's identity consistent with the requirements of 935 CMR 500.145(3). Delivery-Only Retailers shall only deliver one Individual Order, per Consumer, during each delivery.
- (g) A Delivery-Only Retailer shall not deliver to the same Consumer at the same Residence more than once each calendar day and only during authorized delivery hours.
- (h) For home delivery, each order must be packaged and labeled in accordance with 935 CMR 500.105(5) and (6) originating the order prior to transportation by the Delivery-Only Retailer to the Consumer.
- (i) Any Marijuana or Marijuana Product that is undeliverable or is refused by the Consumer shall be transported back to the originating Marijuana Establishment that provided the product once all other deliveries included on a delivery manifest have been made. Delivery-Only Retailers are prohibited from maintaining custody of Marijuana or Marijuana Products intended for delivery overnight. It shall be the responsibility of the Delivery-Only Retailer to ensure that any

undelivered product is returned to the appropriate Marijuana Retailer and not retained by the Delivery-Only Retailer.

(3) Consumer Age Verification.

- (a) A Marijuana Retailer shall require any Consumer making a purchase for delivery by a Delivery-Only Retailer to have the government-issued photo identification a Consumer intends to use to verify her or his age at the time of delivery examined and authenticated by the Marijuana Retailer prior to the first Individual Order. Pre-Verification of the Consumer's identification shall be performed in-person at the Marijuana Retailer's physical location or through a Commission approved electronic means and shall include examination of the Consumer's valid, unexpired government-issued photo identification that bears a date of birth. A Delivery-Only Retailer may make accommodations for a Consumer who is disabled, so long as Pre-Verification is performed in-person and includes examination of a valid, unexpired government-issued photo identification that bears a date of birth. A Delivery-Only Retailer is prohibited from performing a delivery to any Consumer who has not established an account for delivery through Pre-Verification of the Consumer's identification by the Marijuana Retailer.
- (b) A Delivery-Only Retailer shall not deliver Marijuana or Marijuana Products to any person other than the Consumer who ordered the Marijuana or Marijuana Products.
- (c) A Delivery-Only Retailer shall verify the age and identity of the Consumer at the time at which the Marijuana or Marijuana Products are delivered to the Consumer at a Residence to ensure that Marijuana and Marijuana Products are not delivered to individuals under the age of 21. Prior to relinquishing custody of the Marijuana or Marijuana Products to the Consumer, the Marijuana Establishment Agent conducting the delivery shall verify that the identification of the Consumer receiving the Marijuana or Marijuana Products matches the pre-verified identification of the Consumer who placed the order for delivery with the Marijuana Retailer by:
  - 1. Viewing the valid government-issued photo identification as provided to the Marijuana Retailer for Pre-Verification under 935 CMR 500.145(3)(a);
  - 2. Viewing proof of order generated by the Marijuana Retailer at the time of order; and
  - 3. Receiving the signature of the Consumer who ordered the Marijuana or Marijuana Products on the manifest for the Marijuana or Marijuana Products and verifying that the signature matches the government-issued photo identification presented.

(4) Vehicle and Transport Requirements for Home Delivery.

- (a) Vehicles used for home delivery by a Delivery-Only Retailer shall be owned or leased by the Delivery-Only Retailer, shall be properly registered as commercial vehicles, and inspected and insured in the Commonwealth of Massachusetts.
- (b) Vehicles used for home delivery by a Delivery-Only Retailer may be parked overnight at the address identified as the Licensee's place of business or another location, provided that keeping the vehicle at the identified location complies with all general and special bylaws of the municipality.
- (c) Vehicles used for delivery by a Delivery-Only Retailer shall carry liability insurance in an amount not less than \$1,000,000 combined single limit.
- (d) Delivery-Only Retailer vehicles shall have no external markings, words or symbols that indicate the vehicle is being used for home delivery of Marijuana or

Marijuana Products.

- (e) Delivery-Only Retailers transporting Marijuana and Marijuana Products for home delivery shall ensure that all vehicles used for deliveries are staffed with a minimum of two Marijuana Establishment Agents. At least one Marijuana Establishment Agent shall remain with the vehicle at all times that the vehicle contains Marijuana or Marijuana Products.
- (f) Marijuana and Marijuana Products must not be visible from outside the vehicle.
- (g) A Delivery-Only Retailer shall transport Marijuana and Marijuana Products in a secure, locked storage compartment that is a part of the vehicle and complies with the requirements of 935 CMR 500.110(8).
- (h) A Delivery-Only Retailer shall maintain, in each vehicle used for deliveries of Marijuana and Marijuana Products, a secure, locked storage compartment for the purpose of transporting and securing cash used as payment. This compartment shall be separate from compartments required under 935 CMR 500.145(4)(h) for the transport of Marijuana and Marijuana Products.
- (i) In the case of an emergency stop during the transportation of Marijuana or Marijuana Products, a log must be maintained describing the reason for the stop, the duration, the location, and any activities of personnel exiting the vehicle. The Marijuana Establishment Agents in the vehicle shall provide notice of the location of the stop and employ best efforts to remain in contact with the Delivery-Only Retailer.
- (j) The Delivery-Only Retailer Marijuana Establishment Agents transporting Marijuana or Marijuana Products for home delivery shall contact the Delivery-Only Retailer fixed location when arriving at and leaving any delivery, and regularly throughout the trip, at least every 30 minutes.
- (k) The Delivery-Only Retailer shall maintain a separate log for each vehicle in use for home deliveries. For each delivery, the Delivery-Only Retailer shall record:
  - 1. The location of the originating Marijuana Retailer and date and time the vehicle leaves the location;
  - 2. The mileage of the transporting vehicle at departure from the Marijuana Retailer, mileage on arrival at each Consumer destination, and mileage on return to the Marijuana Establishment;
  - 3. The date and time of departure from the Marijuana Establishment and arrival at each Consumer destination for each delivery; and
  - 4. An entry indicating the date and time of the last delivery in an order.
- (l) A Delivery-Only Retailer shall ensure that all delivery routes remain within the Commonwealth of Massachusetts at all times.
- (m) A Delivery-Only Retailer shall make every effort to randomize its delivery routes.
- (n) Delivery-Only Retailers shall not transport products other than Marijuana and Marijuana Products during times when Delivery-Only Retailers are performing home deliveries.
- (o) Firearms are strictly prohibited from Delivery-Only Retailer vehicles and from Marijuana Establishment Agents performing home deliveries.

(5) Manifests

- (a) Every home delivery shall have a manifest produced by the Marijuana Retailer

and provided to the Delivery-Only Retailer. A manifest shall be completed in duplicate, with the original manifest remaining with the originating Marijuana Retailer, and a copy to be kept with the Delivery-Only Retailer during the delivery. The manifest shall be signed by the Consumer receiving the Marijuana or Marijuana Products and the Marijuana Establishment Agent acting on behalf of the Delivery-Only Retailer. A signed manifest shall serve as the written record of the completion of the delivery.

(b) The manifest must, at a minimum, include:

1. The originating Marijuana Retailer name, address, and license number;
2. The name and license number of the Delivery-Only Retailer performing the home delivery;
3. The names and Marijuana Establishment Agent numbers of the Marijuana Establishment Agents performing the delivery;
4. The Consumer's name and address;
5. A description of the Marijuana or Marijuana Products being transported, including the weight and form or type of product;
6. Signature lines for the agents who transported the Marijuana or Marijuana Products;
7. A signature line for Consumer who receives the Marijuana or Marijuana Products; and
8. The Delivery-Only Retailer vehicle make, model, and license plate number.

(c) The manifest shall be maintained within the vehicle during the entire transportation process, until all the deliveries are completed.

(d) A Marijuana Establishment shall retain all transportation manifests for no less than one year and make them available to the Commission on request.

**500.150: Edible Marijuana Products**

(1) **Production of Edible Marijuana Products.** Production of edibles shall take place in compliance with the following:

(a) Any edible Marijuana Product that is made to resemble a typical food or Beverage product must be packaged and labeled as required by M.G.L. c. 94G, § 4(a½)(xxvi) and 935 CMR 500.105(5) and (6).

(b) The Manufacture or sale of edibles in the following shapes and types is prohibited:

1. The distinct shape of a human, animal, or fruit; or
2. a shape that bears the likeness or contains characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings.

(c) Edible Marijuana Products that are geometric shapes and simply fruit-flavored are not considered fruit and are permissible.

(2) **Sanitary Requirements.** All edible Marijuana Products shall be prepared, handled, and stored in compliance with the requirements in 935 CMR 500.105(3) and 935 CMR 500.105(11).

(3) **Additional Labeling and Packaging Requirements for Edible Marijuana Products.**

(a) In addition to the requirements set forth in M.G.L. c. 94G, § 4(a½)(xxvi) and 935 CMR 500.105(5) and (6), every Marijuana Retailer must ensure that the following

information or statement is affixed to every container holding an edible Marijuana Product:

1. If the retail edible Marijuana Product is perishable or time and temperature controlled, a statement that the edible Marijuana Product must be refrigerated.
  2. The date on which the edible Marijuana Product was produced.
  3. A nutritional fact panel that must be based on the number of THC servings within the container.
  4. Information regarding the size of each serving for the product by milligrams, the total number of servings of Marijuana in the product, and the total amount of active THC in the product by milligrams (mgs). For example: "The serving size of active THC in this product is X mg(s), this product contains Y servings of Marijuana, and the total amount of active THC in this product is (X\*Y) mg(s)."
  5. A warning that the impairment effects of edible Marijuana may be delayed by two hours or more.
- (b) Once a label with a use-by date has been affixed to a container holding an edible Marijuana Product, a Licensee shall not alter that date or affix a new label with a later use-by date.
- (c) A Marijuana Product Manufacturer must ensure that each single serving of an edible Marijuana Product is physically demarked in a way that enables a reasonable person to intuitively determine how much of the product constitutes a single serving of active THC.
- (d) Each serving of an edible Marijuana Product within a multi-serving package of edible Marijuana Products must be easily separable in order to allow an average person 21 years of age or older to physically separate, with minimal effort, individual servings of the product.
- (e) Each single serving of an edible Marijuana Product contained in a packaged unit of multiple edible Marijuana Product shall be marked, stamped, or otherwise imprinted with a symbol or easily recognizable mark issued by the Commission that indicates the package contains Marijuana Product.
- (4) Dosing Limitations. A Marijuana Product Manufacturer may not prepare, and a Marijuana Retailer may not deliver, sell or otherwise distribute an edible Marijuana Product with potency levels exceeding the following, as tested by an independent Marijuana testing facility licensed in accordance with M.G.L. c. 94G, § 15:
- (a) for a single serving of an edible Marijuana Product, five milligrams (5.00 mg) of active tetrahydrocannabinol (THC);
  - (b) in a single package of multiple edible Marijuana Product to be eaten, swallowed, or otherwise ingested, not more than 20 servings or 100 milligrams (100.00mg) of active THC; and
  - (c) the THC content must be homogenous, or evenly distributed throughout the edible Marijuana Product. A Retail Marijuana Product shall be considered to not be homogenous if 10% of the infused portion of the Marijuana Product contains more than 20% of the total THC contained within entire Marijuana Product.

500.160: Testing of Marijuana and Marijuana Products

- (1) No Marijuana Product, including Marijuana, may be sold or otherwise marketed for adult use that is not capable of being tested by Independent Testing Laboratories, except as allowed under 935 CMR 500.000: *Adult Use of Marijuana*. Testing of Marijuana

Products shall be performed by an Independent Testing Laboratory in compliance with a protocol(s) established in accordance with M.G.L. c. 94G, § 15 and in a form and manner determined by the Commission, including but not limited to, the *Protocol for Sampling and Analysis of Finished Medical Marijuana Products and Marijuana-infused Products*. Testing of environmental media (e.g., soils, solid growing media, and water) shall be performed in compliance with the *Protocol for Sampling and Analysis of Environmental Media for Massachusetts Registered Medical Marijuana Dispensaries* published by the Commission.

- (2) Marijuana shall be tested for the Cannabinoid Profile and for contaminants as specified by the Commission including, but not limited to, mold, mildew, heavy metals, plant-growth regulators, and the presence of Pesticides. The Commission may require additional testing.
- (3) A Marijuana Establishment shall have a written policy for responding to laboratory results that indicate contaminant levels are above acceptable limits established in the protocols identified in 935 CMR 500.160(1).
  - (a) Any such policy shall include
    1. notifying the Commission within 72 hours of any laboratory testing results indicating that the contamination cannot be remediated and disposing of the Production Batch.
    2. notifying the Commission of any information regarding contamination as specified by the Commission or immediately upon request by the Commission.
  - (b) The notification must be from both the Marijuana Establishment and the Independent Testing Laboratory, separately and directly.
  - (c) The notification from the Marijuana Establishment must describe a proposed plan of action for both the destruction of the contaminated product and the assessment of the source of contamination.
- (4) A Marijuana Establishment shall maintain the results of all testing for no less than one year. Testing results shall be valid for a period of one year. Marijuana or Marijuana Products with testing dates in excess of one year shall be deemed expired and may not be dispensed, sold, transferred or otherwise conveyed until retested.
- (5) The sale of seeds is not subject to these testing provisions.
- (6) Clones are subject to these testing provisions, but are exempt from testing for metals.
- (7) All transportation of Marijuana to and from Independent Testing Laboratories providing Marijuana testing services shall comply with 935 CMR 500.105(13).
- (8) All storage of Marijuana at a laboratory providing Marijuana testing services shall comply with 935 CMR 500.105(11).
- (9) All excess Marijuana must be disposed of in compliance with 935 CMR 500.105(12), either by the Independent Testing Laboratory returning excess Marijuana to the source Marijuana Establishment for disposal or by the Independent Testing Laboratory disposing of it directly; and
- (10) No Marijuana Product shall be sold or otherwise marketed for adult use that has not first been tested by an Independent Testing Laboratory and deemed to comply with the standards required under 935 CMR 500.160: *Testing of Marijuana and Marijuana Products*.



935 CMR: CANNABIS CONTROL COMMISSION

- (11) Single-servings of Marijuana Products tested for potency in accordance with 935 CMR 500.150(4)(a) shall be subject to a potency variance of no greater than plus/minus ten percent (+/- 10%).
- (12) Marijuana and Marijuana Products submitted for retesting prior to remediation must be submitted to an Independent Testing Laboratory other than the laboratory which provided the initial failed result. Marijuana submitted for retesting after documented remediation may be submitted to the same Independent Testing Laboratory that produced the initial failed testing result prior to remediation.

500.170: Municipal Requirements

- (1) Marijuana Establishments and Marijuana establishment agents shall comply with all local rules, regulations, ordinances, and bylaws.
- (2) Nothing in 935 CMR 500.000: *Adult Use of Marijuana* shall be construed so as to prohibit lawful local oversight and regulation, including fee requirements, that does not conflict or interfere with the operation of 935 CMR 500.000: *Adult Use of Marijuana*.

500.200: Counties of Dukes County and Nantucket

- (1) To the extent permitted by law, Marijuana Establishments operating from locations in the Counties of Dukes County and Nantucket (the "island counties") may operate in full compliance with 935 CMR 500.000: *Adult Use of Marijuana*.
- (2) If Marijuana Establishments operating from locations in the island counties are prevented from operating in full compliance with 935 CMR 500.00: *Adult Use of Marijuana* by operation of law, they are not required to utilize Independent Testing Laboratories until such time as a laboratory is located on the island where the Marijuana Establishment is located or the establishment can transport Marijuana Products to the mainland of Massachusetts.
- (3) If Marijuana Establishments operating from locations in the island counties are prevented from utilizing Independent Testing Laboratories by operation of law, they are required to test Marijuana Products in a manner that is not Unreasonably Impracticable but also adequately protects the public health in the opinion of the Commission. Such testing may include:
  - (a) a modified on-premises testing system approved by the Commission if the label on any Marijuana or Marijuana Product so tested discloses in capital letters: WARNING: LIMITED TESTING FOR CONTAMINANTS AND PESTICIDES;
  - (b) a testing facility in the island counties that does not meet the criteria for an Independent Testing Laboratory, but is approved by the Commission for testing by Marijuana Establishments located in the island counties; or
  - (c) Such other testing system approved by the Commission.
- (4) A Delivery-Only Retailer operating in a location in the island counties may only perform deliveries to Residences located in the same county as the Marijuana Establishment which the delivery order originates from until such time as it permitted to deliver to other locations by law.

500.300: Complaints Process

- (1) In a time and manner determined by the Commission, a dedicated telephone number,

email address or other means shall be provided for members of the public or Consumers to notify the Commission of complaints regarding Marijuana Establishments or Marijuana establishment agents.

- (2) The Commission may, at its discretion, investigate or decline to investigate any complaint or refer a complaint to another law enforcement or regulatory authority.

500.301: Inspections and Compliance.

- (1) Pursuant to M.G.L. c. 94G, §§ 4(a)(xvii)-(xx), the Commission or its delegee may inspect a Marijuana Establishment and affiliated vehicles at any time without prior notice to determine the Marijuana Establishment's compliance with M.G.L. c. 94G and 935 CMR 500.000: *Adult Use of Marijuana*. All areas, activities and records of a Marijuana Establishment and activities and records of Marijuana establishment agents are subject to such inspection. Submission of an application by or issuance of a license to a Marijuana Establishment constitutes consent for such inspection.
- (2) A Marijuana Establishment shall allow immediate access to the facility on being presented with photo identification documenting the Commission representative's affiliation with the Commission or delegee's affiliation with a state agency with lawful jurisdiction over the operations of a Marijuana Establishment.
- (3) A Marijuana Establishment shall immediately on request make available to the Commission or its delegee all information that may be relevant to an inspection or investigation of an incident or a complaint.
- (4) A Marijuana Establishment shall make all reasonable efforts to facilitate the inspection or investigation of an incident or a complaint, including the taking of samples, photographs, video or other evidence or recordings, and complying with demands for examination and inspection in accordance with 935 CMR 500.302: *Compliance Examination*.
- (5) During an inspection, the Commission or its delegee may direct a Marijuana Establishment to test Marijuana for contaminants, including, but not limited to mold, mildew, heavy metals, plant-growth regulators, and the presence of pesticides not approved for use on Marijuana pursuant to 935 CMR 500.120(5).
- (6) An inspection or other investigation may be made prior to the issuance of a license or the renewal of a license. Additional inspections may be made whenever the Commission or its delegee deems it necessary for the enforcement of M.G.L. c. 94G and 935 CMR 500.000: *Adult Use of Marijuana*.
- (7) The failure to cooperate with an inspection or otherwise comply with this section may result in administrative or disciplinary action against the Licensee.

500.302: Compliance Examination.

- (1) The Commission or its delegee pursuant to M.G.L. c. 94G, § 4(a)(xx), has the authority to demand access to a Marijuana Establishment's papers, books, documents, records, correspondence, electronic communications, and other tangible things to examine and inspect. Such examination and inspection may include interrogatories to parties or subpoenas to compel the production of papers, books, documents, records, correspondence, electronic communications, and other tangible things. The examination and inspection of a Marijuana Establishment may also include the interview of material witnesses, registered agents, or other persons whom the Commission has determined is involved in the financing, management or operation of an establishment.
- (2) Administrative Subpoenas. The Commission or its delegee may, during a preliminary investigation prior to a hearing, issue, modify, amend or rescind subpoenas. Material witnesses, registered agents, or other person whom the Commission has determined is

involved in the financing, management or operation of an establishment may petition the Commission to modify, amend or rescind subpoenas.

- (3) General Provisions. Administrative subpoenas for compliance examination and inspection shall be issued in the name of the Commission by the Commission or its delegee. Service may be made in a form and manner determined by the Commission, including, but not limited to, by the consent of the parties.
- (4) Enforcement of Subpoenas. On the failure of a person to comply with a subpoena, and not subsequently vacated or modified by the Commission or its delegee, the Commission or its delegee may apply to the Superior Court for an order to compel compliance with the subpoena; an order for costs and fees associated with the issuance and enforcement of the subpoena; or an order of contempt for any failure by a party to comply with a court order.
- (5) The failure to cooperate with provisions of this section may result in administrative or disciplinary action against the Licensee.

500.303: Unannounced Purchase for Purpose of Investigative Testing (Secret Shopper Program).

- (1) Secret Shopper Program Authorized. The Commission or its delegee may, at any time and without prior notice, authorize an employee or other agent to pose as a customer and purchase any Marijuana or Marijuana Products from any licensed Marijuana Establishment. The Commission or its delegee may authorize such purchase for any investigative purposes that are consistent with St. 2016, c. 334, as amended by St. 2017, c. 55 or 935 CMR 500.000: *Adult Use of Marijuana*, including, but not limited to, investigative testing for compliance with laboratory testing standards and identification check requirements. The purchasing employee or agent shall document the purchase, including the date, time, and place of purchase, type and amount of Marijuana or Marijuana Products, and any other information required by the Commission.
- (2) Custody and Preservation of Purchases. The Marijuana or Marijuana Products purchased as part of the program shall be securely stored during transport in a manner to prevent contamination or spoilage.
- (3) Contamination and Spoilage During Storage or Transport. Any contamination or spoilage of purchases under the Secret Shopper Program during storage or transport while under the control of the purchaser shall be promptly documented by the purchaser in writing and reported to the Commission. The Commission or its delegee may authorize the disposal of the contaminated or spoiled purchase, pursuant to the regulations concerning waste disposal under 935 CMR 500.105(12).
- (4) Use of Secret Shopper Investigative Results. Results of investigations conducted under Secret Shopper Program shall be promptly submitted to the Commission.
  - (a) All investigative results shall be retained as part of the records for the licensed Marijuana Establishment from which the purchase originated.
  - (b) The Marijuana Establishment may be notified of any investigative results determined to be noncompliant at a time and manner determined by the Commission.
  - (c) After the Marijuana Establishment is notified of the investigative results, such results may be used by the Commission to take action on the license of the Marijuana Establishment pursuant to 935 CMR 500.340: *Quarantine Order*, 500.350: *Cease and Desist Order and Summary Suspension Order*, 500.450: *Marijuana Establishment License: Grounds for Denial of Renewal Applications, Suspension and Revocation*, or 500.500: *Hearings and Appeals of Actions on*

935 CMR: CANNABIS CONTROL COMMISSION

*Licenses* or assess fines or other civil penalties pursuant to 935 CMR 500.360:  
*Fines.*

- (d) Without notice to the Marijuana Establishment, the Commission may share such investigative results with any other law enforcement or regulatory authorities.
  - (e) The Commission may elect to conduct further evaluation of the investigative results at any time for verification or for other purposes reasonably related to sanitation, public health or public safety.
- (5) The failure to cooperate with provisions of this section may result in administrative or disciplinary action against the Licensee.

500.310: Deficiency Statements

After an inspection in which a violation of St. 2016, c. 334, as amended by St. 2017, c. 55 or 935 CMR 500.000: *Adult Use of Marijuana* 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 Marijuana Establishment.

500.320: Plans of Correction

- (1) A Marijuana Establishment shall submit to the Commission a written plan of correction for any violations cited in the deficiency statement issued pursuant to 935 CMR 500.310: *Deficiency Statements*, within ten business days after receipt of the statement.
- (2) Every 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 with 935 CMR 500.000: *Adult Use of Marijuana* will be achieved. The timetable and the compliance dates shall be consistent with achievement of compliance in the most expeditious manner possible.
- (3) The Commission shall review the plan of correction for compliance with the requirements of St. 2016, c. 334, as amended by St. 2017, c. 55 and 935 CMR 500.000: *Adult Use of Marijuana*, and shall notify the Marijuana Establishment of either the acceptance or rejection of the plan.
- (4) An unacceptable plan must be amended and resubmitted within five business days after receipt of such notice.

500.321 Administrative Hold

- (1) Pursuant to M.G.L. c. 94G, § 4(a)(xix), the Commission or its delegee may order an Administrative Hold of Marijuana or Marijuana Products to examine and inspect a Marijuana Establishment to ensure compliance with the provisions of 935 CMR 500.000: *Adult Use of Marijuana*, prevent the destruction of evidence, prevent the diversion of Marijuana or Marijuana Products, or as otherwise necessary to protect the public health, safety or welfare.
- (2) A Marijuana Establishment subject to an Administrative Hold shall retain its inventory pending further investigation by the Commission or its delegee pursuant to the following procedure:
  - (a) If during an investigation or inspection of a Marijuana Establishment, the Commission has reasonable cause to believe certain Marijuana or Marijuana Products constitutes evidence of non-compliance with 935 CMR 500.000: *Adult Use of Marijuana*, or otherwise constitutes a threat to the public health, safety or welfare, the Commission may issue a notice to administratively hold any

Marijuana or Marijuana Products. The notice shall identify the Marijuana or Marijuana Products subject to the Administrative Hold and a concise statement stating the reasons relied on in the issuance of the Administrative Hold.

- (b) Following the issuance of a notice of Administrative Hold, the Commission will identify and mark the Marijuana or Marijuana Product subject to the Administrative Hold in the Commission's Seed-to-Sale SOR. The Marijuana Establishment shall continue to comply with all inventory requirements, including, but not limited to, 935 CMR 500.105(8).
- (c) The Marijuana Establishment shall completely and physically segregate the Marijuana or Marijuana Products subject to the Administrative Hold in a Limited Access Area, where it shall be safeguarded by the establishment.
- (d) While the Administrative Hold is in effect, the Marijuana Establishment shall be prohibited from selling, transporting or otherwise transferring or destroying the Marijuana or Marijuana Products subject to the Administrative Hold, except as otherwise authorized by the Commission.
- (e) While the Administrative Hold is in effect, the Marijuana Establishment must safeguard the Marijuana or Marijuana Product(s) subject to the Administrative Hold and must fully comply with all security requirements including, but not limited to, 935 CMR 500.110: *Security Requirements for Marijuana Establishments*.
- (f) An Administrative Hold shall not prevent a Marijuana Establishment from the continued possession, cultivation or harvesting of the Marijuana or Marijuana Products subject to the Administrative Hold unless otherwise provided by an order of the Commission. All Marijuana or Marijuana Products subject to an Administrative Hold must be put into separate tracked Production Batches.
- (g) An Administrative Hold shall not prevent a Marijuana Establishment from voluntarily surrendering Marijuana or Marijuana Products subject to an Administrative Hold, except that the establishment shall comply with the waste disposal requirements in 935 CMR 500.105(12).
- (h) At any time after the initiation of the Administrative Hold, the Commission or its delegee may modify, amend or rescind the Administrative Hold.
- (i) The failure to cooperate with provisions of this section may result in administrative or disciplinary action against the Licensee.

500.330: Limitation of Sales

- (1) If the Commission or its delegee determines that a Marijuana Establishment does not substantially comply with applicable provisions of St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94G, and or 935 CMR 500.000: *Adult Use of Marijuana*, the Commission or its delegee may order that the Marijuana Establishment shall not sell Marijuana or Marijuana Products, after a date specified.
- (2) The Commission or its delegee shall not make such a determination until a Marijuana Establishment has been notified that the establishment does not substantially comply with applicable provisions of St. 2016, c. 334, as amended by St. 2017, c. 55 and 935 CMR 500.000: *Adult Use of Marijuana*, that an order to limit sales is contemplated, and that the establishment has a reasonable opportunity to correct the deficiencies.
- (3) An order that a Marijuana Establishment shall not sell Marijuana or Marijuana Products pursuant to 935 CMR 500.330(1) may be rescinded when the Commission or its delegee finds that the establishment is in substantial compliance with the applicable provisions of

935 CMR: CANNABIS CONTROL COMMISSION

935 CMR 500.000: *Adult Use of Marijuana.*

500.335: Removal and Prohibition of Marijuana and Marijuana Products.

- (1) Pursuant to M.G.L. c. 94G, § 4(a ½)(xxxii), the Commission or its delegee may order the removal of or prohibition of sales by more than one Licensee of categories of product types, specific product types or specific brands of products after notice and a determination that Marijuana, Marijuana Products, and Marijuana Accessories (for the purposes of this section, “product”), which based on preliminary evidence, pose a ~~substantial~~ an imminent risk to the public health, safety or welfare, including, but not limited to, that the product is especially appealing to persons under 21 years of age.
  - (a) A majority of the voting Commissioners may vote to initiate a complaint about a product and refer that complaint to the Executive Director and Enforcement staff for investigation.
  - ~~(a)~~(b) In consultation with the Executive Director, Enforcement staff may conduct an investigation and make a recommendation as to the Removal of Product. The recommendation shall be based on credible and reliable evidence and provide a specific description of the scope of removal and specify whether the removal or prohibition on sales applies to one of the following:
    1. Category of Product Type(s). A type of product including but not limited to Marijuana edibles, beverages, topical products, ointments, oils, Tinctures, oral dosage forms or any other product identified by the Commission or its delegee.
    2. Specific Product Type(s). A specific type of product within a category of products but not including other types of product within the same category.
    3. Specific Brand of Product(s). One or more specific product types or category types manufactured by a Marijuana Product Manufacturer or a specific product type or category type manufactured by multiple Marijuana Product Manufacturers subject to an agreement, including, but not limited to, a partnership, product licensing, distribution, branding, advertising, marketing or sales agreement.
- (2) After receiving a recommendation from Enforcement staff, the Executive Director may act to address the substantial risk to the public health, safety or welfare, including, but not limited to:
  - (a) Refer the matter to a Hearing Officer with expertise to evaluate scientific evidence to conduct an informal hearing;
  - (b) If credible and reliable evidence has been evaluated and found to meet the standard of a substantial risk to public health, safety or welfare, if one is not yet issued, order the quarantine or Removal of Product or prohibition on sales a product pending consideration by a Hearing Officer; or
  - (c) Refer the matter to the Commission.
- (3) When a matter is referred by the Executive Director, the Hearing Officer may conduct an informal hearing.
  - (a) If necessary and in consultation with the Executive Director, the Hearing Officer may develop a process for the purposes of identifying the Licensees and Registrants that may be impacted by a current or future order, including, but not limited to, identifying those Licensees and Registrants to whom providing

adequate notice and an opportunity to be heard shall be given.

- (b) The Hearing Officer shall exercise discretion in admitting and weighing evidence including, but not limited to testimony and evidence from:
    - 1. Licensees and Registrants; and
    - 2. subject-matter experts.
  - (c) The Hearing Officer shall issue findings of fact and make a recommended decision to the Executive Director.
  - (d) To the extent that the Hearing Officer recommends that products be removed or prohibited, this recommendation shall be based on credible and reliable evidence that the product poses a substantial risk to the public health, safety and welfare.
- (4) The Executive Director may refer the matter to the Commission and make a recommendation.
- (5) On referral by the Executive Director, prior to issuing any order, the Commission shall deliberate on the Executive Director's recommendation at a public meeting of the Commission.
- (a) If there is a recommendation that the products be removed and prohibited, this recommendation shall be based on credible and reliable evidence that the product poses a substantial risk to the public health, safety and welfare.
  - (b) An order shall require a majority vote of the voting Commissioners.
  - (c) The Commission or its designee shall send written notice of the action taken against an identified Licensee or Registrant and the basis for that action. The notice shall include, but not be limited to, the following information:
    - 1. the Commission's statutory and regulatory authority, including its jurisdiction over the subject matter; and its authority to take action with regards to the license or registration;
    - 2. the factual basis for that action;
    - 3. the extent to which the product poses a substantial risk to the public health, safety and welfare; and
    - 4. the current restrictions on the Licensee's or Registrant's operations or sales or other use of products, if any, including the method and timing of the Removal of Product, including, but not limited to, whether the product must be destroyed in accordance with 935 CMR 500.105(12).
  - (d) The Commission or its designee may modify, amend or rescind a notice on condition(s) just to all the parties.
- (6) On receipt of the order, the Licensee and its associated agents will immediately comply with the requirements of the order and, if requested by the Commission, post notice at public entrances to the establishment or other notice in a form and manner determined by the Commission.
- (7) The order shall be transmitted immediately to all other Licensee(s) or Registrant(s) that may reasonably be affected by the order by electronic and certified mail.
- (8) In consultation with the Executive Director, the order may be posted on the Commission's website.

- (9) It shall be a violation of these regulations for Licensees to produce, sell or otherwise make available the categories of Product Types, Specific Product Types or Specific Brands of Products identified in the order.
- (10) A Marijuana Establishment subject to the order shall accept Consumer returns of unused and unopened product for a period of 30 days after the effective date of the order.
- (11) The failure to cooperate with provisions of this section may result in further administrative or disciplinary action against the Licensees or Registrants.

500.340: Quarantine Order.

- (1) Pursuant to its authority under M.G.L. c. 94G, § 4(a)(xix) and (a<sup>1/2</sup>)(xxviii), a Quarantine Order may be imposed by the Commission or its delegee to immediately quarantine or otherwise restrict the sale or use of Marijuana or Marijuana Products by a Licensee or Registrant to protect the public health, safety or welfare.
- (2) If, based on complaint(s), inspection(s), affidavit(s) or other credible evidence, the Commission or its delegee determines that a Licensee or Registrant, or the Marijuana or Marijuana Products cultivated, produced or sold by a Licensee or Registrant pose an immediate or serious threat to the public health, safety or welfare, the Commission or its delegee may issue an order to the Licensee that:
  - (a) quarantines or otherwise restricts the sale or use of Marijuana or Marijuana Products prepared by or in the possession of the Licensee; or
  - (b) quarantines or otherwise restricts the sales or use of Marijuana or Marijuana Products to the extent necessary to avert a threat, pending final investigation results.
- (3) On receipt of the order, the Licensee and its associated agents will immediately comply with the requirements of the order and, if requested by the Commission, post notice at public entrances to the establishment or other notice in a form and manner determined by the Commission or its delegee.
- (4) The Commission or its delegee may modify, amend or rescind the order at any time after its issuance on condition(s) to all the parties.
- (5) To the extent that the issuance of a Quarantine Order is to investigate a substantial risk to public safety, health and welfare, a Licensee shall not have a right to a hearing, unless and until the order remains in effect beyond 21 calendar days without any further action by the Commission or its delegee.
- (6) The failure to cooperate with provisions of this section may result in administrative or disciplinary action against the Licensees or Registrants.

500.350: Cease and Desist Order and Summary Suspension Order.

- (1) Pursuant to its authority under M.G.L. c. 94G, § 4(a) and (a<sup>1/2</sup>), a Cease and Desist Order or a Summary Suspension Order may be imposed by the Commission or its delegee prior to a hearing to protect the public health, safety, or welfare.
- (2) If based on inspection(s), affidavit(s), or other credible evidence, the Commission or its delegee determines that a Licensee or Registrant or the Marijuana or Marijuana Products cultivated, produced or sold by a Licensee or Registrant pose an immediate or serious threat to the public health, safety or welfare, the Commission or its delegee may:
  - (a) Issue a Cease and Desist Order that requires cessation of any or all operations,



including, but not limited to, the cultivation, product manufacturing, Transfer, sale, delivery or transportation of Marijuana or Marijuana Products; or

- (b) Issue a Summary Suspension Order that requires the immediate suspension of a license and its associated registrations and cessation of all operations.

(3) Notice of Violations

- (a) For a Cease and Desist or Summary Suspension Order issued under 935 CMR 500.350(2), the Commission or its delegee shall send written notice of the action taken against a Licensee or Registrant and the basis(es) for that action, which shall include, but not be limited to, the following information:

1. the Commission's statutory and regulatory authority, including its jurisdiction over the subject matter and its authority to take action with regards to the license or registration;
2. the factual basis(es) of the action;
3. the immediate threat to the public health, safety, and welfare;
4. the alleged violation(s) of law, including the alleged noncompliance with law, regulation, guideline or other applicable requirement;
5. the current restriction(s), if any, on the Licensee's or Registrant's operations;
6. requirements for the continued maintenance and security of any Marijuana and Marijuana Products;
7. the potential for further disciplinary action(s), sanction(s) or fine(s); and
8. the Licensee's right to a hearing, if any.

- (b) The Commission or its delegee may modify, amend or rescind the order at any time after its issuance on condition(s) just to all the parties.

- (4) On receipt of the order issued under 935 CMR 500.350(2), the Licensee and its associated agents will immediately comply with the requirements of the order and, if requested, post notice at public entrances to the establishment or other notice in a form and manner determined by the Commission or its delegee.

- (5) Hearings. The Commission has the authority to administer the administrative hearing process and to delegate to a Hearing Officer the authority to conduct an administrative hearing. M.G.L. c. 94G, § 4(a)(xxiv) and (g).

- (a) Hearing Request. On written request filed with the Commission, a Licensee shall be afforded a hearing on an order issued under 935 CMR 500.350(2). The hearing request shall be submitted in a form and a manner determined by the Commission or its delegee, including, but not limited to, the request shall be made no later than 21 calendar days after the effective date of the order. A request for a hearing is filed on the date the request is received by the Commission.

1. A timely request for a hearing must specifically identify each issue and fact in dispute and state the position of the Licensee, the pertinent facts to be adduced at the hearing, and the reasons supporting that position.
2. The failure to timely file a request for a hearing or to state the basis of the hearing request will result in dismissal of the challenge to the findings set forth in the notice of violation(s) or action(s).

- (b) Hearing Notice. If a hearing is requested in a timely manner under 935 CMR 500.350(5)(a), the Hearing Officer shall provide notice and a hearing promptly after that request, or as soon as is practicable, or at a time mutually agreed by the parties.

(c) Conduct of the Hearing

1. The hearing shall be conducted pursuant to Standard Adjudicatory Rules of Practice and Procedure, which includes 801 CMR 1.01: *Formal Rules*, 801 CMR 1.02: *Informal/Fair Hearing Rules*, and/or 801 CMR 1.03: *Miscellaneous Provisions Applicable to All Administrative Proceedings*.
  2. The scope of the hearing shall be limited to whether there existed prior to, or at the time of the order(s) issued pursuant to 935 CMR 500.350(2), or an amended or a modified order, an immediate or serious threat to the public health, safety, or welfare.
  3. If the Commission proves by a preponderance of the evidence that there existed an immediate or serious threat to the public health, safety, or welfare, the Hearing Officer shall affirm the order.
  4. The Hearing Officer shall electronically mail a copy of the recommended decision to each Licensee or Registrant and their attorney(s) of record, and mail a copy on written request.
- (6) The requirements of an order issued under 935 CMR 500.350(2) shall remain in effect until one of the following events has occurred:
- (a) the Commission modifies, amends or rescinds the order;
  - (b) there is a Final Decision on the merits of the order, including judicial review of the order, unless the order is vacated or modified by a court of competent jurisdiction or rescinded by the Commission;
  - (c) there is a Final Decision on the merits of a subsequently issued Order to Show Cause under 935 CMR 500.370: *Orders to Show Cause*, including judicial review of the order, unless the order is vacated or modified by a court of competent jurisdiction or rescinded by the Commission; or until such time as is otherwise established under the procedures set forth in 935 CMR 500.500: *Hearings and Appeals of Actions on Licenses*.

500.360: Fines

The Commission or its delegee may issue an order to a Licensee to show cause as to why a fine or other financial penalty against a Licensee or Registrant should not be imposed for any acts or omissions determined to be in violation of the state Marijuana laws, including M.G.L. c. 94G and 935 CMR 500.000: *Adult Use of Marijuana*.

- (1) Notice of Fines. The Commission or its delegee shall send written notice of the action taken against a Licensee or Registrant and the basis(es) for that action, which shall include, but not be limited to, the following information:
- (a) the Commission's statutory and regulatory authority, including its jurisdiction over the subject matter and its authority to issue the order with regards to the license or registration;
  - (b) the factual basis(es) of the order;
  - (c) the alleged violation(s) of law;
  - (d) an assessment of an administrative fine of up to \$50,000 per violation, or an order for corrective action fixing a reasonable time for correction of the violation or both; and
  - (e) notice to the Licensee or Registrant that they may request a hearing in accordance with 935 CMR 500.500: *Hearings and Appeals of Actions on Licenses*.

- (2) An administrative fine of up to \$50,000 may be assessed for each violation.
- (a) The decision to impose any fine or financial penalty shall identify the factors considered by the Commission or its delegee in setting the amount.
  - (b) Each day during which a violation continues may constitute a separate violation, and each instance and provision of the state Marijuana laws, including M.G.L. c. 94G and 935 CMR 500.000: *Adult Use of Marijuana*, may constitute a separate violation.
- (3) The Commission or its delegee, in determining the amount of fine or financial penalty to impose may consider greater or lesser amount depending on aggravating or mitigating circumstances including, but not limited to:
- (a) Aggravating Circumstances
    - 1. Duration and severity of violation;
    - 2. Whether the Licensee has previously been subject to an administrative action against its provisional or final license, including, but not limited to, a notice of deficiency;
    - 3. Whether the Licensee knew or had reason to know of the violation, including but not limited to warning or issuance of a notice of deficiency; and
    - 4. Whether the offense:
      - a. constitutes grounds for denial of a renewal application or suspension or revocation of licensure;
      - b. Involved multiple Persons or Entities Having Direct or Indirect Control or agents of the Licensee;
      - c. Involved any compensating features associated with a valid waiver issued pursuant to 935 CMR 500.850: *Waivers*;
      - d. Involved a person younger than 21 years of age or a Registered Qualifying Patient or Caregiver;
      - e. Involved or affected multiple Consumers;
      - f. Involved or exposed the public to risk of diversion; or
      - g. Created a risk to the public health, safety or welfare.
  - (b) Mitigating Circumstances.
    - 1. Whether the Commission learned of the violation or risk of violation from the Licensee or Registrant prior to investigation;
    - 2. The financial impact of corrective measures, if any, which provide safeguards exceeding the minimum requirements of 935 CMR 500.000: *Adult Use of Marijuana*. However, financial impact shall not include any cost associated with loss of economic opportunity due to non-compliance or costs of corrective action necessary to achieve compliance with minimum requirements of 935 CMR 500.000: *Adult Use of Marijuana*;
    - 3. the Licensee's or Registrant's good faith efforts to avoid a violation;
    - 4. the Licensee's or Registrant's degree of cooperation in the investigation;
    - 5. the Licensee's or Registrant's willingness to accept responsibility;
    - 6. the Licensee's or Registrant's compliance with the training requirements pursuant to 935 CMR 500.105(2)(b); and

7. the Licensee's or Registrant's status as current or past leader pursuant to the Leadership Ratings Program under 935 CMR 500.040: *Leadership Rating Program for Marijuana Establishments and Marijuana-related Businesses*.
- (4) The fine or financial penalty shall be due and payable within 30 calendar days of the date of one of the following:
    - (a) the date of the assessment; or
    - (b) if a hearing is requested pursuant to 935 CMR 500.500: *Hearings and Appeals of Actions on Licenses*, the date of the final agency action.
  - (5) Failure to timely pay the fine or financial penalty may result in further action being taken by the Commission or its delegee including, but not limited to, suspension or revocation of a license or registration.
  - (6) If remaining unpaid at the time of licensure renewal, the fine or financial penalty shall be added to the fee for renewal of the license. A license shall not be renewed without the payment of the renewal fee and if applicable, an unpaid fine or financial penalty.
  - (7) All fines and financial penalties collected by or on behalf of the Commission, pursuant to this section, shall be made payable to the Commission and deposited into the Marijuana Regulation Fund. The failure to cooperate with provisions of this section may result in administrative or disciplinary action against the Licensees or Registrants.

500.370: Order to Show Cause

- (1) If, after investigation, the Commission or its delegee determines that there are grounds to suspend or revoke a license or registration, it may also issue an Order to Show Cause why the Licensee or registration should not be suspended or revoked.
- (2) Notice of Violations. The Commission or its delegee shall send written notice of the action taken against a Licensee or Registrant and the basis for that action, which shall include, but not be limited to, the following information:
  - (a) the Commission's statutory and regulatory authority, including its jurisdiction over the subject matter and its authority to issue the order with regards to the license or registration;
  - (b) the factual basis(es) of the order;
  - (c) the alleged violation(s) of law, including the alleged noncompliance with law, regulation, guideline or other applicable requirement;
  - (d) the restriction(s) on the Licensee's or Registrant's operations or the sale or use of Marijuana or Marijuana Products, if any;
  - (e) the potential for further disciplinary action(s), sanction(s) or fine(s); and
  - (f) the right to a hearing, if any.
- (3) The Commission or its delegee may modify, amend or rescind an order issued pursuant to 935 CMR 500.370: *Orders to Show Cause*, on condition(s) to all the parties.

500.400: Marijuana Establishment: Grounds for Denial of Application for Licensure.

Each of the following, in and of itself, constitutes full and adequate grounds for denying an applicant on an application for a Marijuana Establishment license and the associated

individuals and entities, but not for the renewal of a license.

- (1) The applicant failed to complete the application process within the time required by the Commission.
- (2) Information provided by the applicant was deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity.
- (3) The application indicates an inability to maintain and operate a Marijuana Establishment in compliance with the requirements of St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94G, 935 CMR 500.00: *Adult Use of Marijuana*, including, but not limited to, 935 CMR 500.105: *General Operational Requirements for Marijuana Establishments* and 935 CMR 500.110: *Security Requirements for Marijuana Establishments*, based on the submission of information required by 935 CMR 500.101(1).
- (4) The applicant has been determined to be unsuitable pursuant to any one or more of the factors listed in 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration* and 500.801: *Suitability Standard for Licensure*.
- (5) The applicant failed to comply with the control limitations listed in 935 CMR 500.050(1)(b)-(c) or would likely fail to comply with such limitations if a license were granted.
- (6) An applicant had its license or registration revoked or application denied in the Commonwealth or an Other Jurisdiction.
- (7) Any other ground that serves the purposes of St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94G, or 935 CMR 500.000: *Adult Use of Marijuana*.

500.415: Void Marijuana Establishment License.

A Marijuana Establishment license is void if the establishment Ceases to Operate or transfers its location without Commission approval or adds a Person or Entity Having Direct or Indirect Control to the license without Commission approval.

500.450: Marijuana Establishment License: Grounds for Suspension, Revocation and Denial of Renewal Applications

Each of the following, in and of itself, constitutes full and adequate grounds for suspending or revoking a Marijuana Establishment's license or denying a renewal application for a Marijuana establishment license.

- (1) The Marijuana Establishment is not operational within the time projected in the license application or the time otherwise approved by the Commission.
- (2) Information provided by the Marijuana Establishment was deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity.
- (3) The Marijuana Establishment has failed to comply with any requirement of St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94G, or 935 CMR 500.000: *Adult Use of Marijuana*, or any applicable law or regulation, including, but not limited to, the laws and regulations of the Commonwealth relating to taxes, child support, workers' compensation, and professional and commercial insurance coverage.
- (4) The Marijuana Establishment has failed to submit a plan of correction as required or to implement the plan as submitted pursuant to 935 CMR 500.320: *Plans of Correction*.

- (5) The Marijuana Establishment has assigned or attempted to change ownership or assign its license to another entity without prior approval of the Commission under 935 CMR 500.104: *Notification and Approval of Changes*.
- (6) The Licensee failed to comply with the control limitations listed in 935 CMR 500.050(1)(b)-(c) or would likely fail to comply with such limitations if a renewal license were granted.
- (7) There has been a lack of responsible operation of the Marijuana Establishment, as shown by, but not limited to, one or more of the following:
- (a) failure to maintain the Marijuana Establishment in a clean, orderly, and sanitary fashion;
  - (b) permitting a Marijuana establishment agent to use a registration card belonging to a different person;
  - (c) failure to make substantial progress toward the Marijuana Establishment's submitted diversity plan or positive impact plan;
  - (d) repeated sales of Marijuana Products to individuals younger than 21 years old, unless in each instance, the Marijuana establishment agent reasonably relied on validly issued government identification in compliance with M.G.L. c. 94G, § 9(b);
  - (e) repeated failure to verify the age of an individual prior to permitting that individual on the Premises of a Marijuana Establishment or making sales of Marijuana Products to that individual; or
  - (f) other incompetent or negligent operation;
- (8) The financial management of the Marijuana Establishment has resulted in the filing of a petition for bankruptcy or receivership related to the financial solvency of the Marijuana Establishment.
- (9) An individual or entity on a Marijuana establishment license has maintained a substandard level of compliance with the statutory and regulatory requirements for the operation of a Marijuana Establishment in an Other Jurisdiction including, but not limited to: a failure to correct deficiencies, a limitation on, or a suspension, revocation or refusal to grant or renew a registration or license to operate.
- (10) The conduct or practices of the Marijuana Establishment demonstrate a lack of suitability as specified in 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration* and 500.801: *Suitability Standard for Licensure*.
- (11) An individual or entity on a Marijuana Establishment license or Marijuana establishment agent has a history of criminal conduct as evidenced by any criminal proceedings that resulted in conviction, guilty plea, plea of *nolo contendere*, or admission to sufficient facts in the Commonwealth or Other Jurisdictions.
- (12) An individual or entity on a Marijuana establishment license has committed, permitted, aided or abetted, or conspired to commit any illegal practice(s) in the operation of any Marijuana Establishment including, but not limited to, engaging in the diversion of Marijuana or Marijuana Products.
- (13) The Marijuana Establishment has failed to cooperate or give information to a law enforcement official acting within his or her lawful jurisdiction related to any matter

arising out of conduct at any Marijuana Establishment.

- (14) The conduct or practices of the Marijuana Establishment have been detrimental to the safety, health, or welfare of the public.
- (15) Any other ground that serves the purposes of St. 2016, c. 334, as amended by St. 2017, c. 55 or 935 CMR 500.000: *Adult Use of Marijuana*.

500.500: Hearings and Appeals of Actions on Licenses.

- (1) The Commission has the authority to administer the administrative hearing process under M.G.L. c. 94G, § 4(a)(xxiv) and (g).
- (2) A Licensee shall be afforded a hearing on any adverse action taken pursuant to:
  - (a) 935 CMR 500.360: *Fines*;
  - (b) 935 CMR 500.370: *Orders to Show Cause*;
  - (c) 935 CMR 500.450: *Marijuana Establishment License: Grounds for Denial of Renewal Applications, Suspension, and Revocation*; or
  - (d) Any other notice of the Commission that specifies that the Licensee or Registrant has a right to challenge the findings of fact and conclusions of law set forth in the Commission's notice using the process set forth in 935 CMR 500.500: *Hearings and Appeals of Actions on Licenses*.

(3) Notice(s).

~~(a)~~ (a) Notice of Violation(s) includes a notice issued in accordance with 935 CMR 500.360: *Fines* and 935 CMR 500.370: *Orders to Show Cause*.

~~(b)~~ (b) Notice of Other Action(s). The Commission or its delegee shall send written notice of the action, including, but not limited to, a denial of a renewal license, taken against a Licensee and the basis(es) for that action, which shall include, but not be limited to, the following information:

1. the Commission's statutory and regulatory authority, including its jurisdiction over the subject matter and its authority to take action with regards to the license or registration;
2. the factual basis(es) for that action;
3. the alleged violation(s) of law, including its jurisdiction over the subject matter and its authority to issue the order with regards to the license or registration;
4. the current restriction(s) on the Licensee's operations or the sale or use of Marijuana or Marijuana Products, if any;
5. the potential for further disciplinary action(s), sanction(s) or fine(s); and
6. the Licensee's right to a hearing, if any.

~~(c)~~ (c) The Commission or its delegee may modify, amend or rescind a notice issued on condition(s) just to all the parties.

~~(4)~~ (4) Hearing Request. The hearing request shall be submitted in a form and a manner determined by the Commission or its delegee, including, but not limited to, the request shall be made no later than 30 days after the effective date of the notice. A request for a hearing is filed on the date the request is received by the Commission.

935 CMR: CANNABIS CONTROL COMMISSION

1. A timely request for a hearing must specifically identify each issue and fact in dispute and state the position of the Licensee, the pertinent facts to be adduced at the hearing, and the reasons supporting that position.
2. The failure to timely file a request for a hearing or to state the basis of the hearing request will result in dismissal of the challenge to the findings set forth in the notice of violation(s) or action(s).
3. If a timely request for an hearing is made, the Licensee may also seek to stay any action until there has been a final agency action pursuant to 935 CMR 500.500(7) or (12); provided, however, that if the Commission issues an order or notice on the basis of information that ongoing operations pose an immediate or serious threat to the public health, safety or welfare, and that operations without restrictions during the pendency of the administrative appeal could reasonably be expected to endanger the health, safety or welfare of the public, there will be no stay.
4. Nothing in this section shall preclude the Commission or its delegee from issuing a stay.

~~(4)~~(5) Hearing Officer. The Commission shall designate a Hearing Officer or delegate this designation to the Executive Director.

~~(5)~~(6) Hearing Officer's Authority to Take Action in the Event of Waiver, Default or Summary Decision.

- (a) Waiver. If a Licensee fails to request a hearing in a timely manner or otherwise waives their right to a hearing, the Hearing Officer may assume the truth of the allegations set forth in the notice and recommend to the Commission disciplinary action(s), sanction(s) or fine(s) or an informal disposition of the matter.
- (b) Default. If a Licensee defaults, the Hearing Officer or other delegee may assume the truth of the allegations set forth in the notice and recommend to the Commission appropriate disciplinary action(s), sanction(s) or fine(s) or an informal disposition of the matter.
- (c) Summary Decision. If there is no genuine issue of fact to be determined by a hearing, the Hearing Officer may assume the truth of the allegations set forth in the notice and recommend to the Commission disciplinary action(s), sanction(s) or fine(s) or an informal disposition of the matter.
- (d) For actions without a hearing under (a) through (c), the Hearing Officer may conduct an evidentiary hearing on the appropriateness of disciplinary action(s), sanction(s) or fine(s).

~~(6)~~(7) Commission's Authority to Review, Approve or Reject Informal Dispositions.

At any time, the Commission or its delegee may, in its discretion, review, approve or reject an informal disposition, but only on a showing that the alleged violations have been corrected, and a submission of a written waiver of its right to judicial review.

~~(7)~~(8) Hearing Notice. If a hearing is requested in a timely manner under 935 CMR 500.500(4), the Hearing Officer shall provide notice and a hearing within a reasonable time after that request, or as soon as is practicable, or at a time mutually agreed by the parties.

- (a) The hearing notice should comply with M.G.L. c. 30A, § 11(1).



- (b) Prior to the commencement of a proceeding, a Hearing Officer may conduct conference(s) and refer or require the parties to participate in settlement negotiations. If the parties reach a settlement, the Hearing Officer shall suspend the proceedings pending Commission consideration of the matter under 935 CMR 500.500(7).

(8)(9) Conduct of the Hearing

- (a) To the extent that a Hearing Officer conducts a proceeding, it shall be conducted pursuant to M.G.L. c. 30A and the Standard Adjudicatory Rules of Practice and Procedure, which includes 801 CMR 1.01: *Formal Rules*, 801 CMR 1.02: *Informal/Fair Hearing Rules*, and/or 801 CMR 1.03: *Miscellaneous Provisions Applicable to All Administrative Proceedings*.
- (b) In the case of an Order to Show Cause why a license should not be suspended or revoked, the hearing shall be conducted pursuant to M.G.L. c. 30A, § 14.
- (c) If after the commencement of the hearing, the parties reach a settlement, the Hearing Officer shall suspend the proceedings pending Commission consideration of the matter under 935 CMR 500.500(7).
- (d) Reopening of Hearings. At any time before the Commission's Final Decision is issued, on the motion of any party or on their own initiative, the Commission by a majority vote or the Hearing Officer may on good cause shown reopen the hearing for the purpose of receiving new evidence.

(10) Hearing Officer's Recommended Decision

(a) Burden of proof.

1. For a notice of violation(s), the Commission or its delegee bears the burden of proving the Licensee(s)' violation(s) of law.
2. For a notice of action(s), including, but not limited to the denial of a renewal license, the Licensee bears the burden of proving the qualifications for licensure.

(b) The Hearing Officer will make a recommended decision to the Commission.

1. The recommended decision may affirm, modify, or overturn the actions proposed in the notice of violation(s) or action(s).

2. The recommended decision shall be in writing to the Commission for its consideration, which shall include, but not be limited to, a statement of reasons including a determination of each issue of fact or law necessary to the decision.

3. The Hearing Officer may recommend disciplinary action(s), sanction(s) or fine(s) or an informal disposition of the matter and provide reasons for the recommendation, including whether the recommendation is consistent with the notice of violation(s) or action(s) and the Commission's prior disciplinary action(s), sanction(s) or fine(s).

4. The Hearing Officer shall electronically mail a copy of the recommended decision to each Licensee or their attorney(s) of record and on request, mail a copy of the recommended decision to each Licensee or their attorney(s) of record.

(c) Within 21 calendar days of the issuance of the recommended decision, the parties may submit to the Commission written objections and arguments

935 CMR: CANNABIS CONTROL COMMISSION

regarding the Hearing Officer's recommended decision.

(11) Commission's Final Decision

(a) The Commission may affirm, adopt, modify, amend, or reverse the recommended decision of the Hearing Officer or remand the matter for further consideration.

(b) The Commission's decision shall be considered the Final Decision, unless its authority to render a Final Decision is delegated.

1. The Final Decision shall be in writing. The drafting of the decision may be delegated to the General Counsel so long as the Commission votes on the substance of the Final Decision.

2. The Final Decision may incorporate by reference the Hearing Officer's recommended decision in whole or in part. The Commission shall consider the parties' written objections and arguments regarding the Hearing Officer's recommended decision under 935 CMR 501.500(11)(c), but is not required to respond to these submissions.

3. The Final Decision shall include, but not be limited to the following:

- a. A statement of reasons including determination of each issue of fact or law necessary to the decision; and
- b. Any disciplinary action(s), sanction(s) or fine(s) or an informal disposition of the matter.

(c) The vote on the Final Decision shall be supported and signed by at least three Commissioners. As part of its vote, the Commission may delegate to the General Counsel action(s) needed to finalize the decision, including, but not limited to the stamping of Commissioners' signatures.

(d) The Commission's Final Decision is a final agency action reviewable under M.G.L. c. 30A, § 14.

(e) The Commission or its delegee shall electronically mail a copy of the recommended decision to each Licensee or their attorney(s) of record and on request, mail a copy of the recommended decision to each Licensee or their attorney(s) of record.

(12) Appeals. Any person aggrieved by a Final Decision may appeal that decision to the Superior Court in accordance with M.G. L. c. 30A, § 14. The filing of an appeal shall not operate as a stay of enforcement of the Commission's decision, but the Commission may in its discretion stay enforcement.

500.800: Background Check Suitability Standard for Licensure and Registration

- (1) Pursuant to M.G.L. c. 94G, § 4(a)(xii), (xiv), and § 21(a)(ii), the Commission may make, in an exercise of its discretion, a suitability determination.
- (2) The Commission may also delegate suitability determinations to the Executive Director, who may appoint a Suitability Review Committee (Committee) to advise the Executive Director.
- (3) All suitability determinations will be made in accordance with the procedures set forth in 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration*.
- (4) Suitability Review Process.

935 CMR: CANNABIS CONTROL COMMISSION

- (a) Designated Enforcement staff (staff) shall conduct background checks and gather information and evidence applicable to a subject's suitability and make a recommendation as to suitability. Staff may make an adverse suitability recommendation on finding information and evidence that would result in a Mandatory Disqualification, Presumptive Negative Suitability Determination or that would support a Negative Suitability Recommendation.
- (b) Before making an adverse suitability recommendation, staff shall consult with the Executive Director or the Executive Director's delegee(s). The Executive Director may dispose of the matter or direct the Committee to institute a review of suitability or take any action consistent with M.G.L. c. 94G.
- (c) If the Executive Director institutes a suitability review, the staff shall send the written notice of an adverse suitability recommendation that identifies the person or entity subject to suitability review, the particular offenses or conduct relied on and whether that the offenses or conduct results in a Mandatory Disqualification or Presumptive Negative Suitability Determination, or supports a Negative Suitability Recommendation, and reasons for that determination.
- (d) The notice of an adverse suitability recommendation shall provide an opportunity to cure the suitability issue by removing the subject from its application. To the extent that an applicant removes a subject from an application, the removal must be done in a manner determined by the Commission.
- (e) The notice of an adverse suitability recommendation shall provide the subject with the opportunity to request an informal proceeding before the Suitability Review Committee.
- (f) A request for an informal proceeding must be submitted in a form and manner determined by the Commission and no later than 14 business days following the effective date of the adverse suitability recommendation. Requests received after 14 business days may be considered at the discretion of the Executive Director or the Committee.
- (g) On notification of an adverse suitability recommendation and receipt of an informal proceeding request, the Committee shall initiate a proceeding, make a recommendation and/or take other action(s) after consultation with the Executive Director.
- (h) If an applicant or a subject does not make a timely request for an informal proceeding before the Committee, the Executive Director may forward the adverse suitability recommendation to the Committee for a review, make a suitability determination, or take any action consistent with M.G.L. c. 94G.

(5) The Committee shall:

- (a) consider and review whether offense(s) or information resulting in a Mandatory Disqualification or a Presumptive Negative Suitability Determination under Tables A-E, in 935 CMR 500.801: *Suitability Standard for Licensure* through 500.803: *Suitability Standard for Registration as a Laboratory Agent*, as applied to the subject, renders the subject unsuitable for licensure or registration;
- (b) consider and review whether offense(s) or information not otherwise set forth in Tables A-E would result in a Negative Suitability Recommendation and renders the subject unsuitable for licensure or registration; and

- (c) subsequent to its review of a suitability matter, make recommendations to the Executive Director, or the Commission, or their delegee(s).
- (6) When reviewing an adverse suitability recommendation by staff that there is an offense resulting in a Mandatory Disqualification, the Commission shall consider credible and reliable information demonstrating that:
- (a) the disqualifying event was based on erroneous information or evidence; and
  - (b) the subject can demonstrate that prior to the informal proceeding, the adverse suitability recommendation can no longer be supported because the error was corrected.
- (7) When reviewing an offense resulting in a Presumptive Negative Suitability Determination, the committee shall take into consideration the following factors:
- (a) Nature and specific circumstances of the offense or incident:
    - 1. time since the offense or incident;
    - 2. number of offenses or incidents;
    - 3. if criminal, sentence imposed and length, if any, of incarceration;
    - 4. if criminal, sentence imposed and length, if any, of parole or probation; and
    - 5. relationship of offense or incident to nature of work to be performed;
  - (b) Mitigating factors:
    - 1. age of the subject at the time of the offense or incident; and
    - 2. whether offenses or incidents were committed in association with dependence on drugs or alcohol from which the subject has since recovered;
  - (c) Conduct since time of the offense or incident:
    - 1. if criminal, any relevant evidence of rehabilitation or lack thereof, such as information about compliance with conditions of parole or probation, including orders of no contact with victims and witnesses; and
    - 2. the subject's conduct and experience since the time of the offense including, but not limited to, professional or educational certifications obtained; and
  - (d) Any other relevant information, including information submitted by the subject to the Committee or requested by the Commission.

(8) The Committee may make a Negative Suitability Determination in the following circumstances:

- ~~(e)~~(a) On the receipt of the staff's Negative Suitability Recommendation that there is credible and reliable information in the five years immediately preceding the application:
- 1. The applicant's or Licensee's prior actions posed or would likely pose a risk to the public health, safety, or welfare if a license or registration is granted or renewed; and
  - 2. The risk posed by the applicant's or Licensee's actions relates or would likely relate to the operation of a Marijuana Establishment.

~~(f)~~(b) On review of this recommendation, the Committee shall consider whether

935 CMR: CANNABIS CONTROL COMMISSION

the staff has carried it burden of demonstrating:

1. The applicant's or Licensee's prior actions posed or would likely pose a risk to the public health, safety, or welfare if a license or registration is granted or renewed; and
2. The risk posed by the applicant's or Licensee's actions relates or would likely relate to the operation of a Marijuana Establishment.

~~(8)~~(9) Where a Marijuana establishment agent listed on the application for licensure in accordance with 935 CMR 500.101(1), is found to have no suitability issue under Table A, or to have overcome any suitability issue, the agent shall not be subject to a subsequent suitability review under Tables B-E.

- (a) Nothing in this subsection relieves the requirement that the applicant or Licensee conduct background checks on its agents and disclose to the Commission's staff any suitability issue(s) that arise as a result of those checks.
- (b) Any subsequent disclosure of background check information for a Marijuana establishment agent required to be listed and evaluated pursuant to 935 CMR 500.101(1), will be assessed pursuant to Table A or on other grounds for a Negative Suitability Determination only.
- (c) Nothing in subsection precludes the Commission from initiating a suitability review based on background information received after the Commission's initial suitability review.

~~(9)~~(10) The Executive Director in consultation with the Committee may determine that a subject's suitability warrants the Commission's consideration. The Executive Director may also remand a matter to staff for further investigation prior to making a determination. The Commission may consider the determination when acting on the application or renewal.

500.801: Suitability Standard for Licensure

- (1) In accordance with M.G.L. c. 94G, § 5, the Commission is prohibited from licensing a Marijuana Establishment where an individual who is a Person Having Direct or Indirect Control has been convicted of a felony or offense in an Other Jurisdiction that would be a felony in the Commonwealth, except a prior conviction solely for a Marijuana offense or solely for a violation of M.G.L. c. 94C, § 34, unless the offense involved distribution of a controlled substance, including Marijuana, to a minor.
- (2) For purposes of determining suitability based on background checks in accordance with 935 CMR 500.101(1)(b):
  - (a) All conditions, offenses, and violations are construed to include Massachusetts law or like or similar law(s) of Other Jurisdictions.
  - (b) All criminal disqualifying conditions, offenses, and violations include the crimes of attempt, accessory, conspiracy, and solicitation.
  - (c) Juvenile dispositions shall not be considered as a factor for determining suitability.
  - (d) Where applicable, all look back periods for criminal conditions, offenses, and violations included in Table A commence on the date of disposition; provided, however, that if disposition results in incarceration in any institution, the look back period shall commence on release from incarceration.

~~(+)~~ Unless otherwise specified in Table A, a criminal condition, offense or violation shall include both convictions, which include guilty pleas and pleas of nolo contendere, and dispositions resulting in continuances without a finding or other disposition constituting an admission to sufficient facts, but shall exclude other non-conviction dispositions.

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(3) Licensees and Registered Agents shall remain suitable at all times a license or registration remains in effect. An individual subject to this section shall notify the Commission in writing of any charge or conviction of an offense that would result in a presumptive negative suitability determination or mandatory disqualification under Tables A-E within ten days of such individual's arrest or summons, and within ten days of the disposition on the merits of the underlying charge. Failure to make proper notification to the Commission may be grounds for disciplinary action. If the Commission lawfully finds a disqualifying event and the individual asserts that the record was sealed, the Commission may require the individual to provide proof from a court evidencing the sealing of the case.

935 CMR: CANNABIS CONTROL COMMISSION

**Table A: Marijuana Establishment Licensees.** Shall apply solely to Persons or Entities Having Direct or Indirect Control in accordance with 935 CMR 500.101(1) and 935 CMR 500.103(4).

<b>Time Period</b>	<b>Precipitating Issue</b>	<b>Result</b>
Present (during time from start of application process through action on application or renewal)	<b>Open/Unresolved Criminal Proceedings:</b> Any outstanding or unresolved criminal proceeding, the disposition of which may result in a felony conviction under the laws of the Commonwealth or Other Jurisdictions, but excluding any criminal proceeding based solely on a Marijuana-related offense or a violation of M.G.L. c. 94C, § 34.	Mandatory Disqualification
Present	<b>Outstanding or Unresolved Criminal Warrants</b>	Presumptive Negative Suitability Determination
Present	<b>Submission of untruthful information to the Commission including, but not limited to:</b>  Submission of information in connection with a license application, waiver request or other Commission action that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity; or  Making statements during or in connection with a Commission inspection or investigation that are deceptive, misleading, false or fraudulent, or that tend to deceive or create a misleading impression, whether directly, or by omission or ambiguity.	Presumptive Negative Suitability Determination
Present	<b>Open/Unresolved Marijuana License or Registration Violations (Massachusetts or Other Jurisdictions)</b>	Presumptive Negative Suitability Determination
Present	<b>Open Professional or Occupational License Cases</b>	Presumptive Negative Suitability Determination
Indefinite	<b>Sex Offender Registration:</b> Required to register as a sex offender in Massachusetts or Other Jurisdictions.	Mandatory Disqualification
Indefinite	<b>Felony Convictions in Massachusetts or Other Jurisdictions Including, but not Limited to:</b>  Felony weapons violation involving narcotics;  Felony involving violence against a person;  Felony involving theft or fraud;  Felony drug, excluding conviction solely for a Marijuana-related offense or solely for a violation of M.G.L. c. 94C, § 34.	Mandatory Disqualification
Indefinite	<b>Conviction or Continuance Without a Finding (CWOFF) for any Distribution of a Controlled Substance to a Minor</b>	Mandatory Disqualification

Indefinite	<b>Non-Felony Weapons Violations, Including Firearms, Involving Narcotics</b>	Presumptive Negative Suitability Determination
Indefinite	<b>Firearms-Related Crimes</b>	Presumptive Negative Suitability Determination
Indefinite	<b>Multiple Crimes of Operating Under the Influence</b> Two offenses within a ten-year period; or Three or more offenses within any period of time.	Presumptive Negative Suitability Determination
Preceding Five Years	<b>Multiple Crimes</b> during the five years immediately preceding the application for licensure that separately may not result in a negative determination of suitability but may, if taken together and tending to show a pattern of harmful behavior, result in a negative determination of suitability depending on the type and severity of the crimes.	Presumptive Negative Suitability Determination
Preceding Five Years	<b>Crimes of Domestic Violence including, but not limited to:</b> Violation of an abuse prevention restraining order under M.G.L. c. 209A Violation of a harassment prevention order under M.G.L. c. 258E	Presumptive Negative Suitability Determination
Preceding Five Years	<b>Marijuana License or Registration Violations (Massachusetts or Other Jurisdictions)</b> The applicant or a Licensee held a license that was revoked, a renewal application that was denied, or a similar action taken with relation to their Marijuana business in Massachusetts or Other Jurisdiction, whether by administrative action or stipulated agreement.	Mandatory Disqualification
More Than Five and less than Ten Years	<b>Marijuana License or Registration Violations (Massachusetts or Other Jurisdictions)</b> The applicant or a Licensee held a license that was revoked, a renewal application that was denied, or a similar action taken with relation to their Marijuana business in Massachusetts or Other Jurisdiction, whether by administrative action or stipulated agreement.	Presumptive Negative Suitability Determination
Preceding Five Years	The applicant's or Licensee's prior actions posed or would likely pose a risk to the public health, safety, or welfare; and the risk posed by the applicant's or Licensee's actions relates or would likely relate to the operation of a Marijuana Establishment.	May make a Negative Suitability Determination in accordance with 935 CMR 500.800(8)



500.802: Suitability Standard for Registration as a Marijuana Establishment Agent

- (1) In accordance with M.G.L. c. 94G, § 4(a½)(iii), the Commission has established qualifications for licensure and minimum standards for employment that are directly and demonstrably related to the operation of a Marijuana Establishment and similar to qualifications for licensure and employment standards in connection with alcoholic beverages as regulated under M.G.L. c. 138; provided, that a prior conviction solely for a Marijuana-related offense or for a violation of M.G.L. c. 94C, § 34 shall not disqualify an individual or otherwise affect eligibility for employment or licensure in connection with a Marijuana establishment, unless the offense involved the distribution of a controlled substance, including Marijuana, to a minor.
- (2) For purposes of determining suitability based on background checks in accordance with 935 CMR 500.030: *Registration of Marijuana Establishment Agents*:
  - (a) All conditions, offenses, and violations are construed to include Massachusetts law or like or similar law(s) of Other Jurisdictions.
  - (b) All criminal disqualifying conditions, offenses, and violations include the crimes of attempt, accessory, conspiracy and solicitation.
  - (c) Juvenile dispositions shall not be considered as a factor for determining suitability.
  - (d) Where applicable, all look back periods for criminal conditions, offenses, and violations included in Tables B-D commence on the date of disposition; provided, however, that if disposition results in incarceration in any institution, the look back period shall commence on release from incarceration.
  - (e) ~~e~~—Unless otherwise specified in Tables B-D, a criminal condition, offense or violation shall include both convictions, which include guilty pleas and pleas of nolo contendere, and dispositions resulting in continuances without a finding or other disposition constituting an admission to sufficient facts, but shall exclude other non-conviction dispositions. All suitability determinations will be made in accordance with the procedures set forth in 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration*. In addition to the requirements established in 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration*, the Suitability Review Committee shall:
    1. Consider whether offense(s) or information that would result in a Presumptive Negative Suitability Determination under Table B-D renders the subject unsuitable for registration regardless of the determination of the Licensee; and
    2. Consider appeals of determinations of unsuitability based on claims of erroneous information received as part of the background check during the application process in accordance with 803 CMR 2.17: *Requirement to Maintain a Secondary Dissemination Log* and 2.18: *Adverse Employment Decision Based on CORI or Other Types of Criminal History Information Received from a Source Other than the DCJIS*.
- (3) Registered Agents shall remain suitable at all times a license or registration remains in effect. An individual subject to this section shall notify the Commission in writing of any charge or conviction of an offense that would result in a presumptive negative suitability determination or mandatory disqualification under Tables B-D within ten days of such individual's arrest or summons, and within ten days of the disposition on the merits of the underlying charge. Failure to make proper notification to the Commission may be grounds for disciplinary action. If the Commission lawfully finds a

disqualifying event and the individual asserts that the record was sealed, the Commission may require the individual to provide proof from a court evidencing the sealing of the case.

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Proposed Language for Commission Consideration

**Table B: Retail, Delivery-Only Retailer, Social Consumption Establishment, and Transporter Marijuana Establishment Agents.** Shall apply solely to applicants for registration as an agent at a Marijuana Establishment licensed pursuant to 935 CMR 500.100: *Application for Licensing of Marijuana Establishments*, as a Marijuana Retailer, Delivery-Only Retailer Social Consumption Establishment, or as a Marijuana Transporter, under 935 CMR 500.050: *Marijuana Establishments*.

Time Period	Precipitating Issue	Result
Present (during time from start of application process through action on application or renewal.)	<p><b>Open/Unresolved Criminal Proceedings:</b></p> <p>Any outstanding or unresolved criminal proceeding, the disposition of which may result in a felony conviction under the laws of the Commonwealth or Other Jurisdictions, but excluding any criminal proceeding based solely on a Marijuana-related offense or a violation of M.G.L. c. 94C, § 32E(a) or § 34.</p>	Presumptive Negative Suitability Determination
Present	<p><b>Open Professional or Occupational License Cases</b></p>	Presumptive Negative Suitability Determination
Present	<p><b>Open/Unresolved Marijuana License or Registration Violations (Massachusetts or Other Jurisdictions):</b></p> <p>An outstanding or unresolved violation of the regulations as included in 935 CMR 500.000: <i>Adult Use of Marijuana</i> or a similar statute or regulations of an Other Jurisdiction, which has either (a) remained unresolved for a period of six months or more; or (b) the nature of which would result in a determination of unsuitability for registration.</p>	Presumptive Negative Suitability Determination
Present	<p><b>Submission of untruthful information to the Commission including, but not limited to:</b></p> <p>Submission of information in connection with an agent application, waiver request or other Commission action that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity; or</p> <p>Making statements during or in connection with a Commission inspection or investigation that are deceptive, misleading, false or fraudulent, or that tend to deceive or create a misleading impression, whether directly, or by omission or ambiguity.</p>	Presumptive Negative Suitability Determination
Indefinite	<p><b>Sex Offense:</b></p>	Mandatory Disqualification

935 CMR: CANNABIS CONTROL COMMISSION

	Felony conviction for a “sex offense” as defined in M.G.L. c. 6, § 178C and M.G. L. c. 127, § 133E or like offenses in Other Jurisdictions.	
Indefinite	<b>Felony Convictions in Massachusetts or Other Jurisdictions</b> for trafficking crimes under M.G.L. c. 94C, § 32E, or like crimes in Other Jurisdictions, except convictions for solely Marijuana-related crimes under § 32E (a), or like crimes in Other Jurisdictions.	Mandatory Disqualification
Indefinite	<b>Conviction or Continuance Without a Finding (CWOFF) for Any Distribution of a Controlled Substance to a Minor</b>	Mandatory Disqualification
Indefinite	<b>Failure to Register as a Sex Offender in Any Jurisdiction</b>	Mandatory Disqualification
Preceding Five Years	<b>Crimes of Domestic Violence including, but not limited to:</b> Violation of an abuse prevention restraining order under M.G.L. c. 209A Violation of a harassment prevention order under M.G.L. c. 258E	Presumptive Negative Suitability Determination
Indefinite	<b>(For Agents working for a Transporter and Delivery-Only Retailer)</b>  <b>Multiple Crimes of Operating Under the Influence</b>  Two offenses within a ten-year period; or  Three or more offenses within any period of time.	Presumptive Negative Suitability Determination
Preceding Five Years	<b>Felony Convictions in Massachusetts or Other Jurisdictions</b> for crimes of violence against a person or crimes of dishonesty or fraud, “violent crime” to be defined the same way as under M.G.L. c. 140, § 121 and M.G.L. c. 127, § 133E.	Mandatory Disqualification
Preceding Seven Years	<b>CWOFF for Crimes of Violence, Fraud</b>	Presumptive Negative Suitability Determination
Preceding Five Years	The applicant’s or Licensee’s prior actions posed or would likely pose a risk to the public health, safety, or welfare; and the risk posed by the applicant’s or Licensee’s actions relates or would likely relate to the operation of a Marijuana Establishment.	May make a Negative Suitability Determination in accordance with 935 CMR 500.800(8)

Proposed Language for Commission Consideration

**Table C: Product Manufacturer Marijuana Establishment Agents.** Shall apply solely to applicants for registration as an agent at a Marijuana Establishment licensed pursuant to 935 CMR 500.100: *Application for Licensing of Marijuana Establishments* as a Marijuana Product Manufacturer under 935 CMR 500.050: *Marijuana Establishments*.

Time Period	Precipitating Issue	Result
Present (during time from start of application process through action on application or renewal.)	<b>Open/Unresolved Criminal Proceedings:</b> Any outstanding or unresolved criminal proceeding, the disposition of which may result in a felony conviction under the laws of the Commonwealth or a similar law in an Other Jurisdiction, but excluding any criminal proceeding based solely on a Marijuana-related offense or a violation of M.G.L. c. 94C, § 32E (a) and § 34.	Presumptive Negative Suitability Determination
Present	<b>Open Professional or Occupational License Cases</b>	Presumptive Negative Suitability Determination
Present	<b>Open/Unresolved Marijuana License or Registration Violations (Massachusetts or Other Jurisdictions):</b> An outstanding or unresolved violation of the regulations as included in 935 CMR 500.000: <i>Adult Use of Marijuana</i> or a similar statute or regulations in an Other Jurisdiction, that has either (a) remained unresolved for a period of six months or more; or (b) the nature of which would result in a determination of unsuitability for registration.	Presumptive Negative Suitability Determination
Present	<b>Submission of untruthful information to the Commission including, but not limited to:</b>  Submission of information in connection with an agent application, waiver request or other Commission action that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity; or  Making statements during or in connection with a Commission inspection or investigation that are deceptive, misleading, false or fraudulent, or that tend to deceive or create a misleading impression, whether directly, or by omission or ambiguity.	Presumptive Negative Suitability Determination
Present	<b>Felony Convictions in Massachusetts or Other Jurisdictions</b> for trafficking crimes under M.G.L. c. 94C, § 32E, or like crimes in Other Jurisdictions, except convictions for solely Marijuana-related crimes under § 32E (a), or like crimes in Other Jurisdictions.	Mandatory Disqualification
Indefinite	<b>Conviction or Continuance Without a Finding (CWOFF) for Any Distribution of a Controlled Substance to a Minor</b>	Mandatory Disqualification
	<b>Failure to Register as a Sex Offender in Massachusetts or an Other Jurisdiction</b>	Mandatory Disqualification

935 CMR: CANNABIS CONTROL COMMISSION

Preceding Five Years	<b>Felony Convictions in Massachusetts or Other Jurisdictions</b> for crimes of violence against a person or crimes of dishonesty or fraud, “violent crime” to be defined the same way as under M.G.L. c. 140, § 121 and M.G.L. c. 127, § 133E.	Mandatory Disqualification
Preceding Seven Years	<b>CWOF for Crimes of Violence, Fraud</b>	Presumptive Negative Suitability Determination
Preceding Ten Years	<b>Sex Offense:</b> Felony conviction for a “sex offense” as defined in M.G.L. c. 6, § 178C and M.G. L. c. 127, § 133E or like offenses in Other Jurisdictions.	Mandatory Disqualification
Preceding Five Years	The applicant’s or Licensee’s prior actions posed or would likely pose a risk to the public health, safety, or welfare; and the risk posed by the applicant’s or Licensee’s actions relates or would likely relate to the operation of a Marijuana Establishment.	May make a Negative Suitability Determination in accordance with 935 CMR 500.800(8)

935 CMR: CANNABIS CONTROL COMMISSION

**Table D: Cultivation Marijuana Establishment Agents.** Shall apply solely to applicants for registration as an agent at a Marijuana Establishment licensed pursuant to 935 CMR 500.100: *Application for Licensing of Marijuana Establishments* as a Marijuana Cultivator or Craft Marijuana Cooperative under 935 CMR 500.050: *Marijuana Establishments*.

<b>Time Period</b>	<b>Precipitating Issue</b>	<b>Result</b>
Present (during time from start of application process through action on application or renewal.)	<b>Open/Unresolved Criminal Proceedings:</b> Any outstanding or unresolved criminal proceeding, the disposition of which may result in a felony conviction under the laws of the Commonwealth or a similar law in an Other Jurisdiction, but excluding any criminal proceeding based solely on a Marijuana-related offense or a violation of M.G.L. c. 94C, § 32E (a) or § 34.	Presumptive Negative Suitability Determination
Present	<b>Open Professional or Occupational License Cases</b>	Presumptive Negative Suitability Determination
Present	<b>Open/Unresolved Marijuana License or Registration Violations (Massachusetts or Other Jurisdictions):</b> An outstanding or unresolved violation of the regulations as included in 935 CMR 500.000: <i>Adult Use of Marijuana</i> or a similar statute or regulations in an Other Jurisdiction, that has either (a) remained unresolved for a period of six months or more; or (b) the nature of which would result in a determination of unsuitability for registration.	Presumptive Negative Suitability Determination
Present	<b>Submission of information to the Commission including, but not limited to:</b>  Submission of information in connection with an agent application, waiver request or other Commission action that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity; or  Making statements during or in connection with a Commission inspection or investigation that are deceptive, misleading, false or fraudulent, or that tend to deceive or create a misleading impression, whether directly, or by omission or ambiguity.	Presumptive Negative Suitability Determination
Indefinite	<b>Conviction or Continuance Without a Finding (CWOFF) for Any Distribution of a Controlled Substance to a Minor</b>	Mandatory Disqualification
Indefinite	<b>Felony Convictions in Massachusetts or Other Jurisdictions</b> for crimes of violence against a person, “violent crime” to be defined the same way as under M.G.L. c. 140, § 121 and M.G.L. c. 127, § 133E	Presumptive Negative Suitability Determination
Indefinite	<b>Felony Convictions in Massachusetts or Other Jurisdictions</b> for trafficking crimes under M.G.L. c. 94C, § 32E, or like crimes in Other Jurisdictions, except convictions for solely Marijuana-related crimes under §32E(a), or like crimes in Other Jurisdictions.	Mandatory Disqualification
	<b>Felony Convictions in Massachusetts or Other Jurisdictions</b>	Mandatory



935 CMR: CANNABIS CONTROL COMMISSION

Preceding Three Years	for crimes of dishonesty or fraud.	Disqualification
Preceding Seven Years	<b>CWOF for Crimes of Violence, Fraud</b>	Presumptive Negative Suitability Determination
Preceding Five Years	The applicant's or Licensee's prior actions posed or would likely pose a risk to the public health, safety, or welfare; and the risk posed by the applicant's or Licensee's actions relates or would likely relate to the operation of a Marijuana Establishment.	May make a Negative Suitability Determination in accordance with 935 CMR 500.800(8)

Proposed Language for Commission Consideration

500.803: Suitability Standard for Registration as a Laboratory Agent

- (1) 935 CMR 500.803: *Suitability Standard for Registration as a Laboratory Agent* shall apply to Laboratory agents in their capacity as employees or volunteers for an Independent Testing Laboratory licensed pursuant to 935 CMR 500.050: *Marijuana Establishments* and shall be used by the Independent Testing Laboratory executive registered with the DCJIS pursuant to 803 CMR 2.04: *iCORI Registration* and the Commission for purposes of determining suitability for registration as a Laboratory agent with the Licensee.
- (2) In accordance with M.G.L. c. 94G, § 15(b)(5), the Commission is prohibited from issuing a registration to a Laboratory agent who has been convicted of a felony drug offense in the Commonwealth or Other Jurisdictions that would be a felony drug offense in the Commonwealth.
- (3) For purposes of determining suitability based on background checks performed in accordance with 935 CMR 500.803: *Suitability Standard for Registration as a Laboratory Agent*:
  - (a) All conditions, offenses, and violations are construed to include Massachusetts law or similar law(s) of Other Jurisdictions.
  - (b) All criminal disqualifying conditions, offenses, and violations include the crimes of attempt, accessory, conspiracy, and solicitation.
  - (c) Juvenile dispositions shall not be considered as a factor for determining suitability.
  - (d) Where applicable, all look back periods for criminal conditions, offenses, and violations included in Table E commence on the date of disposition; provided, however, that if disposition results in incarceration in any institution, the look back period shall commence on release from incarceration.
  - (e) Unless otherwise specified in Table E, a criminal condition, offense or violation shall include both convictions, which include guilty pleas and pleas of nolo contendere, and dispositions resulting in continuances without a finding or other disposition constituting an admission to sufficient facts, but shall exclude other non-conviction dispositions.
  - (f) All suitability determinations will be made in accordance with the procedures set forth in 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration*. In addition to the requirements established in 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration*, the Suitability Review Committee shall:
    1. consider whether offense(s) or information that would result in a Presumptive Negative Suitability Determination under Table E renders the subject unsuitable for registration regardless of the determination of the Licensee; and
    2. consider appeals of determinations of unsuitability based on claims of erroneous information received as part of the background check during the application process in accordance with 803 CMR 2.17: *Requirement to Maintain a Secondary Dissemination Log* and 2.18: *Adverse Employment Decision Based on CORI or Other Types of Criminal History Information Received from a Source Other than the DCJIS*.

Table E: Registration as a Laboratory Agent. Shall apply solely to applicants for

935 CMR: CANNABIS CONTROL COMMISSION

registration as a Laboratory agent in accordance with 935 CMR 500.803: *Suitability Standard for Registration as a Laboratory Agent* at a Marijuana Establishment licensed pursuant to 935 CMR 500.050: *Marijuana Establishments*.

Time Period	Precipitating Issue	Result
Present (during time from start of application process through action on application or renewal.)	<p><b>Open/Unresolved Criminal Proceedings:</b> any outstanding or unresolved criminal proceeding, the disposition of which may result in a felony conviction under the laws of the Commonwealth or a similar law in Other Jurisdictions.</p>	Mandatory Disqualification
Present	<p><b>Open/Unresolved Marijuana Business-Related License Violations (Massachusetts or Other Jurisdictions):</b> an outstanding or unresolved violation of the regulations as included in 935 CMR 500.000: <i>Adult Use of Marijuana</i> or a similar statute or regulations in Other Jurisdictions that has either (a) remained unresolved for a period of six months or more; or (b) the nature of which would result in a determination of unsuitability for registration.</p>	Presumptive Negative Suitability Determination
Present	<p><b>Submission of false or misleading information to the Commission including, but not limited to:</b></p> <p>Submission of information in connection with an agent application, waiver request or other Commission action that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity; or</p> <p>Making statements during or in connection with a Commission inspection or investigation that are deceptive, misleading, false or fraudulent, or that tend to deceive or create a misleading impression, whether directly, or by omission or ambiguity.</p>	Presumptive Negative Suitability Determination
Present	<b>Open Professional or Occupational License Cases</b>	Mandatory Disqualification
Indefinite	<p><b>Felony Convictions in Massachusetts or Other Jurisdictions</b> for drug offenses or trafficking crimes under M.G.L. c. 94C, § 32E, or like crimes in Other Jurisdictions.</p>	Mandatory Disqualification
Preceding Five Years	<p><b>Felony Convictions or CWOV in Massachusetts or Other Jurisdictions</b> for crimes of violence against a person, “violent crime” to be defined the same way as under M.G.L. c. 140, § 121 and M.G.L. c. 127, § 133E.</p>	Presumptive Negative Suitability Determination

Preceding Seven Years	<b>Felony Convictions or CWOFF in Massachusetts or Other Jurisdictions</b> for crimes of dishonesty or fraud.	Presumptive Negative Suitability Determination
Preceding Five Years	The applicant's or Licensee's prior actions posed or would likely pose a risk to the public health, safety, or welfare; and the risk posed by the applicant's or Licensee's actions relates or would likely relate to the operation of a Marijuana Establishment.	May make a Negative Suitability Determination in accordance with 935 CMR 500.800(8)

500.820: Confidentiality

- (1) All records made or received by the Commission shall be public records and shall be available for disclosure on request pursuant to this section and 950 CMR 32.00: *Public Records Access*, except the following, which shall be exempt from disclosure to the extent permitted by law:
  - (a) All records exempt from disclosure pursuant to M.G.L. c. 4, § 7, cl. 26;
  - (b) All records to the extent that they contain "personal data" pursuant to M.G.L. c. 66, § 1;
  - (c) All records to the extent that they contain "personal information" pursuant M.G.L. c. 93H, § 1;
  - (d) All records which contain CORI as defined by 803 CMR 2.02: *Definitions*;
  - (e) All records which contain CHRI as defined by 803 CMR 7.02: *Definitions*;
  - (f) All Confidential Records as defined in 935 CMR 500.002: *Definitions*.
- (2) All records protected from disclosure under 935 CMR 500.820(1) may be disclosed by the Commission:
  - (a) If disclosure is required pursuant to a state or federal law;
  - (b) To the individual or the individual's authorized representative, if the individual executes a written release in a form and manner determined by the Commission;
  - (c) To the Commission staff for the purpose of carrying out their official duties;
  - (d) To the Commission delegee(s) as authorized by the Commission;
  - (e) To other government officials and agencies acting within their lawful jurisdiction;
  - (f) To a healthcare professional who has a bona fide healthcare professional-patient relationship with the Qualifying Patient to facilitate dispensing of medical-use Marijuana;
  - (g) To an MTC or any state agency to facilitate the dispensing of medical-use Marijuana;

935 CMR: CANNABIS CONTROL COMMISSION

- (h) To the Commission staff if required in the course of an administrative or a judicial proceeding; or
  - (i) If an individual or entity obtains an order from a court of competent jurisdiction.
- (3) Nothing in this provision shall prevent the Commission from acting in accordance with its authority.

500.830: Petitions for the Adoption, Amendment or Repeal of Regulations.

- (1) Any interested person may file a petition with the Commission pursuant to M.G.L. c. 30A, § 4, for the adoption, amendment or repeal of any regulation. Such petition shall be submitted in written and electronic form, be signed by the petitioner or petitioner's representative, and include the following information:
- (a) The name, address, and relevant contact information for the petitioner or the petitioner's representative;
  - (b) The petitioner's specific interest in the regulation;
  - (c) The petitioner's request for the adoption, amendment or repeal of a regulation, including proposed regulatory language;
  - (d) If the request is to amend an existing regulation, a copy of the existing regulation with changes clearly marked on paper and electronic copies;
  - (e) The reasons for the request, including, but not limited to citation to any relevant legal authority, arguments and evidence, including data, that supports the request.
- (2) After receipt of a petition for submitted in accordance with this section, the Commission may consider the petition at an open meeting pursuant to M.G.L. c. 30A, § 20, and determine, in its discretion, whether to take any action on or as a result of the petition. The Commission may also delegate the review of petitions to its Executive Director.
- (3) Within a reasonable time, the Commission or its delegee will notify the petitioner as to its determination, if any, concerning the petition.
- (4) The submission of a petition for the adoption, amendment or repeal of any regulation pursuant to 935 CMR 500.830(1), and any action, inaction, determination or notice by the Commission pursuant to 935 CMR 500.830(2) with respect thereto, shall not constitute the adoption, amendment or repeal of a regulation unless or until regulations are duly promulgated by the Commission in accordance with M.G.L. c. 30A, *The Administrative Procedure Act*, and 950 CMR 20:00: *Preparing and Filing Regulations*, and the regulatory process requirements of the Secretary of the Commonwealth.

500.840: Non-conflict with Other Laws.

- (1) Nothing in 935 CMR 500.000: *Adult Use of Marijuana* shall be construed to limit the applicability of any other law as it pertains to the rights of landlords, employers, law enforcement authorities, or regulatory agencies, except as otherwise provided in 935 CMR 500.000: *Adult Use of Marijuana*.
- (2) Nothing in 935 CMR 500.000: *Adult Use of Marijuana*:
- (a) allows the operation of a motor vehicle, boat, or aircraft while under the influence of Marijuana;
  - (b) requires the violation of federal law or purports to give immunity under federal law; or

935 CMR: CANNABIS CONTROL COMMISSION

- (c) poses an obstacle to federal enforcement of federal law.

500.850: Waivers

- (1) The Commission may delegate its authority to the Executive Director to waive a regulatory requirement promulgated under M.G.L. c. 94G, § 4. The Executive Director may determine the form and manner of the waiver process. There can be no waiver of statutory requirements.
- (2) The Commission may waive applicability of one or more of the requirements imposed by 935 CMR 500.000: *Adult Use of Marijuana* on the submission of written documentation and a finding that:
  - (a) compliance would cause undue hardship to the requestor;
  - (b) if applicable, the implementation of compensating features acceptable to the Commission;
  - (c) the noncompliance with the regulatory requirement would not jeopardize the health, safety, or welfare of any patient or the public; and
  - (d) the granting of the waiver would not constitute a waiver of any statutory requirements.
- (3) Waiver of Security Requirements. Any waiver of security requirements under this section, shall be requested under 935 CMR 500.110(2)(b).
- (4) An adverse decision on a waiver request does not entitle an applicant or Licensee to a hearing or judicial review.

500.860: Notice

- (1) The Commission shall maintain a list of individuals or entities that request notice.
- (2) Notice shall be provided, in a time and manner to be determined by the Commission, to those individuals or entities on the list in advance for:
  - (a) meetings of the Cannabis Control Commission;
  - (b) meetings of the Cannabis Advisory Board; and
  - (c) other events determined by the Commission, in its discretion.
- (3) The individual or entity is responsible for ensuring that the information provided to the Commission for the purpose of receiving notice remains current.

500.900: Severability

The provisions of 935 CMR 500.000: *Adult Use of Marijuana* are severable. If a court of competent jurisdiction declares any section, subsection, paragraph, or provision unconstitutional or invalid, the validity of the remaining provisions shall not be affected.

REGULATORY AUTHORITY

935 CMR 500.000: St. 2016, c. 334, as amended by St. 2017, c. 55 and M.G.L. 94G.

NON-TEXT PAGE

Proposed Language for Commission Consideration

## 935 CMR 501.000: MEDICAL USE OF MARIJUANA

## Section

- 501.001: Purpose
- 501.002: Definitions
- 501.005: Fees
- 501.006: Registration of Certifying Physicians
- 501.007: Registration of Certifying Certified Nurse Practitioners
- 501.008: Registration of Certifying Physician Assistants
- 501.010: Written Certification of a Debilitating Medical Condition for a Qualifying Patient
- 501.015: Temporary and Annual Registration of Qualifying Patients
- 501.020: Temporary and Annual Registration of Personal Caregivers
- 501.021: Registration of Caregiving Institutions
- 501.022: Registration of Institutional Caregivers
- 501.025: Responsibilities of Caregivers
- 501.027: Hardship Cultivation Registration
- 501.029: Registration of Independent Testing Laboratory Agents
- 501.030: Registration of Medical Marijuana Treatment Center Agents
- 501.031: Denial of a Registration Card or Hardship Cultivation Registration
- 501.032: Revocation of a Registration Card or Hardship Cultivation Registration
- 501.033: Void Registration Cards
- 501.034: Revocation of a Certifying Healthcare Provider Registration
- 501.035: Void Certifying Physician Registration
- 501.050: Medical Marijuana Treatment Centers
- 501.052: Independent Testing Laboratories
- 501.100: Application for Licensing of Medical Marijuana Treatment Centers
- 501.101: Application Requirements
- 501.102: Action on Applications
- 501.103: Licensure and Renewal
- 501.104: Notification and Approval of Changes
- 501.105: General Operational Requirements for Medical Marijuana Treatment Centers
- 501.110: Security Requirements for Medical Marijuana Treatment Centers
- 501.120: Additional Operational Requirements for the Cultivation, Acquisition, and Distribution of Marijuana.
- 501.130: Additional Operational Requirements for Handling and Testing Marijuana and for Production of MIPs
- 501.140: Additional Operational Requirements for Patient Sales
- 501.145: Home Delivery
- 501.150: Edible Marijuana Products
- 501.160: Testing of Marijuana and Marijuana Products
- 501.170: Municipal Requirements
- 501.200: Counties of Dukes County and Nantucket
- 501.300: Complaints Process
- 501.301: Inspection and Compliance
- 501.302: Compliance Examination
- 501.303: Unannounced Purchase for Purpose of Investigative Testing (Secret Shopper Program)
- 501.310: Deficiency Statements
- 501.320: Plans of Correction
- 501.321: Administrative Hold
- 501.330: Limitation of Sales
- 501.335: Removal and Prohibition of Marijuana and Marijuana Products
- 501.340: Quarantine Order
- 501.350: Cease and Desist Order and Summary Suspension Order
- 501.360: Fines
- 501.370: Orders to Show Cause
- 501.400: Medical Marijuana Treatment Center License: Grounds for Denial of Application for Licensure
- 501.415: Void Medical Marijuana Treatment Center License
- 501.450: Medical Marijuana Treatment Center Registration or License: Grounds for Suspension, Revocation, and Denial of Renewal Applications
- 501.500: Hearings and Appeals of Actions on Registrations or Licenses



- 501.800: Background Check Suitability Standard for Licensure and Registration
- 501.801: Suitability Standard for Licensure
- 501.802: Suitability Standard for Registration as a Medical Marijuana Treatment Center Agent
- 501.803: Suitability Standard for Registration as a Laboratory Agent
- 501.820: Confidentiality
- 501.830: Petitions for the Adoption, Amendment or Repeal of Regulations
- 501.840: Non-conflict- with Other Law
- 501.850: Waivers
- 501.860 Notice
- 501.900: Severability

501.001: Purpose

The purpose of 935 CMR 501.000: *Medical Use of Marijuana* is to implement St. 2017, c. 55, An Act to Ensure Safe Access to Marijuana, and M.G.L. c. 94G, and M.G.L. c. 94I.

501.002: Definitions

For the purposes of 935 CMR 501.000: *Medical Use of Marijuana*, the following terms shall have the following meanings:

Administrative Hold means a hold requiring temporary isolation of Marijuana, Marijuana Products, or Marijuana-infused Products (MIPs), by a Licensee or Registrant pending further investigation.

Adult-use Cannabis or Marijuana means Marijuana that is cultivated, Processed, Transferred, tested or sold to adults 21 years of age or older pursuant to M.G.L. c. 94G.

Adult-use Marijuana or Marijuana Products means Marijuana Products that are Processed Manufactured, Transferred, tested or sold to adults 21 years of age or older pursuant to M.G.L. c. 94G.

Affixed means the attachment of a label or other packaging materials so that it is not easily removed or lost.

Agent Registration Card or Medical-use Agent Registration Card means an identification card formerly and validly issued by the DPH or currently and validly issued by the Commission to an MTC or Laboratory agent. The Registration Card allows access into Commission-supported databases. The Registration Card facilitates verification of an individual Registrant's status including, but not limited to, identification by the Commission and Law Enforcement Authorities of those individuals exempt from Massachusetts criminal and civil penalties under M.G.L. c. 94I, and 935 CMR 501.000: *Medical Use of Marijuana*.

Area of Disproportionate Impact means a geographic area identified by the Commission for the purposes identified in M.G.L. c. 94G, 4(a½)(iv) and which has had historically high rates of arrest, conviction, and incarceration related to Marijuana crimes.

Arming Station means a device that allows control of a security alarm system.

Beverage means a liquid intended for drinking.

Bona Fide Healthcare Provider-Patient Relationship means a relationship between a Certifying Healthcare Provider, acting in the usual course of their professional practice, and a patient in which the healthcare provider has conducted a clinical visit, completed and documented a full assessment of the patient's medical history and current medical condition, has explained the potential benefits and risks of Marijuana use, and has a role in the ongoing care and treatment of the patient.

Cannabinoid means any of several compounds produced by Marijuana plants that have

medical and psychotropic effects.

Cannabinoid Profile means the amounts, expressed as the dry-weight percentages, of delta-nine-tetrahydrocannabinol, cannabidiol, tetrahydrocannabinolic acid and cannabidiolic acid in a Marijuana or Marijuana Product. Amounts of other Cannabinoids may be required by the Commission.

Cannabis or Marijuana means all parts of any plant of the genus Cannabis, not excepted in (a) through (c) of the definition for “Cannabis or Marijuana” in 935 CMR 501.002: *Definitions* 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 Accessories means equipment, products, devices or materials of any kind that are intended or designed for use in planting, Propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, Processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing Cannabis or Marijuana into the human body.

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 products, beverages, topical products, ointments, oils and Tinctures. Cannabis or Marijuana Products include MIPs defined in 935 CMR 501.002: *Definitions*.

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 ~~are~~ 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.

Card Holder means a Registered Qualifying Patient, Personal Caregiver, Marijuana Establishment agent, Medical Marijuana Treatment Center (MTC) agent, or Laboratory agent who holds a valid patient or Agent Registration Card.

Caregiver means a Personal Caregiver or Institutional Caregiver.

Caregiving Institution means a hospice program, long term care facility, or hospital duly registered formerly and validly by the DPH or currently and validly by the Commission, providing care to a Registered Qualifying Patient on the Premises of the facility or through a hospice program.

Cease and Desist Order means an order to stop or restrict operations, including, but not limited to, cultivation, product manufacturing, Transfer, sale, delivery, or testing, of Marijuana, Marijuana Products, or MIPs by a Licensee or Registrant to protect the public health, safety or welfare.

Ceases to Operate means a Marijuana Establishment, Medical Marijuana Treatment Center (MTC) or Independent Testing Laboratory closes and does not transact business

for a period greater than 60 days with no substantial action taken to reopen. The Commission may determine that an establishment has Ceased to Operate based on its actual or apparent termination of operations.

Certificate of Licensure means the certificate issued by the Commission that confirms that an MTC or Independent Testing Laboratory has met all applicable requirements pursuant to M.G.L. c. 94I, and 935 CMR 501.000: *Medical Use of Marijuana*, and is currently and validly licensed by the Commission. An MTC or Independent Testing Laboratory may be eligible for a provisional or final Certificate of Licensure.

Certificate of Registration means a certificate formerly and validly issued by the [Department of Public Health \(DPH\)](#) or currently and validly issued by the Commission, that confirms an MTC or Independent Testing Laboratory, individual or entity has met all applicable requirements pursuant to M.G.L. c. 94I and 935 CMR 501.000: *Medical Use of Marijuana* and is registered by the Commission. An MTC or Independent Testing Laboratory may have been issued a provisional or final Certificate of Registration. After ~~the effective date of these regulations~~ [\[identify date certain\]](#), 2019, new or renewal Licenses, as applicable, may be issued to MTCs and Independent Testing Labs.

Certifying Certified Nurse Practitioner means a Massachusetts licensed certified nurse practitioner (CNP) licensed pursuant to 244 CMR 4.00: *Advanced Practice Registered Nursing*, who certifies that in their professional opinion, the potential benefits of the medical use of Marijuana would likely outweigh the health risks for a Qualifying Patient.

Certifying Healthcare Provider means a Certifying CNP, a Certifying Physician or a Certifying Physician Assistant.

Certifying Physician means a Massachusetts licensed physician (Medical Doctor or Doctor of Osteopathy) who certifies that in their professional opinion, the potential benefits of the medical use of Marijuana would likely outweigh the health risks for a Qualifying Patient.

Certifying Physician Assistant means a Massachusetts physician assistant licensed pursuant to 263 CMR 3.00: *Licensure of Individual Physician Assistants*, who certifies that in their professional opinion, the potential benefits of the medical use of Marijuana would likely outweigh the health risks for a Qualifying Patient.

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

Close Associate means a person who holds a relevant managerial, operational or financial interest in the business of an applicant or Licensee and, by virtue of that interest or power, is able to exercise a significant influence over the management, operations or finances of an MTC or Independent Testing Laboratory licensed under 935 CMR 501.000: *Medical Use of Marijuana*. A person who is a Close Associate is deemed to be a Person or Entity Having Direct or Indirect Control.

Colocated Marijuana Operations (CMO) means an MTC operating under a License or registration pursuant to 935 CMR 501.000: *Medical Use of Marijuana*, and a Marijuana Establishment operating under at least one License pursuant to 935 CMR 500.000: *Adult Use of Marijuana*, on the same Premises. Colocated Marijuana Operations pertain to cultivation, product manufacturing, and retail, but not any other adult-use License.

Commercially Available Candy means any product that is Manufactured and packaged in the form of bars, drops, or pieces and that includes a sweetened mixture of chocolate, caramel, nougat, nuts, fruit, cream, honey, marshmallow or any similar combination to create a dessert-like confection.

Commission means the Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76; or its representatives. The Commission has authority to implement the state Marijuana laws, which include, but are not limited to, St. 2016, c. 334, *The*

*Regulation and Taxation of Marijuana Act*, as amended by St. 2017, c. 55, *An Act to Ensure Safe Access to Marijuana*; M.G.L. 10, § 76, M.G.L. c. 94G; M.G.L. c. 94I; 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*.

Commission Delegee(s) means other state or local officials or agencies working in cooperation with the Commission and as delegated by the Commission to carry out the Commission's responsibilities and to ensure compliance with the adult-use, medical-use, and colocated- operations laws, and any other applicable federal or state laws.

Commission Delegee(s) means other state or local officials or agencies working in cooperation with the Commission by delegation or agreement, to carry out the Commission's responsibilities and to ensure compliance with the adult-use, medical-use, and colocated-operations laws, and any other applicable federal or state laws.

Confidential Application Materials means any electronic or written document, communication or other record pertaining to an application for licensure or registration that is required to be confidential or protected from disclosure by law, which includes, but is not limited to, personally identifiable information concerning an applicant, Registrant, or Licensee; background check information or Criminal Offender Record Information (CORI) as defined by 803 CMR 2.02: *Definitions*, or Criminal History Record Information (CHRI) as defined by 803 CMR 7.02: *Definitions*; and information that implicates security concerns.

Confidential Database means the Commission database that holds data concerning: (i) the Qualifying Patients issued a Registration Card for medical use of Marijuana; (ii) the healthcare professionals registered to issue Written Certifications; (iii) the MTCs; (iv) the quantity of medical use Marijuana dispensed to a Card Holder; and (v) any other pertinent information.

Confidential Information means information that is legally required to be kept confidential, or that is protected from disclosure by a legally recognized privilege. This includes, but not limited to, M.G.L. c. 4, § 7, cl. 26 and M.G.L. c. 94I, §3.

Confidential Investigatory Materials means any electronic or written document, communication or other record pertaining to an investigation which concerns: (a) a possible violation of a statute, regulation, rule, practice or procedure, or professional or industry standard, administered or enforced by the Commission; (b) an ongoing investigation that could alert subjects to the activities of an investigation; (c) any details in witness statements, which if released create a grave risk of directly or indirectly identifying a private citizen who volunteers as a witness; (d) investigative techniques the disclosure of which would prejudice the Commission's future investigative efforts or pose a risk to the public health, safety or welfare; or (e) the background of any person the disclosure of which would constitute an unwarranted invasion of personal privacy.

Confidential Records means any electronic or written record required to be kept confidential or protected from disclosure by law, which includes, but is not limited to Confidential Application Materials, Confidential Investigatory Materials or Protected Patient Records as defined herein.

Criminal Offender Record Information (CORI) shall have the same meaning as it is defined in 803 CMR 2.02: *Definitions*.

Cultivation 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 Marijuana 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.

Debilitating means causing weakness, cachexia, wasting syndrome, intractable pain, or nausea, or impairing strength or ability, and progressing to such an extent that one or more of a patient's major life activities is substantially limited.

Debilitating Medical Condition means cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, and multiple sclerosis (MS), when such diseases are Debilitating, and other Debilitating conditions as determined in writing by a Qualifying Patient's healthcare provider.

Department of Agricultural Resources (MDAR) means the Massachusetts Department of Agricultural Resources, unless otherwise specified. MDAR has jurisdiction over Hemp and Pesticides.

Department of Criminal Justice Information Services (DCJIS) means the Massachusetts Department of Criminal Justice Information Services, unless otherwise specified. DCJIS shall have the same meaning as it is defined in 803 CMR 2.02: *Definitions*.

Department of Public Health (DPH) means the Massachusetts Department of Public Health, unless otherwise specified. DPH is the agency that administered the Medical Use of Marijuana Program prior to 2019.

Department of Revenue (DOR) means the Massachusetts Department of Revenue, unless otherwise specified.

Department of Unemployment Assistance (DUA) means the Massachusetts Department of Unemployment Assistance unless otherwise specified.

Delivery-Only Retailer means an entity that is authorized to deliver directly to Consumers, Registered Qualifying Patients or Caregivers from a licensed Marijuana Retailer and does not provide a retail location accessible to the public.

Duress Alarm means a silent security alarm signal generated by the entry of a designated code into an Arming Station that signals an alarm user is under duress and turns off the system.

Edible Marijuana-infused Products (Edible MIPs) means a Marijuana-infused Product (MIP) that is to be consumed by eating or drinking. These products, when created or sold by a Marijuana Establishment or MTC, shall not be considered a food or a drug as defined in M.G.L. c. 94G, § 1.

Electronic Certification means a document signed or executed electronically by a registered healthcare professional, stating that in the healthcare professional's professional opinion, the potential benefits of the medical use of Marijuana would likely outweigh the health risks for the Qualifying Patient. Such certification shall be made only in the course of a *Bona Fide* Healthcare Provider-Patient Relationship and shall specify the Qualifying Patient's Debilitating Medical Condition. Electronic certifications, upon submission by a healthcare professional to the Commission, shall automatically generate a temporary registration.

Enclosed Area means an indoor or outdoor area equipped with locks or other security devices, which is accessible only to Qualifying Patients, MTC agents, Registered Qualifying Patients, or Caregivers.

Equity holder means a person or entity that holds or will hold any amount of equity in an MTC.

Executive means members of the board of directors, chief executive officer, executive director, president, and any other officer of an MTC or Independent Testing Laboratory.

Executive Office of Energy and Environmental Affairs (EOEEA) means the Massachusetts Executive Office of Energy and Environmental Affairs, unless otherwise specified.

Finished Marijuana means Usable Marijuana, Cannabis resin or Cannabis concentrate.

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

Food and Drug Administration (FDA) means the United States Food and Drug Administration.

Greenhouse means an Enclosed Area where Cannabis or Marijuana plants are cultivated that has been inspected by the Commission and determined to be a Greenhouse.

Hardship Cultivation Registration means a registration issued to a ~~registered-  
QualifyingRegistered Qualifying~~ Patient under the requirements of 935 CMR 501.027: *Hardship Cultivation Registration*.

Healthcare Clinician or Provider means a Certifying Physician, Certifying Certified Nurse Practitioner or Certifying Physician Assistant qualified under 935 CMR 501.000: *Medical Use of Marijuana*, to issue Written Certifications for the medical use of Marijuana.

Hemp means the plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of Marijuana or Marijuana Product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content. MDAR has jurisdiction over Hemp.

Holdup Alarm means a silent alarm signal generated by the manual activation of a device that signals a robbery in progress.

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 growth (e.g. germination, cloning/mother plants, Propagation, Vegetation, Flowering, and harvest).

Horticulture Lighting Square Footage (HLSF) means Canopy, ~~plus any additional areas(s) that will contain live plants at any point in time that will be exposed to horticultural lighting equipment.~~

Host Community means a municipality in which a Marijuana Establishment, MTC or Independent Testing Laboratory is located or in which an applicant has proposed locating an establishment.

Immediate Family Member means a spouse, parent, child, grandparent, grandchild, or sibling, including in-laws.

Independent Testing Laboratory means a laboratory that is licensed or registered by the Commission and is:

- (a) currently and validly licensed under 935 CMR 500.101: *Application Requirements*, or formerly and validly registered by the Commission;
- (b) accredited to ISO 17025:2017 or the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (c) independent financially from any MTC, Marijuana Establishment or Licensee; and

- (d) qualified to test Marijuana and Marijuana Products, including MIPs, in compliance with M.G.L. c. 94C, § 34; M.G.L. c. 94G, § 15; 935 CMR 500.000: *Adult Use of Marijuana*; 935 CMR 501.000: *Medical Use of Marijuana*, and Commission protocol(s).

Individual Order means a delineated amount of Marijuana, Marijuana Products or MIPs to be delivered by an MTC or third party authorized by the Commission to perform home delivery.

Institutional Caregiver means an employee of a hospice program, long-term care facility, or hospital providing care to a ~~registered~~ Qualifying Registered Qualifying Patient on the Premises of a long-term care facility, hospital or through a hospice program.

Known Allergen means milk, egg, fish, crustacean shellfish, tree nuts, wheat, peanuts, and soybeans, or such other allergen identified by the Commission.

Laboratory agent means an employee of an Independent Testing Laboratory who transports, possesses or tests medical-use Marijuana or MIPs in compliance with 935 CMR 501.000: *Medical Use of Marijuana*. For the purposes of testing for the medical-use program, a Laboratory agent may register under 935 CMR 501.000029: Registration of Independent Testing Laboratory Agents Medical Use of Marijuana or 935 CMR 500.000029: Registration and Conduct of Laboratory Agents Adult Use of Marijuana.

Law Enforcement Authorities means local law enforcement, including but not limited to the local police and fire departments within the municipality where the Licensee is sited, unless otherwise indicated.

License means the certificate issued by the Commission that confirms that an MTC or Independent Testing Laboratory has met all applicable requirements pursuant to St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94I, and 935 CMR 501.000: *Medical Use of Marijuana*. An MTC or Independent Testing Laboratory may hold a provisional or final License.

Licensee means a person or entity on the application and licensed by the Commission to operate an MTC or Independent Testing Laboratory under St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94I, and 935 CMR 501.000: *Medical Use of Marijuana*. 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 MTC or Independent Testing Laboratory, will not be a Licensee.

Life-limiting Illness means a Debilitating Medical Condition that does not respond to curative treatments, where reasonable estimates of prognosis suggest death may occur within two years.

Lighting Power Density (HLPD) means a measure of total watts of Horticultural Lighting Equipment per total Horticulture Lighting Square Footage, (HLE / HLSF = HLPD) expressed as number of watts per square foot.

Limitation on Sales means a limitation on the sales of Marijuana, Marijuana Products, or MIPs by a Licensee or Registrant arising from with the regulations and until substantial compliance by a Licensee or Registrant with a law, regulation, guidance or other requirement for licensure or registration.

Limited Access Area means an indoor or outdoor area on the Premises of an MTC where Cannabis or Marijuana, MIPs, or their byproducts are cultivated, stored, weighed, packaged, Processed, or disposed, under the control of an MTC, with access limited to only to those MTC Agents and Laboratory agents designated by the MTC.

Manufacture means to compound, blend, extract, infuse or otherwise make or prepare a Marijuana or Marijuana Products.

Marijuana Establishment means a Marijuana Cultivator (Indoor or Outdoor), Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Independent Testing Laboratory, Marijuana Retailer, Marijuana Transporter, Delivery-Only Retailer, Marijuana Research Facility, or any other type of licensed Marijuana-related business subject to the regulations in 935 CMR 500.000: *Adult Use of Marijuana*.

Marijuana Establishment Agent means a board member, director, employee, Executive, manager, or volunteer of a Marijuana Establishment, who is 21 years of age or older. Employee 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.

Marijuana-infused Product (MIP) means a product infused with Marijuana that is intended for use or consumption including, but not limited to, edible products, ointments, aerosols, oils, and Tinctures. ~~These products~~ A Marijuana-infused Product (MIP), when created or sold by an MTC, shall not be considered a food or a drug as defined in M.G.L. c. 94, § 1. MIPs are a type of Marijuana Product.

Massachusetts Resident means a person whose primary residence is in Massachusetts.

Medical Marijuana Treatment Center (MTC) formerly known as a Registered Marijuana Dispensary (RMD), means an entity licensed under 935 CMR 501.101: *Application Requirements for Medical Marijuana Treatment Centers*, that acquires, cultivates, possesses, Processes (including development of related products such as edible Marijuana or Marijuana Products, Tinctures, aerosols, oils, or ointments), 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. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Cannabis or Marijuana for medical use.

Medical-use Cannabis or Marijuana means Marijuana that is cultivated, Processed, Transferred, tested or sold in compliance with M.G.L. c. 94I and 935 CMR 501.000: *Medical Use of Marijuana*.

Medical-use Marijuana or Marijuana Products means Marijuana Products that are Manufactured, Transferred, tested or sold in compliance with M.G.L. c. 94I and 935 CMR 501.000: *Medical Use of Marijuana*.

Medical Registration Card means an identification card issued formerly and validly by the DPH or currently or validly by the Commission, by the Medical Use of Marijuana Program, to a Registered Qualifying Patient, Personal Caregiver, Institutional Caregiver, MTC or Laboratory agent. The Medical Registration Card facilitates verification of an individual Registrant's status, including, but not limited to, the identification by the Commission and Law Enforcement Authorities, of those individuals who are exempt from Massachusetts criminal and civil penalties under St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94I, and M.G.L. c. 94G.

Member means a member of a non-profit entity incorporated pursuant to M.G.L. c. 180.

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 (MTC).

MTC agent, formerly an RMD agent means a board member, director, employee, Executive, manager, or volunteer of an MTC, who is 21 years of age or older. Employee includes a consultant or contractor who provides on-site services to an MTC related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of Marijuana for medical purposes.

Mycotoxin means a secondary metabolite of a microfungus that is capable of causing death or illness in humans and other animals. For ~~the~~ purposes of this chapter,



Mycotoxin shall include aflatoxin B1, aflatoxin B2, aflatoxin G1, aflatoxin G2, and ochratoxin A.

~~Outdoor cultivation shall mean 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.~~

Order to Show Cause means an order issued by the Commission or its delegee on a determination that there are grounds to suspend or revoke a License or registration.

Other Jurisdictions shall mean the United States, another state, or foreign jurisdiction, or a military, territorial or Native American tribal authority.

Outdoor cultivation shall mean 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 or vegetative Mother Plants. plants.

Owner means any Equity Holder that possesses 10% equity or more ~~of equity~~ in a Marijuana Establishment, MTC or Independent Testing Laboratory.

Panic Alarm means an audible security alarm signal generated by the manual activation of a device that signals a life threatening or emergency situation and calls for a law enforcement response.

Paraphernalia means "drug paraphernalia" as defined in M.G.L. c. 94C, § 1.

Patient Registration Card means a Registration Card formerly and validly issued ~~by the Department~~ by DPH or a temporary or an annual Registration Card currently and validly issued by the Commission, to a ~~registered Qualifying~~ Registered Qualifying Patient. ~~Through Commission-supported databases, The Patient~~ the Registration Card facilitates verification of an individual Registrant's status including, but not limited to, identification by the Commission and law enforcement authorities, of those individuals who are exempt from Massachusetts criminal and civil penalties under M.G.L. c. 94I, and 935 CMR 501.000: *Medical Use of Marijuana* through Commission-supported databases. A Temporary Patient Registration issued to a Qualifying Patient shall be deemed a Registration Card.

Person means an individual or entity under the laws of the Commonwealth.

Persons or Entities Having Direct Control means any person or entity having direct control over the operations of an MTC, which 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 an MTC;
- A Person or Entity that possess a voting interest of 10% or greater in an 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 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 MTC.

Persons or Entities Having Direct or Indirect Control means any person or entity having direct or indirect control.

Personal Caregiver means a person, registered by the Commission, who is 21 years of age or older, who has agreed to assist with a Registered Qualifying Patient's medical use of Marijuana, and is not the Registered Qualifying Patient's Certifying Healthcare Provider. A visiting nurse, personal care attendant, or home health aide providing care to a Registered Qualifying Patient may serve as a Personal Caregiver, including to patients younger than 18 years old as a second caregiver.

Personal Caregiver Registration Card means a Registration Card formerly and validly issued by the DPH or a temporary or an annual Registration Card currently and validly issued by the Commission to a Personal Caregiver. The Registration Card allows access into Commission supported databases. The Registration Card facilitates verification of an individual Registrant's status including, but not limited to, identification by the Commission and law enforcement authorities, of those individuals who are exempt from Massachusetts criminal and civil penalties under M.G.L. c. 94I, and 935 CMR 501.000: *Medical Use of Marijuana*. A temporary registration issued to a Personal Caregiver shall be deemed a Registration Card.

Pesticide means a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; provided that Pesticide shall not include any article that is a "new animal drug" within the meaning of § 201(w) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 321(w)), or that has been determined by the Secretary of United States Department of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of § 201(x) of such act (21 U.S.C. § 321 (x)).

Premises means any indoor or outdoor location over which an MTC or Independent Testing Laboratory or its agents may lawfully exert substantial supervision or control over entry or access to the property or the conduct of persons.

Pre-Verification means the process of an MTC examining the identification presented by an individual consumer to confirm that the identification is valid and matches the individual presenting it and collecting the information required by these regulations prior to that consumer being able to receive deliveries of Marijuana or Marijuana Products to the Registered Qualifying Patient or Caregiver's Residence.

Process or Processing means to harvest, dry, cure, trim and separate parts of the Cannabis or Marijuana plant by manual or mechanical means, except it shall not include Manufacture as defined in 935 CMR 501.002: *Definitions*.

Production Area means a Limited Access Area within the MTC where Cannabis or Marijuana is handled or produced in preparation for sale.

Production Batch means a batch of finished plant material, Cannabis resin, Cannabis concentrate, 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.

Program Transfer means the transfer of the medical use of Marijuana program pursuant to St. 2017, c. 55, §§ 64 through 71, and 82, and M.G.L. c. 94I.

Propagation means the reproduction of Cannabis or Marijuana plants by seeds, cuttings, or grafting.

Protected Patient Records means any document, record or electronic or written communications related to their care provided by a medical use Marijuana Licensee or establishment or by a registered healthcare professional that are required to be confidential or protected from disclosure by law.

Provisional Medical Marijuana Treatment Center License means a License issued by the Commission confirming that an MTC has completed the application process and satisfied the qualifications for initial licensure.

Qualifying Patient means a Massachusetts resident 18 years of age or older who has been diagnosed by a Certifying Healthcare Provider as having a Debilitating Medical Condition, or a Massachusetts resident younger than 18 years old who has been diagnosed by two Massachusetts licensed Certifying Physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a Debilitating Medical Condition that is also a Life-limiting Illness, subject to 935 CMR 501.010(10).

Quarantine Order means an order to quarantine or otherwise restrict the sales or use of Marijuana, Marijuana Products, or MIPs by a Licensee or Registrant to protect the public health, safety, or welfare.

Registered Qualifying Patient means a Qualifying Patient who was formerly and validly registered by the DPH or is currently and validly registered by the Commission.

Registrant means the holder of a Registration Card formerly and validly registered with the DPH or currently and validly with the Commission. It also means an RMD holder of Certificate of Registration formally and validly registered with the DPH or the Commission. After the effective date of the promulgation of these regulations, new and renewal MTC Licenses, as applicable, may be issued.

Registration Card means an identification card formerly and validly issued by the DPH or currently and validly issued by the Commission, to a Registered Qualifying Patient, Personal Caregiver, Institutional Caregiver, MTC or Laboratory agent. The Registration Card allows access into Commission supported databases. The Registration Card facilitates verification of an individual Registrant's status, including, but not limited to the identification by the Commission and law enforcement authorities of those individuals who are exempt from Massachusetts criminal and civil penalties under St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94I, and 935 CMR 501.000: *Medical Use of Marijuana*.

Removal of Product means an order issued against an MTC to remove and prohibit sales of categories of products product types, specific product types or specific brands of products after notice and on a determination that the Marijuana or Marijuana Product poses a risk to the public health, safety or welfare, including, but not limited to, [where](#) the product is especially appealing to persons younger than 21 years of age.

Residence means a house, condominium or apartment, bed-and-breakfast establishment, hotel, motel or other commercial hospitality operations, and excludes, unless otherwise authorized by law dormitories, other on-campus college or university housing, ~~federally-subsidized housing, shelters, or residential programs;~~ and [federal public housing identified at https://resources.hud.gov/](https://resources.hud.gov/), ~~shelters, or residential programs.~~ ~~and federal public housing identified at https://resources.hud.gov/.~~

Residual Solvent means a volatile organic chemical used in the manufacture of a Cannabis or Marijuana Product ~~and~~ that is not completely removed by practical manufacturing techniques.

Seed-to-sale Electronic Tracking System means a system designated by the Commission as the system of record (Seed-to-sale SOR) or a secondary electronic tracking system

used by a Marijuana Establishment or an 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 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 or an MTC or Independent Testing Laboratory must integrate with the SOR in a form and manner determined by the Commission.

Seed-to-sale System of Record (Seed-to-sale SOR) means the electronic tracking system designated and required by the Commission to perform a process.

Shelf-stable means able to be safely stored at room temperature in a sealed container. Shelf-stable does not include "Time/Temperature Controlled for Safety Food" as it is defined in the 2013 Retail Food Code as adopted under 105 CMR 590.001(A).

Summary suspension means the suspension of any License or registration issued under 935 CMR 501.000: *Medical Use of Marijuana*, and the cessation of all operations in order to protect the public health, safety and welfare.

Temporary Patient Registration means an interim registration document for patients and their Personal Caregivers generated automatically upon the Commission's receipt of a Certifying Healthcare Provider's Electronic Certification. The temporary registration document shall constitute a Registration Card for patients and their Personal Caregivers to access an MTC. Temporary registration shall expire 14 days after the Commission issues the Registration Card or on the issuance and receipt of an annual Registration Card whichever occurs first.

Third-Party Technology Platform Provider means an individual or entity that provides or hosts an internet-based application or group of applications developed for the facilitation of ordering and delivering Marijuana or Marijuana Products through an MTC to a Registered Qualifying Patient or Caregiver.

Tincture means a Cannabis-infused alcohol or oils concentrate administered orally in small amounts using a dropper or measuring spoon.

Transfer means the sale of Marijuana or Marijuana Products from a Marijuana Establishment to a separate Marijuana Establishment, Independent Testing Laboratory or MTC (but not to Consumers) subject to entry of the transaction in the Commission's Seed-to-sale SOR.

United States (US) means the United States of America.

Usable Marijuana means the fresh or dried leaves and flowers of the female Marijuana plant and any mixture or preparation thereof, including Cannabis or MIPs, but does not include the seedlings, seeds, stalks, roots of the plant, or Marijuana rendered unusable in accordance with 935 CMR 501.105(12).

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.

Verified Financial Hardship means that an individual is a recipient of MassHealth, or Supplemental Security Income, or the individual's income does not exceed 300% of the federal poverty level, adjusted for family size.

Veteran means a person who served in the active military, naval or air service of the United States and who was discharged or released under conditions other than dishonorable.

Visitor means an individual, other than an MTC or Laboratory agent, authorized by the MTC or Independent Testing Laboratory to be on the Premises of an MTC for a purpose related to its operations and consistent with the objectives of M.G.L. c. 94I, and 935 CMR 501.000: *Medical Use of Marijuana*.

Visitor Identification Badge means a badge issued by an MTC or Independent Testing Laboratory or the Commission to be used at all times while on the Premises of a Marijuana Establishment or an MTC or Independent Testing Laboratory. These identification badges must be issued in a form and manner determined by the Commission.

Written Certification means a form submitted to the Department of Public Health or the Commission by a Massachusetts licensed Certifying Healthcare Provider describing the Qualifying Patient’s pertinent symptoms, specifying the patient’s Debilitating Medical Condition, and stating that in the physician’s professional opinion the potential benefits of the medical use of Marijuana would likely outweigh the health risks for the patient.

14-day Supply means that amount of Marijuana, or equivalent amount of Marijuana in MIPs, that a ~~registered-Qualifying~~ **Registered Qualifying** Patient would reasonably be expected to need over a period of 14 calendar days for his or her personal medical use, which is 2.5 ounces, subject to 935 CMR 501.010(9), unless otherwise determined by a Certifying Healthcare Provider.

60-day Supply means that amount of Marijuana, or equivalent amount of Marijuana in MIPs, that a ~~registered-Qualifying~~ **Registered Qualifying** Patient would reasonably be expected to need over a period of 60 calendar days for his or her personal medical use, which is ten ounces, subject to 935 CMR 501.010(9), unless otherwise determined by a Certifying Healthcare Provider.

501.005: Fees

- (1) Each Qualifying Patient is subject to the following nonrefundable fees. If the fee poses a Verified Financial Hardship, the Qualifying Patient may request a waiver of the fee in a form and manner determined by the Commission.

**Patients:**

Medical-use ID Card Replacement	\$10
Medical-use Hardship Cultivation	\$100

- (2) Each of the individuals and entities identified below is subject to the following nonrefundable fees.

**Medical Marijuana Treatment Center (MTC):**

MTC Agent Registration, Annual	\$500
MTC Application Fee	\$3,500
MTC Initial and Annual License Fee	\$50,000

**Caregiving and Caregiving Institutions:**

Registration of Caregiving Institutions	None
Registration of Institutional Caregivers	None

- (3) Other fees (cost per License)

Change in Name Fee	\$1,000
Change in Location Fee	\$10,000
Change in Building Structure Fee	\$1,000
Change in Ownership or Control Fee (involving at least one entity gaining ownership/control)	\$5000 per entity, per License
\$500 per person	
Change in Ownership or Control Fee (involving individuals, e.g., change of Board Member)	\$500 per person
Architectural Review Request Fee	\$1,500

- (4) These fees do not include the costs associated with the Seed-to-sale SOR, which includes a monthly program fee and fees for plant and package tags. These fees do not include the costs associated with criminal background checks as required under 935 CMR 501.000: *Medical Use of Marijuana*. These fees do not include the costs associated with packaging and label approval.
- (5) All persons required to complete a background check pursuant to 935 CMR 501.101(1)(b) shall be responsible for reimbursement and/or payment of fees relating to criminal and background investigations as necessary for the purpose of evaluating Licensees, agents and applicants for licensure in accordance with 935 CMR 501.101(1)(b).

501.006: Registration of Certifying Physicians

- (1) A physician who wishes to issue a Written Certification for a Qualifying Patient shall have at least one established place of practice in Massachusetts and shall hold:
  - (a) An active full license, with no prescribing restriction, to practice medicine in Massachusetts; and
  - (b) A Massachusetts Controlled Substances Registration from the DPH.
- (2) To register as a Certifying Physician, a physician shall submit, in a form and manner determined by the Commission, the physician's:
  - (a) Full name and business address;
  - (b) License number issued by the Massachusetts Board of Registration in Medicine;
  - (c) Massachusetts Controlled Substances Registration number; and
  - (d) Any other information required by the Commission.
- (3) Once registered by the DPH or Commission, a Certifying Physician will retain indefinitely a registration to certify a Debilitating Medical Condition for a Qualifying Patient unless:
  - (a) The physician's license to practice medicine in Massachusetts is suspended, revoked, or restricted with regard to prescribing, or the physician has voluntarily agreed not to practice medicine in Massachusetts;
  - (b) The physician's Massachusetts Controlled Substances Registration is suspended or revoked;
  - (c) The physician has fraudulently issued a Written Certification of a Debilitating Medical Condition;
  - (d) The physician has certified a Qualifying Patient for a Debilitating Medical Condition without appropriate completion of continuing professional development credits pursuant to 935 CMR 501.010(1); or
  - (e) The physician surrenders his or her registration.
- (4) After registering, a Certifying Physician is responsible for notifying the Commission, in a form and manner determined by the Commission, within five business days after any changes to the physician's information.

501.007: Registration of Certifying Certified Nurse Practitioners

- (1) A Certifying CNP who wishes to issue a Written Certification for a Qualifying Patient shall have at least one established place of practice in Massachusetts and shall hold:
  - (a) An active full license, with no prescribing restriction, to practice nursing in Massachusetts;
  - (b) A board authorization by the Massachusetts Board of Registration in Nursing to practice as a CNP; and
  - (c) A Massachusetts Controlled Substances Registration from the DPH.
- (2) To register as a Certifying CNP, a CNP shall submit, in a form and manner determined by the Commission, the Certifying CNP's:
  - (a) Full name and business address;
  - (b) License number issued by the Massachusetts Board of Registration in Nursing;
  - (c) Board Authorization by the Massachusetts Board of Registration in Nursing;
  - (d) Massachusetts Controlled Substances Registration number;
  - (e) An attestation by the supervising physician for the CNP that the CNP is certifying patients for medical use of Marijuana pursuant to the mutually agreed upon guidelines between the CNP and physician supervising the CNP's prescriptive practice; and
  - (f) Any other information required by the Commission.
- (3) Once registered by the DPH or Commission, a Certifying CNP will retain indefinitely a registration to certify a Debilitating Medical Condition for a Qualifying Patient unless:
  - (a) The CNP's license to practice nursing in Massachusetts is suspended, revoked, or restricted with regard to prescribing, or the CNP has voluntarily agreed not to practice nursing in Massachusetts;
  - (b) The CNP's Board Authorization to practice as an advanced practice nurse in Massachusetts is suspended, revoked or restricted with regard to prescribing;
  - (c) The CNP's Massachusetts Controlled Substances Registration is suspended or revoked;
  - (d) The CNP has fraudulently issued a Written Certification of a Debilitating Medical Condition;
  - (e) The CNP has certified a Qualifying Patient for a Debilitating Medical Condition without appropriate completion of continuing professional development credits pursuant to 935 CMR 501.010(1); or
  - (f) The CNP surrenders his or her registration.
- (4) After registering, a Certifying CNP is responsible for notifying the Commission, in a form and manner determined by the Commission, within five business days after any changes to the CNP's information including, but not limited to, changes to his or her supervising physician.

501.008: Registration of Certifying Physician Assistants

- (1) A Certifying Physician Assistant who wishes to issue a Written Certification for a Qualifying Patient shall have at least one established place of practice in Massachusetts and shall hold:
  - (a) An active full license, with no prescribing restriction, to practice as a physician assistant in Massachusetts;
  - (b) A board authorization by the Massachusetts Board of Registration of Physician Assistants to practice as a physician assistant; and
  - (c) A Massachusetts Controlled Substances Registration from the DPH.
- (2) To register as a Certifying Physician Assistant, a physician assistant shall submit, in a form and manner determined by the Commission, the Certifying Physician Assistant's:
  - (a) Full name and business address;
  - (b) License number issued by the Massachusetts Board of Registration of Physician Assistants;

- (c) Board Authorization by the Massachusetts Board of Registration of Physician Assistants;
  - (d) Massachusetts Controlled Substances Registration number;
  - (e) An attestation by the supervising physician for the physician assistant that the physician assistant is certifying patients for medical use of Marijuana pursuant to the mutually agreed upon guidelines between the physician assistant and physician supervising the physician assistant's prescriptive practice; and
  - (d) Any other information required by the Commission.
- (3) Once registered by the Commission, a Certifying Physician Assistant will retain indefinitely a registration to certify a Debilitating Medical Condition for a Qualifying Patient unless:
- (a) The physician assistant's license to practice as a physician assistant in Massachusetts is suspended, revoked, or restricted with regard to prescribing, or the physician assistant has voluntarily agreed not to practice medicine in Massachusetts;
  - (b) The physician assistant's Board Authorization to practice as a physician assistant in Massachusetts is suspended, revoked or restricted with regard to prescribing;
  - (c) The physician assistant's Massachusetts Controlled Substances Registration is suspended or revoked;
  - (d) The physician assistant has fraudulently issued a Written Certification of a Debilitating Medical Condition;
  - (e) The physician assistant has certified a Qualifying Patient for a Debilitating Medical Condition on or after the effective date of the transfer of the program, without appropriate completion of continuing professional development credits pursuant to 935 CMR 501.010(1); or
  - (f) The physician assistant surrenders his or her registration.
- (4) After registering, a Certifying Physician Assistant is responsible for notifying the Commission, in a form and manner determined by the Commission, within five business days after any changes to the physician assistant's information including, but not limited to, changes to the Certifying Physician Assistant's license to practice or to his or her supervising physician.

501.010: Written Certification of a Debilitating Medical Condition for a Qualifying Patient

- (1) A Certifying Healthcare Provider shall complete a program that explains the proper use of Marijuana, including side effects, dosage, and contraindications, including with psychotropic drugs, as well as on substance abuse recognition, diagnosis, and treatment related to Marijuana, which includes, but is not limited to the following:
- a. A Certifying Physician issuing a Written Certification must have completed a minimum of 2.0 Category 1 continuing professional development credits as defined in 243 CMR 2.06(6)(a)1.
  - b. A Certifying CNP issuing a Written Certification must have completed a minimum of one program meeting the requirements of 244 CMR 5.00: *Continuing Education* and 244 CMR 6.00: *Approval of Nursing Education Programs and the General Conduct Thereof*.
  - c. A Certifying Physician Assistant issuing a Written Certification must have completed a minimum of one program meeting the requirements of 263 CMR 3.05(3).
- (2) A Certifying Healthcare Provider shall issue a Written Certification that complies with generally accepted standards of medical practice, including, but not limited to the following:
- a. A Certifying Physician issuing a Written Certification shall comply with generally accepted standards of medical practice, including regulations of the Board of Registration in Medicine at 243 CMR 1.00: *Disciplinary Proceedings for Physicians* through 3.00: *The Establishment of and Participation in Qualified Patient Care Assessment Programs, Pursuant to M.G.L. c. 112, § 5, and M.G.L. c. 111, § 203*.
  - b. A Certifying CNP issuing a Written Certification shall comply with generally accepted standards of nursing practice, including the regulations of the Board



of Registration in Nursing at 244 CMR 9.00: *Standards of Conduct for Nurses*.

- c. A Certifying Physician Assistant issuing a Written Certification shall comply with generally accepted standards of practice for physician assistants, including regulations of the Board of Registration of Physician Assistants at 263 CMR 5.09: *Standards of Conduct for Physician Assistants*.
- (3) A Certifying Healthcare Provider may not delegate to any other healthcare professional or any other person, authority to diagnose a patient as having a Debilitating Medical Condition.
  - (4) A Certifying Healthcare Provider may issue a Written Certification only for a Qualifying Patient with whom the healthcare provider has a *Bona Fide* Healthcare Provider-Patient Relationship.
  - (5) Before issuing a Written Certification, a Certifying Healthcare Provider must utilize the Massachusetts Prescription Monitoring Program, unless otherwise specified by the Commission, to review the Qualifying Patient's prescription history.
  - (6) A patient who has had a diagnosis of a Debilitating Medical Condition in the past but does not have an active condition, unless the symptoms related to such condition are mitigated by Marijuana for medical use, and is not undergoing treatment for such condition, is not suffering from a Debilitating Medical Condition for which the medical use of Marijuana is authorized.
  - (7) An initial Written Certification submitted before a clinical visit is prohibited. A renewal Written Certification may be submitted after a clinical visit or a telephonic consultation, however a clinical visit must occur no less than once per year.
  - (8) A certification must indicate the time period for which the certification is valid, and shall not be less than 15 calendar days or longer than one year.
  - (9) A Certifying Healthcare Provider may determine and certify that a Qualifying Patient requires an amount of Marijuana other than 2.5 ounces as a 14-day Supply or ten ounces as a 60-day Supply and shall document the amount and the rationale in the medical record and in the Written Certification. For that Qualifying Patient, that amount of Marijuana constitutes a 14-day Supply or 60-day Supply.
  - (10) A Qualifying Patient who is younger than 18 years old and has been diagnosed by two Massachusetts licensed Certifying Physicians, at least one of whom is a board-certified pediatrician or a board-certified pediatric subspecialist, with a debilitating Life-limiting Illness, may receive a Written Certification, provided however that the physicians may certify a Qualifying Patient who is younger than 18 years old who has a Debilitating Medical Condition that is not a Life-limiting Illness if those physicians determine that the benefits of the medical use of Marijuana outweigh the risks. This must include a discussion of the potential negative impacts on neurological development with the parent or legal guardian of the Qualifying Patient, written consent of the parent or legal guardian, and documentation of the rationale in the medical record and the Written Certification.
  - (11) A Certifying Healthcare Provider, and such healthcare provider's co-worker, employee, or immediate family member, shall not:
    - (a) Have ever directly or indirectly accepted or solicited from, or offered to an MTC, a board member or Executive of an MTC, any MTC personnel, or any other individual associated with an MTC, or a Personal Caregiver, anything of value;
    - (b) Offer a discount or any other thing of value to a Qualifying Patient based on the patient's agreement or decision to use a particular Personal Caregiver or MTC;
    - (c) Examine or counsel a patient, or issue a Written Certification, at an MTC;
    - (d) Be a Person or Entity Having Direct or Indirect Control for an MTC; or
    - (e) Directly or indirectly benefit from a patient obtaining a Written Certification, which shall not prohibit the healthcare provider from charging an appropriate fee

for the clinical visit.

- (12) A Certifying Healthcare Provider shall not issue a Written Certification for himself or herself or for his or her immediate family members.
- (13) A Certifying Healthcare Provider issuing a Written Certification for their employees or co-workers shall do so in accordance with 935 CMR 501.010: *Written Certification of a Debilitating Medical Condition for a Qualifying Patient*, including conducting a clinical visit, completing and documenting a full assessment of the patient's medical history and current medical condition, explaining the potential benefits and risks of Marijuana use, and maintaining a role in the ongoing care and treatment of the patient.
- (14) The Commission will accept Written Certifications validly issued prior to the Program Transfer for a year after the transfer. Thereafter, a Written Certification shall be issued in a form and manner determined by the Commission.

501.015: Temporary and Annual Registration of Qualifying Patients

- (1) A Qualifying Patient must apply for a temporary or annual registration according to the procedures set out in 935 CMR 501.015: *Temporary and Annual Registration of Qualifying Patients*, unless otherwise provided by the Commission.
- (2) To obtain a temporary or an annual Registration Card, a Qualifying Patient must first obtain electronic or Written Certification(s) from the Qualifying Patient's Certifying Healthcare Provider(s).
- (3) Temporary Registration Card: A patient's Certifying Healthcare Provider(s) shall provide a Qualifying Patient who has not been issued a temporary Patient Registration Card in the 365-day period preceding the date of certification, a temporary registration in a form and a manner determined by the Commission, which will include, but not be limited to, the following:
  - (a) To generate a temporary Registration Card, a Certifying Healthcare Provider shall obtain from a Qualifying Patient, and electronically submit the information required by the Commission as part of the temporary electronic certification process;
  - (b) At a minimum, a Certifying Healthcare Provider shall submit the information required in 935 CMR 501.015(5)(a) through (d) and (f);
  - (c) On submission of the requisite information, the provider shall print a packet of information for the patient, which includes a temporary Patient Registration Card, a caregiver authorization form and instructions;
  - (d) The temporary Registration Card shall constitute a Registration Card for patients for the purposes of accessing MTCs and purchasing medical-use Marijuana and MIPs;
  - (e) A temporary Registration Card shall expire either 14 days after the issuance of the temporary Registration Card or on the issuance and receipt of an annual Registration Card, whichever occurs first;
  - (f) A patient is limited to one 14-day temporary registration during any 365-day period, unless otherwise approved by the Commission;
  - (g) No more than 2.5 ounces of Marijuana may be dispensed by an MTC to a Qualifying Patient with a 14-day temporary registration except a Certifying Healthcare Provider may determine and certify that a Qualifying Patient requires an amount of Marijuana other than 2.5 ounces as a 14-day Supply and shall document the amount and the rationale in the medical record and in the Written Certification;
  - (h) It is the obligation of the MTC to track and dispense only the amount allowed for a 14-day Supply; and
  - (i) To obtain an annual Registration Card after receiving a temporary Registration Card, a Qualifying Patient must comply with 935 CMR 501.015(5) and complete the electronic registration process for review by the Commission.
- (4) To access MTCs and obtain medical-use Marijuana and MIPs, the patient must present their temporary Registration Card in addition to a government-issued

identification. MTCs are responsible for ensuring that patients present proper documentation and verifying that the temporary Registration Card is valid, before the patient accesses the MTC and purchases Marijuana, Marijuana Products, or MIPs.

- (5) Annual Patient Registration Card: To obtain an annual Registration Card, a Qualifying Patient shall submit or verify, in a form and manner determined by the Commission, the following information:
- (a) The Qualifying Patient's full name, date of birth, address, telephone number, and email address if any, and a statement indicating his or her age and that his or her primary residence is in Massachusetts:
    1. If the Qualifying Patient is younger than 18 years old, an attestation from a parent or legal guardian granting permission for the child to register with the Commission; and
    2. If the Qualifying Patient is younger than 18 years old, that Qualifying Patient must have a designated Personal Caregiver, who shall be his or her parent or legal guardian.
  - (b) Electronic or Written Certification(s) for the Qualifying Patient from the Qualifying Patient's Certifying Healthcare Provider(s);
  - (c) Full name, address, and telephone number of the Qualifying Patient's Certifying Healthcare Provider(s);
  - (d) Full name, date of birth, and address of the Qualifying Patient's Personal Caregiver(s), if any;
  - (e) A statement of whether the Qualifying Patient will be applying for a Hardship Cultivation Registration;
  - (f) A copy of the Qualifying Patient's Massachusetts driver's license, government issued identification card, or other verifiable identity document acceptable to the Commission, except in the case of a Qualifying Patient younger than 18 years old who does not have to comply with such requirement;
  - (h) Written acknowledgement of the limitations on his or her authorization to cultivate, possess, and use Marijuana for medical purposes in the Commonwealth;
  - (i) An attestation that the ~~registered Qualifying~~ Registered Qualifying Patient shall not engage in the diversion of Marijuana and that the patient understands that protections conferred by M.G.L. c. 94I, for possession of Marijuana for medical use are applicable only within Massachusetts; and
  - (j) Any other information required by the Commission.
- (6) After obtaining a Registration Card, a Qualifying Patient is responsible for notifying the Commission, in a form and manner determined by the Commission, within five business days after any change to the information that he or she was previously required to submit to the Commission, or after he or she discovers that his or her Registration Card has been lost or stolen.
- (7) A ~~registered Qualifying~~ Registered Qualifying Patient must carry his or her Registration Card at all times while in possession of medical use Marijuana or MIPs.

#### 501.020: Temporary and Annual Registration of Personal Caregivers

- (1) A Personal Caregiver must apply for a temporary or annual Registration Card according to the procedures set out in 935 CMR 501.020: *Temporary and Annual Registration of Personal Caregivers*, unless otherwise provided by the Commission. An individual must be granted a temporary or an annual Registration Card prior to serving as a Personal Caregiver for any ~~registered Qualifying~~ Registered Qualifying Patient.
- (2) Temporary Caregiver Registration Authorization
  - (a) A temporary caregiver authorization will allow the Caregiver, during the interim period during which the patient has an effective and valid temporary Patient Registration Card, to serve as a caregiver to a Qualifying Patient and

access MTCs and obtain medical-use Marijuana, Marijuana Products and MIPs on behalf of a patient before the patient and Caregiver are issued annual Registration Cards by the Commission.

- (b) During the time a Qualifying Patient has a temporary Patient Registration Card pursuant to 935 CMR 501.015(3), the patient may authorize a Personal Caregiver, who is over 21 years old, as their temporary caregiver. To authorize an individual as a temporary caregiver, the patient must complete the temporary caregiver authorization form, generated by the patient's healthcare provider or printed from the electronic patient portal by the patient, sign the form, and provide the authorization form to the designated caregiver.
  - (c) To access MTCs and obtain medical-use Marijuana, Marijuana Products and MIPs on behalf of a patient, the Caregiver must present the patient's temporary Registration Card, a completed and signed temporary caregiver authorization form, and a government-issued identification document.
  - (d) MTCs are responsible for ensuring that Caregivers present proper documentation and verifying that the temporary Registration Card is valid, before the Caregiver accesses the MTC and purchases Marijuana, Marijuana Products or MIPs.
  - (e) It is the obligation of the MTC to track and dispense only the amount allowed for a 14-day Supply.
  - (f) To obtain an annual Registration Card after receiving a temporary Registration Card, a caregiver must comply with 935 CMR 501.020(3) and complete the electronic registration process for review by the Commission.
- (3) **Annual Caregiver Registration Card:** To obtain an annual Registration Card for a Personal Caregiver, a ~~registered Qualifying~~ Registered Qualifying Patient shall submit, in a form and manner determined by the Commission, the following:
- (a) The Personal Caregiver's full name, date of birth, address, telephone number, and email address if any, and a statement that the individual is 21 years of age or older;
  - (b) Full name, date of birth, and address of the ~~registered Qualifying~~ Registered Qualifying Patient for whom the Personal Caregiver will be providing assistance with the use of Marijuana for medical purposes;
  - (c) A copy of the Personal Caregiver's driver's license, government-issued identification card, or other verifiable identity document acceptable to the Commission;
  - (d) A statement of whether the Caregiver will be cultivating Marijuana for the patient, and at what address, if the patient is granted a Hardship Cultivation Registration;
  - (e) Written acknowledgment by the Personal Caregiver of the limitations on his or her authorization to cultivate, possess, and dispense to his or her ~~registered Qualifying~~ Registered Qualifying Patient, Marijuana for medical purposes in the Commonwealth;
  - (f) An attestation by the Personal Caregiver that he or she shall not engage in the diversion of Marijuana and that he or she understands that protections conferred by M.G.L. c. 94I, for possession of Marijuana for medical use are applicable only within Massachusetts; and
  - (g) Any other information required by the Commission.
- (4) An annual Registration Card will be valid for one year from the date of issue of the temporary Registration Card unless otherwise specified by the Commission, and may be renewed, in a form and manner determined by the Commission, which includes, but is not limited to, meeting the requirements in 935 CMR 501.020(3). The Commission will accept Registration Cards validly issued prior to the Program Transfer. This Registration Card will remain valid until its one-year anniversary date or until a new Registration Card is issued by the Commission, whichever occurs first.

On the issuance of a new Registration Card, the holder of the Registration Card shall destroy any previously issued Registration Card(s) in a responsible manner that would prevent it from being used as an identification or Registration Card.

- (5) Except in the case of a visiting nurse, home health aide, personal care attendant, or immediate family member of more than one ~~registered-Qualifying~~Registered Qualifying Patient, an individual may not serve as a Personal Caregiver for more than one ~~registered-Qualifying~~Registered Qualifying Patient at one time.
- (6) A ~~registered-Qualifying~~Registered Qualifying Patient may designate up to two Personal Caregivers. If the ~~registered-Qualifying~~Registered Qualifying Patient has been granted a Hardship Cultivation Registration, the Personal Caregiver(s) may cultivate Marijuana on behalf of the ~~registered-Qualifying~~Registered Qualifying Patient at only one location. Cultivation pursuant to a Hardship Cultivation Registration by a Personal Caregiver constitutes consent for such inspection of the cultivation site.
- (7) A ~~registered-Qualifying~~Registered Qualifying Patient may add a second caregiver or change Personal Caregiver(s) by providing notification in a form and manner determined by the Commission, and providing the information required in 935 CMR 501.020(3) for registration of Personal Caregivers.
- (8) After obtaining a Registration Card, the Personal Caregiver is responsible for notifying the Commission, in a form and manner determined by the Commission, within five business days after any change to the information that his or her ~~registered-Qualifying~~Registered Qualifying Patient was previously required to submit to the Commission, or after the Personal Caregiver discovers that their Registration Card has been lost or stolen.
- (9) A Personal Caregiver must carry his or her temporary or annual Registration Card at all times while in possession of Marijuana.

#### 501.021: Registration of Caregiving Institutions

- (1) Prior to facilitating the medical use of Marijuana to a Registered Qualifying Patient, a hospice program, long-term care facility, or hospital shall obtain a Certificate of Registration as a Caregiving Institution. To obtain a Certificate of Registration as a Caregiving Institution, the institution shall submit, in a form and manner determined by the Commission, the following:
  - (a) The name, address and telephone number of the institution, as well as the telephone number and email address for the primary contact for that Caregiving Institution;
  - (b) A copy of the Caregiving Institution's current facility licensure or certification from the Commonwealth of Massachusetts;
  - (c) Written acknowledgement by the authorized signatory of the Caregiving Institution of the limitations on the institution's authorization to cultivate, possess, and dispense to ~~registered-Qualifying~~Registered Qualifying Patients, Marijuana for medical purposes in the Commonwealth;
  - (d) A nonrefundable registration fee, as required by the Commission;
  - (e) An attestation by the authorized signatory of the Caregiving Institution that employees of the Caregiving Institution shall not engage in the diversion of Marijuana and that he or she understands that protections conferred by M.G.L. c. 94I, for possession of Marijuana for medical use are applicable only within Massachusetts; and
  - (f) Any other information required by the Commission.
- (2) A Caregiving Institution must be granted a Certificate of Registration by the Commission prior to serving as a Caregiving Institution for any Registered Qualifying Patient. The Commission will accept certificates of registration validly issued prior to the Program Transfer. This certificate will remain valid until a new

certificate is issued by the Commission. On the issuance of a new certificate, the holder of the certificate shall destroy any previously issued certificate in a responsible manner that would prevent it from being used as a certificate.

- (3) An employee of the Caregiving Institution may serve as a Caregiver for more than one Registered Qualifying Patient at one time.
- (4) An employee of the Caregiving Institution may not cultivate Marijuana for a Registered Qualifying Patient under the care of the Caregiving Institution.
- (5) A Caregiving Institution must maintain records on all Marijuana received by the institution on behalf of a Registered Qualifying Patient and the administration of such Marijuana to the Registered Qualifying Patient, and such records should be produced to the Commission upon request as permitted by law.
- (6) A Certificate of Registration for a Caregiving Institution will remain valid unless and until the Caregiving Institution's current facility licensure or certification from the Commonwealth of Massachusetts is no longer active, or is suspended, revoked, or restricted.

501.022: Registration of Institutional Caregivers

- (1) A Caregiving Institution shall apply for an Institutional Caregiver registration for all employees that will be facilitating a Registered Qualifying Patient's use of Marijuana for medical purposes. All such individuals must be 21 years of age or older.
- (2) A Caregiving Institution seeking registration of an Institutional Caregiver shall file an application, in a form and manner determined by the Commission, which shall include:
  - (a) The full name, date of birth, and address of the individual;
  - (b) Written acknowledgment by the individual of the limitations on his or her authorization to possess, transport, and facilitate the use of Marijuana for medical purposes in the Commonwealth;
  - (c) Written acknowledgment by the individual of the prohibition against cultivation in his or her role as an Institutional Caregiver;
  - (d) A copy of the Institutional Caregiver's driver's license, government-issued identification card, or other verifiable identity document acceptable to the Commission;
  - (e) An attestation that the individual shall not engage in the diversion of Marijuana;
  - (f) A nonrefundable application fee, as required by the Commission; and
  - (g) Any other information required by the Commission.
- (3) A Caregiving Institution must notify the Commission no more than one business day after an Institutional Caregiver ceases to be associated with the Caregiving Institution. The Institutional Caregiver's registration shall be immediately void when he or she is no longer associated with the Caregiving Institution.
- (4) A Registration Card for an Institutional Caregiver will be valid for one year from the date of issue, and may be renewed, in a form and manner determined by the Commission, on an annual basis by meeting the requirements in 935 CMR 501.022(1) and (2). The Commission will accept Registration Cards validly issued prior to the Program Transfer. This Registration Card will remain valid until its one-year anniversary date or until a new Registration Card is issued by the Commission, whichever occurs first. On the issuance of a new Registration Card, the holder of the Registration Card shall destroy any previously issued Registration Card(s) in a responsible manner that would prevent it from being used as a registration or identification card.
- (5) An Institutional Caregiver must apply for registration according to the procedures set out in 935 CMR 501.022: *Registration of Institutional Caregivers*, unless otherwise provided by the Commission.

- (6) After obtaining a Registration Card for an Institutional Caregiver, a Caregiving Institution is responsible for notifying the Commission, in a form and manner determined by the Commission, as soon as possible, but in any event, within five business days after any changes to the information that the Caregiving Institution was previously required to submit to the Commission, or after discovery that a Registration Card has been lost or stolen.
- (7) An Institutional Caregiver must carry his or her Registration Card at all times while in possession of Marijuana.
- (8) An Institutional Caregiver affiliated with multiple Caregiving Institutions must be registered as an Institutional Caregiver by each Caregiving Institution.

501.025: Responsibilities of Caregivers

(1) Personal Caregivers

(a) A Personal Caregiver may:

1. Transport a Registered Qualifying Patient to and from an MTC;
2. Obtain and transport Marijuana from an MTC on behalf of a Registered Qualifying Patient;
3. Cultivate Marijuana on behalf of a ~~registered Qualifying~~ Registered Qualifying Patient who has obtained a Hardship Cultivation Registration, unless the Personal Caregiver is a visiting nurse, personal care attendant, or home health aide serving as a Personal Caregiver;
4. Prepare Marijuana for consumption by a Registered Qualifying Patient; and
5. Administer Marijuana to a Registered Qualifying Patient.

(b) A Personal Caregiver may not:

1. Consume, by any means, Marijuana that has been dispensed to or cultivated on behalf of a Registered Qualifying Patient;
2. Sell or otherwise divert Marijuana that has been dispensed to or cultivated on behalf of a Registered Qualifying Patient;
3. Unless otherwise authorized by law, cultivate Marijuana for the Personal Caregiver's own use, unless the Personal Caregiver is also a Registered Qualifying Patient who has obtained a Hardship Cultivation Registration;
4. Unless otherwise authorized by law, cultivate Marijuana for purposes of selling or providing Marijuana to anyone other than the Registered Qualifying Patient;
5. Allow a Registered Qualifying Patient who is younger than 18 years old to possess Marijuana at any time when not in the presence of the Personal Caregiver;
6. Cultivate Marijuana for Registered Qualifying Patient if the Personal Caregiver is a visiting nurse, personal care attendant, or home health aide serving as a Personal Caregiver; or
7. Receive payment or other compensation for services rendered as a Personal Caregiver other than reimbursement for reasonable expenses incurred in the provision of services as a Caregiver, provided however that a caregiver's time is not considered a reasonable expense. In the case of a visiting nurse, personal care attendant, or home health aide serving as a Personal Caregiver, such individual may not receive payment or compensation above and beyond their regular wages.

- (c) A Personal Caregiver must notify the Commission within five calendar days upon the death of a Personal Caregiver's Registered Qualifying Patient.

(2) Institutional Caregivers

(a) An Institutional Caregiver may:

1. Receive Marijuana delivered to the Caregiving Institution for a Registered Qualifying Patient;
2. Prepare Marijuana for consumption by a Registered Qualifying Patient;

and

3. Administer Marijuana to a Registered Qualifying Patient or facilitate consumption of Marijuana for medical use by the Qualifying Patient.

(b) An Institutional Caregiver may not:

1. Consume, by any means, Marijuana that has been dispensed to or cultivated on behalf of a Registered Qualifying Patient;
2. Sell, provide, or otherwise divert Marijuana that has been dispensed to or cultivated on behalf of a Registered Qualifying Patient;
3. Cultivate Marijuana for a Registered Qualifying Patient;
4. Allow a Registered Qualifying Patient who is younger than 18 years old to possess Marijuana at any time when not in the presence of a Caregiver; or
5. Receive payment or compensation above and beyond his or her regular wages.

(c) An Institutional Caregiver must notify their employing Caregiving Institution of any changes in his or her registration information within 24 hours of the change.

501.027: Hardship Cultivation Registration

(1) A Qualifying Patient registered with the Commission pursuant to 935 CMR 501.015: *Temporary and Annual Registration of Qualifying Patients* may apply for a Hardship Cultivation Registration if such patient can demonstrate that his or her access to an MTC is limited by:

- (a) Verified financial hardship;
- (b) Physical incapacity to access reasonable transportation, as demonstrated by an inability to use public transportation or drive oneself, lack of a Personal Caregiver with a reliable source of transportation, and lack of an MTC that will deliver Marijuana to the patient's or Personal Caregiver's primary address; or
- (c) Lack of an MTC within a reasonable distance of the patient's primary residence and lack of an MTC that will deliver Marijuana to the patient's or Personal Caregiver's primary address.

(2) To obtain a Hardship Cultivation Registration, a Registered Qualifying Patient shall, in a form and manner determined by the Commission, submit the following:

- (a) A nonrefundable registration fee, unless waived pursuant to 935 CMR 501.015(1)(g);
- (b) Information supporting a claim that access is limited due to one or more of the circumstances listed in 935 CMR 501.027(1);
- (c) An explanation including lack of feasible alternatives to mitigate the limitation claimed under 935 CMR 501.027(1);
- (d) A description and address of the single location that shall be used for the cultivation of Marijuana, which shall be either the Registered Qualifying Patient's or one Personal Caregiver's primary residence;
- (e) A written explanation of how the Registered Qualifying Patient will cultivate Marijuana in accordance with the requirements of 935 CMR 501.027: *Hardship Cultivation Registration*;
- (f) A description of the device or system that will be used to ensure security and prevent diversion of the Marijuana plants being cultivated;
- (g) Written acknowledgment of the limitations on their authorization to cultivate, possess, and use Marijuana for medical purposes in the Commonwealth; and
- (h) Any other information required by the Commission.

(3) The Commission shall review and approve or deny an application for a Hardship Cultivation Registration within 30 calendar days of receipt of a completed application.



- (4) A Registered Qualifying Patient with a Hardship Cultivation Registration, or their Personal Caregiver(s), may cultivate only at the location specified in the application approved by the Commission.
- (5) At any given location, cultivation may occur pursuant to only one Hardship Cultivation Registration, absent proof that more than one Registered Qualifying Patient resides at the location.
- (6) A Hardship Cultivation Registration will be valid for one year from the date of issue. The Commission will accept certificates of registration validly issued prior to the Program Transfer. A certificate will remain valid until a new certificate is issued by the Commission. On the issuance of a new certificate, the holder of the certificate shall destroy any previously issued certificate in a responsible manner that would prevent it from being used as a certificate.
- (7) A Hardship Cultivation Registration may be renewed, in a form and manner determined by the Commission, on an annual basis which includes, but is not limited to, meeting the requirements in 935 CMR 501.027(2).
- (8) A Hardship Cultivation Registration shall allow the Registered Qualifying Patient or their Personal Caregiver(s) to cultivate a limited number of plants sufficient to maintain a 60-day Supply of Marijuana solely for that patient's use.
- (9) Cultivation and storage of Marijuana shall be in an enclosed, locked area accessible only to the Registered Qualifying Patient or their Personal Caregiver(s), subject to 935 CMR 501.840. Marijuana shall not be visible from the street or other public areas.
- (10) A Registered Qualifying Patient or their Personal Caregiver(s) cultivating Marijuana pursuant to a Hardship Cultivation Registration shall adhere to industry best practices in the cultivation of Marijuana plants and storage of finished product, and any standards specified by the Commission.
- (11) A Registered Qualifying Patient and their Personal Caregiver(s) are prohibited from selling, bartering, giving away or distributing in any manner Marijuana or Paraphernalia.
- (12) The Commission may inspect the cultivation site of a Registered Qualifying Patient with a Hardship Cultivation Registration, or the cultivation site of their Personal Caregiver(s), at a reasonable time, with reasonable notice, taking into consideration the circumstances of the Registered Qualifying Patient. Acceptance of a Hardship Cultivation Registration by a Registered Qualifying Patient constitutes consent for such inspection of the cultivation site. The Commission may not provide notice in cases of suspected diversion, where the Commission is working with Law Enforcement Authorities.
- (13) Registration for hardship cultivation may be available in a form and manner determined by the Commission. If, prior to the Program Transfer, a Registered Qualifying Patient received Written Certification of a Debilitating Medical Condition from a physician and used that Written Certification as a limited cultivation registration, the initial limited cultivation registration will remain valid until the application for the Hardship Cultivation Registration card is approved or denied by the Commission.
- (14) After obtaining a Hardship Cultivation Registration, a Registered Qualifying Patient is responsible for notifying the Commission, in a form and manner determined by the Commission, within five business days after any change to the information that they or their Personal Caregiver(s) was previously required to submit to the Commission.
- (15) A Registered Qualifying Patient with a Hardship Cultivation Registration, or their

Personal Caregiver(s) if applicable, must have the registration available at the site of cultivation. The Commission may make such registration available on request of the Registered Qualifying Patient or other government agency acting within their lawful authority.

- (16) A Registered Qualifying Patient with a Hardship Cultivation Registration, or their Personal Caregiver(s) if applicable, is prohibited from purchasing Marijuana from an MTC, provided however that such individuals may purchase seeds.

501.029: Registration of Independent Testing Laboratory Agents

- (1) An Independent Testing Laboratory providing testing services for an MTC or Marijuana Establishment in compliance with 935 CMR 501.000: *Medical Use of Marijuana* or 935 CMR 500.000: *Adult Use of Marijuana*, shall apply for Laboratory agent registration for any of its employees, consultants or volunteers that will be in possession of Marijuana for medical use on behalf the Independent Testing Laboratory.
- (2) An application for registration of a Laboratory agent, in a form and manner determined by the Commission, shall include:
- The full name, date of birth, and address of the individual;
  - Written acknowledgment by the individual of the limitations on his or her authorization to possess, transport, and Process Marijuana for medical use for testing purposes in the Commonwealth;
  - A copy of the ~~MTC agent's~~ applicant's driver's license, government-issued identification card, or other verifiable identity document acceptable to the Commission;
  - An attestation that the individual shall not engage in the diversion of Marijuana;
  - A nonrefundable application fee, as required by the Commission; and
  - Any other information required by the Commission.
- (3) A Laboratory executive registered with the DCJIS pursuant to 935 CMR 501.101: *Application Requirements* must retain and make available to the Commission a Criminal Offender Record Information (CORI) report and any other background check information required by the Commission for each individual for whom the laboratory seeks an MTC agent registration, obtained within 30 calendar days prior to submission.
- (4) A laboratory must notify the Commission no more than one business day after a Laboratory agent ceases to be associated with the laboratory. The Laboratory agent's registration shall be immediately void when the agent is no longer associated with the laboratory.
- (5) A Registration Card will be valid for one year from the date of issue. The Commission will accept Registration Cards validly issued prior to the Program Transfer. A Registration Card will remain valid until its one-year anniversary date or until a new Registration Card is issued by the Commission, whichever occurs first. On the issuance of a new Registration Card, the holder of the Registration Card shall be destroyed any previously issued Registration Card(s) in a responsible manner that would prevent it from being used as an identification or Registration Card.
- (6) A Registration Card may be renewed, in a form and manner determined by the Commission, on an annual basis which includes, but is not limited to, meeting the requirements in 935 CMR 501.029(1) through (3) and 501.801: *Suitability Standard for Licensure* or 501.803: *Suitability Standard for Registration as a Laboratory Agent*.
- (7) After obtaining a Registration Card for a Laboratory agent, a laboratory is responsible for notifying the Commission, in a form and manner determined by the Commission, as soon as possible, but in any event, within five business days after

any changes to the information that the laboratory was previously required to submit to the Commission, or after discovery that a Registration Card has been lost or stolen.

- (8) A Laboratory agent must carry their Registration Card at all times while in possession of Marijuana, including at all times while at a laboratory or while transporting Marijuana.

501.030: Registration of Medical Marijuana Treatment Center Agents

- (1) An MTC shall apply for MTC agent registration for all board members, directors, employees, Executives, managers, and volunteers who are associated with that MTC. All such individuals must:
- (a) Be 21 years of age or older; and
  - (b) Have not been convicted of a felony drug offense in the Commonwealth, or a like violation of the laws of Other Jurisdictions;
  - (c) Be determined suitable for registration consistent with the provisions of 935 CMR 500.800: *Background Check Suitability Standard for Licensure and Registration* and 935 CMR 500.801: *Suitability Standard for Licensure* or 935 CMR 500.802: *Suitability Standard for Registration as a Marijuana Establishment Agent*.
- (2) An application for registration of an MTC agent, in a form and manner determined by the Commission, shall include:
- (a) The full name, date of birth, and address of the individual;
  - (b) Written acknowledgment by the individual of the limitations on their authorization to cultivate, harvest, prepare, package, possess, transport, and dispense Marijuana for medical purposes in the Commonwealth;
  - (c) A copy of the MTC agent's driver's license, government-issued identification card, or other verifiable identity document acceptable to the Commission;
  - (d) An attestation that the individual shall not engage in the diversion of Marijuana;
  - (e) A nonrefundable application fee; and
  - (f) Any other information required by the Commission.
- (3) An MTC Executive registered with the Department of Criminal Justice Information Systems (DCJIS) pursuant to 935 CMR 501.101: *Application Requirements* must submit to the Commission a Criminal Offender Record Information (CORI) report and any other background check information required by the Commission for each individual for whom the MTC seeks an MTC agent registration, obtained within 30 calendar days prior to submission.
- (4) An MTC must notify the Commission no more than one business day after an MTC agent ceases to be associated with the MTC. The MTC agent's registration shall be immediately void when the agent is no longer associated with the MTC.
- (5) A Registration Card will be valid for one year from the date of issue. The Commission will accept Registration Cards validly issued prior to the Program Transfer. A Registration Card will remain valid until its one-year anniversary date or until a new Registration Card is issued by the Commission, whichever occurs first. On the issuance of a new Registration Card, the holder of the Registration Card shall destroy any previously issued Registration Card(s) in a responsible manner that would prevent it from being used as an identification or registration card.
- (6) A Registration Card may be renewed, in a form and manner determined by the Commission, on an annual basis, which includes, but is not limited to, meeting the requirements in 935 CMR 501.030(1) through (3).
- (7) After obtaining a Registration Card for an MTC agent, an MTC is responsible for notifying the Commission, in a form and manner determined by the Commission, as soon as possible, but in any event, within five business days after any changes to the

information that the MTC was previously required to submit to the Commission, or after discovery that a Registration Card has been lost or stolen.

- (8) An MTC agent must carry his or her Registration Card at all times while in possession of Marijuana, including at all times while at an MTC or while transporting Marijuana.
- (9) An MTC agent affiliated with multiple MTCs must be registered as an MTC agent by each MTC.

501.031: Denial of a Registration Card or Hardship Cultivation Registration

Each of the following, in and of itself, constitutes full and adequate grounds for denial of a temporary or an annual Registration Card for a Registered Qualifying Patient or Personal Caregiver, or a Registration Card for an MTC agent, or a Hardship Cultivation Registration:

- (1) Failure to provide the information required in 935 CMR 501.000: *Medical Use of Marijuana* for a Registration Card or Hardship Cultivation Registration;
- (2) Provision of information on the application that is deceptive, misleading, false, or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity;
- (3) Failure to meet the requirements set forth in 935 CMR 501.000: *Medical Use of Marijuana* for a Registration Card or Hardship Cultivation Registration;
- (4) Revocation or suspension of a Registration Card or Hardship Cultivation Registration in the previous six months; or
- (5) Failure by the MTC to pay all applicable fees; or
- (6) Other grounds, as the Commission may determine in the exercise of its discretion, that are directly related to the applicant's ability to serve as an MTC agent, or that make the applicant unsuitable for registration; however, the Commission will provide notice to the applicant of the grounds prior to the denial of the Agent Registration Card and a reasonable opportunity to correct these grounds.
  - (a) The Commission may delegate Registrants' suitability determinations to the Executive Director, who may appoint a Suitability Review Committee, in accordance with 935 CMR 501.800: *Background Check Suitability Standard for Licensure and Registration*. Suitability determinations shall be based on credible and reliable information.
  - (b) The Executive Director may institute a suitability review based on a recommendation from Enforcement staff that background check information would result in or could support an adverse suitability determination. All suitability determinations will be made in accordance with the procedures set forth in 935 CMR 501.800: *Background Check Suitability Standard for Licensure and Registration*.

501.032: Revocation of a Registration Card or Hardship Cultivation Registration

- (1) Each of the following, in and of itself, constitutes full and adequate grounds for revocation of a temporary or an annual Registration Card issued to a Registered Qualifying Patient or Personal Caregiver or a Registration Card issued to an MTC agent, Laboratory agent or a Hardship Cultivation Registration:
  - (a) Submission of information in the application or renewal application that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a

misleading impression, whether directly, or by omission or ambiguity; in the application or renewal application;

- (b) Violation of the requirements of M.G.L. c. 94I or 935 CMR 501.000: *Medical Use of Marijuana*;
  - (c) Fraudulent use of a Registration Card, including, but not limited to, tampering, falsifying, altering, modifying, duplicating, or allowing another person to use, tamper, falsify, alter, modify, or duplicate a Registration Card or Hardship Cultivation Registration;
  - (d) Selling, Transferring, distributing, or giving Marijuana to any unauthorized person;
  - (e) Failure to notify the Commission within five business days after becoming aware that the Registration Card has been lost, stolen, or destroyed; or
  - (f) Failure to notify the Commission within five business days after a change in the registration information contained in the application or required by the Commission to have been submitted in connection therewith.
  - (g) Conviction, guilty plea, plea of *nolo contendere*, or admission to sufficient facts of a felony drug offense involving distribution to a minor in the Commonwealth, or a like violation of the laws of Other Jurisdictions; or
  - (h) Conviction, guilty plea, plea of *nolo contendere* or admission to sufficient facts in the Commonwealth, or a like violation of the laws of another state, to an offense as delineated in 935 CMR 501.802: *Suitability Standard for Registration as an MTC Agent* or 935 CMR 501.803: *Suitability Standard for Registration as a Laboratory Agent*, as applicable, that may otherwise affect the status of the suitability for registration of the Marijuana establishment agent.
- (2) In addition to the grounds in 935 CMR 501.032(1), each of the following, in and of itself, shall be adequate grounds for the revocation of a Patient Registration Card:
- (a) The Qualifying Patient is no longer a resident of the Commonwealth;
  - (b) The Qualifying Patient, taking into account the amounts of Marijuana, Marijuana Products or MIPs obtained by his or her Personal Caregiver if applicable, knowingly and intends to subvert seeks to obtain or obtains more of such amounts than is allowable under 935 CMR 501.105: *General Operational Requirements for Medical Marijuana Treatment Centers*; or
  - (c) The Qualifying Patient has used Marijuana in a manner that puts at risk the health, safety, or welfare of others, or has failed to take reasonable precautions to avoid putting others at such risk.
- (3) In addition to the grounds in 935 CMR 501.032(1), a conviction of a felony drug offense in the Commonwealth, or a like violation of the laws of an Other Jurisdictions shall be adequate grounds for the revocation of an MTC Agent Registration Card.
- (4) In addition to the grounds in 935 CMR 501.032(1), the purchase of Marijuana from an MTC by a Registered Qualifying Patient with a Hardship Cultivation Registration, or his or her Personal Caregiver, shall be adequate grounds for the revocation of a Hardship Cultivation Registration.
- (5) In addition to the applicable grounds in 935 CMR 501.032(1) through (3), any other ground that serves the purposes of M.G.L. c. 94I or 935 CMR 501.000: *Medical Use of Marijuana* shall be sufficient to revoke a Registration Card or Hardship Cultivation Registration.

- (6) Other grounds as the Commission may determine in the exercise of its discretion, that are directly related to the applicant's ability to serve as an MTC agent, that make the Registrant unsuitable for registration. The Commission will provide notice to the Registrant of the grounds prior to the revocation of an Agent Registration Card and a reasonable opportunity to correct these grounds.
  - (a) The Commission may delegate Registrants' suitability determinations to the Executive Director, who may appoint a Suitability Review Committee, in accordance with 935 CMR 500.801: *Background Check Suitability Standard for Licensure and Registration*. Suitability determinations shall be based on credible and reliable information.
  - (b) The Executive Director may institute a suitability review based on a recommendation from Enforcement staff that background check information would result in or could support an adverse suitability determination. All suitability determinations will be made in accordance with the procedures set forth in 935 CMR 501.800: *Background Check Suitability Standard for Licensure and Registration*.

501.033: Void Registration Cards

- (1) A Registration Card validly issued prior to the Program Transfer shall be void on the issuance of a new Registration Card.
- (2) A Registration Card issued to an MTC agent shall be void when:
  - (a) The agent has ceased to be associated with the MTC or Independent Testing Laboratory that applied for and received the agent's Registration Card;
  - (b) The card has not been surrendered on the issuance of a new Registration Card based on new information; or
  - (c) The MTC agent is deceased.
- (3) A Patient Registration Card, including a Hardship Cultivation Registration, shall be void when:
  - (a) The card has not been surrendered upon the issuance of a new Registration Card;
  - (b) The Qualifying Patient is no longer a resident of Massachusetts; or
  - (c) The patient is deceased.
- (4) A Personal Caregiver Registration Card is void:
  - (a) When the Registered Qualifying Patient has notified the Commission that the individual registered as the Personal Caregiver is no longer the Personal Caregiver for that patient;
  - (b) When the sole Registered Qualifying Patient for whom the Personal Caregiver serves as such is no longer registered with the Commission; or
  - (c) Five days after the death of the ~~registered Qualifying~~Registered Qualifying Patient, to allow for appropriate disposal of Marijuana pursuant to 935 CMR 501.105: *General Operational Requirements for Medical Marijuana Treatment Centers*.
- (5) A void temporary or annual Registration Card is inactive and invalid.

501.034: Revocation of a Certifying Healthcare Provider Registration

- (1) Each of the following, in and of itself, constitutes full and adequate grounds for revoking a Certifying Healthcare Provider registration:

- (a) The Certifying Healthcare Provider fraudulently issued a Written Certification;
- (b) The Certifying Healthcare Provider failed to comply with the requirements of M.G.L. c. 94I, or any applicable provisions of 935 CMR 501.000: *Medical Use of Marijuana*; or any applicable provisions of 935 CMR 502.000: *Colocated Adult Use and Medical Use Marijuana Operations*;
- (c) The Certifying Healthcare Provider issued a Written Certification without completion of continuing professional development credits pursuant to 935 CMR 501.010(1); or
- (d) Any other ground that serves the purposes of M.G.L. c. 94I or 935 CMR 501.000: *Medical Use of Marijuana*.

501.035: Void Certifying Physician Registration

- (1) When a Certifying Healthcare Provider’s license to practice medicine or nursing, as applicable, in Massachusetts is no longer active, or is summarily suspended, suspended, revoked, or restricted with regard to prescribing, or the Certifying Healthcare Provider has voluntarily agreed not to practice medicine, or nursing, in Massachusetts, as applicable, or the Certifying Healthcare Provider’s Massachusetts controlled substances registration is suspended or revoked, the Certifying Healthcare Provider’s registration to certify a Debilitating Medical Condition for a Qualifying Patient is immediately void.
- (2) When a Certifying Healthcare Provider surrenders his or her registration, the registration is void.
- (3) A void Certifying Healthcare Provider registration is inactive and invalid.

501.050: Medical Marijuana Treatment Centers (MTCs)

(1) General Requirements.

- (a) An MTC shall be licensed to do business in the Commonwealth as a domestic business corporation or another domestic business entity in compliance with 935 CMR 501.000: *Medical Use of Marijuana* and to maintain the corporation or entity in good standing with the Secretary of the Commonwealth, DOR, and DUA.
- (b) Control limitations.
  - 1. No Person or Entity with Direct or Indirect Control shall be granted, and no Licensee hold, more than three MTC Licenses.
  - 2. An Independent Testing Laboratory or Standards Laboratory Licensee, or any associated Person or Entity Having Direct or Indirect Control, may not have a License in any other class.
    - i. To the extent that persons or entities seek to operate a testing facility in the Counties of Dukes County and Nantucket, the applicant may not waive statutory requirements, but can seek a waiver of regulatory requirements.
  - 3. The Commission shall receive notice of any such interests as part of the application pursuant to 935 CMR 501.101: *Application Requirements*. Any Person or Entity Having Direct or Indirect Control, or Licensee, shall be limited to a total of 100,000 square feet of Canopy distributed across no more than three cultivation Licenses under 935 CMR 500.000: *Adult Use of Marijuana* and three MTC Licenses.
- (c) At least one Executive of the entity seeking licensure as an MTC must register with DCJIS on behalf of the entity as an organization user of iCORI.
- (d) An MTC applicant must demonstrate initial capital resources of \$500,000 for its first application for licensure as an MTC. An MTC applicant must demonstrate initial capital resources of \$400,000 for its subsequent application(s) for licensure

as an MTC.

- (e) Under a single License, an MTC may not operate more than two locations in Massachusetts at which Marijuana is cultivated, MIPs are prepared, and Marijuana is dispensed.
- (f) All agents of the MTC must be registered pursuant to 935 CMR 501.030: *Registration of Medical Marijuana Treatment Center Agents*.
- (g) An MTC must have a program to provide reduced cost or free Marijuana to patients with documented Verified Financial Hardship. The plan shall outline the goals, programs, and measurements the MTC will pursue as part of the plan.

(2) Cultivation Operations

- (a) An MTC may perform cultivation operations only at the address approved to do so by the Commission. At the cultivation location, MTCs may cultivate, Process, and package Marijuana, to transport and Transfer Marijuana to MTCs, but not to patients.
- (b) MTCs shall select a cultivation tier in their initial application for licensure, or if one has not been previously selected, shall do so in their next application for License renewal. The applicable tiers are based on the square footage of Canopy:
  1. Tier 1: up to 5,000;
  2. Tier 2: 5,001 to 10,000;
  3. Tier 3: 10,001 to 20,000;
  4. Tier 4: 20,001 to 30,000;
  5. Tier 5: 30,001 to 40,000;
  6. Tier 6: 40,001 to 50,000;
  7. Tier 7: 50,001 to 60,000;
  8. Tier 8: 60,001 to 70,000;
  9. Tier 9: 70,001 to 80,000;
  10. Tier 10: 80,001 to 90,000; or
  11. Tier 11: 90,001 to 100,000.
- (c) Tier Expansion. An MTC may submit an application, in a time and manner determined by the Commission, to change the tier in which it is classified. An MTC may change tiers to either expand or reduce production. If an MTC is applying to expand production, it must demonstrate that while cultivating at the top of its production tier, it has consistently sold 85% of its product during the six months preceding the application for expanded production for an indoor cultivator, or during the harvest season, prior to the application for expanded production for an outdoor cultivator.
- (d) Tier Relegation. In connection with the License renewal process for MTC, the Commission will review the records of the MTC during the six months prior to the 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 during the six months prior to the application for renewal. When determining whether to relegate a Licensee to a lower tier, the Commission may consider the following factors, including but not limited to:
  1. Cultivation and production history including whether the plants/inventory suffered a catastrophic event during the licensing period;
  2. Transfer, sales, and excise tax payment history;
  3. Existing inventory and inventory history;



4. Sales contracts; and

5. Any other factors relevant to ensuring responsible cultivation, production, and inventory management.

(3) Product Manufacturing Operations

(a) An MTC may perform manufacturing operations only at the address approved to do so by the Commission. At the Processing location, MTCs may obtain, Manufacture, Process and package Marijuana Products, to transport Marijuana Products to MTCs and to Transfer Marijuana Products to other MTCs, but not to patients.

(4) Dispensing Operations

(a) An MTC may perform dispensing operations only at the address approved to do so by the Commission. At the dispensing location, the MTC may purchase and transport Marijuana Products from MTCs and transport, sell or otherwise transfer Marijuana Products to MTCs and to Registered Qualifying Patients.

(b) MTCs may perform home deliveries to Registered Qualifying Patients or Personal Caregivers from their dispensing location if approved by the Commission to do so. An MTC shall only delivery to an Institutional Caregiver at their Caregiving Institution.

501.052: Independent Testing Laboratories

(1) An Independent Testing Laboratory shall apply for licensure in the manner prescribed in 935 CMR 500.101: *Application Requirements*.

(2) The Commission will accept certificates of registration for Independent Testing Laboratories validly issued prior to the Program Transfer. A certificate will remain valid until the certificate expires or the laboratory is licensed pursuant to 935 CMR 500.101: *Application Requirements*, whichever occurs first.

(3) An Independent Testing Laboratory may not cultivate Marijuana.

(4) An Independent Testing Laboratory may not possess, transport or Process Marijuana other than that necessary for the purposes of testing in compliance with 935 CMR 500.000: *Adult Use of Marijuana* and 935 CMR 501.000: *Medical Use of Marijuana*. Laboratories registered prior to the Program Transfer and that have not been licensed pursuant to 935 CMR 500.101: *Application Requirements*, are limited to possessing, transporting or Processing Marijuana for the purposes of testing in compliance with 935 CMR 501.000: *Medical Use of Marijuana*.

(5) A Person or Entity Having Direct or Indirect Control of an MTC is prohibited from having any financial or other interest in an Independent Testing Laboratory providing testing services for any MTC.

(6) No individual employee of a laboratory providing testing services for MTCs may receive direct or indirect financial compensation from any MTC.

501.100: Application for Licensing of Medical Marijuana Treatment Centers (MTCs)

501.101: Application Requirements

(1) New Applicants. An MTC applicant shall file, in a form and manner specified by the Commission, an application for licensure as an MTC. The application requirements outlined in this section will apply to all MTC applications submitted on or after

September 30, 2019. The application shall consist of three sections: Application of Intent; Background Check; and Management and Operations Profile. The applicant may complete any section of the application in any order. Once all sections of the application have been completed, the application may be submitted. Application materials, including attachments, may be subject to release pursuant to the Massachusetts Public Records Law, M.G.L. c. 66, § 10 and M.G.L. c. 4, § 7, cl. 26.

(a) Application of Intent. An applicant for licensure as an MTC shall submit the following as part of the Application of Intent:

1. Documentation that the MTC is an entity registered to do business in Massachusetts and a list of all Persons or Entities Having Direct or Indirect Control. In addition, the applicant shall submit any contractual, management, or other written document that explicitly or implicitly conveys direct or indirect control over the MTC to the listed person or entity pursuant to 935 CMR 500.050(1)(b);
2. A disclosure of an interest of each individual named in the application in any Marijuana Establishment or MTC application for licensure or Licensee in Massachusetts;
3. Documentation disclosing whether any individual named in the application have past or present business interests in other states;
4. Documentation detailing the amounts and sources of capital resources available to the applicant from any individuals or entity that will be contributing capital resources to the applicant for purposes of establishing or operating the identified MTC for each License applied for. The amount of capital resources available to the applicant shall comply with 935 CMR 501.050(1)(i). If any person or entity contributing initial capital would be classified as a Person or Entity Having Direct or Indirect Control, in exchange for the initial capital, they must also be listed pursuant to 935 CMR 501.101(1)(a)1. Information submitted shall be subject to review and verification by the Commission as a component of the application process. Required documentation shall include:
  - a. The proper name of any individual or registered business name of any entity;
  - b. The street address, provided, however that the address shall not be a post office box;
  - c. The primary telephone number;
  - d. Electronic mail;
  - e. The amount and source of capital provided or promised;
  - f. A bank record dated within 60 days of the application submission date verifying the existence of capital;
  - g. Certification that funds used to invest in or finance the MTC were lawfully earned or obtained; and
  - h. Any contractual agreement pertaining to a loan of initial capital, if applicable.
5. Documentation of a bond or an escrow account in an amount set by 935 CMR 501.105(16);
6. Identification of the proposed address(es) for the License;

7. Documentation of a property interest in the proposed address. The proposed MTC must be identified in the documentation as the entity that has or will have the property interest. Interest 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 evidencing permission to use the premises.
8. Documentation in the form of a single-page certification signed by the contracting authorities for the municipality (or municipalities) and applicant evidencing that the applicant for licensure and host municipality in which the address of the MTC is located have executed a Host Community agreement(s);
9. Documentation that the applicant has conducted a community outreach meeting consistent with the Commission's *Guidance for License Applicants on Community Outreach & Forms* within the six months prior to the application submission date. If the MTC will be located in two locations under this License, the applicant must hold separate and distinct community outreach meetings in each municipality. Documentation must include:
- a. Copy of a notice of the time, place and subject matter of the meeting, including the proposed address of the MTC, that was published in a newspaper of general circulation in the city or town (or cities or towns) at least fourteen calendar days prior to the meeting;
  - b. Copy of the meeting notice filed with the city or town clerk(s);
  - ~~b.c.~~ Attestation that at least one meeting was held within the municipality where the MTC is proposed to be located;
  - ~~c.d.~~ Attestation that at least one meeting was held after normal business hours;
  - ~~d.e.~~ Attestation that notice of the time, place and subject matter of the meeting, including the proposed address of the MTC, was mailed at least seven calendar days prior to the community outreach meeting to abutters of the proposed address(es) of the MTC, and residents within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list(s), notwithstanding that the land of any such owner is located in another city or town;
  - ~~e.f.~~ Information presented at the community outreach meeting, which shall include, but not be limited to:
    - i. The proposed address of the MTC with the declaration that the proposed MTC is a "Medical Marijuana Treatment Center;"
    - ii. Information adequate to demonstrate that the location(s) will be maintained securely;

- iii. Steps to be taken by the MTC to prevent diversion to minors;
  - iv. A plan by the MTC to provide reduced cost or free Marijuana to patients with documented Verified Financial Hardship, as defined by the Commission. The plan shall outline the goals, programs, and measurements the MTC will pursue once licensed;
  - v. Information adequate to demonstrate that the location will not constitute a nuisance as defined by law; and
  - vi. An attestation that community members were permitted to ask questions and receive answers from representatives of the MTC.
10. A description of plans to ensure that the MTC is or will be compliant with local codes, ordinances, and bylaws for the physical address(es) of the MTC which shall include, but not be limited to, the identification of all local licensing requirements for the medical use of Marijuana;
  11. A plan by the MTC to positively impact Areas of Disproportionate Impact, as defined by the Commission. The plan shall outline the goals, programs, and measurements the MTC will pursue once licensed;
  12. The requisite non-refundable application fee pursuant to 935 CMR 501.005: *Fees*; and
  13. Any other information required by the Commission.
- (b) **Background Check.** Prior to an application being considered complete, each applicant for licensure must submit the following information:
1. The list of individuals and entities in 935 CMR 501.101(1)(a)1.;
  2. Information for each individual identified in 935 CMR 501.101(1)(a)1., which shall include:
    - a. The individual's full legal name and any aliases;
    - b. The individual's address;
    - c. The individual's date of birth;
    - d. A photocopy of the individual's driver's license or other government-issued identification card;
    - e. A CORI Acknowledgment Form, pursuant to 803 CMR 2.09: *Requirements for Requestors to Request CORI*, provided by the Commission, signed by the individual and notarized; and
    - f. Any other authorization or disclosure, deemed necessary by the Commission, for the purposes of conducting a background check.
  3. **Relevant Background Check Information.** All Persons and Entities Having Direct or Indirect Control, including those individuals contributing 10% or more in the form of a loan, shall provide information detailing involvement in any of the following criminal, civil, or administrative matters:

- a. A description and the relevant dates of any criminal action under the laws of the Commonwealth, or an Other Jurisdiction, whether for a felony or misdemeanor including, but not limited to, action against any health care facility or facility for providing Marijuana for medical or adult-use purposes, in which those individuals either owned shares of stock or served as board member, Executive, officer, director or member, and which resulted in conviction, or guilty plea, or plea of *nolo contendere*, or admission of sufficient facts;
- b. A description and the relevant dates of any civil action under the laws of the Commonwealth, or Other Jurisdictions, including, but not limited to a complaint relating to any professional or occupational or fraudulent practices;
- c. A description and relevant dates of any past or pending legal or enforcement actions in the Commonwealth or any other state against an entity whom the applicant served as a Person or Entity Having Direct or Indirect Control, related to the cultivation, Processing, distribution, or sale of Marijuana for medical or adult-use purposes;
- d. A description and the relevant dates of any administrative action with regard to any professional license, registration, or certification, including any complaint, order, stipulated agreement or settlement, or disciplinary action, by the Commonwealth, or like action in Other Jurisdictions, including, but not limited to any complaint or issuance of an order relating to the denial, suspension, or revocation of a license, registration, or certification;
- e. A description and relevant dates of any administrative action, including any complaint, order or disciplinary action, by the Commonwealth, or a like action by Other Jurisdictions with regard to any professional license, registration, or certification, held by any Person or Entity Having Direct or Indirect Control, if any;
- f. A description and relevant dates of actions against a license to prescribe or distribute controlled substances or legend drugs held by any Person or Entity Having Direct or Indirect Control that is part of the applicant's application, if any; and
- g. Any other information required by the Commission.

(c) Management and Operations Profile. Each applicant shall submit, with respect to each application, a response in a form and manner specified by the Commission, which includes:

1. Detailed information regarding its business registration with the Commonwealth, including the legal name, a copy of the articles of organization and bylaws as well as the identification of any doing-business-as names;
2. A certificate of good standing, issued within the previous 90 days from submission of an application, from the Corporations Division of the Secretary of the Commonwealth;
3. A certificate of good standing or certificate of tax compliance issued within the previous 90 days from submission of an application, from the DOR;
4. A certificate of good standing, issued within the previous 90 days from submission of an application, from the DUA, if applicable. If a certificate

of good standing from the DUA cannot be obtained due to not having employees, a written statement to this effect is required;

5. A proposed timeline for achieving operation of the MTC and evidence that the MTC will be ready to operate within the proposed timeline after notification by the Commission that the applicant qualifies for licensure;
6. A description of the MTC's plan to obtain a liability insurance policy or otherwise meet the requirements of 935 CMR 501.105(10);
7. A detailed summary of the business plan for the MTC;
8. A detailed summary of operating policies and procedures for the MTC which shall include, but not be limited to provisions for:
  - a. Security;
  - b. Prevention of diversion;
  - c. Storage of Marijuana;
  - d. Transportation of Marijuana;
  - e. Inventory procedures;
  - f. Procedures for quality control and testing of product for potential contaminants;
  - g. Personnel policies;
  - h. Dispensing procedures;
  - i. Record-keeping procedures;
  - j. Maintenance of financial records; and
  - k. Diversity plans to promote equity among minorities, women, veterans, people with disabilities, and people of all gender identities and sexual orientation, in the operation of the MTC. The plan shall outline the goals, programs, and measurements the Marijuana Establishment will pursue once licensed.
9. A detailed description of qualifications and intended training(s) for MTC agents who will be employees;
10. The Management and Operation Profile submitted in accordance with 935 CMR 501.101(1)(c) shall demonstrate compliance with the operational requirements set forth in 935 CMR 501.105: *General Operational Requirements for Medical Marijuana Treatment Centers* through 935 CMR 501.160: *Testing of Marijuana and Marijuana Products*, as applicable;
11. Disclosure of the proposed hours of operation, and the names and contact information for individuals that will be the emergency contacts for the Marijuana Establishment;
12. The identification of whether the MTC will perform home deliveries to patients and caregivers. If so, a detailed summary of the policies and procedures for home delivery of Marijuana and Marijuana Products to patients and caregivers must be provided;

13. A detailed operation plan for the cultivation of Marijuana, including a detailed summary of policies and procedures for cultivation, consistent with state and local law, including but not limited to the Commission's guidance in effect of the date of these regulations and as subsequently amended;
14. A list of all products that MTC plans to produce including the following information:
  - a. A description of the types and forms of Marijuana Products that the Marijuana Establishment intends to produce;
  - b. The methods of production;
  - c. A safety plan for the manufacture and production of Marijuana Products; and
  - d. A sample of any unique identifying mark that will appear on any product produced by the applicant as a branding device.
15. A detailed summary of the proposed program to provide reduced cost or free Marijuana to patients with documented financial hardship; and
16. Any other information required by the Commission.

(2) Application Requirements for MTC Applicants that Submit an Application of Intent Prior to September 30, 2019.

(a) Application of Intent. An applicant for an MTC License shall submit the following as part of the Application of Intent:

1. Documentation that it is an entity in good standing as specified in 935 CMR 501.050: *Medical Marijuana Treatment Centers*, as well as a list of all Executives of the proposed MTC, and a list of all members, if any, of the entity;
2. Documentation that it has at least \$500,000 in its control and available, as evidenced by bank statements, lines of credit, or the equivalent, to ensure that the applicant has sufficient resources to operate. This requirement may be fulfilled through demonstration of pooled resources among the individuals or entities affiliated with the applicant. If an entity is submitting more than one application, the capital requirement shall be \$400,000 for each subsequent application;
3. An attestation signed by an authorized designee of the entity that if the entity is allowed to proceed to the Management and Operations Profile, the entity is prepared to pay a nonrefundable application fee as specified in the applicable notice;
4. The requisite nonrefundable application fee; and
5. Any other information required by the Commission.

(b) Management and Operations Profile. Within 45 days after receipt of an invitation to the Management and Operations Profile, the applicant shall submit a response in a form and manner specified by the Commission, which includes:

1. Detailed information regarding entity, including the legal name, a copy of the articles of organization and bylaws;

2. The name, address, date of birth, and résumés of each Executive of the applicant and of the members, if any, of the entity, along with a photocopy of their driver's licenses or other government-issued identification cards, and background check information in a form and manner determined by the Commission;
3. List of all Persons or Entities Having Direct or Indirect Control over the management or policies of the MTC;
4. A description of the MTC's plan to obtain a liability insurance policy or otherwise meet the requirements of 935 CMR 501.105(10);
5. A detailed summary of the business plan for the MTC;
6. An operational plan for the cultivation of Marijuana, including a detailed summary of policies and procedures for cultivation;
7. If the MTC intends to produce MIPs, a description of the types and forms of MIPs that the MTC intends to produce, and the methods of production;
8. A detailed summary of operating policies and procedures for the MTC, which shall include but not be limited to provisions for security, prevention of diversion, storage of Marijuana, transportation of Marijuana, inventory procedures including plans for integrating any existing electronic tracking systems with the Seed-to-sale SOR, procedures for quality control and testing of product for potential contaminants, procedures for maintaining confidentiality as required by law, personnel policies, dispensing procedures, record-keeping procedures, plans for patient education, and any plans for patient or Personal Caregiver home-delivery;
9. A detailed summary of the MTC's policies and procedures for the provision of Marijuana to Registered Qualifying Patients with Verified Financial Hardship without charge or at less than the market price, as required by 935 CMR 501.050: *Medical Marijuana Treatment Centers*;
10. A detailed description of all intended training(s) for MTC agents;
11. Evidence that the applicant is responsible and suitable to maintain an MTC. Information including, but not limited to, the following factors shall be considered in determining the responsibility and suitability of the applicant to maintain an MTC:
  - a. Demonstrated experience running a business;
  - b. History of providing healthcare services or services providing Marijuana for medical purposes, including provision of services in other states;
  - c. History of response to correction orders issued under the laws or regulations of the Commonwealth or other states;
  - d. Whether the applicant is in compliance with all laws of the Commonwealth relating to taxes and child support and whether the applicant will have workers' compensation and professional and commercial insurance coverage;
  - e. Any criminal action under the laws of the Commonwealth, or an Other Jurisdiction, whether for a felony or misdemeanor, against any of the Executives of the applicant, or of the members of the entity, if any, including, but not limited to, action against any



healthcare facility or facility for providing Marijuana for medical purposes in which those individuals either owned shares of stock or served as executives, and which resulted in conviction, or guilty plea, or plea of *nolo contendere*, or admission of sufficient facts;

- f. Any civil or administrative action under the laws of the Commonwealth, another state, the United States, or Other Jurisdictions relating to any Executive's (or members of the entity, if any) profession or occupation or fraudulent practices including, but not limited to:
  - i. Fraudulent billing practices;
  - ii. Past or pending legal or enforcement actions in any other state against any officer, Executive, director, or board member of the applicant or its members, or against any other entity owned or controlled in whole or in part by them, related to the cultivation, Processing, distribution, or sale of Marijuana for medical purposes;
  - iii. Past or pending denial, suspension, or revocation of a license or registration, or the denial of a renewal of a license or registration, for any type of business or profession, by the Commonwealth or Other Jurisdictions, including denial, suspension, revocation, or refusal to renew certification for Medicaid or Medicare;
  - iv. Past discipline by, or a pending disciplinary action or unresolved complaint by the Commonwealth, or a like action or complaint by Other Jurisdictions, with regard to any professional license or registration of an Executive of the applicant, as well as by any member of the entity, if any; or
  - v. Prescribing for or distributing controlled substances or legend drugs by any Executive, including of the members of the entity, if any, except for therapeutic or other proper medical or scientific purpose.
- g. Any attempt to obtain a registration, license, or approval to operate in any state by fraud, misrepresentation, or the submission of false information.

12. Any other information required by the Commission.

- (c) Siting Profile. Within 12 months after receipt of an invitation to submit the Siting Profile, the applicant shall submit a response in a form and manner specified by the Commission, which includes:

1. The county, city, or town in which the proposed MTC would be sited, and if known, the physical address of the proposed MTC. If Marijuana will be cultivated or MIPs will be prepared at any location other than the dispensing location of the proposed MTC, the physical address of the one additional location where Marijuana will be cultivated or MIPs will be prepared, if known;
2. The applicant shall provide evidence of interest in the subject property or properties. Interest 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 evidencing permission to use the premises;
3. Documentation in the form of a single-page certification signed by the contracting authorities for the municipality (or municipalities) and applicant evidencing that the applicant for licensure and host municipality in which the address of the MTC is located have executed a Host Community agreement(s);
  4. A description of plans to ensure that the MTC is or shall be compliant with local codes, ordinances, and bylaws for the physical address of the MTC and for the physical address of the additional location, if any, including the identification of all local licensing bylaws or ordinances for the medical use of Marijuana;
  5. A proposed timeline for achieving operation of the MTC and evidence that the MTC will be ready to operate within the proposed timeline after notification by the Commission that the applicant qualifies for licensure; and
  6. Any other information required by the Commission.

501.102: Action on Applications

(1) Action on Each Application Completed Pursuant to 935 CMR 501.101(1).

The Commission shall grant Licenses with the goal of ensuring that the needs of the Commonwealth are met with regard to access, quality, and community safety.

(a) License applications shall be evaluated based on the Applicant's:

1. Demonstrated compliance with the laws and regulations of the Commonwealth;
2. Suitability for licensure based on the provisions of 935 CMR 501.101(1), 935 CMR 501.800: *Background Check Suitability Standard for Licensure and Registration* and 935 CMR 501.801: *Suitability Standard for Licensure*; and
3. Evaluation of the thoroughness of the applicant's responses to the required criteria. The Commission shall consider each License application submitted by an applicant on a rolling basis.

(b) The Commission shall notify each applicant in writing that:

1. The application has been deemed complete; or
2. The Commission requires further information within a specified period of time before the packet is determined to be complete.

(c) Failure of the applicant to adequately address all required items in its application in the time required under 935 CMR 501.102: *Action on Applications* by the Commission will result in evaluation of the application as submitted. Nothing in 935 CMR 501.100: *Application for Licensing of Medical Marijuana Treatment Centers (MTCs)* is intended to confer a property or other right or interest entitling an applicant to a meeting before an application may be denied.

(d) On determination that the application is complete, a copy of the completed

application, to the extent permitted by law, will be forwarded to the municipality (or municipalities) in which the MTC will be located. The Commission shall request that the municipalities respond within 60 days of the date of the correspondence that the applicant's proposed MTC is in compliance with municipal bylaws or ordinances.

- (e) The applicant shall keep current all information required by 935 CMR 501.000: *Medical Use of Marijuana* or otherwise required by the Commission. The applicant shall report any changes in or additions to the content of the information contained in the application to the Commission within five business days after such change or addition.

(2) Action on Completed Applications Completed Pursuant to 935 CMR 501.101(1)

- (a) The Commission shall review applications from applicants in the order they were submitted as determined by the Commission's electronic licensing system.
- (b) The Commission shall grant or deny a provisional License not later than 90 days following notification to the applicant that all required packets are considered complete. Applicants shall be notified in writing that:
  1. the applicant shall receive a provisional License which may be subject to further conditions as determined by the Commission; or
  2. the applicant has been denied a License. Denial shall include a statement of the reasons for the denial.
- (c) Failure of the applicant to complete the application process within the time specified by the Commission in the application instructions shall be grounds for denial of a License.

(3) Action on Application Submissions under 935 CMR 501.101(2)

- (a) The Commission shall not consider an application that is submitted after the due date specified.
  1. An applicant that has submitted an Application of Intent must be invited to the Management and Operations Profile phase within six (6) months of the promulgation of these regulations. Failure to do so will result in the expiration of the application.
  2. An applicant that has been invited to the Management and Operations Profile shall submit the Management and Operations Profile within 45 days of the invite. Failure to do so will result in the expiration of the application.
  3. An applicant that has been invited to the Management and Operations Profile shall be invited to submit a Siting Profile within 12 months of the invite to the Management and Operations Profile. Failure to do so will result in the expiration of the application.
  4. An applicant that has been invited to the Siting Profile shall obtain a provisional License within 12 months of the invite to the Siting Profile. Failure to do so will result in the expiration of the application.
- (b) Once the Application of Intent and Management and Operations Profile have been submitted, respectively, and deemed complete, the applicant will be invited by notice to the next stage of the application.
- (c) Once the Siting Profile has been deemed complete, the applicant will receive notice. Notice and a copy of the completed application, to the extent permitted by law, will be forwarded to the municipality (or municipalities) in which the MTC

will be located. The Commission shall request that the municipalities respond within 60 days of the date of the correspondence that the applicant's proposed MTC is in compliance with municipal bylaws or ordinances.

- (d) Failure of the applicant to adequately address all required items in its application will result in evaluation of the application as submitted. The applicant will not be permitted to provide supplemental materials unless specifically requested by the Commission.
- (e) The Commission shall grant or deny a provisional License once the application, and all its sections, have been deemed complete and all third-party documentation has been reviewed. Applicants shall be notified in writing that:
  1. The applicant shall receive a provisional License which may be subject to further conditions as determined by the Commission; or
  2. The applicant has been denied a License. Denial shall include a statement of the reasons for the denial.
- (f) 935 CMR 501.103: *Licensure and Renewal* shall apply to all applicants that are granted a provisional License under 935 CMR 501.101: *Application Requirements*.

501.103: Licensure and Renewal

- (1) Provisional License. On selection by the Commission, an applicant shall submit the required License fee and subsequently be issued a provisional License to develop an MTC, in the name of the entity. Such provisional License shall be subject to reasonable conditions specified by the Commission, if any.
  - (a) The Commission shall review architectural plans for the building or renovation of an MTC. Construction or renovation related to such plans shall not begin until the Commission has granted approval. Submission of such plans shall occur in a manner and form established by the Commission including, but not limited to, a detailed floor plan of the Premises of the proposed MTC that identifies the square footage available and describes the functional areas of the MTC, including areas for any preparation of Marijuana Products, and, if applicable, such information for the single allowable off-Premises location in Massachusetts where Marijuana will be cultivated or Marijuana Products will be prepared; and a description of plans to ensure that the MTC will be compliant with requirements of the *Americans with Disabilities Act (ADA) Accessibility Guidelines*.  
To demonstrate compliance with 935 CMR 501.120(11), an MTC applicant must also submit an energy compliance letter prepared by a Massachusetts Licensed Professional Engineer or Massachusetts Licensed Registered Architect with supporting documentation.
  - (b) An MTC shall construct its facilities in accordance with 935 CMR 501.000: *Medical Use of Marijuana*, conditions set forth by the Commission in its provisional License and architectural review, and any applicable state and local laws, regulations, permits or licenses.
  - (c) The Commission may conduct inspections of the facilities, as well as review all written materials required in accordance with 935 CMR 501.000: *Medical Use of Marijuana*.
  - (d) The applicable License fee shall be paid within 90 days from the date the applicant was approved for a provisional License by the Commission. Failure to pay the applicable License fee within the required time frame will result in the License approval expiring. If this occurs, a new License application will need to

be completed pursuant to 935 CMR 501.101: *Application Requirements* and will require Commission approval.

- (2) Final License. On completion of all inspections required by the Commission, an MTC is eligible for a final License. All information described in 935 CMR 501.000: *Medical Use of Marijuana* that is not available at the time of submission must be provided to and approved by the Commission before an MTC may receive a final License. Such final Licenses shall be subject to reasonable conditions specified by the Commission, if any.
- (a) No person or entity shall operate an MTC without a final License issued by the Commission.
  - (b) A provisional or final License may not be assigned or transferred without prior Commission approval.
  - (c) A provisional or final License shall be immediately void if the MTC Ceases to Operate or if, without the permission of the Commission, it relocates.
  - (d) Acceptance of a provisional or final License constitutes an agreement by the MTC that it will adhere to the practices, policies, and procedures that are described in its application materials, as well as all relevant laws, regulations, and any conditions imposed by the Commission as part of licensure.
  - (e) The MTC shall post the final License in a conspicuous location on the Premises at each Commission-approved location.
  - (f) The MTC shall conduct all activities authorized by 935 CMR 501.000: *Medical Use of Marijuana* at the address(es) identified on the final License issued by the Commission.
- (3) The MTC must be operational within the time indicated in 935 CMR 501.101(1)(c)5 or as otherwise amended through the application process and approved by the Commission through the issuance of a final License.
- (4) Expiration and Renewal of Licensure. The MTC's License, as applicable, shall expire one year after the date of issuance of the provisional License and annually thereafter, and may be renewed as follows unless an action has been taken against that License.
- (a) No later than 60 calendar days prior to the expiration date, an MTC shall submit a completed renewal application to the Commission in a form and manner determined by the Commission, as well as the required License fee.
  - (b) The MTC shall submit as a component of the renewal application a report or other information demonstrating the establishment's efforts to comply with the plans required under 935 CMR 501.101(1), including 935 CMR 501.101(1)(a)(11) and (1)(c)(8)(k), as applicable. The report will, at a minimum, have detailed, demonstrative, and quantifiable proof of the establishment's efforts, progress, and success of said plans. If a Licensee did not previously submit the plans required under 935 CMR 501.101(1), they shall do so upon the first License renewal following the promulgation of these regulations.
  - (c) An MTC engaged in indoor cultivation must include a report of the MTC's energy and water usage over the 12-month period preceding the date of the application.
  - (d) To the extent updates are required to the information provided for initial licensure, the MTC must submit an updated energy compliance letter prepared by a Massachusetts Licensed Professional Engineer or Massachusetts Licensed Registered Architect with supporting documentation, together with a renewal application submitted under 935 CMR 501.103(4).

- (e) The MTC shall submit as a component of the renewal application certification of good standing from the Secretary of the Commonwealth, the DOR, and the DUA. Certificates of good standing will be accepted if issued within 90 days of the submittal of the renewal application.
- (f) A MTC shall make reasonable efforts to 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 and either the substantive response(s) received or an attestation that no response was received from the city or town. The MTC shall submit as a component of the renewal application document of any cost to a city or town imposed by the operation of a Marijuana Establishment or MTC. In accordance with M.G.L. c. 94G, § 3(d), any cost to a city or town imposed by the operation of a Marijuana Establishment or MTC shall be documented and considered a public record as defined by M.G.L. c. 4, § 7, cl. 26.
- (g) The MTC shall update as needed, and ensure the accuracy of, all information that it submitted on its initial application for a License.
- (h) The MTC shall comply with the requirements of 935 CMR 501.104(1) in accordance with that section separately from the renewal application.
- (i) The Commission shall issue a renewal License within ~~45~~30 days of receipt of a renewal application and renewal License fee from an MTC to a Licensee if the Licensee:
  1. Is in good standing with the Secretary of Commonwealth, DOR, and DUA;
  2. Provided documentation demonstrating substantial effort or progress towards achieving its goals submitted as part of its plans required under 935 CMR 501.101(1), including 935 CMR 501.101(1)(a)(11) and (1)(c)(8)(k), as applicable; and
  3. No new information submitted as part of the renewal application, or otherwise obtained, presents suitability issues for any individual or entity listed on the application or License.

501.104: Notification and Approval of Changes

- (1) Prior to making the following changes, an MTC shall submit a request for such change to the Commission and pay the appropriate fee. No such change 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.
  - (a) Location Change. Prior to changing its location, the MTC shall submit a request for such change to the Commission.
  - (b) Ownership or Control Change.
    1. Ownership change. 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 the MTC including capital that is in the form of land or buildings, the MTC shall submit a request for such change to the Commission.
    2. Control change. Prior to any change in control, where a new Person or Entity Having Direct or Indirect Control should be added to the License, the MTC

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 aan MTC if the individual, corporation, or entity falls within the definition of Person or Entity Having Direct or Indirect Control.

- (c) Structural Change. 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.
- (d) Name Change. Prior to changing its name, the MTC 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.

- (2) The MTC shall keep current all information required by 935 CMR 501.000: *Medical Use of Marijuana* or otherwise required by the Commission. The MTC shall report any changes in or additions to the content of the information contained in any document to the Commission within five business days after such change or addition.

Proposed Language for Commission Consideration

501.105: General Operational Requirements for Medical Marijuana Treatment Centers

- (1) Every MTC shall have and follow a set of detailed written operating procedures. If the MTC has an additional location, it shall develop and follow a set of such operating procedures for that facility. Operating procedures shall include, but need not be limited to the following:
- (a) Security measures in compliance with 935 CMR 501.110: *Security Requirements for Medical Marijuana Treatment Centers*.
  - (b) Employee security policies, including personal safety and crime prevention techniques.
  - (c) A description of the MTC's hours of operation and after-hours contact information, which shall be provided to the Commission, made available to law enforcement officials upon request, and updated pursuant to 935 CMR 501.104(2).
  - (d) Storage and waste disposal of Marijuana in compliance with 935 CMR 501.105(11) and 935 CMR 501.105(12).
  - (e) Description of the various strains of Marijuana to be cultivated and dispensed, and the form(s) in which Marijuana will be dispensed.
  - (f) Price list for Marijuana, MIPs, and any other available products, and alternate price lists for patients with documented Verified Financial Hardship as required by 935 CMR 501.050(1)(h).
  - (g) Procedures to ensure accurate recordkeeping, including inventory protocols for transfer and inventory and procedures for integrating a secondary electronic system with the Seed-to-sale SOR.
  - (h) Plans for quality control, including product testing for contaminants in compliance with 935 CMR 501.160: *Testing of Marijuana and Marijuana Products*.
  - (i) A staffing plan and staffing records in compliance with 935 CMR 501.105(9)(d).
  - (j) Emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies.
  - (k) Alcohol, smoke, and drug-free workplace policies.
  - (l) A plan describing how confidential information will be maintained.
  - (m) A policy for the immediate dismissal of any MTC agent who has:
    1. Diverted Marijuana, which shall be reported to law enforcement officials and to the Commission;
    2. Engaged in unsafe practices with regard to operation of the MTC, which shall be reported to the Commission; or
    3. Been convicted or entered a guilty plea, plea of *nolo contendere*, or admission to sufficient facts of a felony drug offense involving distribution to a minor in the Commonwealth, or a like violation of the laws of an Other Jurisdiction.
  - (n) A list of all board members and Executives of an MTC, and members, if any, of the entity, must be made available on request by any individual. This requirement may be fulfilled by placing this information on the MTC's website.
  - (o) Policies and procedure for the handling of cash on MTC Premises including, but not limited to, storage, collection frequency, and transport to financial institution(s), to be available on inspection.
  - (p) The standards and procedures by which the MTC determines the price it charges for Marijuana, and a record of the prices charged, including the MTC's policies and procedures for the provision of Marijuana to ~~registered-Qualifying~~ Registered Qualifying Patients with Verified Financial Hardship without charge or at less than the market price, as required by 935 CMR 501.050(1)(h).
  - (q) A description of the MTC's patient education activities in accordance with 935 CMR 501.140(6).



(2) MTC Agent Training. MTCs shall ensure that all MTC agents complete training prior to performing job functions. Training shall be tailored to the roles and responsibilities of the job function of each MTC agent, and at a minimum must include training on confidentiality, privacy, security and other topics as specified by the Commission. Agents responsible for tracking and entering product into the Seed-to-sale SOR must receive training in a form and manner determined by the Commission. At a minimum, staff shall receive eight hours of on-going training annually.

(3) Handling of Marijuana

(a) An MTC shall Process Marijuana in a safe and sanitary manner. An MTC shall Process the leaves and flowers of the female Marijuana plant only, which shall be:

1. Well cured and free of seeds and stems;
2. Free of dirt, sand, debris, and other foreign matter;
3. Free of contamination by mold, rot, other fungus, pests and bacterial diseases;
4. Prepared and handled on food-grade stainless steel tables with no contact with MTC agents' bare hands; and
5. Packaged in a secure area.

(b) All MTCs, including those that develop or Process non-edible MIPs, shall comply with the following sanitary requirements:

1. Any MTC agent whose job includes contact with Marijuana or non-edible MIPs, including cultivation, production, or packaging, is subject to the requirements for food handlers specified in 105 CMR 300.000: *Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements*;
2. Any MTC agent working in direct contact with preparation of Marijuana or non-edible MIPs shall conform to sanitary practices while on duty, including:
  - a. Maintaining adequate personal cleanliness; and
  - b. Washing hands thoroughly in an adequate hand-washing area before starting work, and at any other time when hands may have become soiled or contaminated.
  - c. Hand-washing facilities shall be adequate and convenient and shall be furnished with running water at a suitable temperature.
3. Hand-washing facilities shall be located in the MTC in Production Areas and where good sanitary practices require employees to wash and/or sanitize their hands, and shall provide effective hand-cleaning- and sanitizing preparations and sanitary towel service or suitable drying devices;
4. There shall be sufficient space for placement of equipment and storage of materials as is necessary for the maintenance of sanitary operations;
5. Litter and waste shall be properly removed, disposed of so as to minimize the development of odor, and minimize the potential for the waste attracting and harboring pests. The operating systems for waste disposal shall be maintained in an adequate manner pursuant to 935 CMR 501.105(12);
6. Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately kept clean and in good repair;
7. There shall be adequate safety lighting in all Processing and storage areas, as well as areas where equipment or utensils are cleaned;
8. Buildings, fixtures, and other physical facilities shall be maintained in a sanitary condition;
9. All contact surfaces, including utensils and equipment, shall be maintained in a clean and sanitary condition. Such surfaces shall be cleaned and sanitized as frequently as necessary to protect against contamination, using a sanitizing agent registered by the US Environmental Protection Agency (EPA), in accordance with labeled instructions. Equipment and utensils shall be so designed and of such material and workmanship as to be adequately cleanable;

10. All toxic items shall be identified, held, and stored in a manner that protects against contamination of Marijuana and MIPs. Toxic items shall not be stored in an area containing products used in the cultivation of Marijuana. The Commission may require an MTC to demonstrate the intended and actual use of any toxic items found on the Premises;
  11. An MTC's water supply shall be sufficient for necessary operations. Any private water source shall be capable of providing a safe, potable, and adequate supply of water to meet the MTC's needs;
  12. Plumbing shall be of adequate size and design, and adequately installed and maintained to carry sufficient quantities of water to required locations throughout the MTC. Plumbing shall properly convey sewage and liquid disposable waste from the MTC. There shall be no cross-connections- between the potable and wastewater lines;
  13. An MTC shall provide its employees with adequate, readily accessible toilet facilities that are maintained in a sanitary condition and in good repair;
  14. Products that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms;
  15. Storage and transportation of finished products shall be under conditions that will protect them against physical, chemical, and microbial contamination as well as against deterioration of them or their container; and
  16. All vehicles and transportation equipment used in the transportation of Marijuana Products or edibles requiring temperature control for safety must be designed, maintained, and equipped as necessary to provide adequate temperature control to prevent the Marijuana Products or edibles from becoming unsafe during transportation, consistent with applicable requirements pursuant to 21 CFR 1.908(c).
- (c) All MTCs shall comply with sanitary requirements during the development or Processing of Edible MIPs. All Edible MIPs shall be prepared, handled, and stored in compliance with the sanitation requirements in 105 CMR 590.000: *Minimum Sanitation Standards for Food Establishments*.
- (d) All Marijuana in the process of cultivation, production, preparation, transport, or analysis shall be housed and stored in such a manner as to prevent diversion, theft, or loss.
1. Such items shall be accessible only to the minimum number of specifically authorized MTC agents essential for efficient operation;
  2. Such items shall be returned to a secure location immediately after completion of the process or at the end of the scheduled business day;
  3. If a manufacturing process cannot be completed at the end of a working day, the Processing area or tanks, vessels, bins, or bulk containers containing Marijuana shall be securely locked inside an area or building that affords adequate security.

(4) Marketing and Advertising Requirements.

(a) Permitted Practices.

1. An MTC may develop a business name and logo to be used in labeling, signage, and other materials; provided, however, that use of medical symbols, images of Marijuana, or related Paraphernalia, images that are appealing to persons younger than 21 years of age, and colloquial references to Cannabis and Marijuana are prohibited from use in this business name and logo;
2. Sponsorship of a charitable, sporting or similar event, except that advertising, marketing, and branding at or in connection with such an event is prohibited unless at least 85% of the audience is reasonably expected to be either 21 years of age or older or individuals with a debilitating condition, as determined by reliable, current audience composition data;
3. An MTC may display, in secure, locked cases, samples of each product offered for sale and subject to the requirements of 935 CMR 501.110: *Security*

*Requirements for Medical Marijuana Treatment Centers.* These display cases may be transparent. An authorized MTC agent may remove a sample of Marijuana from the case and provide it to the patient for inspection, provided the patient may not consume or otherwise use the sample unless otherwise authorized herein.

4. The MTC may post prices in the store and may respond to questions about pricing. The MTC shall provide a catalogue or a printed list of the prices and strains of Marijuana available at the MTC to patients and may post the same catalogue or printed list on its website and in the retail store.
5. An MTC may engage in reasonable marketing, advertising and branding practices that are not otherwise prohibited in 935 CMR 501.105(4)(b) that do not jeopardize the public health, welfare or safety of the general public or promote the diversion of Marijuana or Marijuana use in individuals younger than 21 years old or otherwise promote practices inconsistent with the purposes of M.G.L. c. 94G or 94I. Any such marketing, advertising and branding created for viewing by the public shall include the statement “Please Consume Responsibly,” in a conspicuous manner on the face of the advertisement and shall include a minimum of two of the following warnings in their entirety in a conspicuous manner on the face of the advertisement:
  - a. “This product may cause impairment and may be habit forming.”
  - b. “Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug.”
  - c. “There may be health risks associated with consumption of this product.”
  - d. “For use only by adults 21 years of age or older. Keep out of the reach of children.”
  - e. “Marijuana should not be used by women who are pregnant or breastfeeding.”
6. All marketing, advertising and branding produced by or on behalf of an MTC shall include the following warning, including capitalization, in accordance with M.G.L. c. 94G, § 4(a½)(xxvi):
  - a. This product has not been analyzed or approved by the Food and Drug Administration (FDA). There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN.** There may be health risks associated with consumption of this product. Marijuana can impair concentration, coordination, and judgment. The impairment effects of edible Marijuana may be delayed by two hours or more. In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1. This product may be illegal outside of MA.

(b) Prohibited Practices.

1. Advertising, marketing, and branding in such a manner that is deemed to be is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly or by omission or ambiguity;
2. Advertising, marketing and branding by means of television, radio, internet, mobile applications, social media, or other electronic communication, billboard or other outdoor advertising, or print publication, unless at least 85% of the audience is reasonably expected to be 21 years of age or older or comprised of individuals with debilitating conditions, as determined by reliable and current audience composition data;
3. Advertising, marketing, and branding that utilizes statements, designs, representations, pictures or illustrations that portray anyone younger than 21 years old.
4. Advertising, marketing, and branding including, but not limited to, mascots, cartoons, brand sponsorships and celebrity endorsements, that is deemed to appeal

to a person younger than 21 years old.

5. Advertising, marketing, and branding, including statements by a Licensee, that makes any false or statements concerning other Licensees and the conduct and products of such other Licensees that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly or by omission or ambiguity;
6. Advertising, marketing, and branding through certain identified promotional items as determined by the Commission including, but not limited to, gifts, giveaways, coupons, or “free” or “donated” Marijuana, except that the foregoing shall not apply to financial hardship programs approved pursuant to 935 CMR 501.050(1)(h);
7. Advertising, marketing, and branding by a Licensee that asserts that its products are safe, or represent that its products have curative or therapeutic effects, other than labeling required pursuant to M.G.L. c. 94G, § 4(a½)(xxvi), unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor as determined by the Commission;
8. Advertising on any billboards or any other public signage which fails to comply with all state and local ordinances and requirements;
9. Installation of any illuminated neon signage or external signage beyond the period of 30 minutes before sundown until closing provided however that the Commission may further specify minimum signage requirements;
10. The use of vehicles equipped with radio or loudspeakers for the advertising of Marijuana;
11. The use of radio or loudspeaker equipment in any [Marijuana EstablishmentMTC](#) for the purpose of attracting attention to the sale of Marijuana;
12. Advertising, marketing, and branding at, or in connection with, a charitable, sporting or similar event, unless at least 85% of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data;
13. Operation of any website of an MTC that fails to verify that the entrant is 21 years of age or older;
14. The use of unsolicited pop-up advertisements on the internet or text message;
15. Any advertising of an improper or objectionable nature including, but not limited to, the use of recipe books or pamphlets for Marijuana Products which contain obscene or suggestive statements;
16. Advertising, marketing or branding of Marijuana Products, on clothing, cups, drink holders, apparel accessories, electronic equipment or accessories, sporting equipment, novelty items and similar portable promotional items;
17. Advertising, marketing or branding on or in public or private vehicles and at bus stops, taxi stands, transportation waiting areas, train stations, airports, or other similar transportation venues including, but not limited to, vinyl-wrapped vehicles or signs or logos on transportation vehicles or company cars;
18. Advertising, marketing, branding, signs or other printed matter advertising any brand or kind of Marijuana Products that are displayed on the exterior or interior of any licensed Premises where Marijuana Products are not regularly and usually kept for sale;
19. Advertising or marketing of the price of Marijuana Products, except as permitted above pursuant to 935 CMR 501.105(4)(a);
20. Display of Marijuana Products so as to be clearly visible to a person from the exterior of an MTC;
21. Advertising, marketing or branding including any statement, design, representation, picture, or illustration that encourages or represents the use of Marijuana for any purpose other than to treat a Debilitating Medical Condition or related symptoms;

22. Advertising, marketing or branding including any statement, design, representation, picture, or illustration that encourages or represents the recreational use of Marijuana; and
  23. An MTC shall not display on the exterior of the facility advertisements for Marijuana or any brand name, and may only identify the building by the registered name.
- (c) The Commission shall maintain and make available a list of all MTCs, their dispensing location, and their contact information.

(5) Labeling of Marijuana and Marijuana Products.

- (a) Labeling of Marijuana Not Sold as a Marijuana Product. Prior to Marijuana being sold or Transferred, an MTC shall ensure the placement of a legible, firmly Affixed label on which the wording is no less than 1/16 inch in size on each package of Marijuana that it makes available for retail sale, containing at a minimum the following information:
1. The name and registration number of the MTC that produced the Marijuana, together with the retail Licensee's business telephone number, electronic mail address, and website information, if any;
  2. The quantity of Usable Marijuana contained within the package;
  3. The date that the MTC packaged the contents and a statement of which Licensee performed the packaging;
  4. A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and Processing;
  5. The full Cannabinoid profile of the Marijuana contained within the package, including THC and other Cannabinoid level;
  6. A statement and a seal certifying that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with M.G.L. c. 94G, § 15;
  7. This statement, including capitalization:
    - a. This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN.;**
  8. the following symbol or easily recognizable mark issued by the Commission that indicates the package contains Marijuana Product:



9. the following symbol or other easily recognizable mark issued by the Commission that indicates that the product is harmful to children:



- (b) Labeling of Edible Marijuana Products. Prior to edible Marijuana Products being sold or Transferred, the MTC shall place a legible, firmly Affixed label on which the wording is no less than  $\frac{1}{16}$  inch in size on each edible Marijuana Product that it prepares for retail sale or wholesale containing at a minimum the following information:
1. The name and registration number of the product manufacturer that produced the Marijuana Product, together with the product manufacturer's business telephone number, e-mail address, and website information, if any;
  2. The name of the Marijuana Product;
  3. Refrigeration of the product is required, as applicable;
  4. Net weight or volume in US customary and metric units;
  5. The quantity of Usable Marijuana contained within the product as measured in ounces;
  6. The type of Marijuana used to produce the product, including what, if any, Processing technique or solvents were used;
  7. A list of ingredients, including, but not limited to, the full Cannabinoid profile of the Marijuana contained within the Marijuana Product, including the amount of delta-nine-tetrahydrocannabinol ( $\Delta 9$ -THC) and other Cannabinoids in the package and in each serving of a Marijuana Product as expressed in absolute terms and as a percentage of volume, and the amount of any specific additives infused or incorporated during the manufacturing process, including, but not limited to, specific terpenes, expressed in absolute terms and as a percentage of volume;
  8. The serving size of the Marijuana Product in milligrams;
  9. The number of serving sizes within the Marijuana Product;
  10. The amount, in grams, of sodium, sugar, carbohydrates and total fat per serving;
  11. The date of creation and the recommended "use by" or expiration date which shall not be altered or changed;
  12. A batch number, sequential serial number and bar codes when used, to identify the batch associated with manufacturing and Processing;
  13. Directions for use of the Marijuana Product;
  14. A statement and a seal that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with M.G.L. c. 94G, § 15;
  15. A warning if nuts or other Known Allergens are contained in the product;
  16. This statement, including capitalization:
    - a. The impairment effects of edible products may be delayed by two hours or more. This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN;**
  17. The following symbol or easily recognizable mark issued by the Commission that indicates the package contains Marijuana Product:



18. The following symbol or other easily recognizable mark issued by the Commission that indicates that the product is harmful to children:



- (c) Labeling of Marijuana Concentrates and Extracts. Prior to Marijuana concentrates or extracts being sold or Transferred, the MTC shall place a legible, firmly Affixed label on which the wording is no less than  $\frac{1}{16}$  inch in size on each Marijuana concentrate container that it prepares for retail sale or wholesale, containing at a minimum the following information:

1. The name and registration number of the product manufacturer that produced the Marijuana Product, together with the product manufacturer's business telephone number, e-mail address, and website information, if any;
2. The name of the Marijuana Product;
3. Product identity including the word "concentrate" or "extract" as applicable;
4. Net weight of volume expressed in US customary units and metric units;
5. The type of Marijuana used to produce the product, including what, if any, Processing technique or solvents were used;
6. A list of ingredients, including the full *Cannabinoid* profile of the Marijuana contained within the Marijuana Product, including the amount of delta-nine-tetrahydrocannabinol ( $\Delta^9$ -THC) and other Cannabinoids in the package and in each serving of a Marijuana Product as expressed in absolute terms and as a percentage of volume;
7. A statement of the serving size and number of servings per container or amount suggested for use;
8. The date of creation and the recommended "use by" or expiration date;
9. A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and Processing;
10. Directions for use of the Marijuana Product;
11. A statement and a seal that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with M.G.L. c. 94G, § 15;
12. A warning if nuts or other Known Allergens are contained in the product;
13. This statement, including capitalization:
  - a. This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN.**;

14. The following symbol or easily recognizable mark issued by the Commission that indicates the package contains Marijuana Product:



15. The following symbol or other easily recognizable mark issued by the Commission that indicates that the product is harmful to children:



- (d) Labeling of Marijuana Infused Tinctures, Topicals or other non-edible Marijuana Infused Products. Prior to Marijuana infused Tinctures, topicals or other non-edible Marijuana Infused Products being sold or Transferred the MTC shall place a legible, firmly Affixed label on which the wording is no less than  $\frac{1}{16}$  inch in size on each container of Marijuana infused product that it prepares for retail sale or wholesale, containing at a minimum the following information:

1. The name and registration number of the MTC that produced the Marijuana Product, together with the MTC's business telephone number, e-mail address, and website information, if any;
2. The Marijuana Product's identity;
3. The type of Marijuana used to produce the product, including what, if any, Processing technique or solvents were used;
4. A list of ingredients, including the full Cannabinoid profile of the Marijuana contained within the Marijuana Product, including the amount of delta-nine-tetrahydrocannabinol ( $\Delta^9$ -THC) and other Cannabinoids in the package and in each serving of a Marijuana Product as expressed in absolute terms and as a percentage of volume;
5. Net weight or volume as expressed in US customary units or metric units;
6. The date of product creation;
7. A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and Processing;
8. Directions for use of the Marijuana Product;
9. A statement and a seal that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with M.G.L. c. 94G, § 15;
10. A warning if nuts or other Known Allergens are contained in the product;
11. This statement, including capitalization:
  - a. This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN.**;
12. The following symbol or easily recognizable mark issued by the Commission that indicates the package contains Marijuana Product:





13. The following symbol or other easily recognizable mark issued by the Commission that indicates that the product is harmful to children:



- (e) In circumstances where the labeling of the Marijuana Product is unreasonable or impractical, the MTC may include the labeling information on a peel-back label or may place the product in a sealed bag with an insert or additional, easily readable label firmly Affixed to that bag.
- (f) 935 CMR 501.105(5)(a) shall not apply to Marijuana packaged for transport of wholesale cultivated Marijuana in compliance with 935 CMR 501.105(13), provided however that the MTC is responsible for compliance with 935 CMR 501.105(5) for all Marijuana Products sold or displayed for Patients.
- (g) 935 CMR 501.105(5)(b) shall apply to edible Marijuana Products produced by an MTC for transport to another MTC in compliance with 935 CMR 501.105(13) and shall be in addition to any regulation regarding the appearance of edible Marijuana Products under 935 CMR 501.150.
- (h) 935 CMR 501.105(5)(c) shall apply to Marijuana concentrates and extracts produced by an MTC for transport to another MTC in compliance with 935 CMR 501.105(13).
- (i) 935 CMR 501.105(5)(d) shall apply to Marijuana-infused Tinctures and topicals produced by an MTC for transport to another MTC in compliance with 935 CMR 501.105(13).
- (6) Packaging of Marijuana and Marijuana Products.
- (a) Tamper ~~and-or~~ Child-resistant Packaging. MTCs engaged in product manufacturing operations shall ensure that all Marijuana Products that are provided for sale to patients shall be sold in tamper ~~and-or~~ child-resistant packaging. To be in compliance with 935 CMR 501.105(6), Licensees shall ensure:
1. That to the extent it is not unreasonably impracticable for the specific type of product, Marijuana Products are packaged in containers that are:
    - ~~a.~~ Opaque and plain in design;
    - a. Not be able to be opened easily with scissors if appealing to children;
    - b. Resealable for any Marijuana Product intended for more than a single use or containing multiple servings; and
    - c. Certified by a qualified third-party tamper ~~and-or~~ child-resistant packaging testing firm that the packaging is in compliance with the most recent poison prevention packaging regulations of the US Consumer Product Safety Commission as included at 16 CFR 1700.
  2. That where compliance with the requirements of tamper ~~and-or~~ child-resistant packaging is deemed to be unreasonably impracticable, Marijuana Products shall be placed in an exit package that is:
    - a. Capable of being resealed and made tamper ~~and-or~~ child-resistant ~~resistant-~~ again after it has been opened;

~~b. Not be able to be opened easily with scissors or knives if appealing to children;~~

~~e.b.~~ Includes the following statement, including capitalization, in at least ten-point Times New Roman, Helvetica or Arial font: KEEP OUT OF REACH OF CHILDREN; and

~~e.c.~~ Is certified by a qualified third-party tamper ~~and or~~ child-resistant packaging testing firm that the packaging is in compliance with the most recent poison prevention packaging regulations of the US Consumer Product Safety Commission as included at 16 CFR 1700.

(b) Limits on Packaging Design. Packaging for Marijuana Products sold or displayed for Registered Qualifying Patients, including any label or imprint Affixed to any packaging containing Marijuana Products or any exit packages, shall not be attractive to minors. Packaging is explicitly prohibited from:

1. Imitating or having a semblance to any existing branded consumer products, including foods and beverages, that do not contain Marijuana;
2. Featuring cartoons;
3. Featuring a design, brand or name that resembles a non-Cannabis consumer product of the type that is typically marketed to minors;
4. Featuring symbols or celebrities that are commonly used to market products to minors;
5. Featuring images of minors; and
6. Featuring words that refer to products that are commonly associated with minors or marketed to minors.

(c) Packaging of Multiple Servings.

1. Packaging for Marijuana Products sold or displayed for patients in multiple servings shall include the following statement on the exterior of the package in a printed font that is no smaller than ten-point Times New Roman, Helvetica or Arial, including capitalization: “INCLUDES MULTIPLE SERVINGS.”
2. Packaging for Marijuana Products in solid form sold or displayed for patients in multiple servings shall allow a Registered Qualifying Patient to easily perform the division into single servings.
  - a. Edible Marijuana Products in a solid form shall be easily and permanently scored to identify individual servings.
  - b. Notwithstanding 935 CMR 501.105(6)(c)2.a, where a product is unable, because of its form, to be easily and permanently scored to identify individual servings, the product shall be packaged in a single serving size. The determination of whether a product is able to be easily and permanently scored shall be decided by the Commission consistent with sub-regulatory guidelines established by the Commission and provided to Licensees.

(d) Each single serving of an edible Marijuana Product contained in a multiple-serving package may be marked, stamped or otherwise imprinted with the symbol issued by the Commission under 935 CMR 501.105(5) that indicates that the single serving is a Marijuana Product.

(e) Serving size shall be determined by the MTC.

(7) Packaging and Labeling Pre-approval. Prior to a Marijuana Product being sold at an MTC, a Licensee or License applicant may submit an application, in a form and manner determined by the Commission, for packaging and label approval to the Commission. The Commission may charge a fee for packaging and labeling pre-approval. The packaging and labeling pre-approval process shall in no way substitute for compliance with 935 CMR 501.105(5) through (6).

(8) Inventory.

(a) Subject to Marijuana or Marijuana Products being entered into the Seed-to-Sale SOR, a Marijuana Establishment may Transfer product to an MTC, and an MTC may

Transfer product to a Marijuana Establishment as long as there is no violation of the dosing limitations set forth in 935 CMR 500.150(4): *Dosing Limitations* or the limitations on total MTC inventory as set forth in 935 CMR 501.105(8)(k)(2) and (3). Such transfers cannot violate provisions protecting patient supply under 935 CMR 502.140(9). An MTC must limit its transfer of inventory of seeds, plants, and Usable Marijuana to reflect the projected needs of ~~registered-Qualifying~~Registered Qualifying Patients.

- (b) Seed-to-sale Electronic Tracking shall be maintained as specified by the Commission including, at a minimum, an inventory of Marijuana plants, Marijuana plant seeds and Clones in any phase of development such as Propagation, Vegetation, and Flowering, Marijuana ready for dispensing, all MIPs, and all damaged, defective, expired, or contaminated Marijuana and MIPs awaiting disposal.
- (c) An MTC shall:
  1. Establish inventory controls and procedures for the conduct of inventory reviews, and comprehensive inventories of Marijuana and MIPs in the process of cultivation, and finished, stored Marijuana;
  2. Conduct a monthly inventory of Marijuana in the process of cultivation and finished, stored Marijuana;
  3. Conduct a comprehensive annual inventory at least once every year after the date of the previous comprehensive inventory; and
  4. Promptly transcribe inventories if taken by use of an oral recording device.
- (d) The record of each inventory shall include, at a minimum, the date of the inventory, a summary of the inventory findings, and the names, signatures, and titles of the individuals who conducted the inventory.
- (e) An MTC shall attach plant tags to all Marijuana, Clones, and plants and attach package tags to all finished Marijuana and Marijuana Products, and track all Marijuana seeds, Clones, plants, and Marijuana Products, using a Seed-to-sale methodology in a form and manner to be approved by the Commission.
- (f) The failure to enter inventory into the Seed-to-sale SOR may result in the suspension or revocation of an MTC License.
- (g) The use of the Seed-to-sale SOR does not preclude an MTC from using a secondary electronic tracking system so long as it complies with 935 CMR 501.105(8). The MTC must seek approval from the Commission, in a form and manner determined by the Commission, to integrate its secondary system with the Seed-to-sale SOR.
- (h) Prior to the point of sale, an MTC shall specify the suggested retail price for any Marijuana or Marijuana Product intended for patient sale.
- (i) An MTC must limit its inventory of seeds, plants, and Usable Marijuana to reflect the projected needs of ~~registered-Qualifying~~Registered Qualifying Patients.
- (j) An MTC may acquire Marijuana from or distribute Marijuana to another MTC or Marijuana Establishment in accordance with 935 CMR 502.105(8)(b) and subject to the following:
  1. A documented emergency occurs such as loss of crop, vandalism, or theft, or other circumstance as approved by the Commission; or
  2. The distribution and acquisition of Marijuana, except MIPs, to and from all other MTCs does not exceed, cumulatively, 45% of the MTC's total annual inventory of Marijuana as measured by weight; except that such requirement shall not apply to CMOs; and
  3. The distribution and acquisition of MIPs to and from all other MTCs does not exceed, cumulatively, 45% of the MTC's total annual inventory of MIPs as measured by its dry weight equivalent to Marijuana; except that such requirement shall not apply to CMOs;
- (k) Any distribution and acquisition of Marijuana and MIPs must be tracked in the Seed-to-sale SOR in a form and manner determined by the Commission. Any distribution of Marijuana and MIPs that is not tracked in the Seed-to-sale SOR may result in the

suspension or revocation of an MTC License or other administrative action.

- (l) An MTC may not engage in a transfer of inventory that would violate the provisions protecting patient supply under 935 CMR 502.140(9).

(9) **Record Keeping.** Records of an MTC must be available for inspection by the Commission, on request. The financial records of an MTC shall be maintained in accordance with generally accepted accounting principles. Written records that are required and are subject to inspection include, but are not limited to, all records required in any section of 935 CMR 501.000: *Medical Use of Marijuana*, in addition to the following:

- (a) Operating procedures as required by 935 CMR 501.105(1);
- (b) Inventory records as required by 935 CMR 501.105(8);
- (c) Seed-to-sale tracking records for all Marijuana and MIPs as required by 501.105(8)(d);
- (d) The following personnel records:
1. Job descriptions for each employee and volunteer position, as well as organizational charts consistent with the job descriptions;
  2. A personnel record for each MTC and Laboratory agent. Such records shall be maintained for at least 12 months after termination of the individual's affiliation with the MTC and shall include, at a minimum, the following:
    - a. All materials submitted to the Commission pursuant to 935 CMR 501.029: *Registration of Independent Testing Laboratory Agents* and 935 CMR 501.030: *Registration of Medical Marijuana Treatment Center Agents*, as applicable;
    - b. Documentation of verification of references;
    - c. The job description or employment contract that includes duties, authority, responsibilities, qualifications, and supervision;
    - d. Documentation of all required training, including training regarding privacy and confidentiality requirements, and the signed statement of the individual indicating the date, time, and place he or she received said training and the topics discussed, including the name and title of presenters;
    - e. A copy of the application that the MTC submitted to the Commission on behalf of any prospective MTC agent;
    - f. Documentation of periodic performance evaluations; and
    - g. A record of any disciplinary action taken.
  3. A staffing plan that will demonstrate accessible business hours and safe cultivation conditions;
  4. Personnel policies and procedures; and
  5. All background reports obtained in accordance with M.G.L. c. 6, § 172, 935 CMR 501.029: *Registration of Independent Testing Laboratory Agents*, 935 CMR 501.030: *Registration of Medical Marijuana Treatment Center Agents*, and 803 CMR 2.00: *Criminal Offender Record Information (CORI)*;
- (e) Business records, which shall include manual or computerized records of:
1. Assets and liabilities;
  2. Monetary transactions;
  3. Books of accounts, which shall include journals, ledgers, and supporting documents, agreements, checks, invoices, and vouchers;
  4. Sales records that indicate the name of the ~~registered~~ Qualifying ~~Registered~~ Qualifying Patient or Personal Caregiver to whom Marijuana has been dispensed, including the quantity, form, and cost;

5. Salary and wages paid to each employee, stipend paid to each board member, and any executive compensation, bonus, benefit, or item of value paid to any individual affiliated with an MTC, Including Persons or Entities Having Direct or Indirect Control over the MTC.

- (f) Waste disposal records as required under 935 CMR 501.105(12); and
- (g) Following closure of an MTC, all records must be kept for at least two years at the expense of the MTC and in a form and location acceptable to the Commission.

(10) Liability Insurance Coverage or Maintenance of Escrow.

- (a) An MTC shall obtain and maintain general liability insurance coverage for no less than \$1,000,000 per occurrence and \$2,000,000 in aggregate, annually, and product liability insurance coverage for no less than \$1,000,000 per occurrence and \$2,000,000 in aggregate, annually, except as provided in 935 CMR 501.105(10)(b) or otherwise approved by the Commission. The deductible for each policy shall be no higher than \$5,000 per occurrence.
- (b) An MTC that documents an inability to obtain minimum liability insurance coverage as required by 935 CMR 501.105(10)(a) may place in escrow a sum of no less than \$250,000 or such other amount approved by the Commission, to be expended for coverage of liabilities.
- (c) The escrow account required pursuant to 935 CMR 501.105(10)(b) must be replenished within ten business days of any expenditure.
- (d) Reports documenting compliance with 935 CMR 501.105(10) shall be made in a manner and form determined by the Commission pursuant to 935 CMR 501.000: *Medical Use of Marijuana*.

(11) Storage Requirements.

- (a) An MTC shall provide adequate lighting, ventilation, temperature, humidity, space, and equipment, in accordance with applicable provisions of 935 CMR 501.105: *Operational Requirements for Medical Marijuana Treatment Centers* and 935 CMR 501.110: *Security Requirements for Medical Marijuana Treatment Centers*.
- (b) An MTC shall have separate areas for storage of Marijuana that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging have been opened or breached, until such products are destroyed.
- (c) MTC storage areas shall be maintained in a clean and orderly condition.
- (d) MTC storage areas shall be free from infestation by insects, rodents, birds, and pests of any kind.
- (e) MTC storage areas shall be maintained in accordance with the security requirements of 935 CMR 501.110: *Security Requirements for Medical Marijuana Treatment Centers*.

(12) Waste Disposal.

- (a) All recyclables and waste, including organic waste composed of or containing finished Marijuana and MIPs, shall be stored, secured, and managed in accordance with applicable state and local statutes, ordinances, and regulations.
- (b) Liquid waste containing Marijuana or by-products of Marijuana Processing shall be disposed of in compliance with all applicable state and federal requirements including, but not limited to, for discharge of pollutants into surface water or groundwater (Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53; 314 CMR 3.00: *Surface Water Discharge Permit Program*; 314 CMR 5.00: *Groundwater Discharge Program*; 314 CMR 12.00: *Operation, Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers*; the Federal Clean Water Act, 33 U.S.C. 1251 *et seq.*, the National Pollutant Discharge Elimination System Permit Regulations at 40 CFR Part 122, 314

CMR 7.00: *Sewer System Extension and Connection Permit Program*), or stored pending disposal in an industrial wastewater holding tank in accordance with 314 CMR 18.00: *Industrial Wastewater Holding Tank And Container Construction, Operation, And Record Keeping Requirements*.

- (c) Organic material, recyclable material and solid waste generated at an MTC shall be redirected or disposed of as follows:
1. Organic and recyclable material shall be redirected from disposal in accordance with the waste disposal bans described at 310 CMR 19.017: *Waste Bans*.
  2. To the greatest extent feasible:
    - a. Any recyclable material as defined in 310 CMR 16.02: *Definitions* shall be recycled in a manner approved by the Commission; and
    - b. Any Marijuana containing organic material as defined in 310 CMR 16.02: *Definitions* shall be ground up and mixed with other organic material as defined in 310 CMR 16.02: *Definitions* at the MTC such that the resulting mixture renders any Marijuana unusable for its original purpose. Once such Marijuana has been rendered unusable, the organic material may be composted or digested at an aerobic or anaerobic digester at an operation that is in compliance with the requirements of 310 CMR 16.00: *Site Assignment Regulations for Solid Waste Facilities*.
  3. Solid waste containing Marijuana generated at an MTC shall be ground up and mixed with other solid waste at the MTC such that the resulting mixture renders any Marijuana unusable for its original purpose. Once such Marijuana has been rendered unusable, the resulting solid waste may be brought to a solid waste transfer facility or a solid waste disposal facility (e.g., landfill or incinerator) that holds a valid permit issued by the Department of Environmental Protection or by the appropriate agency in the jurisdiction in which the facility is located.
- (d) No fewer than two MTC Agents must witness and document how the solid waste or organic material containing Marijuana is handled on-site, including, but not limited to, the grinding up, mixing, storage and removal from the MTC in accordance with 935 CMR 501.105(12). When Marijuana Products or waste is disposed or handled, the MTC must create and maintain an electronic record of the date, the type and quantity disposed or handled, the manner of disposal or other handling, the location of disposal or other handling, and the names of the two MTC Agents present during the disposal or other handling, with their signatures. An MTC shall keep these records for at least three years. This period shall automatically be extended for the duration of any enforcement action and may be extended by an order of the Commission.

(13) Transportation Between MTCs.

(a) General Requirements.

1. A licensed MTC shall, as an element of its License, be licensed to transport its Marijuana Products to other licensed establishments, except as otherwise provided herein.
2. Marijuana Products may only be transported between licensed MTCs by registered MTC agents.
3. A Marijuana Transporter licensed pursuant to 935 CMR 500.050(8) may Transfer Marijuana and Marijuana Products to or from an MTC.
4. The originating and receiving licensed MTCs shall ensure that all transported Marijuana Products are linked to the Seed-to-sale tracking program. For the purposes of tracking, seeds and Clones will be properly tracked and labeled in a form and manner determined by the Commission.
5. Any Marijuana Product that is undeliverable or is refused by the destination MTC shall be transported back to the originating establishment.
6. All vehicles transporting Marijuana Products shall be staffed with a minimum of two MTC agents. At least one agent shall always remain with the vehicle when

the vehicle contains Marijuana or Marijuana Products.

7. Prior to leaving an MTC for the purpose of transporting Marijuana Products, the originating MTC must weigh, inventory, and account for, on video, all Marijuana Products to be transported.
8. Within eight hours after arrival at the destination MTC, the destination MTC must re-weigh, re-inventory, and account for, on video, all Marijuana Products transported.
9. When videotaping the weighing, inventorying, and accounting of Marijuana Products before transportation or after receipt, the video must show each product being weighed, the weight, and the manifest.
10. Marijuana Products must be packaged in sealed, labeled, and tamper ~~and~~ child-resistant packaging prior to and during transportation.
11. In the case of an emergency stop during the transportation of Marijuana Products, a log must be maintained describing the reason for the stop, the duration, the location, and any activities of personnel exiting the vehicle.
12. An MTC transporting Marijuana Products shall ensure that all transportation times and routes are randomized.
13. An MTC transporting Marijuana Products shall ensure that all transport routes remain within the Commonwealth.
14. All vehicles and transportation equipment used in the transportation of Cannabis products or edibles requiring temperature control for safety must be designed, maintained, and equipped as necessary to provide adequate temperature control to prevent the Cannabis products or edibles from becoming unsafe during transportation, consistent with applicable requirements pursuant to 21 CFR 1.908(c).
15. All vehicles shall be equipped with a video system that includes one or more video cameras in the storage area of the vehicle and one or more video cameras in the driver area of the vehicle and which shall remain operational at all times during the entire transportation process and which shall have:
  - a. The ability to produce a clear color still photo whether live or recorded; and
  - b. A date and time stamp embedded in all recordings which shall always be synchronized and set correctly and shall not significantly obscure the picture.

(b) Reporting Requirements.

1. MTC agents must document and report any unusual discrepancy in weight or inventory to the Commission and law enforcement authorities not more than 24 hours of the discovery of such a discrepancy.
2. MTC agents shall report to the Commission and law enforcement authorities any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport, not more than 24 hours of such accidents, diversions, losses, or other reportable incidents.

(c) Vehicles.

1. A vehicle used for transporting Marijuana Products must be:
  - a. Exclusively owned or leased by the MTC or otherwise licensed by the Commission as a third-party transporter;
  - b. Properly registered, inspected, and insured in the Commonwealth (documentation of such status shall be maintained as records of the MTC, and shall be made available to the Commission on request);
  - c. Equipped with an alarm system approved by the Commission; and
  - d. Equipped with functioning heating and air conditioning systems appropriate for maintaining correct temperatures for storage of Marijuana Products.
2. Marijuana Products must not be visible from outside the vehicle.

3. Any vehicle used to transport Marijuana Products shall not bear any markings indicating that the vehicle is being used to transport Marijuana Products, and any such vehicle shall not indicate the name of the MTC.
4. When transporting Marijuana Products, no other products may be transported or stored in the same vehicle.
5. No firearms may be located within the vehicle or on an MTC agent.

(d) Storage Requirements.

1. Marijuana Products must be transported in a secure, locked storage compartment that is a part of the vehicle transporting the Marijuana Products.
2. The storage compartment must be sufficiently secure that it cannot be easily removed.
3. If an MTC is transporting Marijuana Products for more than one licensed MTC at a time, the Marijuana Products for each Licensee shall be kept in a separate locked storage compartment during transportation and separate manifests shall be maintained for each MTC.
4. If an MTC is transporting Marijuana Products to multiple other establishments, it may seek the Commission's permission to adopt reasonable alternative safeguards.

(e) Communications.

1. Any vehicle used to transport Marijuana Products shall contain a global positioning system (GPS) monitoring device that is:
  - a. Not a mobile device that is easily removable;
  - b. Attached to the vehicle at all times that the vehicle contains Marijuana Products;
  - c. Monitored by the MTC during transport of Marijuana Products; and
  - d. Inspected by the Commission prior to initial transportation of Marijuana Products, and after any alteration to the locked storage compartment.
2. Each MTC agent transporting Marijuana Products shall always have access to a secure form of communication with personnel at the originating location when the vehicle contains Marijuana and Marijuana Products.
3. Secure types of communication include, but are not limited to:
  - a. Two-way digital or analog radio (UHF or VHF);
  - b. Cellular phone; or
  - c. Satellite phone.
4. When choosing a type of secure communications, the following shall be taken into consideration:
  - a. Cellular signal coverage;
  - b. Transportation area;
  - c. Base capabilities;
  - d. Antenna coverage; and
  - e. Frequency of transportation.
5. Prior to, and immediately after leaving the originating location, the MTC agents shall use the secure form of communication to contact the originating location to test communications and GPS operability.
6. If communications or the GPS system fail while on route, the MTC agents transporting Marijuana Products must return to the originating location until the communication system or GPS system is operational.
7. The MTC agents transporting Marijuana Products shall contact the originating location when stopping at and leaving any scheduled location, and regularly throughout the trip, at least every 30 minutes.



8. The originating location must have an MTC agent assigned to monitoring the GPS unit and secure form of communication, who must log all official communications with MTC agents transporting Marijuana Products.

(f) Manifests.

1. A manifest shall be filled out in triplicate, with the original manifest remaining with the originating MTC, a second copy provide to the destination MTC on arrival, and a copy to be kept with the licensed MTC agent during transportation and returned to the MTC on completion of the transportation.
2. Prior to transport, the manifest shall be securely transmitted to the destination MTC by facsimile or email.
3. On arrival at the destination MTC, an MTC agent at the destination MTC shall compare the manifest produced by the agents who transported the Marijuana Products to the copy transmitted by facsimile or email. This manifest must, at a minimum, include:
  - a. The originating MTC name, address, and registration number;
  - b. The names and registration numbers of the agents who transported the Marijuana Products;
  - c. The name and registration number of the MTC agent who prepared the manifest;
  - d. The destination MTC name, address, and registration number;
  - e. A description of the Marijuana Products being transported, including the weight and form or type of product;
  - f. The mileage of the transporting vehicle at departure from originating MTC and mileage on arrival at destination MTC, as well as mileage on return to originating MTC;
  - g. The date and time of departure from originating MTC and arrival at destination MTC for each transportation;
  - h. A signature line for the MTC agent who receives the Marijuana Products;
  - i. The weight and inventory before departure and on receipt;
  - j. The date and time that the transported products were re-weighed and re-inventoried;
  - k. The name of the MTC agent at the destination MTC who re-weighed and re-inventoried products; and
  - l. The vehicle make, model and license plate number.
4. The manifest shall be maintained within the vehicle during the entire transportation process, until the delivery is completed.
5. An MTC shall retain all transportation manifests for no less than one year and make them available to the Commission on request.

(g) Requirements for Agents.

1. Each employee or agent transporting or otherwise handling Marijuana Products for an MTC must be registered as an MTC agent and have a driver's license in good standing issued by the Massachusetts Registry of Motor Vehicles for all classes of vehicle the MTC agent will operate for the MTC prior to transporting or otherwise handling Marijuana Products.
2. An MTC agent shall carry his or her Agent Registration Card at all times when transporting Marijuana Products and shall produce his or her Agent Registration Card to the Commission or law enforcement officials on request.

- (h) MTCs engaged in transportation operations shall use best management practices to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts.

(14) Access to the Commission, Emergency Responders, and Law Enforcement.

- (a) The following individuals shall have access to an MTC or MTC transportation vehicle:
1. Representatives of the Commission as authorized by M.G.L. c. 94G, c. 94I, and 935 CMR 501.000: *Medical Use of Marijuana*;
  2. Representatives of other state agencies of the Commonwealth; and
  3. Emergency responders while responding to an emergency.
- (b) 935 CMR 501.000: *Medical Use of Marijuana* shall not be construed to prohibit access to authorized law enforcement personnel or local public health, inspectional services, or other permit-granting agents acting within their lawful jurisdiction.

(15) Energy Efficiency and Conservation. An MTC must demonstrate consideration of the following factors as part of its operating plan and application for licensure:

- (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, 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;
- (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.

(16) Bond.

- (a) Prior to commencing operations, an MTC shall provide proof of having obtained a surety bond in an amount equal to its licensure fee payable to the Marijuana Regulation Fund to ensure payment of the cost incurred for the destruction of Cannabis goods necessitated by a violation of St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94I, or 935 CMR 501.000: *Medical Use of Marijuana* or the cessation of operation of the MTC.
- (b) All bonds required under 935 CMR 501.000: *Medical Use of Marijuana* must be issued by a corporate surety licensed to transact surety business in the Commonwealth.
- (c) If the MTC is unable to secure a surety bond, as required by 935 CMR 501.105(16) it may place in escrow a sum of no less than \$5,000 or such other amount approved by the Commission, to be expended for coverage of liabilities.
- (d) The escrow account required pursuant to 935 CMR 501.105(16)(c) must be replenished within ten business days of any expenditure required under 935 CMR 501.105: *General Operational Requirements for Medical Marijuana Treatment Centers* except if the MTC has ceased operations. Documentation of the replenishment must be promptly sent to the Commission.

(17) Reports to the Commission. The Commission may require ongoing reporting on operational, quality, and financial information in a form and manner determined by the Commission.(18) Requirements on the Expiration, Revocation, or Voiding of Certificate of Licensure of MTC.

- (a) If a License to operate expires without being renewed, is revoked, or becomes

void, the MTC shall:

1. Immediately discontinue cultivation and production of Marijuana;
2. Weigh and inventory all unused Marijuana in all stages of cultivation and all MIPs in any stage of production, and create and maintain a written record of all such items;
3. Dispose of the unused Marijuana in accordance with 935 CMR 501.105(12) after approval by the Commission. Such disposal shall be in the public interest, and
4. Maintain all records as required by 935 CMR 501.105(9)(g).

(b) If the MTC does not comply with the requirements of 935 CMR 501.105(15)(a), the Commission shall have the authority to, at the MTC's expense, secure the MTC, and after a period of 30 calendar days, seize, and destroy the inventory and equipment and contract for the storage of MTC records.

(19) Prohibitions

- (a) Unless otherwise authorized by the Commission, an MTC may not dispense, deliver, or otherwise transfer Marijuana to a person other than a ~~registered-  
Qualifying~~ Registered Qualifying Patient or to his or her Personal Caregiver, to another MTC or to a laboratory as provided for in 935 CMR 501.105(13).
- (b) Unless otherwise authorized by the Commission, an MTC may not acquire Marijuana or Marijuana plants except through the cultivation of Marijuana by that MTC or another MTC as specified in 935 CMR 501.105(13), provided however that an MTC may acquire Marijuana seeds, cuttings or genetic plant material. Cuttings or genetic plant material may only be acquired within 90 days of receiving a final Certificate of Licensure, or such other time period approved by the Commission and otherwise as authorized under 935 CMR 501.105(13).
- (c) Unless authorized by the Commission, an MTC is prohibited from acquiring, possessing, cultivating, delivering, Transferring, transporting, supplying, or dispensing Marijuana for any purpose except to assist ~~registered-  
Qualifying~~ Registered Qualifying Patients.
- (d) An MTC may not give away any Marijuana except as required pursuant to 935 CMR 501.050(1)(g~~h~~). An MTC may not provide any samples of Marijuana.
- (e) An MTC may not receive orders for Marijuana in any manner other than from a ~~registered-  
Qualifying~~ Registered Qualifying Patient or Personal Caregiver in -person at the MTC, except in the cases of delivery, in which an order may be received by telephone or through a password-protected, internet-based platform.
- (f) An MTC may not fill orders for Marijuana in any manner other than to a ~~registered-  
Qualifying~~ Registered Qualifying Patient or Personal Caregiver in person at the MTC, except in the case of delivery, in which an order may be delivered only to the Residence of a Registered Qualifying Patient or Personal Caregiver or the Caregiving Institution of a ~~registered-  
Qualifying~~ Registered Qualifying Patient. The Qualifying Patient or caregiver receiving the delivery must possess a temporary or an annual Registration Card and valid photo identification as required pursuant to 935 CMR 501.140(2). An MTC is prohibited from delivering adult use Marijuana.
- (g) Unless authorized by the Commission, an MTC may not sell any products other than Marijuana, including MIPs and Marijuana seeds, and other Marijuana Accessories and products such as vaporizers that facilitate the use of Marijuana for medical purposes.
- (h) Consumption of Marijuana on the Premises or grounds of any MTC is prohibited, provided however that an MTC may administer medical-use Marijuana for the purposes of teaching use of vaporizers, or demonstration of use of other products as necessary. An MTC is prohibited from administering adult-use Marijuana.
- (i) An MTC may not adulterate Marijuana, including with psychoactive additives or other illegal substances.

- (j) An MTC may not sell Marijuana to a ~~registered-Qualifying~~ Registered Qualifying Patient with a Hardship Cultivation Registration or to his or her Personal Caregiver(s), provided however that the MTC may sell seeds to such individuals or gift seeds pursuant to 935 CMR 501.050(~~1h~~)(g).

501.110: Security Requirements for Medical Marijuana Treatment Centers

- (1) General Requirements. An MTC shall implement sufficient security measures to deter and prevent unauthorized entrance into areas containing Marijuana, theft of Marijuana and ensure the safety of MTC employees, Qualifying Patients and the general public. Security measures to protect the Premises, ~~registered-Qualifying~~ Registered Qualifying Patients, Personal Caregivers, and MTC agents of the MTC must include, but are not limited to, the following:
  - (a) Allow only ~~registered-Qualifying~~ Registered Qualifying Patients, Personal Caregivers, MTC agents and, subject to the requirements of 935 CMR 501.110(4)(e), outside vendors, contractors, and Visitors, access to the MTC;
  - (b) Prevent individuals from remaining on the Premises of the MTC if they are not engaging in activity expressly or by necessary implication permitted by M.G.L. c.94I and 935 CMR 501.000: *Medical Use of Marijuana*;
  - (c) Disposing of Marijuana in accordance with 935 CMR 501.105(12), in excess of the quantity required for normal, efficient operation as established within 935 CMR 501.105: *General Operational Requirements for Medical Marijuana Treatment Centers*;
  - (d) Securing all entrances to the MTC to prevent unauthorized access;
  - (e) Establishing Limited Access Areas which shall be accessible only to specifically authorized personnel limited to include only the minimum number of employees essential for efficient operation;
  - (f) Storing all finished Marijuana in a secure, locked safe or vault and in such a manner as to prevent diversion, theft, and loss;
  - (g) Keeping all safes, vaults, and any other equipment or areas used for the production, cultivation, harvesting, Processing, or storage, including prior to disposal, of Marijuana and MIPs securely locked and protected from entry, except for the actual time required to remove or replace Marijuana;
  - (h) Keeping all locks and security equipment in good working order;
  - (i) Prohibiting keys, if any, from being left in the locks, or stored or placed in a location accessible to persons other than specifically authorized personnel;
  - (j) Prohibit accessibility of security measures, such as combination numbers, passwords, or electronic or biometric security systems, to persons other than specifically authorized personnel;
  - (k) Ensure that the outside perimeter of the MTC is sufficiently lit to facilitate surveillance;
  - (l) Ensuring that all Marijuana Products are kept out of plain sight and are not visible from a public place, outside of the MTC, without the use of binoculars, optical aids or aircraft;
  - (m) Develop emergency policies and procedures for securing all product following any instance of diversion, theft, or loss of Marijuana, and conduct an assessment to determine whether additional safeguards are necessary;
  - (n) Develop sufficient additional safeguards as required by the Commission for MTCs that present special security concerns;
  - (o) At MTCs where transactions are conducted in cash, establishing procedures for safe cash handling and cash transportation to financial institutions to prevent theft, loss and associated risks to the safety of employees, customers and the general public;
  - (p) Sharing the MTC's floor plan or layout of the facility with Law Enforcement Authorities in a manner and scope as required by the municipality and identifying

when the use of flammable or combustible solvents, chemicals or other materials are in use at the MTC;

- (q) Sharing the MTC's security plan and procedures with Law Enforcement Authorities, in the municipality where the MTC is located and periodically updating Law Enforcement Authorities if the plans or procedures are modified in a material way; and
- (r) Inside the MTC, all Marijuana shall be kept in a Limited Access Area inaccessible to any persons other than MTC agents, except for displays allowable under 935 CMR 501.105(4)(a)(3). Inside the MTC, all Marijuana shall be stored in a locked, access-controlled space in a Limited Access Area during non-business hours.

(2) Alternative Security Provisions.

- (a) Notwithstanding the requirements specified in 935 CMR 501.110(1) and (4)-(6), if an MTC has provided other, specific safeguards that may be regarded as an adequate substitute for those requirements, such measures may be taken into account by the Commission in evaluating the overall required security measures. For purposes of cash handling and cash transportation, only alternative safeguards that comply with the requirements of 935 CMR 501.110(6)(b) shall be considered to be adequate substitutes.
- (b) The applicant or Licensee shall submit a request for an alternative security provision to the Commission on a form as determined and made available by the Commission. Upon receipt of the form, the Commission shall submit the request to the chief law enforcement officer in the municipality where the Marijuana Establishment is located or will be located. The Commission shall request that the chief law enforcement officer review the request and alternative security provision requested and, within 30 days;
  1. Certify the sufficiency of the requested alternate security provision; or
  2. Provide the Commission with a statement of reasons why the alternative security provision is not sufficient in the opinion of the chief law enforcement officer.
- (c) The Commission shall take the chief law enforcement officer's opinion under consideration in determining whether to grant the alternative security provision, provided that it shall not be determinative. If no response is received from the chief law enforcement officer or a delegee within 30 days of submitting the request to the chief law enforcement officer, the Commission shall proceed with a determination.

(3) Buffer Zone.

The property where the proposed MTC is to be located, at the time the License application is received by the Commission, is not located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12, unless a city or town adopts an ordinance or bylaw that reduces the distance requirement. The distance under 935 CMR 501.110(3) shall be measured in a ~~straight line from the nearest point of the property line in question to the nearest point of the property line where the MTC is or will be located~~

Option 1: Buffer Zone. The property where the proposed Marijuana Establishment is to be located, at the time the license application is received by the Commission, is not located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12, unless a city or town adopts an ordinance or bylaw that reduces the distance requirement. The distance under 935 CMR 500.110(3) shall be measured as odometric distance along public ways, accessible by vehicle or on foot, from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located.

Option 2: Buffer Zone. The property where the proposed Marijuana Establishment is to be located, at the time the license application is received by the Commission, is not located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12, unless a city or town adopts an ordinance or bylaw that reduces the distance requirement. The distance under 935 CMR 500.110(3) shall be measured in a form and manner determined by the Commission, including that it may consider submissions demonstrating the nearest point of the property line where the Marijuana Establishment is or will

[be located is not located within 500 feet of the nearest point of the school in question.](#)

(4) Limited Access Areas.

- (a) All Limited Access Areas must be identified by the posting of a sign that shall be a minimum of 12" x 12" and which states: "Do Not Enter - Limited Access Area - Access Limited to Authorized Personnel Only" in lettering no smaller than one inch in height.
- (b) All Limited Access Areas shall be clearly described by the filing of a diagram of the licensed Premises, in the form and manner determined by the Commission, reflecting walls, partitions, counters, and all areas of entry and exit. Said diagram shall also show all Propagation, Vegetation, Flowering, Processing, production, storage, disposal, and retail sales areas.
- (c) Access to Limited Access Areas shall be limited to persons that are essential to operations in these areas and specifically permitted by the MTC, representatives of the Commission acting in accordance with their authority under the adult use, medical- use and colocated-operations laws; Commission Delegee(s); and local law enforcement authorities, fire safety personnel and emergency medical services acting within their lawful jurisdiction and official capacity.
- (d) An MTC agent shall visibly display an identification badge issued by the MTC or the Commission at all times while at the MTC or transporting Marijuana.
- (e) All outside vendors, contractors, and Visitors must obtain a Visitor Identification Badge prior to entering a Limited Access Area, and shall be escorted at all times by an MTC agent authorized to enter the Limited Access Area. The Visitor Identification Badge must be visibly displayed at all times while the Visitor is in any Limited Access Area. All Visitors must be logged in and out, and that log shall be available for inspection by the Commission at all times. All Visitor Identification Badges shall be returned to the MTC upon exit.

(5) Security and Alarm Systems.

- (a) An MTC shall have an adequate security system to prevent and detect diversion, theft, or loss of Marijuana or unauthorized intrusion, utilizing commercial grade equipment, which shall, at a minimum, include:
  1. A perimeter alarm on all entry and exit points and perimeter windows;
  2. A failure notification system that provides an audible, text, or visual notification of any failure in the surveillance system. The failure notification system shall provide an alert to designated employees of the MTC within five minutes after the failure, either by telephone, email, or text message;
  3. A Duress Alarm, Panic Alarm, or Holdup Alarm connected to local public safety or law enforcement authorities;
  4. Video cameras in all areas that may contain Marijuana, vaults or safes for the purpose of securing cash, at all points of entry and exit, and in any parking lot, which shall be appropriate for the normal lighting conditions of the area under surveillance. The cameras shall be directed at all safes, vaults, sales areas, and areas where Marijuana is cultivated, harvested, Processed, prepared, stored, handled, Transferred or dispensed, or where cash is kept and Processed. Cameras shall be angled to allow for the capture of clear and certain identification of any individual entering or exiting the MTC or area;
  5. 24-hour recordings from all video cameras that are available for immediate viewing by the Commission upon request and that are retained for at least 90 calendar days. Recordings shall not be destroyed or altered, and shall be retained as long as necessary if the MTC is aware of a pending criminal, civil, or administrative investigation, or legal proceeding for which the recording may contain relevant information;
  6. The ability to immediately produce a clear, color, still image (live or recorded);
  7. A date and time stamp embedded on all recordings. The date and time shall be synchronized and set correctly and shall not significantly obscure the picture;

8. The ability to remain operational during a power outage for a minimum of four hours and, if it appears likely that the outage will last for more than four hours, the Marijuana Establishment takes sufficient steps to ensure security on the premises in consultation with the Commission; and~~48 hours; and~~
9. A video recording that allows for the exporting of still images in an industry standard image format, including .jpg, .bmp, and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall be able to be saved in an industry standard file format that can be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.
- (b) All security system equipment and recordings shall be maintained in a secure location to prevent theft, loss, destruction, and alterations.
- (c) In addition to the requirements listed in 935 CMR 501.110(5), the MTC shall have a back-up alarm system, with all capabilities of the primary system, provided by a company supplying commercial grade equipment, which shall not be the same company supplying the primary security system, or shall demonstrate to the Commission's satisfaction alternate safeguards to ensure continuous operation of a security system.
- (d) Access to surveillance areas shall be limited to persons that are essential to surveillance operations, law enforcement authorities acting within their lawful jurisdiction, fire safety personnel, security system service personnel, representatives of the Commission as authorized by M.G.L. c. 94I, and 935 CMR 501.000: *Medical Use of Marijuana*, and Commission Delegee(s).
- (e) A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Commission upon request. If on-site, surveillance rooms shall remain locked and shall not be used for any other function.
- (f) All security equipment shall be in good working order and shall be inspected and tested at regular intervals, not to exceed 30 calendar days from the previous inspection and test.
- (g) Trees, bushes and other foliage outside of the Marijuana Establishment shall be maintained so as to prevent a person or persons from concealing themselves from sight.
- (6) Security and Alarm Requirements for MTCs Operating Outdoors
- (a) An MTC that is an operating outdoors shall implement adequate security measures to ensure that outdoor areas are not readily accessible to unauthorized individuals and to prevent and detect diversion, theft or loss of Marijuana which shall, at a minimum, include:
1. A perimeter security fence designed to prevent unauthorized entry to the cultivation facility with signs notifying observers that it is a Limited Access Area;
  2. Commercial-grade, nonresidential locks;
  3. A security alarm system that shall:
    - a. Be continuously monitored, whether electronically, by a monitoring company or other means determined to be adequate by the Commission; and
    - b. Provide an alert to designated employees of the MTC within five minutes after a notification of an alarm or a system failure, either by telephone, email or text message.
  4. Video cameras at all points of entry and exit and in any parking lot which shall be appropriate for the normal lighting conditions of the area under surveillance. The cameras shall be directed at all safes, vaults, sales areas, and areas where Marijuana is cultivated, harvested, Processed, prepared, stored, handled, Transferred or dispensed and for the purpose of securing cash. Cameras shall be angled so as to allow for the capture of clear and certain identification of any person entering or exiting the MTC or area;

5. Recordings from all video cameras which shall be enabled to record 24 hours each day and be available for immediate viewing by the Commission on request for at least the preceding 90 calendar days or the duration of a request to preserve the recordings for a specified period of time made by the Commission, whichever is longer. Video cameras may use motion detection sensors to begin recording, so long as the motion detection sensor system provides an alert to designated employees of the MTC in a manner established in the MTC's written security procedures and approved by the Commission or its delegee. If an MTC receives notice that the motion detection sensor is not working correctly, it must take prompt action to make corrections and document those actions. Recordings shall not be destroyed or altered, and shall be retained as long as necessary if the MTC is aware of a pending criminal, civil or administrative investigation or legal proceeding for which the recording may contain relevant information;
6. The ability to immediately produce a clear, color still image whether live or recorded;
7. A date and time stamp embedded in all recordings, which shall be synchronized and set correctly at all times and shall not significantly obscure the picture;

8. The ability to remain operational during a power outage The ability to remain operational during a power outage for a minimum of 4 hours and, if it appears likely that the outage will last for more than four hours, the Marijuana Establishment takes sufficient steps to ensure security on the premises in consultation with the Commission; and

; and

- ~~8.9.~~ A video recording that allows for the exporting of still images in an industry standard image format, including .jpg, .bmp and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that may be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.
- (b) All security system equipment and recordings shall be maintained in a secure location so as to prevent theft, loss, destruction and alterations.
  - (c) In addition to the requirements listed in 935 CMR 501.110(5), the MTC shall have a back-up alarm system, with all capabilities of the primary system, provided by a company supplying commercial grade equipment, which shall not be the same company supplying the primary security system, or shall demonstrate to the Commission's satisfaction alternate safeguards to ensure continuous operation of a security system.
  - (d) Access to surveillance areas shall be limited to persons that are essential to surveillance operations, law enforcement authorities acting within their lawful jurisdiction, fire safety personnel, security system service personnel and the Commission. A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Commission on request. If the surveillance room is on-site of the MTC, it shall remain locked and shall not be used for any other function.
  - (e) All security equipment shall be in good working order and shall be inspected and tested at regular intervals, not to exceed 30 calendar days from the previous inspection and test.
  - (f) Security plans and procedures shared with law enforcement authorities pursuant to 935 CMR 501.110(1)(q) shall include:
    1. A description of the location and operation of the security system, including the location of the central control on the Premises;
    2. A schematic of security zones;
    3. The name of the security alarm company and monitoring company, if any;



4. A floor plan or layout of the facility in a manner and scope as required by the municipality; and
5. A safety plan for the manufacture and production of Marijuana Products as required pursuant to 935 CMR 501.101(1)(c)(15)(c).

(7) Cash Handling and Transportation Requirements.

(a) An MTC with a contract to deposit funds with a financial institution that conducts any transaction in cash shall establish and implement adequate security measures and procedures for safe cash handling and cash transportation to financial institutions or Massachusetts Department of Revenue (DOR) facilities to prevent theft and loss, and to mitigate associated risks to the safety of employees, customers and the general public. Adequate security measures shall include:

1. An on-site secure locked safe or vault maintained in an area separate from retail sales areas used exclusively for the purpose of securing cash;
2. Video cameras directed to provide images of areas where cash is kept, handled and packaged for transport to financial institutions or DOR facilities, provided that the cameras may be motion-sensor activated cameras and provided, further, that all cameras be able to produce a clear, still image whether live or recorded;
3. A written process for securing cash and ensuring transfers of deposits to the MTC's financial institutions and DOR facilities on an incremental basis consistent with the requirements for deposit by the financial institution or DOR facilities;
4. Use of an armored transport provider that is licensed pursuant to M.G.L. c. 147, § 25 (watch, guard or patrol agency) and has been approved by the financial institution or DOR facility.

(b) Notwithstanding the requirement of 935 CMR 501.110(8)(a)(4), an MTC may request an alternative security provision under 935 CMR 501.110(2) for purposes of cash transportation to financial institutions and DOR facilities. Any approved alternative security provision shall be included in the security plan shared with law enforcement in the municipality in which the MTC is licensed and periodically updated as required under 935 CMR 501.110(1)(q). To be determined to provide a sufficient alternative, any such alternative safeguard shall include, but may not be limited to:

1. Requiring the use of a locked bag for the transportation of cash from an MTC to a financial institution or DOR facility;
2. Requiring any transportation of cash be conducted in an unmarked vehicle;
3. Requiring two registered MTC Agents employed by the Licensee to be present in the vehicle at all times during transportation of deposits;
4. Requiring real-time GPS tracking of the vehicle at all times when transporting cash;
5. Requiring access to two-way communications between the transportation vehicle and the MTC;
6. Prohibiting the transportation of Marijuana or Marijuana Products at the same time that cash is being transported for deposit to a financial institution or DOR facility; and
7. Approval of the alternative safeguard by the financial institution or DOR facility.

(c) All written safety and security measures developed under this section shall be treated as security planning documents, the public disclosure of which would jeopardize public safety.

(8) Security Requirements for MTC Home Delivery Operations

(a) An MTC authorized to perform home delivery ("MTC") shall implement adequate security measures to ensure that each vehicle used for transportation of Marijuana and Marijuana Products are not readily accessible to unauthorized individuals and to prevent and detect diversion, theft or loss of Marijuana. Security measures shall, at a minimum, include for each operational delivery vehicle:

1. A vehicle security system that includes an exterior alarm;
2. A secure, locked storage compartment that is a part of the vehicle and not easily

removable for the purpose of transporting the Marijuana or Marijuana Products.

3. A secure, locked storage compartment that is secured to the vehicle and not easily removable for the purpose of transporting and securing cash used as payment for deliveries of Marijuana or Marijuana Products.
  4. A means of secure communication between each vehicle and the MTC's dispatching location which shall be capable of being monitored at all times that a vehicle is performing a delivery route. Means of communication shall include:
    - a. Two-way digital or analog radio (UHF or VHF);
    - b. Cellular phone; or
    - c. Satellite phone.
  5. A global positioning system (GPS) monitoring device that is:
    - a. Not a mobile device and that is attached to the vehicle at all times that the vehicle contains Marijuana or Marijuana Products; and
    - b. Monitored by the MTC at a fixed location during the transportation of Marijuana or Marijuana Products for the purpose of home delivery with location checks occurring at least every 30 minutes. The MTC may delegate monitoring of the GPS to the Third-Party Technology Platform Provider with which the MTC has a contract, provided that the MTC Licensee shall be responsible for ensuring that monitoring occurs as required under these regulations and the contract is made available for inspection and on request, submitted to the Commission.
  6. A video system that includes one or more video cameras in the storage area of the vehicle and one or more video cameras in the driver area of the vehicle and which shall remain operational at all times during the entire transportation process and which shall have:
    - a. The ability to produce a clear color still photo whether live or recorded; and
    - b. A date and time stamp embedded in all recordings which shall be synchronized and set correctly at all times and shall not significantly obscure the picture.
  7. All security equipment on vehicles shall be in good working order and shall be inspected and tested at regular intervals, no to exceed 30 calendar days from the previous inspection and test.
- (b) An MTC transporting Marijuana and Marijuana Products for home delivery shall ensure that all vehicles used for deliveries are staffed with a minimum of two MTC Agents. At least one MTC ~~a~~Agent shall remain with the vehicle at all times that the vehicle contains Marijuana or Marijuana Products.
- (c) The Commission may establish required training programs for MTC agents that must be completed within a reasonable period of time and at the expense of the MTC. Trainings shall include, but may not be limited to, training on:
1. Safely conducting deliveries;
  2. Safe cash handling practices;
  3. Strategies for de-escalating potentially dangerous situations;
  4. Collecting and communicating information to assist in investigations;
  5. Procedures for checking identification;
  6. Indications of impairment;
  7. Notification to Qualifying Patients of use of mandatory recording devices; and
  8. Such other areas of training determined by the Commission to be included in a training program.
- (d) An MTC agent shall document and report any unusual discrepancy in inventory to the Commission and local law enforcement within 24 hours of the discovery of such a discrepancy.

- (e) An MTC shall report to the Commission and local law enforcement any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport immediately and, under no circumstances, more than 24 hours of becoming aware of any accidents, diversions, losses, or other reportable incidents.
- (f) The following individuals shall have access to MTC operations and vehicles, including video recordings:
  1. Representatives of the Commission in the course of responsibilities authorized by 935 CMR 501.000: *Medical Use of Marijuana* or the Act;
  2. Representatives of other state agencies of the Commonwealth of Massachusetts acting within their jurisdiction; and
  3. Law Enforcement Authorities and emergency medical services in the course of responding to an emergency.
- (g) This regulation shall not be construed to prohibit access to authorized law enforcement personnel or local public health, inspectional services, or other permit-granting agents acting within their lawful jurisdiction.
- (h) All vehicles used by the MTC for home delivery are subject to inspection and approval by the Commission prior being put into use. It shall be the MTCs responsibility to make the Commission aware of its intent to introduce a new vehicle into operation and ensure an inspection of the vehicle prior to commencing operation.
- (i) Firearms are strictly prohibited from MTC vehicles and from MTC agents performing home deliveries.

(9) Incident Reporting.

- (a) An MTC shall immediately notify appropriate Law Enforcement Authorities and the Commission any breach of security or other reportable incident defined herein immediately and, in no instance, more than 24 hours following discovery of the breach or incident. Notification shall occur, but not be limited to, during the following occasions:
  1. Discovery of inventory discrepancies;
  2. Diversion, theft, or loss of any Marijuana Product;
  3. Any criminal action involving the MTC or an MTC agent or occurring on or in the MTC Premises;
  4. Any suspicious act involving the sale, cultivation, distribution, Processing, or production of Marijuana by any person;
  5. Unauthorized destruction of Marijuana;
  6. Any loss or unauthorized alteration of records related to Marijuana, ~~registered~~ Qualifying Registered Qualifying Patients, Personal Caregivers, or MTC agents;
  7. An alarm activation or other event that requires response by public safety personnel, including but not limited to local law enforcement, municipal fire departments, public works or municipal sanitation departments, and municipal inspectional services department, or security personnel privately engaged by the MTC;
  8. The failure of any security alarm system due to a loss of electrical power or mechanical malfunction that is expected to last longer than eight hours; or
  9. Any other breach of security.
- (b) An MTC shall, within ten calendar days, provide notice to the Commission of any incident described in 935 CMR 501.110(940)(a), by submitting an incident report in the form and manner determined by the Commission which details the circumstances of the event, any corrective actions taken, and confirmation that the appropriate Law Enforcement Authorities were notified.
- (c) All documentation related to an incident that is reportable pursuant to 935 CMR 501.110(940)(a) shall be maintained by an MTC for no less than one year or the duration of an open investigation, whichever is longer, and made available to the

Commission and to Law Enforcement Authorities acting within their lawful jurisdiction upon request.

- (10) Security Audits. An MTC must, on an annual basis, obtain at its own expense a security system audit by a vendor approved by the Commission. A report of such audit must be submitted, in a form and manner determined by the Commission, no later than 30 calendar days after the audit is conducted. If the audit identifies concerns related to the MTC's security system, the MTC must also submit a plan to mitigate those concerns within ten business days of submitting the audit.

501.120: Additional Operational Requirements for the Cultivation, Acquisition, and Distribution of Marijuana.

- (1) In addition to the general operational requirements for MTCs required under 935 CMR 501.105: *General Operational Requirements for Marijuana Treatment Centers*, MTCs shall comply with additional operational requirements for the cultivation, acquisition, and distribution of Marijuana required under 935 CMR 501.120: *Additional Operational Requirements for the Cultivation, Acquisition, and Distribution of Marijuana*.
- (2) Unless otherwise authorized by the Commission, only an MTC is permitted to cultivate medical-use Marijuana, except for a ~~registered-Qualifying~~ Registered Qualifying Patient granted a Hardship Cultivation Registration or that patient's Personal Caregiver.
- (3) Unless otherwise authorized by the Commission, a cultivation location of an MTC may cultivate Marijuana for only that MTC, and up to two additional MTCs under an entity.
- (4) All phases of the cultivation of Marijuana shall take place in designated, locked, Limited Access Areas that are monitored by a surveillance camera system in accordance with 935 CMR 501.110(5)(a)(4)-(9) and that is not visible from a public place without the use of binoculars, aircraft or other optical aids.
- (5) Application of Pesticides shall be performed in compliance with M.G.L. c. 132B and 333 CMR 2.00: *General Information* through 333 CMR 14.00: *Protection of Children and Families from Harmful Pesticides*. Any testing results indicating noncompliance shall be immediately reported to the Commission, who may refer any such result to the MDAR.
- (6) An MTC selling or otherwise Transferring Marijuana to another MTC or Marijuana Establishment shall provide documentation of its compliance, or lack thereof, with the testing requirements of 935 CMR 501.160: *Testing of Marijuana and Marijuana Products*.
- (7) An MTC may label Marijuana and MIPS with the word "organic" only if all cultivation is consistent with US Department of Agriculture organic requirements at 7 CFR Part 205 and consistent with the MDAR requirements for Pesticide usage.
- (8) Soil for cultivation shall meet federal standards identified by the Commission, including but not limited to the US Agency for Toxic Substances and Disease Registry's Environmental Media Evaluation Guidelines for residential soil levels.
- (9) 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 935 CMR 501.120(4), mildew, and any other contaminant identified as posing potential harm. Best practices shall be consistent with state and local law, including but not limited to the Commission's *Guidance on Integrated Pest Management* in effect of the date of these regulations and as subsequently amended.
- (10) Any application of plant nutrient to land used for the cultivation of Marijuana shall comply with St. 2012, c. 262, as amended by St. 2013, c. 118, § 26, and 330 CMR 31.00: *Plant Nutrient Application Requirements for Agricultural Land and Non-agricultural Turf and Lawns*.
- (11) MTC cultivation operations shall satisfy minimum energy efficiency and equipment standards established by the Commission and meet all applicable environmental laws, regulations, permits and other applicable approvals, including, but not limited to, those related to water quality and quantity, wastewater, solid and hazardous waste management, and air pollution control, including prevention of odor and noise pursuant to 310 CMR 7.00: *Air Pollution Control* as a condition of obtaining a final License under 935 CMR 501.103(2): ~~Final License~~ and as a condition of renewal under 935 CMR 501.103(4): ~~Expiration and Renewal of License~~. MTC cultivation operations shall

adopt and use additional best management practices as determined by the Commission, in consultation with the working group established under St. 2017, c. 55, § 78(b) or applicable departments or divisions of the EOEEA, to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts, and shall provide energy and water usage reporting to the Commission in a form determined by the Commission. Each License renewal application under 935 CMR 501.103(4): *Expiration and Renewal of Licensure* must include a report of the MTC cultivation operations' energy and water usage over the 12-month period preceding the date of application.

MTC cultivation operations shall be subject to the following minimum energy efficiency and equipment standards:

- (a) 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.
- (b) Lighting used for MTC cultivation operations must meet one of the following compliance paths:
1. Horticulture Lighting Power Density must not exceed 36 watts per square foot, except for Tier 1 and Tier 2 which must not exceed 50 watts per square foot; ~~or~~
  2. All horticultural lighting used in a facility is listed on the current Design Lights Consortium Solid-State Horticultural Lighting Qualified Products List ("Horticultural QPL") or other similar list approved by the Commission as of the date of License application, and lighting Photosynthetic Photon Efficacy (PPE) is at least 15 percent above the minimum Horticultural QPL threshold rounded up to the nearest 0.1  $\mu\text{mol/J}$  (micromoles per joule); ~~or~~
  3. A facility seeking to use horticultural lighting not included on the Horticultural QPL or other similar list approved by the Commission shall seek a waiver pursuant to 935 CMR 500.850 and provide documentation of third-party certification of the energy efficiency features of the proposed lighting. All facilities regardless of compliance path shall provide third-party safety certification for the lighting used.
  - 2.4.
- (~~b~~)(c) Heating Ventilation and Air Conditioning (HVAC) and dehumidification systems must meet Massachusetts State Building Code requirements and all Massachusetts amendments (780 CMR: *State Building Code*), IECC Section C.403 or ASHRAE Chapter 6 as applied or incorporated by reference in (780 CMR: *State Building Code*). As part of the documentation required under 935 CMR 501.120(11) an MTC engaged in cultivation operations must provide a certification from a Massachusetts Licensed Mechanical Engineer that the HVAC and dehumidification systems meet Massachusetts building code as specified in 935 CMR 501.120(11) and that such systems have been evaluated and sized for the anticipated loads of the facility.
- (~~e~~)(d) Safety protocols must be established and documented to protect workers and Qualifying Patients (e.g., eye protection near operating Horticultural Lighting Equipment).
- (~~d~~)(e) The requirements of 935 CMR 501.120(11) shall not be required if an indoor MTC cultivation operation is generating 80% or more of the total annual onsite energy use for all fuels (expressed on a MWh basis) from an onsite clean or renewable generating source, as defined by or renewable thermal generation, as provided in M.G.L. c. 25A § 11F and § 11F ½. And regulations promulgated thereunder,; and/or alternative energy generating source, as defined by M.G.L. c. 25A § 11F ½. Additionally, the Licensee 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.
- (~~e~~)(f) To demonstrate compliance with 935 CMR 501.120(11), an MTC applicant

seeking to engage in cultivation operations must submit 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 under 935 CMR 501.103(1)(a) but prior to final licensure. To the extent updates are required to the information provided for initial licensure, the MTC must submit an updated energy compliance letter prepared by a Massachusetts Licensed Professional Engineer or Massachusetts Licensed Registered Architect with supporting documentation, together with a renewal application submitted under 935 CMR 501.103(4).

(g) A co-located Marijuana Establishment and MTC with a final Certificate of Licensure shall have until January 1, 2020 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 MTC without a final Certificate of Licensure before January 1, 2021, shall demonstrate compliance with 935 CMR 501.120(11) at time of application.

(h) For purposes of 935 CMR 501.120(11), the following terms shall have the following meanings:

1. 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 growth (e.g. germination, cloning/mother plants, Propagation, Vegetation, Flowering, and harvest).
2. Horticulture Lighting Square Footage (HLSF) means Canopy, ~~plus any additional areas(s) that will contain live plants at any point in time that will be exposed to horticultural lighting equipment.~~
3. Lighting Power Density (HLPD) means a measure of total watts of Horticultural Lighting Equipment per total Horticulture Lighting Square Footage, (HLE / HLSF = HLPD) expressed as number of watts per square foot.

501.130: Additional Operational Requirements for Handling and Testing Marijuana and for Production of MIPs

- (1) In addition to the general operational requirements for MTCs required under 935 CMR 501.105: *General Operational Requirements for Medical Marijuana Treatment Centers*, MTCs shall comply with additional operational requirements required under 935 CMR 501.130: *Additional Operational Requirements for Handling and Testing Marijuana and for Production of MIPs*.
- (2) Production of Edible MIPs shall take place in compliance with the following:
  - (a) All Edible MIPs shall be prepared, handled, and stored in compliance with the sanitation requirements in 105 CMR 500.000: *Good Manufacturing Practices for Food*, and with the requirements for food handlers specified in 105 CMR 300.000: *Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements*; and
  - (b) Any Edible MIP that is made to resemble a typical food or beverage product must be packaged in an opaque package and labeled as required by 935 CMR 501.105(5)(c).
- (3) An MTC engaged in product manufacturing operations shall meet all applicable environmental laws, regulations, permits and other applicable approvals, including, but not limited to, those related to water quality and quantity, wastewater, solid and hazardous waste management and air pollution control, including prevention of odor and noise pursuant to 310 CMR 7.00: *Air Pollution Control*, and to use additional best management practices as determined by the Commission in consultation with the working group established under St. 2017, c. 55, § 78(b) or applicable departments or divisions of the EOEEA to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts.
- (4) An MTC selling or otherwise Transferring Marijuana to another MTC or Marijuana Establishment shall provide documentation of its compliance, or lack thereof, with the testing requirements of 935 CMR 501.160: *Testing of Marijuana and Marijuana Products*, and standards established by the Commission for the conditions, including time and temperature controls, necessary to protect Marijuana Products against physical, chemical, and microbial contamination as well as against deterioration of finished products during storage and transportation.

- (5) Written policies and procedures for the production and distribution of Marijuana, which shall include, but not be limited to:
- (a) Methods for identifying, recording, and reporting diversion, theft, or loss, and for correcting all errors and inaccuracies in inventories;
  - (b) A procedure for handling voluntary and mandatory recalls of Marijuana. Such procedure shall be adequate to deal with recalls due to any action initiated at the request or order of the Commission, and any voluntary action by an MTC to remove defective or potentially defective Marijuana from the market, as well as any action undertaken to promote public health and safety;
  - (c) A procedure for ensuring that any outdated, damaged, deteriorated, mislabeled, or contaminated Marijuana is segregated from other Marijuana and destroyed. This procedure shall provide for written documentation of the disposition of the Marijuana. The policies and procedures, at a minimum, must be in compliance with 935 CMR 501.105(12);
  - (d) Policies and procedures for transportation and patient or Personal Caregiver home delivery;
  - (e) Policies and procedures for the Transfer, acquisition, or sale of Marijuana between MTCs, and if applicable, Marijuana Establishments and CMOs; and
  - (f) Policies and procedures to ensure that all Edible MIPs are prepared, handled, and stored in compliance with the sanitation requirements in 105 CMR 500.000: *Good Manufacturing Practices for Food*, and with the requirements for food handlers specified in 105 CMR 300.000: *Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements*.
- (6) Notwithstanding a stricter municipal or state regulation, an MTC shall identify the method of extraction (e.g., Butane, Propane, CO<sub>2</sub>) on a physical posting at all entrances of the MTC. The Posting shall be a minimum of 12" x 12" and identify the method of extraction in lettering no smaller than one inch in height. An MTC shall post a copy of a permit to keep, store, handle or otherwise use flammable and combustible at each place of operation within the facility.
- (7) Except for a ~~Registered Qualifying~~ Registered Qualifying Patient or Personal Caregiver, who are not subject to 935 CMR 501.105: *General Operational Requirements for Medical Marijuana Treatment Centers*, only a licensed MTC is permitted to produce MIPs. Unless otherwise authorized by the Commission, an MIP production facility of an MTC may produce MIPs for only that MTC, and up to two additional MTCs under an entity.

#### 501.140: Additional Operational Requirements for Patient Sales

- (1) In addition to the general operational requirements for MTCs required under 935 CMR 501.105: *General Operational Requirements for Medical Marijuana Treatment Centers*, MTCs engaged in patient sales shall comply with additional operational requirements for MTCs under 935 CMR 501.140: *Additional Operational Requirements for Patient Sales*.
- (2) Verification of Patient and Caregiver Certification
- (a) Upon entry into an MTC by a Registered Qualifying Patient or Personal Caregiver, an MTC agent shall immediately inspect the patient's or caregiver's temporary or annual Registration Card and proof of identification.
    1. The identification must contain a name, photograph, and date of birth, and shall be limited to one of the following:
      - a. A driver's license;
      - b. A government-issued identification card;
      - c. A military identification card; or
      - d. A passport.
    2. An MTC may dispense only to a Registered Qualifying Patient who has a current valid certification with the Commission or Other Jurisdictions ~~that which~~ permit the medical use of marijuana or their Personal Caregiver. Pursuant to 935 CMR

501.010(8), a Certifying Healthcare Provider shall have defined the calendar day length of valid certification of a Qualifying Patient.

- (b) An MTC shall make interpreter services available that are appropriate to the population served, including for the visually- and hearing-impaired. Such services may be provided by any effective means.

(3) Patient Allotment.

- (a) For a ~~R~~egistered Qualifying Patient certified for 60 days or longer, the amount of Marijuana dispensed, including Marijuana contained in MIPs, shall be no more than a 60 day supply in each 60 day period as defined in 935 CMR 501.002: *Definitions* (e.g., a patient with a 60 day supply of ten ounces who is certified for 90 days may receive up to ten ounces in the first 60 days and five ounces in the remaining 30 days, while a patient certified for 180 days may receive up to ten ounces in each 60 day period).

- (b) For a ~~R~~egistered Qualifying Patient whose Certifying Healthcare Provider has determined that he or she requires a 60 day supply other than ten ounces in accordance with 935 CMR 501.010(9), the amount of Marijuana dispensed, including Marijuana contained in MIPs, shall be adjusted accordingly so that the amount of Marijuana dispensed, including Marijuana contained in MIPs, shall be no more than a 60 day supply as certified by the Certifying Healthcare Provider in each 60 day period.

(4) Unauthorized Sales and Right to Refuse Sales.

- (a) An MTC shall refuse to sell Marijuana to any registered Qualifying Patient or Personal Caregiver who is unable to produce a temporary or an annual Registration Card and valid proof of identification, or who does not have a valid certification in the Commission supported interoperable database.
- (b) An MTC may refuse to dispense to a ~~registered Qualifying~~Registered Qualifying Patient or Personal Caregiver if in the opinion of the MTC agent, the patient or the public would be placed at risk. In any instance of denial, an MTC must notify the patient's Certifying Healthcare Provider within 24 hours.
- (c) An MTC shall not sell to a patient or caregiver an amount of Marijuana or Marijuana Products that would exceed the patient's 60-day Supply.
- (d) An MTC is prohibited from selling Marijuana Products containing nicotine.
- (e) An MTC is prohibited from selling Marijuana Products containing alcohol, if sales of such alcohol would require licensure pursuant to M.G.L. c. 138.

(5) Recording Sales.

- (a) An MTC shall only utilize a point-of-sale (POS) system approved by the Commission.
- (b) A retailer is prohibited from utilizing software or other methods to manipulate or alter sales data.
  1. An MTC shall conduct a monthly analysis of its equipment and sales data to determine that no software has been installed that could be utilized to manipulate or alter sales data and that no other methodology has been employed to manipulate or alter sales data. The MTC shall use industry best practices to ensure its analysis does not compromise system security. An MTC shall maintain records that it has performed the monthly analysis and produce it on request to the Commission. If a retailer determines that software has been installed for the purpose of manipulation or alteration of sales data or other methods have been utilized to manipulate or alter sales data:
  2. It shall immediately disclose the information to the Commission;
  3. It shall cooperate with the Commission in any investigation regarding manipulation or alteration of sales data; and
  4. Take such other action directed by the Commission to comply with 935 CMR 501.105: *General Operational Requirements for Medical Marijuana Treatment Centers.*
- (c) An MTC shall adopt separate accounting practices at the point-of-sale for Marijuana and Marijuana Product sales, and non-Marijuana sales.



- (d) For non-Marijuana sales, an MTC shall comply with Massachusetts tax laws, and DOR rules and regulations, including, but not limited to, 830 CMR 62C.25.1: *Record Retention* and DOR Directive 16-1 regarding recordkeeping requirements.
- (e) At the point of sale, and in a form and manner determined by the Commission, an MTC shall comply with tracking requirements in 501.015(3) and (4), including, but not limited to, Qualifying Patient and, where applicable, Personal Caregiver information, and amount of medical-use Marijuana or MIPs sold.
- (f) An MTC shall accurately track and maintain these records for no less than one year except as otherwise provided in 935 CMR 501.140(5)(e) for taxable non-Marijuana sales, and must be readily available to the Commission or its representatives on request. Such records shall include:
  - 1. Date and time of transaction;
  - 2. Name and agent registration number of the MTC Agent conducting the transaction;
  - 3. Specific name, strength, dose, quantity, and type of Marijuana and MIPs sold during the transaction;
  - 4. Name of patient, and where applicable, Personal Caregiver, receiving the Marijuana, MIPs or Marijuana accessory or other taxable non-Marijuana item; and
  - 5. Any other additional information the Commission may deem necessary.
- (g) The Commission may audit and examine the point-of-sale system used by an MTC in order to ensure compliance with 935 CMR 501.000: *Medical Use of Marijuana*;

(6) Patient Education.

- (a) An MTC shall provide educational materials about Marijuana to ~~registered-  
Qualifying~~Registered Qualifying Patients and their Personal Caregivers.
  - 1. An MTC must have an adequate supply of up-to-date educational material available for distribution.
  - 2. Educational materials must be available in languages accessible to all patients served by the MTC, including for the visually- and hearing-impaired.
  - 3. Such materials shall be made available for inspection by the Commission upon request.
- (b) The educational material must include at least the following:
  - 1. A warning that Marijuana has not been analyzed or approved by the FDA, that there is limited information on side effects, that there may be health risks associated with using Marijuana, and that it should be kept away from children;
  - 2. A warning that when under the influence of Marijuana, driving is prohibited by M.G.L. c. 90, § 24, and machinery should not be operated;
  - 3. Information to assist in the selection of Marijuana, describing the potential differing effects of various strains of Marijuana, as well as various forms and routes of administration;
  - 4. Materials offered to ~~registered-  
Qualifying~~Registered Qualifying Patients and their Personal Caregivers to enable them to track the strains used and their associated effects;
  - 5. Information describing proper dosage and titration for different routes of administration. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of potency must also be explained;
  - 6. A discussion of tolerance, dependence, and withdrawal;
  - 7. Facts regarding substance abuse signs and symptoms, as well as referral information for substance abuse treatment programs;
  - 8. A statement that ~~registered-  
Qualifying~~Registered Qualifying Patients may not distribute Marijuana to any other individual, and that they must return unused, excess, or contaminated product to the MTC from which they purchased the product, for disposal; and
  - 9. Any other information required by the Commission.

(c) The educational material cannot include:

1. Any statement, design, representation, picture, or illustration that encourages or represents the use of Marijuana for any purpose other than to treat a Debilitating Medical Condition or related symptoms;
2. Any statement, design, representation, picture, or illustration that encourages or represents the recreational use of Marijuana;
3. Advertising, marketing, and branding that asserts that its products are safe, or represent that its products have curative or therapeutic effects, other than labeling required pursuant to M.G.L. c. 94G, § 4(a½)(xxvi), unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor as determined by the Commission; and
4. Any statement, design, representation, picture, or illustration portraying anyone younger than 21 years old.

(7) **Testing.** No Marijuana Product, including Marijuana, may be sold or otherwise marketed for adult use that is not capable of being tested by Independent Testing Laboratories, except as allowed under 935 CMR 501.000: *Medical Use of Marijuana*. The product must be deemed to comply with the standards required under 935 CMR 501.160: *Testing of Marijuana and Marijuana Products*.

#### 501.145: Home Delivery

(1) **General Requirements.**

- (a) An MTC or a Delivery-Only Retailer acting on behalf of an MTC must obtain Commission approval prior to engaging in the delivery of Marijuana and Marijuana Products directly to Registered Qualified Patients and Caregivers. An MTC shall comply with 935 CMR 501.110(8) and adhere its policies and procedures for home delivery approved pursuant to 935 CMR 501.101(1)(c)(12).
- (b) All individuals delivering Marijuana and Marijuana Products for an MTC directly to Registered Qualifying Patients and caregivers shall be employees of the MTC Licensee and shall hold a valid MTC agent registration.
- (c) All Marijuana and Marijuana Products delivered by or on behalf of an MTC in fulfillment of an Individual Order shall be obtained from the MTC performing the delivery. An MTC cannot pick up Marijuana or Marijuana Products from another MTC to fulfill an Individual Order.
- (d) An MTC may use a Third-Party Technology Platform Provider to facilitate the ordering of Marijuana or Marijuana Products.
  1. All agreements between an MTC and a Third-Party Technology Platform Provider shall be available for inspection and subject to the control limitations under 935 CMR 501.050(1)(a).
  2. The Commission shall be notified in writing within five days of any substantial modification to an agreement between an MTC and a Third-Party Technology Platform Provider.
  3. Any Third-Party Technology Platform shall comply with privacy and patient protection standards established by the Commission.
  4. The Commission shall be notified in writing of an ongoing basis of any new or additional or assigned agreements between an MTC and a Third-Party Technology Platform Provider within five days.
- (e) The maximum retail value of Marijuana or Marijuana Products allowed in an MTC's vehicle at any one time shall be \$10,000.
- (f) All Marijuana and Marijuana Product deliveries shall be tracked using the Seed-to-sale SOR as designated by the Commission.

- (g) Limitations on the time for delivery shall comply with all municipal bylaws and ordinances, provided, however, that all deliveries of Marijuana or Marijuana Products must be completed before 9:00 p.m. local time or the time determined by municipal bylaw or ordinance, whichever occurs first, and deliveries Marijuana shall not occur between the hours of 9:00 p.m. and 8:00 a.m., unless otherwise explicitly authorized by municipal bylaw or ordinance.
  - (h) Every effort shall be made to minimize the amount of cash carried in an MTC vehicle at any one time. MTCs shall use best efforts to implement platforms for the electronic payment of funds. Where cash is carried in an MTC vehicle the storage and transport of cash shall comply with the requirements of 935 CMR 501.110(7).
- (2) Orders. All orders for deliveries made by MTCs shall comply with the following requirements:
- (a) All Marijuana and Marijuana Products delivered by or on behalf of an MTC shall comply with 935 CMR 501.145(1)(c).
  - (b) MTCs shall only deliver Marijuana or Marijuana Products for which it has received a specific order from a Registered Qualifying Patient or Caregiver. MTCs are prohibited from delivering Marijuana or Marijuana Products without a specific order destined for an identified Qualifying Patient or Caregiver. An order may be generated directly through the MTC or through a Third-Party Technology Platform identified to the Commission under 935 CMR 501.145(1)(d).
  - (c) MTCs shall deliver Marijuana or Marijuana Products only to the primary residence and be prohibited from delivering Marijuana or Marijuana Products to dormitories other on-campus college or university housing, federally-subsidized housing, shelters or residential programs. An Institutional Caregiver shall only receive delivery at their Caregiving Institution.
  - (d) Orders for home delivery shall be received by the MTC and completed after confirmation of the Registered Qualifying Patient's or Personal Caregiver's Residence.
  - (e) MTCs shall only deliver one Individual Order, per Qualifying Patient or Caregiver, during each delivery.
  - (f) Only Marijuana and Marijuana Products that are Shelf-stable may be delivered. Products that are perishable, or time and temperature controlled to prevent deterioration shall not be allowed to be delivered by or on behalf of an MTC.
  - (g) For home delivery, each order must be labeled and packaged in accordance with 935 CMR 501.105(5) and (6).
  - (h) Any Marijuana or Marijuana Product that is undeliverable or is refused by the Qualifying Patient or Caregiver shall be transported back to the originating MTC that provided the product once all other deliveries included on a delivery manifest have been made. It shall be the responsibility of the MTC to ensure that any undelivered product is returned to the MTC's physical location and stored in accordance with 935 CMR 501.105(11).
- (3) Vehicle and Transport Requirements for Home Delivery.
- (a) Vehicles used for home delivery by an MTC shall be owned or leased by the MTC and shall be properly registered as commercial vehicles, inspected and insured in the Commonwealth of Massachusetts.
  - (b) Vehicles and transportation operations of an MTC shall comply with 935 CMR 501.105(13) and 935 CMR 501.110(7).
  - (c) The MTC shall maintain a separate log for each vehicle in use for home deliveries.

For each delivery, the MTC shall record:

1. The location of the originating MTC and date and time the vehicle leaves the location;
2. The mileage of the transporting vehicle at departure from the MTC, mileage on arrival at each Registered Qualifying Patient or Caregiver destination, and mileage on return to the MTC;
3. The date and time of departure from the MTC and arrival at each patient destination for each delivery; and
4. An entry indicating the date and time of the last delivery in an order.

(d) MTCs shall not transport products other than Marijuana and Marijuana Products during times when MTCs are performing home deliveries.

(4) Manifests.

(a) Every home delivery shall have a manifest produced by the MTC. A manifest shall be completed in duplicate, with the original manifest remaining with the originating MTC, and a copy to be kept with the MTC agent during the delivery. The manifest shall be signed by the Registered Qualifying Patient or Caregiver receiving the Marijuana or Marijuana Products and the MTC agent acting on behalf of the MTC. A signed manifest shall serve as the written record of the completion of the delivery.

(b) The manifest must, at a minimum, include:

1. The originating MTC's name, address, and license number;
2. The names and MTC agent numbers of the MTC agents performing the delivery;
3. The patient or caregiver's name, address, and registration number;
4. A description of the Marijuana or Marijuana Products being transported, including the weight, form or type of product, cost and transaction number entered in the patient sales system;
5. Signature lines for the agents who transported the Marijuana or Marijuana Products;
6. A signature line for the person who receives the Marijuana or Marijuana Products; and
7. The MTC vehicle make, model, and license plate number.

(c) The manifest shall be maintained within the vehicle during the entire transportation process, until all the deliveries are completed.

(d) An MTC shall retain all transportation manifests for no less than one year and make them available to the Commission on request.

501.150: Edible Marijuana Products

(1) Production of Edible Marijuana Products. Production of edibles shall take place in compliance with the following:

(a) Any edible Marijuana Product that is made to resemble a typical food or beverage product must be packaged and labeled as required by M.G.L. c. 94G, § 4(a/2)(xxvi) and 935 CMR 5010.105(5) and (6).

(b) The manufacture or sale of edibles in the following shapes and types is prohibited:

1. The distinct shape of a human, animal, or fruit; or
2. A shape that bears the likeness or contains characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings.

(c) Edible Marijuana Products that are geometric shapes and simply fruit-flavored are not considered fruit and are permissible.

(2) Sanitary Requirements. All edible Marijuana Products shall be prepared, handled, and stored in compliance with the requirements in 935 CMR 5010.105(3) and (11).

(3) Additional Labeling and Packaging Requirements for Edible Marijuana Products.

- (a) In addition to the requirements set forth in M.G.L. c. 94G, § 4(a½)(xxvi) and 935 CMR 501.105(5) and (6), every MTC must ensure that the following information or statement is Affixed to every container holding an edible Marijuana Product:
1. If the retail edible Marijuana Product is perishable or time and temperature controlled, a statement that the edible Marijuana Product must be refrigerated.
  2. The date on which the edible Marijuana Product was produced.
  3. A nutritional fact panel that must be based on the number of THC servings within the container.
  4. Information regarding the size of each serving for the product by milligrams, the total number of servings of Marijuana in the product, and the total amount of active THC in the product by milligrams (mgs). For example: “The serving size of active THC in this product is X mg(s), this product contains Y servings of Marijuana, and the total amount of active THC in this product is (X\*Y) mg(s).”
  5. A warning that the impairment effects of edible Marijuana may be delayed by two hours or more.
- (b) Once a label with a use-by date has been Affixed to a container holding an edible Marijuana Product, a Licensee shall not alter that date or affix a new label with a later use-by date.
- (c) An MTC must ensure that each single serving of an edible Marijuana Product is physically demarked in a way that enables a reasonable person to intuitively determine how much of the product constitutes a single serving of active THC.
- (d) Each serving of an edible Marijuana Product within a multi-serving package of edible Marijuana Products must be easily separable in order to allow an average person 21 years of age or older to physically separate, with minimal effort, individual servings of the product.
- (e) Each single serving of an edible Marijuana Product contained in a packaged unit of multiple edible Marijuana Product may be marked, stamped, or otherwise imprinted with a symbol or easily recognizable mark issued by the Commission that indicates the package contains Marijuana Product.

501.160: Testing of Marijuana and Marijuana Products

- (1) No Marijuana Product, including Marijuana, may be sold or otherwise marketed for medical use that is not capable of being tested by Independent Testing Laboratories, except as allowed under 935 CMR 501.000: *Medical Use of Marijuana*. Testing of Marijuana Products shall be performed by an Independent Testing Laboratory in compliance with a protocol(s) established in accordance with M.G.L. c. 94G, § 15 and in a form and manner determined by the Commission, including but not limited to, the *Protocol for Sampling and Analysis of Finished Medical Marijuana Products and Marijuana-infused Products*. Testing of environmental media (e.g., soils, solid growing media, and water) shall be performed in compliance with the *Protocol for Sampling and Analysis of Environmental Media for Massachusetts Registered Medical Marijuana Dispensaries* published by the Commission.
- (2) Marijuana and Marijuana Products shall be tested for the Cannabinoid profile and for contaminants as specified by the Commission including, but not limited to, mold, mildew, heavy metals, plant-growth regulators, and the presence of Pesticides. The Commission may require additional testing.
- (3) An MTC shall have a written policy for responding to laboratory results that indicate contaminant levels are above acceptable limits established in the protocols identified in 935 CMR 501.160(1). Such policy shall be available to ~~registered~~ QualifyingRegistered Qualifying Patients and Personal Caregivers.
  - (a) Any such policy shall include:
    1. Notifying the Commission within 72 hours of any laboratory testing results indicating that the contamination cannot be remediated and disposing of the Production Batch submission of any information regarding contamination immediately upon request by the Commission; and
    2. Notifying the Commission of any information regarding contamination as specified by the Commission or immediately upon request by the Commission.
  - (b) The notification must be from both the MTC and the Independent Testing Laboratory,

- separately and directly.
- (c) The notification from the MTC must describe a proposed plan of action for both the destruction of the contaminated product and the assessment of the source of contamination.
  - (4) An MTC shall maintain the results of all testing for no less than one year. Testing results shall be valid for a period of one year. Marijuana and Marijuana Products with testing dates in excess of one year shall be deemed expired and may not be dispensed, sold, Transferred or otherwise conveyed until retested.
  - (5) The sale of seeds is not subject to these testing provisions.
  - (6) Clones are subject to these testing provisions, but are exempt from testing for metals.
  - (7) All transportation of Marijuana and Marijuana Products to and from Independent Testing Laboratories providing Marijuana testing services shall comply with 935 CMR 501.105(13).
  - (8) All storage of Marijuana and Marijuana Products at a laboratory providing Marijuana testing services shall comply with 935 CMR 501.105(11).
  - (9) All excess Marijuana and Marijuana Products must be disposed of in compliance with 935 CMR 501.105(12), either by the Independent Testing Laboratory returning excess Marijuana or Marijuana Products to the source MTC for disposal or by the Independent Testing Laboratory disposing of it directly;
  - (10) No Marijuana or Marijuana Product shall be sold or otherwise marketed for adult use that has not first been tested by an Independent Testing Laboratory and deemed to comply with the standards required under 935 CMR 501.160; and
  - (11) Marijuana and Marijuana Products submitted for retesting prior to remediation must be submitted to an Independent Testing Laboratory other than the laboratory which provided the initial failed result. Marijuana and Marijuana Products submitted for retesting after documented remediation may be submitted to the same Independent Testing Laboratory that produced the initial failed testing result prior to remediation.

#### 501.170: Municipal Requirements

- (1) An MTC and Independent Testing Laboratory and their agents shall comply with all local rules, regulations, ordinances, and by-laws.
- (2) The Commission does not mandate any involvement by municipalities or local boards of health in the regulation of MTCs, Qualifying Patients with Hardship Cultivation Registrations, or any other aspects of Marijuana for medical use. However, nothing in 935 CMR 501.000: *Medical Use of Marijuana* shall be construed to prohibit lawful local oversight and regulation, including fee requirements, that does not conflict or interfere with the operation of 935 CMR 501.000: *Medical Use of Marijuana*.

#### 501.200: Counties of Dukes County and Nantucket

- (1) To the extent permitted by law, MTCs operating from locations in the Counties of Dukes County and Nantucket (the "island counties") may operate in full compliance with 935 CMR 501.000: *Medical Use of Marijuana*.
- (2) If an MTC operating from locations in the island counties are prevented from operating in full compliance with 935 CMR 501.000: *Medical Use of Marijuana* by operation of law, they are not required to utilize Independent Testing Laboratories until such time as a laboratory is located on the island where the MTC is located or the establishment can transport Marijuana Products to the mainland of Massachusetts.
- (3) If MTCs operating from locations in the island counties are prevented from utilizing Independent Testing Laboratories by operation of law, they are required to test Marijuana Products in a manner that is not unreasonably impracticable but also adequately protects the public health in the opinion of the Commission. Such testing may include:
  - (a) A modified on-Premises testing system approved by the Commission if the label on any Marijuana or Marijuana Product so tested discloses in capital letters: **WARNING: LIMITED TESTING FOR CONTAMINANTS AND PESTICIDES;**
  - (b) A testing facility in the island counties that does not meet the criteria for an Independent Testing Laboratory, but is approved by the Commission for testing by MTCs located in the island counties; or
  - (c) Such other testing system approved by the Commission.

- (4) An MTC performing home delivery operations in the island counties may only perform deliveries to Residences located in the same county as the MTC which the delivery order originates from until such time as it is permitted to deliver to other locations by law.

#### 501.300: Complaints Process

- (1) In a time and manner determined by the Commission, a dedicated telephone number, email address or other means shall be provided for members of the public or Qualifying Patients to notify the Commission of complaints regarding MTCs or MTC agents.
- (2) The Commission may, at its discretion, investigate or decline to investigate any complaint or refer a complaint to another law enforcement or regulatory authority.

#### 501.301: Inspections and Compliance

- (1) Pursuant to M.G.L. c. 94I and M.G.L. c. 94G, §§ 4(a)(xvii)-(xx), the Commission or its delegee may inspect an MTC and affiliated vehicles at any time without prior notice to determine the MTC's compliance with the act and 935 CMR 501.000: *Medical Use of Marijuana*. All areas, activities and records of an MTC and activities and records of MTC agents are subject to such inspection. Submission of an application by or issuance of a License to an MTC constitutes consent for such inspection.
- (2) An MTC shall allow immediate access to the facility on being presented with photo identification documenting the Commission representative's affiliation with the Commission or delegee's affiliation with a state agency with lawful jurisdiction over the operations of an MTC.
- (3) An MTC shall immediately on request make available to the Commission or its delegee all information that may be relevant to an inspection or investigation of an incident or a complaint.
- (4) An MTC shall make all reasonable efforts to facilitate the inspection or investigation of an incident or a complaint, including the taking of samples, photographs, video or other evidence or recordings, and complying with demands for examination and inspection in accordance with 935 CMR 501.302: *Compliance Examination*.
- (5) During an inspection, the Commission or its delegee may direct an MTC to test Marijuana for contaminants, including, but not limited to mold, mildew, heavy metals, plant-growth regulators, and the presence of Pesticides not approved for use on Marijuana pursuant to 935 CMR 501.120(5).
- (6) An inspection or other investigation may be made prior to the issuance of a License or the renewal of a License. Additional inspections may be made whenever the Commission or its delegee deems it necessary for the enforcement of M.G.L. c. 94I and M.G.L. c. 94G and 935 CMR 501.000: *Medical Use of Marijuana*.
- (7) The failure to cooperate with an inspection or otherwise comply with this section may result in administrative or disciplinary action against the Licensee.

#### 501.302: Compliance Examination

- (1) After an MTC has been licensed, the Commission pursuant to M.G.L. c. 94I and M.G.L. c. 94G, § 4(a)(xx), has the authority to demand access to its papers, books, documents, records, correspondence, electronic communications, and other tangible things to examine and inspect. Such examination and inspection may include interrogatories to parties or subpoenas to compel the production of papers, books, documents, records, correspondence, electronic communications, and other tangible things. The examination and inspection of an MTC may also include the interview of material witnesses, registered agents or Close Associates whom the Commission has determined is involved in the financing, management or operation of the MTC.
- (2) Administrative Subpoenas. The Commission or its delegee may, during a preliminary investigation prior to a hearing, issue, modify, amend or rescind subpoenas. Material witnesses, registered agents, or other persons whom the Commission has determined are involved in the financing, management or operation of an MTC may petition the Commission to modify, amend or rescind subpoenas.
- (3) General Provisions. Administrative subpoenas for compliance examination and

inspection shall be issued in the name of the Commission by the Commission or its delegee. Service may be made in a form and manner determined by the Commission, including, but not limited to, by the consent of the parties.

- (4) Enforcement of Subpoenas. On the failure of a person to comply with a subpoena, and not subsequently vacated or modified by the Commission or its delegee, the Commission or its delegee may apply to the Superior Court for an order to compel compliance with the subpoena; an order for costs and fees associated with the issuance and enforcement of the subpoena; or an order of contempt for any failure by a party to comply with a court order.
- (5) The failure to cooperate with provisions of this section may result in administrative or disciplinary action against the Licensee.

#### 501.303: Unannounced Purchase for Purpose of Investigative Testing (Secret Shopper Program)

- (1) Secret Shopper Program Authorized. The Commission or its delegee may, at any time and without prior notice, authorize an employee or other agent to pose as a customer and purchase any Marijuana or Marijuana Products from any licensed MTC. The Commission or its delegee may authorize such purchase for any investigative purposes that are consistent with St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94I, or 935 CMR 501.000: *Medical Use of Marijuana*, including, but not limited to, investigative testing for compliance with laboratory testing standards and identification check requirements. The purchasing employee or agent shall document the purchase, including the date, time, and place of purchase, type and amount of Marijuana or Marijuana Products, and any other information required by the Commission.
- (2) Custody and Preservation of Purchases. The Marijuana or Marijuana Products purchased as part of the program shall be securely stored during transport in a manner to prevent contamination or spoilage.
- (3) Contamination and Spoilage During Storage or Transport. Any contamination or spoilage of purchases under the Secret Shopper Program during storage or transport while under the control of the purchaser shall be promptly documented by the purchaser in writing and reported to the Commission. The Commission or its delegee may authorize the disposal of the contaminated or spoiled purchase, pursuant to the regulations concerning waste disposal under 935 CMR 501.105(12).
- (4) Use of Secret Shopper Investigative Results. Results of investigations conducted under Secret Shopper Program shall be promptly submitted to the Commission.
  - (a) All investigative results shall be retained as part of the records for the licensed MTC from which the purchase originated.
  - (b) The MTC may be notified of any investigative results determined to be noncompliant at a time and manner determined by the Commission.
  - (c) After the MTC is notified of the investigative results, such results may be used by the Commission to take action on the License of the MTC pursuant to 935 CMR 501.340: *Quarantine Order*, 501.350: *Cease and Desist Order and Summary Suspension Order*, 501.450: *Medical Marijuana Treatment Center Registration or License: Grounds for Suspension, Revocation, or Denial of Renewal Applications*, or 501.500: *Hearings and Appeals of Actions on Registrations or Licenses* or assess fines or other civil penalties pursuant to 935 CMR 501.360: *Fines*.
  - (d) Without notice to the MTC, the Commission may share such investigative results with any other law enforcement or regulatory authorities.
  - (e) The Commission may elect to conduct further evaluation of the investigative results at any time for verification or for other purposes reasonably related to sanitation, public health or public safety.
- (5) The failure to cooperate with provisions of this section may result in administrative or disciplinary action against the Licensee.

#### 501.310: Deficiency Statements

After an inspection in which a violation of St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. 94I, or 935 CMR 501.000: *Medical Use of Marijuana* 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 MTC.



501.320: Plans of Correction

- (1) An MTC shall submit to the Commission a written Plan of Correction for any violations cited in the deficiency statement issued pursuant to 935 CMR 501.310: *Deficiency Statements*, within ten business days after receipt of the statement.
- (2) Every 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 with 935 CMR 501.000: *Medical Use of Marijuana* will be achieved. The timetable and the compliance dates shall be consistent with achievement of compliance in the most expeditious manner possible.
- (3) The Commission shall review the plan for compliance with the requirements of St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94G, and 935 CMR 501.000: *Medical Use of Marijuana* and shall notify the MTC of either the acceptance or rejection of the plan.
- (4) An unacceptable plan must be amended and resubmitted within five business days after receipt of such notice.

501.321 Administrative Hold

- (1) Pursuant to M.G.L. c. 94I and M.G.L. c. 94G, § 4(a)(xix), the Commission or its delegates may order an Administrative Hold of Marijuana, Marijuana Products or MIPs to examine and inspect an MTC to ensure compliance with the provisions of 935 CMR 501.000: *Medical Use of Marijuana*, prevent the destruction of evidence, prevent the diversion of Marijuana or Marijuana Products, or as otherwise necessary to protect the public health, safety, or welfare.
- (2) An MTC subject to an Administrative Hold shall retain its inventory pending further investigation by the Commission or its delegate pursuant to the following procedure:
  - (a) If during an investigation or inspection of an MTC, the Commission has reasonable cause to believe certain Marijuana or Marijuana Products constitutes evidence of non-compliance with 935 CMR 501.000: *Medical Use of Marijuana*, or otherwise constitutes a threat to the public health, safety or welfare, the Commission may issue a notice to administratively hold any Marijuana or Marijuana Products. The notice shall identify the Marijuana or Marijuana Products subject to the Administrative Hold and a concise statement stating the reasons relied on in the issuance of the Administrative Hold.
  - (b) Following the issuance of a notice of Administrative Hold, the Commission will identify and mark the Marijuana or Marijuana Products subject to the Administrative Hold in the Commission's Seed-to-sale SOR. The MTC shall continue to comply with all inventory requirements, including, but not limited to, 935 CMR 501.105(8).
  - (c) The MTC shall completely and physically segregate the Marijuana or Marijuana Products subject to the Administrative Hold in a Limited Access Area, where it shall be safeguarded by the MTC.
  - (d) While the Administrative Hold is in effect, the MTC shall be prohibited from selling, transporting or otherwise Transferring or destroying the Marijuana or Marijuana Products subject to the Administrative Hold, except as otherwise authorized by the Commission.
  - (e) While the Administrative Hold is in effect, the MTC must safeguard the Marijuana or Marijuana Products subject to the Administrative Hold and must fully comply with all security requirements including, but not limited to, 935 CMR 501.110: *Security Requirements for Marijuana Treatment Centers*.
  - (f) An Administrative Hold shall not prevent an MTC from the continued possession, cultivation or harvesting of the Marijuana or Marijuana Products subject to the Administrative Hold unless otherwise provided by an order of the Commission. All Marijuana or Marijuana Products subject to an Administrative Hold must be put into separately tracked Production Batches.
  - (g) An Administrative Hold shall not prevent an MTC from voluntarily surrendering Marijuana or Marijuana Products subject to an Administrative Hold, except that the MTC shall comply with the waste disposal requirements in 935 CMR 501.105(12).
  - (h) At any time after the initiation of the Administrative Hold, the Commission may modify, amend or rescind the Administrative Hold.
  - (i) The failure to cooperate with provisions of this section may result in administrative or disciplinary action against the Licensee.

501.330: Limitation of Sales

- (1) If the Commission or its delegee determines that an MTC does not substantially comply with applicable provisions of St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94I, or 935 CMR 501.000: *Medical Use of Marijuana*, the Commission or its delegee may order that the MTC shall not sell Marijuana or Marijuana Products, after a date specified.
- (2) The Commission or its delegee shall not make such a determination until an MTC has been notified that the MTC does not substantially comply with applicable provisions of St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94I, and 935 CMR 501.000: *Medical Use of Marijuana*, that an order to limit sales is contemplated, and that the MTC has a reasonable opportunity to correct the deficiencies.
- (3) An order that an MTC shall not sell Marijuana or Marijuana Products pursuant to 935 CMR 501.330(1) may be rescinded when the Commission or its delegee finds that the MTC is in substantial compliance with the applicable provisions of 935 CMR 501.000: *Medical Use of Marijuana*.

501.335: Removal and Prohibition of Marijuana and Marijuana Products

- (1) Pursuant to M.G.L. c. 94G, § 4(a ½)(xxxi) and G.L. c. 94I, the Commission or its delegee may order the removal of or prohibition of sales by more than one Licensee of categories of product types, specific product types or specific brands of products after notice and a determination that Marijuana, Marijuana Products, and Marijuana Accessories (for the purposes of this section, “product”), which based on preliminary evidence, pose a ~~substantial~~ an imminent risk to the public health, safety or welfare, including, but not limited to, that the product is especially appealing to persons under 21 years of age.
  - (a) A majority of the voting Commissioners may vote to initiate a complaint about a product and refer that complaint to the Executive Director and Enforcement staff for investigation.
  - (b) In consultation with the Executive Director, Enforcement staff may conduct an investigation and make a recommendation as to the removal of a product. The recommendation shall be based on credible and reliable evidence and provide a specific description of the scope of removal and specify whether the removal or prohibition on sales applies to one of the following:
    1. Category of Product Type(s). A type of product including but not limited to Marijuana seeds, Marijuana Clones, Marijuana edibles, beverages, topical products, ointments, oils, Tinctures, oral dosage forms or any other product identified by the Commission or its delegee.
    2. Specific Product Type(s). A specific type of product within a category of products but not including other types of product within the same category.
    3. Specific Brand of Product(s). One or more specific product types or category types Manufactured by a Marijuana Product Manufacturer or a specific product type or category type Manufactured by multiple Marijuana Product Manufacturers subject to an agreement, including, but not limited to, a partnership, product licensing, distribution, branding, advertising, marketing or sales agreement.
- (2) After receiving a recommendation from Enforcement staff, the Executive Director may act to address the substantial risk to the public health, safety or welfare, including, but not limited to:
  - (a) Refer the matter to a Hearing Officer with the expertise to evaluate scientific evidence to conduct an informal hearing;
  - (b) If credible and reliable evidence has been evaluated and found to meeting the

standard of a substantial risk to the public health safety or welfare, if one not yet issued, order the quarantine or Removal of Product or prohibition on sales a product pending consideration by a Hearing Officer; or

- (c) Refer the matter to the Commission.
- (3) When a matter is referred by the Executive Director, the Hearing Officer may conduct an informal hearing.
- (a) If necessary and in consultation with the Executive Director, the Hearing Officer may develop a process for the purposes of identifying the Licensees and Registrants that may be impacted by a current or future order, including, but not limited to, identifying those Licensees and Registrants to whom providing adequate notice and an opportunity to be heard shall be given.
  - (b) The Hearing Officer shall exercise discretion in admitting and weighing evidence including, but not limited to testimony and evidence from:
    - a. Licensees and Registrants; and
    - b. subject-matter experts.
  - (c) The Hearing Officer shall issue findings of fact and make a recommended decision to the Executive Director.
  - (d) To the extent that the Hearing Officer recommends that products be removed or prohibited, this recommendation shall be based on credible and reliable evidence that the product poses a substantial risk to the public health, safety and welfare.
- (4) The Executive Director may refer the matter to the Commission and make a recommendation.
- (5) On referral by the Executive Director, prior to issuing any order, the Commission shall deliberate on the Executive Director's recommendation at a public meeting of the Commission.
- (a) If there is a recommendation that the products be removed and prohibited, this recommendation shall be based on credible and reliable evidence that the product poses a substantial risk to the public health, safety and welfare.
  - (b) An order shall require a majority vote of the voting Commissioners.
  - (c) The Commission or its designee shall send written notice of the action taken against an identified Licensee or Registrant and the basis for that action. The notice shall include, but not be limited to, the following information:
    1. the Commission's statutory and regulatory authority, including its jurisdiction over the subject matter; and its authority to take action with regards to the License or registration;
    2. the factual basis for that action;
    3. the extent to which the product poses a substantial risk to the public health, safety and welfare; and
    4. the current restrictions on the Licensee's or Registrant's operations or sales or other use of products, if any, including the method and timing of the Removal of Product, including, but not limited to, whether the product must be destroyed in accordance with 935 CMR 5010.105(12).
  - (d) The Commission or its designee may modify, amend or rescind a notice on condition(s) just to all the parties.

- (6) On receipt of the order, the Licensee and its associated agents will immediately comply with the requirements of the order and, if requested by the Commission, post notice at public entrances to the establishment or other notice in a form and manner determined by the Commission.
- (7) The order shall be transmitted immediately to all other Licensee(s) or Registrant(s) that may reasonably be affected by the order by electronic and certified mail.
- (8) In consultation with the Executive Director, the order may be posted on the Commission's website.
- (9) It shall be a violation of these regulations for Licensees to produce, sell or otherwise make available the categories of Product Types, Specific Product Types or Specific Brands of Products identified in the order.
- (10) An MTC -subject to the order shall accept Registered Qualifying Patient's<sup>2</sup> returns of unused and unopened product for a period of 30 days after the effective date of the order.
- (11) The failure to cooperate with provisions of this section may result in further administrative or disciplinary action against the Licensees or Registrants.

#### 501.340: Quarantine Order

- (1) Pursuant to its authority under M.G.L. c. 94I and M.G.L. c. 94G, § 4(a)(xix) and (a<sup>1/2</sup>)(xxviii), a Quarantine Order may be imposed by the Commission or its delegee to immediately quarantine or otherwise restrict the sale or use of Marijuana, Marijuana Products or MIPs by a Licensee or Registrant to protect the public health, safety or welfare.
- (2) If, based on complaint(s) inspection(s), affidavit(s), or other credible evidence, the Commission or its delegee determines that a Licensee or Registrant or the Marijuana, Marijuana Products, MIPs, cultivated, produced or sold by a Licensee or Registrant pose an immediate or serious threat to the public health, safety, or welfare, the Commission or its delegee may issue an order to the Licensee that:
  - (a) Quarantines or otherwise restricts the sale or use of Marijuana, Marijuana Products, or MIPs, prepared by or in the possession of the Licensee; or
  - (b) Quarantines or otherwise restricts the sales or use of Marijuana, Marijuana Products, or MIPs to the extent necessary to avert a threat, pending final investigation results.
- (3) On receipt of the order, the Licensee and its associated agents will immediately comply with the requirements of the order and, if requested by the Commission, post notice at the public entrances to the MTC or Independent Testing Lab or other notice in a form and manner determined by the Commission or its delegee.
- (4) The Commission or its delegee may modify, amend or rescind the order at any time after its issuance on condition(s) just to all the parties.
- (5) To the extent that the issuance of a Quarantine Order is to investigate a risk to public safety, health and welfare, a Licensee shall not have a right to a hearing, unless and until the order remains in effect beyond 21 calendar days without any further action by the Commission or its delegee.
- (6) The failure to cooperate with provisions of this section may result in administrative or disciplinary action against the Licensees or Registrants.

#### 501.350: Cease and Desist Order and Summary Suspension Order

- (1) Pursuant to its authority under M.G.L. c. 94I, and M.G.L. c. 94G, § 4(a) and (a<sup>1/2</sup>), a Cease and Desist or a Summary Suspension Order may be imposed by the Commission or its delegee prior to a hearing to protect the public health, safety, or welfare.
- (2) If based on inspection(s), affidavit(s) or other credible evidence, the Commission or its delegee determines that a Licensee or Registrant, or the Marijuana, Marijuana Products, MIPs cultivated, produced, or sold by a Licensee or Registrant, pose an immediate or serious threat to the public health, safety, or welfare, the Commission or its delegee may:
  - (a) Issue a Cease and Desist Order that requires cessation of any or all operations,

- including, but not limited to, the cultivation, product manufacturing, Transfer, sale, delivery or transportation of Marijuana, Marijuana Products, or MIPs; or
- (b) Issue a Summary Suspension Order that requires the immediate suspension of a License and its associated registrations and cessation of all operations.
- (3) Notice of Violations.
- (a) For a Cease and Desist or Summary Suspension Order issued under 935 CMR 501.350(2), the Commission or its delegee shall send written notice of the action taken against a Licensee or Registrant and the basis(es) for that action, which shall include, but not be limited to, the following information:
1. The Commission's statutory and regulatory authority, including its jurisdiction over the subject matter and its authority to take action with regards to the License or registration;
  2. The factual basis(es) of the action;
  3. The immediate threat to the public health, safety, and welfare;
  4. The alleged violation(s) of law, including the alleged noncompliance with law, regulation, guideline or other applicable requirement;
  5. The current restriction(s), if any, on the Licensee's or Registrant's operations;
  6. Requirements for the continued maintenance and security of any Marijuana and Marijuana Products;
  7. The potential for further disciplinary action(s), sanction(s) or fine(s); and
  8. The Licensee's right to a hearing, if any.
- (b) The Commission or its delegee may modify, amend or rescind the order at any time after its issuance on condition(s) just to all the parties.
- (4) On receipt of the order issued under 935 CMR 501.3450(2), the Licensee and its associated agents will immediately comply with the requirements of the order and, if requested, post notice at public entrances to the MTC or Independent Testing Lab or other notice in a form and manner determined by the Commission or its delegee.
- (5) Hearings. The Commission has the authority to administer the administrative hearing process and to delegate to a Hearing Officer the authority to conduct an administrative hearing. M.G.L. c. 94I, § 7, M.G.L. c. 94G, § 4(a)(xxiv) and (g).
- (a) Hearing Request. On written request filed with the Commission, a Licensee shall be afforded a hearing on an order issued under 935 CMR 501.350(2). The hearing request shall be submitted in a form and a manner determined by the Commission or its delegee, including, but not limited to, the request shall be made no later than 21 calendar days after the effective date of the order. A request for a hearing is filed on the date the request is received by the Commission.
1. A timely request for a hearing must specifically identify each issue and fact in dispute and state the position of the Licensee or Registrant, the pertinent facts to be adduced at the hearing, and the reasons supporting that position.
  2. The failure to timely file a request for a hearing or to state the basis of the hearing request will result in dismissal of the challenge to the findings set forth in the Notice of Violations.
- (b) Hearing Notice. If a hearing is requested in a timely manner under 935 CMR 501.350(5)(a), the Hearing Officer shall provide notice and a hearing promptly after that request, or as soon as is practicable, or at a time mutually agreed by the parties.
- (c) Conduct of the Hearing.
1. The hearing shall be conducted pursuant to Standard Adjudicatory Rules of Practice and Procedure, which includes 801 CMR 1.01: *Formal Rules*, 801 CMR 1.02: *Informal/Fair Hearing Rules*, and 801 CMR 1.03: *Miscellaneous Provisions Applicable to All Administrative Proceedings*.
  2. The scope of the hearing shall be limited to whether there existed prior to, or at the time of the order(s) issued pursuant to 935 CMR 501.350(2), or an amended or a modified order, an immediate or serious threat to the public health, safety, or welfare.
  3. If the Commission proves by a preponderance of the evidence that there existed an immediate or serious threat to the public health, safety, or welfare, the Hearing Officer shall affirm the order.
  4. The Hearing Officer shall electronically mail a copy of the recommended decision to each Licensee or Registrant and their attorney(s) of record, and mail a copy on written request.

- (6) The requirements of the order issued under 935 CMR 501.350(2) shall remain in effect until one of the following events has occurred:
- (a) The Commission modifies, amends or rescinds the order;
  - (b) There is a Final Decision on the merits of a Commission order, including judicial review of the order, unless the order is vacated or modified by a court of competent jurisdiction or rescinded by the Commission;
  - (c) There is a Final Decision on the merits of a subsequently issued Order to Show Cause under 935 CMR 501.370: *Orders to Show Cause*, including judicial review of the order, unless the order is vacated or modified by a court of competent jurisdiction or rescinded by the Commission; or
  - (d) Until such time as is otherwise established under the procedures set forth in 935 CMR 501.500: *Hearings and Appeals of Actions on Registrations or Licenses*.

501.360: Fines

The Commission or its delegee may issue an order to a Licensee to show cause as to why a fine or other financial penalty against a Licensee or Registrant should not be imposed for any acts or omissions determined to be in violation of the state Marijuana laws, including 950 CMR 501.000: *Medical Use of Marijuana*.

- (1) Notice of Fines. The Commission or its delegee shall send written notice of the action taken against a Licensee or Registrant and the basis(es) for that action, which shall include, but not be limited to, the following information:
- (a) The Commission's statutory and regulatory authority, including its jurisdiction over the subject matter and its authority to issue the order with regards to the License or registration;
  - (b) The factual basis(es) of the order;
  - (c) The alleged violation(s) of law;
  - (d) An assessment of an administrative fine of up to \$50,000, or an order for corrective action fixing a reasonable time for correction of the violation or both; and
  - (e) Notice to the Licensee or Registrant that they may request a hearing in accordance with 935 CMR 501.500: *Hearings and Appeals of Actions on Registrations or Licenses*.
- (2) An administrative fine up to \$50,000 may be assessed for each violation.
- (a) The decision to impose any fine shall identify the factors considered by the Commission or its delegee in setting the amount of the fine.
  - (b) Each day during which a violation continues may constitute a separate offense, and each instance and provision of the state Marijuana laws, including M.G.L. c. 94I, and 935 CMR 501.000: *Medical Use of Marijuana* that is violated may constitute a separate violation.
- (3) The Commission or its delegee, in determining the amount of sanction(s) to impose may consider greater or lesser sanction(s) depending on aggravating or mitigating circumstances including, but not limited to:
- (a) Aggravating Circumstances
    - 1. Duration and severity of violation;
    - 2. Whether the Licensee has previously been subject to an administrative action against its License, including, but not limited to, a notice of deficiency;
    - 3. Whether the Licensee knew or had reason to know of the violation, including but not limited to warning or issuance of a notice of deficiency; and
    - 4. Whether the offense:
      - a. Constitutes grounds for denial of a renewal application or suspension or revocation of licensure;
      - b. Involved multiple Persons or Entities Having Direct or Indirect Control or agents of the Licensee;
      - c. Involved any compensating features associated with a valid waiver issued pursuant to 935 CMR 501.850: *Waivers*;
      - d. Involved a person younger than 21 years of age or a Registered Qualifying Patient or Caregiver;
      - e. Involved or affected multiple Qualifying Patients;
      - f. Involved or exposed the public to risk of diversion; or
      - g. Created a risk to the public health, safety or welfare.
  - (b) Mitigating Circumstances.

1. The financial impact of corrective measures, if any, which provide safeguards exceeding the minimum requirements of 935 CMR 501.000: *Medical Use of Marijuana*. However, financial impact shall not include any cost associated with loss of economic opportunity due to non-compliance or costs of corrective action necessary to achieve compliance with minimum requirements of 935 CMR 501.000: *Medical Use of Marijuana*;
  2. The Licensee's or Registrant's good faith efforts to avoid a violation;
  3. The Licensee's or Registrant's degree of cooperation in the investigation; and
  4. The Licensee's or Registrant's willingness to accept responsibility.
- (4) The fine or financial penalty shall be due and payable within 30 calendar days of the date of one of the following:
- (a) The date of the assessment; or
  - (b) If a hearing is requested pursuant to 935 CMR 501.500: *Hearings and Appeals of Actions on Registrations or Licenses*, the date of the final agency action.
- (5) Failure to timely pay the fine or financial penalty may result in further action being taken by the Commission or its delegee including, but not limited to, suspension or revocation of a License or registration.
- (6) If remaining unpaid at the time of licensure renewal, the fine or financial penalty shall be added to the fee for renewal of the License. A License shall not be renewed without the payment of the renewal fee and if applicable, an unpaid fine or financial penalty.
- (7) All fines and financial penalties collected by or on behalf of the Commission, pursuant to this section, shall be made payable to the Commission and deposited into the Marijuana Regulation Fund.
- (8) The failure to cooperate with provisions of this section may result in administrative or disciplinary action against the Licensees or Registrants.

#### 501:370: Orders to Show Cause

- (1) If, after investigation, the Commission or its delegee determines that there are grounds to suspend or revoke a License or registration, it may also issue an Order to Show Cause why the Licensee or registration should not be suspended or revoked.
- (2) Notice of Violations. The Commission or its delegee shall send written notice of the action taken against a Licensee or Registrant and the basis for that action, which shall include, but not be limited to, the following information:
  - (a) the Commission's statutory and regulatory authority, including its jurisdiction over the subject matter and its authority to issue the order with regards to the License or registration;
  - (b) the factual basis(es) of the order;
  - (c) the alleged violation(s) of law, including the alleged noncompliance with law, regulation, guideline or other applicable requirement;
  - (d) the restriction(s) on the Licensee's or Registrant's operations or the sale or use of Marijuana, Marijuana Products, or MIPs, if any;
  - (e) the potential for further disciplinary action(s), sanction(s) or fine(s);
  - (f) the right to a hearing, if any.
- (3) The Commission or its delegee may modify, amend or rescind an order issued pursuant to 935 CMR 501.370: *Orders to Show Cause*, on condition(s) to all the parties.

#### 501.400: Medical Marijuana Treatment Center License: Grounds for Denial of Application for Licensure

Each of the following, in and of itself, constitutes full and adequate grounds for denying an applicant on an application for an MTC License and the associated individuals and entities, but not for the renewal of a License.

- (1) The applicant failed to complete the application process within the time required by the Commission.
- (2) Information provided by the applicant was deceptive, misleading, false or fraudulent, or tended to deceive or create a misleading impression, whether directly, or by omission or ambiguity.
- (3) The application indicates an inability to maintain and operate an MTC in compliance

with the requirements of St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94I, 935 CMR 501.000: *Medical Use of Marijuana*, including, but not limited to, 935 CMR 501.105: *General Operational Requirements for Medical Marijuana Treatment Centers* and 935 CMR 501.110: *Security Requirements for Medical Marijuana Treatment Centers* based on the submission of information required by 935 CMR 501.101(1) and (2).

- (4) The applicant has been determined to be unsuitable pursuant to any one or more of the factors listed in 935 CMR 501.800: *Background Check Suitability Standard for Licensure and Registration* and 935 CMR 501.801: *Suitability Standard for Licensure*.
- (5) The applicant failed to comply with the control limitations listed in 935 CMR 501.050(1)(b)-(d) or would likely fail to comply with such limitations if a License were granted.
- (6) An applicant had its License or registration revoked or application denied in the Commonwealth or an Other Jurisdiction.
- (7) Any other ground that serves the purposes of St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94I, or 935 CMR 501.000: *Medical Use of Marijuana*.

#### 501.415: Void Medical Marijuana Treatment Center License

An MTC License is void if the MTC Ceases to Operate or transfers its location without Commission approval or adds a Person or Entity Having Direct or Indirect Control to the License without Commission approval.

#### 501.450: Medical Marijuana Treatment Center Registration or License: Grounds for Suspension, Revocation and Denial of Renewal Applications

Each of the following, in and of itself, constitutes full and adequate grounds for suspending or revoking an MTC's License or denying a renewal application for an MTC License.

- (1) The MTC is not operational within the time projected in the License application or the time otherwise approved by the Commission.
- (2) Information provided by the MTC was deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity.
- (3) The MTC has failed to comply with any requirement of St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94I, or 935 CMR 501.000: *Medical Use of Marijuana*, or any applicable law or regulation, including, but not limited to, the laws and regulations of the Commonwealth relating to taxes, child support, workers' compensation, and professional and commercial insurance coverage.
- (4) The MTC has failed to submit a plan of correction as required or to implement the plan as submitted pursuant to 935 CMR 501.320: *Plans of Correction*.
- (5) The MTC has assigned or attempted to change ownership or assign its License to another entity without prior approval of the Commission.
- (6) The Licensee failed to comply with the control limitations listed in 935 CMR 501.050(1)(b)-(d) or would likely fail to comply with such limitations if a renewal License were granted.
- (7) There has been a lack of responsible operation of the MTC, as shown by, but not limited to, one or more of the following:
  - (a) Failure to maintain the MTC in a clean, orderly, and sanitary fashion;
  - (b) Permitting an MTC agent to use a Registration Card belonging to a different person;
  - (c) Repeated failure to verify the proper temporary or annual registration documents for a patient or Personal Caregiver, in accordance with 935 CMR 501.015(3) and 935 CMR 501.020(2), prior to permitting that individual on the Premises of an MTC or making sales of Marijuana or MIPs to that individual; or
  - (d) Other incompetent or negligent operation.
- (8) The financial management of the MTC has resulted in the filing of a petition for bankruptcy or receivership related to the financial solvency of the MTC.
- (9) An individual or entity on an MTC License has maintained a substandard level of compliance with the statutory and regulatory requirements for the operation of an MTC, healthcare facility or facility for providing Marijuana for medical purposes in an Other



Jurisdiction including, but not limited to: failure to correct deficiencies, a limitation on, or a suspension, revocation, or refusal to grant or renew a registration or License to operate, or certification for Medicaid or Medicare.

- (10) The conduct or practices of the MTC demonstrate a lack of suitability as specified in 935 CMR 501.800: *Background Check Suitability Standard for Licensure and Registration* and 935 CMR 501.801: *Suitability Standard for Licensure*.
- (11) An individual or entity on an MTC License or MTC agent has a history of criminal conduct as evidenced by any criminal proceedings that resulted in conviction, guilty plea, plea of *nolo contendere*, or admission to sufficient facts in the Commonwealth or Other Jurisdictions.
- (12) An individual or entity listed on an MTC License has committed, permitted, aided or abetted or conspired to commit any illegal practice(s) in the operation of any MTC including, but not limited to, engaging in the diversion of Marijuana or Marijuana Products.
- (13) The MTC has failed to cooperate or give information to a law enforcement official acting within his or her lawful jurisdiction related to any matter arising out of conduct at any MTC.
- (14) The conduct or practices of the MTC have been detrimental to the safety, health, or welfare of Registered Qualifying Patients, Personal Caregivers, or the public.
- (15) The MTC does not have sufficient financial resources to meet the requirements of M.G.L. c. 94I or 935 CMR 501.000: *Medical Use of Marijuana*.
- (16) Any other ground that serves the purposes of St. 2016, c. 334, as amended by St. 2017, M.G.L. c. 94I or 935 CMR 501.000: *Medical Use of Marijuana*.

#### 501.500: Hearings and Appeals of Actions on Registrations or Licenses

- (1) The Commission has the authority to administer the administrative hearing process under M.G.L. c. 94I, § 7, and M.G.L. c. 94G, § 4(a)(xxiv) and (g).
- (2) A Licensee shall be afforded a hearing on any adverse action taken pursuant to:
  - (a) 935 CMR 501.360: *Fines*;
  - (b) 935 CMR 501.370: *Order to Show Cause*;
  - (c) 935 CMR 501.450: *Medical Marijuana Treatment Center Registration or License: Grounds for Suspension, Revocation, and Denial of Renewal Applications*; or
  - (d) Any other notice of the Commission that specifies that the Licensee or Registrant has a right to challenge the findings of fact and conclusions of law set forth in the Commission's notice using the process set forth in 935 CMR 501.500: *Hearings and Appeals of Actions on Registrations and Licenses*.
- (3) Notice(s)
  - (a) Notice of Violation(s) includes a notice issued in accordance with 935 CMR 501.360: *Fines* or 935 CMR 501.370: *Order to Show Cause*.
  - (b) Notice of Other Action(s). The Commission or its delegee shall send written notice of the action, including, but not limited to, a denial of a renewal License, taken against a Licensee and the basis(es) for that action, which shall include, but not be limited to, the following information:
    1. The Commission's statutory and regulatory authority, including its jurisdiction over the subject matter and its authority to take action with regards to the License or registration;
    2. The factual basis(es) for that action;
    3. The alleged violation(s) of law;
    4. The current restriction(s) on the Licensee's or Registrant's operations or the sale or use of Marijuana, Marijuana Products, or MIPs, if any;
    5. The potential for further disciplinary action(s), sanction(s) or fine(s); and
    6. The Licensee's right to a hearing, if any.
  - (c) The Commission or its delegee may modify, amend or rescind a notice on condition(s) to all the parties.

- (4) Hearing Request. The hearing request shall be submitted in a form and a manner determined by the Commission or its delegee, including, but not limited to, the request shall be made no later than 30 days after the effective date of the notice. A request for a hearing is filed on the date the request is received by the Commission.
- A timely request for a hearing must specifically identify each issue and fact in dispute and state the position of the Licensee, the pertinent facts to be adduced at the hearing, and the reasons supporting that position.
  - The failure to timely file a request for a hearing or to state the basis of the hearing request will result in dismissal of the challenge to the findings set forth in the notice of violation(s) or action(s).
  - If a timely request for a hearing is made, the Licensee may also seek to stay any action until there has been a final agency action pursuant to 935 CMR 501.500(7) or 935 CMR 501.500(12); provided, however, that if the Commission issues an order or notice on the basis of information that ongoing operations pose an immediate or serious threat to the public health, safety, or welfare, and that operations without restrictions during the pendency of the administrative appeal could reasonably be expected to endanger the health, safety, or welfare of the public, there will be no stay.
  - Nothing in this section shall preclude the Commission or its delegee from issuing a stay.
- (5) Hearing Officer. The Commission shall designate a Hearing Officer or delegate this designation to the Executive Director.
- (6) Hearing Officer's Authority to Take Action in the Event of Waiver, Default or Summary Decision.
- Waiver. If a Licensee fails to request a hearing in a timely manner or otherwise waives their right to a hearing, the Hearing Officer may assume the truth of the allegations set forth in the notice and recommend to the Commission disciplinary action(s), sanction(s) or fine(s) or an informal disposition of the matter.
  - Default. If a Licensee defaults, the Hearing Officer or other delegee may assume the truth of the allegations set forth in the notice and recommend to the Commission appropriate disciplinary action(s), sanction(s) or fine(s) or an informal disposition of the matter.
  - Summary Decision. If there is no genuine issue of fact to be determined by a hearing, the Hearing Officer may assume the truth of the allegations set forth in the notice and recommend to the Commission disciplinary action(s), sanction(s) or fine(s) or an informal disposition of the matter.
  - For actions without a hearing under (a) through (c), the Hearing Officer may conduct an evidentiary hearing on the appropriateness of disciplinary action(s), sanction(s) or fine(s).
- (7) Commission's Authority to Review, Approve or Reject Informal Dispositions. At any time, the Commission or its delegee may, in its discretion, review, approve or reject an informal disposition, but only on a showing that the alleged violations have been corrected, and a submission of a written waiver of its right to judicial review.
- (8) Hearing Notice. If a hearing is requested in a timely manner under 935 CMR 501.500(4), the Hearing Officer shall provide notice and a hearing within a reasonable time after that request, or as soon as is practicable, or at a time mutually agreed by the parties.
- The hearing notice should comply with M.G.L. c. 30A, § 11(1).
  - Prior to the commencement of a proceeding, a Hearing Officer may conduct conference(s) and refer or require the parties to participate in settlement negotiations. If the parties reach a settlement, the Hearing Officer shall suspend the proceedings pending Commission consideration of the matter under 935 CMR 501.500(7).
- (9) Conduct of the Hearing.
- To the extent that a Hearing Officer conducts a proceeding, it shall be conducted pursuant to M.G.L. c. 30A and the Standard Adjudicatory Rules of Practice and Procedure, which includes 801 CMR 1.01: *Formal Rules*, 801 CMR 1.02: *Informal/Fair Hearing Rules*, and/or 801 CMR 1.03: *Miscellaneous Provisions Applicable to All Administrative Proceedings*.
  - In the case of an Order to Show Cause why a License or registration should not be suspended or revoked, the hearing shall be conducted pursuant to M.G.L. c. 30A, § 13.

- (c) If after the commencement of the hearing, the parties reach a settlement, the Hearing Officer shall suspend the proceedings pending Commission consideration of the matter under 935 CMR 501.500(7): *Commission's Authority to Review, Approve or Reject Informal Dispositions*.
- (10) Reopening of Hearings. At any time before the Commission's Final Decision is issued, on the motion of any party or on their own initiative, the Commission by a majority vote or the Hearing Officer may on good cause shown reopen the hearing for the purpose of receiving new evidence.
- (11) Recommended Decision.
- (a) Burden of proof.
1. For a notice of violation(s), the Commission or its delegee bears the burden of proving the Licensee(s)' violation(s) of law.
  2. For a notice of action(s), including, but not limited to the denial of a renewal License, the Licensee bears the burden of proving the qualifications for licensure.
- (b) The Hearing Officer will make a recommended decision to the Commission.
1. The recommended decision may affirm, modify, or overturn the actions proposed in the Commission's notice of violation(s) or action(s).
  2. The recommended decision shall be in writing to the Commission for its consideration, which shall include, but not be limited to, a statement of reasons including determination of each issue of fact or law necessary to the decision.
  3. The Hearing Officer may recommend disciplinary action(s), sanction(s) or fine(s), or an informal disposition of the matter and provide reasons for the recommendation, including whether the recommendation is consistent with the notice of violation(s) or action(s) and the Commission's prior disciplinary action(s), sanction(s) or fine(s).
  4. The Hearing Officer shall electronically mail a copy of the recommended decision to each Licensee or their attorney(s) of record and on request, mail a copy of the recommended decision to each Licensee or their attorney(s) of record.
- (c) Within 21 calendar days of the issuance of the recommended decision, the parties may submit to the Commission written objections and arguments regarding the Hearing Officer's recommended decision.
- (12) Final Decision.
- (a) The Commission may affirm, adopt, modify, amend, or reverse the recommended decision of the Hearing Officer or remand the matter for further consideration.
- (b) The Commission's decision shall be considered the Final Decision, unless its authority to render a Final Decision is delegated.
1. The Final Decision shall be in writing. The drafting of the decision may be delegated to the General Counsel so long as the Commission votes on the substance of the Final Decision.
  2. The Final Decision may incorporate by reference the Hearing Officer's recommended decision in whole or in part. The Commission shall consider the parties' written objections and arguments regarding the Hearing Officer's recommended decision under 935 CMR 501.500(11)(c), but is not required to respond to these submissions.
  3. The Final Decision shall include, but not be limited to the following:
    - a. A statement of reasons including determination of each issue of fact or law necessary to the decision; and
    - b. Any disciplinary action(s), sanction(s) or fine(s), or an informal disposition of the matter.
- (c) The vote on the Final Decision shall be supported and signed by at least Commissioners. As part of its vote, the Commission may delegate to the General Counsel action(s) needed to finalize the decision, including, but not limited to the stamping of Commissioners' signatures.
- (d) The Commission's Final Decision is a final agency action reviewable pursuant to M.G.L. c. 30A, § 14.
- (e) The Commission or its delegee shall electronically mail a copy of the recommended decision to each Licensee or Registrant or their attorney(s) of record and on request,

mail a copy of the recommended decision to each Licensee or Registrant or their attorney(s) of record.

- (13) Appeals. Any person aggrieved by a Final Decision may appeal that decision to the Superior Court in accordance with M.G. L. c. 30A, § 14. The filing of an appeal shall not operate as a stay of enforcement of the Commission's decision, but the Commission may in its discretion stay enforcement.

501.800: Background Check Suitability Standard for Licensure and Registration

- (1) Pursuant to M.G.L. c. 94G, § 4(a)(xii), (xiv), and § 21(a)(ii) and M.G.L. c. 94I, the Commission may make, in an exercise of its discretion, a suitability determination.
- (2) The Commission may also delegate suitability determinations to the Executive Director, who may appoint a Suitability Review Committee (Committee) to advise the Executive Director.
- (3) All suitability determinations will be made in accordance with the procedures set forth in 935 CMR 501.800: Background Check Suitability Standard for Licensure and Registration.
- (4) Suitability Review Process.
- (a) Designated Enforcement staff (staff) shall conduct background checks and gather information and evidence applicable to a subject's suitability and make a recommendation as to suitability. Staff may make an adverse suitability recommendation on finding information and evidence that would result in a Mandatory Disqualification, Presumptive Negative Suitability Determination or that would support a Negative Suitability Recommendation.
- (b) Before making an adverse suitability recommendation, staff shall consult with the Executive Director or the Executive Director's delegee(s). The Executive Director may dispose of the matter or direct the Committee to institute a review of suitability or take any action consistent with M.G.L. c. 94G.
- (c) If the Executive Director institutes a suitability review, the staff shall send the written notice of an adverse suitability recommendation that identifies the person or entity subject to suitability review, the particular offenses or conduct relied on and whether that the offenses or conduct results in a Mandatory Disqualification or Presumptive Negative Suitability Determination, or supports a Negative Suitability Recommendation, and reasons for that determination.
- (d) The notice of an adverse suitability recommendation shall provide an opportunity to cure the suitability issue by removing the subject from its application. To the extent that an applicant removes a subject from an application, the removal must be done in a manner determined by the Commission.
- (e) The notice of an adverse suitability recommendation shall provide the subject with the opportunity to request an informal proceeding before the Suitability Review Committee.
- (f) A request for an informal proceeding must be submitted in a form and manner determined by the Commission and no later than 14 business days following the effective date of the adverse suitability recommendation. Requests received after 14 business days may be considered at the discretion of the Executive Director or the Committee.
- (g) On notification of an adverse suitability recommendation and receipt of an informal proceeding request, the Committee shall initiate a proceeding, make a recommendation and/or take other action(s) after consultation with the

Executive Director.

- (h) If an applicant or a subject does not make a timely request for an informal proceeding before the Committee, the Executive Director may forward the adverse suitability recommendation to the Committee for a review, make a suitability determination, or take any action consistent with M.G.L. c. 94G.

(5) The Committee shall:

- (a) consider and review whether offense(s) or information resulting in a Mandatory Disqualification or a Presumptive Negative Suitability Determination under Tables A-E, in 935 CMR 501.801: *Suitability Standard for Licensure* through 500.803: *Suitability Standard for Registration as a Laboratory Agent*, as applied to the subject, renders the subject unsuitable for licensure or registration;
- (b) consider and review whether offense(s) or information not otherwise set forth in Tables A-E would result in a Negative Suitability Recommendation and renders the subject unsuitable for licensure or registration; and
- (c) subsequent to its review of a suitability matter, make recommendations to the Executive Director, or the Commission, or their delegee(s).

(6) When reviewing an adverse suitability recommendation by staff that there is an offense resulting in a Mandatory Disqualification, the Commission shall consider credible and reliable information demonstrating that:

- (a) the disqualifying event was based on erroneous information or evidence; and
- (b) the subject can demonstrate that prior to the informal proceeding, the adverse suitability recommendation can no longer be supported because the error was corrected.

(7) When reviewing an offense resulting in a Presumptive Negative Suitability Determination, the committee shall take into consideration the following factors:

(a) Nature and specific circumstances of the offense or incident:

1. time since the offense or incident;
2. number of offenses or incidents;
3. if criminal, sentence imposed and length, if any, of incarceration;
4. if criminal, sentence imposed and length, if any, of parole or probation; and
5. relationship of offense or incident to nature of work to be performed;

(b) Mitigating factors:

1. age of the subject at the time of the offense or incident; and
2. whether offenses or incidents were committed in association with dependence on drugs or alcohol from which the subject has since recovered;

(c) Conduct since time of the offense or incident:

1. if criminal, any relevant evidence of rehabilitation or lack thereof, such as information about compliance with conditions of parole or probation, including orders of no contact with victims and witnesses; and
2. the subject's conduct and experience since the time of the offense including, but not limited to, professional or educational certifications obtained; and

- (d) any other relevant information, including information submitted by the subject to the Committee or requested by the Commission.
- (8) The Committee may make a Negative Suitability Determination in the following circumstances:
- (a) On the receipt of the staff's Negative Suitability Recommendation that there is credible and reliable information in the five years immediately preceding the application:
    - 1. The applicant's or Licensee's prior actions posed or would likely pose a risk to the public health, safety, or welfare if a License or registration is granted or renewed; and
    - 2. the risk posed by the applicant's or Licensee's actions relates or would likely relate to the operation of a Marijuana Establishment.
  - (b) On review of this recommendation, the Committee shall consider whether the staff has carried its burden of demonstrating:
    - 1. The applicant's or Licensee's prior actions posed or would likely pose a risk to the public health, safety, or welfare if a License or registration is granted or renewed; and
    - 2. The risk posed by the applicant's or Licensee's actions relates or would likely relate to the operation of a Marijuana Establishment.
- (9) Where an MTC agent listed on the application for licensure in accordance with 935 CMR 501.101(1), is found to have no suitability issue under Table A, or to have overcome any suitability issue, the agent shall not be subject to a subsequent suitability review under Tables B-E.
- (a) Nothing in this subsection relieves the requirement that the applicant or Licensee conduct background checks on its agents and disclose to the Commission's staff any suitability issue(s) that arise as a result of those checks.
  - (b) Any subsequent disclosure of background check information for a Marijuana establishment agent required to be listed and evaluated pursuant to 935 CMR 501.101(1), will be assessed pursuant to Table A or on other grounds for a Negative Suitability Determination only.
  - (c) Nothing in subsection precludes the Commission from initiating a suitability review based on background information received after the Commission's initial suitability review.
- (10) The Executive Director in consultation with the Committee may determine that a subject's suitability warrants the Commission's consideration. The Executive Director may also remand a matter to staff for further investigation prior to making a determination. The Commission may consider the determination when acting on the application or renewal.

501.801: Suitability Standard for Licensure

- (1) In accordance with M.G.L. 94I and M.G.L. c. 94G, § 5, the Commission is prohibited from licensing an MTC where an individual who is a Person Having Direct or Indirect Control has been convicted of a felony or offense in Other Jurisdictions that would be a felony in the Commonwealth, except a prior conviction solely for a Marijuana offense or solely for a violation of M.G.L. c. 94C, § 34, unless the offense involved distribution of a controlled substance, including Marijuana, to a minor.
- (2) For purposes of determining suitability based on background checks in accordance with 935 CMR 501.101(1):
  - (a) All conditions, offenses, and violations are construed to include Massachusetts law or like or similar law(s) of Other Jurisdictions.
  - (b) All criminal disqualifying conditions, offenses, and violations include the crimes

of attempt, accessory, conspiracy, and solicitation.

- (c) Juvenile dispositions shall not be considered as a factor for determining suitability.
  - (d) Where applicable, all look back periods for criminal conditions, offenses, and violations included in Table A commence on the date of disposition; provided, however, that if disposition results in incarceration in any institution, the look back period shall commence on release from incarceration.
  - (e) Unless otherwise specified, a criminal condition, offense or violation referenced in Table A shall include both convictions, which include guilty pleas and pleas of nolo contendere, and dispositions resulting in continuances without a finding or other disposition constituting an admission to sufficient facts but shall exclude other non-conviction dispositions.
- (3) Licensees and Registered Agents shall remain suitable at all times a License or registration remains in effect. An individual subject to this section shall notify the Commission in writing of any charge or conviction of an offense that would result in a presumptive negative suitability determination or mandatory disqualification under Tables A-E within ten days of such individual's arrest or summons, and within ten days of the disposition on the merits of the underlying charge. Failure to make proper notification to the Commission may be grounds for disciplinary action. If the Commission lawfully finds a disqualifying event and the individual asserts that the record was sealed, the Commission may require the individual to provide proof from a court evidencing the sealing of the case.

**Table A: MTC Licensees.** Shall apply solely to Persons or Entities Having Direct or Indirect Control in accordance with 935 CMR 501.1010(12).

<b>Time Period</b>	<b>Precipitating Issue</b>	<b>Result</b>
Present (during time from start of application process through action on application or renewal)	<b>Open/Unresolved Criminal Proceedings:</b> Any outstanding or unresolved criminal proceeding, the disposition of which may result in a felony conviction under the laws of the Commonwealth or Other Jurisdictions, but excluding any criminal proceeding based solely on a Marijuana-related offense or a violation of M.G.L. c. 94C, § 34.	Mandatory Disqualification
Present	<b>Outstanding or Unresolved Criminal Warrants</b>	Presumptive Negative Suitability Determination
Present	<b>Submission of untruthful information to the Commission including, but not limited to:</b>  Submission of information in connection with a License application, waiver request or other Commission action that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity; or  Making statements during or in connection with a Commission inspection or investigation that are deceptive, misleading, false or fraudulent, or that tend to deceive or create a misleading impression, whether directly, or by omission or ambiguity.	Presumptive Negative Suitability Determination
Present	<b>Open/Unresolved Marijuana License or Registration Violations (Massachusetts or Other Jurisdictions)</b>	Presumptive Negative Suitability Determination
Present	<b>Open Professional or Occupational License Cases</b>	Presumptive Negative Suitability Determination
Indefinite	<b>Sex Offender Registration:</b> Required to register as a sex offender in Massachusetts or Other Jurisdiction.	Mandatory Disqualification
Indefinite	<b>Felony Convictions in Massachusetts or an Other Jurisdiction Including, but not Limited to:</b>  Felony weapons violation involving narcotics;  Felony involving violence against a person;  Felony involving theft or fraud;  Felony drug, excluding conviction solely for a Marijuana-related offense or solely for a violation of M.G.L. c. 94C, § 34.	Mandatory Disqualification
Indefinite	<b>Conviction or Continuance Without a Finding (CWOFF) for any Distribution of a Controlled Substance to a Minor</b>	Mandatory Disqualification
Indefinite	<b>Non-Felony Weapons Violations, Including Firearms, Involving Narcotics</b>	Presumptive Negative Suitability Determination



Indefinite	<b>Firearms-Related Crimes</b>	Presumptive Negative Suitability Determination
Indefinite	<b>Multiple Crimes of Operating Under the Influence</b> Two offenses within a ten-year period; or Three or more offenses within any period of time.	Presumptive Negative Suitability Determination
Preceding Five Years	<b>Multiple Crimes</b> during the five years immediately preceding the application for licensure that separately may not result in a negative determination of suitability but may, if taken together and tending to show a pattern of harmful behavior, result in a negative determination of suitability depending on the type and severity of the crimes	Presumptive Negative Suitability Determination
Preceding Five Years	<b>Crimes of Domestic Violence including, but not limited to:</b> Violation of an abuse prevention restraining order under M.G.L. c. 209A Violation of a harassment prevention order under M.G.L. c. 258E	Presumptive Negative Suitability Determination
Preceding Five Years	<b>Marijuana License or Registration Violations (Massachusetts or Other Jurisdictions)</b> The applicant or a Licensee held a license that was revoked, a renewal application that was denied, or a similar action taken with relation to their Marijuana business in Massachusetts or Other Jurisdiction, whether by administrative action or stipulated agreement.	Mandatory Disqualification
More Than Five and less than Ten Years	<b>Marijuana License or Registration Violations (Massachusetts or Other Jurisdictions)</b> The applicant or a Licensee held a license that was revoked, a renewal application that was denied, or a similar action taken with relation to their Marijuana business in Massachusetts or Other Jurisdiction, whether by administrative action or stipulated agreement.	Presumptive Negative Suitability Determination
Preceding Five Years	The applicant's or Licensee's prior actions posed or would likely pose a risk to the public health, safety, or welfare; and the risk posed by the applicant's or Licensee's actions relates or would likely relate to the operation of a Marijuana Establishment.	May make a Negative Suitability Determination in accordance with 935 CMR 501.800(8)

501.802: Suitability Standard for Registration as a Medical Marijuana Treatment Center Agent

- (1) In accordance with M.G.L. c. 94G, § 4(a½)(iii), the Commission has established qualifications for licensure and minimum standards for employment that are directly and demonstrably related to the operation of an MTC and similar to qualifications for licensure and employment standards in connection with alcoholic beverages as regulated under M.G.L. c. 138; provided, that a prior conviction solely for a Marijuana-related offense or for a violation of M.G.L. c. 94C, § 34 shall not disqualify an individual or otherwise affect eligibility for employment or licensure in connection with an MTC, unless the offense involved the distribution of a controlled substance, including Marijuana, to a minor.
- (2) For purposes of determining suitability based on background checks in accordance with 935 CMR 501.101(1)(b) and (2)(b):
- (a) All conditions, offenses, and violations are construed to include Massachusetts law or like or similar law(s) of Other Jurisdictions.
  - (b) All criminal disqualifying conditions, offenses, and violations include the crimes of attempt, accessory, conspiracy and solicitation.
  - (c) Juvenile dispositions shall not be considered as a factor for determining suitability.
  - (d) Where applicable, all look back periods for criminal conditions, offenses, and violations included in Tables B-D commence on the date of disposition; provided, however, that if disposition results in incarceration in any institution, the look back period shall commence on release from incarceration.
  - (e) Unless otherwise specified in Tables B-D, a criminal condition, offense or violation shall include both convictions, which include guilty pleas and pleas of nolo contendere, and dispositions resulting in continuances without a finding or other disposition constituting an admission to sufficient facts, but shall exclude other non-conviction dispositions. All suitability determinations will be made in accordance with the procedures set forth in 501.800: *Background Check Suitability Standard for Licensure and Registration*. In addition to the requirements established in 935 CMR 501.800: *Background Check Suitability Standard for Licensure and Registration*, the Suitability Review Committee shall:
    1. Consider whether offense(s) or information that would result in a Presumptive Negative Suitability Determination under Table B-D renders the subject unsuitable for registration regardless of the determination of the Licensee; and
    2. Consider appeals of determinations of unsuitability based on claims of erroneous information received as part of the background check during the application process in accordance with 803 CMR 2.17: *Requirement to Maintain a Secondary Dissemination Log* and 2.18: *Adverse Employment Decision Based on CORI or Other Types of Criminal History Information Received from a Source Other than the DCJIS*.
- (3) Registered Agents shall remain suitable at all times a License or registration remains in effect. An individual subject to this section shall notify the Commission in writing of any charge or conviction of an offense that would result in a presumptive negative suitability determination or mandatory disqualification under Tables B-D within ten days of such individual's arrest or summons, and within ten days of the disposition on the merits of the underlying charge. Failure to make proper notification to the Commission may be grounds for disciplinary action. If the Commission lawfully finds a disqualifying event and the individual asserts that the record was sealed, the Commission may require the individual to provide proof from a court evidencing the sealing of the case.

**Table B: MTC Agents.** Shall apply solely to applicants for registration as an MTC Agent at an MTC licensed pursuant to 935 CMR 501.101: *Application Requirements for Medical Marijuana Treatment Centers.*

Time Period	Precipitating Issue	Result
Present (during time from start of application process through action on application or renewal.)	<p><b>Open/Unresolved Criminal Proceedings:</b></p> <p>Any outstanding or unresolved criminal proceeding, the disposition of which may result in a felony conviction under the laws of the Commonwealth or Other Jurisdictions, but excluding any criminal proceeding based solely on a Marijuana-related offense or a violation of M.G.L. c. 94C, § 32E(a) or § 34.</p>	Presumptive Negative Suitability Determination
Present	<p><b>Open Professional or Occupational License Cases</b></p>	Presumptive Negative Suitability Determination
Present	<p><b>Open/Unresolved Marijuana License or Registration Violations (Massachusetts or Other Jurisdictions):</b></p> <p>An outstanding or unresolved violation of the regulations as included in 935 CMR 501.000: <i>Medical Use of Marijuana</i> or a similar statute or regulations of Other Jurisdictions, which has either (a) remained unresolved for a period of six months or more; or (b) the nature of which would result in a determination of unsuitability for registration.</p>	Presumptive Negative Suitability Determination
Present	<p><b>Submission of untruthful information to the Commission including, but not limited to:</b></p> <p>Submission of information in connection with an agent application, waiver request or other Commission action that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity; or</p> <p>Making statements during or in connection with a Commission inspection or investigation that are deceptive, misleading, false or fraudulent, or that tend to deceive or create a misleading impression, whether directly, or by omission or ambiguity.</p>	Presumptive Negative Suitability Determination
Indefinite	<p><b>Sex Offense:</b></p> <p>Felony conviction for a “sex offense” as defined in M.G.L. c. 6, § 178C and M.G. L. c. 127, § 133E or like offenses in Other Jurisdictions.</p>	Mandatory Disqualification
Indefinite	<p><b>Felony Convictions in Massachusetts or Other Jurisdictions</b> for trafficking crimes under M.G.L. c. 94C, § 32E, or like crimes in Other Jurisdictions, except convictions for solely Marijuana-related crimes under § 32E (a), or like crimes in Other Jurisdictions.</p>	Mandatory Disqualification

Indefinite	<b>Conviction or Continuance Without a Finding (CWOFF) for Any Distribution of a Controlled Substance to a Minor</b>	Mandatory Disqualification
Indefinite	<b>Failure to Register as a Sex Offender in Any Jurisdiction</b>	Mandatory Disqualification
Preceding Five Years	<b>Crimes of Domestic Violence including, but not limited to:</b> Violation of an abuse prevention restraining order under M.G.L. c. 209A Violation of a harassment prevention order under M.G.L. c. 258E	Presumptive Negative Suitability Determination
Indefinite	<b>(MTC agents engaging in transportation or home delivery operations only)</b> <b>Multiple Crimes of Operating Under the Influence</b> Two offenses within a ten-year period; or Three or more offenses within any period of time.	Presumptive Negative Suitability Determination
Preceding Five Years	<b>Felony Convictions in Massachusetts or Other Jurisdictions</b> for crimes of violence against a person or crimes of dishonesty or fraud, “violent crime” to be defined the same way as under M.G.L. c. 140, § 121 and M.G.L. c. 127, § 133E.	Mandatory Disqualification
Preceding Seven Years	<b>CWOFF for Crimes of Violence, Fraud</b>	Presumptive Negative Suitability Determination
Preceding Five Years	The applicant’s or Licensee’s prior actions posed or would likely pose a risk to the public health, safety, or welfare.	May make a Negative Suitability Determination in accordance with 935 CMR 501.800(8)

**501.803: Suitability Standard for Registration as a Laboratory Agent**

- (1) 935 CMR 501.803: *Suitability Standard for Registration as a Laboratory Agent* shall apply to laboratory agents in their capacity as employees or volunteers for an Independent Testing Laboratory licensed pursuant to 935 CMR 501.029032: *Registration of Independent Testing Laboratory Agents* and shall be used by the Independent Testing Laboratory Executive registered with the DCJIS pursuant to 803 CMR 2.04: *iCORI Registration* and the Commission for purposes of determining suitability for registration as a laboratory agent with the Licensee.
- (2) In accordance with M.G.L. c. 94G, § 15(b)(5), the Commission is prohibited from issuing a registration to a laboratory agent who has been convicted of a felony drug offense in the Commonwealth or in Other Jurisdictions that would be a felony drug offense in the Commonwealth.
- (3) For purposes of determining suitability based on background checks performed in accordance with 935 CMR 501.803: *Suitability Standard for Registration as a Laboratory Agent*:
  - (a) All conditions, offenses, and violations are construed to include Massachusetts law or similar law(s) of Other Jurisdictions.

- (b) All criminal disqualifying conditions, offenses, and violations include the crimes of attempt, accessory, conspiracy, and solicitation.
- (c) Juvenile dispositions shall not be considered as a factor for determining suitability.
- (d) Where applicable, all look back periods for criminal conditions, offenses, and violations included in Table C commence on the date of disposition; provided, however, that if disposition results in incarceration in any institution, the look back period shall commence on release from incarceration.
- (e) Unless otherwise specified in Table C, a criminal condition, offense or violation shall include both convictions, which include guilty pleas and pleas of nolo contendere, and dispositions resulting in continuances without a finding or other disposition constituting an admission to sufficient facts but shall exclude other non-conviction dispositions. All suitability determinations will be made in accordance with the procedures set forth in 935 CMR 501.800: *Background Check Suitability Standard for Licensure and Registration*. In addition to the requirements established in 935 CMR 501.800: *Background Check Suitability Standard for Licensure and Registration*, the Suitability Review Committee shall:
1. Consider whether offense(s) or information that would result in a Presumptive Negative Suitability Determination under Table C renders the subject unsuitable for registration regardless of the determination of the Licensee; and
  2. Consider appeals of determinations of unsuitability based on claims of erroneous information received as part of the background check during the application process in accordance with 803 CMR 2.17: *Requirement to Maintain a Secondary Dissemination Log* and 803 CMR 2.18: *Adverse Employment Decision Based on CORI or Other Types of Criminal History Information Received from a Source Other than the DCJIS*.
-

**Table C: Registration as a Laboratory Agent.** Shall apply solely to applicants for registration as a laboratory agent in accordance with 935 CMR 501.803: *Suitability Standard for Registration as a Laboratory Agent* at an MTC registered pursuant to 935 CMR 501.052: *Independent Testing Laboratories* or 935 CMR 500.050: *Marijuana Establishments*.

Time Period	Precipitating Issue	Result
Present (during time from start of application process through action on application or renewal.)	<p><b>Open/Unresolved Criminal Proceedings:</b></p> <p>any outstanding or unresolved criminal proceeding, the disposition of which may result in a felony conviction under the laws of the Commonwealth or a similar law in Other Jurisdictions.</p>	Mandatory Disqualification
Present	<p><b>Open/Unresolved Marijuana Business-Related License Violations (Massachusetts or Other Jurisdictions):</b></p> <p>an outstanding or unresolved violation of the regulations as included in 935 CMR 501.000: <i>Medical Use of Marijuana</i> or a similar statute or regulations in Other Jurisdictions that has either (a) remained unresolved for a period of six months or more; or (b) the nature of which would result in a determination of unsuitability for registration.</p>	Presumptive Negative Suitability Determination
Present	<p><b>Submission of false or misleading information to the Commission including, but not limited to:</b></p> <p>Submission of information in connection with an agent application, waiver request or other Commission action that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity; or</p> <p>Making statements during or in connection with a Commission inspection or investigation that are deceptive, misleading, false or fraudulent, or that tend to deceive or create a misleading impression, whether directly, or by omission or ambiguity.</p>	Presumptive Negative Suitability Determination
Present	<p><b>Open Professional or Occupational License Cases</b></p>	Mandatory Disqualification
Indefinite	<p><b>Felony Convictions in Massachusetts or Other Jurisdictions</b> for drug offenses or trafficking crimes under M.G.L. c. 94C, § 32E, or like crimes in Other Jurisdictions.</p>	Mandatory Disqualification
Preceding Five Years	<p><b>Felony Convictions or CWOV in Massachusetts or Other Jurisdictions</b> for crimes of violence against a person, “violent crime” to be defined the same way as under M.G.L. c. 140, § 121 and M.G.L. c. 127, § 133E.</p>	Presumptive Negative Suitability Determination

Preceding Seven Years	<b>Felony Convictions or CWOFF in Massachusetts or Other Jurisdictions</b> for crimes of dishonesty or fraud.	Presumptive Negative Suitability Determination
Preceding Five Years	The applicant's or Licensee's prior actions posed or would likely pose a risk to the public health, safety, or welfare; and the risk posed by the applicant's or Licensee's actions relates or would likely relate to the operation of a Marijuana Establishment.	May make a Negative Suitability Determination in accordance with 935 CMR 500.800(8)

501.820: Confidentiality

- (1) All records made or received by the Commission shall be public records and shall be available for disclosure on request pursuant to this section and 950 CMR 32.00: *Public Records Access*, except the following, which shall be exempt from disclosure to the extent permitted by law:
  - (a) All records exempt from disclosure pursuant to M.G.L. c. 4, § 7, cl. 26;
  - (b) All records to the extent that they contain "personal data" pursuant to M.G.L. c. 66, § 1;
  - (c) All records to the extent that they contain "personal information" pursuant to M.G.L. c. 93H, § 1;
  - (d) All records which contain CORI as defined by 803 CMR 2.02: *Definitions*;
  - (e) All records which contain CHRI as defined by 803 CMR 7.02: *Definitions*; and
  - (f) All Confidential Records as defined in 935 CMR 501.002: *Definitions*.
  
- (2) The Commission shall maintain the confidentiality of all medical records, including but not limited to:
  - (a) All Confidential Records and information contained in the Confidential Database, including applicants for registration as a Qualifying Patient, Personal Caregiver, Institutional Caregiver, Certifying Healthcare Provider, Card Holder; or Registered Qualifying Patients, Personal Caregivers, Institutional Caregivers, Certifying Healthcare Providers, Card Holders; and
  - (b) Other identifying patient information.
  
- (3) All records protected from disclosure under 935 CMR 501.820(1) or other state or federal laws may be disclosed by the Commission:
  - (a) If disclosure is required pursuant to a state or federal law;
  - (b) To the individual or the individual's authorized representative, if the individual executes a written release in a form and manner determined by the Commission;
  - (c) To the Commission staff for the purpose of carrying out their official duties;
  - (d) To the Commission Delegee(s) as authorized by the Commission;
  - (e) To other government officials and agencies acting within their lawful jurisdiction, which includes, but is not limited to:
    1. Law enforcement personnel for the sole purpose of verifying a cardholder's registration and certification;
    2. The Board of Registration in Medicine when necessary in connection with referrals to said Board concerning violations of 935 CMR 501.000: *Medical Use of Marijuana*; and
  - (f) To a healthcare professional who has a *Bona Fide* Healthcare Professional-Patient Relationship with the Qualifying Patient to facilitate dispensing of medical-use Marijuana;
  - (g) To an MTC or any state to facilitate dispensing of medical use Marijuana; and
  - (h) To the Commission staff if required in the course of an administrative or a judicial proceeding;
  - (I) If an individual or entity obtains an order from a court of competent jurisdiction.

- (4) Nothing in this provision shall prevent the Commission from acting in accordance with its authority.

501.830: Petitions for the Adoption, Amendment or Repeal of Regulations

- (1) Any interested person may file a petition with the Commission pursuant to M.G.L. c. 30A, § 4, for the adoption, amendment or repeal of any regulation. Such petition shall be submitted in written and electronic form, be signed by the petitioner or petitioner's representative, and include the following information:
- The name, address, and relevant contact information for the petitioner or the petitioner's representative;
  - The petitioner's specific interest in the regulation;
  - The petitioner's request for the adoption, amendment or repeal of a regulation, including proposed regulatory language;
  - If the request is to amend an existing regulation, a copy of the existing regulation with changes clearly marked on paper and electronic copies; and
  - The reasons for the request, including, but not limited to citation to any relevant legal authority, arguments and evidence, including data, that supports the request.
- (2) After receipt of a petition for submitted in accordance with this section, the Commission may consider the petition at an open meeting pursuant to M.G.L. c. 30A, § 20, and determine, in its discretion, whether to take any action on or as a result of the petition. The Commission may also delegate the review of petitions to its Executive Director.
- (3) Within a reasonable time, the Commission or its delegee will notify the petitioner as to its determination, if any, concerning the petition.
- (4) The submission of a petition for the adoption, amendment or repeal of any regulation pursuant to 935 CMR 501.830(1), and any action, inaction, determination or notice by the Commission pursuant to 935 CMR 501.830(2) with respect thereto, shall not constitute the adoption, amendment or repeal of a regulation unless or until regulations are duly promulgated by the Commission in accordance with M.G.L. c. 30A, *The Administrative Procedure Act*, and 950 CMR 20.00: *Preparing and Filing Regulations*, and the regulatory process requirements of the Secretary of the Commonwealth.

501.840: Non-conflict with Other Laws

- (1) Nothing in 935 CMR 501.000: *Medical Use of Marijuana* shall be construed to limit the applicability of other law as it pertains to the rights of landlords, employers, Law Enforcement Authorities, or regulatory agencies.
- (2) Nothing in 935 CMR 501.000: *Medical Use of Marijuana*:
- Allows the operation of a motor vehicle, boat, or aircraft while under the influence of Marijuana;
  - Requires any health insurance provider, or any government agency or authority, to reimburse any person for the expenses of the medical use of Marijuana;
  - Requires any healthcare professional to authorize the use of medical Marijuana for a Qualifying Patient;
  - Requires any accommodation of any on-site medical use of Marijuana in any place of employment, school bus or on school grounds, in any youth center, in any correctional facility, or of smoking medical Marijuana in any public place;
  - Supersedes Massachusetts law prohibiting the possession, cultivation, transport, distribution, or sale of Marijuana for nonmedical purposes; or
  - Requires the violation of federal law or purports to give immunity under federal law;
  - Poses an obstacle to federal enforcement of federal law.
- (3) Nothing in 935 CMR 501.000: *Medical Use of Marijuana* shall be construed to limit the scope of practice of a nurse practitioner pursuant to M.G.L. c. 112, § 80I.

501.850: Waivers

- (1) The Commission may delegate its authority to the Executive Director to waive a regulatory requirement promulgated under M.G.L. 94I, § 7 and M.G.L. c. 94G, § 4. The Executive Director may determine the form and manner of the waiver process. There can



- be no waiver of statutory requirements.
- (2) The Commission may waive applicability of one or more of the requirements imposed by 935 CMR 501.000: *Medical Use of Marijuana* on the submission of written documentation and a finding that:
    - (a) Compliance would cause undue hardship to the requestor;
    - (b) If applicable, the implementation of compensating features acceptable to the Commission;
    - (c) The noncompliance with the regulatory requirement would not jeopardize the health, safety, or welfare of any Registered Qualifying Patient or the public; and
    - (d) The granting of the waiver would not constitute a waiver of any statutory requirements.
  - (3) Waiver of Security Requirements. Any waiver of security requirements under this section, shall be requested under 935 CMR 501.110(2)(b).
  - (4) An adverse decision on a waiver request does not entitle an applicant or Licensee to a hearing or judicial review.

501.860: Notice

- (1) The Commission shall maintain a list of individuals or entities that request notice.
- (2) Notice shall be provided, in a time and manner to be determined by the Commission, to those individuals or entities on the list in advance for:
  - (a) Meetings of the Cannabis Control Commission;
  - (b) Meetings of the Cannabis Advisory Board; and
  - (c) Other events determined by the Commission, in its discretion.
- (3) The individual or entity is responsible for ensuring that the information provided to the Commission for the purpose of receiving notice remains current.

501.900: Severability

The provisions of 935 CMR 501.000: *Medical Use of Marijuana* are severable. If a court of competent jurisdiction declares any section, subsection, paragraph, or provision unconstitutional or invalid, the validity of the remaining provisions shall not be affected.

REGULATORY AUTHORITY

935 CMR 501.000: St. 2017, c. 55; M.G.L. c. 94I, and M.G.L. c. 94G.

**Expedition Policy**

The definition of “expedition” is, in pertinent part “a journey or voyage undertaken by a group of people with a particular purpose...” It also means “promptness or speed in doing something.”

~~To ensure that applications are being reviewed promptly and equitably, the Commission licensing team should launch an audit of the applicants designated as “RMD Priority” in our system to ensure that it is limited only to those that registered as such between April 1 and April 15, 2018 as required under Section 56(b) of Chapter 55 of the Acts of 2017.~~

The Commission licensing team should continue to prioritize, consistent with the mandate of the statute, those entities properly designated as RMD Priority and Economic Empower applicants.

Within the remaining pool of applicants, I request that the Commission vote to adopt a policy of expediting review of applications for groups that the Legislature has directed us to promote, namely farmers, small businesses and communities impacted by the War on Drugs. To be more precise, I request that the Commission licensing team expedite review of pending applications for:

- Social Equity Program participants
- Outdoor Cultivators
- Craft Cooperatives
- Microbusinesses

I would further suggest that, consistent with a vote taken by the Commission in 2018, in the interests of public health and safety, review of applications for Independent Testing Laboratories are also expedited.

I further propose that the policy sunset on December 31, 2020 and during its effectiveness, the Commission team collect data in its impact to the licensing process and present a recommendation to the Commission in December, 2020 as to whether the expedition policy should be extended.

**Commented [DK(1)]:** This section can come out if we do the audit before the meeting and determine that is the case.  
*Update:* I’ve been assured that we’re confident it’s only the people certified in April that are being identified as RMD Priority, so this step is not necessary.

# A Baseline Review and Assessment of Cannabis Use and Youth: Literature Review and Preliminary Data in Massachusetts.

September 2019

Massachusetts Cannabis Control Commission:

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Kay Doyle, Commissioner  
Jennifer Flanagan, Commissioner  
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## Purpose

This report has been prepared in response to the enabling legislation, Chapter 55 section 17a (iii) to assess one item on the Cannabis Control Commissions' research agenda. This legislation section states: *“The commission shall develop a research agenda in order to understand the social and economic trends of marijuana in the commonwealth, to inform future decisions that would aid in the closure of the illicit marketplace and to inform the commission on the public health impacts of marijuana.”*

One of the research agenda priority items includes:

- (1) patterns of use, methods of consumption, sources of purchase and general perceptions of marijuana among minors;

Chapter 55 additionally asserts the Commission shall incorporate available data, annually report on the results of its research, and make recommendations for further research or policy changes.



## Table of Contents

I.	<b>Executive Summary</b> .....	8
II.	<b>Brief History of Cannabis Policies</b> .....	10
III.	<b>Data Sources and Limitations</b> .....	12
IV.	<b>Important Considerations</b> .....	14
V.	<b>Baseline Data</b> .....	16
	Youth Risk Behavior Surveillance Survey.....	16
	All Grades (9-12 <sup>th</sup> ) Cannabis Use .....	16
	Chart V.A.2. MA High Schoolers Lifetime Cannabis and Alcohol Lifetime Use, YRBS 2007-2017 .....	17
	Chart V.A.3. MA High Schoolers Current Cannabis Use, YRBS 2007-2017 .....	18
	Chart V.A.5. MA High Schoolers Heavy Cannabis Use, YRBS 2007-2017 .....	20
	Chart V.A.6. MA High Schoolers Heavy Cannabis and Alcohol Use, YRBS 2007-2017 ...	21
	Cannabis Use by Grade .....	22
	Chart V.B.1. MA High Schoolers Lifetime Cannabis Use by Grade, YRBS 2007-2017 .....	22
	Chart V.B.2. MA High Schoolers Lifetime Alcohol Use by Grade, YRBS 2007-2017 .....	23
	Chart V.B.3. MA High Schoolers Current Cannabis Use by Grade, YRBS 2007-2017.....	24
	Chart V.B.4. MA High Schoolers Current Alcohol Use by Grade, YRBS 2007-2017.....	25
	Chart V.B.6. MA High Schoolers Heavy Cannabis Use by Grade, YRBS 2007-2017 .....	26
	Chart V.B.7. MA High Schoolers Binge Drinking by Grade, YRBS 2007-2017 .....	27
	Cannabis Use by Gender .....	28
	Chart V.C.1. MA High Schoolers Lifetime Cannabis Use by Gender, YRBS 2007-2017 ...	28
	Chart V.C.2. MA High Schoolers Lifetime Cannabis Use by Gender Over Time, YRBS 2007-2017 .....	29
	Chart V.C.3. MA High Schoolers Lifetime Cannabis and Alcohol by Gender, YRBS 2007- 2017 .....	30
	Chart V.C.4. MA High Schoolers Lifetime Cannabis and Alcohol by Gender Over Time, YRBS 2007-2017 .....	30
	Chart V.C.5. MA High Schoolers Current Cannabis Use by Gender, YRBS 2007-2017.....	31



Chart V.C.6. MA High Schoolers Current Cannabis Use by Gender Over Time, YRBS 2007-2017 .....	32
Chart V.C.7. MA High Schoolers Current Cannabis, Alcohol, and Tobacco Use* by Gender, YRBS 2007-2017 .....	32
Chart V.C.8. MA High Schoolers Current Cannabis, Alcohol, and Tobacco Use* by Gender Over Time, YRBS 2007-2017 .....	33
Chart V.C.9. MA High Schoolers Heavy Cannabis Use by Gender, YRBS 2007-2017 .....	34
Chart V.C.10. MA High Schoolers Heavy Cannabis Use by Gender Over Time, YRBS 2007-2017 .....	35
Chart V.C.11. MA High Schoolers Heavy Cannabis and Alcohol Use by Gender, YRBS 2007-2017 .....	35
Chart V.C.12. MA High Schoolers Heavy Cannabis and Alcohol Use by Gender Over Time, YRBS 2007-2017 .....	36
Cannabis Use by Race/Ethnicity .....	37
Chart V.D.1. MA High Schoolers Lifetime Cannabis Use by Race/Ethnicity, YRBS 2007-2017 .....	37
Chart V.D.2. MA High Schoolers Lifetime Cannabis Use by Race/Ethnicity Over Time, YRBS 2007-2017 .....	38
Chart V.D.3. MA High Schoolers Lifetime Cannabis and Alcohol by Race/Ethnicity, YRBS 2007-2017 .....	38
Chart V.D.4. MA High Schoolers Lifetime Alcohol by Race/Ethnicity Over Time, YRBS 2007-2017 .....	39
Chart V.D.5. MA High Schoolers Current Cannabis Use by Race/Ethnicity, YRBS 2007-2017 .....	40
Chart V.D.6. MA High Schoolers Current Cannabis Use by Race/Ethnicity Over Time, YRBS 2007-2017 .....	41
Chart V.D.7. MA High Schoolers Current Cannabis, Alcohol, and Tobacco* Use by Race/Ethnicity, YRBS 2007-2017 .....	41
Chart V.D.8. MA High Schoolers Current Alcohol Use by Race/Ethnicity Over Time YRBS 2007-2017 .....	42
Chart V.D.9. MA High Schoolers Current Tobacco Use* by Race/Ethnicity Over Time YRBS 2007-2017 .....	42
Chart V.D.10. MA High Schoolers Heavy Cannabis Use by Race/Ethnicity, YRBS 2007-2017 .....	43





Chart V.D.11. MA High Schoolers Heavy Cannabis Use by Race/Ethnicity Over Time, YRBS 2007-2017 .....	44
Chart V.D.12. MA High Schoolers Heavy Cannabis and Alcohol Use by Race/Ethnicity, YRBS 2007- 2017 .....	44
Chart V.D.13. MA High Schoolers Binge Drinking by Race/Ethnicity Over Time, YRBS 2007-2017 .....	45
All Substance Use (“Lifetime”) .....	45
Chart V.E.1. MA High Schoolers Lifetime All Substance Use, YRBS 2007-2017 .....	46
Chart V.E.2. MA High Schoolers Lifetime All Substance Use Over Time, YRBS 2007-2017 .....	46
Cannabis Policy and Youth Substance Use Behaviors .....	47
Table V.F.1. Youth Substance Use and Cannabis Policy Enactment.....	48
Table V.G.1. Risk and Protective Factors: Youth Cannabis Use .....	50
<b>VI. Cannabis Legalization and Youth Use Overview .....</b>	<b>53</b>
<b>VII. Literature Reviews.....</b>	<b>56</b>
Perceptions of Harm.....	56
Ease of Access.....	61
Sources of Purchase .....	64
Perception of Parent Disapproval.....	66
Overview: Methods and Types of Use.....	74
Trends in Youth Methods of Use .....	77
Overview: Patterns of Use.....	83
Youth Cannabis Co-use Trends .....	85
<b>VIII. Research Gaps.....</b>	<b>90</b>
<b>IX. Public Health Framework.....</b>	<b>92</b>
Figure 1. Public Health Framework for Legalized Cannabis: Colorado Department of Public Health and Environment, 2015.....	94
<b>X. Policy Considerations for the Commonwealth.....</b>	<b>98</b>
<b>XI. References.....</b>	<b>102</b>
<b>XII. Appendices.....</b>	<b>119</b>
Appendix I: Acronyms .....	119



Appendix II: YRBS Supplementary Data .....	120
Table II.1. MA High Schoolers Cannabis Use by Year, YRBS 2007-2017.....	120
Table II.2. MA High Schoolers Cannabis Use by Year and Grade, YRBS 2007-2017 .....	121
Table II.3. MA High Schoolers Cannabis Use by Demographics, YRBS 2007-2017 .....	122
Table II.4. MA High Schoolers Cannabis Use by Demographics by Year, YRBS 2007-2017 .....	123
Appendix III: Associated Risk Factors Justification.....	125
Table III.1. Risk and Protective Factors in the Literature .....	125
Appendix IV: Sensitivity Analyses .....	130
Table IV.1. Risk and Protective Factors Adjusting for Cannabis Policy Enactment: Youth Cannabis Use—Lifetime Use .....	130
Table IV.2. Risk and Protective Factors Adjusting for Cannabis Policy Enactment: Youth Cannabis Use—Past 30-Day Use .....	132
Table IV.3. Risk and Protective Factors Adjusting for Cannabis Policy Enactment: Youth Cannabis Use—Past 30-Day Heavy Use (20< in past 30 days) .....	134
Appendix V: Research Agenda.....	136
Appendix VI: Public Awareness Campaigns .....	137
Table VI.1. States with Non-Medical Adult Cannabis Policies and Public Awareness Campaigns .....	137
Table VI.2. Public Awareness Campaign Pre/Post Questions About Youth Use .....	139
Table VI.3. Public Awareness Campaign Focus Group Findings About Youth Use.....	140
Appendix VII: Public Health and Prevention in Regulations, as of July 2019.....	142
Table VII.1. Regulations—Public Health Focused Regulations: Youth Prevention.....	142



## I. Executive Summary

Non-medical cannabis use remains illegal for youth younger than 21 years old across the United States (U.S.), yet cannabis is the second most commonly used substance among this cohort. In 2017, 38% of Massachusetts high schoolers and 6% of middle schoolers reported having ever (“lifetime”) used cannabis, while 24% of high schoolers and 2% of middle schoolers reported past 30-day (“current”) cannabis use.<sup>1</sup> Meanwhile, youth perceptions about the risks from cannabis use are decreasing nationally.<sup>2-6</sup> Cannabis use patterns, perceptions, and related behaviors are critical to track for prevention and harm reduction as the adult-use cannabis market emerges.

The Massachusetts Cannabis Control Commission (CNB) conducted a scoping review of the issue and baseline data is herein presented. This report aims to assess youth cannabis use patterns and perceptions in the Commonwealth and nationally prior to adult-use cannabis implementation (“baseline”). To achieve this aim, we first present Massachusetts Youth Risk Behavior Survey (YRBS) data from 2007-2017. An overview of preliminary literature around the effects of varying cannabis legalization on youth cannabis use follows. Next, we present literature reviews on youth patterns of use, methods of consumption, sources of purchase, and general perceptions (*i.e. risk of harm, ease of access, parent disapproval, peer disapproval, and personal disapproval of peer use*). We further highlight a public health framework for cannabis legalization as it pertains to youth. Lastly, the report ends with a discussion of research and policy considerations.

Time and resource restraints did not permit an assessment of Massachusetts data around incidents of cannabis-related school suspensions and expulsions for this report, nor did it permit a cohort-specific assessment of at-risk youth (*e.g. those in treatment or screen positive for substance use disorder*). Future data sources are outlined, and procurements are in progress.

## Main Findings

### Massachusetts Youth Risk Behavior Survey

- In 2017, 38% of Massachusetts high schoolers reported having ever tried cannabis ("lifetime") use;
- Youth cannabis use rates decreased from 2011 to 2017, but have not decreased as quickly as alcohol use rates;
- Cannabis use is more common among 11th and 12th graders;
- Males and females are similarly likely to report lifetime and past-month ("current") cannabis use. Males are more likely to report heavy cannabis use;
- Cannabis use rates are similar among Black, Hispanic, and White cohorts, and are markedly lower among Asian cohorts;
- Achieving higher grades in school, having adult support, and being heterosexual were associated with lowered odds of cannabis use ("protective factors"); and
- Multiple factors may be "risk factors" for cannabis use. These behaviors/experiences fall under: (1) Disability; (2) Risky driving behaviors; (3) Weapon carrying/exposure, violence and bullying; (4) Hopelessness and suicidality behaviors; and (5) Sexual orientation and sexual behaviors.

### National Trends in Youth Perceptions

- Researchers predict it will take at least a generation to see full effects of cannabis legalization on cannabis use patterns, thus, effects on youth use will likely be lagged;
- Changes to youths' perceptions of cannabis are critical to monitor;
- Nationally, youth perceptions of cannabis' harms are decreasing;
- Most older adolescents report that cannabis is easy to access, with the majority reporting accessing cannabis through friends;
- Most youth believe their parent strongly disapprove of youth cannabis use, but this trend has decreased over time; and
- Youth disapproval of their peers use of cannabis has decreased.



## II. Brief History of Cannabis Policies

Cannabis has been used for religious, recreational, and therapeutic purposes for thousands of years, it is no surprise that cannabis is currently the most frequently cultivated, trafficked, and abused illicit substance (“drug”) worldwide.<sup>18–22</sup> In the United States (U.S.), cannabis cultivation and use were legal under federal and state policies for most of American history. An increase in cannabis use from 1910–1920, coupled with political hysteria, led twenty-nine states including Massachusetts to pass policies prohibiting the possession or sale of cannabis.<sup>19,23,24</sup>

In 1970, the Federal Controlled Substance Act (CSA) replaced the Marihuana Tax Act of 1937 and placed cannabis (“marijuana”) as a Schedule 1 drug, the most restrictive ranking. Despite increasing stringency of federal cannabis policies over time, the recreational use of cannabis increased. In 1971, President Richard Nixon declared a war on drugs aiming to combat substance abuse on the supply and demand sides. However, a disproportionate number of War on Drug policies focused on criminal justice enforcement and punishment for drug offenses—creating systematic changes in the criminal justice system.

Currently in the CSA and under the U.S. Drug Enforcement Agency (DEA) jurisdiction, cannabis remains classified as a Schedule 1 drug, contending that it has: (1) a high potential for abuse, (2) no current accepted medical use in the U.S., and (3) a lack of accepted safety for use under medical supervision.<sup>25,26</sup>

### Moving Toward Legalization

Movement toward cannabis legalization has occurred on a state-by-state basis. The first wave of cannabis legalization was decriminalization, which replaced criminal sanctions for possession and small-scale distribution of cannabis with civil fines.<sup>27</sup> Since 1972, 26 states and the District of Columbia (D.C.) have enacted policies decriminalizing small amounts of cannabis.

Medicinal marijuana policies followed, allowing access and use of cannabis for certain medical purposes. Since 1996, 33 states, D.C., Guam, and Puerto Rico have enacted varying policies permitting comprehensive medicinal cannabis programs.

Adult-use legalization policies allow cannabis use by adults in certain settings and may allow retail stores. Since 2012, eleven states and D.C. have enacted varying policies permitting small amounts of cannabis for non-medical adult-use for those 21 years-old or older (“21<sub>+</sub>”).<sup>28</sup>

## Massachusetts

Massachusetts has enacted and implemented all three types of cannabis legalization in disparate waves. All waves of Massachusetts cannabis legalization were enacted via ballot initiatives: cannabis decriminalization in 2008 with Question 2, “*The Sensible Marijuana Policy Initiative*,” medical cannabis in 2012 with Question 3, “*An Initiative Petition for a Law for the Humanitarian Medical Use of Marijuana*,” and non-medical adult-use cannabis legalization in 2016 with Question 4, “*Massachusetts Legalization, Regulation and Taxation of Marijuana Initiative*.”

### III. Data Sources and Limitations

Chapter 55 of the Acts of 2017 section 17(a)(vii) states the Cannabis Control Commission research agenda shall include “*patterns of use, methods of consumption, sources of purchase and general perceptions of marijuana among minors, among college and university students and among adults;*” and “*a compilation of data on the number of incidents of discipline in schools, including suspensions or expulsions, resulting from marijuana use or possession of marijuana or marijuana products.*”

#### Use Patterns

Youth patterns of use were assessed through data analysis of the Massachusetts Youth Risk Behavior Survey (YRBS) survey. The YRBS samples randomly selected classrooms within randomly selected public schools in the Commonwealth every other year. As with any data source, YRBS is subject to limitations. YRBS data is self-reported and not validated by external measurements.<sup>29</sup> Therefore, students may inaccurately report, and/or give socially desirable answers. Only those who attend school and are present on the day of survey administration are included in the sample. This is a limitation as youth who are frequently absent or do not attend school may be more likely to engage in risky behaviors (*e.g. cannabis use*).<sup>29</sup> To complement analyses, a literature review was also conducted.

#### Consumption Methods, Sources, and Perceptions

A series of literature reviews were conducted around youth methods of consumption, sources of purchase, and perceptions. These included: (1) perceived risk of harm from cannabis use, (2) perceived access to cannabis, (3) perceived parent disapproval of cannabis use for youth, (4) perceived peer disapproval, and (5) youth personal disapproval of cannabis use. All reviews attempt to assess time trends, the impact of medical cannabis legalization, and the impact of adult-use legalization on perceptions.

#### School Discipline

Due to resource constraints, incidents of suspensions and expulsions for cannabis-related offenses could not be assessed in time for this report. Future reports will include analysis concerning the frequency of cannabis-related discipline, over time and by demographic subgroup.

The Department of Elementary and Secondary Education (DESE) collects data on school discipline, including suspensions and expulsions for all students in public education. Two cannabis-specific variables are captured in the reason for discipline: “marijuana possession” and



“marijuana use.” Deidentified student data, including race, ethnicity, gender, special education status, economic disadvantage, limited English proficiency, and high needs status, along with reason for discipline and length of discipline are available publicly at <http://www.doe.mass.edu/infoservices/research/> and will be assessed in future reports.

### Substance-Use Screening

Chapter 52 of the Acts of 2016, An Act Relative to Substance Use, Treatment, Education and Prevention (known as the STEP Act), requires all public schools in the Commonwealth to implement a verbal screening tool (*e.g. Screening, Brief Intervention, and Referral to Treatment [SBIRT]*) to screen students for substance use disorders, including those related to cannabis.<sup>1</sup> Implementation was required by the 2017-18 school year and de-identified screening results must be submitted to the Department of Public Health annually. Due to time and resource restraints, substance use screening data for youth could not be obtained for purposes of this report. However, in future reports assessing youth and cannabis, attempts will be made to include screening data results for all available years stratified by age/grade, and by any cannabis use. Feasibility of obtaining historical data from the SBIRT program’s use of the screening tool around school nurse trainings and school-specific implementation, and in inpatient and outpatient provider settings will also be investigated.

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<sup>1</sup> <https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter52>





## IV. Important Considerations

### 1) Policy impacts on youth will likely be lagged

The impact of adult-use cannabis legalization on youth use will likely be delayed and may be lagged. Evidence from the alcohol literature suggests effects could be delayed ten-years or longer.<sup>7</sup> Although comparisons are imperfect, researchers note delayed effects for alcohol levels to reach pre-prohibition levels after prohibition ended and the lag between pre-rolled cigarette manufacturing and their subsequent health impact.<sup>8-10</sup> Caulkins et al. 2016 predict it will take at least a generation to see full effects of cannabis legalization on use patterns.<sup>10</sup>

Researchers have also identified a number of factors that could change over time and may delay effects. These include, implementation delays,<sup>11</sup> policy change/evolution,<sup>12</sup> price changes,<sup>8,12</sup> potency changes/limits,<sup>8</sup> changes to types of products,<sup>8</sup> and social norm changes.<sup>8,11</sup>

In light of projected lagged effects, research suggests there are several indicators to monitor which may precede increased youth use. Researchers have emphasized monitoring changes in perceived risks and social acceptability of cannabis, [See *Section VII. Literature Reviews*], frequency of use by current users, use by those in the juvenile justice system, those in treatment for mental health<sup>13</sup> or substance use disorder conditions, and changes to rates of cannabis use disorders.<sup>14</sup>

### 2) All youth may not be affected equally

Policy changes may not affect all youth the same way. Research should assess diversity among youth to understand how policy may impact cohorts differentially (*e.g. age, gender, race/ethnicity, sexual minority status, disability status, and more*).

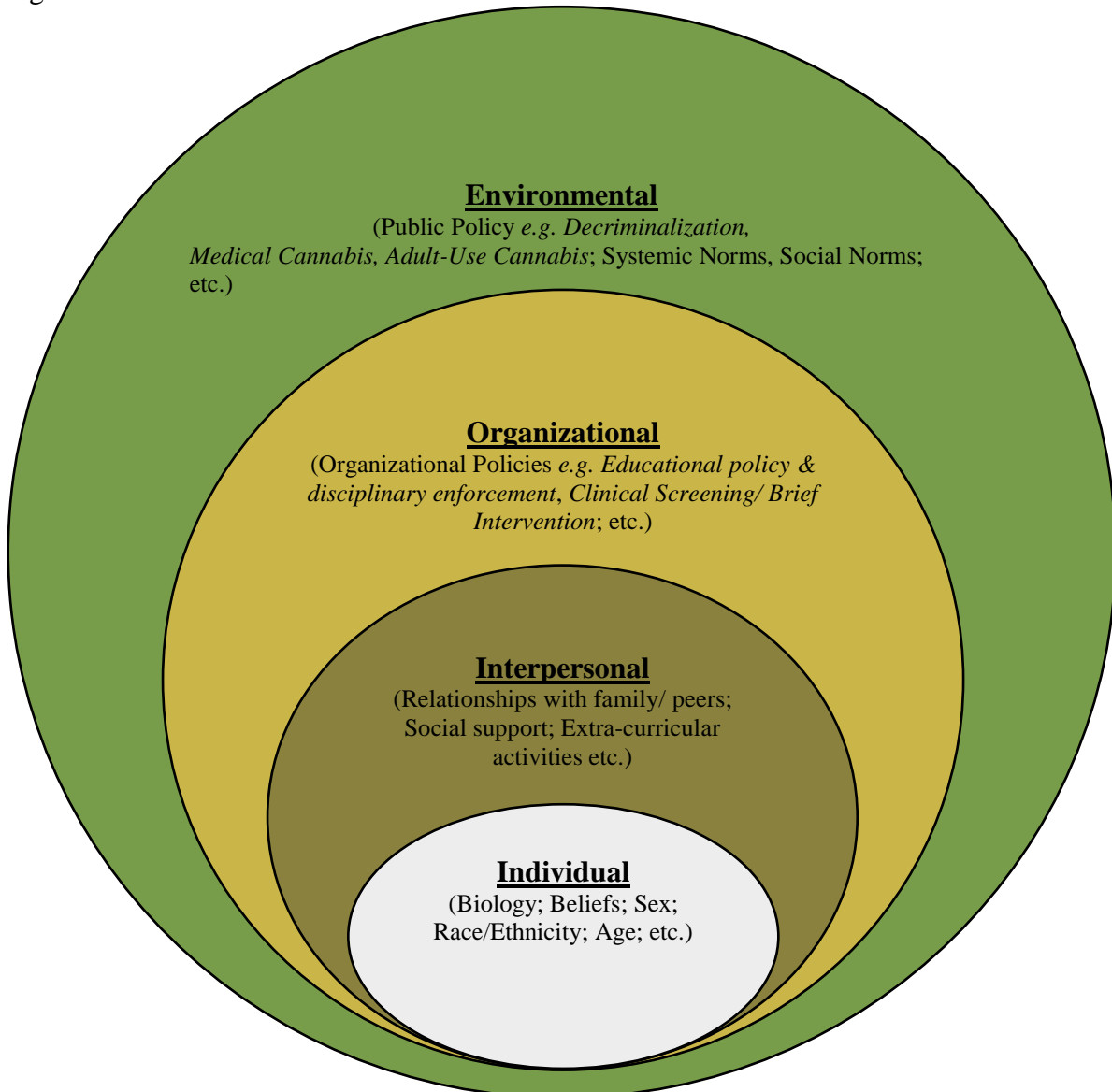
The Youth Risk Behavior Surveillance Survey used in this report to assess varying cannabis use trends in Massachusetts has limitations. The YRBS does not capture all youth in the state and may systemically exclude youth cohorts most at-risk, such as those who are chronically absent, dropped out of school, or are incarcerated.<sup>15</sup> Therefore, the data presented likely excludes youth at higher-risk than the general youth population. Data is also self-reported and inaccuracies could not be assessed. However, it is likely that these sources of bias remain constant over time permitting a more accurate comparison of trends across time rather than prevalence estimates.

Due to resource and time restraints, a full analysis of all potentially relevant variables could not be conducted. Additionally, data from youth who are seeking treatment for substance use disorders could not be obtained. In future reports, we will aim to access and include this data.

### 3) Youth cannabis use should be assessed in context of environment

Youth development occurs within multiple environmental systems, and adolescent behavior is shaped by these environments (*e.g. family, neighborhood, community, culture, society*).<sup>16</sup> Additionally, environmental contexts may affect youth differently based on individual characteristics. Youth are exposed to a range of views of cannabis at multiple environmental levels, including messages that aim to normalize cannabis use among adults, and conversely, messaging that portrays cannabis to be as harmful as substances such as heroin.<sup>17</sup> The effects of these messages are not fully understood.

Leveraging data that permits the assessment of social and environmental contexts surrounding youth may help explain cannabis use and related trends. Future reports will aim to access and include better contextual and social norm data. Consideration of specific policy environments (“policy heterogeneity”) where youth live is also critical to understanding any impacts of policy changes.<sup>12</sup>



## V. Baseline Data

### Youth Risk Behavior Surveillance Survey

#### Overview

This study used the Massachusetts Youth Risk Behavior Surveillance Survey (YRBS) data. The YRBS data was procured by the Cannabis Control Commission’s Research Department for purposes of this report.

The complete YRBS study sample consists of eight cohorts, each representing the year respondents in that cohort were surveyed as high school students, grades 9-12 in Massachusetts, years 2007-2017 [N=17,691].

YRBS data is based on a two-stage cluster sample design to ascertain a representative sample of high school students in the state jurisdiction. The sampling frame includes all 9-12<sup>th</sup> grade students attending high school. The primary sampling units (PSUs) are all public schools within Massachusetts. In the first stage, a random sample of public high schools are selected for participation in the survey. Most schools are selected with probability proportional to enrollment size. In the second stage, a random sample of a required course or period classrooms are selected within each selected school. All students in selected classrooms are invited to participate in the survey. All years of data are weighted, meaning Massachusetts had a scientifically selected sample, appropriate documentation, and a 60 percent response rate in each year of data collection.

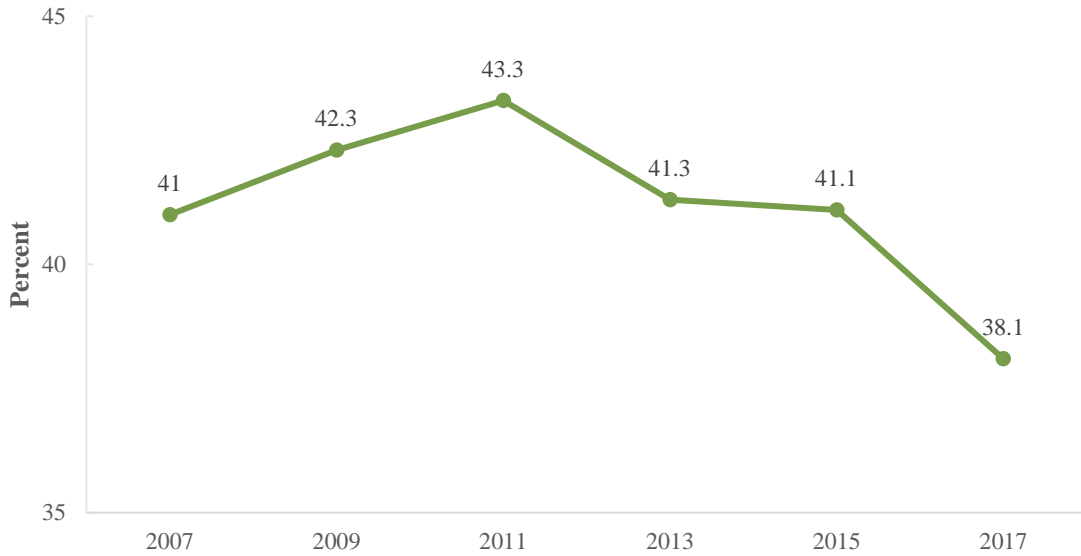
In the findings below, reference charts of student alcohol and tobacco use are provided whenever possible for context.

### All Grades (9-12<sup>th</sup>) Cannabis Use

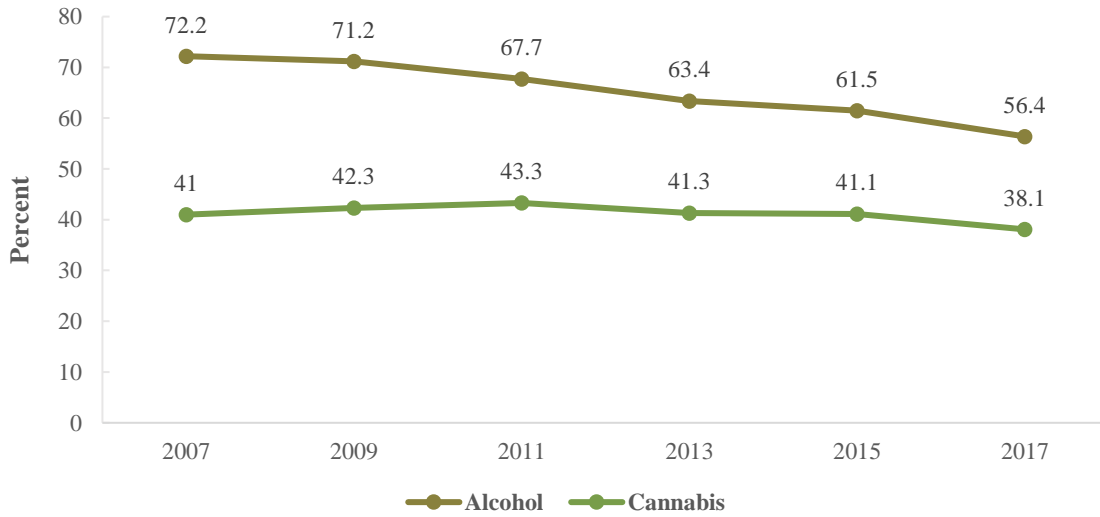
#### Ever Use (“Lifetime”)

In 2017, 38.1% of Massachusetts high schoolers report lifetime cannabis use. In comparison, 56.4% of high schoolers report lifetime alcohol use. The percentage of high schoolers reporting lifetime cannabis use increased from 2007 to 2011, followed by a downward trend from 2011 to 2017. The percent of youth reporting lifetime alcohol use has trended downward from 2007—decreasing at a greater rate in comparison to lifetime cannabis use. [See *Chart V.A.1*, *Chart V.A.2* below]

**Chart V.A.1. MA High Schoolers Lifetime Cannabis Use, YRBS 2007-2017**



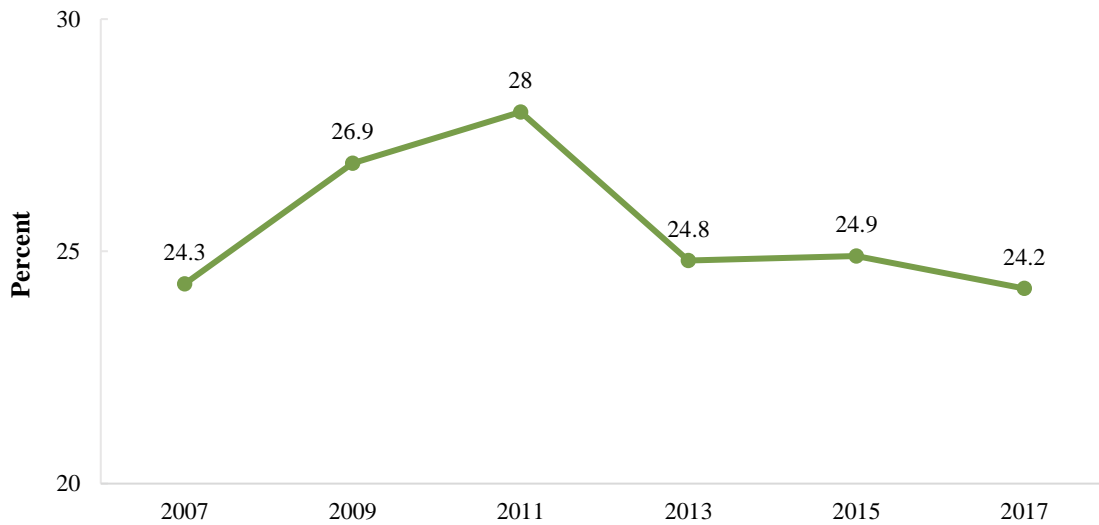
**Chart V.A.2. MA High Schoolers Lifetime Cannabis and Alcohol Lifetime Use, YRBS 2007-2017**



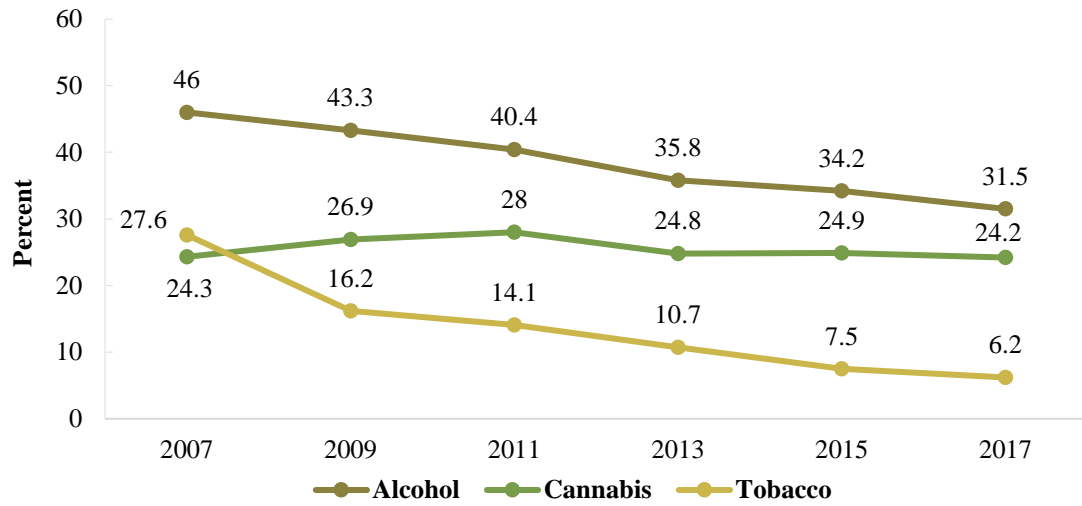
### Current Use (Past 30-Day)

In 2017, 24.2% of Massachusetts high schoolers report past 30-day (“current”) cannabis use. The percent of current cannabis users increased from 2007 to 2011, before decreasing from 2011 to 2017. In comparison, 31.5% of high schoolers report current alcohol use and 6.1% report current tobacco use (*not including vaping*). Both past 30-day alcohol and tobacco use rates have decreased since 2007 at greater rates than cannabis use rates. [See *Chart V.A.3, Chart V.A.4* below]

**Chart V.A.3. MA High Schoolers Current Cannabis Use, YRBS 2007-2017**



**Chart V.A.4. MA High Schoolers Current Cannabis, Alcohol, Tobacco Use,\* YRBS 2007-2017**



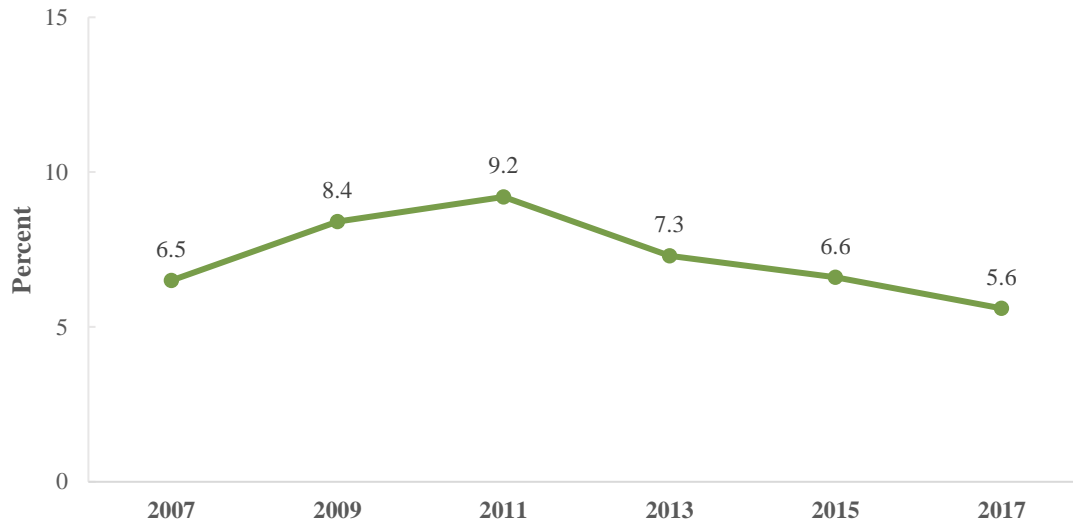
\*Vaping is excluded from tobacco category.



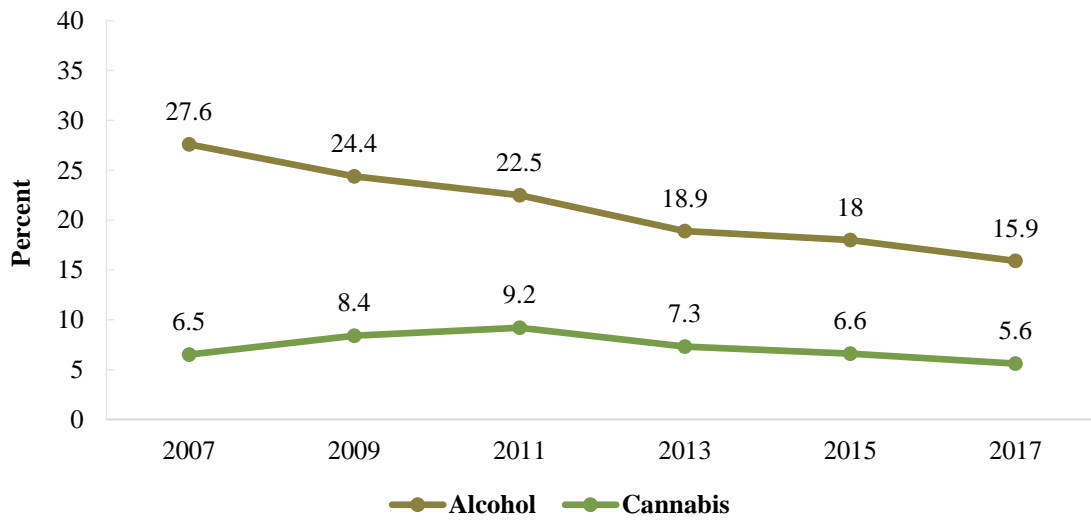
### Heavy Use (Past 30-Day)

In 2017, 5.6% of Massachusetts high schoolers report that they had used cannabis 20 or more times (“heavy use”) in the past 30-days. In comparison, 15.9% of high schoolers report heavy alcohol use (“binge drinking”) in the past 30-days. Between 2007 and 2011, heavy cannabis use trended upward, followed by a downward trend from 2011 to 2017. Binge drinking in the past 30-days has consistently declined. [See *Chart V.A.5*, *Chart V.A.6* below]

**Chart V.A.5. MA High Schoolers Heavy Cannabis Use, YRBS 2007-2017**



**Chart V.A.6. MA High Schoolers Heavy Cannabis and Alcohol Use, YRBS 2007-2017**



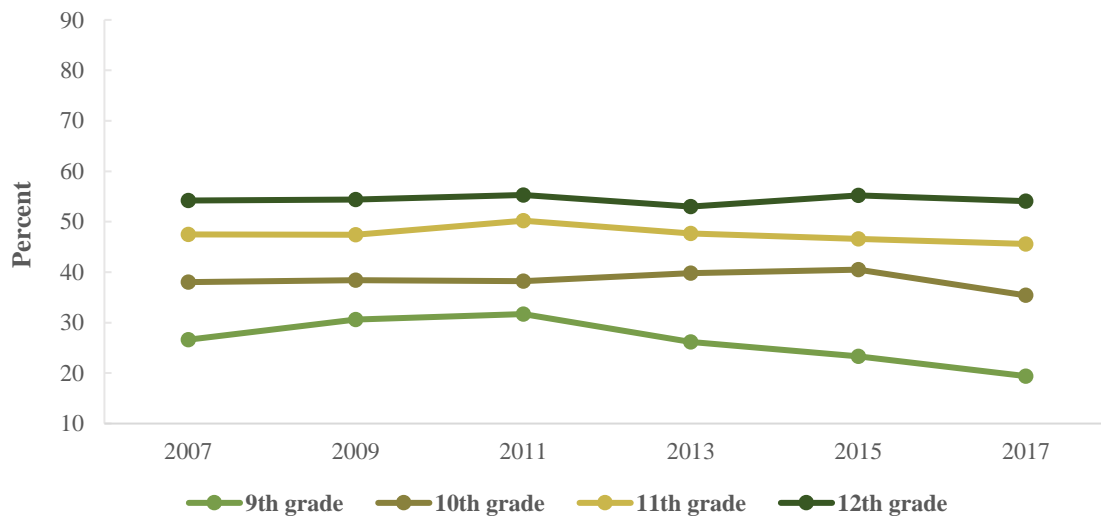


## Cannabis Use by Grade

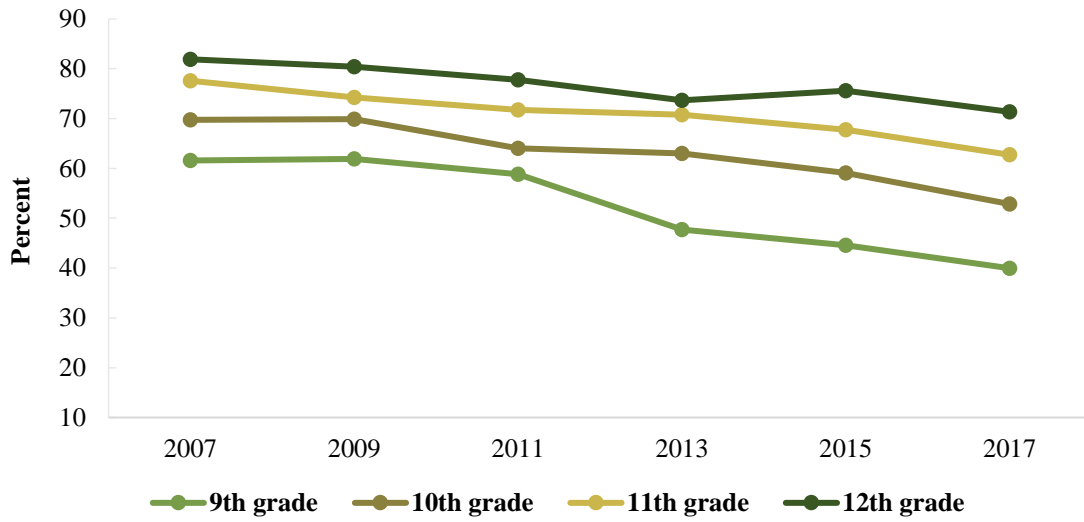
### Ever Use (“Lifetime”)

Fewer students in grades 9 and 10 report lifetime cannabis compared to students in 11 and 12. This trend is consistent across time and is similarly seen in youth who report lifetime alcohol use. The percent of Massachusetts ninth and eleventh graders who report lifetime cannabis use has trended downward from 2011-2017; other grades did not show clear trends. Lifetime alcohol use trended downward from 2007 to 2017 for all grades. [See *Chart V.B.1*, *Chart V.B.2* below]

**Chart V.B.1. MA High Schoolers Lifetime Cannabis Use by Grade, YRBS 2007-2017**



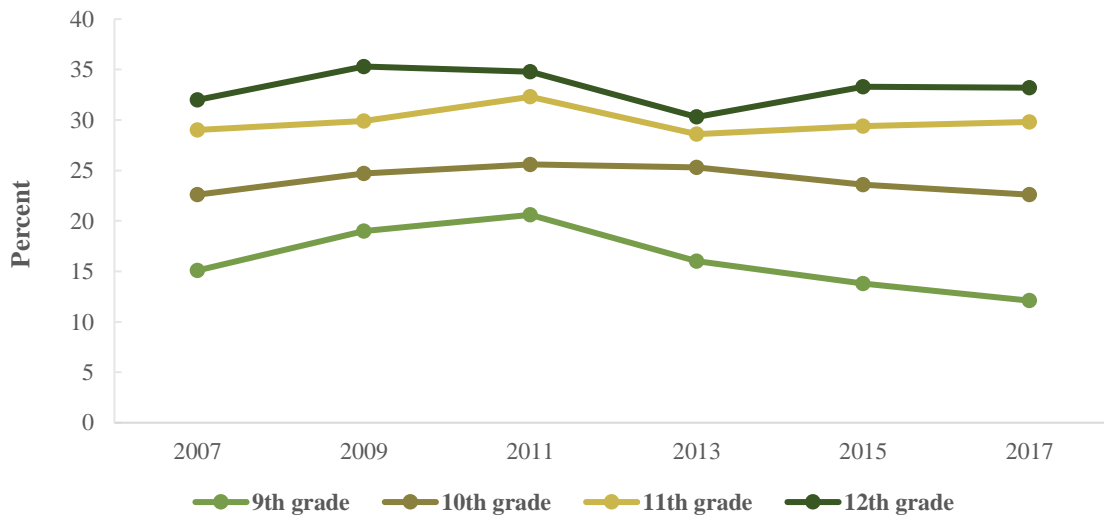
**Chart V.B.2. MA High Schoolers Lifetime Alcohol Use by Grade, YRBS 2007-2017**



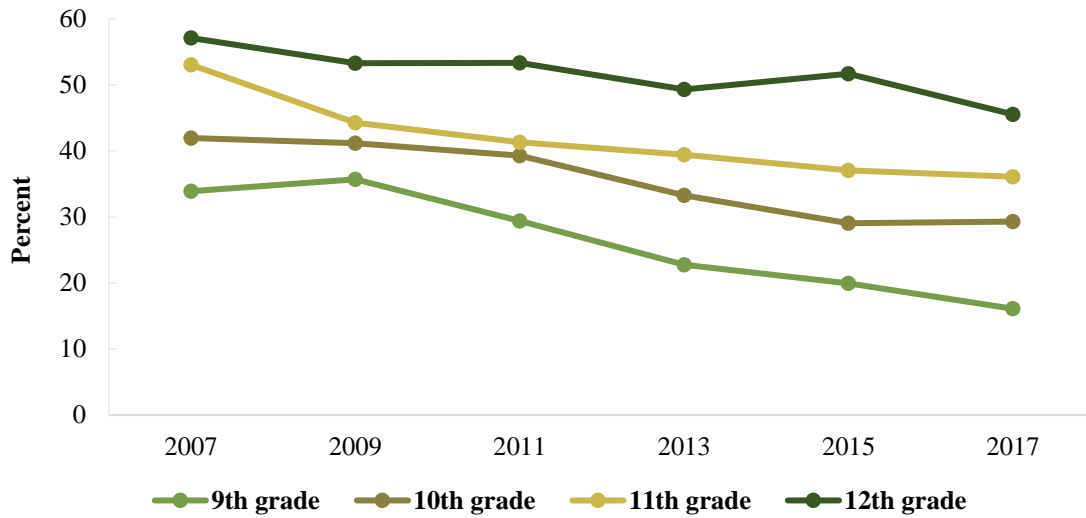
### Current Use (Past 30-Day)

A smaller percentage of students in grades 9 and 10 report current cannabis use compared to students in grades 11 and 12. This trend is consistent across time and is similarly seen in current alcohol use rates. The percentage of Massachusetts ninth graders reporting current cannabis use decreased from 2011-2017; other grades do not show clear trends. Current alcohol and tobacco use (*excluding vaping*) trended downward from 2009 to 2017 for all grades. [See *Chart V.B.3*, *Chart V.B.4*, *Chart V.B.5* below]

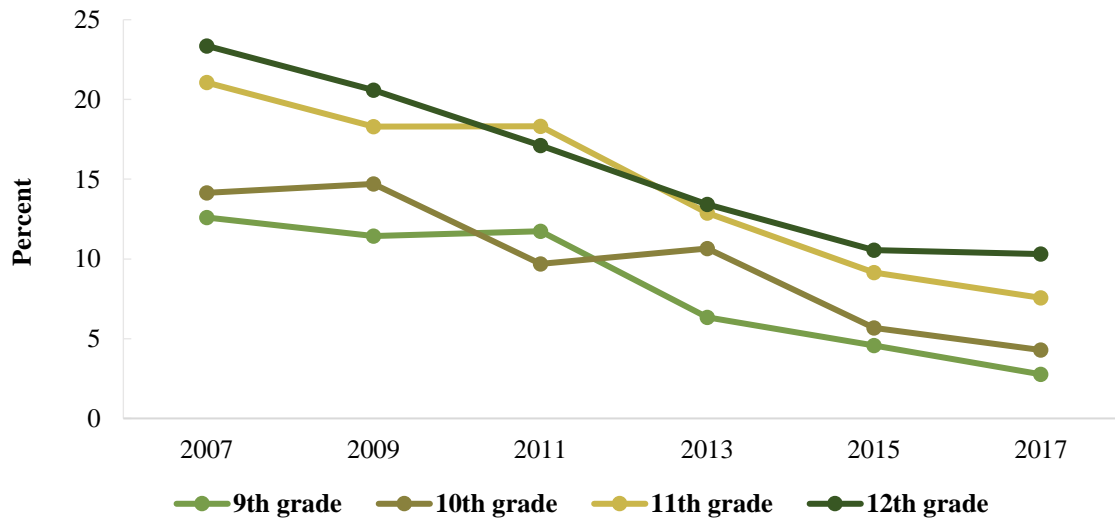
**Chart V.B.3. MA High Schoolers Current Cannabis Use by Grade, YRBS 2007-2017**



**Chart V.B.4. MA High Schoolers Current Alcohol Use by Grade, YRBS 2007-2017**



**Chart V.B.5. MA High Schoolers Current Tobacco Use\* by Grade, YRBS 2007-2017**



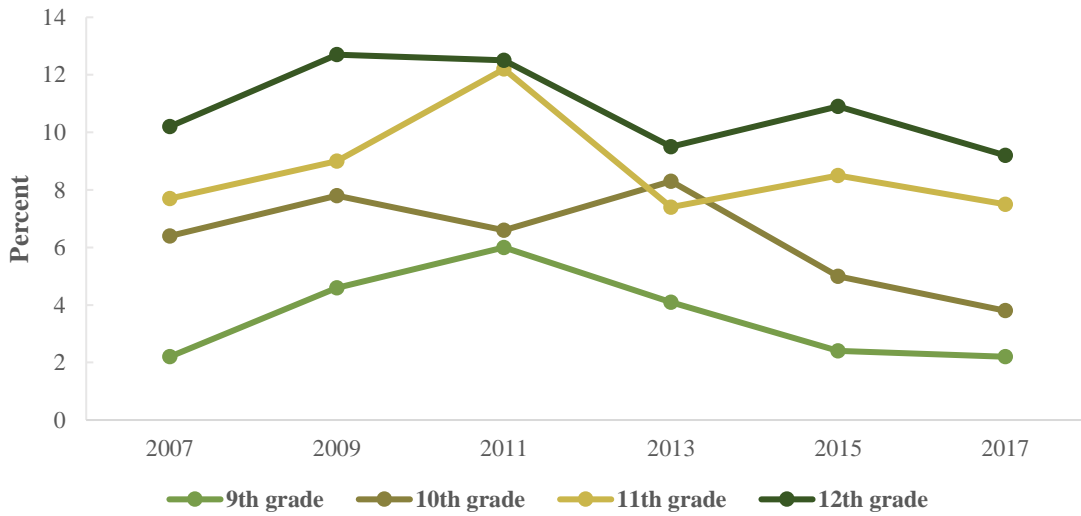
\*Vaping is excluded from tobacco category.



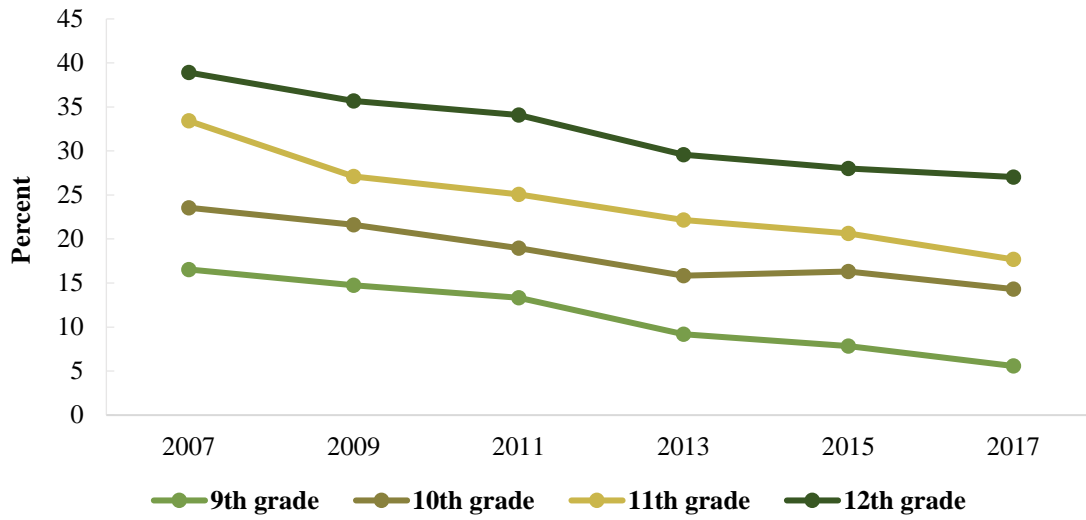
### Heavy Use (Past 30-Day)

Similar to lifetime and current use, fewer students in grades 9 and 10 report heavy cannabis use compared to students in grades 11 and 12. The percentage of Massachusetts ninth and tenth graders who report heavy cannabis use decreased from 2013-2017; other grades do not show clear trends. Binge drinking trended downward from 2007 to 2017 for all grades. [See *Chart V.B.6, Chart V.B.7* below]

**Chart V.B.6. MA High Schoolers Heavy Cannabis Use by Grade, YRBS 2007-2017**



**Chart V.B.7. MA High Schoolers Binge Drinking by Grade, YRBS 2007-2017**



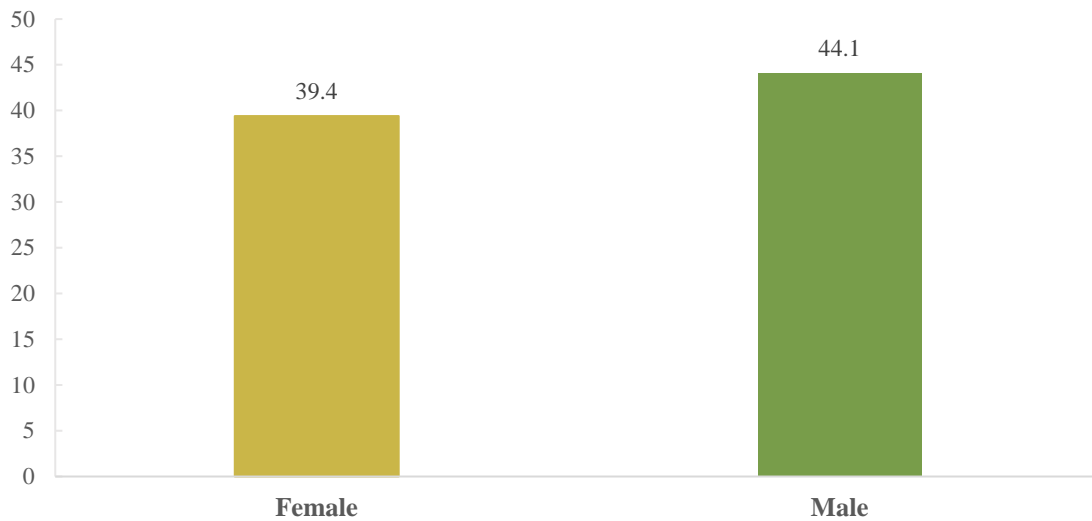
## Cannabis Use by Gender

### Ever Use (“Lifetime”)

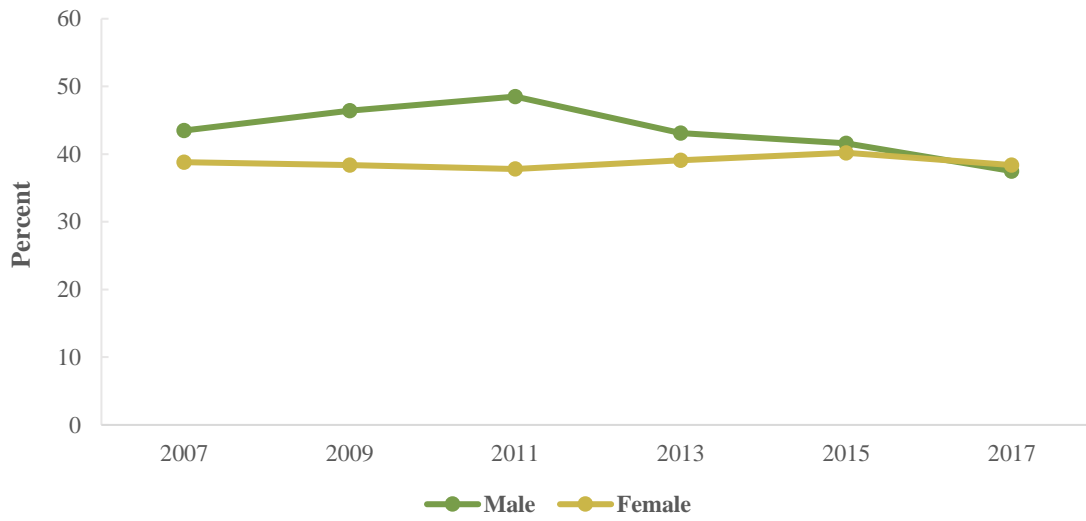
More males (44.1%) compared to females (39.4%) report lifetime cannabis between 2007 and 2017; However, this gap is decreasing. From 2011 to 2017, lifetime cannabis use among males trended downward, while lifetime cannabis use among females trended upward. In 2017, the gender gap in lifetime cannabis closed, with females (38.4%) reporting slightly higher lifetime use compared to males (37.5%). [See *Chart V.C.1*, *Chart V.C.2* below]

For alcohol, females report higher lifetime use rates between 2007 and 2017. Both male and female lifetime alcohol use decreased from 2007 to 2017, with rates decreasing faster in males than females from 2013 to 2017. [See *Chart V.C.3*, *Chart V.C.4* below]

**Chart V.C.1. MA High Schoolers Lifetime Cannabis Use by Gender, YRBS 2007-2017**

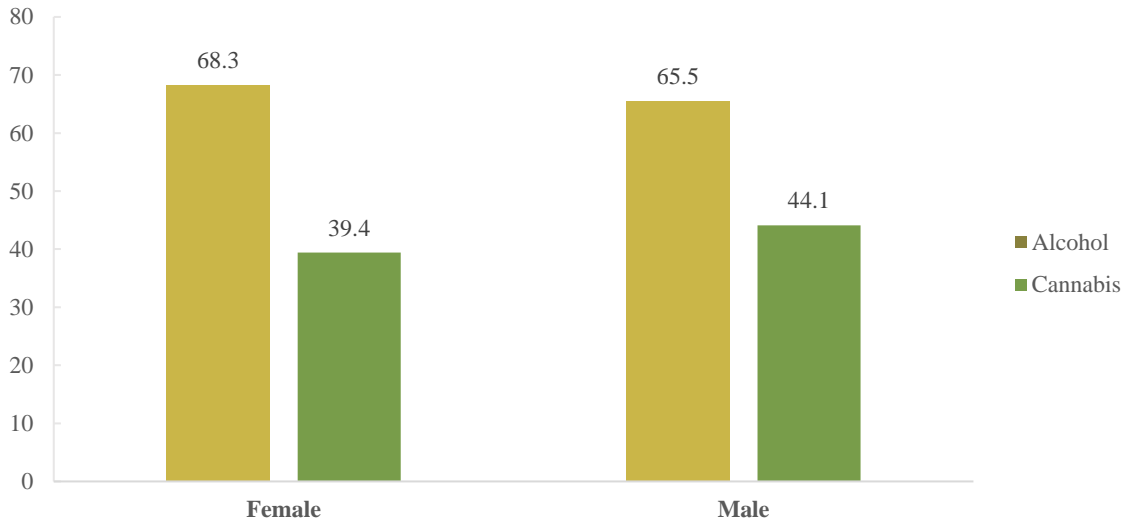


**Chart V.C.2. MA High Schoolers Lifetime Cannabis Use by Gender Over Time, YRBS 2007-2017**

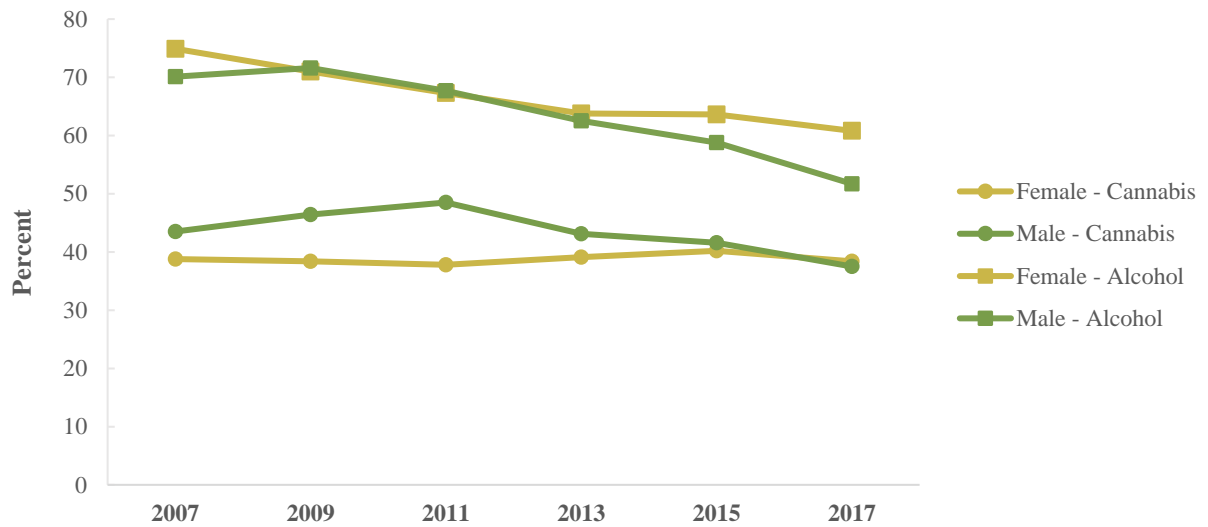




**Chart V.C.3. MA High Schoolers Lifetime Cannabis and Alcohol by Gender, YRBS 2007-2017**



**Chart V.C.4. MA High Schoolers Lifetime Cannabis and Alcohol by Gender Over Time, YRBS 2007-2017**

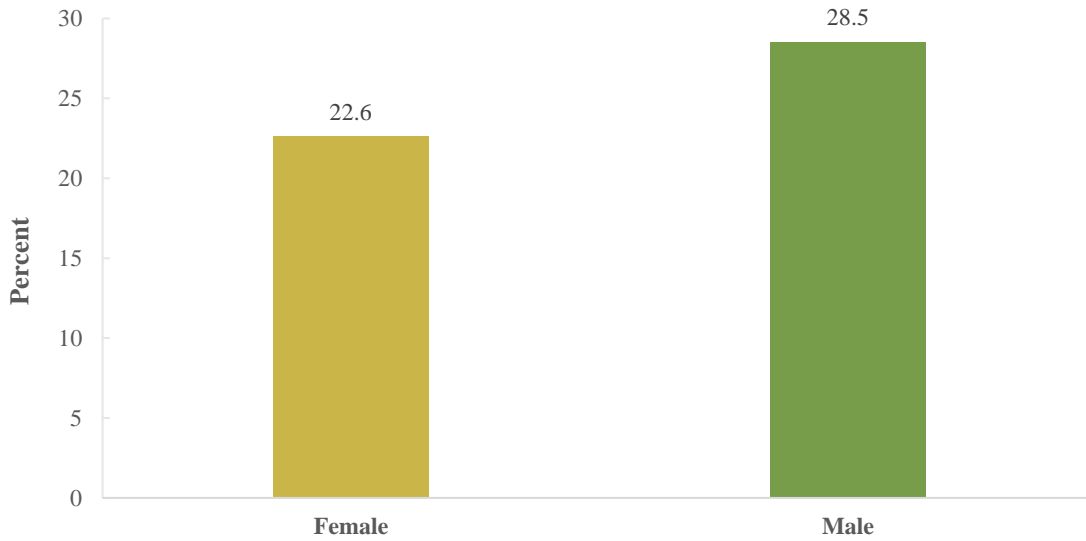


### Current Use (Past 30-Day)

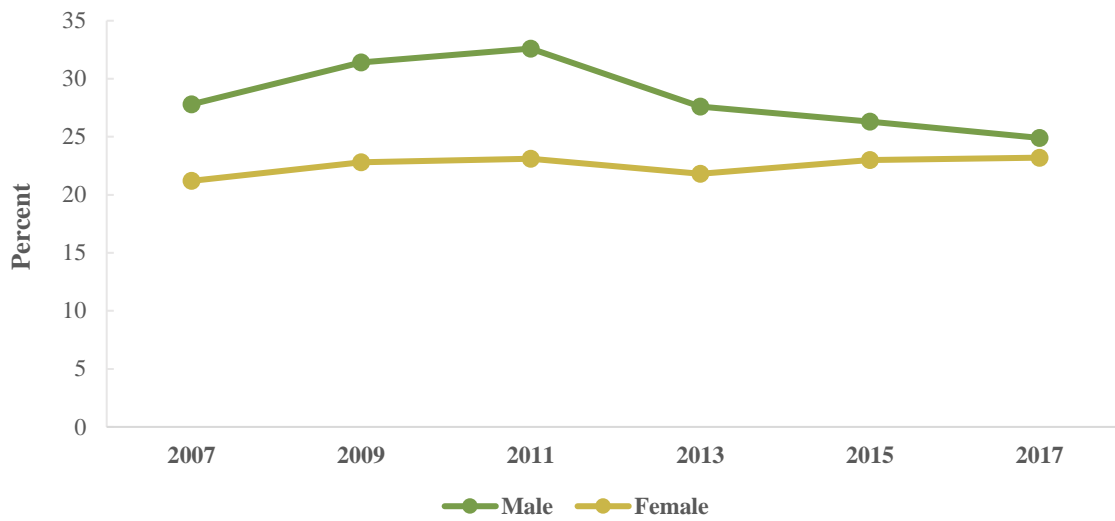
More males (28.5%) than females (22.6%) report past 30-day (“current”) cannabis use between 2007 and 2017; However, this gap is decreasing. From 2011 to 2017, current cannabis use among males decreased, while current cannabis use among females increased from 2013-2017. In 2017, males (24.9%) had a slightly higher current use rate than females (23.2%). [See *Chart V.C.5, Chart V.C.6*]

For alcohol, a slightly higher percentage of females report current use compared to males. More males than females were current tobacco (*excluding vaping*) users. Both male and female current alcohol use and non-vaped tobacco use trended downward between 2011 and 2017. [See *Chart V.C.7, Chart V.C.8* below]

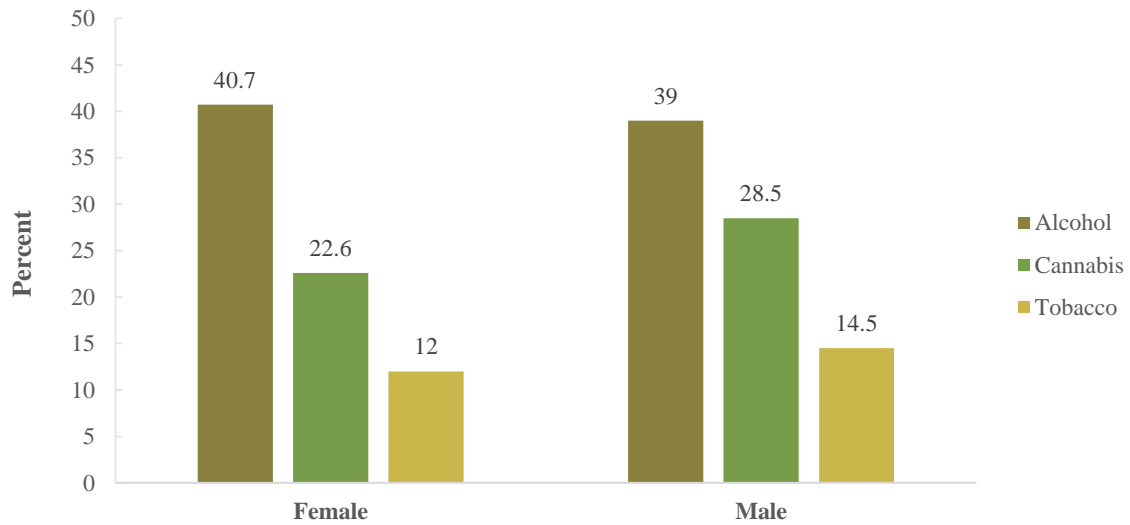
**Chart V.C.5. MA High Schoolers Current Cannabis Use by Gender, YRBS 2007-2017**



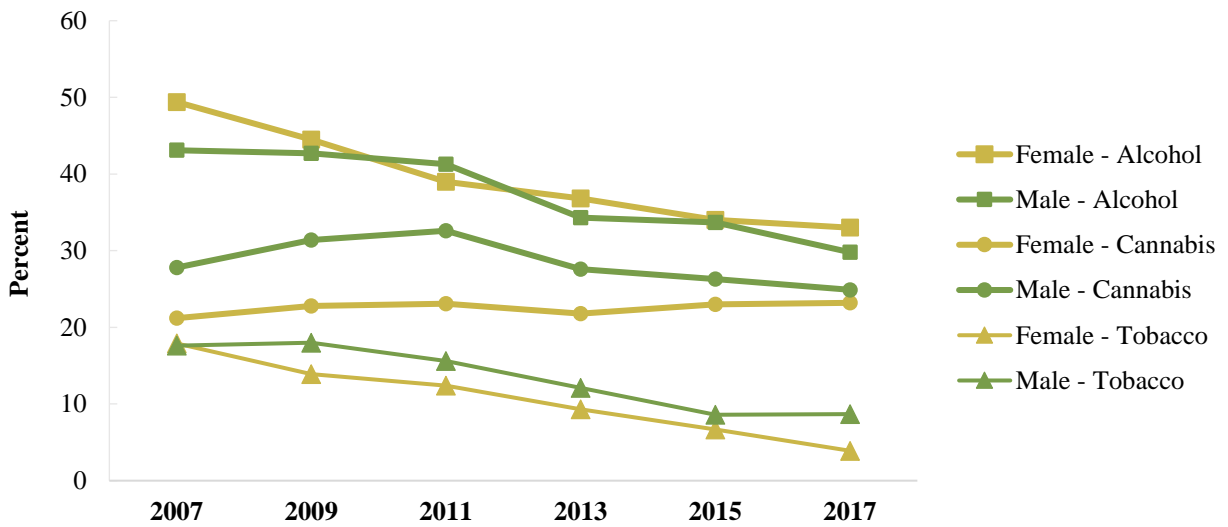
**Chart V.C.6. MA High Schoolers Current Cannabis Use by Gender Over Time, YRBS 2007-2017**



**Chart V.C.7. MA High Schoolers Current Cannabis, Alcohol, and Tobacco Use\* by Gender, YRBS 2007-2017**



**Chart V.C.8. MA High Schoolers Current Cannabis, Alcohol, and Tobacco Use\* by Gender Over Time, YRBS 2007-2017**

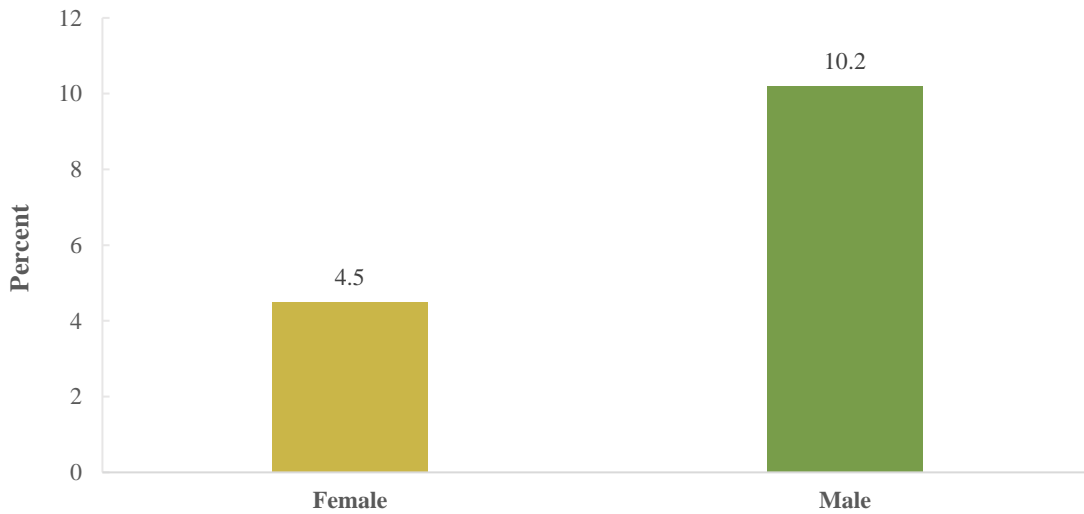


### Heavy Use (Past 30-Day)

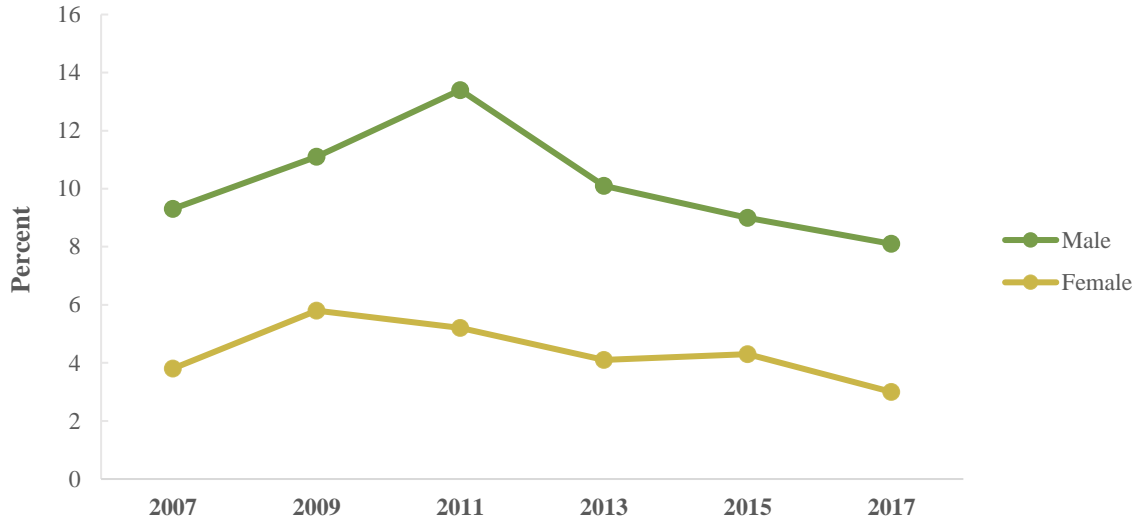
More males (10.2%) than females (4.5%) report that they have used cannabis 20 or more times in the past 30-days (“heavy user”) between 2007-2017. Both genders show slight downward trends from 2011 to 2017. [See *Chart V.C.9*, *Chart V.C.10* below]

For alcohol, a higher percent of males report binge drinking compared to females. Both male and female binge drinking rates decreased from 2007 to 2017. [See *Chart V.C.11*, *Chart V.C.12* below]

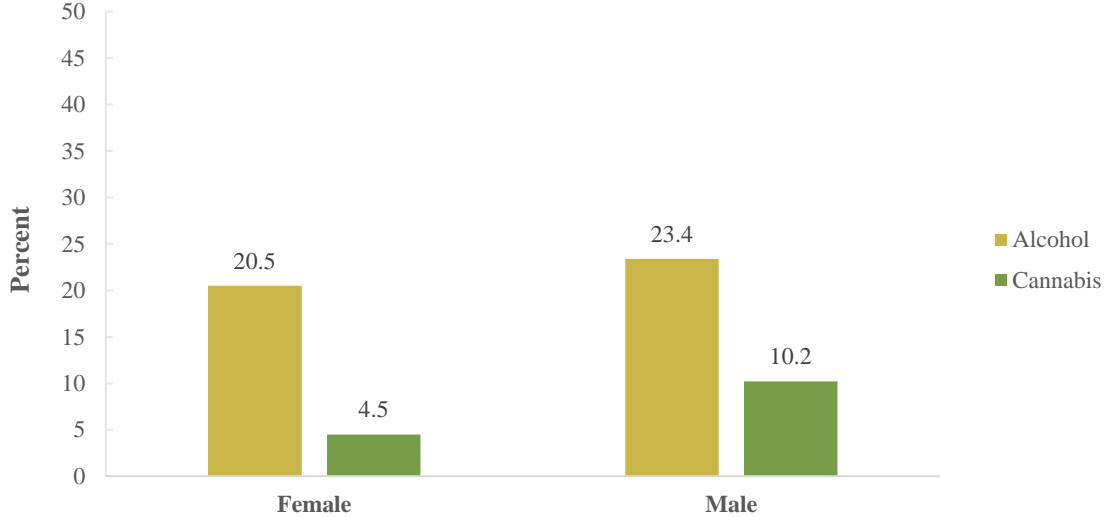
**Chart V.C.9. MA High Schoolers Heavy Cannabis Use by Gender, YRBS 2007-2017**



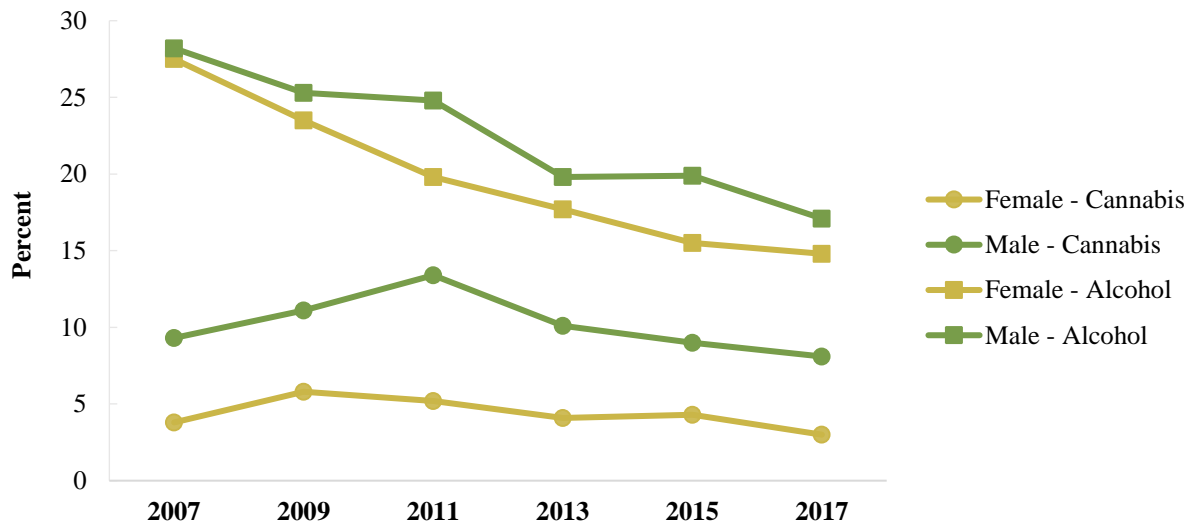
**Chart V.C.10. MA High Schoolers Heavy Cannabis Use by Gender Over Time, YRBS 2007-2017**



**Chart V.C.11. MA High Schoolers Heavy Cannabis and Alcohol Use by Gender, YRBS 2007-2017**



**Chart V.C.12. MA High Schoolers Heavy Cannabis and Alcohol Use by Gender Over Time, YRBS 2007-2017**



## Cannabis Use by Race/Ethnicity

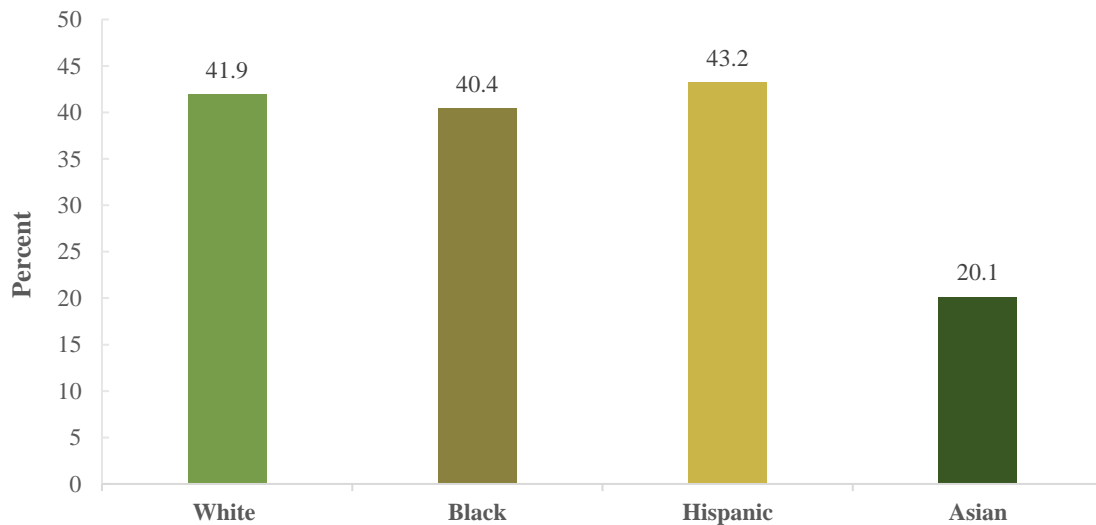
Only results for White, Black, Hispanic, and Asian students are included in this section, as sample sizes for American Indian/Alaskan Natives and Native Hawaiian/Pacific Islanders were low. [See *Appendix Table II.3. MA High Schoolers Cannabis Use by Demographics, YRBS 2007-2017* for full tables including these two groups]

### Ever Use (“Lifetime”)

Hispanics (43.2%), followed by Whites (41.9%) and Blacks (40.4%), report the largest percentages of having ever tried cannabis (“lifetime use”) between 2007-2017. Asians (20.1%) report less lifetime cannabis use between 2007-2017. All racial/ethnic groups report less lifetime use between 2015 and 2017, However, Whites had the smallest decline. In 2017, 41.6% of Hispanics, 39.5% of Whites, 33.1% of Blacks, and 16.1% of Asians report lifetime cannabis use. [See *Chart V.D.1, Chart V.D.2* below]

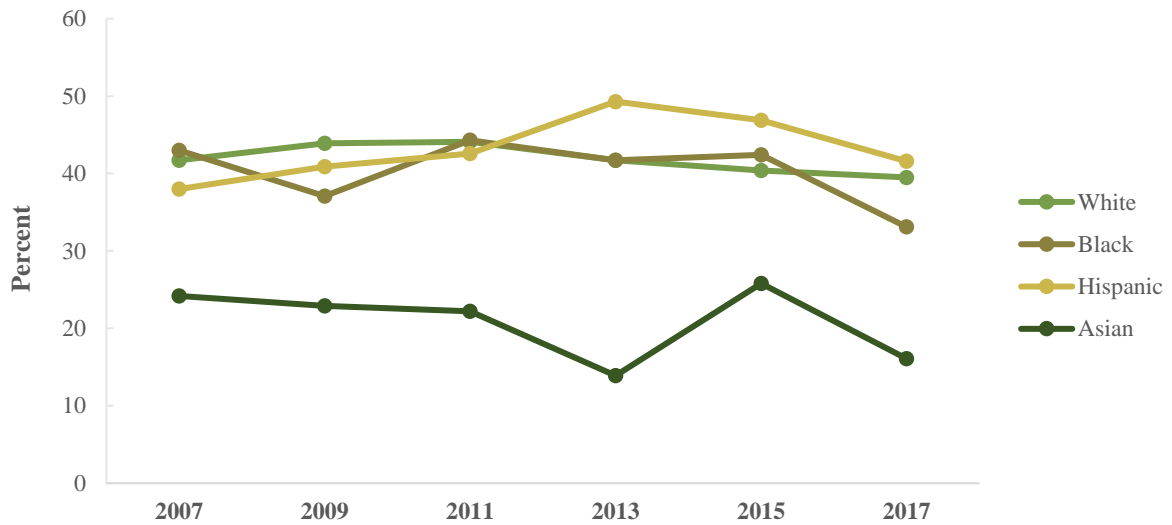
For alcohol, Hispanics and Whites report the highest percentage of lifetime use, followed by Blacks and Asians between 2007-2017. All racial/ethnic groups report less lifetime alcohol use between 2015 and 2017, with Whites having the smallest decline. [See *Chart V.D.3, Chart V.D.4* below]

**Chart V.D.1. MA High Schoolers Lifetime Cannabis Use by Race/Ethnicity, YRBS 2007-2017**

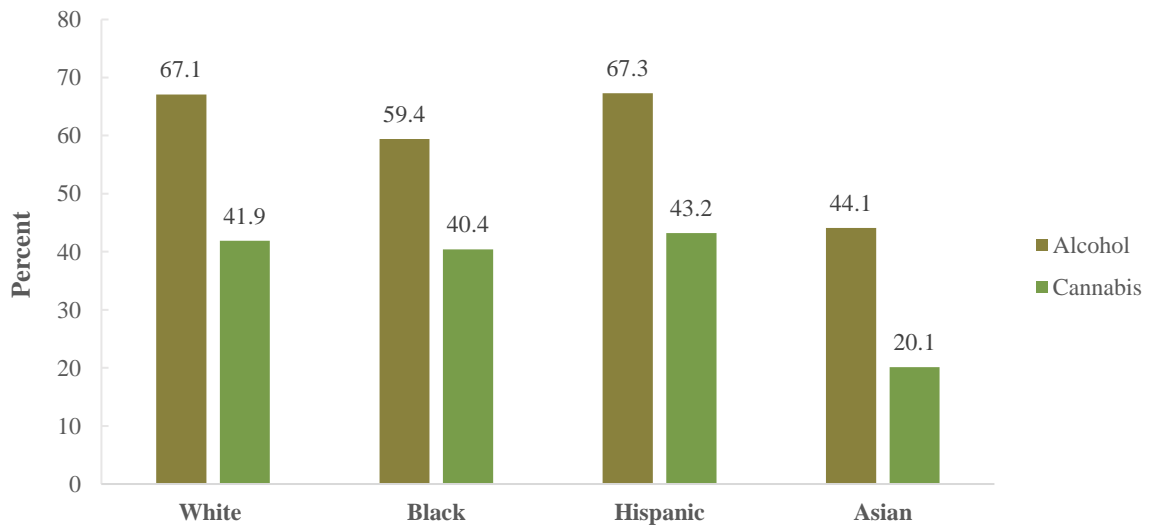




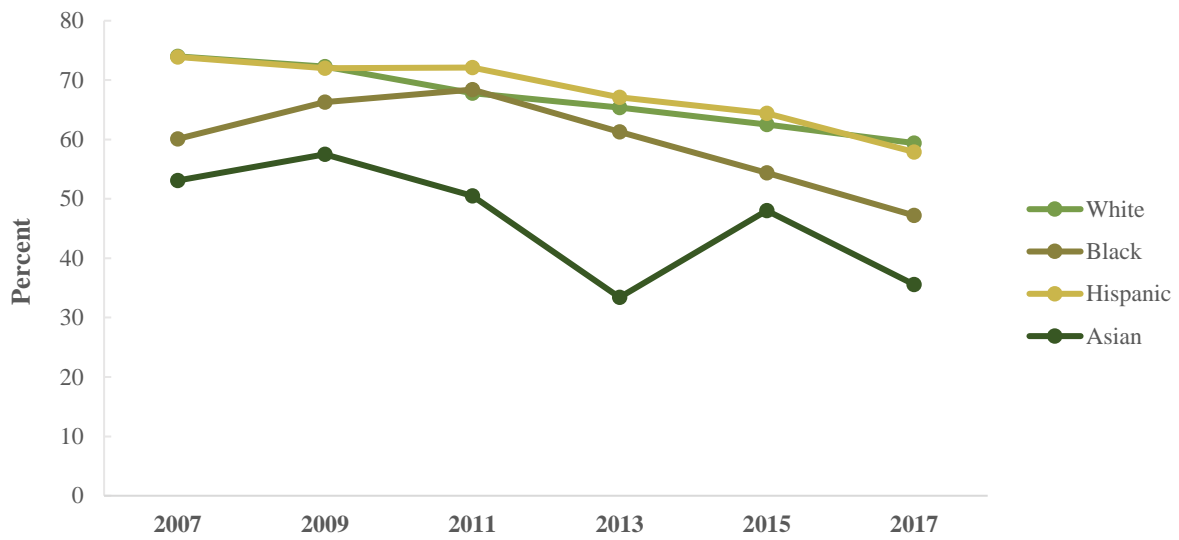
**Chart V.D.2. MA High Schoolers Lifetime Cannabis Use by Race/Ethnicity Over Time, YRBS 2007-2017**



**Chart V.D.3. MA High Schoolers Lifetime Cannabis and Alcohol by Race/Ethnicity, YRBS 2007-2017**



**Chart V.D.4. MA High Schoolers Lifetime Alcohol by Race/Ethnicity Over Time, YRBS 2007-2017**



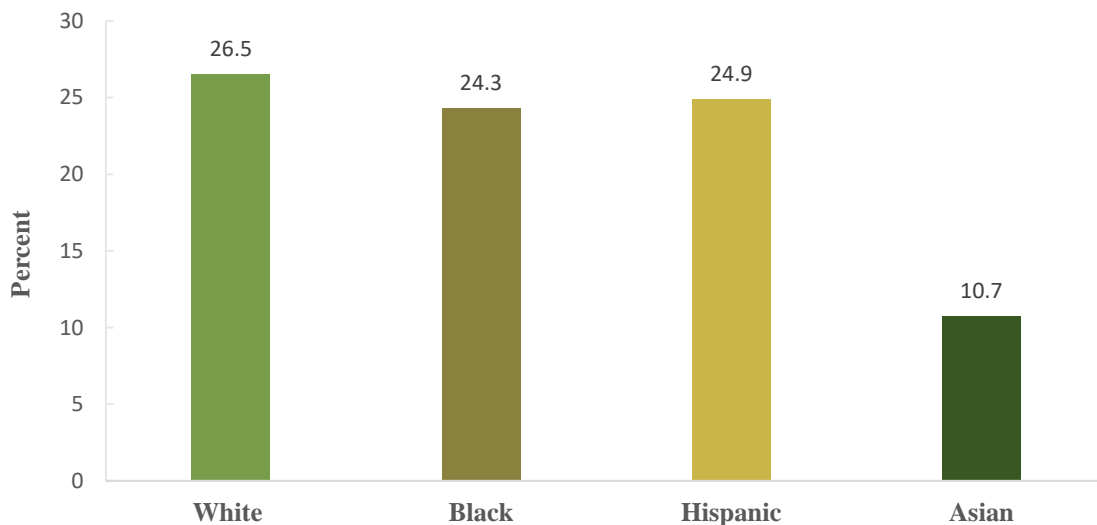
### Current Use (Past 30-Day)

Whites (26.5%), followed by Hispanics (24.9%) and Blacks (24.3%), report the largest percentages of past 30-day cannabis use (“current use”) between 2007-2017. Asians (10.7%) report less current cannabis use between 2007-2017. Between 2015 and 2017, current cannabis use rates remained relatively stable for Blacks, Hispanics, and Whites. Asian rates decreased between 2015 and 2017. In 2017, 26.7% of Hispanics, 25.5% of Whites, 21.6% of Blacks, and 9% of Asians report current cannabis use. [See *Chart V.D.5, Chart V.D.6* below]

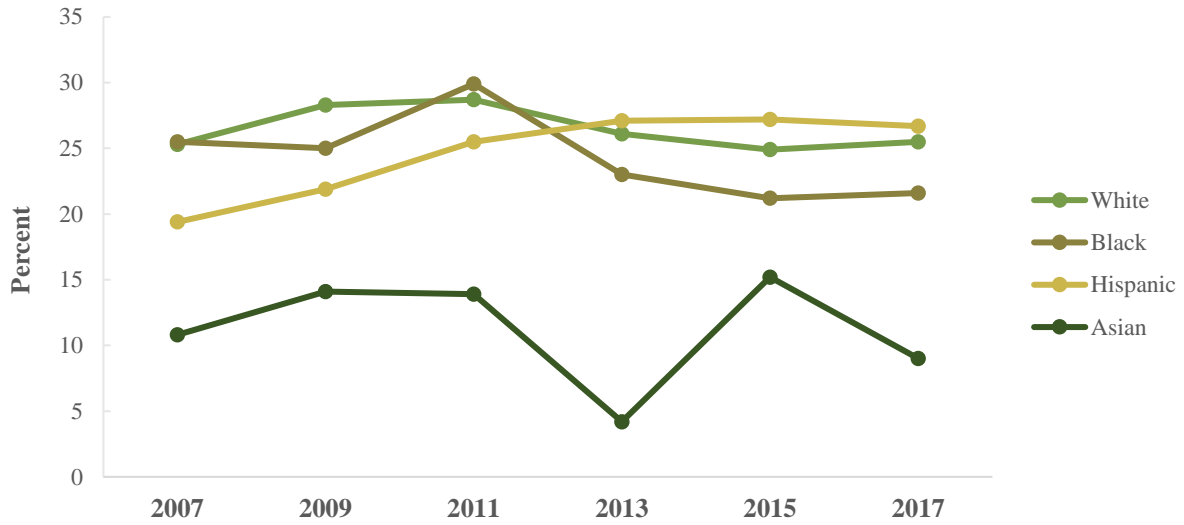
For alcohol, Whites, followed by Hispanics, report the highest percentage of current use between 2007-2017. All racial/ethnic groups report slight decreases in current alcohol use between 2015 and 2017, except for Asians, who had an increase in current use between 2015 and 2017. [See *Chart V.D.7, Chart V.D.8* below]

For tobacco, Whites, followed by Hispanics, report the highest percentage of current use between 2007-2017. All racial/ethnic groups report decreases in current tobacco (*excluding vaping*) use between 2015 and 2017, except for Asians who had an increase in current use between 2015 and 2017. [See *Chart V.D.9* below]

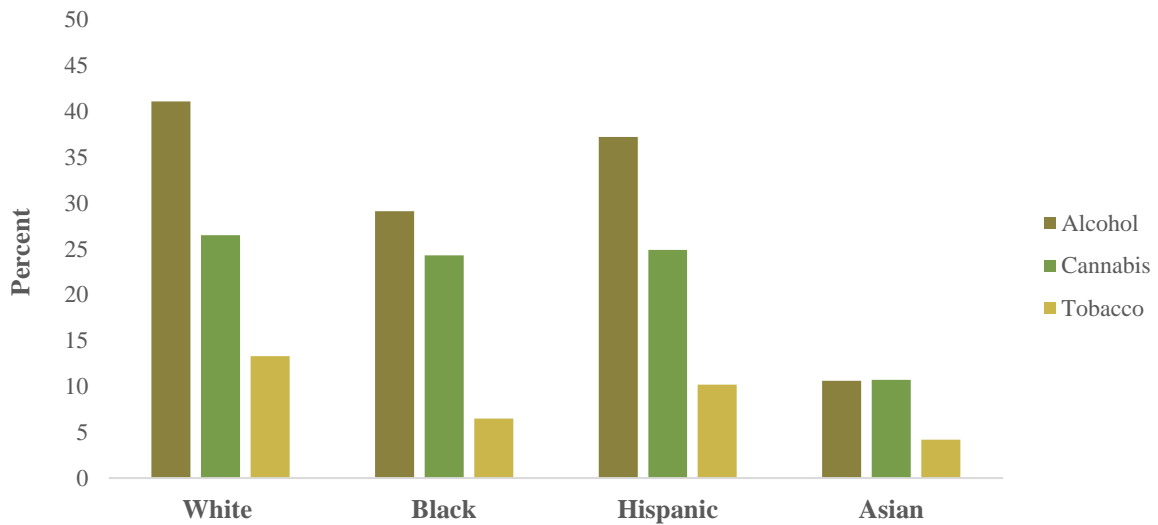
**Chart V.D.5. MA High Schoolers Current Cannabis Use by Race/Ethnicity, YRBS 2007-2017**



**Chart V.D.6. MA High Schoolers Current Cannabis Use by Race/Ethnicity Over Time, YRBS 2007-2017**



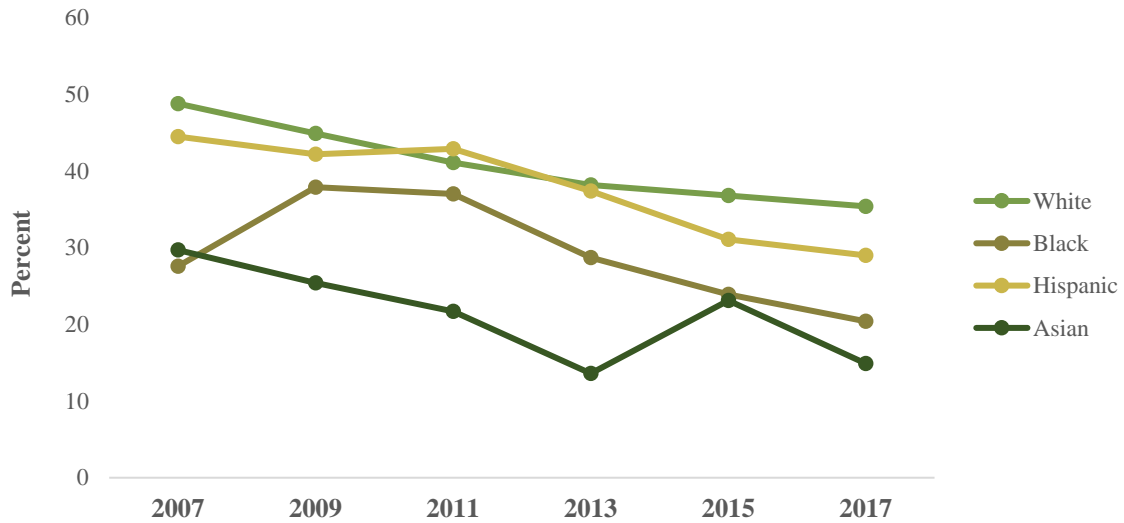
**Chart V.D.7. MA High Schoolers Current Cannabis, Alcohol, and Tobacco\* Use by Race/Ethnicity, YRBS 2007-2017**



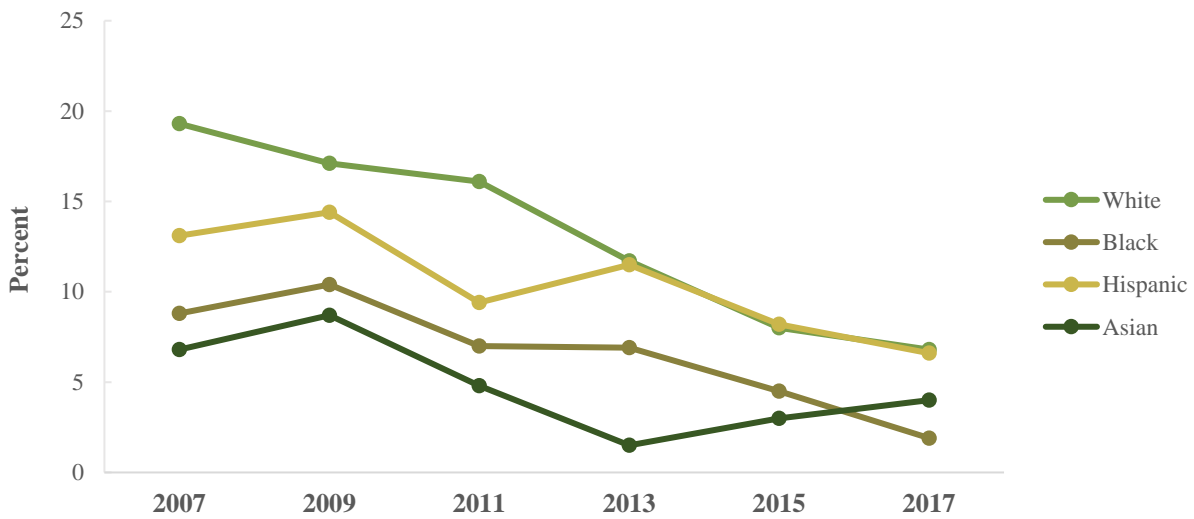
\*Note: Vaping was not included in this tobacco use measure



**Chart V.D.8. MA High Schoolers Current Alcohol Use by Race/Ethnicity Over Time YRBS 2007-2017**



**Chart V.D.9. MA High Schoolers Current Tobacco Use\* by Race/Ethnicity Over Time YRBS 2007-2017**



\*Note: Vaping was not included in this tobacco use measure

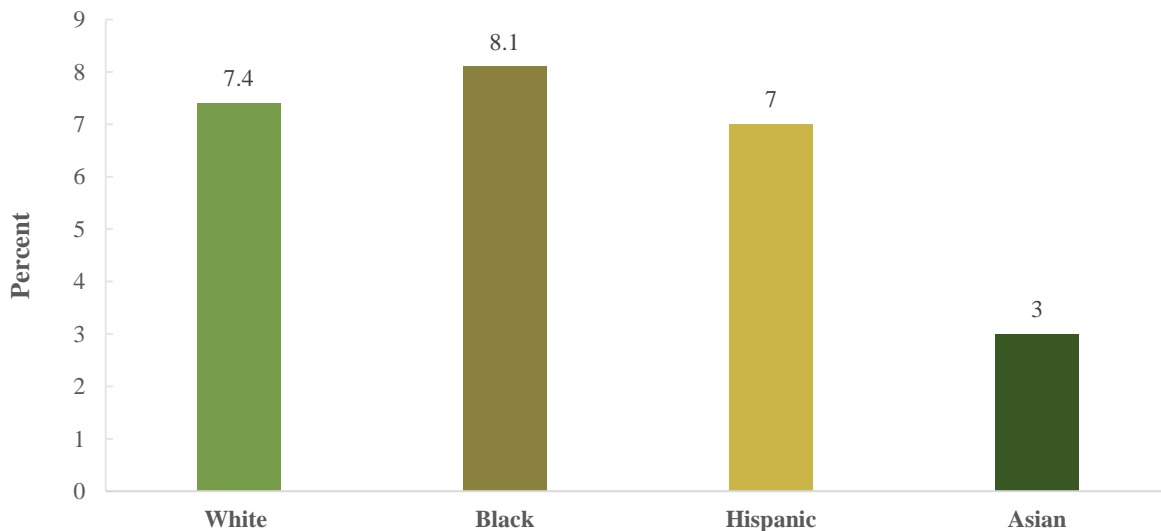


### Heavy Use (Past 30-Day)

Blacks (8.1%), followed by Whites (7.4%) and Hispanics (7%), report the largest percentages of twenty or more times of cannabis use (“heavy use”) in the past 30-days between 2007-2017. Asians (3%) report less heavy cannabis use between 2007-2017. However, an increase in heavy use among Blacks in 2011, which returned to levels consistent with other groups in the following time point, may overstate cohort differences. Between 2015 and 2017, heavy cannabis use rates remained relatively stable for Black and White cohorts and decreased for Asian and Hispanic cohorts. In 2017, 6.2% Hispanics, 6.1% Blacks, 5.8% whites followed by 1.4% of Asians report heavy cannabis use. [See *Chart V.D.10, Chart V.D.11* below]

For alcohol, Whites, followed by Hispanics, report the highest percentage of binge drinking between 2007-2017. Hispanics and Asians had decreased binge drinking rates between 2015 and 2017. Whites and Blacks experienced the smallest declines. [See *Chart V.D.12, Chart V.D.13* below]

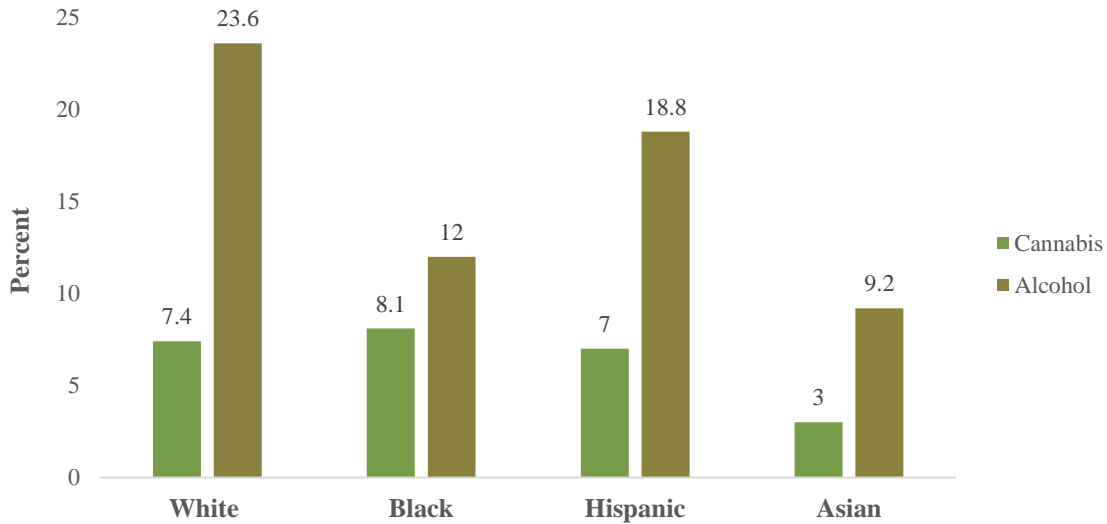
**Chart V.D.10. MA High Schoolers Heavy Cannabis Use by Race/Ethnicity, YRBS 2007-2017**



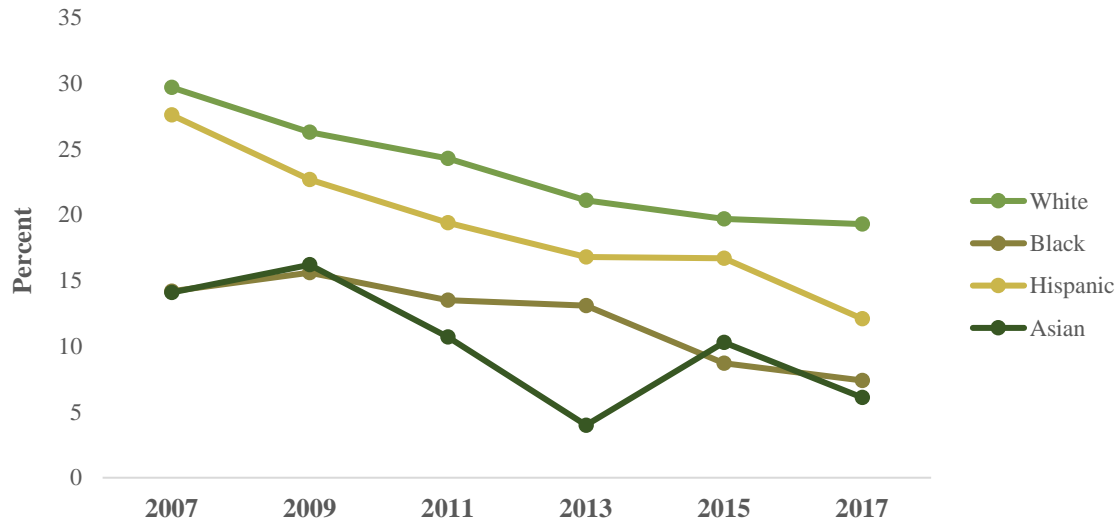
**Chart V.D.11. MA High Schoolers Heavy Cannabis Use by Race/Ethnicity Over Time, YRBS 2007-2017**



**Chart V.D.12. MA High Schoolers Heavy Cannabis and Alcohol Use by Race/Ethnicity, YRBS 2007-2017**



**Chart V.D.13. MA High Schoolers Binge Drinking by Race/Ethnicity Over Time, YRBS 2007-2017**



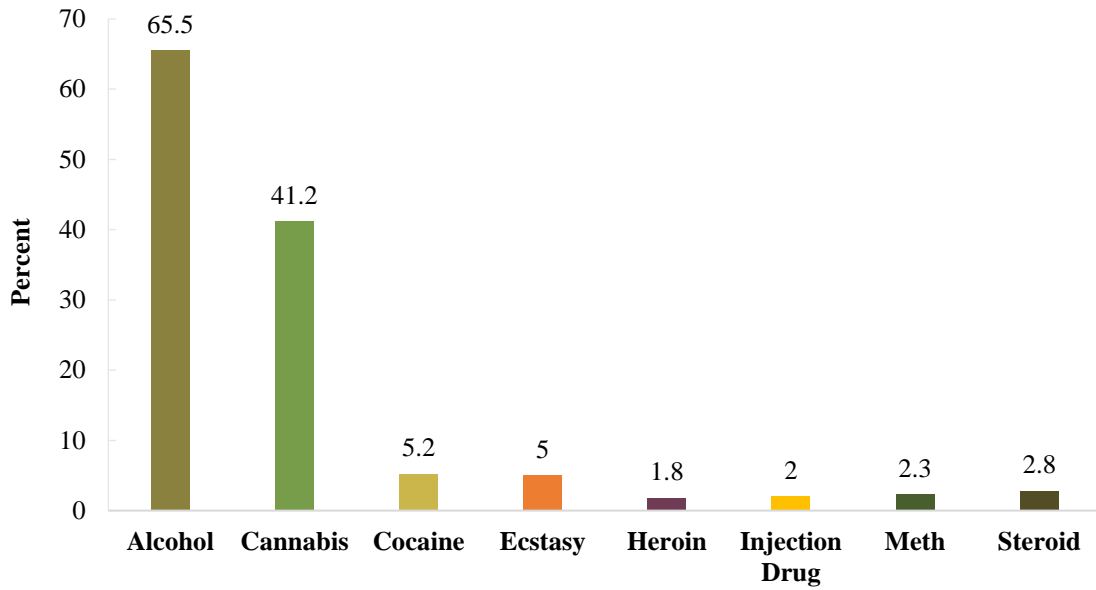
**All Substance Use (“Lifetime”)**

Alcohol (65.5%) was the most common tried/used substance by Massachusetts high schoolers, followed by cannabis (41.2%) between 2007-2017. While the rates of youth reporting alcohol use have declined between 2007 and 2017, the rates of youth reporting cannabis use have remained relatively stable. In contrast, other illicit substance use remains low among high schoolers. [See *Chart V.E.1*, *Chart V.E.2* below]

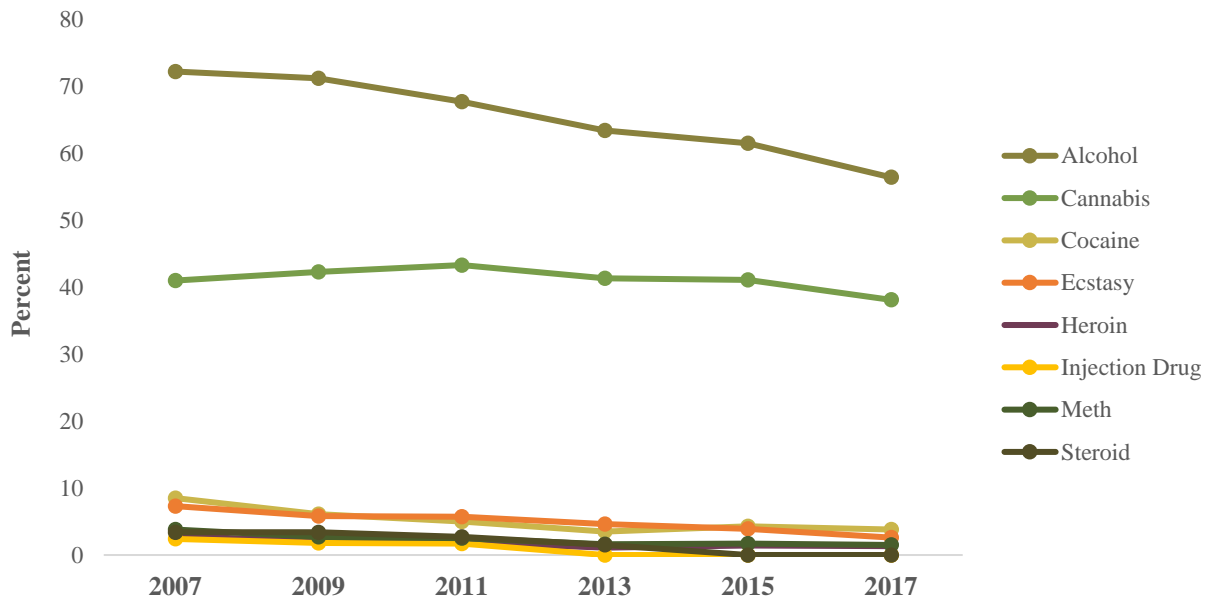




**Chart V.E.1. MA High Schoolers Lifetime All Substance Use, YRBS 2007-2017**



**Chart V.E.2. MA High Schoolers Lifetime All Substance Use Over Time, YRBS 2007-2017**



## Logistic Regression Analyses

Five series of logistical regression models were run to assess effects of varying cannabis policy and/or risky behaviors on substance use outcomes using state-level YRBS data from 2007-2017. All analyses are adjusted for: (1) Year of data collection (2007-2017); (2) Sex [1- Female; 2- Male; Missing], and (3) Race/Ethnicity [1- American Indian/Alaska Native; 2- Asian, 3- Black or African American, 4- Native Hawaiian/Other Pacific Islander, 5- White, 6- Hispanic/Latino, 7- Multiple-Hispanic, 8- Multiple-Non-Hispanic]. Sensitivity analyses models, as noted, are also adjusted for enactment of cannabis legalization in Massachusetts (*e.g. decriminalization, medical cannabis, or adult-use cannabis*).

Since all dependent “outcome” variables are binary (“yes/no”), tables present the odds ratios and confidence intervals for all models. Odds ratios (OR) are a measure of association between an exposure and outcome and are not simple probabilities. Rather, odds ratios represent the likelihood that an outcome will occur divided by the likelihood that the outcome will not occur, thus, results warrant careful interpretation.<sup>30</sup>

It is important to note that the associations (or correlations) represented by the ORs between two variables means that these behaviors have a statistical relationship to each other. Results cannot assume that one behavior causes the other without additional evidence (*e.g. if drinking coffee and cannabis use are associated, this does not necessarily mean coffee drinking causes cannabis use, or cannabis use causes coffee drinking*). There may be a third variable that causes both behaviors. Importantly, lack of evidence does not indicate lack of association. The cannabis research field is in its early stages and there are major gaps in knowledge.

## Cannabis Policy and Youth Substance Use Behaviors

Results from YRBS data spanning from 2007-2017 indicate that the enactment of cannabis policies, including decriminalization, medical cannabis, and adult-use, are not statistically associated with greater odds of reporting lifetime and past 30-day substance use behaviors. Conversely, policy enactment analyses suggest these policies are associated with lowered odds among many lifetime and current substance use behaviors. [See *Chart V.F.1* below] Results should not be interpreted as cannabis policies negatively impacting youth substance use behaviors, but rather, there may be multiple phenomenon simultaneously occurring that are not adjusted for in the data, which warrant further exploration. Further, all results should be taken into the context of secular trends occurring at the national and state level, which report a decrease in substance use among youth.<sup>31</sup>

**Table V.F.1. Youth Substance Use and Cannabis Policy Enactment**

Cannabis	Decriminalization		Medical Cannabis Policy		Adult-Use Cannabis Policy	
	Adjusted <sup>+</sup> OR	(95% CI)	Adjusted <sup>+</sup> OR	(95% CI)	Adjusted <sup>+</sup> OR	(95% CI)
<b>Cannabis Variables</b>						
Lifetime cannabis use	1.00	(0.85-1.19)	0.92	(0.82-1.04)	0.85	(0.73-0.98)
Past 30-day cannabis use	1.08	(0.89-1.31)	0.92	(0.83-1.02)	0.92	(0.80-1.05)
Past 30-day heavy cannabis use	1.14	(0.88-1.46)	0.79*	(0.66-0.95)	0.71**	(0.56-0.89)
Past 30-day cannabis use at school	1.06	(0.85-1.31)	0.81*	(0.69-0.96)	0.89	(.69-1.15)
<b>Tobacco Variables</b>						
Lifetime cigarette use	0.55***	(0.46-0.65)	0.47***	(0.42-0.54)	0.39***	(0.34-0.45)
Past 30-day cigarette use	0.63***	(0.52-0.76)	0.52***	(0.46-0.59)	0.44***	(0.37-0.52)
Past 30-day vape use	(NA) <sup>a</sup>	(NA) <sup>a</sup>	(NA) <sup>a</sup>	(NA) <sup>a</sup>	0.81*	(0.67-0.98)
Past 30-day cigar use	0.63***	(0.52-0.76)	0.52***	(0.46-0.59)	0.44***	(0.37-0.52)
Past 30-day chewing tobacco use	0.89	(0.66-1.20)	0.70***	(0.57-0.84)	0.74***	(0.61-0.88)
Past 30-day any tobacco use (cigarette, cigar, chewing)	0.57***	(.46-.70)	0.47***	(0.40-0.55)	0.43***	(0.34-0.54)
<b>Alcohol Variables</b>						
Lifetime alcohol use	0.68***	(0.59-0.78)	0.64***	(0.58-0.70)	0.62***	(0.54-0.71)
Past 30-day alcohol use	0.68***	(0.58-0.80)	0.66***	(0.60-0.73)	0.68***	(0.58-0.81)
Past 30-day binge drink	0.64***	(0.53-0.76)	0.64***	(0.57-0.72)	0.65***	(0.55-0.78)
Past 30-day alcohol use at school	0.68**	(0.52-0.91)	0.73**	(0.61-0.89)	0.70*	(0.53-0.93)
Past 30-day ride with driver who had been drinking	0.73***	(0.63-0.85)	0.61***	(0.55-0.67)	0.58***	(0.51-0.66)
<b>Lifetime Substance Use Variables</b>						
Synthetic cannabis use	(NA) <sup>a</sup>	(NA) <sup>a</sup>	(NA) <sup>a</sup>	(NA) <sup>a</sup>	0.61***	(0.48-0.78)
Cocaine use	0.49***	(0.39-0.62)	0.57***	(0.47-0.68)	0.67**	(0.52-0.88)
Heroin use	0.52***	(0.37-0.72)	0.53***	(0.41-0.68)	0.64	(0.39-1.05)
Meth use	0.49***	(0.36-0.67)	0.53***	(0.40-0.69)	0.59*	(0.38-0.93)
Ecstasy use	0.58***	(0.46-0.72)	0.56***	(0.46-0.68)	0.46***	(0.33-0.64)
Steroid use	0.70**	(0.54-0.90)	0.46***	(0.31-0.69)	(NA) <sup>a</sup>	(NA) <sup>a</sup>
Injection drug use	0.67*	(0.47-0.97)	(NA) <sup>a</sup>	(NA) <sup>a</sup>	(NA) <sup>a</sup>	(NA) <sup>a</sup>

<sup>+</sup>Adjusted for: (1) Year of data collection [2007-2017]; (2) Sex [1- Female; 2- Male; Missing], and (3) Race/Ethnicity [1- Am Indian/Alaska Native; 2- Asian, 3- Black or African American, 4- Native Hawaiian/Other PI, 5- White, 6- Hispanic/Latino, 7- Multiple-Hispanic, 8- Multiple-Non-Hispanic]



\*p<0.5; \*\*p<.01; \*\*\*p<.001 <sup>a</sup>NA refers to measures that were not included in survey instrument during one or more policy intervention (*e.g. measure only included in post decriminalization survey years, 2013-2017*)

## Risk and Protective Factors

The second series of logistical regression models assessed associations between risk and protective factors as identified in the literature and cannabis use outcomes. These analyses do not represent an exhaustive list of potential risk and protective factors that may be associated with cannabis use behaviors. [See *Appendix III: Associated Risk Factors Justification for a brief rationale for each variable assessed*] The aim of these analyses was to identify risk and protective factors associated with youth cannabis use behaviors, and if cannabis policy enactment (*i.e. decriminalization, medical cannabis, and adult-use*) had moderating effects on cannabis use outcomes.

Results show the varying behaviors and/or experiences that were associated either positively (greater odds suggesting a “risk” factor) or negatively (lower odds suggesting a “protective” factor) with cannabis use outcomes in Massachusetts youth, 2007-2017. The three cannabis use outcomes assessed included: lifetime cannabis use, past 30-day cannabis use, and past 30-day heavy cannabis use. Heavy cannabis use is categorized as youth reporting using cannabis 20≤ times in the past 30 days. [See *Chart V.G.1 below*]

**Protective Factors:** Results suggest that select factors assessed may be “protective” against all cannabis use behaviors assessed, including: (1) obtaining better grades (A’s and B’s vs. C’s and D’s), (2) having any adult (family or other adult support), and (3) identifying as heterosexual. Three additional factors showed protective against select cannabis use behaviors. Sport involvement in the past year and physical activity in the past week were both protective against past 30-day heavy cannabis use. Playing video games was protective for both lifetime cannabis use and past 30-day heavy cannabis use behaviors. Protective factors are indicated by odds ratios (OR) less than 1, followed by any significance level, indicated by 1-3 asterisks (*e.g. OR 0.58\*\*\**).

**Risk Factors:** Conversely, results suggest that multiple factors assessed may be “risk” factors for cannabis use. Broadly, these behaviors/experiences fall under: (1) Disability; (2) Risky driving behaviors; (3) Weapon carrying/exposure, violence, and bullying; (4) Hopelessness and suicidality behaviors; and (5) Sexual orientation and sexual behaviors. Risk factors are indicated by OR greater than 1, followed by any significance level, indicated by 1-3 asterisks (*e.g. OR 3.91\*\*\**).



**Table V.G.1. Risk and Protective Factors: Youth Cannabis Use**

	Any Use		Past 30-Day Use		Past 30-Day Heavy Use (≥20 times) <sup>a</sup>	
	Adjusted <sup>+</sup> OR	(95% CI)	Adjusted <sup>+</sup> OR	(95% CI)	Adjusted <sup>+</sup> OR	(95% CI)
<b>Risk/Protective Factors and Cannabis Use</b>						
<b>Disability</b>						
Learning Disability	1.34***	(1.13- 1.58)	1.33***	(1.14- 1.56)	1.58**	(1.20- 2.07)
Physical Disability	1.14*	(1.02- 1.28)	1.12	(0.96- 1.31)	1.26	(0.96- 1.65)
<b>Driving Behaviors</b>						
Ride with driver who had been drinking (past 30-day)	3.91***	(3.58- 4.27)	4.13***	(3.79- 4.49)	4.62***	(4.04- 5.29)
Drive after drinking alcohol (past 30-day)	2.15***	(1.95- 2.39)	2.33***	(2.05- 2.64)	3.07***	(2.59- 3.65)
Text or email while driving (past 30-day)	3.67***	(3.22- 4.18)	2.74***	(2.33- 3.22)	2.28***	(1.80- 2.90)
Talk on cell phone while driving (past 30-day)	3.25***	(2.74- 3.86)	2.67***	(2.23- 3.20)	2.11***	(1.63- 2.74)
<b>Weapon carrying/exposure, violence, and bullying</b>						
Carry weapon (past 30-day)	3.59***	(3.22- 4.01)	3.54***	(3.15- 3.97)	4.33***	(3.73- 5.02)
Carry weapon on school property (past 30-day)	4.61***	(3.61- 5.89)	4.66***	(3.82- 5.69)	5.72***	(4.75- 6.89)
Carry gun (past 30-day)	4.48***	(3.44- 5.84)	4.55***	(3.42- 6.05)	6.69***	(4.99- 8.98)
Threatened or injured with weapon on school property (past 12- month)	3.30***	(2.76- 3.95)	3.29***	(2.68- 4.04)	4.07***	(3.35- 4.94)
Physical fight (past 12- month)	3.92***	(3.55- 4.33)	3.82***	(3.50- 4.18)	4.82***	(4.35- 5.35)
Bullied on school property (past 12- month)	1.52***	(1.37- 1.69)	1.49***	(1.32- 1.69)	1.51***	(1.28- 1.79)
<b>Sexual and Dating Violence</b>						
Physically forced to have sex (lifetime)	2.64***	(1.93- 3.63)	2.43***	(1.83- 3.21)	3.29***	(2.05- 5.27)
Physically forced to have sex or physical dating violence (lifetime)	2.83***	(2.57- 3.12)	2.28***	(2.24- 2.74)	2.84***	(2.43-3.21)
<b>Support, Hopelessness, and Suicide Behaviors</b>						
Hopelessness (past 12- month)	2.22***	(2.01- 2.46)	2.03***	(1.82- 2.25)	2.42***	(2.11- 2.79)
Consider suicide (past 12- month)	2.35***	(2.06- 2.68)	2.32***	(2.05- 2.62)	2.43***	(2.09- 2.82)
Plan suicide (past 12- month)	2.08***	(1.86- 2.33)	2.0***	(1.77- 2.26)	2.13***	(1.77- 2.55)
Attempt suicide (past 12- month)	2.72***	(2.29- 3.23)	2.61***	(2.22- 3.07)	3.15***	(2.61- 3.81)
Treated for suicide attempt (past 12- month)	3.18***	(2.34- 4.33)	3.05***	(2.32- 4.02)	4.34***	(3.24- 5.81)



Purposely hurt yourself (past 12-month)	2.34***	(2.10- 2.59)	2.24***	(2.02- 2.49)	2.48***	(2.05- 3.01)
<b>Sexual Orientation and Behaviors</b>						
Sexual intercourse (lifetime)	7.20***	(6.52- 7.95)	5.94***	(5.33- 6.62)	8.10***	(6.55- 10.02)
Age first sexual intercourse encounter	1.28***	(1.25- 1.30)	1.22***	(1.20- 1.25)	1.19***	(1.15- 1.23)
Sex partners (past 90-days)	2.44***	(2.31- 2.57)	2.03***	(1.93- 2.13)	1.85***	(1.76- 1.95)
Alcohol or drug use before sexual intercourse last time	12.26***	(10.22- 14.70)	8.76***	(7.56- 10.15)	9.46***	(8.13- 11.01)
Condom use last sexual encounter	3.20***	(2.85- 3.58)	2.63***	(2.37- 2.92)	2.05***	(1.76- 2.40)
Ever been or gotten someone pregnant (lifetime)	4.46***	(3.64- 5.47)	3.20***	(2.70- 3.79)	4.64***	(3.89- 5.53)
Ever been tested for any Sexually Transmitted Disease(s) (STDs) (lifetime)	2.74***	(2.50- 3.0)	2.24***	(2.00- 2.50)	2.65***	(2.25- 3.13)
Sexuality- Heterosexual ("straight")	0.48***	(0.42- 0.55)	0.50***	(0.44- 0.58)	0.42***	(0.34- 0.51)
Sexuality- Gay, Lesbian, or Bisexual	2.08***	(1.81- 2.39)	1.99***	(1.72- 2.30)	2.39***	(1.96- 2.91)
<b>Other Risk/Protective Factors</b>						
Any adult support (family or other)	0.58***	(0.50- 0.67)	0.56***	(0.50- 0.63)	0.43***	(0.37- 0.50)
Physically active (past week)	0.95	(0.86- 1.06)	0.97	(0.87- 1.08)	0.68***	(0.57- 0.81)
Sports team involvement (past 12-month)	0.94	(0.86- 1.03)	0.89*	(0.81- 0.98)	0.60***	(0.52- 0.69)
Play video games on average school day	0.89**	(0.82- 0.97)	0.95	(0.86- 1.04)	0.86*	(0.77- 0.98)
Watch TV on average school day	0.95	(0.88- 1.03)	0.93	(0.85- 1.03)	0.86	(0.71- 1.05)
Grades are A's and B's	0.34***	(0.34- 0.38)	0.34***	(0.30- 0.38)	0.25***	(0.21- 0.29)

<sup>†</sup>Adjusted for: (1) Year of data collection [2007-2017]; (2) Sex [1- Female; 2- Male; Missing], and (3) Race/Ethnicity [1- Am Indian/Alaska Native; 2- Asian, 3- Black or African American, 4- Native Hawaiian/Other PI, 5- White, 6- Hispanic/Latino, 7- Multiple-Hispanic, 8- Multiple-Non-Hispanic]

\*p<0.05; \*\*p<.01; \*\*\*p<.001

<sup>a</sup>NA refers to measures that were not included in survey instrument during one or more policy intervention (e.g. *measure only included in post decriminalization survey years, 2013-2017*)



### **Risk and Protective Factors and Cannabis Use Behaviors—Do Cannabis Policies Moderate the Effect of Cannabis Use?**

The third series of logistical regression models served as sensitivity analyses to assess if any cannabis policy (*i.e. decriminalization, medical cannabis, and adult-use cannabis*) moderated the effect size of the varying risk/protective behaviors on cannabis use behaviors. [See *Appendix IV: Sensitivity Analyses: Table IV.1., Table IV.2., Table IV.3.*]

The only variable that resulted in discernable change when models additionally adjusted for cannabis policy enactment (*i.e. decriminalization, medical cannabis, and adult-use cannabis*) was *driving after alcohol use*. For all three cannabis use dependent variables (*i.e. lifetime cannabis use, past 30-day cannabis use, and past 30-day heavy cannabis use*), decriminalization enactment moderated the effect size of youth reporting driving after drinking alcohol and cannabis use. Similarly, enactment of medical cannabis and adult-use cannabis had similar moderation effects in youth reporting driving after drinking alcohol and heavy cannabis use in the past 30-days. In these models, the odds ratios (OR) associated with *cannabis use* adjusting for *driving after alcohol use* is greater than the OR associated with cannabis use when the model adjusts for both *driving after alcohol use* and *decriminalization enactment*.



## VI. Cannabis Legalization and Youth Use Overview

Cannabis legalization and youth research should include at least three considerations. First, behavior changes may lag policy change.<sup>7-10</sup> Therefore, it is too early to assess the full impacts of legalization on youth cannabis use and associated behaviors. Second, certain groups of youth (*e.g. working youth, youth at risk of a substance use disorder, etc.*) may be uniquely impacted. Therefore, impact assessments should consider the diversity of youth (*e.g. gender, race/ethnicity, sexuality minority status, disability status, etc.*). Third, youth cannabis use occurs in a context. Therefore, research could employ a social ecological or similar model to assess all potential factors affecting an individual. This includes monitoring perception and social norm changes in society, community, familial, and within individuals, alongside cannabis use patterns and rates. [See *Section II. Important Considerations*] This section provides a brief overview on research assessing the impact of cannabis policy on youth cannabis use.

There are mixed findings as to whether cannabis decriminalization is associated with increased youth cannabis use.<sup>32</sup> Research has not found that medical cannabis legalization increases youth cannabis use.<sup>2,33-39</sup> Early findings are mixed as to whether adult-use legalization increases youth use.<sup>34,40-42</sup> However, meaningful changes to use are likely to be lagged.

### Decriminalization

While most decriminalization research occurred in the 1980 and 90s, three recent studies were identified.<sup>32,43-45</sup> In a review, Melchior et al. 2019 identified 13 studies which examined the impact of decriminalization on youth. Out of the five high quality studies, four found no impact to youth use and one found use increased.<sup>44</sup> In a multi-country study, Shi et al. 2015 did not find a significant effect of decriminalization of youth use.<sup>45</sup> In contrast, Miech et al. 2015 examined a 2010 California change in policy, which removed criminal penalties for small amounts of cannabis and found that 12<sup>th</sup> graders in California were increasingly likely to report current cannabis use compared to changes among peers in other states.<sup>32</sup>

### Medical Cannabis Legalization

Research has not found significant increases in youth cannabis use following medical cannabis legalization.<sup>2,33-39,44</sup> While cannabis use rates are higher among youth who live in states with medical cannabis, most researchers found higher rates preceded medical cannabis legalization and were not a result of policy change.<sup>2,33-39</sup>

### Adult-use Cannabis Legalization

Research assessing the impact of adult-use cannabis policy is in its infancy and long-term effects are unknown. Cerda et al. 2017 found that Washington youth (8<sup>th</sup> and 10<sup>th</sup> graders) rates of cannabis use increased following adult-use legalization but Colorado youth rates did not change,





suggesting there may be state-to-state differences.<sup>34,40</sup> Others have also found no increase in Colorado youth rates.<sup>41,42</sup> One metaanalysis found adult-use legalization was associated with a small increase in youth cannabis use.<sup>44</sup> A Washington study of heavy youth users found that their patterns also remained steady after legalization, although participants reported more problematic use symptoms after legalization.<sup>46</sup> A longitudinal study from Oregon found that never-using youth did not increase use, but those with a history of cannabis use increased their use following legalization.<sup>47</sup> Early findings suggest legalization will not affect all youth equally.

Certain youth groups may be negatively affected by cannabis legalization policies compared to their peers. For example, Graves et al. 2019 found that working youth had increased rates of cannabis use following legalization, unlike their non-working peers.<sup>48</sup> Authors suggest rising rates of cannabis use and changing social norms among adult coworkers may create pressure and/or increase access to cannabis.<sup>48</sup> These youth also may have more disposable income than non-working peers.<sup>48</sup> Importantly, these findings are associations and cannot be assumed as causal.

Youth at risk for problem cannabis use (“cannabis use disorders [CUDs]”) may be disproportionately affected by legalization.<sup>46</sup> A small study of Colorado substance use treatment providers found that providers observed that more of their clients viewed cannabis use as socially acceptable in recent years.<sup>49</sup> These providers also reported seeing greater access to and use of highly potent cannabis in their youth clients.<sup>49</sup> Providers emphasized the increased potential for substance use disorders when using potent products.<sup>49</sup> Higher potency products and method of consumption both contribute to the likelihood of developing a cannabis use disorder, and may be impacted by cannabis legalization. Youth use trends in the general population, specific cohorts, and those in treatment for substance use disorders should be monitored.

### Challenges and Limitations

There are major challenges to conducting this research. Research on states that legalize cannabis are not true experiments, state differences effect whether or not a state legalizes cannabis.<sup>34</sup> Statistical methods can help control for these differences but state comparisons are imperfect to detect what might have happened within a state if it had not legalized. Other challenges surround the differences in policies, regulation, and implementation (“heterogeneity”) between legalized states. This heterogeneity may result in different outcomes between states. For example, Borodovsky et al. 2018 found that youth in states with a higher density of cannabis dispensaries were more likely to have consumed an edible or vaporized cannabis.<sup>50</sup> Additionally, youth edible use was only associated with legalized states that permit home grow.<sup>50</sup> Importantly, behavior changes resulting from legalization may be lagged.<sup>34</sup> To potentially isolate these lagged effects,



researchers examine perceptions, which may precede behavior change; however, using perceptions to predict behavior is also imperfect.



## VII. Literature Reviews

### Perceptions of Harm

*AIM:* This section synthesizes literature around trends in youth perception of the harm (“risk”) from cannabis use.

A lower perception of a substance’s riskiness is associated with a greater likelihood of using the substance.<sup>51</sup> Therefore, changes to risk perception of cannabis are critical to monitor, particularly for youth. It is also important to know whether cannabis policies have an impact on risk perceptions. This section presents past-decade findings for youth cannabis risk perceptions nationally, and assesses whether medical and adult-use cannabis policies impact risk perception.

### Methods

The search focused on youth perceptions of the harms (“risks”) of cannabis use in the past ten years in the U.S. It also examined whether medical and adult-use cannabis policies impacted perceptions. Only studies that directly collected or reported on youth (*i.e.* <18 years-old) were included. Studies published in 2009 through May 2019 were identified using GoogleScholar, the reference sections of identified articles and author libraries with search terms including the following: “youth,” “adolescent,” “perception,” “perceived,” “risk,” “harm,” “cannabis,” “marijuana,” “use,” “medical,” and “legalization.”

From these methods twenty-three studies were identified.<sup>2,3,54–63,4,64–66,5,6,40,41,46,52,53</sup> Studies analyzed varying surveys, including: Monitoring the Future (MTF),<sup>2–4,40,61,65,66</sup> National Survey of Drug Use and Health (NSDUH),<sup>4–6,52–54,62,67</sup> Healthy Kids Colorado (HKC),<sup>41,64</sup> Washington Healthy Youth Survey (WHKS),<sup>55</sup> Community Youth Development Study (*longitudinal*),<sup>56</sup> National Longitudinal Study of Youth (NLSY),<sup>57</sup> a commercial panel sample,<sup>63</sup> and smaller non-representative samples.<sup>46,58–60</sup> The majority of studies were cross sectional designs, meaning they looked at a snapshot in time.

### National Time Trends

Youth perceptions of cannabis’ risks have declined over the past decade. This trend is consistent across two important national surveillance surveys: Monitoring the Future (MTF) and the



National Survey of Drug Use and Health (NSDUH).<sup>4,34</sup> Five studies examined youth perceptions of cannabis risk over time, and all found that risk perceptions decreased over time.<sup>2-6</sup>

MTF findings suggest that cannabis risk perceptions among youth have declined since 1991.<sup>2</sup> MTF asks, “*How much do you think people risk harming themselves (physically or in other ways) if they smoke marijuana regularly?*”<sup>4</sup> In 2018, the lowest percent of 8<sup>th</sup>, 10<sup>th</sup>, and 12<sup>th</sup> graders reported regular cannabis use as a great risk to harm.<sup>68</sup> Among 8<sup>th</sup> graders, 52.9% reported that people who smoke marijuana regularly were at great risk, 38.1% of 10<sup>th</sup> graders, and 26.7% of 12<sup>th</sup> graders also reported great risk.<sup>68</sup> Chen et al. 2018 found dose response evidence between perceiving harm and frequency of use (*i.e. as perceived harm decreases, frequency of use increases*).<sup>66</sup> Younger youth consistently perceived cannabis as more risky than older youth.<sup>62,68,69</sup>

The NSDUH survey similarly found perceived risks of cannabis use have decreased among youth.<sup>5,6</sup> This survey asks, “*How much do people risk harming themselves physically and in other ways when they smoke marijuana once or twice a week?*”<sup>4</sup> In 2017, 37.7% of 12-17 year-olds reported that it was a great risk to smoke once or twice a week.<sup>69</sup> Schmidt et al. 2016 found that there has been a notable decrease in perceived riskiness from 2009 on.<sup>6</sup> A number of researchers examined whether state-level medical cannabis legalization contributed to decreasing risk perceptions among youth.

### Impact of Medical Marijuana Policies

Despite concerns that medical cannabis policies “send youth the wrong message,”<sup>6</sup> most studies have not found associations between medical policies and decreased perceptions of risk among youth. Five studies examined whether medical cannabis policies were associated with a decrease in youth perceptions of cannabis’ risks.<sup>2,6,52-54</sup> Four national studies did not find evidence that medical cannabis policies were associated with decreases in risk perception,<sup>2,6,52,53</sup> but one study found medical cannabis commercialization in Colorado was associated with a decrease.<sup>54</sup>

Research with MTF has not found that medical cannabis policies decrease youth cannabis risk perception. Keyes et al. 2016 found that medical cannabis policies had no effect on youth risk perceptions overall or by grade.<sup>2</sup> In fact, 8<sup>th</sup> graders perceived risk of cannabis use increased following medical legalization.<sup>2</sup>

Similarly, most studies using NSDUH data have found that medical cannabis policies are not associated with decreased youth perception of risk. In a replication study, Harper et al. 2012

found no effect of medical cannabis policies on perceptions.<sup>52</sup> Schmidt et al. 2016 and Wen et al. 2019 also found no effect of medical cannabis policies on youth risk perception in NSDUH.<sup>6,67</sup> In contrast, Schuermeyer et al. 2014 examined Colorado NSDUH data before and after medical cannabis commercialization (2009) rather than an enactment or implementation date and found youth perceived risks of cannabis decreased following this period.<sup>54</sup> Causality could not be assessed.

There were important limitations to these studies. Briefly, all studies were quasi-experimental, meaning youth were not randomly assigned to a legalized or non-legalized state, therefore, studies could not assess causality. All studies were cross-sectional, meaning they looked at a snapshot in time and did not follow a group across time (longitudinal). Additionally, there may be spillover effects from one legalized state to other non-legal states, which could obscure potential effects of legalization.<sup>6</sup>

Although youth in states with medical cannabis policies have lower perceived risk of cannabis,<sup>53</sup> this may not be attributed to policy change, but rather result from other factors, including lower risk perception before legalization and national trends. However, further research, including state specific analyses incorporating policy heterogeneity should be conducted to more comprehensively assess potential changes.<sup>57</sup> Thus far, data suggests that decreases in youth perceptions of harm are occurring nationally and not as a result of state specific medical cannabis legalization.<sup>2</sup>

### Impact of Adult-use Marijuana Policies

Given the recency of adult-use cannabis policies, research has not yet fully assessed their impact on youth risk perception— and current findings are mixed. Six studies examined adult-use legalization.<sup>40,41,46,60,63,64</sup>

Cerdá et al. 2017 found that perceptions of harm significantly decreased following adult-use legalization in Washington among youth in 8<sup>th</sup> and 10<sup>th</sup> grades, but perceptions did not decrease among Washington 12<sup>th</sup> graders or Colorado youth in comparison to peers in non-legalized states.<sup>40</sup> Assessing retail store implementation, rather than year of legalization enactment, Harpin et al. 2018 found no change in risk perception.<sup>64</sup> Conversely Brooks-Russell et al. 2019 found a decrease in perceived harm among Colorado youth.<sup>41,64</sup> A small study of students enrolled in a prevention program found youth who entered the program after legalization enactment had lower perceived risks of cannabis than those who enrolled prior to legalization enactment.<sup>60</sup> In another



study, Blevins et al. 2018 found no change in perception of risk or use rates among youth cannabis users in Seattle who were surveyed before and adult-use legalization.<sup>46</sup>

Asking different questions on perceived harmfulness of regular cannabis use and effects on mental health, an online commercial panel surveyed a sample of U.S. youth aged 16-19 years-old (n=4,097).<sup>63</sup> Cannabis users were asked whether they worried about damaging their health in the future.<sup>63</sup> No differences in harm perceptions between non-legalized states, legalized states without markets, and legalized states with retail markets were found in this survey.<sup>63</sup> Additional research with longer follow-up periods is needed to assess the full and potentially lagged impact(s) of adult-use legalization on youth perceptions of harm.

### Impact of Riskiness on Use

Lower perceptions of cannabis' risks have been associated with increased likelihood of use; However, recent decreases in perceived risk of cannabis have not been associated with equivalent increases in youth use.<sup>55</sup> This has caused some researchers to question whether the association between lower risk perception of cannabis and use remains true. Five studies were identified that examined impact of riskiness on use, or analyzed mechanisms around why use rates are not similarly rising.<sup>4,55,56,65,70</sup> Research suggests risk perception is still an important risk factor for use,<sup>4,55,56,65,70</sup> but decreased cigarette smoking (another risk factor) may explain why youth cannabis use has not changed at a similar pace as risk perception.<sup>4,55</sup>

Between 1991 and 2016, the proportion of 12<sup>th</sup> graders who thought cannabis posed no risk increased by 11% while cannabis use increased by approximately 1% (MTF).<sup>4</sup> Decreased risk perception without equivalent rises in youth use had similarly been found in NSDUH.<sup>71</sup> Braymiller et al. 2018 categorized MTF respondents by use patterns and perceptions, and found that youth who do not use cannabis reported greater approval of peers' cannabis use from 2010 to 2016.<sup>61</sup> This indicates perception changes are occurring among both youth who use cannabis and those who do not.

MTF analyses indicate that perceiving cannabis use as risky remains a protective factor against use.<sup>65,70</sup> From 1991 to 2016, Terry-McElrath et al. 2017 found that the association between great risk perception and cannabis use strengthened for Hispanics and weakened for Blacks, while remaining stable for Whites and between genders.<sup>70</sup> In this sample, perception of moderate risk increased in strength as a protective factor over time.<sup>70</sup> Similarly, in a longitudinal non-national study (*Community Youth Development Study*), Guttmanova et al. 2019 documented an



association between lower perceived harm of cannabis and the increased likelihood of use for 8<sup>th</sup>, 10<sup>th</sup>, and 12<sup>th</sup> graders, but not 9<sup>th</sup> graders.<sup>56</sup>

Two studies found the potentially weakening association between riskiness and use could be partially explained by decreased alcohol and cigarette use, which are risk factors for cannabis use.<sup>3,55</sup> Miech et al. 2017 found that decreased cigarette use largely accounted for the lack of increase in cannabis use rates found amount youth (MTF, 1991-2016).<sup>3</sup> Similarly, in a Washington state sample of 10<sup>th</sup> graders, Fleming et al. 2016 found the association between perceived riskiness of cannabis and use remained but decreases in cigarette use explained the lack of increased cannabis use that would be expected.<sup>55</sup> In a qualitative study assessing the risks of cigarettes and cannabis, youth reported greater harm for cigarettes than cannabis.<sup>59</sup> In sum, the research suggests youth perception of risk contributes to their likelihood of using cannabis, but other associated risk/protective factors (*e.g. cigarette smoking*) matter. Youth prevention efforts should leverage multiple protective factors to maximize impact.<sup>58</sup>



## Ease of Access

**AIM:** This section synthesizes literature around how easily youth believe they could access cannabis.

Perceived access to cannabis is associated with youth use of the substance.<sup>72</sup> Therefore, changes to perceived access are important to monitor. It is also important to know whether changes in cannabis policies impact access perceptions. This section presents findings from U.S. samples within the past ten years that examine youth perceptions of cannabis access, and whether medical and adult-use cannabis policies impact perceived access.

## Methods

The search focused on youth perceived ease of access to cannabis within the past decade. It also examined whether medical and adult-use cannabis policies impacted access perceptions. Only studies that directly collected or reported on youth (*i.e.* <18 years-old) were included. Studies published from 2009 through May 2019 were identified using GoogleScholar, in reference sections of identified articles, and within author libraries using the following search terms: “ease of access” “how easy would it be,” “marijuana,” “cannabis,” “youth,” “adolescent,” “access,” “availability,” “obtain,” “legalization.”

Fourteen studies were identified.<sup>5,41,74–77,55,62–64,66,67,72,73</sup> Studies used national surveys including: National Survey of Drug Use and Health (NSDUH),<sup>5,62,67,73,74,77</sup> Monitoring the Future (MTF),<sup>66,73</sup> and a commercial panel survey.<sup>63</sup> Others used state samples including: Healthy Kids Colorado (HKC),<sup>41,64</sup> Washington Healthy Youth Survey (WHYS),<sup>55</sup> and Prevention Needs Assessment Community Student Survey (*Montana*).<sup>75</sup> Additionally, one study used a handheld monitoring device to conduct a momentary assessment of cannabis use factors.<sup>72</sup>

## National Time Trends

While most U.S. youth report easy or fairly easy access to cannabis, easy access appears to be declining among youth in the U.S.<sup>5,73,76</sup> Five studies examined youth self-reported access to cannabis overtime.<sup>5,67,68,73,77</sup>

MTF asked: “How difficult do you think it would be for you to get each of the following types of drugs (e.g. Marijuana), if you wanted some?”<sup>4</sup> In 2018, 35% of 8<sup>th</sup> graders, 65% of 10<sup>th</sup> graders, and 80% of 12<sup>th</sup> graders reported that cannabis was “fairly easy” or “very easy” to obtain.<sup>68</sup> This





represents a decrease among 8<sup>th</sup> and 10<sup>th</sup> graders but is consistent for 12<sup>th</sup> graders with rates ranging between 80-90% since 1975.<sup>68,77</sup> Younger youth consistently report less access to cannabis than older youth.<sup>68</sup>

NSDUH data also suggests that youth are reporting less access to cannabis nationally; however there was a slight increase in access between 2016 and 2017.<sup>73</sup> This survey asked: “*How difficult or easy would it be for you to get some marijuana, if you wanted some?*”<sup>74</sup> In 2017, 46.1% of 12-17 year-olds reported it would be “fairly easy” or “easy” to obtain cannabis if desired. This is a small increase from 2016.<sup>62</sup> Conversely, from 2002 to 2015, 27% fewer 12-17 year-olds reported it would be “very easy” for them to obtain cannabis.<sup>73</sup> This decrease was pronounced among 12-14 year-olds (42% reduction), and consistent between gender, race/ethnicity, and income levels.<sup>73</sup> In contrast, youth reporting tobacco use and involvement with the juvenile delinquency system did not have reductions in “very easy” access.<sup>73</sup> Similarly, Azofeifa et al. 2016 and Wen et al. 2019 found a decrease in youth perceived availability from 2002-2014 and 2004-2012 respectively.<sup>5,67</sup>

### Impact of Medical Marijuana Policies

While youth living in states with medical cannabis policies report easier access to cannabis, legalization did not appear to increase access.<sup>67,77</sup>

Wen et al. 2019 examined whether there were differences in states that implemented medical cannabis policies compared to those that did not (NSDUH 2004-2012).<sup>67</sup> Researchers found there were no changes in perceived availability between youth in states with and without medical cannabis.<sup>67</sup> In a different time frame (2004-2013), Martins et al. 2016 also found that medical cannabis policies were not associated with a change in perceived availability of cannabis among youth.<sup>77</sup>

In a Montana sample (2010), Friese and Grube 2013 found higher numbers of medical cannabis cards and a greater percentage of votes in favor of medical legalization in a student’s county were separately associated with perceived easier access.<sup>75</sup> Authors concluded that increased access may be related to community norms around cannabis use.<sup>75</sup> However, they note limitations around using county-level data, a low response rate among students, and that findings may not be generalizable.<sup>75</sup> Further research should include policy heterogeneity to better assess any impact on access.



## Impact of Adult-use Marijuana Policies

Research has not yet fully assessed the impact of adult-use cannabis legalization on youth perceived ease of access. Four studies examined adult-use legalization.<sup>41,55,63,64</sup>

There are mixed findings regarding whether adult-use legalization increases access among youth shortly following enactment or implementation. One Colorado statewide sample found perceived ease of access to cannabis increased following implementation of adult-use retail sales.<sup>64</sup> Specifically, students reporting cannabis was “sort of easy” and “very easy” to access increased from 46% to 52%.<sup>64</sup> This increase was not associated with the presence of a licensed retail store within two miles of their school.<sup>64</sup> Note this finding is an association— causation cannot be determined.<sup>64</sup> However, also using Healthy Kids Colorado, Brooks-Russell et al. 2019 examined pre- (2013) and post- (2015) retail cannabis sales, and found no difference in perceived ease of access among Colorado high schoolers.<sup>41</sup> In a Washington statewide sample, perceived ease of access decreased from 2010-2014.<sup>55</sup> It is important to note that adult-use legalization was enacted in 2012 and retail stores opened in 2014 so this study does not assess the impact of implementation.<sup>55</sup>

One study compared ease of access in legalized states with a market (“implemented”), legal states without a market yet (“enacted”) and non-adult-use but legal medical use states. Wadsworth and Hammond 2018 found that youth living in states with and without adult-use markets established reported similar rates of “easiness” to obtaining cannabis compared to those in non-adult-use states (*commercial sample of 16-19 year-olds*).<sup>63</sup>

## Impact of Ease of Access on Use

Perceived access to cannabis is associated with youth use of cannabis.<sup>72</sup> In NSDUH data from 2004-2013, Martins et al. 2016 found that perceived availability of cannabis was associated with past-month use among youth.<sup>77</sup> Similarly, Shrier et al. 2014 found that perceived availability was associated with having any desire to use cannabis.<sup>72</sup> Further, Chen et al. 2018 found evidence of a dose-response relationship between perceived access and frequency of cannabis use.<sup>66</sup> In this MTF sample, the association was strongest for older youth compared to younger youth, and stronger for younger boys than younger girls.<sup>66</sup>

## Sources of Purchase

*AIM:* This section synthesizes literature on youth sources of cannabis and purchasing patterns.

Understanding how youth access cannabis is critical to prevention. Any potential changes to sources of cannabis, whether purchased or received for free, should be monitored. It is also critical to examine whether sources and access change as a result of cannabis legalization and commercialization. This section includes U.S. samples within the past ten years.

### Methods

The search focused on youth cannabis sources of purchase in the past decade. Only studies that directly collected or reported on youth cannabis sources were included, theoretical frameworks and studies that only assess use rates and/or perceptions were not included in this section. Studies on young adults and adults were excluded. Studies published in 2009 through April 2019 were identified in GoogleScholar, reference sections, and author libraries with search terms including: “youth,” “adolescent,” “teen,” “cannabis,” “marijuana,” “access,” “source,” “purchase,” and “free.”

Six studies were identified.<sup>5,74,78-81</sup> Studies used Monitoring the Future (MTF),<sup>79</sup> National Survey on Drug Use and Health (NSDUH),<sup>74</sup> Healthy Kids Washington (HKW),<sup>78</sup> court diversion program survey,<sup>80</sup> and a survey of Colorado youth in outpatient substance use treatment.<sup>81</sup> One study used focus groups to examine edible cannabis use.<sup>82</sup> All studies were cross-sectional and could not examine changes over time or establish causality.

### Purchasing and Non-Purchasing Trends

In NSDUH, (2012) 59.1% of youth cannabis users reported obtaining cannabis for free (“non-purchasers”) and 39.1% reported purchasing cannabis for their last consumption.<sup>74</sup> Females and younger youth (12-13 years-old) were more likely to report obtaining cannabis for free.<sup>74</sup> Azofeifa et al. 2016 found an increase in both purchased and a decrease in freely obtained cannabis from 2002 to 2014.<sup>5</sup> The lack of recent national data to assess purchasing trends represents a limitation to these findings.

Some research suggests that those who purchase cannabis rather than obtain it freely are at a greater risk of negative outcomes. King et al. 2016 found that males, youth aged 14-17, and those who used cannabis in the past month had lower odds of obtaining cannabis for free or sharing it.<sup>74</sup> Similarly, cannabis purchasers in a survey of high-risk youth reported greater days of cannabis use and greater risk of substance use disorder.<sup>80</sup> The high-risk sample found no difference between the demographics of cannabis purchasers and non-purchasers.<sup>80</sup> In a study of



high-risk California youth, Osilla et al. 2014 found that those who reported purchasing both cannabis and alcohol were at greater risk of risky outcomes, particularly increased alcohol use.<sup>80</sup>

Most youth reported obtaining cannabis from a friend or person in their peer network.<sup>74,78,80</sup> In NSDUH (2012), the majority of purchased (33%) and free (26.4%) cannabis was obtained from a friend.<sup>74</sup> Nearly seven percent of youth reported purchasing from someone they just met or did not know, and 1.6% purchased from a relative/family member.<sup>74</sup> Blacks and those who reported 6-19 days of cannabis use in the last 20 days had higher odds of reporting last purchase from someone they just met or did not know in this sample.<sup>74</sup> In a sample of Washington state 10<sup>th</sup> graders after adult-use legalization enactment, the majority of participants reported receiving cannabis from peers, but 18% reported giving someone money to purchase for them, 11% accessed cannabis from their home with or without parent permission, and another 6% reported buying cannabis themselves at a retail store.<sup>78</sup>

### Location

In NSDUH (2012), nearly 37% of youth reported their last cannabis purchase occurred in a house, apartment, or dorm, and nearly 36% reported their last purchase was outdoors in a public area.<sup>74</sup> Blacks and heavier users (*used cannabis 6-19 days of the last 30 days*) had higher odds of making an outdoor purchase compared to Whites and less heavy users (*1-2 days in the last 30 days*).<sup>74</sup> More recent data is needed to explore this trend and any impact of legalization.

### Medical Cannabis

While few youth reported use of another person's medical cannabis, those who do may be at greater risk for other risky behaviors.<sup>79,81</sup> In a MTF analysis (2012, 2013), Boyd et al. 2015 found that 6.1% of 12<sup>th</sup> graders reported use of someone else's medical cannabis in the past year.<sup>79</sup> Males and Whites were more likely to report using someone else's medical cannabis.<sup>79</sup> Compared to illicit cannabis users who did not use someone's medical cannabis, users of someone else's medical cannabis were at greater risk for reporting 10 or more cannabis use incidences, daily use, use with intention of getting high, being "hooked," being drunk in the past year, illegal prescription drug, and other illicit substance use.<sup>79</sup> In a small sample of Colorado youth in treatment for substance use disorders, nearly 49% reported ever using cannabis from another person's medical supply.<sup>81</sup> Those who reported use of another's medical cannabis in this sample also reported greater substance use problems.<sup>81</sup>



## Perception of Parent Disapproval

*AIM:* This section synthesizes literature on youth perception of parental disapproval of their use of cannabis.

Youth perception that their parents would disapprove of substance use is a protective factor against youth substance use.<sup>51</sup> Therefore, the extent to which youth perceive their parents as disapproving of cannabis use is important to monitor. It is also important to know whether changes to cannabis policies impact youth perception of parental disapproval and/or actual parental disapproval. This section presents findings from U.S. samples within the past ten years.

### Methods

The search focused on perceived parental disapproval of youth cannabis use in the past decade. It did not examine parents' actual disapproval levels. It also examined whether medical and adult-use cannabis policies impacted perceptions. Only studies that directly collected or reported on youth (*i.e.* <18 years-old) were included. Studies published in 2009 through April 2019 were identified in GoogleScholar, reference sections of identified articles, and author libraries with search terms including: "marijuana," "cannabis," "youth," "adolescent," "perceived parental," and "parent."

Eleven studies were identified.<sup>5,6,87,41,56,62,67,83–86</sup> Studies used the National Survey of Drug Use and Health survey (NSDUH),<sup>5,6,62,67,84</sup> Monitoring the Future (MTF),<sup>87</sup> Community Youth Development Study,<sup>56</sup> a survey of American Indian 7<sup>th</sup> – 12<sup>th</sup> graders,<sup>83</sup> Healthy Kids Colorado,<sup>41</sup> and Oregon Healthy Teens survey.<sup>85</sup>

### National Time Trends

Three studies examined perceptions of parental disapproval of youth cannabis use over time.<sup>5,62,87</sup> Although the majority of youth perceived that their parents strongly disapprove of cannabis use, NSDUH data showed a decrease in youth who perceive that their parents strongly disapprove of cannabis use.<sup>62</sup> This survey asked whether their parents would "neither approve nor disapprove," "somewhat disapprove," or "strongly disapprove" if they used cannabis.<sup>62</sup> In 2017, 86.5% of 12-17 year-olds reported their parents would strongly disapprove of them using cannabis once or twice, and 89% reported that their parents would strongly disapprove of them using cannabis once a month or more.<sup>62</sup> This represents a decrease from 2002-2015. Conversely rates of strong parental disapproval increased for cigarette smoking and alcohol use.<sup>62</sup> An earlier analysis (2004-2014) found a decrease in perceived (strongly or somewhat) parental disapproval for current youth cannabis users, but no change for youth overall.<sup>5</sup>



Younger youth consistently report more parental disapproval than older youth (*e.g.* 93.7% of 12-13 year-olds and 76.5% of 16-17 year-olds reported parents would strongly disprove of them trying cannabis once or twice).<sup>56,88</sup>

In 2017, MTF asked 12<sup>th</sup> graders whether their parents would disapprove of their cannabis use. This question had not been asked in the survey for the past 39 years, therefore recent trends could not be assessed.<sup>87</sup> Seventeen percent of 12<sup>th</sup> graders reported that their parents would not disapprove of cannabis use once or twice, and 13% believed their parents would not disprove of regular cannabis use.<sup>87</sup> Compared to the last time this question was asked (mid- to late 1970s), more 12<sup>th</sup> graders believed that their parents do not disapprove of cannabis use.<sup>87</sup>

### Impact of Medical Marijuana Policies

Three studies were identified that assessed whether medical cannabis policies were associated with lower perceptions of parental disapproval of youth cannabis use.<sup>6,67,85,86</sup>

A NSDUH analysis (2004-2013) found that while perceived parental approval of a youth trying cannabis was higher in medicinally legalized states, this finding was not a result of legalization.<sup>6</sup> Rather, Schmidt et al. 2016 found that a national trend toward more permissive perceptions were higher in states that ultimately enacted legalization.<sup>6</sup> Wen et al. 2019 also examined whether there were differences in states that implemented medical cannabis policies compared to those that did not (NSDUH 2004-2012).<sup>67</sup> Researchers found that medical cannabis implementation was associated with a 0.37% increase in youth perceived parental disapproval of cannabis use.<sup>67</sup> Similarly, a small study in Washington state found that parents remained strongly disapproving of youth cannabis following adult-use legalization.<sup>86</sup> In contrast, Paschall et al. 2017 found that parental disapproval decreased in all counties from 2006 to 2015, and levels were lower in counties with more medical cannabis patients and growers using a statewide survey in Oregon.<sup>85</sup>

### Impact of Adult-use Marijuana Policies

Research has not yet fully assessed the impact of adult-use cannabis legalization on youth perceived parental disapproval. One study examined adult-use legalization.<sup>41</sup>

Using Healthy Kids Colorado, Brooks-Russell et al. 2019 examined pre- (2013) and post- (2015) retail cannabis sales and found no difference in perceived parental approval of cannabis use among Colorado high schoolers.<sup>41</sup>



## Impact of Parent Disapproval on Use

Three studies were identified that examined whether youth perceptions of parental disapproval of cannabis use were associated with less youth use (“protective factor”).<sup>56,83</sup> All studies found that youth perceptions of parental disapproval of cannabis use acts as a protective factor against youth cannabis use.<sup>56,83,84</sup>

Wu et al. 2015 examined perceived parental disapproval and cannabis use in NSDUH data (2004-2012) and found parental disapproval was associated with less cannabis use for all racial and ethnic groups except Native Hawaiians/Pacific Islanders.<sup>84</sup> Asian-Americans reported the highest levels of parental disapproval.<sup>84</sup> Guttmanova et al. 2019 found that youth perceptions that their parents did not think it was wrong for them to use cannabis predicted youth cannabis use one year later.<sup>56</sup> In a sample of American Indian youth in 7<sup>th</sup> through 12<sup>th</sup> grade, Stanley et al. 2017 similarly found that students who perceived their parents as disapproving of cannabis use was a protective factor against using cannabis.<sup>83</sup>



## Perception of Friend Approval

*AIM:* This section synthesizes literature on youth perceptions of friends' approval of them using cannabis.

Youth perception that their friends' disapprove of substance use is a protective factor for youth substance use.<sup>89</sup> Therefore, the extent to which youth perceive their peers as disapproving or approving of cannabis is important to monitor. It is also important to know whether changes to cannabis policies impact these perceptions. This section presents findings from U.S. national and state-wide samples published in the past ten years.

### Methods

The search focused on perceived friend approval of cannabis use in the past decade. It also examined whether medical and adult-use cannabis policies impacted perceptions. This section did not examine perceived or true rates of peer's cannabis use. Only studies that directly collected or reported on youth (*i.e.* <18 years-old) were included. Studies published in 2009 through April 2019 were identified in GoogleScholar, reference sections of identified articles, and author libraries with search terms including: "marijuana," "cannabis," "youth," "adolescent," "perceived peer," "peer," "approval," and "friends' approval."

Six studies were identified.<sup>56,62,84,87,90,91</sup> Studies used National Survey of Drug Use and Health survey (NSDUH),<sup>62,84</sup> Monitoring the Future (MTF),<sup>87</sup> the Community Youth Development Study,<sup>56</sup> the national survey of parents and youth,<sup>91</sup> and a non-representative sample of heavy users.<sup>90</sup>

### National Time Trends

Both MTF and the NSDUH measure perceived friend approval.<sup>87,88</sup> MTF asked 12<sup>th</sup> graders, "*How do you think your close friends feel (or would feel) about you [trying marijuana once or twice; smoking marijuana occasionally; and smoking marijuana regularly].*"<sup>87</sup> In 2017, 44% of 12<sup>th</sup> graders reported that their friends would disapprove of them experimenting with cannabis, and 65% reported that their friends would disapprove of them regularly smoking cannabis.<sup>87</sup> The percent of youth perceiving friend disapproval of cannabis use has trended downward in the past decade.<sup>87</sup>



NSDUH also assesses perceptions of close friends' views of cannabis. In 2017, 93% of 12-13 year-olds, 79.1% of 14-15 year-olds, and 63.6% of 16-17 year-olds reported that their close friends would strongly or somewhat disapprove of them trying cannabis once or twice.<sup>88</sup> There was a significant decrease among 14-15 year-olds from 2016 to 2017.<sup>88</sup> A slightly higher proportion of youth reported their close friends would disapprove of them using cannabis once a month or more (*94% of 12-13 year-olds, 81.71% of 14-15 year-olds, and 65.5% of 16-17 year-olds*).<sup>88</sup>

### **Impact of Medical Marijuana Policies**

No studies were identified that assessed if medical cannabis policies were associated with changes in perception of friend approval of cannabis use.

### **Impact of Adult-Use Marijuana Policies**

No studies were identified that assessed if adult-use cannabis policies were associated with changes in perception of friend approval of cannabis use.

### **Impact of Friends' Disapproval on Use**

Four studies were identified that examined whether youth perceptions of friends' disapproval of cannabis use were associated with decreased youth use ("protective factor").<sup>56,84,90,91</sup> All found that perceiving friend disapproved of one's use was a protective factor against youth use.<sup>56,84,90,91</sup> However, researchers note this association is likely impacted by many factors including: having a friend that uses the substance will increase likelihood of use and someone who uses or does not use substances may seek friends with similar behaviors.<sup>87</sup>

Wu et al. 2015 examined perceived close friends' disapproval and cannabis use in NSDUH data (2004-2012) and found that close friend disapproval was associated with less cannabis use for all racial and ethnic groups except among Native Hawaiians/Pacific Islanders.<sup>84</sup> Guttmanova et al. 2019 found that 9<sup>th</sup> graders who perceived their peers as more approving and using more had higher cannabis use rates in 10<sup>th</sup> grade.<sup>56</sup> Additionally, Hohman et al. 2014 found that youth who held a neutral view of cannabis were more likely to be affected by perceptions of close friends compared to those with strongly held positive or negative views of cannabis.<sup>91</sup> In a sample of heavy users in Seattle, Washington, Walker et al. 2011 found that perceived friend approval was associated with use of cannabis, and mediated through self-efficacy in the ability to refuse cannabis.<sup>90</sup>



## Disapproval of Peer Use

*AIM:* This section synthesizes previous literature on trends in youths' disapproval of same-aged youth ("peer") use of cannabis.

Less work has been done on youth attitudes around cannabis and their subsequent use, compared to tobacco and alcohol, or compared to college-aged students and emerging adults.<sup>92</sup> Approval or less disapproval of peers' cannabis use is associated with cannabis use among youth.<sup>62</sup> It is also important to know whether changes to cannabis policies impact youths' disapproval. This section presents findings from U.S. samples within the past ten years.

### Methods

The search focused on youths' disapproval of peer cannabis use in the past decade. It also examined whether medical and adult-use cannabis policies impacted perceptions. Only studies that directly collected or reported on youth (*i.e.* <18 years-old) were included. Studies isolated to small geographic sampling (*e.g.* one county or city) were excluded. Studies published in 2009 through April 2019 were identified in GoogleScholar, reference sections of identified articles, and author libraries with search terms including: "marijuana," "cannabis," "youth," "adolescent," "personal disapproval," "peer," "personal acceptance," "favorable," and "approval."

Six studies were identified.<sup>41,55,56,62,67,84</sup> Studies used the National Survey of Drug Use and Health survey (NSDUH),<sup>62,67,84</sup> Community Youth Development Study,<sup>56</sup> Washington State Healthy Youth Survey,<sup>55</sup> and Healthy Kids Colorado.<sup>41</sup>

### National Time Trends

Two studies examined youth disapproval of same-aged peers' use of cannabis over time, results appear specific to age group.<sup>62,73</sup>

NSDUH asks whether youth "neither approve nor disapprove," "somewhat disapprove," or "strongly disapprove" of their peers using cannabis.<sup>62</sup> In 2017, 78.8% of 12-17 year-olds reported that they strongly or somewhat disapproved of peers trying cannabis once or twice, and 79% reported that they strongly or somewhat disapproved of peers using cannabis once a month or more.<sup>88</sup> This represents a decrease from 2016 perceptions of trying and monthly use of cannabis (80%, 80.2%, respectively).<sup>88</sup>

Importantly, there are differences between younger and older youth.<sup>73</sup> Older youth consistently report less disapproval of peer substance use compared to younger youth. Nearly 94% of 12-13

year-olds and 65% of 16-17 year-olds reported that they strongly or somewhat disapproved of peers trying cannabis once or twice in 2017.<sup>88</sup> Further, the decrease in disapproval of peer use between 2016 to 2017 was only significant among 14-15 year-olds.<sup>88</sup>

Additionally, Salas-Wright et al. 2016 note that separate analysis of “strong disapproval” and “somewhat disapproval” rather than treating them as one category impacts results.<sup>73</sup> In their analysis of 2002 to 2013 NSDUH data, Salas-Wright et al. 2016 found an increase in strong disapproval among younger youth between 2002 and 2013.<sup>73</sup> However, they observed a decrease in strong disapproval among older youth between 2009 and 2013, driven by decreases in disapproval among 17 year-olds, which returned to 2002 levels.<sup>73</sup> Authors conclude that youth trends towards permissiveness have not been similarly affected as adults.<sup>73</sup>

MTF asks about disapproval of use by adults 18 years old and older, but does not ask about peer use disapproval.<sup>87</sup> Therefore, results are not included in this section.

### **Impact of Medical Marijuana Policies**

One study was identified that attempted to determine if medical cannabis policies were associated with a change in youth approval of peer cannabis use.<sup>67</sup>

Wen et al. 2019 examined NSDUH data (2004-2012) and found that there was no change in youth acceptance of peer cannabis use following medical cannabis legalization.<sup>67</sup>

### **Impact of Adult-use Marijuana Policies**

Research has not yet fully assessed the impact of adult-use cannabis legalization on peer disapproval. Two studies examined adult-use legalization.<sup>41,55</sup>

Brooks-Russell et al. 2019 assessed how youth perceived cannabis use by same-aged peers before (2013) and after (2015) adult-use implementation, and found no effect of adult-use legalization in Colorado (Healthy Kids Colorado).<sup>41</sup> In Washington state, Fleming et al. 2016 found that youth reported less or similar perceived peer wrongness following legalization.<sup>55</sup> Similarly to perceived harm, where this measure once tracked cannabis use (which has decreased), it has since diverged.<sup>55</sup> However, authors note that this could be due to the increased medical cannabis market in 2009 and/or adult-use legalization in 2012. Authors additionally note that these recent changes might reflect the effects of rapid expansion of the medical cannabis market after 2009 and the legalization of recreational cannabis in 2012.<sup>55</sup>



## Impact of Disapproval of Peer Use

Three studies were identified that examined whether youth disapproval of peer use of cannabis was associated with decreased youth use (“protective factor”).<sup>15,55,84</sup> All found that youth disapproval of cannabis use was associated with decreased cannabis use.<sup>15,55,84</sup>

In a longitudinal cohort, youth were asked how wrong they think it is for someone their age to smoke cannabis, Guttmanova et al. 2019 found that more accepting attitudes preceded use one year later at most years measured.<sup>15</sup> Heavy cannabis use was also associated with increased approval and other perception risk factors one year later.<sup>15</sup>

Wu et al. 2015 examined disapproval of cannabis use by same-aged peers and self-reported cannabis use in NSDUH data (2004-2012) and found that disapproval was associated with less cannabis use for all racial and ethnic groups.<sup>84</sup> Fleming et al. also looked this association among Washington state youth, and similarly found an association.<sup>55</sup>

## Overview: Methods and Types of Use

### Inhalation

#### Smoking

Smoking cannabis refers to the combustion of cannabis flower and the inhalation of smoke emitted. Among youth users, smoking is the most common method of cannabis consumption.<sup>93</sup> There are an array of devices and methods used to smoke cannabis and each method will affect the amount of smoke inhaled.

In the U.S., joints and blunts typically refer to cannabis rolled in a paper for smoking.<sup>94</sup> Blunts are cannabis rolled in cigar paper made from tobacco leaves.<sup>94</sup> Spliffs contain both cannabis and tobacco. Hand pipes are another common smoking device, which are often made of glass, clay, wood, or stone.<sup>95</sup> Water pipes work similarly to hand pipes, but incorporate water (*e.g. bongs, bubblers*).<sup>95</sup> Hookahs are a relatively uncommon method of cannabis consumption.<sup>95</sup>

#### Vaporizing

Vaporizers are a more recent device for cannabis consumption. Vaporization is a process that occurs by heating cannabis to a temperature where cannabinoid oils (*e.g. THC and CBD*) are released but the cannabis does not combust.<sup>95</sup> Vaporizers minimize certain health risks associated with combustion, and reduce odors (in comparison to smoking).<sup>95</sup> There are a variety of vaporizers available. Portable vaporizers are comparable to e-cigarettes and are used more commonly than fixed devices. Fixed devices require an outlet power source and are usually more durable and larger. Many portable vaporizers use cannabis concentrates including butane hash oil (BHO) rather than flower.

“Dabbing” is another vaporization process for cannabis consumption. Dabbing is a form of vaporization in which cannabis concentrates are administered to a heated “nail,” creating vapor that the user then traps in a glass globe and inhales. Dabbing is a much more potent method to consume cannabis compared to other vaporizing methods or smoking.

## Oral Delivery

### Edibles

Edibles refer to any food or beverage that contains cannabis and consumed orally. The effects from drinking or eating cannabis are delayed compared to smoking or vaporizing methods, where cannabis enters the bloodstream immediately. Edibles must be digested and metabolized before they are absorbed into the bloodstream, and therefore take a longer time for users to feel effects. Individual metabolic rates also impact the timing of effects. Since cannabis is fat-soluble, edibles may be infused with ingredients high in fat, such olive oil or butter, which enable the extraction of cannabinoids. Edibles are typically made with concentrates that have high levels of THC;<sup>95</sup> However, edibles may be produced with cannabis flower.

### Tinctures

Tinctures are a fast-acting liquid cannabis extract taken orally. Generally tinctures are alcohol-based meaning the cannabis is dissolved in alcohol; However, fat-soluble liquids, such as glycerol or vinegar can be used.<sup>95</sup> Tinctures require time to process through the liver, which reduces dosage control.<sup>95</sup>

### Ingestible Oils

Ingestible oils commonly come in tablet or pill form and are swallowed and digested by the user.<sup>95</sup> Options include but are not limited to effervescent tablets and capsules with concentrated oils. Effervescent tablets are a water-based cannabinoid delivery method in which the tablet is dissolved in a non-carbonated beverage prior to ingestion. Capsules are pre-filled with cannabis concentrate to specific doses.



## Cannabis Concentrates

### Kief

Kief is a cannabis concentrate consisting of the resin glands found on the trichomes of cannabis flower.<sup>96</sup> Trichomes are the fine outgrowths or appendages on the cannabis flower that produce cannabinoids, terpenes, and flavonoids.<sup>96</sup> Kief is also referred to as dry sift or pollen.

### Hash

Hash is the oldest and most well-known cannabis concentrate, it is more potent than cannabis flower but less potent than butane hash oil. Hash or hashish may be produced from kief by compressing the resin into bricks. It remains popular among cannabis consumers worldwide.<sup>97</sup>

### Butane Hash Oil (BHO)

Butane hash oil is a potent concentrate that may be consumed through vaporization through a process called dabbing.<sup>98</sup> Dabs are concentrated doses of cannabis produced by extracting cannabinoids using solvents like butane. Butane extraction leaves behind a wax that varies in consistency (*e.g. honeycomb, shatter*).<sup>99</sup> Amateur production can be very dangerous and may result in poor quality oil, which may contain excessive amounts of residual solvents or contaminants that could be hazardous to consume.

### CO2 Oil

CO2 extracted oil is a relatively new concentrate on the market. It is produced by extractors which use pressure and carbon dioxide to separate plant material. The CO2 extraction process is called supercritical fluid extraction and has been shown to be one of the most effective ways of reducing cannabis to its essential compounds.<sup>98</sup> CO2 oil is commonly vaporized in portable vaporizer pens via disposable cartridges containing a mixture of CO2 oil and polypropylene glycol giving the oil a liquid consistency.

\*Note: This does not represent an exhaustive list of cannabis concentrates. More research is needed.

## Trends in Youth Methods of Use

*AIM:* This section synthesizes the literature around trends in methods of use for cannabis consumption among youth.

Understanding youth cannabis use patterns are critical for evidence-based prevention efforts. This section examines methods of cannabis delivery, frequency of cannabis consumed, and types of cannabis product consumed by youth. Identified studies examine smoking/combustion, vaporization, and edible use methods, and included cannabis flower, butane hash oil (BHO), and edibles. Gaps in the literature exists around less common and newer use methods (*e.g. dabbing*).

This section also reviews prevalence rates and changes in youth methods of cannabis consumption over time. Health professionals should be aware that youth may use a spectrum of combustible and alternative cannabis products.<sup>100</sup> Among alternative products (non-smoked flower), both edibles and concentrates are rising in popularity among youth users.<sup>100</sup> This section is limited to trends in youth methods of consumption of cannabis products and only briefly discusses co-use use of nicotine and cannabis.

### Methods

The search focused on prevalence of youth cannabis use and changes in methods of consumption over time. Literature reviews were collected from 2013-September 2018. Observational studies were collected from 2014-September 2018. One case-report study was included in this section that reported on an instance of lung injury from inhalation of BHO in an 18-year-old female.<sup>101</sup> Reviews on polysubstance use outside of tobacco and cannabis were excluded from this section [see subsection: *Youth Cannabis Co-use Trends*].

### Findings

Most literature identified in this section were observation studies with cross-sectional data collected from survey responses. The included literature reviews focused on methods of delivery and trends in cannabis products and user characteristics.

Five literature reviews were identified.<sup>102–106</sup> A variety of outcomes were assessed, including: trends in cannabis concentrate use; trends in vape-pen use; edibles benefits and risks; associated health risks of BHO inhalation and amateur production; polyuse of different cannabis products; frequency of use; and sociodemographic information.



Thirteen studies were identified.<sup>50,63,111–113,82,93,100,101,107–110</sup> Five studies were cross-sectional and identified prevalence rates of youth cannabis use, sociodemographic correlates of use, poly-use of cannabis products, and associations between legal cannabis policy provisions and youth consumption of cannabis.<sup>50,93,100,107,113</sup> Two studies focused exclusively on youth edible use.<sup>82,108</sup> Three studies focused exclusively on butane hash oil (BHO), insights into use of BHO, amateur production techniques, and user characteristics.<sup>109,112,114</sup> Two studies identified vaporization trends, particularly e-cigarette use to vaporize cannabis among college students,<sup>111</sup> and predictors of use.<sup>110</sup> The final observational study assessed youth perceptions of harm and driving under the influence.<sup>63</sup> One case-report study was identified.<sup>101</sup> Anderson et al. 2019 reported on a previously healthy 18-year-old female that was admitted to the emergency department with shortness of breath for three to four days after BHO inhalation via dabbing.<sup>101</sup>

Among the observational studies, samples varied across the U.S., Canada, and Australia. Samples in this section included: Colorado high school students; Ontario high school students; high school students from Victoria, Australia; Los Angeles County 10<sup>th</sup> graders; and U.S. nationally representative samples of youth.<sup>50,93,100,107,113</sup> Cohorts varied and included: recreational users, heavy users, occasional users, regular users, ever-users (*used cannabis once in their lifetime*), abstaining users, and non-cannabis users.<sup>50,93,100</sup> All observational study sample sizes were in the thousands, with the largest sample including (n=181,870).<sup>109</sup>

### National Prevalence of Youth Cannabis Use

After alcohol, cannabis is the most commonly used substance among youth. As with many illicit substances, cannabis use is more common among older youth (ages 15-18) than younger youth (ages 12-14).<sup>107</sup> The National Institute of Drug Abuse (NIDA) reported that in 2018, 5.6% of 8<sup>th</sup> graders, 16.7% of 10<sup>th</sup> graders, and 22.2% of 12<sup>th</sup> graders reported cannabis use in the last month.<sup>115</sup> Rates are higher in Massachusetts than the national average [See *Chart V.B.3. MA High Schoolers Current Cannabis Use by Grade, YRBS 2007-2017*].

Results from the 2018 Monitoring the Future (MTF) showed that youth cannabis use peaked in 1996/97 (depending on grade), decreased through 2007/08, increased through 2010-2013, decreased and held steady among 8<sup>th</sup> graders, decreased among 10<sup>th</sup> graders then increased in 2017 and 2018, decreased among 12<sup>th</sup> graders until 2015 then increased until 2017, and decreased in 2018.<sup>68</sup> Unlike tobacco or alcohol use, cannabis use rates among 12<sup>th</sup> graders is higher than it was ten years ago.<sup>68</sup>



Cannabis flower is consistently found to be the most common cannabis product used by youth with smoking as the primary use method.<sup>50,93,100,102,105,107,116</sup> In a sample of 10<sup>th</sup> graders, Peters et al. 2018 found that use prevalence was highest for smoked cannabis followed by edibles and then vaporized cannabis; results were consistent among ever-users and past 30-day users; the majority of users (61.7%) reported using multiple delivery methods.<sup>100</sup>

Sociodemographic correlates of cannabis use vary. Several studies reported prevalence of cannabis use via alternative delivery methods is increasing but unequally among sociodemographic groups.<sup>50,68,104</sup> Peter et al. 2018 found that low socioeconomic status was associated with higher prevalence rates of cannabis use in both ever-users and past 30-day users for combustion and edibles but not vaporization.<sup>100</sup> Johnson et al. 2015 found a higher prevalence of cannabis use among Black, Hispanic, American Indian/Alaska Native, and multi-racial youth, and lower prevalence among Asians compared to Whites.<sup>113</sup> In regard to gender, the historic gap where males had higher use rates than females is closing or has closed.<sup>113</sup> Peters et al. 2018 found males had higher prevalence of ever-use for vaporizing cannabis whereas females had higher prevalence of ever-use for edibles and smoking.<sup>100</sup>

## Edibles

Edibles are defined as any food product that contains cannabis extract. In recent years edibles have grown in popularity and proven lucrative in the legalized market for adult-use and medicinal cannabis.<sup>104</sup> Edibles are often perceived as a discreet way of attaining cannabis' effects without exposure to the harms from combustion.<sup>104</sup> Where the onset of effects from inhalation occur almost immediately, edible's (ingested cannabis) effects are lagged, therefore dosing is more challenging and risk of over-consumption is increased. Barrus et al. 2016 reported that some consumers are unaware of the delayed onset of effects and may consume larger quantities than intended resulting in adverse effects.<sup>104</sup>

The popularity of edibles is notable in states that have legalized adult-use or medicinal cannabis.<sup>104</sup> Barrus et al. 2016 notes that the use of edibles is likely underestimated when examining purchase data as direct purchases of cannabinoid-infused oil or cannabis used to make homemade edibles are not tracked.<sup>104</sup>

No national estimates of youth edible use were identified. Johnson et al. 2016 used a 2013 survey of Colorado high schoolers (n= 25,197) to assess the prevalence of modes of cannabis consumption among youth. Findings from this study indicate that 15% youth cannabis users usually used an alternative cannabis delivery method(s) rather than smoking, 5% of respondents



reported that their usual mode of consumption was edible ingestion.<sup>93</sup> Friese et al. 2017 analyzed California Healthy Kids Survey data collected in one Northern California school district and found that among lifetime cannabis users, 72% reported consuming edibles and 82% of past 30-day cannabis users reported ever using edibles.<sup>108</sup> Edible users also reported earlier age of cannabis use initiation and more frequent attempts to cease cannabis use.<sup>108</sup> Peters et al. 2018 found that in a sample of Los Angeles high school students, 21.3% reported using an edible at least one time (n=3,177).<sup>100</sup> In a San Francisco focus group study about edible use, respondents (15 to 17-year-olds) indicated edibles could be purchased at school from students who produced their own or who were selling edibles obtained from a store.<sup>82</sup>

It is uncommon among youth to use edibles as their primary method of cannabis consumption. Peters et al. 2018 reported that among 10<sup>th</sup> grade participants who reported ever using cannabis, 61.7% used multiple administration methods.<sup>100</sup> Smoking cannabis flower and consuming edibles were the most common methods of consumption.<sup>100</sup> All studies identified for this section that measured prevalence for methods of use, reported that edible use is considerably higher among heavy cannabis users than moderate users and females reported higher rates of lifetime edible use.<sup>100</sup>

Youth perceptions of edible consumption differ from perceptions of other methods of use and between cohorts. Friese et al. 2017 reported that edible users and non-users differed in their perceptions of risk and non-edible users perceived edible use as very risky.<sup>108</sup> Johnson et al. 2016 also found that Coloradan youth users who perceived cannabis as more harmful were more likely to use edibles, perhaps suggesting that these youth saw smoking as more risky than edible consumption.<sup>93</sup>

### **Butane Hash Oil (BHO): Dabbing**

Butane hash oil is a potent concentrate that can be vaporized through a process called dabbing. Dabs are concentrated doses of cannabis made by extracting the cannabinoids using solvents, such as butane (butane is used in production of BHO rather than during user administration and mostly eliminated from the product before use).<sup>106</sup> The term dabbing refers to the process used to consume BHO. The dabbing process commonly consists of a user placing a hollow titanium cylinder referred to as a “nail” into the open end of a modified water pipe referred to as a “rig,” the “nail” is heated by a blowtorch to a high temperature, quickly emitting a small amount of vaporized BHO.<sup>106</sup> Users of BHO typically inhale their entire amount in a single breath, administering very high quantities of THC in one breath rather than an extended period (*e.g. multiple inhalations of a joint*).



Some cannabis users manufacture BHO on their own through a process known as “blasting.”<sup>106</sup> Amateur blasting can lead to increased impurities in the product from inadequate purging of butane during production.<sup>106</sup> Fire is another risk associated with amateur production. Amateur blasting techniques may result in volatile butane pooling in confined spaces and ignite when exposed to a spark.<sup>112</sup> Fires, explosions, and severe burns have been linked to home production of BHO.<sup>106</sup>

Stogner et al. 2015 noted a lack of scientific literature around BHO, which can have THC concentrations of 80% or higher.<sup>106</sup> Users of more potent cannabis may experience higher levels of harms. For example there is an association between high potency cannabis and psychosis, although causality is unknown.<sup>109</sup> Dabbing requires a high-temperature blowtorch to heat the nail. Temperatures can range between 900-1075°F. At extremely high temperatures, terpenes (*i.e. aromatic cannabis oils*) degrade into byproducts including carcinogens and lung irritants (*e.g. methacrolein, benzene*).<sup>101</sup> Inhalation of high levels of methacrolein and benzene can lead to acute respiratory failure. For example, cases of severe pneumonitis have been reported after inhalation of BHO, which required users to be hospitalized.<sup>101</sup>

Chan et al. 2017 examined the characteristics of BHO users and found that mental health problems and other illicit substance use were associated with use of BHO (n=5,922).<sup>109</sup> Self-reported mental health problems included anxiety and depression, and users were also more likely to have lower education levels.<sup>109</sup> BHO users reported stronger negative effects and less positive effects when using BHO compared to cannabis flower.<sup>109</sup> However, some users may believe dabbing is safer than smoking cannabis flower as they are inhaling vapor and not smoke from burned cannabis.<sup>101</sup>

There are major gaps in research on youth dabbing behaviors. Existing observational research into dabbing BHO predominantly report on young adults (*ages 18-24*). Scientific literature on youth BHO use identified in this section also primarily reports on BHO vaporization through hand-held vaporizers (*i.e. e-cigarettes*).

## Vaping Cannabis

E-cigarettes are pen sized handheld vaporizers that heat liquid or solid preparations via atomizers (*heating coils*) to allow a user to inhale psychoactive aerosols (*e.g. nicotine, THC*).<sup>50</sup> E-cigarette use has reached epidemic proportions. In 2018, the FDA reported that over three million middle and high school students were current e-cigarette users.<sup>117</sup> E-cigarettes were originally intended to vaporize tobacco products, in particular, a liquid mixture known as “e-juice.” E-juice is

generally a compound of water, food grade flavoring, a choice of nicotine dosage, and propylene glycol or vegetable glycerin. Recently, more technologically advanced e-cigarettes have emerged enabling users to vape cannabis products, including: ground cannabis flower, BHO, and other cannabis concentrates.<sup>103</sup> Cannabis e-juice (cE-juice) generally consists of BHO and diluted medical grade propylene glycol.<sup>103</sup>

Johnson et al. 2016 found that among Colorado high schoolers reporting past 30-day cannabis use, 6.2% reported vaporizing as their usual mode of consumption.<sup>93</sup> Males, Whites, Asians and 12<sup>th</sup> graders were more likely to report vaporizing cannabis in this sample.<sup>93</sup> In a different survey (2014) of Connecticut high schoolers current cannabis users, 5.4% reported vaporizing cannabis using an e-cigarette.<sup>110</sup> Young adults appear to use e-cigarettes at higher rates than high schoolers.<sup>111</sup>

One driver of e-cigarette use is the belief that it is safer method of consumption than smoking cigarettes. This perception of low risk of harm seems to have transferred to vaping cannabis as well. Johnson et al. 2016's results suggest that youth may be using vaporizers as a way to reduce the harm associated with smoking cannabis.<sup>93</sup> Additionally, e-cigarette vaporization reduces odor and devices are easily concealed compared to combustion. Cannabis users can discretely vape deodorized cannabis extracts and decrease chance of detection.<sup>103</sup>

Survey responses from the 2017 MTF were the first national estimates of youth cannabis vaping. Results indicated that 10% of 12<sup>th</sup> graders, 8% of 10<sup>th</sup> graders, and 3% of 8<sup>th</sup> graders vaped cannabis in the past year.<sup>118</sup> Richard Miech, the Principal Investigator of the study, states that vaping has progressed well beyond a cigarette alternative.<sup>119</sup>

### **Inconsistencies and Research Gaps**

Overall, identified studies in this section had good external validity and reported consistent prevalence rates of youth cannabis use. Current research in youth methods of use for cannabis consumption is considerably lacking, particularly in youth ages 12-14 and for non-smoking consumption methods.

Inconsistencies were found in reported perceptions of harm among males and females regarding alternative cannabis delivery methods. Important limitations included: sample bias and uncontrolled confounding variables. Additionally, all prevalence rates were calculated from self-reported survey responses. Identified gaps in scientific literature include youth BHO dabbing prevalence and behavior. Research gaps led to sample-level characteristic inconsistencies including different age samples and variation in use patterns.



## Overview: Patterns of Use

### Co-Use vs. Polysubstance Use

Polysubstance use is defined as the act of using three or more psychoactive substances in a defined period of time; co-use is defined as the use of two substances. Polysubstance dependence is not the same as polysubstance use. A person with polysubstance dependence is an individual diagnosed with a psychological addiction to being in an intoxicated state without a preference for one particular substance (DSM-5).

### Complementary and Substitution Effects

Complementary and substitution are terms used to categorize patterns of co- or poly-substance use. When an individual uses a substance in conjunction with another, and/or to enhance the effects of another, they are using them as “complements.” Therefore, increased use in one substance will increase use of another. In contrast, if an individual uses one substance in place of another, they are using them as “substitutes.” If substances act as substitutes, increased use of one substance will decrease use of another.

### Cannabis and Tobacco

Cannabis and tobacco are among the most widely used psychoactive substances by youth and are often used as complements. Among U.S. youth, co-use of cannabis and tobacco is more prevalent than tobacco-only or cannabis-only use.<sup>120</sup>

### Cannabis and Alcohol

Alcohol is the most widely used psychoactive substance among youth. Alcohol and cannabis appear to be used as both substitutes and complements among youth, with findings diverging between studies.<sup>121</sup> However, the majority of youth reporting both alcohol and cannabis use in a National Alcohol Survey (2005, 2010), reported having used the two substances simultaneously (“co-use”).<sup>122</sup> Co-use is associated with worse outcomes than using either substance alone.<sup>122</sup>

### Cannabis and Other Substances

The scientific literature lacks research about the co-use of cannabis and other substances including stimulants, depressants, narcotics, and inhalants. Among youth, rates of using other



substances are decreasing and the misuse of narcotics decreased significantly over the last five years.<sup>68</sup> The relationship is important to assess because daily use of cannabis in youth is associated with increased odds of using “other substances” and development of a substance use disorders as an adult.<sup>123</sup>



## Youth Cannabis Co-use Trends

*AIM:* This section synthesizes and builds upon previous literature reviews to examine trends in youth polysubstance use of cannabis and other psychoactive substances.

In research, the youth (“adolescent”) cohort usually includes individuals aged 12-18 years-old. Polysubstance use is defined as the act of using three or more psychoactive substance in a defined period of time. Complementary and substitution are terms used to categorize patterns of substance use. When use of one substance increases use of another substance, they are “complements.” When an individual uses a substance to replace or instead of another substance, they are using them as “substitutes.”

This section reviews the scientific literature assessing the trends in substitution and complementary substance use of cannabis and other psychoactive substances among youth. This section focuses primarily on youth use of cannabis, tobacco, and alcohol. Use of cannabis and other illicit substances is not well researched in youth populations and represents a gap in the scientific literature.

This section is limited to youth trends in substance use and only briefly discusses trends in young adults ages 18-25 (“emerging adults”). Youth polysubstance use is associated with an increased risk of developing substance use disorders in adulthood. There is also concern about the long-term health effects of polysubstance use on cognitive functioning and working memory; However, this area of research is outside the scope of this report and will not be discussed further.

## Methods

The search focused on the trends associated with youth co- or poly-substance use of cannabis and other psychoactive substances. Other psychoactive substances included: tobacco, alcohol, stimulants, depressants, narcotics, and inhalants. Literature reviews were collected from 2011-June 2016. Observational studies were collected from 2015-September 2018. This report’s section on youth co-use of cannabis and alcohol follows and extends Subbaraman et al.’s 2016 systematic literature review, which includes 39 studies between 1994-2015.<sup>121</sup> The section on use of cannabis and tobacco extends Ramo et al.’s 2012 review, which included 163 articles published between 1999-2009.<sup>124</sup> Observational studies conducted prior to Colorado and Washington’s adult-use cannabis legalization in 2012 were excluded due to the potential effects these policies have on substitution and complementary substance use.



## Findings

The majority of scientific literature included in this report were observation studies with cross-sectional survey data. The literature reviews focused on analyzing patterns of co- and poly-substance use and implications of drug policy reform.

Four literature reviews were identified.<sup>121,124–126</sup> One study was a systematic review<sup>124</sup> and three were nonsystematic reviews.<sup>121,125,126</sup> Outcomes assessed included: age of onset, psychosis spectrum, correlates and consequences of co-use, and the associations of changing cannabis legislation and how individuals co-use substances.<sup>121,124–126</sup> One study reviewed the impacts of changing cannabis policies on substitution and complementary alcohol use.<sup>125</sup>

Twelve observational studies were identified.<sup>109,123,134,135,126–133</sup> Five studies focused on co-use of cannabis and tobacco.<sup>126,129–131,135</sup> Three studies focused on co-use of cannabis and alcohol.<sup>132,133,135</sup> Two studies focused on co-use of cannabis and other illicit substances; other illicit substance included: opiates, cocaine, stimulants, hallucinogens, inhalants, and sleep medication.<sup>123,134</sup> Two studies focused on concurrent polysubstance use of cannabis, tobacco, and alcohol.<sup>127,128</sup>

Samples varied and included: recreational cannabis users, medicinal cannabis users, co-users of cannabis and alcohol,<sup>132,133</sup> co-users of cannabis and tobacco,<sup>126,129–131</sup> co-users of cannabis and other illicit substances, and lastly polysubstance (three or more substances) users.<sup>123,134</sup> All samples were taken from the U.S. and/or Canada. Most sample sizes were in the thousands with the largest including (n=176,245) participants.<sup>120</sup> Two sample sizes were under 1,000 participants.<sup>127,133</sup>

## Cannabis and Alcohol

More research is also needed on cannabis and alcohol co-use patterns in youth. Alcohol and cannabis co-use is critical to monitor as co-users are at a higher risk for negative outcomes including more substance use, greater risk of substance use disorder, lower rates of high school completion, among other negative outcomes compared to alcohol only use.<sup>122,135</sup>

Co-use of alcohol and cannabis occurs among youth, but risk and protective factors are not yet clear. A NSDUH sample from 2011-2014 found that cannabis and alcohol co-users made up approximately 13% of youth. For comparison 38% reported alcohol only use and 10% reported cannabis only use.<sup>135</sup> Cannabis and alcohol co-use were more likely to be male and African



American.<sup>135</sup> In Monitoring the Future (MTF), (1976-2016), Patrick et al. 2018 found that among youth who used alcohol and/or cannabis in the past-year, 32.8% reported simultaneous alcohol and cannabis use (*11.2% reported binge drinking and cannabis use*).<sup>132</sup> Simultaneous alcohol and cannabis users were associated with a higher likelihood of truancy (*unexcused absence*), evenings out, and use of other illicit substances.<sup>132</sup> Simultaneous users were more likely to be White than either Black or Hispanic in this sample.<sup>132</sup>

Whether alcohol and cannabis are used as substitutes or complements is often debated and the current literature appears mixed. In a systematic review of the literature, Subbaraman 2016 found mixed results as to whether youth should complementary or substitution effects with alcohol and cannabis.<sup>121</sup> Another review found evidence of both substitution and complementary effects associated with cannabis policy changes.<sup>125</sup>

In more recent research, a MTF study found evidence of complementary use.<sup>132</sup> In contrast, O'Hara et al. 2016 found evidence of substitution effects.<sup>125,133</sup> Findings remain inconclusive and additional research is needed.

### Cannabis and Tobacco

More research is needed to elucidate the relationship between cannabis and tobacco use in youth. Among 8<sup>th</sup>, 10<sup>th</sup>, and 12<sup>th</sup> graders, lifetime, 30-day (“current”), and daily cigarette use are at historic lows yet cannabis use has not followed the same linear decline.<sup>136</sup> Cannabis and tobacco co-use is of concern because research finds that youth co-users report worse outcomes than either single substance-user (*e.g. more substance use, greater psychological symptoms, and behavior problems*).<sup>124,135</sup>

In NSDUH, use of both cannabis and tobacco (*may or may not be simultaneous*) did not increase among youth from 2005 to 2014, despite an increase in cannabis-only use and a decline in tobacco-only use.<sup>120</sup> However use of cannabis and tobacco was more prevalent than tobacco-only or cannabis-only users, suggesting that many youth users are using both substances.<sup>120</sup> A different sample from 2011-2014 found that cannabis and cigarette users made up approximately 5% of current youth substance users, and were more likely to be male.<sup>135</sup> This sample found no differences between Black, Hispanic, or White cannabis and tobacco concurrent (*not necessarily simultaneous*) user rates.<sup>135</sup> In contrast, a 2012 systematic review found that cannabis and tobacco was greater among Black cohorts.<sup>124</sup> More research is needed around risk and protective factors of tobacco and cannabis co-use.



Current research suggests that tobacco and cannabis use is more common in young adults compared to other age groups.<sup>124</sup> Young adults reported using both tobacco and cannabis for a number of reasons including: cannabis use increased the urge to use tobacco, tobacco use increased the urge to use cannabis, and the act of smoking cigarettes helped cope with cannabis urges.<sup>129</sup> Some co-users (31%) reported tobacco use as a means to prolong and sustain cannabis' effects.<sup>129</sup> The most common reasons for co-use of cannabis and tobacco reported were: synergistic effects, complementary use, using one to reduce the other's use, co-administration (*i.e. blunts or spliffs*) and experimentation.<sup>129</sup> From 2005-2014, co-use was associated with higher prevalence of past-year cannabis dependence.<sup>120</sup>

Wang et al. 2016 found that there was a higher proportion of cannabis and tobacco co-users in states with legal medical cannabis compared to states without medical use cannabis, and found that the odds of co-use were highest among youth compared to other age groups.<sup>131</sup>

### Cannabis and Other Substances

Research around cannabis and other substance co-use in youth lacks, especially in comparison to research regarding single substance use. For example, MTF results indicate that the use of inhalants (*e.g. sniffing glue, gases or sprays*) among 8<sup>th</sup> graders is increasing and are more common among younger youth. Johnston et al., 2018 reported that perceptions of risk from using inhalants have steadily been decreasing among youth, and in from 2016 to 2017 the percent of 8<sup>th</sup> grade students who had ever used inhalants in their lifetime increased from 7.7 to 8.9%, however this follows a downward trend from 1994.<sup>137</sup> Heroin use and misuse of prescription opioids has been declining among youth but the rate of decline is slowing.<sup>68</sup>

Knowledge regarding cannabis and other substances is still developing. Palamar et al. 2015 examined whether reasons for recent cannabis use are associated with other illicit substances including: crack, hallucinogens other than LSD, and amphetamine/stimulants and found using “to experiment” decreased the likelihood of reporting use of other substances; using cannabis for “insight” increased the likelihood for use of hallucinogens other than LSD and use due to “boredom” increased the odds for reporting use of cocaine and hallucinogens.<sup>134</sup>

Use of cannabis has been associated with other substance use in youth and emerging adults; Tzilos et al., 2014 examined the relationship between cannabis use frequency and the use of six other substance classes including: cocaine, opiates, stimulants, hallucinogens, inhalants, and sleep medications.<sup>123</sup> Tzilos et al. 2014 found that daily cannabis use was associated with an

increase in the expected odds of opiate, cocaine, stimulant, hallucinogen, inhalant, and tobacco use.<sup>123</sup>

Several studies found associations between polysubstance use in youth, the psychosis spectrum, and increased odds of substance use disorders in adulthood.<sup>127,128,138</sup> The likelihood of developing substance use disorders in adulthood increased with earlier age of cannabis initiation.<sup>138</sup> Cannabis use by itself was not associated with increased odds of a psychosis spectrum classification.<sup>128</sup> Polysubstance use of cannabis, tobacco, and alcohol in youth was associated with increased odds of psychosis spectrum classification.<sup>128</sup>



## VIII. Research Gaps

After a comprehensive review of the state of science regarding youth cannabis use, the Cannabis Control Commission's Research Department, with consultation and collaboration with varying researchers, highlight the following gaps in our collective knowledge that should be addressed in order to guide the development of evidence-based policy decisions.

### Consideration 1: Impacts may be lagged

- Provided the recency of adult-use cannabis policies, research has not yet fully assessed their impact on youth cannabis-related perceptions or use pattern changes, such as changes to product types/methods used and changes to potency of products used.  
[See Section VI. Cannabis Legalization and Youth Use Overview]
  - More research with extended follow-up periods is needed to assess potentially lagged impacts of legalization.
- Any changes to use of highly potent products and consumption methods (*e.g. dabbing*) should be monitored.  
[See Section VII. Literature Reviews subsection Trends in Youth Methods of Use]

### Consideration 2: Youth will not all be affected equally

- Research with individual-level data is needed.
- Research on cohorts that may be more affected by cannabis policy changes is needed (*e.g. youth seeing treatment for substance use disorders; youth who work; youth in the juvenile justice system*).  
[See Section VI. Cannabis Legalization and Youth Use Overview]
- More specific outcomes should be assessed among youth cohorts, including the frequency of use, co- or poly-substance use, changes to potency of products used, and changes to method(s) of consumption.  
[See Section VII. Literature Reviews subsections Trends in Youth Methods of Use, Youth Cannabis Co-use Trends]

### Consideration 3: Cannabis use occurs in context

- Research that examines localized impact(s) of policy and regulatory environments, including state, municipality, and neighborhood at the individual-level is needed.
  - For example, research should consider the impact of cannabis banned in a youth's municipality and the density of retail stores in their proximity (*i.e. municipality, neighborhood, etc.*).  
[See Section VI. Cannabis Legalization and Youth Use Overview]

- Research is needed on cannabis and other substance use behaviors, including any complementary and/or substitution effects.  
[See *Section VII. Literature Reviews subsection Youth Cannabis Co-use Trends*]
- National level research should incorporate and/or adjust for cannabis policy and regulation heterogeneity. This would include understanding the regulatory and implementation period(s) specific to the timeframe of the stud.  
[See *Section VI. Cannabis Legalization and Youth Use Overview*]
- Additional research on best practices for youth cannabis use prevention and interventions efficacy is needed (*e.g. SBIRT*).  
[See *Section IV. Data Sources and Limitations*]



## IX. Public Health Framework

There are inherent challenges to legalizing and regulating a formerly illicit substance.<sup>139</sup> Any implementation and regulation of cannabis policy(s) requires careful consideration to potential public health effects with special attention to vulnerable cohorts, such as youth. Legalizing and regulating substances with dependence potential are often in juxtaposition to public health policy approaches since the minority of very heavy users (dependent users) account for the majority of consumption, which generates the greatest tax revenue<sup>140</sup> as evidenced by the tobacco and alcohol industries.<sup>7</sup> However, states can proactively implement evidence-based processes to counter adverse public health outcomes.

The public health prevention model is an inclusive model targeting the overall health of the public at large rather than an individualized or small group prevention model. Nurse and Edmondson-Jones 2007 discuss the importance of a framework in public health delivery.<sup>141</sup> Authors state that a framework assists in providing shape, structure, clarity of purpose, and direction for a combination of constructs to improve the health of a population, which includes a complex combination of skills, methods, relationships, and interactions.<sup>141</sup> Public health frameworks work within varying systems that surround an individual and affect individuals' behaviors, aiming to impact his/her choice(s) to partake in a behavior.<sup>141-144</sup>

### Key Standards of Public Health

The 10 key standards of public health<sup>141</sup>

- *Surveillance and assessment of the population's health and well-being;*
- *Promoting and protecting the population's health and well-being;*
- *Developing quality and risk management within an evaluative culture;*
- *Collaborative working for health;*
- *Developing health programs and services and reducing inequalities;*
- *Policy and strategy development and implementation;*
- *Working with and for communities;*
- *Strategic leadership for health;*
- *Research and development; and*
- *Ethically managing self, people, and others.*

\*Note: Highlighted in green are the standards of public health incorporated into Massachusetts's cannabis regulations and Public Awareness Campaign, *More About Marijuana*.

For the prevention of disease, the Centers for Disease Control and Prevention (CDC), published a framework outlining critical elements, which includes:

- Strong public health fundamentals;

- High-impact intervention; and
- Sound health policies.

This public health framework is routinely applied to varying public health and public safety issues. In this framework, strong public health fundamentals refer to surveillance, detection, and investigation of the issue, such as problematic youth cannabis use and associated behaviors. For the Commonwealth, this would occur at both the local and state levels. High-impact interventions refer to focused efforts to prevent youth cannabis use within a short timeframe, such as identifying and validating new tools for prevention and expediting the broad use of validated interventions to youth cannabis use.

Sound health policies refers to developing and advancing policies to prevent, detect, and control rates of youth cannabis use, which include: ensuring sound scientific data to support evidence-based policies, working with local state and local public health and public safety departments to both prevent, control, and respond to potential increases in youth cannabis use. These policy efforts are aimed at helping community leaders improve local response and readiness, and educating the public.<sup>145</sup>

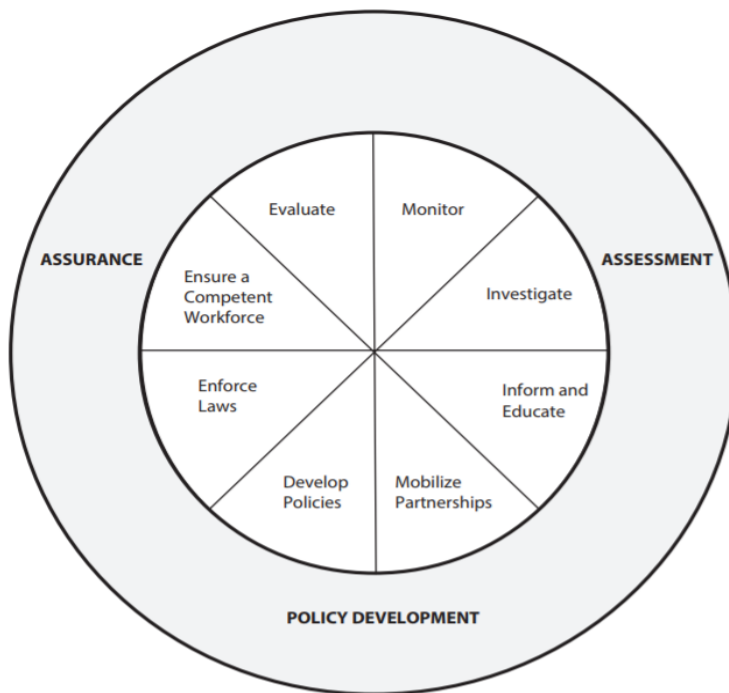
### **Commonwealth of Massachusetts: Regulations and Public Health**

In a recent article, Dr. Ghosh and colleagues at the Colorado Department of Public Health present a framework for cannabis legalization built on the core functions of public health, including: (1) Assessing health issues through monitoring and investigation (“Assessment”), (2) Developing policy through education and community partnerships (“Policy Development”), and (3) Providing assurance through enforcement, a competent workforce, and evaluation (“Assurance”). [See *Figure 1. Public Health Framework for Legalized Cannabis: Colorado Department of Public Health and Environment, 2015*]





**Figure 1. Public Health Framework for Legalized Cannabis: Colorado Department of Public Health and Environment, 2015.**



The following section outlines the processes the Commonwealth of Massachusetts has implemented regarding each domain under the public health framework for legalized cannabis developed by the Colorado Department of Public Health and Environment.

### Assessment

In this framework, assessment refers to monitoring, investigating, and providing education around cannabis use and the health effects of use.

#### 1) Research

In accordance with c.55 section 17 (a) and (b), the Commission is monitoring the following outcomes in the Commonwealth, which are direct or indirect health and public health outcomes: (1) Patterns of use; (2) Methods of consumption; (3) Sources of purchase; (4) General perceptions of marijuana; (5) Incidents of impaired driving; (6) Hospitalization and use of other health care services related to marijuana use; (7)



Financial impacts on the state healthcare system of hospitalizations related to marijuana; (8) Economic and fiscal impacts for state and local governments including the impact of legalization on the production and distribution of marijuana in the illicit market and the costs and benefits to state and local revenue; (9) Ownership and employment trends in the marijuana industry examining participation by racial, ethnic and socioeconomic subgroups, including identification of barriers to participation in the industry; (10) Expansion or contraction of the illicit marketplace and the expansion or contraction of the legal marketplace, including estimates and comparisons of pricing and product availability in both markets; (11) Incidents of discipline in schools, including suspensions or expulsions, resulting from marijuana use or possession of marijuana or marijuana products; and (12) Civil penalties, arrests, prosecutions, incarcerations and sanctions imposed for violations of chapter 94C for possession, distribution or trafficking of marijuana or marijuana products, including the age, race, gender, country of origin, state geographic region and average sanctions of the persons charged. [See *Appendix V. Research Agenda* for full Chapter 55 Research Agenda]

[See Report: *A Baseline Review and Assessment of Cannabis Use and Public Safety Part 2- 94C Violations and Social Equity: Preliminary Data in Massachusetts* <https://mass-cannabis-control.com/wp-content/uploads/2019/04/1.-RR2-94C-Violations-FINAL.pdf>]

Additionally, the research agenda includes a report of the state of the science around identifying a quantifiable level of marijuana-induced impairment of motor vehicle operation, which was included in the baseline assessment of impaired driving.

[See Report: *A Baseline Review and Assessment of Cannabis Use and Public Safety Part 1- Operating under the influence of Cannabis: Literature Review and Preliminary Data in Massachusetts*, Sections: *XIII. State of Science: Detecting Impairment* and *XIV. State of Science: Detecting Cannabis Cannabinoids* [https://mass-cannabis-control.com/wp-content/uploads/2019/01/FINAL-RR1-PS1-Cannabis-Impaired-Driving\\_2019-1-18.pdf](https://mass-cannabis-control.com/wp-content/uploads/2019/01/FINAL-RR1-PS1-Cannabis-Impaired-Driving_2019-1-18.pdf)]

## 2) Public Awareness Campaign

The Commission has also created an evidence-based public awareness campaign targeted at a general audience and a campaign specific to parents. These campaigns aim educate the public about cannabis, including a discussion of health effects and its unique harms to youth. See [MoreAboutMJ.org](https://www.moreaboutmj.org) for campaign materials. [See *Appendix VI: Public Awareness Campaigns* for additional information about Massachusetts’s Public Awareness Campaign, including pre/post survey assessment of youth-related topics and focus group findings from pre-implementation]

## **Policy Development**

### 1) Public Health in Policy/Regulations

In this framework, policy development refers to the development of policies and regulations to protect the public’s health and safety.

As outlined in c.55 section 76, Massachusetts legislators ensured there were both public health and public safety advocates in the cannabis regulatory agency: *“There shall be a Massachusetts cannabis control commission which shall consist of 5 commissioners: 1 of whom shall be appointed by the governor and shall have a background in public health, mental health, substance use or toxicology: 1 of whom shall be appointed by the attorney general and shall have a background in public safety.”* Commissioners with a background in public health and public safety have been instrumental in regulating the nascent industry with focus on public health and safety.

Massachusetts policymakers and regulators implemented varying public health policy development strategies as outlined in Appendix VII: Public Health and Prevention in Regulations, as of July 2019. [See *Table VII.1., Table VII.2.*]

## Assurance

### 1) Enforcement

In this framework, assurance refers to the enforcement of public health regulations, such as inspections to ensure products in the legal marketplace are free from contaminants, packaged in a child-resistant packaging, not diverted to minors, and properly labeled.

Massachusetts policymakers and regulators implemented varying public health assurance strategies as outlined in Appendix VII: Public Health and Prevention. [See *Table VII.1.*].

### 2) Ensure Competent Workforce

Under Cannabis Control Commission regulations, Massachusetts requires all Marijuana Establishment Agents to complete at least 8-hours of annual Responsible Vendor Training, which includes varying mandated topics such as: (1) Effects of cannabis on the human body; (2) Preventing diversion and sales to minors; (3) Seed-to-sale tracking compliance; and (4) Operating in accordance with state policies, regulations, and local rules.

## X. Policy Considerations for the Commonwealth

Based on a comprehensive review of the scope of the issue of youth and cannabis use, the Cannabis Control Commission's Research Department, in consultation and collaboration with varying Massachusetts researchers and our internal departments, offer the following considerations to the Commonwealth regarding youth and cannabis use.

### Prevention

Education about cannabis use and effects in youth continues to be crucial to mitigate potential adverse effects, including: increased and problematic use, earlier initiation of use, and formulating perceptions of cannabis that are not supported by scientific evidence (*e.g. common misperceptions that cannabis is harmless or that cannabis increases ability to concentrate on behaviors such as driving*), as well as knowledge of Massachusetts policies and provisions (*e.g. legal age to purchase cannabis in a licensed retail store*).

Data assessed in this report suggest that risky behaviors co-occur. It may be more effective if prevention mechanisms, including cannabis prevention, be included within prevention mechanisms and frameworks of other common associated risk behaviors in youth, such as binge drinking, driving after substance use, texting while driving, etc. Similarly, facilitating and strengthening relevant protective factors, such as adult support, should be encouraged.

**Consideration 1:** Cannabis prevention efforts should be broadly integrated into other evidence-based prevention mechanisms.

*[See V. Baseline Data subsection, Cannabis Policy and Youth Substance Use Behaviors: Table V.F.1, Table V.G.1]*

**Consideration 2:** The Massachusetts Cannabis Control Commission, in collaboration with relevant Massachusetts state agencies, could consider continuing the Public Awareness Campaign, with a continued focus on youth prevention and harm mitigation with revenue raised by cannabis excise taxes.

*[See Section IX: Public Health Framework and Appendix VI: Public Awareness Campaigns]*

### Data Collection and Monitoring

Monitoring youth cannabis use using reliable, systematic data is essential to assess changes in trends over time. The Commonwealth and its relevant agencies could work collaboratively with researchers to define a priority research agenda and consistent data measures to monitor youth use systematically in Massachusetts. Given the varying data collection mechanisms implemented



across the Commonwealth and its agencies, the state could add measures to these surveillance systems to more accurately assess types, methods, frequency, patterns of cannabis use occurring among youth cohorts as well as changes in social norms.

**Consideration 1:** The Commonwealth and its relevant agencies could work with the health care system, school health systems, and researchers to monitor the rates of cannabis use disorder and youth presenting to any health care setting (school system *e.g. school nurse*, health care system *e.g. emergency room, primary care office*) with acute cannabis use symptoms or related cannabis use health concerns. As part of this collaboration, foci could extend to securing ongoing surveillance measurements by the Commonwealth, including:

- Adding measures to varying ongoing data collection mechanisms in the Commonwealth;  
[See Consideration 3 below]
- Systemically collecting both cannabis-related incidents at school and CRAFFT scores, delineated by type/category of substance (*i.e. alcohol/other Central Nervous System (CNS) Depressants, CNS Stimulants, Narcotics, Cannabis, Inhalants*);  
[See Section IV: Data Sources and Limitations]
- Systematically coding of Internal Classification of Diseases (ICD) ICD-9 and ICD-10 codes in health care settings, especially related to all child exposures; and
- Systematically coding Poison Control Center data especially related to youth cannabis exposures.

**Consideration 2:** The Cannabis Control Commission could collaborate with the Massachusetts Department of Elementary and Secondary Education (DESE) to assess:

- Youth receiving disciplinary action for cannabis-related incidents at school.  
[See Section IV. Data Sources and Limitations]

**Consideration 3:** The Commonwealth could add measures to the following systematic data collection mechanisms:

- Pregnancy Risk Assessment Monitoring System related to assess:
  - Cannabis exposures and perceived risk/social norms of cannabis use during pregnancy, including:
    - Whether mother was exposed to any cannabis by consuming or second-hand exposure (*i.e. did mother use cannabis 3-months prior to getting pregnant, did mother use any cannabis product while pregnant, frequency of cannabis use while pregnant, partner use of cannabis during pregnancy, proximity of partner's cannabis use to pregnant mother etc.*); and

- Perceived social norms of cannabis use during pregnancy (*i.e. how risky is it for mothers to use any cannabis products during pregnancy etc.*).
  - Cannabis exposures and perceived risk/social norms of cannabis use while breastfeeding:
    - Whether mother was exposed to any cannabis by consuming or second-hand exposure (*i.e. did mother use cannabis product while breastfeeding, frequency of cannabis use while breastfeeding, time between last cannabis consumption and breastfeeding, partner use of cannabis during breastfeeding stage, proximity of partner's cannabis use to breastfeeding mother etc.*); and
    - Perceived social norms of cannabis use while breastfeeding (*i.e. how risky is it for mothers to use any cannabis products while breastfeeding etc.*).

[See Appendix VI: Public Awareness Campaigns: Table VI.2]
- Massachusetts Youth Risk Behavior Surveillance System (YRBS) and Massachusetts Health Youth Survey to assess:
  - Method(s) of cannabis consumption in the past 30-days (*e.g. smoke, eat, drink, vaporize, dab, other methods of consumption*);  
[See Section VII: Literature Reviews subsection Trends in Youth Methods of Use]
  - Preferred method(s) of cannabis consumption (*e.g. smoke, eat, drink, vaporize, dab, other methods of consumption*);  
[See Section VII: Literature Reviews subsection Trends in Youth Methods of Use]
  - How youth purchased cannabis consumed in the past 30-days (*i.e. friend or relative who legally purchased from a medical marijuana dispensary or retail store dispensary, friend or relative who cultivated marijuana legally at home, purchased from the illicit market, received from friend or relative with unknown source of purchase etc.*).  
[See Section VII: Literature Reviews subsection Sources of Purchase]
  - Perceived social norms of marijuana use by friends and peers your age (*i.e. how often do people you know [e.g. friends, peers] use marijuana in the past 30-days*);  
[See Section VII: Literature Reviews subsections: Perception of

*Friend Approval; Disapproval of Peer Use]*

- Past 30-day riding with a driver who had recently consumed any cannabis product behaviors (*e.g. smoke, eat, drink, vaporize, dab, other methods of consumption*);  
[See *Table V.G.1. Risk and Protective Factors: Youth Cannabis Use*]
- Perceived social norms of driving after cannabis use (*i.e. how often do people you know [e.g. friends, peers, relatives] drive a motorized vehicle after cannabis consumption etc.*); and  
[See *Table V.G.1. Risk and Protective Factors: Youth Cannabis Use*]
- Perceived risk of harm from driving after cannabis consumption (*i.e. how risky do people perceive driving after cannabis consumption to be etc.*).  
[See *Table V.G.1. Risk and Protective Factors: Youth Cannabis Use*]





## XI. References

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## XII. Appendices

### Appendix I: Acronyms

Acronym	Meaning
<b>BHO</b>	Butane Hash Oil
<b>CBD</b>	Cannabidiol
<b>CNB</b>	Cannabis Control Commission
<b>CSA</b>	Controlled Substance Act
<b>CUD</b>	Cannabis Use Disorder
<b>DEA</b>	Drug Enforcement Agency
<b>DESE</b>	Department of Elementary and Secondary Education
<b>GPA</b>	Grade Point Average
<b>HKC</b>	Healthy Kids Colorado
<b>ID</b>	Identification
<b>LGBT</b>	Lesbian, Gay, Bisexual, Transgender
<b>MA</b>	Massachusetts
<b>MTF</b>	Monitoring the Future
<b>NA</b>	Not Applicable
<b>NLSY</b>	National Longitudinal Study of Youth
<b>NSDUH</b>	National Survey of Drug Use and Health
<b>OR</b>	Odds Ratio
<b>PSU</b>	Primary Sampling Unit
<b>SBIRT</b>	Screening, Brief Intervention, and Referral to Treatment
<b>STD</b>	Sexually Transmitted Disease
<b>STEP Act</b>	An Act Relative to Substance Use, Treatment, Education and Prevention
<b>THC</b>	Tetrahydrocannabinol
<b>US</b>	United States
<b>WHKS</b>	Washington Healthy Youth Survey
<b>YRBS</b>	Youth Risk Behavior Survey



## Appendix II: YRBS Supplementary Data

**Table II.1. MA High Schoolers Cannabis Use by Year, YRBS 2007-2017**

Year	Lifetime Use	Past 30-Day Use	Heavy Use ( $\geq 20$ times, ) <sup>a</sup>
	Mean (95% CI)	Mean (95% CI)	Mean (95% CI)
<b>Year</b>			
<b>2007</b>	41.0 (37.8- 44.3)	24.3 (21.5- 27.1)	6.5 (5.2- 7.8)
<b>2009</b>	42.3 (38.7- 45.9)	26.9 (24.4- 29.4)	8.4 (6.5- 10.4)
<b>2011</b>	43.3 (39.8- 46.8)	28.0 (25.2- 30.8)	9.2 (7.8- 10.7)
<b>2013</b>	41.3 (38.4- 44.2)	24.8 (22.7- 26.9)	7.3 (6.0- 8.6)
<b>2015</b>	41.1 (37.8- 44.5)	24.9 (22.0- 27.7)	6.6 (5.0- 8.3)
<b>2017</b>	38.1 (34.1- 42.1)	24.2 (21.5- 26.9)	5.6 (4.4- 6.7)



**Table II.2. MA High Schoolers Cannabis Use by Year and Grade, YRBS 2007-2017**

Year	Lifetime Use	Past 30-Day Use	Heavy Use ( $\geq 20$ times, ) <sup>a</sup>
	Mean (95% CI)	Mean (95% CI)	Mean (95% CI)
<b>2007</b>			
9th Grade	26.6 (21.6- 31.6)	15.1 (11.4- 18.8)	2.2 (1.0- 3.4)
10th Grade	38.0 (32.6- 43.5)	22.6 (17.2- 27.9)	6.4 (3.4- 9.4)
11th Grade	47.5 (40.2- 54.7)	29.0 (23.3- 34.7)	7.7 (4.8- 10.7)
12th Grade	54.2 (49.6- 58.8)	32.0 (27.4- 36.4)	10.2 (7.5- 12.8)
<b>2009</b>			
9th Grade	30.6 (25.9- 36.3)	19.0 (14.9- 23.1)	4.6 (3.1- 6.2)
10th Grade	38.4 (31.7- 45.1)	24.7 (19.9- 29.4)	7.8 (5.2- 10.4)
11th Grade	47.4 (42.5- 52.3)	29.9 (25.0- 34.7)	9.0 (6.2- 11.9)
12th Grade	54.4 (47.8- 60.9)	35.3 (30.4- 40.2)	12.7 (8.1- 17.2)
<b>2011</b>			
9th Grade	31.7 (25.1- 38.3)	20.6 (15.8- 25.3)	6.0 (3.2- 8.9)
10th Grade	38.2 (31.9- 44.5)	25.6 (19.7- 31.6)	6.6 (3.9- 9.3)
11th Grade	50.2 (45.9- 54.5)	32.3 (28.5- 36.2)	12.2 (9.4- 14.9)
12th Grade	55.3 (48.4- 62.2)	34.8 (29.1- 40.1)	12.5 (9.5- 15.4)
<b>2013</b>			
9th Grade	26.2 (21.7- 30.8)	16.0 (12.4- 19.5)	4.1 (1.8- 6.5)
10th Grade	39.8 (32.4- 47.1)	25.3 (20.1- 30.5)	8.3 (4.7- 11.9)
11th Grade	47.7 (42.3- 53.1)	28.6 (23.5- 33.6)	7.4 (4.4- 10.3)
12th Grade	53.0 (47.6- 58.5)	30.3 (24.3- 36.2)	9.5 (6.1- 12.9)
<b>2015</b>			
9th Grade	23.3 (18.1- 28.5)	13.8 (10.3- 17.4)	2.4 (1.1- 3.6)
10th Grade	40.5 (35.1- 45.8)	23.6 (18.3- 28.9)	5.0 (2.6- 7.5)
11th Grade	46.6 (41.1- 52.2)	29.4 (24.5- 34.3)	8.5 (5.1- 11.9)
12th Grade	55.2 (48.7- 61.7)	33.3 (28.0- 38.7)	10.9 (7.2- 14.7)
<b>2017</b>			
9th Grade	19.4 (15.9- 23.0)	12.1 (9.8 (14.4)	2.2 (1.1- 3.3)
10th Grade	35.4 (30.9- 39.8)	22.6 (18.4- 26.7)	3.8 (1.8- 5.7)
11th Grade	45.6 (40.3- 50.8)	29.8 (25.4- 34.2)	7.5 (5.2- 9.7)
12th Grade	54.1 (46.5- 61.7)	33.2 (27.6- 38.9)	9.2 (6.6- 11.7)



**Table II.3. MA High Schoolers Cannabis Use by Demographics, YRBS 2007-2017**

Demographics	Lifetime Use	Past 30-Day Use	Heavy Use ( $\geq 20$ times) <sup>a</sup>
	Mean (95% CI)	Mean (95% CI)	Mean (95% CI)
<b>Gender</b>			
Female	39.4 (37.9- 40.8)	22.6 (21.5- 23.7)	4.5 (4.1- 4.9)
Male	44.1 (42.5- 45.8)	28.5 (27.2- 29.8)	10.2 (9.4- 11.0)
<b>Race (2007-2017)</b>			
White	41.9 (40.1- 43.7)	26.5 (25.2- 27.8)	7.4 (6.8- 8.0)
Black	40.4 (36.9- 43.9)	24.3 (21.5- 27.1)	8.1 (6.1- 10.0)
Hispanic	43.2 (40.9- 45.5)	24.9 (23.5- 26.2)	7.0 (5.9- 8.1)
American Indian/ Alaskan Native	54.6 (44.2- 65.0)	42.7 (30.5- 55.0)	19.8 (10.5- 29.2)
Asian	20.1 (15.6- 24.7)	10.7 (7.4- 14.0)	3.0 (1.4- 4.5)
Native Hawaiian/ Pacific Islander	36.5 (26.9- 46.1)	27.5 (19.4- 35.6)	13.0 (6.3- 19.8)



**Table II.4. MA High Schoolers Cannabis Use by Demographics by Year, YRBS 2007-2017**

Demographics	Lifetime Use	Past 30-Day Use	Past 30- Day Heavy Use ( $\geq 20$ times) <sup>a</sup>
	Mean (95% CI)	Mean (95% CI)	Mean (95% CI)
<b>Gender</b>			
<b>2007</b>			
Female	38.8 (34.8- 42.9)	21.2 (18.0- 24.3)	3.8 (2.8- 4.8)
Male	43.5 (40.0- 46.9)	27.8 (24.5- 31.1)	9.3 (7.5- 11.1)
<b>2009</b>			
Female	38.4 (34.5- 42.2)	22.8 (19.9- 25.6)	5.8 (4.0- 7.7)
Male	46.4 (42.6- 50.2)	31.4 (28.0- 34.7)	11.1 (8.8- 13.7)
<b>2011</b>			
Female	37.8 (34.1- 41.5)	23.1 (19.8- 26.4)	5.2 (3.9- 6.4)
Male	48.5 (44.3- 52.6)	32.6 (29.7- 35.4)	13.4 (11.5- 15.3)
<b>2013</b>			
Female	39.1 (35.8- 42.4)	21.8 (19.4- 24.3)	4.1 (3.1- 5.1)
Male	43.1 (35.8- 42.4)	27.6 (24.2- 31.0)	10.1 (7.9- 12.4)
<b>2015</b>			
Female	40.2 (36.6- 43.8)	23.0 (19.7- 26.2)	4.3 (2.8-5.8)
Male	41.6 (37.3- 45.9)	26.3 (23.1- 29.6)	9.0 (6.7- 11.3)
<b>2017</b>			
Female	38.4 (34.0- 42.7)	23.2 (19.8- 26.5)	3.0 (1.9- 4.1)
Male	37.5 (32.9- 42.1)	24.9 (21.5- 28.4)	8.1 (6.3- 9.8)
<b>Race/Ethnicity</b>			
<b>2007</b>			
White	41.7 (37.8- 45.6)	25.3 (22.2- 28.4)	6.5 (5.1- 7.9)
Black	43.0 (36.2- 49.8)	25.5 (17.8- 33.1)	8.3 (3.3- 13.4)
Hispanic	38.0 (32.5 (43.4)	19.4 (15.5- 23.2)	5.8 (3.2- 8.3)
American Indian/ Alaskan Native	55.5 (21.0-90.0)	46.0 (13.2- 78.8)	30.6 (1.8- 59.5)
Asian	24.2 (15.1- 33.3)	10.8 (5.3 (16.4)	2.2 (0.0- 4.5)
Native Hawaiian/ Pacific Islander	33.5 (2.4- 64.6)	8.0 (0.0- 26.1)	8.0 (0.0- 26.1)
<b>2009</b>			
White	43.9 (39.5- 48.2)	28.3 (25.2- 31.5)	8.8 (6.4- 11.3)
Black	37.1 (29.1- 45.2)	25.0 (17.0- 33.0)	6.4 (2.5- 10.2)



Hispanic	40.9 (34.4- 47.4)	21.9 (18.3- 25.5)	7.4 (4.2- 10.7)
American Indian/ Alaskan Native	66.7 (44.6- 88.8)	46.6 (21.2- 72.0)	22.3 (0.0- 45.3)
Asian	22.9 (14.6- 31.2)	14.1 (7.7- 20.6)	4.9 (1.4- 8.5)
Native Hawaiian/ Pacific Islander	32.4 (11.8- 53.1)	37.1 (15.8- 58.5)	22.1 (2.5- 41.6)
<b>2011</b>			
White	44.1 (39.8- 48.4)	28.7 (25.3- 32.1)	9.2 (7.5- 11.0)
Black	44.3 (34.2- 54.5)	29.9 (22.2- 37.5)	13.0 (8.2- 17.8)
Hispanic	42.6 (37.0- 48.1)	25.5 (21.1- 29.8)	7.0 (4.4- 9.7)
American Indian/ Alaskan Native	61.3 (33.7- 88.9)	50.1 (19.7- 80.4)	27.3 (0.2- 54.3)
Asian	22.2 (10.6- 33.9)	13.9 (6.5- 21.3)	3.5 (0.0- 7.1)
Native Hawaiian/ Pacific Islander	44.3 (24.1- 64.5)	39.9 (22.9- 57.0)	9.6 (0.0- 21.3)
<b>2013</b>			
White	41.7 (38.6- 44.9)	26.1 (23.4- 28.8)	7.5 (6.1- 9.0)
Black	41.7 (33.3- 50.1)	23.0 (17.0- 29.0)	8.0 (4.9- 11.0)
Hispanic	49.3 (43.9- 54.7)	27.1 (22.4- 31.8)	7.3 (4.3- 10.3)
American Indian/ Alaskan Native	67.2 (34.6- 99.7)	58.8 (26.6- 91.0)	34.5 (0.0- 71.9)
Asian	13.9 (7.8- 20.0)	4.2 (0.0- 7.7)	1.3 (0.0- 3.4)
Native Hawaiian/ Pacific Islander	32.4 (1.8- 62.9)	28.9 (1.3- 56.5)	28.9 (1.3- 56.5)
<b>2015</b>			
White	40.4 (36.8- 44.1)	24.9 (21.7- 28.1)	6.2 (4.2- 8.2)
Black	42.4 (36.3- 48.5)	21.2 (15.5- 26.9)	6.9 (3.9- 10.0)
Hispanic	46.9 (41.8- 52.0)	27.2 (23.5- 30.9)	8.3 (5.9- 10.7)
American Indian/ Alaskan Native	53.4 (26.5- 80.2)	41.6 (14.3- 68.8)	7.8 (0.0- 23.3)
Asian	25.8 (11.4- 40.1)	15.2 (5.4- 25.0)	5.4 (0.4- 10.4)
Native Hawaiian/ Pacific Islander	30.1 (0.0- 69.6)	9.6 (0.0- 22.7)	3.0 (0.0- 9.4)
<b>2017</b>			
White	39.5 (34.4- 44.6)	25.5 (22.1- 28.9)	5.8 (4.3- 7.3)
Black	33.1 (26.4- 39.9)	21.6 (15.5- 27.7)	6.1 (2.7- 9.4)
Hispanic	41.6 (35.1- 48.1)	26.7 (21.3- 32.1)	6.2 (3.8- 8.6)
American Indian/ Alaskan Native	21.3 (5.9- 36.8)	18.0 (4.0- 31.9)	1.1 (0.0- 3.7)
Asian	16.1 (7.2- 25.1)	9.0 (4.1- 13.9)	1.4 (0.0- 3.2)
Native Hawaiian/ Pacific Islander	37.9 (12.4- 63.4)	13.8 (0.0-32.7)	NA



### Appendix III: Associated Risk Factors Justification

This section draws on literature reviews whenever possible to provide a brief sense of current literature findings and justification for the logistical regression variables analyzed.

**Table III.1. Risk and Protective Factors in the Literature**

Concept/Measure	Evidence of Association
<b>Active physically</b>	A review (2018) identified mixed finding in regard to whether physical activity is associated with cannabis use among youth. <sup>146</sup> In an analysis of the 2009 YRBS, Dunn 2014 found high levels of physical activity (5-7 days/week) and sports participation in two or more teams was a protective factor against cannabis use for females but not males. <sup>147</sup>
<b>Adult Support</b>	In a scoping literature review of recent addiction findings Kempf et al. 2017 report adult support, and particularly parental support, may be protective against substance use in youth. <sup>148</sup>
<b>Anxiety</b>	<p>“The Health Effects of Cannabis and Cannabinoids” report (2017) found that there is limited evidence of an association between cannabis use and anxiety, but there is moderate evidence linking regular cannabis use to social anxiety disorder. Another literature review reports acute anxiety symptoms are a potential side effect of cannabis use, and found that chronic users have higher levels of anxiety disorders.<sup>149</sup> However, the review notes the relationship and any potential causality between these factors is unknown.<sup>149</sup></p> <p>In gray literature, the Colorado Retail Marijuana Public Health Advisory Committee reviewed the literature and found mixed evidence as to whether adolescent and young adults who use cannabis were more likely than non-users to develop anxiety symptoms.<sup>150</sup></p>
<b>Bullying</b>	Two meta-analyses found there is an association between substance use and those who bully and those who are bullied among youth. <sup>151,152</sup> A recent study, found this association persists for high schoolers and cannabis use, however it was not observed among middle schoolers. <sup>153</sup> More broadly, there is evidence for an association between externalizing behaviors ( <i>i.e. outward negative behaviors, such as aggression, conduct problems, etc.</i> ) and cannabis use. <sup>154</sup>





<b>Dating violence</b>	In a metaanalysis and review of cannabis use and dating violence, Johnson et al. 2017 found there is an association between physical dating violence victimization and perpetration among adolescences and young adults. <sup>155</sup>
<b>Depression</b>	“The Health Effects of Cannabis and Cannabinoids” report (2017) found that cannabis use does not appear to increase likelihood of developing depression. <sup>156</sup> In the gray literature, the Colorado Retail Marijuana Public Health Advisory Committee reviewed the literature and found mixed evidence as to whether adolescent and young adults who use cannabis were more likely than non-users to develop depression. <sup>150</sup> Researchers have documented an association between depression and cannabis use. <sup>157</sup>
<b>Forced sex/rape</b>	A review of childhood sexual abuse found that most studies saw an association between and substance use and disorders, however some studies found no association. <sup>158</sup> In a study of the children of U.S. veteran twins, Duncan et al. 2008 found childhood sexual assault increased risk of cannabis use disorder controlling for genetic and family risk, gender, and alcohol and conduct problems. <sup>159</sup> In this sample, childhood physical assault did not have the same association. <sup>159</sup>
<b>Generalized risk</b>	Rather than specific risk factors for specific substances, there are general risk factors that apply to use of substances. <sup>160</sup> Therefore, risk factors that put youth at risk for cannabis, tobacco, and alcohol use rather than one or the other substance. <sup>160</sup> This suggests reducing risk factors for any substance may have an impact in reducing use of other substances, potentially maximizing prevention efforts.
<b>Gun and weapon behaviors</b>	<p>In a literature review and metaanalyses, Chen and Wu 2016 found most studies found an association between substance use (not necessarily cannabis or youth specific) and gun behaviors; However, after controlling for confounding variables, researchers reached mixed conclusions as to whether an association remained.<sup>161</sup> In many samples, the association between substance use and gun behaviors disappeared after controlling for mental health problems.<sup>161</sup></p> <p>No literature reviews assessing weapon behaviors and cannabis use were identified. In a study of Connecticut high schoolers in public school, Schepis et al. 2011 found carrying a weapon in past 30 days and a past year fight were associated with lifetime cannabis use among males and females.<sup>162</sup></p>



<b>Hopelessness</b>	While no literature reviews were identified, a study of Dutch 11-15 year-olds found that hopelessness was associated with lifetime use of cannabis and use of more than one substance. <sup>163</sup> Serafini et al. 2013 suggest screening for hopelessness could act as a prevention measure for cannabis use, along with other adverse associated outcomes (e.g. suicide). <sup>164</sup>
<b>Other substance use</b>	In a review of risk and protective factors for different substance use, Latimer et al. 2010 found past cigarette, alcohol, and other substance use are risk factors associated with youth cannabis use. <sup>157</sup>
<b>Play video games</b>	While no literature reviews were identified, Primack et al. 2009 examined media exposure and cannabis and alcohol use, authors found playing video games for more than a half hour per day compared to those who did not play or played for less than 30 minutes/day was a protective factor against lifetime cannabis use. <sup>165</sup>
<b>Religious involvement</b>	In review of protective factors, Stone et al. 2012 identified youth religiosity was associated with a lower likelihood of using substances in emerging adulthood, including cannabis. <sup>154</sup> Nguyen and Newhill 2016 additionally found religiosity held as a protective factor across measured racial/ethnicity youth cohorts in a 2013 NSDUH sample. <sup>166</sup>
<b>Risky driving behaviors</b>	While no literature reviews were identified, Dunlop and Romer 2010 found car crash risk was associated with youth substance use generally ( <i>rather than specific to once substance or another</i> ). <sup>167</sup> Authors suggested that youth who are bigger sensation seekers take more risks ( <i>e.g. risky driving, substance use</i> ). <sup>167</sup> Likewise, Terry-McElrath et al. 2014 identified an association (not causation) between alcohol and cannabis youth and unsafe driving. <sup>168</sup> In this sample, youth who used alcohol almost always while they were using cannabis had the most unsafe driving behaviors after alcohol and cannabis use. <sup>168</sup>
<b>Risky sexual behaviors</b>	In a meta-analysis, Ritchwood et al. 2015 found cannabis use was associated (in a small to moderate range) with risky sexual behaviors in youth. <sup>169</sup> Interestingly, the review found few differences between different substances suggesting any substance use may be associated with risky sexual behavior. <sup>169</sup> These associations were stronger for younger adolescences, females, and Hispanic, White, and Asian youth. <sup>169</sup> Others have found more sexual partners, less condom use, and sex at an earlier are associated with cannabis use in youth. <sup>157,170</sup>



<p><b>Schizophrenia and other psychoses</b></p>	<p>“<i>The Health Effects of Cannabis and Cannabinoids</i>” report (2017) reports an association between cannabis use and developing schizophrenia or other psychoses that is stronger for heavy users.<sup>156</sup> Other reviews also report an association between cannabis use and psychosis.<sup>171</sup> In the gray literature, the Colorado Retail Marijuana Public Health Advisory Committee reviewed the literature and found substantial evidence that daily or near daily use by youth is associated with future psychosis disorders and future psychotic symptoms.<sup>150</sup> They also found substantial evidence that youth cannabis users were more likely to have psychotic symptoms compared to non-users, with increasing effects for more heavy use.<sup>150</sup></p>
<p><b>School performance (A’s and B’s)</b></p>	<p>In review, Bradley et al. 2013, found all association between higher academic achievement (<i>e.g. GPA, grades (e.g. A’s and B’s), testing scores, graduating</i>) and less likelihood of substance use.<sup>172</sup> Feeling connected ones school may also act as a protective factor against substance use.<sup>154</sup></p>
<p><b>Self-harm</b></p>	<p>A literature review of self-harm and substance use found an association exists, but few papers examined cannabis use specifically.<sup>173</sup></p>
<p><b>Sexual minority youth (e.g. LGBTQ)</b></p>	<p>LGBTQ youth are at a greater risk of substance use, including cannabis, than their heterosexual and non-LGBTQ peers.<sup>174</sup> In a meta-analysis, Marshal et al. 2008 found LBGTO youth had a 2.58 times greater odds of having ever used cannabis compared to their straight peers.<sup>174</sup> These disparities appear largest for females and particularly bisexual females.<sup>174-176</sup> In a review of risk and protective factors for sexual minority youth, Kidd et al. 2018 identified stigma, victimization, bullying, violence, PTSD symptoms as risk factors for cannabis use.<sup>177</sup> Higher socioeconomic status, feeling connected to school, self-esteem, parental attachment, and anti-discrimination polices were protective factors against sexual minority youth cannabis use.<sup>177</sup></p>
<p><b>Sports Team Involvement</b></p>	<p>A systematic review (2014) identified mixed findings as to whether cannabis use and sport involvement are associated among youth and young adults.<sup>178</sup></p>
<p><b>Suicidality</b></p>	<p>“<i>The Health Effects of Cannabis and Cannabinoids</i>” report (2017) found that heavy cannabis users have increased likelihood of suicidal thoughts</p>



	<p>compared to nonusers.<sup>156</sup> Another literature review does not find evidence that acute cannabis use is linked to risk for suicidality, but does find some evidence for an association between chronic cannabis use and suicidality.<sup>179</sup> However, this review emphasizes major gaps and limitations, noting that this research is in its very early stages.<sup>179</sup></p> <p>In the gray literature, the Colorado Retail Marijuana Public Health Advisory Committee reviewed the literature and found limited evidence that youth and young adult cannabis users are more likely to have suicidal thoughts or attempts compared to non-users.<sup>150</sup></p>
<p><b>Watch television</b></p>	<p>While no literature reviews were identified, Primack et al. 2009 examined media exposure and cannabis and alcohol use, authors found no association between watching television for more than an hour per day and lifetime cannabis use compared to those who did not watch or watched for an hour or less per day.<sup>165</sup></p>
<p><b>Youth with Disabilities</b></p>	<p>Research suggests students with disabilities and chronic health conditions may be at a greater risk of substance use. However, there are major knowledge gaps in this literature base. In a meta-analysis, Lee et al. 2011 found that those with ADHD more likely than those without ADHD to have ever used cannabis, and to develop a cannabis use disorder.<sup>180</sup> An older analysis of national YRBS data (2005) found youth who reported a physical disability or long-term health problem had slightly higher odds (OR=1.2 CI: 1.01-1.4) of current cannabis use than their peers.<sup>181</sup> However, a Canadian study of youth with chronic conditions found no difference in lifetime illicit substance use among compared to youth without chronic conditions.<sup>182</sup> While there is very limited research on those with intellectual disabilities, researchers suggest these individuals may be at higher risk of negative outcomes from substance use.<sup>183,184</sup></p> <p>No literature reviews specific to youth with a learning disability were identified, however a Canadian longitudinal found youth with a learning disability used cannabis more often than peers without a learning disability.<sup>185</sup> In contrast, Evans et al. 2013 found no difference between cannabis use among students with learning disabilities and their peers without learning disabilities after controlling for a number of variables.<sup>186</sup></p>



## Appendix IV: Sensitivity Analyses

**Table IV.1. Risk and Protective Factors Adjusting for Cannabis Policy Enactment: Youth Cannabis Use—Lifetime Use**

Cannabis	Decriminalization		Medical Cannabis Policy		Adult-Use Cannabis Policy	
	Adjusted <sup>+</sup> OR	(95% CI)	Adjusted <sup>+</sup> OR	(95% CI)	Adjusted <sup>+</sup> OR	(95% CI)
<b>Risk/Protective Factors and Cannabis Use</b>						
<b>Disability</b>						
Learning Disability	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	1.33**	(1.12-1.58)	1.33**	(1.11-1.58)
Physical Disability	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	1.14*	(1.02-1.28)	1.14*	(1.02-1.27)
<b>Driving Behaviors</b>						
Ride with driver who had been drinking (past 30-day)	3.91***	(3.58-4.28)	3.91***	(3.59-4.26)	3.88***	(3.56-4.23)
Drive after drinking alcohol (past 30-day)	1.67***	(1.50-1.87)	2.14***	(1.93-2.38)	1.75***	(1.56-1.96)
Text or email while driving (past 30-day)	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	3.65***	(3.19-4.17)
Talk on cell phone while driving (past 30-day)	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	3.24**	(2.78-3.85)
<b>Weapon carrying/exposure, violence, and bullying</b>						
Carry weapon (past 30-day)	3.59***	(3.22-4.01)	3.58***	(3.21-4.00)	3.58***	(3.21-3.99)
Carry weapon on school property (past 30-day)	4.64***	(3.64-5.92)	4.60***	(3.60-5.88)	4.60***	(3.61-5.87)
Carry gun (past 30-day)	4.46***	(3.43-5.82)	4.45***	(3.42-5.79)	4.45***	(3.42-5.80)
Threatened or injured with weapon on school property (past 12- month)	3.32***	(2.78-3.97)	3.30***	(2.75-3.96)	3.31***	(2.77-3.96)
Physical fight (past 12- month)	3.91***	(3.55-4.31)	3.92***	(3.54-4.33)	3.88***	(3.53-4.27)
<b>Sexual and Dating Violence</b>						
Physically forced to have sex (lifetime)	2.62***	(1.91-3.58)	2.62***	(1.91-3.58)	2.64***	(1.93-3.63)
Physically forced to have sex or physical dating violence (lifetime)	2.84***	(2.58-3.12)	2.82***	(2.57-3.10)	2.83***	(2.58-3.10)
<b>Support, Hopelessness, and Suicide Behaviors</b>						
Hopelessness (past 12- month)	2.21***	(2.00-2.44)	2.22***	(2.01-2.45)	2.22***	(2.01-2.45)
Consider suicide (past 12- month)	2.35***	(2.06-2.68)	2.35***	(2.06-2.68)	2.35***	(2.06-2.68)



Plan suicide (past 12- month)	2.08***	(1.86-2.33)	2.08***	(1.86-2.33)	2.08***	(1.86-2.33)
Attempt suicide (past 12- month)	2.73***	(2.31-3.23)	2.72***	(2.29-3.23)	2.71***	(2.29-3.22)
Treated for suicide attempt (past 12- month)	3.19***	(2.35-4.32)	3.18***	(2.34-4.32)	3.18***	(2.34-4.32)
Purposely hurt yourself (past 12- month)	2.34***	(2.11-2.60)	2.34***	(2.11-2.60)	2.34***	(2.11-2.59)
<b>Sexual Orientation and Behaviors</b>						
Sexual intercourse (lifetime)	7.16***	(6.49-7.89)	7.17***	(6.50-7.92)	7.11***	(6.45-7.84)
Age first sexual intercourse encounter	1.24***	(1.22-1.27)	1.24***	(1.21-1.26)	1.24***	(1.22-1.27)
Sex partners (past 90-days)	2.43***	(2.30-2.57)	2.43***	(2.31-2.57)	2.43***	(2.30-2.56)
Alcohol or drug use before sexual intercourse last time	12.30***	(10.29-14.70)	12.23***	(10.20-14.66)	12.23***	(10.20-14.66)
Condom use last sexual encounter	3.21***	(2.87-3.58)	3.19***	(2.85-3.58)	3.19***	(2.85-3.57)
Ever been or gotten someone pregnant (lifetime)	4.50***	(3.68-5.49)	4.45***	(3.64-5.45)	4.47***	(3.66-5.47)
Ever been tested for any Sexually Transmitted Disease(s) (STDs) (lifetime)	2.73***	(2.49-2.99)	2.72***	(2.48-2.98)	2.73***	(2.49-3.00)
Sexuality- Heterosexual ("straight")	0.49***	(0.42-0.56)	0.48***	(0.42-0.56)	0.48***	(0.42-0.55)
Sexuality- Gay, Lesbian, or Bisexual	2.05***	(1.78-2.37)	2.06***	(1.79-2.38)	2.08***	(1.81-2.39)
<b>Other Risk/Protective Factors</b>						
Any adult support (family or other)	0.59***	(0.51-0.68)	0.58***	(0.50-0.67)	0.58***	(0.50-0.67)
Physically active (past week)	0.95	(0.86-1.05)	0.96	(0.86-1.06)	0.95	(0.86-1.05)
Sports team involvement (past 12- month)	0.94	(0.85-1.03)	0.94	(0.86-1.03)	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>
Play video games on average school day	0.88**	(0.81-0.96)	0.89**	(0.82-0.97)	0.89**	(0.82-0.97)
Watch TV on average school day	0.96	(0.88-1.04)	0.95	(0.88-1.03)	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>
Grades are A's and B's	0.34***	(0.30-0.38)	0.34***	(0.30-0.38)	0.34***	(0.31-0.38)

<sup>†</sup>Adjusted for: (1) Year of data collection [2007-2017]; (2) Sex [1- Female; 2- Male; Missing], and (3) Race/Ethnicity [1- Am Indian/Alaska Native; 2- Asian, 3- Black or African American, 4- Native Hawaiian/Other PI, 5- White, 6- Hispanic/Latino, 7- Multiple-Hispanic, 8- Multiple-Non-Hispanic]

\*p<0.05; \*\*p<.01; \*\*\*p<.001

<sup>a</sup>NA refers to measures that were not included in survey instrument during one or more policy intervention (e.g. measure only included in post decriminalization survey years, 2013-2017)

**Table IV.2. Risk and Protective Factors Adjusting for Cannabis Policy Enactment: Youth Cannabis Use—Past 30-Day Use**

Cannabis	Decriminalization		Medical Cannabis Policy		Adult-Use Cannabis Policy	
	Adjusted <sup>+</sup> OR	(95% CI)	Adjusted <sup>+</sup> OR	(95% CI)	Adjusted <sup>+</sup> OR	(95% CI)
<b>Risk/Protective Factors and Cannabis Use</b>						
<b>Disability</b>						
Learning Disability	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	1.33***	(1.13-1.56)	1.32**	(1.11-1.55)
Physical Disability	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	1.12	(.96-1.31)	1.11	(.95-1.30)
<b>Driving Behaviors</b>						
Ride with driver who had been drinking (past 30-day)	4.12***	(3.76-4.50)	4.1***	(3.76-4.47)	4.09***	(3.77-4.45)
Drive after drinking alcohol (past 30-day)	1.69***	(1.53-1.88)	2.31***	(2.03-2.62)	1.77***	(1.59-1.96)
Text or email while driving (past 30-day)	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	2.73***	(2.32-3.22)
Talk on cell phone while driving (past 30-day)	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	2.67***	(2.22-3.20)
<b>Weapon carrying/exposure, violence, and bullying</b>						
Carry weapon (past 30-day)	3.53***	(3.15-3.97)	3.51***	(3.12-3.94)	3.51***	(3.13-3.94)
Carry weapon on school property (past 30-day)	4.69***	(3.84-5.71)	4.63***	(3.80-5.65)	4.64***	(3.81-5.65)
Carry gun (past 30-day)	4.52***	(3.39-6.03)	4.51***	(3.38-6.00)	4.51***	(3.38-6.01)
Threatened or injured with weapon on school property (past 12- month)	3.32***	(2.70-4.08)	3.30***	(2.68-4.07)	3.32***	(2.70-4.08)
Physical fight (past 12- month)	3.82***	(3.49-4.18)	3.81***	(3.49-4.16)	3.80***	(3.48-4.14)
<b>Sexual and Dating Violence</b>						
Physically forced to have sex (lifetime)	2.42***	(1.84-3.18)	2.42***	(1.84-3.18)	2.43***	(1.83-3.21)
Physically forced to have sex or physical dating violence (lifetime)	2.49***	(2.24-2.75)	2.47***	(2.23-2.73)	2.47***	(2.24-2.74)
<b>Support, Hopelessness, and Suicide Behaviors</b>						
Hopelessness (past 12- month)	2.02***	(1.81-2.24)	2.02***	(1.82-2.25)	2.02***	(1.82-2.25)
Consider suicide (past 12- month)	2.32***	(2.05-2.62)	2.32***	(2.05-2.63)	2.32***	(2.05-2.62)
Plan suicide (past 12- month)	2.00***	(1.77-2.26)	2.00***	(1.77-2.27)	2.00***	(1.77-2.27)
Attempt suicide (past 12- month)	2.62***	(2.23-3.09)	2.60***	(2.21-3.07)	2.61***	(2.21-3.07)
Treated for suicide attempt (past 12- month)	3.06***	(2.32-4.01)	3.04***	(2.31-4.00)	3.04***	(2.32-4.00)



Purposely hurt yourself (past 12- month)	2.25***	(2.02-2.50)	2.25***	(2.02-2.50)	2.25***	(2.02-2.50)
<b>Sexual Orientation and Behaviors</b>						
Sexual intercourse (lifetime)	5.93***	(5.33-6.59)	5.91***	(5.32-6.57)	5.89***	(5.30-6.55)
Age first sexual intercourse encounter	1.19	(1.16-1.21)	1.18***	(1.15-1.21)	1.18***	(1.16-1.21)
Sex partners (past 90-days)	2.03***	(1.93-2.13)	2.03***	(1.93-2.13)	2.02***	(1.93-2.12)
Alcohol or drug use before sexual intercourse last time	8.75***	(7.58-10.11)	8.68***	(7.53-10.01)	8.71***	(7.54-10.07)
Condom use last sexual encounter	2.64***	(2.38-2.93)	2.62***	(2.36-2.91)	2.63***	(2.36-2.92)
Ever been or gotten someone pregnant (lifetime)	3.24***	(2.74-3.83)	3.20***	(2.70-3.79)	3.22***	(2.72-3.81)
Ever been tested for any Sexually Transmitted Disease(s) (STDs) (lifetime)	2.23***	(2.00-2.49)	2.23***	(2.00-2.48)	2.23***	(2.00-2.49)
Sexuality- Heterosexual ("straight")	0.51***	(0.44-0.59)	0.50***	(0.43-0.58)	0.50***	(0.43-0.58)
Sexuality- Gay, Lesbian, or Bisexual	1.97***	(1.71-2.28)	1.99***	(1.72-2.30)	1.99***	(1.72-2.31)
<b>Other Risk/Protective Factors</b>						
Any adult support (family or other)	0.57***	(0.51-0.64)	0.57***	(0.50-0.64)	0.57***	(0.50-0.64)
Physically active (past week)	0.96	(0.86-1.07)	0.97	(0.872-1.08)	0.97	(0.87-1.08)
Sports team involvement (past 12-month)	0.89*	(0.81-0.98)	0.89*	(0.81-0.98)	(N/A)	(N/A)
Play video games on average school day	0.94	(0.85-1.04)	0.95	(0.86-1.05)	0.95	(0.86-1.05)
Watch TV on average school day	0.94	(0.86-1.04)	0.93	(0.84-1.03)	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>
Grades are A's and B's	0.34***	(0.30-0.38)	0.34***	(0.31-.38)	0.34***	(0.31-0.38)

<sup>†</sup>Adjusted for: (1) Year of data collection [2007-2017]; (2) Sex [1- Female; 2- Male; Missing], and (3) Race/Ethnicity [1- Am Indian/Alaska Native; 2- Asian, 3- Black or African American, 4- Native Hawaiian/Other PI, 5- White, 6- Hispanic/Latino, 7- Multiple-Hispanic, 8- Multiple-Non-Hispanic]

\*p<0.05; \*\*p<.01; \*\*\*p<.001

<sup>a</sup>NA refers to measures that were not included in survey instrument during one or more policy intervention (e.g. measure only included in post decriminalization survey years, 2013-2017)





## Risk and Protective Factors for Heavy Cannabis Use

**Table IV.3. Risk and Protective Factors Adjusting for Cannabis Policy Enactment: Youth Cannabis Use—Past 30-Day Heavy Use (20+ in past 30 days)**

Cannabis	Decriminalization		Medical Cannabis Policy		Adult-Use Cannabis Policy	
	Adjusted <sup>+</sup> OR	(95% CI)	Adjusted <sup>+</sup> OR	(95% CI)	Adjusted <sup>+</sup> OR	(95% CI)
<b>Risk/Protective Factors and Cannabis Use</b>						
<b>Disability</b>						
Learning Disability	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	1.54**	(1.17-2.03)	1.52**	(1.15-2.02)
Physical Disability	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	1.25	(0.95-1.63)	1.22	(0.93-1.61)
<b>Driving Behaviors</b>						
Ride with driver who had been drinking (past 30-day)	4.70***	(4.11-5.38)	4.60***	(4.02-5.27)	4.59***	(4.03-5.23)
Drive after drinking alcohol (past 30-day)	1.75***	(1.50-2.05)	2.99***	(2.53-3.54)	1.94***	(1.65-2.27)
Text or email while driving (past 30-day)	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	2.26***	(1.77-2.89)
Talk on cell phone while driving (past 30-day)	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>	2.09***	(1.61- 2.73)
<b>Weapon carrying/exposure, violence, and bullying</b>						
Carry weapon (past 30-day)	4.31***	(3.72-4.99)	4.26***	(3.66-4.96)	4.25***	(3.66-4.94)
Carry weapon on school property (past 30-day)	5.77***	(4.81-6.92)	5.62***	(4.69-6.74)	5.66***	(4.71-6.80)
Carry gun (past 30-day)	6.60***	(4.88-8.94)	6.54***	(4.86-8.81)	6.54***	(4.83-8.85)
Threatened or injured with weapon on school property (past 12- month)	4.16***	(3.40-5.08)	4.09***	(3.35-5.01)	4.14***	(3.41-5.03)
Physical fight (past 12- month)	4.90***	(4.43-5.42)	4.81***	(4.35-5.31)	4.79***	(4.34-5.30)
<b>Sexual and Dating Violence</b>						
Physically forced to have sex (lifetime)	3.24***	(2.05-5.12)	3.24***	(2.05-5.12)	3.29***	(2.05-5.27)
Physically forced to have sex or physical dating violence (lifetime)	2.86***	(2.45-3.34)	2.81***	(2.40-3.29)	2.84***	(2.42-3.32)
<b>Support, Hopelessness, and Suicide Behaviors</b>						
Hopelessness (past 12- month)	2.40***	(2.08-2.76)	2.41***	(2.09-2.76)	2.41***	(2.10-2.78)
Consider suicide (past 12- month)	2.42***	(2.07-2.82)	2.43***	(2.08-2.83)	2.41***	(2.07-2.81)
Plan suicide (past 12- month)	2.12***	(1.77-2.54)	2.13***	(1.78-2.56)	2.12***	(1.77-2.55)
Attempt suicide (past 12- month)	3.18***	(2.63-3.85)	3.12***	(2.58-3.78)	3.12***	(2.58-3.78)
Treated for suicide attempt (past 12- month)	4.36***	(3.25-5.86)	4.31***	(3.21- 5.79)	4.31***	(3.21-5.78)
Purposely hurt yourself (past 12- month)	2.49***	(2.06-3.02)	2.49***	(2.06-3.01)	2.49***	(2.06-3.01)



<b>Sexual Orientation and Behaviors</b>						
Sexual intercourse (lifetime)	8.22***	(6.64-10.17)	8.09***	(6.53-10.02)	8.11***	(6.54-10.05)
Age first sexual intercourse encounter	1.13***	(1.09-1.18)	1.13***	(1.09-1.17)	1.14***	(1.10-1.19)
Sex partners (past 90-days)	1.86***	(1.76-1.96)	1.85***	(1.75-1.95)	1.85***	(1.75-1.94)
Alcohol or drug use before sexual intercourse last time	9.48***	(8.19-10.98)	9.36***	(8.06-10.86)	9.35***	(8.05-10.87)
Condom use last sexual encounter	2.08***	(1.78-2.43)	2.05***	(1.76-2.40)	2.06***	(1.76-2.41)
Ever been or gotten someone pregnant (lifetime)	4.75***	(3.98-5.66)	4.63***	(3.88-5.51)	4.69***	(3.93-5.59)
Ever been tested for any Sexually Transmitted Disease(s) (STDs) (lifetime)	2.62***	(2.22-3.08)	2.61***	(2.22-3.07)	2.63***	(2.22-3.10)
Sexuality- Heterosexual ("straight")	0.43***	(0.36-0.52)	0.42***	(0.35-0.52)	0.42***	(0.34-0.51)
Sexuality- Gay, Lesbian, or Bisexual	2.31***	(1.91-2.81)	2.36***	(1.94-2.87)	2.39***	(1.96-2.91)
<b>Other Risk/Protective Factors</b>						
Any adult support (family or other)	0.45***	(0.39-0.53)	0.44***	(0.38-0.52)	0.44***	(0.38-0.52)
Physically active (past week)	0.67***	(0.57-0.80)	0.68***	(0.58-0.81)	0.68***	(0.57-0.80)
Sports team involvement (past 12-month)	0.60***	(0.52-0.69)	0.60***	(0.52-0.69)	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>
Play video games on average school day	0.85**	(0.75-0.96)	0.87*	(0.77-0.98)	0.86*	(0.76-0.98)
Watch TV on average school day	0.88	(0.73-1.06)	0.86	(0.70-1.05)	(N/A) <sup>a</sup>	(N/A) <sup>a</sup>
Grades are A's and B's	0.24***	(0.20-0.29)	0.25***	(0.21-0.30)	0.25***	(0.21-0.30)

<sup>+</sup>Adjusted for: (1) Year of data collection [2007-2017]; (2) Sex [1- Female; 2- Male; Missing], and (3) Race/Ethnicity [1- Am Indian/Alaska Native; 2- Asian, 3- Black or African American, 4- Native Hawaiian/Other PI, 5- White, 6- Hispanic/Latino, 7- Multiple-Hispanic, 8- Multiple-Non-Hispanic]

\*p<0.05; \*\*p<.01; \*\*\*p<.001

<sup>a</sup>NA refers to measures that were not included in survey instrument during one or more policy intervention (*e.g. measure only included in post decriminalization survey years, 2013-2017*)



## Appendix V: Research Agenda

Acts of 2017, Chapter 55 Section 17 (a) and (b)

- (a) The commission shall develop a research agenda in order to understand the social and economic trends of marijuana in the commonwealth, to inform future decisions that would aid in the closure of the illicit marketplace and to inform the commission on the public health impacts of marijuana. The research agenda shall include, but not be limited to: (i) patterns of use, methods of consumption, sources of purchase and general perceptions of marijuana among minors, among college and university students and among adults; (ii) incidents of impaired driving, hospitalization and use of other health care services related to marijuana use, including a report of the state of the science around identifying a quantifiable level of marijuana-induced impairment of motor vehicle operation and a report on the financial impacts on the state healthcare system of hospitalizations related to marijuana; (iii) economic and fiscal impacts for state and local governments including the impact of legalization on the production and distribution of marijuana in the illicit market and the costs and benefits to state and local revenue; (iv) ownership and employment trends in the marijuana industry examining participation by racial, ethnic and socioeconomic subgroups, including identification of barriers to participation in the industry; (v) a market analysis examining the expansion or contraction of the illicit marketplace and the expansion or contraction of the legal marketplace, including estimates and comparisons of pricing and product availability in both markets; (vi) a compilation of data on the number of incidents of discipline in schools, including suspensions or expulsions, resulting from marijuana use or possession of marijuana or marijuana products; and (vii) a compilation of data on the number of civil penalties, arrests, prosecutions, incarcerations and sanctions imposed for violations of chapter 94C for possession, distribution or trafficking of marijuana or marijuana products, including the age, race, gender, country of origin, state geographic region and average sanctions of the persons charged.
- (b) The commission shall incorporate available data into its research agenda, including the baseline study conducted pursuant to chapter 351 of the acts of 2016, and coordinate and form partnerships with the department of public health, the department of elementary and secondary education, the department of higher education, the executive office of public safety and security and the executive office of labor and workforce development. The commission shall annually report on the results of its research agenda and, when appropriate, make recommendations for further research or policy changes. The annual reports shall be posted online in a machine-readable format.

<https://malegislature.gov/laws/sessionlaws/acts/2017/chapter55>



## Appendix VI: Public Awareness Campaigns

### Cannabis Public Awareness Campaigns: All States

A public awareness campaign is a comprehensive effort to educate a large audience to act toward a specified goal. A public awareness campaign rooted in a public health framework serves to promote public health by creating synergy between short-term mass media campaigns and long-term localized action.<sup>187</sup> Massachusetts is one of seven states that has implemented a comprehensive public awareness campaign to either inform constituents of the non-medical adult-use cannabis policies and provisions within their states and/or educate youth or parents about the harms of cannabis use for adolescents whose brains are still maturing.

**Table VI.1. States with Non-Medical Adult Cannabis Policies and Public Awareness Campaigns**

State	Campaign Name	Website
Massachusetts	<i>More About Marijuana</i>	<a href="http://www.moreaboutmj.org">www.moreaboutmj.org</a>
Alaska	<i>Get The Facts About Cannabis</i>	<a href="http://dhss.alaska.gov/dph/Director/Pages/cannabis/default.aspx">http://dhss.alaska.gov/dph/Director/Pages/cannabis/default.aspx</a>
California	<i>Let's Talk Cannabis</i>	<a href="https://www.cdph.ca.gov/Programs/DO/letstalkcannabis/Pages/LetsTalkCannabis.aspx">https://www.cdph.ca.gov/Programs/DO/letstalkcannabis/Pages/LetsTalkCannabis.aspx</a>
Colorado	<i>Good to Know</i>	<a href="https://www.colorado.gov/good-know">https://www.colorado.gov/good-know</a>
Nevada	<i>Good to Know</i>	<a href="http://goodtoknownv.com/">http://goodtoknownv.com/</a>
Oregon	<i>Stay True To You</i>	<a href="http://www.staytruetoyou.org/#home">http://www.staytruetoyou.org/#home</a>
Washington	<i>Listen2YourSelfie</i>	<a href="https://www.youcanwa.org/">https://www.youcanwa.org/</a>



## Cannabis Public Awareness Campaign: Massachusetts



Based within a public health framework, Massachusetts's cannabis public awareness campaign, *More About Marijuana*, is a collaboration between The Massachusetts Cannabis Control Commission (CNB), The Department of Public Health (DPH), and The Bureau of Substance Abuse Services (BSAS) within DPH, who contracted with MORE Advertising to collaboratively research, devise, and implement *More About Marijuana* in the Commonwealth.

The goals of the campaign are threefold:

1. Conduct research to assess the current knowledge of both:
  - a. Cannabis overall; and
  - b. Massachusetts Chapter 55, *An Act to Ensure the Safe Access to Cannabis* policy and provisions.
2. Develop the campaign based on research results. Research for this campaign consisted of two primary mechanisms:
  - a. Focus groups with pre-group surveys; and
  - b. Online ("pre" implementation) survey of Massachusetts residents 21≤. The campaign targets both the general population, as well as parents and youth. [See research methods and results below].
3. Implement the campaign to educate constituents on the varying provisions within the policy and potential harmful effects of using cannabis.

The implementation of the campaign has two waves. The first wave was implemented in August 2018 and targeted parents of youth. The second wave was implemented in winter 2019 and targeted a general audience.

**Table VI.2. Public Awareness Campaign Pre/Post Questions About Youth Use**

<b>More About MJ – Youth Questions</b>
1. If you were to keep marijuana in your home, would you store it in a locked storage area?
2. When a mother is breastfeeding, is it safe for her to use marijuana?
3. If a breastfeeding mother uses marijuana, is it possible this could have a long-term impact on her child's ability to learn?
4. When is the right time to begin to talk to your children about drugs and alcohol?
5. What approach is most effective: Let your child initiate conversations about alcohol and other drugs? Schedule a time to have a talk about alcohol and other drugs with your child? Or make it a point to have ongoing conversations about alcohol and other drugs with your child?
6. Think about your oldest child. How many conversations have you had with him or her about using alcohol and other drugs?
7. If you wanted to talk to your child about marijuana use, do you feel that you have the information and resources you need to have that conversation?
8. At what age are individuals old enough to try or use marijuana?
9. What grade would you give the state of Massachusetts so far at educating parents of youth about the legalization of marijuana (or marijuana in general)? [Grade-Point Average is calculated on a 4.0 scale, where A = 4, B = 3, C = 2, D = 1, F = 0.]
10. Which is true? The benefits and risks of using marijuana are the same for youth as they are for adults. The risks of using marijuana are greater for youth than they are for adults. The risks of using marijuana are greater for adults than they are for youth.



**Table VI.3. Public Awareness Campaign Focus Group Findings About Youth Use**

Focus Group Prompt	Findings	Participant Quote
<b>Talking to kids about drugs/alcohol (generally)</b>	<ul style="list-style-type: none"> <li>• All parents reported to talking to kids early (between 3rd and 5th grade) about drugs and alcohol</li> <li>• Most talk to kids over time</li> <li>• Some want to educate about medical benefits while emphasizing recreational use is illegal until 21</li> </ul>	<p><i>“In my opinion, I think you just need ongoing conversation. It just can't be one talk. It has to be when they're very young, and over a period of time, and just through example after example after example, and just trying to have them see on their own that this is something that could ruin your whole life.” – Participant, BHSP</i></p>
<b>What prompts parents to discuss drugs and alcohol with kids?</b>	<ul style="list-style-type: none"> <li>• A video or TV show</li> <li>• Photos on Snapchat of other kids vaping</li> <li>• Prom/special events</li> <li>• News reports of drug or alcohol problems</li> <li>• Peers who are using</li> <li>• Driving past people on drugs</li> <li>• Having kids in sports</li> <li>• Teens driving or being in a car with other teen drivers</li> <li>• Family addiction histories</li> </ul>	<p><i>“Alcoholism and opioid addiction run in my family so I talk about genetics and predispositions often with my kids.” – Participant, GHSP</i></p>
<b>Parent Concerns</b>	<ul style="list-style-type: none"> <li>• Impact on driving</li> <li>• What if child's friend has cannabis but they are driving sober?</li> <li>• Use and accidental use of edibles</li> </ul>	<p><i>“There's gonna be huge issues and consequences for all of us who drive the roads of Massachusetts and have children who drive the roads and are passengers. There's a lot of stuff that's going to happen. So the more education we can have about how it impairs you when you're driving, the better</i></p>



		<i>we'll be.</i> ” – Participant, GMSP
<b>How will legalization change conversations with kids?</b>	<ul style="list-style-type: none"> <li>• Will not change conversation</li> <li>• Treat cannabis like alcohol discussions</li> <li>• May mean kids are more exposed to cannabis</li> <li>• May have conversations earlier and more often</li> </ul>	
<b>What challenges do you face taking to kids about drugs and alcohol?</b>	<ul style="list-style-type: none"> <li>• Kids do not want to listen</li> <li>• Hard to say do not use when they themselves use alcohol or cannabis</li> <li>• Fear child will rebel</li> <li>• Kids feel invincible</li> <li>• Kids learn a lot of peers/media, think they know more than parents.</li> </ul>	<i>“I think the challenge, um, haven't seen the long-term effects. They don't, they don't see long-term.”</i> - Participant, FHSP
<b>What tools and information would you like to help you discuss marijuana with your kids?</b>	<ul style="list-style-type: none"> <li>• Youtube Videos</li> <li>• Scientific evidence on how cannabis affects youth brain</li> <li>• Potency information</li> <li>• Signs a kid is using</li> <li>• Pro/con list around use including MMJ</li> <li>• Comics</li> <li>• Social stories for kids with autism</li> <li>• Consequences of use, and RUIC</li> <li>• Strategies to talk to kids at different ages</li> <li>• Interaction of cannabis with medication</li> </ul>	





**Appendix VII: Public Health and Prevention in Regulations, as of July 2019**

**Table VII.1. Regulations—Public Health Focused Regulations: Youth Prevention**

<b>Regulation</b>	<b>Topic</b>	<b>Details</b>
<b>935 CMR 500.101</b>	Plan to Prevention Diversion	Marijuana Establishments required to submit documentation around steps take to prevent diversion to minors.
<b>935 CMR 500.105</b>	Certification Training Class Core Curriculum	Requirement that for training around the health effects of cannabis and diversion prevention.
<b>935 CMR 500.105</b>	Marketing and Advertising Requirements	All provisions in this section were public health/youth prevention driven.
<b>935 CMR 500.105</b>	Labeling of Marijuana and Marijuana Products	Requires labeling including warning symbols created by the CNB, and health warning statements that must be included.
<b>935 CMR 500.105</b>	Packaging of Marijuana and Marijuana Products	Requires childproof or tamper resistant packaging, plain design so it is not appealing to children, and Keep Out Of Reach of Children warning statement.
<b>935 CMR 500.105</b>	Limits on Package Design	Packaging should not be attractive to minors, no use of bright colors, no semblance to any existing branded consumer products, no cartoons, not similar to products marketed to minors, no celebrities are able to be used for who appeal to minors.
<b>935 CMR 500.110</b>	Security Requirements for Marijuana Establishments	Positive ID of persons entering a marijuana facility, no one under the age of 21 permitted entry unless they hold a marijuana care, in which case they may be 18 or older.
<b>935 CMR 500.110</b>	Buffer Zone	Marijuana establishments may not be permitted to be located within 500 feet of any pre-existing public or private school K-12 unless the town/city adopts an ordinance that reduces the distance.
<b>935 CMR 500.140</b>	On Premises Verification of Identification for Adult-use Only Locations	IDs of everyone entering the facility must be checked to prove they are 21 or older.
<b>935 CMR 500.140</b>	Unauthorized Sales and Right to Refuse Sales	A retailer may refuse to sell marijuana products to someone who is unable to provide valid proof of ID or is considered to put the public at risk.
<b>935 CMR 500.301</b>	Unannounced Purchase for Purpose of Investigative Testing	Secret shopper program.



**Table VII.2. Regulations— Public Health Focused Regulations: Other**

Regulation	Topic	Details
<b>935 CMR 500.105</b>	Packaging of Multiple Servings	Servings must be distinct and scored so as to prevent ingestion of multiple servings or must be in single serving sizes if not permitted to be divided.
<b>935 CMR 500.105</b>	Record Keeping	Seed to sale tracking of products are required.
<b>935 CMR 500.130</b>	Marijuana Product Manufacturers	All edible products must be prepared, handled and stored in compliance with sanitation requirements “Good Manufacturing Practices for Food.”
<b>935 CMR 500.140</b>	Consumer Education	Retailer should make available education materials about marijuana products to consumers.
<b>935 CMR 500.140</b>	Limitation on Sales	Marijuana Retailer may not sell more than one ounce of marijuana or five grams of marijuana concentrate to a consumer per transaction.
<b>935 CMR 500.150</b>	Edible Marijuana Products	Production, Sanitary Requirements, Additional Labeling and Packaging Requirements, Dosing limits.
<b>935 CMR 500.160</b>	Testing of Marijuana and Marijuana Products	All marijuana products must be tested by an independent testing laboratory.

# Cannabis Control Commission Public Meeting Minutes

July 17, 2019

1:00 P.M.

Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor

Boston, MA 02110

## **Commission Members in Attendance:**

Chairman Steven Hoffman

Commissioner Kay Doyle

Commissioner Jen Flanagan

Commissioner Britte McBride

Commissioner Shaleen Title

## **Commission Members Absent:** None

## **List of Documents:**

1. Presentation from July 17, 2019 meeting
2. Project Coordinator Position Description
3. Social Equity Vendor Selection
4. License Renewal Process Memorandum
5. Marijuana Establishment Renewals Executive Summary
6. Medical Marijuana Treatment Center Renewals Executive Summary
7. Heal, Inc. Change of Location Executive Summary
8. Ipswich Pharmaceutical Associates, Inc. Change of Location Executive Summary
9. Nature's Remedy of Massachusetts, Inc. Cultivation and Processing Change of Location Executive Summary
10. Nature's Remedy of Massachusetts, Inc. Dispensing Change of Location Executive Summary
11. Alternative Therapies Group, Inc. Final License Executive Summary
12. Healthy Pharms, Inc. Final Licenses Executive Summary
13. Theory Wellness, Inc. Final License Executive Summary
14. Sanctuary Medicinals, Inc. MTC Final License Executive Summary
15. Krypies, LLC Provisional License Executive Summary
16. Nature's Medicines, Inc. Provisional License Executive Summary
17. Pure Oasis, LLC Provisional License Executive Summary
18. Silver Therapeutics, Inc. Provisional License Executive Summary
19. The Haven Center, Inc. Provisional Licenses Executive Summary
20. Mass Yield Cultivation, LLC Reconsideration of Provisional License Executive Summary
21. Positive Impact Plan Guidance Update

Chairman Hoffman called the Cannabis Control Commission to order at 1:00 PM. Chairman Hoffman put the public on notice that the meeting is being recorded. Chairman Hoffman

reviewed the extensive meeting agenda. Chairman Hoffman turned to the minutes from the meeting on June 13, 2019. Commissioner Doyle proposed an edit. Charmain Hoffman asked for a motion to approve the minutes from June 13, 2019, subject to the proposed modification. Commissioner Flanagan made the motion to approve, seconded by Commissioner Doyle. The Commission unanimously approved the minutes.

Executive Director Shawn Collins gave his report regarding license, agent and social equity program applications. Mr. Collins discussed the procurement process for vendors to run training programs for the social equity program. Mr. Collins listed the six vendors who were selected and his expectation that the training program would begin by the fall. Commissioner Title expressed her appreciation for the staff work on this and looks forward to collaborating with the vendors. Mr. Collins discussed the project coordinator position. Commissioner Title asked about the specifics of the job posting. Chairman Hoffman asked for a motion to approve the Executive Director's recommendation to create and fill such a position. Commissioner Title made the motion to approve, seconded by Commissioner Flanagan. The Commission unanimously approved the motion. Mr. Collins discussed the volume of applications for the proposed responsible vendor training program. Commissioner Title asked about a deadline for the program. Mr. Collins answered that it is a rolling program, and that applications will be periodically reviewed by the Commission.

Chairman Hoffman turned to the license renewal applications. Mr. Collins explained the adult-use license renewal procedure. Commissioner Doyle pointed out the need to collect information on any local permits procured by applicants or licensees. Commissioner McBride proposed additional conditions for renewals regarding their policies on patient supply and reasonable substitutions for colocated medical and adult use facilities. Chairman Hoffman proposed voting on the 13 license renewals as a group. Commissioner Flanagan requested a separate vote on Cultivate Holdings ((#MRR205524) Retail Renewal. Commissioner Title expressed her concern about the licensees' Positive Impact Plans and requested individual consideration of each renewal. Commissioner Title asked if data was collected on patient or consumer complaints. Mr. Collins said that such complaints were and often were part of the inspection process, but data about them could potentially be added to renewals. Chairman Hoffman said that it was very important to lock down the renewal process because licensees were relying on renewals to stay in business. Commissioner McBride said that the renewals at this meeting should be granted subject to the condition proposed, and then that those conditions should be added to guidance so licensees seeking future renewals would be on notice to comply. Commissioner Title asked again about data on consumer complaints. Mr. Collins responded that developing the best way to organize and quantify the data would take time to implement.

Chairman Hoffman turned to the license renewal for Cultivate Holdings, LLC (#MCR139823), Cultivation Renewal. Commissioner Flanagan requested as a condition further information about implementation of the licensee's Partnership Plan. Commissioner Title requested as a condition clarification about the licensee's Positive Impact Plan and further information about the licensee's Diversity Plan. Chairman Hoffman asked for a motion to approve the renewal of Cultivate Holdings, LLC cultivation license (#MCR139823), subject to the conditions proposed by Commissioners Flanagan and Title. The motion was made by Commissioner Doyle and seconded by Commissioner McBride. The Commission unanimously approved the motion.

Chairman Hoffman turned to the license renewal for Cultivate Holdings, LLC (#MRR205524), Retail Renewal. Commissioner Flanagan said that had concerns about the licensee's detrimental effects on the public's health, safety and welfare. Paul Payer, Enforcement Counsel, said that there is a pending investigation regarding the licensee. Commissioner Doyle added that the Commission could still go forward with the renewal while waiting for full information from the investigation. Commissioner Flanagan reiterated her concerns and said that the renewal process could be used as a tool for oversight. Chairman Hoffman asked for a motion to approve the renewal of Cultivate Holdings, LLC retail license (#MCR205524), subject to the conditions proposed by Commissioners Flanagan, McBride and Title. The motion was made by Commissioner Doyle and seconded by Commissioner McBride. The motion was approved by the Commission by a vote of four in favor (Doyle, Hoffman, McBride, Title) and one opposed (Flanagan).

Chairman Hoffman turned to the renewals for Alternative Therapies Group, Inc. (#MCR139822, # MPR243478, and # MRR205522; Cultivation, Product Manufacturing and Retail, respectively). Commissioner Title proposed conditions regarding further information about the licensee's diversity plan. Chairman Hoffman asked for a motion to approve the renewal of Alternative Therapies Group, Inc.'s cultivation license (#MCR139822) subject to the condition proposed by Commissioner Title. The motion was made by Commissioner Flanagan and seconded by Commissioner Doyle. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the renewal of Alternative Therapies Group, Inc.'s product manufacturing license (#MPR243478) subject to the condition proposed by Commissioner Title. The motion was made by Commissioner Doyle and seconded by Commissioner Flanagan. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the renewal of Alternative Therapies Group, Inc.'s retail license (#MRR205522), subject to the conditions proposed by Commissioners McBride and Title. The motion was made by Commissioner McBride and seconded by Commissioner Doyle. The Commission unanimously approved the motion.

Chairman Hoffman turned to the renewal applications for SIRA Natural, Inc. Commissioner Title proposed a condition requesting a report on the progress of the licensee's Diversity Program within three months of renewal. Commissioner Flanagan expressed her appreciation that the licensee updated its Positive Impact Plan in accordance with revised guidance. Chairman Hoffman asked for a motion to approve the renewal of SIRA Natural's cultivation license (#MCR139821), subject to the condition proposed by Commissioner Title. The motion was made by Commissioner Flanagan and seconded by Commissioner McBride. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the renewal of SIRA Natural's third-party transporter license (#MXR126654), subject to the condition proposed by Commissioner Title. The motion was made by Commissioner Flanagan and seconded by Commissioner Doyle. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the renewal of SIRA Natural's product manufacturing license (#MPR243480), subject to the condition proposed by Commissioner Title. The motion was made by Commissioner Flanagan and seconded by Commissioner Doyle. The Commission unanimously approved the motion.

Chairman Hoffman turned to the renewal applications for New England Treatment Access, LLC (NETA). Commissioner Title proposed conditions requesting a report on the progress of both the licensee's Positive Impact Plan and Diversity Plan within three months of renewal. Chairman Hoffman asked for a motion to approve the renewal of NETA's cultivation license (#MCR139825), subject to the conditions proposed by Commissioner Title. The motion was made by Commissioner McBride and seconded by Commissioner Doyle. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the renewal of NETA's retail license (#MRR205525), subject to the conditions proposed by Commissioner Title and Commissioner McBride. The motion was made by Commissioner Doyle and seconded by Commissioner McBride. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the renewal of NETA's retail license (#MRR205526), subject to the conditions proposed by Commissioner Title and Commissioner McBride. The motion was made by Commissioner Doyle and seconded by Commissioner Doyle. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the renewal of NETA's product manufacturing license (#MPR243479), subject to the conditions proposed by Commissioner Title. The motion was made by Commissioner Doyle and seconded by Commissioner McBride. The Commission unanimously approved the motion.

Chairman Hoffman turned to the renewal application for PharmaCannis, Inc. (#MPR243479), Product Manufacturing. Commissioner Flanagan requested further information on the licensee's donation to the Wareham Oyster Festival and whether there was marketing to minors at that event. Commissioner Title expressed concern about the licensee's apparent lack of understanding of the Positive Impact plan guidance, Commissioner Flanagan also questioned whether payment for police details, as listed by the licensee, was evidence of a positive impact on a distressed community. Commissioner McBride agreed that this would not satisfy the Commission's positive impact plan requirements. Chairman Hoffman recommended deferring a vote on the license renewal until the Commission's next meeting on August 8<sup>th</sup>, 2019. Commissioner Flanagan questioned whether further information from the licensee would be effective. General Counsel Christine Baily pointed out that it would be allowable to defer consideration until the next meeting, and that the enforcement and licensing staff had exercised its discretion in presenting material upon which the committee could make a decision. Commissioner Title requested a short break to confer with enforcement and licensing. After the recess, Chairman Hoffman asked Mr. Collins to comment on notification or enforcement actions that could be taken against the licensee. Mr. Collins said that compliance is an ongoing matter and the enforcement staff had the right to act at any time. Commissioner Title agreed with deferring action until the next meeting.

Chairman Hoffman turned to the eight renewals for RMDs on the agenda. Mr. Collins described the renewal process for medical-use facilities. Commissioner Title proposed a condition for all renewals that licensees provide information on compliance with the requirement to provide reduced-price medical marijuana to a patient with verified financial hardship. Chairman Hoffman asked for a motion to approve the renewal of the following licenses, subject to the conditions proposed by Commissioner Title:

- Bewell Organic Medicine, Inc. (#RMD1245), Vertically Integrated Medical Marijuana Treatment Center

- INSA, Inc. (#RMD845), Vertically Integrated Medical Marijuana Treatment Center
- Ipswich Pharmaceutical Associates, Inc., Vertically Integrated Medical Marijuana Treatment Center
- Mayflower Medicinals, Inc. (#RMD425), Vertically Integrated Medical Marijuana Treatment Center
- Mayflower Medicinals, Inc., Vertically Integrated Medical Marijuana Treatment Center
- Wellness Connection of Ma, Inc., Vertically Integrated Medical Marijuana Treatment Center
- Sanctuary Medicinals, Inc. (#RMD1127), Vertically Integrated Medical Marijuana Treatment Center
- Cannatech Medicinals, Inc. (#RMD1105), Vertically Integrated Medical Marijuana Treatment Center

The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission unanimously approved the eight renewals.

Chairman Hoffman turned to the requests for an entity's change of location. Mr. Collins explained the process for applying for and approving a change of location. Chairman Hoffman asked for a motion to approve the change of location request for Heal, Inc.'s MTC Provisional License, Cultivation and Processing. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the change of location request for Ipswich Pharmaceutical Associates, Inc.'s MTC Provisional License, Cultivation and Processing. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the change of location request for Natures Remedy of Massachusetts, Inc.'s MTC Provisional License, Cultivation and Processing. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the change of location request for Natures Remedy of Massachusetts, Inc.'s (#RMD1285) MTC Provisional License, Cultivation and Processing. The motion was made by Commissioner Flanagan, seconded by Commissioner McBride. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the change of location request for Natures Remedy of Massachusetts, Inc.'s MTC Provisional License, Dispensing. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission unanimously approved the motion.

Chairman Hoffman turned to approval of final licenses. Director of Licensing Kyle Potvin discussed the application for Alternative Therapies Group (#MR281344), Retail, which staff has recommended for approval of a final license subject to the conditions set forth in the executive summary. Chairman Hoffman asked for a motion to approve the staff recommendation to issue a final license for #MR281344 subject to conditions in the executive summary. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The motion was approved

with four votes in favor (Doyle, Flanagan, Hoffman, McBride) with Commissioner Title abstaining.

Mr. Potvin discussed the application for three colocated licenses for Healthy Pharms, Inc.: #MC281631, Cultivation – Tier 4/Indoor; #MP281450, Product Manufacturing and #MR281754, Retail, which staff has recommended for approval of final licenses subject to the conditions set forth in the executive summary. Commissioner McBride asked if the applicant had complied with the conditions under which the provisional license was granted. Mr. Potvin replied that the applicant had reduced the number of marijuana products it intended to sell and was in compliance. Chairman Hoffman asked for a motion to approve the staff recommendation to issue a final license #MC281631, Cultivation, subject to conditions in the executive summary. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The motion was approved with four votes in favor (Doyle, Flanagan, Hoffman, McBride) with Commissioner Title abstaining. Chairman Hoffman asked for a motion to approve the staff recommendation to issue a final license #MP281450, Product Manufacturing, subject to conditions in the executive summary. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan. The motion was approved with four votes in favor (Doyle, Flanagan, Hoffman, McBride) with Commissioner Title abstaining. Chairman Hoffman asked for a motion to approve the staff recommendation to issue a final license #MR281754, Retail, subject to conditions in the executive summary. The motion was made by Commissioner McBride, seconded by Commissioner Doyle. The Commission unanimously approved the motion.

Mr. Potvin discussed the application for Theory Wellness, Inc. (#MC281928), Cultivation – Tier 6/Outdoor, which staff has recommended for approval of final license subject to the conditions set forth in the executive summary. Chairman Hoffman asked for a motion to approve the staff recommendation to issue a final license #MC281928, subject to conditions in the executive summary. The motion was made by Commissioner McBride, seconded by Commissioner Flanagan. The Commission unanimously approved the motion.

Mr. Potvin discussed the application for Sanctuary Medicinals, Inc., (#RMD1128) Vertically Integrated Medical Marijuana Treatment Center, which staff has recommended for approval of final license subject to the conditions set forth in the executive summary. Chairman Hoffman asked for a motion to approve the staff recommendation to issue a final license #MC281928, subject to conditions in the executive summary. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission unanimously approved the motion.

The Commission turned to granting of provisional licenses. Mr. Potvin discussed the application for Nature's Medicines, Inc. F/K/A Xiphias Wellness (#MRN282482), Retail, which staff has recommended for approval of a provisional license subject to the conditions set forth in the executive summary. Commissioner Flanagan expressed concerns about aspects of the applicant's Positive Impact Plan. Chairman Hoffman asked for a motion to approve the staff recommendation to issue a provisional license #MRN282482 subject to conditions requested by Commissioner Flanagan. The motion was made by Commissioner Doyle, seconded by Commissioner Title. The Commission unanimously approved the motion.



Mr. Potvin discussed the application for Pure Oasis, LLC (#MRN281352), Retail, which staff has recommended for approval of a provisional license subject to the conditions set forth in the executive summary. Commissioner Flanagan expressed concern that the applicant's proposed community outreach program would not be sufficiently limited to persons over age 21. Commissioner Title proposed a condition that the applicant add measurable goals to the diversity plan. Chairman Hoffman asked for a motion to approve the staff recommendation to issue a provisional license #MRN281352, subject to conditions requested by Commissioner Flanagan and Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner Title. The Commission unanimously approved the motion. Chairman Hoffman noted that this licensee is the first economic empowerment license and the first provisional license granted in the city of Boston.

Mr. Potvin discussed the application for Silver Therapeutics, Inc. (#MPN281331), Product Manufacturing, which staff has recommended for approval of a provisional license subject to the conditions set forth in the executive summary. Commissioner McBride proposed a condition that the applicant provide further detail on planned production of food, oils and beverages. Commissioner Title proposed a condition that the applicant add measurable goals to the diversity plan. Chairman Hoffman asked for a motion to approve the staff recommendation to issue a provisional license #MPN281331, subject to conditions requested by Commissioner McBride and Commissioner Title. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission unanimously approved the motion.

Mr. Potvin discussed the applications for Haven Center, Inc.: (#MCN282072), Cultivation – Tier 2/Indoor and (#MPN281639), Product Manufacturing, which staff has recommended for approval of a provisional license subject to the conditions set forth in the executive summary. Commissioner McBride proposed a condition requesting more detail about the products to be manufactured at the facility. Chairman Hoffman asked for a motion to approve the staff recommendation to issue provisional license #MCN282072. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the staff recommendation to issue provisional license #MPN281639, subject to the condition requested by Commissioner McBride. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission unanimously approved the motion.

Mr. Potvin discussed the application for Krypies, LLC (#MRN281594), Retail, which staff has recommended for approval of a provisional license subject to the conditions set forth in the executive summary. Commissioner Flanagan requested clarification on how the applicant's advertising plan would avoid targeting persons under age 21. Commissioner Title proposed a condition that the applicant add measurable goals to the diversity plan and a condition that the word "Krypies" be investigated to determine if it is a colloquial term for cannabis. Commissioner Doyle requested that staff's first condition be amended to make clear that final license review would include an examination of the applicant's operating policies and procedures. Chairman Hoffman asked for a motion to approve the staff recommendation to issue provisional license #MRN281594, subject to the conditions requested by Commissioners Flanagan, Title and Doyle. The motion was made by Commissioner Doyle, seconded by Commissioner Title. The Commission unanimously approved the motion.

The Commission turned to a reconsideration of a previously denied license. General Counsel Christine Baily discussed the process of reconsideration. Ms. Baily outlined the limited instances in which the Commission might allow reconsideration of a licensee's application. Mr. Collins discussed the application for reconsideration of Mass Yield Cultivation, LLC., (#MCN281392), Cultivation – Tier 2 / Indoor, whose initial application for licensure was denied on April 25, 2019. Mr. Collins noted that the application was denied based on an insufficient Positive Impact Plan. Chairman Hoffman asked for a motion regarding the petition for reconsideration of Mass Yield Cultivation, LLC #MCN281392. Ms. Baily requested that the motion include a delegation of authority to Commission staff to evaluate possible future petitions for reconsideration as well. Mr. Collins said that the delegation of authority was a separate issue from the specific petition under discussion. Commissioner Doyle added that the Commission should be promptly informed of any petition for reconsideration received by staff. Commissioner Doyle then made a motion to delegate to staff the authority to screen petitions for reconsideration and to notify the Commission of their determinations. The motion was seconded by Commissioner Flanagan. The Commission unanimously approved the motion. Chairman Hoffman next asked for a motion to consider the petition for reconsideration of Mass Yield Cultivation, LLC #MCN281392. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission unanimously approved the motion.

Commissioner Flanagan began the discussion by expressing her concern that applicant's Positive Impact Plan contains material regarding the beneficial and medicinal effects of cannabis that violates the Commission's regulation against marketing that asserts products are safe or have therapeutic effects, and that this shows the applicant's misinterpretation of the purpose of the Positive Impact plan. Commissioner Title agreed. Chairman Hoffman acknowledged that the applicant made a good-faith effort to improve the Positive Impact Plan and the other aspects of the plan were a substantial improvement. Commissioner McBride noted that the petition for reconsideration was allowed because of changes in the Commission's own regulations. Commissioner Flanagan said that the applicant should reconsider distributing flyers on college campuses to avoid marketing to persons under 21. Chairman Hoffman asked for a motion to approve the staff recommendation for reconsideration and granting of provisional license #MCN281392 subject to the conditions proposed by Commissioner Flanagan and Commissioner Title. Commissioner McBride made the motion, and Commissioner Title clarified that the conditions involve resubmitting the Positive Impact Plan to make it compliant with existing marketing regulations. The motion was seconded by Commissioner Doyle. The motion was approved by the Commission with a vote of four in favor (Doyle, Hoffman, McBride and Title) to one against (Flanagan).

After a short recess, the Commission turned to the change of control application. Mr. Potvin discussed the application of Curaleaf Massachusetts, Inc., noting that this would affect five provisional adult use licenses and two medical treatment center licenses. Staff recommended approval of the change of control subject to the conditions set forth in the executive summary. Commissioner Title asked if the applicant had any explanation for why the transaction occurred without the required prior approval of the Commission. Director of Investigations Patrick Beyea responded that the applicants claimed it was not a change of control because the principals' stock ownership percentages did not change. Mr. Potvin said that the Commission's process for requesting change of control was being updated when the transaction took place. Chairman Hoffman asked for a timeline of the process changes. Enforcement Counsel Paul Payer outlined

the timeline for the adult use licenses, noting that the change of control transaction was completed on October 25, 2018. The Commission's change of control application form became available on or about January 19, 2019 and Curaleaf submitted its application on February 9, 2019.

Commissioner Title commented that the regulations required prior approval for a change of control and the lack of a form or process did not obviate that requirement. Commissioner Doyle agreed with Commissioner Title and asked if perhaps the applicant had requested a form and was denied. Chairman Hoffman asked if there had been any communications between the applicant and Commission staff prior to the February 2019 submission. Mr. Beyea said that he had contacted the applicant in November 2018 after learning of the October 2018 transaction and that the company told him they had not done anything wrong. Chief of Enforcement Yaw Gyebi added that to his knowledge there was no formal request from the company for a form. Mr. Collins commented that there are often ongoing conversations between applicants and Commission staff, and also pointed out that enforcement issued a deficiency notice to the company on June 21<sup>st</sup> regarding this matter. Chairman Hoffman and Ms. Baily discussed the status of the license if the Commission did not approve the change of control application. Mr. Potvin said that Curaleaf Massachusetts would still hold the license. Chairman Hoffman laid out the voting options for the Commission and confirmed with Ms. Baily that even if the applicant were approved the Commission had discretion to impose enforcement actions. Commissioner McBride said that she had multiple questions about the transaction to discuss with counsel and staff. Chairman Hoffman proposed deferring a vote on the issue until the August 8<sup>th</sup> meeting to allow for Commissioners to gather information, or whether the Commission ought not to even consider the application for change of control given the applicant's violation. After a brief recess, Commissioner McBride made a motion to defer a vote until the next meeting in order to allow Commission staff to discuss the situation and options with Commissioners in the interim. The motion was seconded by Commissioner Doyle. The Commission unanimously approved the motion. Mr. Collins stated that the applicant has been cooperative in its ongoing interactions with Commission staff.

The Commission next turned to a discussion of new guidance for applicants' Positive Impact Plans. Commissioner Title explained that the change would allow license renewal applicants seeking to contribute to the Commission's proposed Social Equity Technical Assistance Fund as part of their Plan to instead make contribution to other funds that would have the same goals. Commissioner Flanagan asked about oversight of these contributions. Commissioner Title replied that oversight is not specified as it could be one of multiple entities. Commissioner Doyle suggested that the Commission make changes during the fall to its regulations regarding the social equity leadership award. Commissioner Title made motion to approve the proposed change to the Positive Impact Plan guidance, seconded by Commissioner Doyle. The Commission unanimously approved the motion.

The Commission turned to discussion of the public awareness campaign. Director of Communications Cedric Sinclair presented information about the reach of the current campaign. Mr. Sinclair described the upcoming campaign about the dangers of home manufacturing of cannabis and the redesigned MoreAboutMJ.Org website. Commissioner Flanagan expressed her view of the need to strike a balance between publicizing the legalized industry and providing information, especially to youth, about the health issues involved.

Chairman Hoffman discussed the Commission's upcoming public meetings, then asked for a motion to adjourn. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan, and approved unanimously. The meeting was adjourned at 5:00 PM.

# Cannabis Control Commission Public Meeting Minutes

August 8, 2019

12:00 P.M.

Massachusetts Dept. of Transportation

10 Park Plaza

Boston, MA 02116

## **Commission Members in Attendance:**

Chairman Steven Hoffman

Commissioner Kay Doyle

Commissioner Britte McBride

## **Commission Members Participating Remotely:**

Commissioner Jen Flanagan

Commissioner Shaleen Title

**Commission Members Absent:** None

## **List of Documents:**

1. Executive Director's Presentation for Public Meeting 8/8/19
2. Change of Location – Executive Summary - Canna Provisions, Inc.
3. Final License – Executive Summary – 253 Organic, LLC
4. Final License – Executive Summary – Solar Therapeutics, Inc.
5. Provisional License – Executive Summary – Berkshire Roots, Inc.
6. Provisional License – Executive Summary – Ipswich Pharmaceutical Associates, Inc.
7. Provisional License – Executive Summary – New England Cannabis Corporation, Inc.
8. Marijuana Establishment Renewals – Executive Summary: Pharmacannis Massachusetts, Inc. M3 Ventures, Inc. (3 licenses), I.N.S.A (3 licenses), Alternative Therapies Group, Inc.
9. Guidance on Renewing a Marijuana Establishment License
10. Guidance on Application for Responsible Vendor Training

Chairman Hoffman called the meeting to order at 12:00 PM. Chairman Hoffman put the public on notice that the meeting is being recorded. Chairman Hoffman said that the Commission would be holding its public meetings monthly beginning in September 2019. Chairman Hoffman proposed a change to the order of items in the agenda, to which the commissioners agreed.

Executive Director Shawn Collins introduced the Commission's new Associate General Counsel Alyssa DeAngelis, then presented his report on license, agent and social equity program applications.

Chairman Hoffman turned to the request for change of location of Canna Provisions, Inc. (#MR281778, Retail). Director of Licensing Kyle Potvin discussed the licensee's application, which staff has recommended for approval subject to the conditions set forth in the executive

summary. Chairman Hoffman asked for a motion to approve the staff recommendation. The motion was made by Commissioner McBride, seconded by Commissioner Doyle. The Commission unanimously approved the motion.

Chairman Hoffman turned to consideration of final licenses. Mr. Potvin discussed the application for 253 Organic, LLC (#MR281245), Retail, which staff has recommended for approval of a final license subject to the conditions set forth in the executive summary. Chairman Hoffman asked for a motion to approve the staff recommendation. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission approved the motion with four votes in favor (Doyle, Flanagan, Hoffman, McBride) with Commissioner Title abstaining.

Mr. Potvin discussed the application for Solar Therapeutics, Inc. (#MR281817), Retail, which staff has recommended for approval of a final license subject to the conditions set forth in the executive summary. Commissioner McBride asked if all employees were registered as agents. Mr. Potvin answered that a significant proportion had and that all employees on site during inspection were registered agents. Commissioner Doyle commended the applicant on their attention to energy efficiency. Chairman Hoffman asked for a motion to approve the staff recommendation. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission unanimously approved the motion.

Chairman Hoffman turned to consideration of provisional licenses. Mr. Potvin discussed the application for Berkshire Roots, Inc. (#MRN281845), Retail, which staff has recommended for approval of a provisional license subject to the conditions set forth in the executive summary. Commissioner Flanagan proposed a condition that the applicant's Positive Impact Plan identify other Disproportionately Impacted Areas that will be affected by the license. Commissioner McBride asked if the Commission had received any patient complaints about the applicant's existing colocated MTC/adult us facility in Pittsfield. Mr. Collins replied that there have been complaints that have been investigated by Enforcement staff, and that inspections have found that the applicant is in compliance with regulations. Chairman Hoffman asked for a motion to approve the staff recommendation with the addition of the condition proposed by Commissioner Flanagan. The motion was made by Commissioner McBride, seconded by Commissioner Doyle. The Commission unanimously approved the motion.

Mr. Potvin discussed the application for Ipswich Pharmaceutical Associates, Inc. (#MRN281571), Retail, which staff has recommended for approval of a provisional license subject to the conditions set forth in the executive summary. Commissioner Doyle asked how long the applicant had had its MTC license. Commissioner Flanagan asked for clarification on an element of the applicant's Positive Impact Plan and expressed concern that the applicant's plan to advertise on college campus would violate the Commission's marketing regulations. Commissioner Title proposed a condition to revise the Diversity Plan to clarify its definition of "equity recruit." Chairman Hoffman asked for a motion to approve the staff recommendation with the addition of the condition proposed by Commissioners Flanagan and Title. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission unanimously approved the motion.

Mr. Potvin discussed the two applications for New England Cannabis Corporation, Inc.: (#MCN281251), Cultivation – Tier 4/Indoor and (#MPN281466), Product Manufacturing, which staff have recommended for approval of provisional licenses subject to the conditions set forth in the executive summary. Commissioner McBride proposed a condition regarding further clarification on the products the applicant intends to manufacture, including fruit gummies, lollipops and bars. Commissioner McBride asked for further clarification on the applicant’s plan for securing its limited access areas. Commissioner McBride requested that the applicant revise its security plan to conform with the Commission’s regulations for storage of video footage. Commissioner McBride further commented that applicants are responsible for the content of their submissions, even if those submissions were prepared by outside consultants or advisors, and that applicants should not be submitting generic or boilerplate materials. Commissioner Doyle asked how long the applicant had had its MTC license. Commissioner Flanagan requested a condition that the applicant provide a letter from the beneficiary of its Positive Impact Plan donation. Commissioner Title proposed conditions that the applicant revise the definition of “diverse workforce” in its Diversity Plan, rename its “Rice Krispie treat” product to remove the trademarked name and fully redo the Positive Impact Plan to include specific, measurable ways by which the applicant will have a positive impact in its community. Chairman Hoffman noted that the conditions proposed by Commissioner Flanagan and Commissioner Title overlapped and could be combined. Chairman Hoffman asked for a motion to approve the staff recommendation for #MCN281251- Cultivation, with the addition of the conditions proposed by Commissioners Title and Flanagan regarding the Positive Impact Plan and diverse workforce definition and by Commissioner McBride regarding the SOP and Security plans. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the staff recommendation for #MPN281466 - Product Manufacturing, with the addition of the conditions proposed by Commissioner Flanagan regarding the product list and Commissioner Title regarding removal of trademark in a product name. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan. The Commission unanimously approved the motion.

Chairman Hoffman turned to enforcement actions against M3 Ventures, Inc. (“M3”) and Curaleaf Massachusetts, Inc. (“Curaleaf”). Regarding the proposed settlement with M3, Commissioner McBride asked how Enforcement staff arrived at the \$50,000 fine. Enforcement Counsel Paul Payer explained that the licensee had been in compliance with regulations during the pendency of the enforcement proceeding, and combined with mitigating factors put forward during negotiations, including changes the licensee made in its cultivation department in direct response to the violations. Mr. Payer confirmed to Commissioner McBride that the licensee would be in a probationary period through the end of 2019. Chairman Hoffman asked for a motion to approve the staff recommendation for settlement with M3 Ventures, Inc. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission unanimously approved the motion.

Mr. Payer then discussed the final order and stipulated agreement with Curaleaf. Commissioner McBride asked what steps the licensee has taken to correct the violation. Mr. Payer replied that

the licensee had disclosed an additional indirect owner after a request for information from Enforcement, and that lack of disclosure, though incorrect, was not made in bad faith. Commissioner McBride asked if Enforcement believed that the licensee had provided adequate assurance of its understanding of the statutory caps on cultivation area and license types allowable for an owner. Mr. Payer answered that the licensee's statement of license acquisition was made in error and that the licensee did not intend to acquire more than the statutory limit. The canopy cap transaction is still an Enforcement issue. Commissioner McBride asked how the \$250,000 amount of the fine was arrived at. Mr. Payer discussed the criteria considered in the dispute resolution process and how the fine served as a sufficient deterrent to prevent other licensees from avoiding Commission oversight of change of control transactions. Commissioner Title added that the lack of a form to comply with a regulatory requirement does not make that requirement optional. Commissioner McBride asked if any other deficiencies were identified during the investigation. Mr. Payer said that there were no operational deficiencies found, which contributed to the decision not to suspend or revoke Curaleaf's license. Prior to the Commission's vote, Mr. Payer said that the agreement would only take effect if the Commission voted to approve the change of control transaction and that submission of the transaction for the Commission's approval would constitute corrective action to remedy the deficiency. Chairman Hoffman asked for a motion to approve the staff recommendation for final order and stipulated agreement with Curaleaf. The motion was made by Commissioner McBride, seconded by Commissioner Doyle. The Commission unanimously approved the motion. Next, Chairman Hoffman asked for a motion to approve the staff recommendation for change of control. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission unanimously approved the motion.

The Chairman turned to the matter of license renewals. Mr. Potvin discussed the eight renewals, stating that staff recommends renewal of all licenses subject to continued compliance with Commission regulations and applicable law. Discussing the renewal of Pharmacannis Massachusetts license # MRR205523, Retail, Commissioner Flanagan commented that the Commission should review the licensee's Positive Impact Plan more closely. Commissioner Title proposed a condition that the licensee report within 60 days on progress made toward implementing the Positive Impact Plan so that the Commission could compare with other licensees in similar situations. Commissioner McBride asked for clarification on what information would be collected to make the comparisons. Mr. Collins suggested sending a questionnaire to other licensees. Chairman Hoffman suggested that the licensing staff determine a process for gathering that information that would be presented at the Commission's next meeting. Chairman Hoffman asked for a motion to approve the staff recommendation for renewal of Pharmacannis Massachusetts license # MRR205523, subject to the addition of the condition proposed by Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission unanimously approved the motion.

The Commission turned to the three license renewals for M3 Ventures, Inc. Commissioner Title proposed that the licensee revise its goals in the Diversity Plan. Commissioner Doyle asked what progress the licensee had made toward its final license. Mr. Potvin explained that the enforcement action undertaken against M3 was an obstacle to final licensure and with the



settlement approved, M3 would move forward with final licensure. Mr. Payer added that no deficiencies were found upon re-inspection. Chairman Hoffman asked for a motion to approve the staff recommendation for renewal of M3 Ventures, Inc.'s, license #MCR139824-Cultivation, subject to the addition of the condition proposed by Commissioner Title. The motion was made by Commissioner McBride, seconded by Commissioner Doyle. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the staff recommendation for renewal of M3 Ventures, Inc.'s, license #MPR243481-Product Manufacturing, subject to the addition of the condition proposed by Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the staff recommendation for renewal of M3 Ventures, Inc.'s, license #MRR205527-Retail, subject to the addition of the condition proposed by Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission unanimously approved the motion.

The Commission turned to the three license renewals for I.N.S.A, Inc. Commissioner Title proposed a condition that the licensee provide an update to its Diversity Plan to address items not covered in the renewal materials. Chairman Hoffman asked for a motion to approve the staff recommendation for renewal of I.N.S.A, Inc.'s, license #MCR139827-Cultivation, subject to the addition of the condition proposed by Commissioner Title. The motion was made by Commissioner McBride, seconded by Commissioner Doyle. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the staff recommendation for renewal of I.N.S.A, Inc.'s, license #MRR205535-Retail, subject to the addition of the condition proposed by Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission unanimously approved the motion. Chairman Hoffman asked for a motion to approve the staff recommendation for renewal of I.N.S.A, Inc.'s, license #MPR243482-Product Manufacturing, subject to the addition of the condition proposed by Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan. The Commission unanimously approved the motion.

The Commission turned to the license renewal for Alternative Therapies Group, Inc. Commissioner Title proposed a condition that the licensee provide an update on its progress toward measuring staff diversity. Chairman Hoffman asked for a motion to approve the staff recommendation for renewal of Alternative Therapies Group, Inc.'s, license #MRR205528-Retail, subject to the addition of the condition proposed by Commissioner Title. The motion was made by Commissioner McBride, seconded by Commissioner Doyle. The Commission unanimously approved the motion.

The Commission turned to a discussion of proposed guidance documents. Commissioner Doyle spoke about the newly launched Responsible Vendor Training application process. Commissioner Doyle said that trainers should be independent from marijuana establishments, but the guidance allows for participation of marijuana establishment employees as well. The guidance is intended to provide ethical guardrails for participation of industry entities and

employees to provide their expertise in training programs. Chairman Hoffman requested clarification on what activities might be considered exploitative marketing in the context of a training program. Chairman Hoffman asked for a motion to approve the Responsible Vendor Training guidance document, subject to ministerial changes. The motion was made by Commissioner McBride, seconded by Commissioner Flanagan. The Commission unanimously approved the motion. Chairman Hoffman then turned to updates on guidance for license renewals. Commissioner McBride discussed the first update, a request that on renewal colocated marijuana retailers provide information on what constitutes a sufficient quantity and variety of marijuana and marijuana products consistent with regulations and its policies and procedures regarding a reasonable substitution for medical marijuana products. Commissioner Doyle discussed the second update, regarding compliance with local ordinances or bylaws such as zoning districts and permitting. Commissioner Title proposed a condition that guidance include retailers provide pictures of product labels when applying for renewal. Commissioner Title commented that licensee seeking renewal could provide an updated Diversity Plan as an option. Commissioner Title asked for a different way of measuring costs imposed on municipalities by marijuana retailers, but that discussion was tabled until the upcoming meeting addressing revised regulations. Chairman Hoffman asked for a motion to approve the updated License Renewal guidance document, subject to the revisions from Commissioner McBride and Commissioner Doyle, the condition proposed by Commissioner Title and any ministerial changes. The motion was made by Commissioner McBride, seconded by Commissioner Doyle. The Commission unanimously approved the motion.

With no additional items on the agenda, Chairman Hoffman discussed the upcoming Commission public meeting scheduled for September 5, the public hearings for August 14 and 15 and the conclusion of the public comment period at 5 P.M. on August 15. Chairman Hoffman asked for a motion to adjourn the meeting. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission unanimously approved the motion and the meeting was adjourned at 1:45 P.M.

***Cannabis Control Commission  
Job Description***

**Department:** Investigations and Enforcement Department **Reports to:** Director of Licensing

**Job Title:** Licensing Manager

**FLSA Status:** Exempt

**I. PURPOSE OF THE JOB**

The Commission seeks a Licensing Manager in the Investigations and Enforcement Department. Under the direction of the Director of Licensing, the Licensing Manager will supervise the licensing specialist staff and will assist in a variety of tasks relating to the licensing process. The Licensing Manager will also provide technical support to Commission staff and applicants on the licensing process and application portal.

**II. ESSENTIAL FUNCTIONS AND RESPONSIBILITIES**

- Manage licensing specialist staff as they perform a variety of task related to the licensing and agent registration processes.
- Provide licensing support, including being responsible for all administrative tasks associated with the Commission's electronic licensing system;
- Evaluating applications for licensure submitted to the Commission to ensure that the submission of information is accurate and sufficient;
- Participate in on-site inspections to ensure that marijuana establishments, marijuana transporters, registered and licensed agents are following applicable laws, regulations, and policies;
- Manage the workflow and tracking of all applications;
- Collect and report on data related to the licensing process;
- Participate in minimizing bias in the application process;
- Assist in enforcing the collection of licensing fees and time reporting of the same;
- Assist in the drafting of Investigations and Enforcement Department reports;
- Respond to inquiries about licensing;
- Support Commission staff in responding to general inquiries;
- Represent the Commission effectively in interactions with marijuana establishments applicants, licensees, registrants, municipalities, and the public; and
- Representing the Licensing staff at meetings when necessary.

**III. OTHER DUTIES AND RESPONSIBILITIES**

- Ability to meet expectations and accept personal responsibility for the work;
- Ability to work in a confidential manner and to handle sensitive information;
- Willingness to travel throughout the Commonwealth;
- Ability to think creatively, build constructive working relationships and resolve issues;
- Coordinating application work with other staff as needed; and



- Perform related duties as assigned.

**IV. KNOWLEDGE AND SKILLS**

- Outstanding organizational skills, which includes the ability to prioritize and complete multiple tasks under time constraints and with available resources.
- Excellent interpersonal, verbal and written communication skills; must be able to interact with people at all levels within the Commission, with the entities regulated by the Commission, outside counsel, outside vendors, and members of the public.
- Ability to work productively, independently, and creatively in an evolving environment.
- Must demonstrate a proficiency with computers and the MS Office Suite (Outlook, Word, Excel, PowerPoint) and the ability to set up mail merges and pivot tables.
- Willingness to learn state and Commission-specific information technology systems.
- Must demonstrate attention to detail.
- Ability to work in Commission's Boston headquarters through 2019;
- Ability to work in the Commission's headquarters, in Worcester thereafter; and
- Able to contribute actively to a work environment that embraces diversity.

**V. EDUCATION AND EXPERIENCE**

- Bachelor's degree in Business Administration or related field or equivalent experience required;
- 5-7 years working in a high-volume atmosphere coordinating work at a regulatory government agency; and
- Experience supervising and reviewing the work of other employees.

**Salary Range: \$70,000 - \$80,000**

***Cannabis Control Commission  
Job Description***

**Department:** Investigations and Enforcement Department    **Reports To:** Director of Investigations

**Job Title:** Investigations Manager

**FLSA Status:** Exempt

**I.        PURPOSE OF THE JOB**

The Investigations Manager, under the direction of the Director of Investigations, will manage investigations and compliance units to implement consistent regulatory compliance and enforcement for the Commonwealth’s marijuana industry. The Investigations Manager will be responsible for managing a unit of investigators and compliance officers along with participating in investigations, inspections, audits, enforcement actions and education actions to ensure that Marijuana Establishments, Marijuana Transporters, Marijuana Treatment Centers, and registered agents follow applicable laws and regulations

**II.       ESSENTIAL FUNCTIONS AND RESPONSIBILITIES**

- Fosters the principles of the Commission’s Mission Statement among the staff and all stakeholders;
- Supervise and perform investigative and inspectional duties, which will include but not limited to, drafting investigations and inspections reports.
- Directly supervise a unit within the Investigations and Enforcement Department consisting of investigators and compliance officers along with planning, reviewing, and evaluating the work product and performance of their unit members;
- Oversees the thorough documentation of inspections, investigations, and corrective measure recommendations to ensure that administrative actions and enforcement efforts are consistent by every unit member;
- Effectively manages a case load;
- Assist in the development of training materials and programs for investigators and compliance officers;
- Work collaboratively with local and state officials, as well as other external stakeholders within the cannabis industry to promote compliance with applicable regulations and laws.
- Responds to inquiries about investigations, compliance, and enforcement issues;
- Assist in the drafting of policy and enforcement program recommendations.
- Represents the Commission at public meetings, hearings, and other public forums; and
- Drafts unit activity reports and statutorily required reports as needed.

**III.      OTHER DUTIES AND RESPONSIBILITIES**

- Refer incidents to law enforcement and public safety agencies, as needed;
- Collaborate with other state and local agencies, as well as external constituencies, to raise awareness of the Commonwealth’s marijuana laws and regulations;



- Follow policies and procedures to support Department and Commission strategic goals and activities;
- Maintain the highest standards of personal, professional and ethical conduct and support the Commission's goals for a diverse and culturally aware workforce; and
- Perform related duties as assigned.

**IV. SUPERVISORY RESPONSIBILITIES**

- Participating in the hiring and onboarding of investigations staff; and
- Direct daily supervision of investigators, compliance officers, or other assigned enforcement staff.

**V. KNOWLEDGE AND SKILLS**

- Ability to operate a motor vehicle;
- Possesses a valid Motor Vehicle Operator's License from Massachusetts or another state;
- Ability to manage an investigations and compliance unit;
- Ability to manage and prioritize a high-volume workload;
- Ability to work collaboratively with law enforcement agencies;
- Excellent written and oral communication skills;
- Proven problem-solving skills and sound judgment;
- Knowledge of the cannabis regulatory environment;
- Strong interpersonal and organizational skills;
- Ability to spend the majority of the workweek traveling to marijuana establishment locations throughout the Commonwealth. Typical schedules may require occasional work on the weekends in order to conduct inspections;
- This position will be based in our Worcester headquarters office;
- Ability to spend approximately 50% of the time in the field, out of the office; and
- Ability to contribute actively to a work environment that embraces diversity.

**VI. EDUCATION AND EXPERIENCE**

- Bachelor's Degree in Criminal Justice or related focus or equivalent experience required, or an advanced degree preferred;
- 5-7 years of experience working in a regulatory compliance environment or at a government agency;
- Verifiable management experience, including a minimum of 1 year of supervisory experience;
- Verifiable experience developing stakeholder relationships; and
- Experience in a cannabis regulatory agency.

**Salary Range:** \$75,000 - \$85,000

MCR Laboratories  
c/o Michael Kahn, Owner  
85 Speen Street  
Framingham, MA

Case No. 2019A-002-10

### **Final Order and Stipulated Agreement**

This Final Order and Stipulated Agreement (hereinafter, “Order”) between the Commonwealth of Massachusetts Cannabis Control Commission and MCR Laboratories (the “Respondent”) is offered for the purposes of settlement and to avoid the uncertainty and cost of future administrative action.

The Commission finds that resolution of this matter serves the purposes of 935 CMR 500.450, 935 CMR 501.405 and 935 CMR 500.550 because Respondent has accepted responsibility for the violations set forth in the Order, cooperated in the Commission’s investigation and corrected outstanding deficiencies necessary to abate risk to public health, safety or welfare.

Accordingly, the Commission and Respondent submit to and agree as follows:

1. The Cannabis Control Commission has jurisdiction over licensed marijuana establishments and the subject matter herein pursuant to the provisions of the Commonwealth’s marijuana laws, M.G.L. Chapters 94G and 94I, and the Cannabis Control Commission regulations, 935 CMR 500.000, *et seq.*, 935 CMR 501.000, *et seq.*, and 935 CMR 502.000, *et seq.*
2. Respondent has been subject to an investigation conducted by the Commission’s investigators. The Commission alleges violations of the Cannabis Control Commission regulations, 935 CMR 500.000, *et seq.* and 935 CMR 501.000, *et seq.*
3. Pursuant to 935 CMR 500.550, the Commission may impose a monetary fine after investigation and opportunity for a hearing at which the Respondent shall be afforded an opportunity to be heard and show cause as to why a fine or other financial penalty against the licensee should not be imposed for any acts or omissions determined to be in violation of the Commonwealth’s marijuana laws.
4. On October 18, 2018, the Commission issued Respondent a final license to operate an Independent Testing Laboratory.

#### **Summary of Proceedings**

5. On January 14, 2019, the Commission, through its Director of Investigations, conducted an unannounced inspection of Respondent’s facilities at 85 Speen Street, Framingham,



MA, after receiving a complaint alleging that vials containing marijuana and marijuana product waste had been discovered in an unsecured dumpster at the facility.

6. On January 28, 2019, the Commission, through its Director of Investigations issued a Notice of Deficiencies citing violations of the Commission's regulations.
7. On February 11, 2019, the Respondent submitted a plan of correction which proposed corrective measures related to the cited deficiencies. On February 14, 2019, the Commission, through its Director of Investigations, deemed the plan of correction acceptable.
8. On April 8, 2019, the Commission, acting through its investigators, conducted a re-inspection of the Respondent's facility and determined the plan of correction had been substantially implemented.
9. On June 26, 2019, the Commission, acting through its Chief of Investigations and Enforcement, notified Respondent of its intent to seek issuance of an Order to Show Cause and Notice of Hearing seeking the imposition of a suspension of Respondent's license to operate an Independent Testing Laboratory.
10. Respondent has complied with 935 CMR 500.300 in responding to multiple investigative inquiries and requests for production of documents.
11. On July 18 and July 24, 2019, the Commission, acting through its Chief of Investigations and Enforcement, and Respondent participated in a voluntary dispute resolution conference held at the offices of the Cannabis Control Commission.
12. The Commission, through its Executive Director, and Respondent have come to mutual agreement and understanding and jointly proposed to the Commission a resolution of alleged violations in lieu of proceeding through an administrative hearing to determine the merits of such allegations. The terms and conditions of this Order and Stipulated Agreement are expressly subject to the ratification of the Cannabis Control Commission by majority vote of its Commissioners.
13. Respondent agrees, and in lieu of proceeding with an administrative hearing and subsequent proceedings, to the following:

**Stipulated Findings**

Respondent admits the following facts and violations:

**1. Violation One – Storage of Marijuana.**

**935 CMR 500.105(12)(a); 935 CMR 501.105(10)(a).**

- a. In accordance with 935 CMR 500.105(12)(a) and 935 CMR 501.105(10)(a), all recyclables and waste, including organic waste composed of or containing finished Marijuana and Marijuana Products, shall be stored, secured, and managed in accordance with applicable state and local statutes, ordinances, and regulations.



- b. On January 11, January 12, January 13, and January 14, 2019, Respondent's employees deposited marijuana waste in an unlocked dumpster located on Respondent's exterior premises. The dumpster was not equipped with any locking mechanism. Respondent's employees did not attempt to secure the dumpster before or after its use.
- c. As stated above, liquid waste containing Marijuana and Marijuana Products on the property of the establishment was not stored, secured and managed in accordance with state and local laws and the regulations of the Cannabis Control Commission including 935 CMR 500.105(12)(a) and 935 CMR 501.105(10)(a).

**2. Violation Two – Disposal of Liquid Waste.**

**935 CMR 500.105(12)(b); 935 CMR 501.105(10)(a).**

- a. In accordance with 935 CMR 500.105(12)(b) and 935 CMR 501.105(10)(a), liquid waste containing marijuana or by-products of marijuana processing shall be disposed of in compliance with all applicable state and federal requirements, . . . or stored pending disposal in an industrial wastewater holding tank in accordance with 314 CMR 18.00: Industrial Wastewater Holding Tanks and Containers.
- b. Respondent disposed of marijuana mixed with liquid methanol in a solid waste container located on Respondent's licensed premises.
- c. As stated above, Respondent failed to dispose of liquid waste containing marijuana or by-products of marijuana processing in accordance with 935 CMR 500.105(12)(b) and 935 CMR 501.105(10)(a).

**3. Violation Three – Waste Records and Documentation.**

**935 CMR 500.105(12)(d); 935 CMR 501.105(10)(b)(5).**

- a. In accordance with 935 CMR 500.105(12)(d) and 935 CMR 501.105(10)(b)(5), when marijuana products or waste is disposed or handled, the Marijuana Establishment must create and maintain a written or electronic record of the date, the type and quantity disposed or handled, the manner of disposal or other handling, the location of disposal or other handling, and the names of the two Marijuana Establishment Agents present during the disposal or other handling, with their signatures. Marijuana Establishments shall keep these records for at least three years. This period shall automatically be extended for the duration of any enforcement action and may be extended by an order of the Commission.

- b. On or about January 30, 2019, Respondent provided the Commission with exported data from its Laboratory Inventory Management System (LIMS) containing entries for approximately 7,520 samples received by Respondent between the dates of November 1, 2018 and January 23, 2019.
- c. Respondent's waste documentation lacked the manner and location of disposal or handling of all marijuana sample entries recorded in Respondent's LIMS.
- d. As stated above, Respondent failed to accurately document the manner and location of disposal in accordance with 935 CMR 500.105(12)(d) and 935 CMR 501.105(10)(b)(5).
- e. In accordance with 935 CMR 500.105(12)(d) and 935 CMR 501.105(10)(b)(5), no fewer than two Marijuana Establishment Agents must witness and document how the marijuana waste is disposed or otherwise handled (recycled, composted, etc.) in accordance with 935 CMR 500.105(12).
- f. Respondent's waste documentation lacked the signature of at least two ITL agents witnessing the disposal of all marijuana sample entries recorded in Respondent's LIMS.
- g. As stated above, Respondent failed to ensure two agents were present during the disposal and handling of marijuana sample entries and document their signatures on the waste disposal record pursuant to 935 CMR 500.105(12)(d) and 935 CMR 501.105(10)(b)(5).

#### **Incident Reporting and Corrective Actions**

- 14. On March 1, 2019, Respondent self-reported an unrelated incident involving missing disposal quantities for approximately sixty (60) individual samples. Respondent's affirmative self-reporting and corrective action did not result in a deficiency finding and was not considered as part of this Agreement's resolution, except that Respondent's efforts to self-report were considered as evidence of Respondent's commitment to ongoing corrective action.
- 15. Respondent has taken significant corrective steps in accordance with and in addition to its plan of correction. See Exhibit A, MCR Corrective Actions.

#### **Stipulated Remedy**

- 16. Respondent agrees to the following stipulated remedy:
  - a. Respondent agrees to pay a monetary fine in the amount of two hundred thousand twenty-five thousand dollars (\$225,000.00) made payable by

certified check or money order payable to the order of the Cannabis Control Commission.

- b. Payment shall consist of six (6) monthly installments due and payable pursuant to the following schedule:

<b>Due Date</b>	<b>Amount</b>
30 days from date of this order	\$56,250.00
60 days	\$56,250.00
90 days	\$28,125.00
120 days	\$28,125.00
150 days	\$28,125.00
180 days	\$28,125.00

- c. Payments must be postmarked on or before the dates specified above and mailed to the following address:

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

- d. Respondent will create, hire, and make good-faith efforts to retain two positions consisting of a Facility and Security Manager and Compliance Manager. Respondent agrees to register the individuals as Independent Testing Laboratory agents and notify the Commission of the onboarding date for each position.
- e. Respondent agrees to continue its engagement with an independent compliance auditor to conduct ongoing security and compliance audits, including a comprehensive security and compliance audit of all operations conducted on or about six months after the later of the onboarding dates for the Facility and Security Manager or Compliance Manager.

17. This Order may be admissible as evidence in any future hearing before the Commission or used in connection with any future licensure or administrative actions by the Commission.

18. Any issues relating to the underlying complaint and investigation that formed the basis for this Order against Respondent (and any defenses that Respondent may have to such complaint or investigation) shall not be at issue in a proceeding against Respondent for failing to comply with the terms of this Order.

19. Respondent agrees that the Commission may consider the Order and the facts and circumstances described therein in connection with an application for licensure or renewal of licensure.
20. Respondent acknowledges advisement of hearing rights and process of the proceedings and wish to resolve all issues which were the subject of the investigation or in any way related to the investigation by entering into this Order.
21. If approved by the Commission and upon execution of all parties, this order shall have the same force and effect as an order entered after formal hearing pursuant to 935 CMR 500.500(2)(d), 935 CMR 501.505 and 935 CMR 500.550, except that it may not be appealed. Failure to comply with the terms of this order, including but not limited to failure to make a timely payment, may constitute the basis for further administrative action against Respondent.
22. Respondent acknowledges that the Commission advised Respondent of its opportunity to consult with an attorney of their choosing and Respondent represents that they have had an opportunity to do so prior to signing the Agreement. Respondent acknowledges that they have been given a reasonable period of time in which to consider the terms of this Agreement before signing it. Respondent acknowledges and confirms that they have entered into this Agreement voluntarily and of their own free will, without duress or coercion, and that they are competent to enter into this Agreement. Respondent acknowledges that they have carefully read and fully understands the meaning and intent of this Agreement.
23. Respondent further understands and knowingly and voluntarily waive the following rights:
  - a. The right to hearing and Respondent's opportunity to request a hearing;
  - b. The right to cross-examine witnesses, subpoena witnesses, present evidence and testify on Respondent's own behalf;
  - c. The right to engage in pre-hearing discovery of the Commission's evidence; and
  - d. The right to appeal this order.
24. Respondent consents to the terms and conditions described herein and agrees to waive its right to judicial review of this order pursuant to M.G.L. C. 30A, § 14.
25. Upon execution by all parties, this Order shall represent the entire and final agreement of the parties. In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, such provision shall be severed, and the remainder of the Order shall be given full force and effect.
26. This Order shall be binding upon Respondent and shall inure to the benefit of the parties to this Order and their respective successors and assignees and shall be construed in accordance with and governed by the laws of the Commonwealth of Massachusetts.

27. Upon majority vote of the Commission, this Order shall become a permanent part of Licensee's record and shall be open to public inspection and disclosure pursuant to the Commission's standard policies and procedures or applicable law.
28. The Commission may reject the terms of this Order or otherwise deny ratification and entry of the Order. In such event, the terms of the Order shall be null and void including but not limited to Respondent's admissions and waiver of opportunity for hearing upon subsequent issuance of an Order to Show Cause issued upon the Commission's approval.
29. This Order may be executed by e-mail and any signature delivered by either method shall be deemed to be as valid as an original signature.
30. All costs and expenses incurred by Respondent to comply with this Order shall be the sole responsibility of Respondent and shall not in any way be the obligation of the Commission.
31. For purposes of addressing any future violations of the Order, the Cannabis Control Commission regulations, 935 CMR 500.000, *et seq.*, 935 CMR 501.000, *et seq.*, 935 CMR 502.000, *et seq.*, shall include all later adopted regulations that are in effect at the time of the subsequent violation.

Failure to comply with the above conditions may result in administrative action against Respondent up to and including suspension and/or revocation of registration.

[SIGNATURE PAGE FOLLOWS]

**Commonwealth of Massachusetts Cannabis Control Commission**

\_\_\_\_\_  
Shawn Collins, Executive Director

\_\_\_\_\_  
Date Signed

Ratified by Commission vote ( \_\_\_ yes, \_\_\_ no, \_\_\_ abstain) on \_\_\_\_\_, 2019.

**Respondent MCR Laboratories**

\_\_\_\_\_  
Michael Kahn, Owner

\_\_\_\_\_  
Date Signed



**MARIJUANA ESTABLISHMENT RENEWALS  
EXECUTIVE SUMMARY  
COMMISSION MEETING: SEPTEMBER 12, 2019**

**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:

<b>Marijuana Establishment Name</b>	<b>License Number</b>	<b>Renewal Application Number</b>	<b>Location</b>	<b>Funds</b>
PATRIOT CARE CORP	MC281265	MCR139826	LOWELL	\$39,885.47
PATRIOT CARE CORP	MP281308	MPR243483	LOWELL	\$0.00
PATRIOT CARE CORP	MR281282	MRR205532	GREENFIELD	\$48,227.61
PATRIOT CARE CORP	MR281283	MRR205533	LOWELL	\$104,354.11
CDX ANALYTICS, LLC	IL281275	ILR267888	SALEM	\$0.00
MCR LABS, LLC	IL281278	ILR267887	FRAMINGHAM	\$0.00
NORTHEAST ALTERNATIVES, INC.	MC281319	MCR139828	FALL RIVER	\$331,606.00
NORTHEAST ALTERNATIVES, INC.	MP281319	MPR243486	FALL RIVER	\$331,606.00 (same as MCR139828)
CULTIVATE HOLDINGS, LLC	MP281305	MPR243485	LEICESTER	\$462,148.00
TEMESCAL WELLNESS OF MASSACHUSETTS, LLC	MR281588	MRR205531	PITTSFIELD	\$30,000.00
TEMESCAL WELLNESS OF MASSACHUSETTS, LLC	MR281309	MRR205529	HUDSON	\$144,534.47
ALTERNATIVE THERAPIES GROUP	MR281344	MRR205530	SALISBURY	\$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.

Marijuana Establishment Executive Summary 1



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.





**MEDICAL MARIJUANA TREATMENT CENTER RENEWALS  
EXECUTIVE SUMMARY  
COMMISSION MEETING: SEPTEMBER 12, 2019**

**RENEWAL OVERVIEW**

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

<b>Medical Marijuana Treatment Center Name</b>	<b>License Number</b>	<b>Location (Cultivation &amp; Processing)</b>	<b>Location (Dispensing)</b>
GOOD CHEMISTRY OF MASSACHUSETTS, INC.	RMD-725	BELLINGHAM	WORCESTER
PATIENT CENTRIC OF MARTHA'S VINEYARD, LTD.	RMD-1165	WEST TISBURY	WEST TISBURY
TYCA GREEN, INC.	N/A	CLINTON	CLINTON
THE GREEN HARBOR DISPENSARY, LLC	RMD-1305	MIDDLEBOROUGH	MIDDLEBOROUGH
THE GREEN HARBOR DISPENSARY, LLC	NA	MIDDLEBOROUGH	PROVINCETOWN
HEAL, INC.	N/A	WARREN	STURBRIDGE

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.



**BEWELL ORGANIC MEDICINE, INC.**  
RMD1245

**ESTABLISHMENT OVERVIEW**

1. Name of the Medical Marijuana Treatment Center:

BeWell Organic Medicine, Inc.

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

Cultivation: 92 Bolt Street, Lowell, MA  
Processing: 92 Bolt Street, Lowell, MA  
Dispensary: 17 Broad Street, Merrimack, MA

The licensee's dispensary location has not completed all required inspections as of the date of this recommendation.

3. The licensee is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):
- Cultivation, Tier 2/Indoor (5,001-10,000 sq. ft.) (Application Submitted: Lowell);  
and
  - Product Manufacturer (Application Submitted Lowell).

**LICENSING OVERVIEW**

- The licensee was approved for provisional licensure on July 20, 2018.
- The licensee has paid all applicable license fees.
- 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): July 11, 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 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 has not inspected the MTC's dispensary facility. Enforcement staff recommends a license condition requiring completion of all inspections of the dispensary facility no later than 120 days after issuance of this final license.

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;
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;
6. The licensee shall have completed all construction and buildout of its dispensary facility, obtain a certificate of occupancy for the dispensary facility, and complete all required inspections of the dispensary facility within 120 days of the issuance of this final license; and



7. If the licensee fails to achieve operation of its dispensary facilities on or before the date specified in condition #6, the licensee shall be deemed to have ceased to operate and its license shall be deemed void in accordance with 935 CMR 501.410.

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.



**GREEN GOLD GROUP, INC**  
RMD 786

**ESTABLISHMENT OVERVIEW**

1. Name of the Medical Marijuana Treatment Center:

Green Gold Group, Inc.

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

Cultivation: 60 Prospect Street, North Brookfield, MA 01535

Product Manufacturing: 60 Prospect Street, North Brookfield, MA 01535

Dispensary: 46 Worcester Road, Charlton, MA 01507

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

- a. Cultivation, Tier 6/Indoor (40,001-50,000 sq. ft.) (Application Submitted: North Brookfield);
- b. Product Manufacturing (Application Submitted: North Brookfield); and
- c. Retail (Application Submitted: Retail).

**LICENSING OVERVIEW**

4. The licensee was approved for provisional licensure on May 22, 2017. The Department of Public Health approved this license for a partial final license for cultivation and product manufacturing operations on April 28, 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**

Final License Executive Summary 1



8. Commission staff inspected the licensee’s facility on the following date(s): July 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

The licensee’s cultivation operation in North Brookfield was approved for a final license on April 28, 2018. Enforcement staff recently inspected this facility on June 18, 2019.

d. Product Manufacturing Operation

The licensee’s product manufacturing operation in North Brookfield was approved for a final license on April 28, 2018. Enforcement staff recently inspected this facility on June 18, 2019.

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.





**APOTHCA, INC.**  
MR281447

**ESTABLISHMENT OVERVIEW**

1. Name and address of the Marijuana Establishment:

Apothca, Inc.  
487-491 Lynnway, Lynn, MA 01905

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):

- a. Cultivation–Tier 5/Indoor (30,001 to 40,000 sq. ft.) (Provisional License: Fitchburg);
- b. Product Manufacturing (Provisional License: Fitchburg);
- c. Retail (Application Submitted: Arlington);
- d. MTC (Commenced Operations: Dispensary in Lynn);
- e. MTC (Commenced Operations: Dispensing in Arlington); and
- f. MTC (Provisional License: Dispensary in Holyoke).

**LICENSING OVERVIEW**

4. The licensee was approved for provisional licensure for the above-mentioned license type(s) on February 7, 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.
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.

Final License Executive Summary 1



## INSPECTION OVERVIEW

8. Commission staff inspected the licensee's facility on the following date(s): May 2, 2019 and May 30, 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. 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 adult-use consumer education materials;
- iv. Appropriate patient consultation area (co-location); and
- v. Plan to ensure 35% of its inventory is preserved for patients (co-location).



d. Transportation

Transportation activities operate from the licensee's cultivation and product manufacturing facility.

**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;
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 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.



## **CURALEAF MASSACHUSETTS, INC.**

MC281309

MP281318

### **ESTABLISHMENT OVERVIEW**

1. Name and address of the Marijuana Establishment:

Curaleaf Massachusetts, Inc.  
30 Worcester Road, Unit B, Webster, MA 01570

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

Cultivation—Tier 11/Indoor (90,001-100,000 sq. ft)  
Product Manufacturer

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

- a. Retail (Provisional License: Oxford);
- b. Retail (Application Submitted: Provincetown);
- c. Retail (Application Submitted: Ware);
- d. MTC (Commenced Operations: Dispensing in Oxford); and
- e. MTC (Commenced Operations: Dispensing in Hanover).

### **LICENSING OVERVIEW**

4. The licensee was approved for provisional licensure for the above-mentioned license type(s) 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(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).

Final License Executive Summary 1



## INSPECTION OVERVIEW

8. Commission staff inspected the licensee's facility on the following date(s): March 19, 2019 and May 2, 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

The cultivation area was separated into thirteen (13) of rooms. Enforcement staff measured the actual canopy of the operation which is as follows:

Mother Room	624 sq. ft.
Flowering Rooms	13,376 sq. ft.
Vegetation Rooms	2,432 sq. ft.
TOTAL CANOPY	16,432 sq. ft.



The total canopy is below the square footage approved by the Commission.

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. 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 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;
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 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.



## **CURALEAF MASSACHUSETTS, INC.**

MR281263

### **ESTABLISHMENT OVERVIEW**

1. Name and address of the Marijuana Establishment:

Curaleaf Massachusetts, Inc.  
425 Main Street, Oxford, MA 01540

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):

- a. Cultivation – Tier 11/Indoor (90,001-100,000 sq. ft) (Provisional License: Webster);
- b. Product Manufacturer (Provisional License: Webster);
- c. Retail (Application Submitted: Provincetown);
- d. Retail (Application Submitted: Ware);
- e. MTC (Commenced Operations: Dispensing in Oxford); and
- f. MTC (Commenced Operations: Dispensing in Hanover).

### **LICENSING OVERVIEW**

4. The licensee was approved for provisional licensure for the above-mentioned license type(s) 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 license.

Final License Executive Summary 1



## INSPECTION OVERVIEW

8. Commission staff inspected the licensee's facility on the following date(s): March 21, 2019 and August 29, 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. 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 adult-use consumer education materials;
- iv. Appropriate patient consultation area (co-location); and
- v. Plan to ensure 35% of its inventory is preserved for patients (co-location).





d. Transportation

The licensee performs transportation operations from its cultivation and product manufacturing facility in Webster.

**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.



## **IN GOOD HEALTH, INC.**

MC281273

MP281307

MR282468

### **ESTABLISHMENT OVERVIEW**

1. Name and address of the Marijuana Establishment:

In Good Health, Inc.  
1200 West Chestnut St, Brockton, MA 02301

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

Cultivation - Tier 4 (20,001 to 30,000 sq. ft) /Indoor  
Product Manufacturer  
Retail

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

a. MTC (Commenced Operation: Dispensary in Brockton)

### **LICENSING OVERVIEW**

4. The licensee was approved for provisional licensure for the above-mentioned license type(s) on February 21, 2019 (cultivation/product manufacturing) and May 16, 2019 (retail).
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**

Final License Executive Summary 1



8. Commission staff inspected the licensee’s facility on the following date(s): July 2, 2019 and July 30, 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

The cultivation area was separated into eleven (11) of rooms. Enforcement staff measured the actual canopy of the operation which is as follows:

Mother Room	1,183 sq. ft.
Vegetative Room	2,756 sq. ft.
Flower Rooms	13,707 sq. ft.
<b>TOTAL CANOPY</b>	<b>17,646 sq. ft.</b>

The total canopy is below the square footage approved by the Commission.



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 adult-use consumer education materials;
- iv. Appropriate patient consultation area (co-location); and
- v. Plan to ensure 35% of its inventory is preserved for patients (co-location).

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 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;
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 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.



## **M3 VENTURES, INC.**

MC281446

MP281346

MR281290

### **ESTABLISHMENT OVERVIEW**

1. Name and address of the Marijuana Establishment:

M3 Ventures, Inc.  
9 Collins Avenue, Plymouth, MA 02360

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

Cultivation—Tier 2/Indoor (5,001-10,000 sq. ft.)  
Product Manufacturing  
Retail

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

- a. Retail (Application Submitted: Mashpee);
- b. MTC (Commenced Operations: Dispensary in Mashpee); and
- c. MTC (Commenced Operations: Dispensary in Plymouth).

### **LICENSING OVERVIEW**

4. The licensee was approved for provisional licensure for the above-mentioned license type(s) on August 9, 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).

Final License Executive Summary 1



**INSPECTION OVERVIEW**

- 8. Commission staff inspected the licensee’s facility on the following date(s): November 5, 2018, December 12, 2018, and July 15, 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

The cultivation area was separated into six (6) of rooms. Enforcement staff measured the actual canopy of the operation which is as follows:

Vegetation Rooms	3,360 sq. ft.
Flower Rooms	1,787 sq. ft.
TOTAL CANOPY	5,147 sq. ft.



The total canopy is within the square footage approved by the Commission.

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 adult-use consumer education materials;
- iv. Appropriate patient consultation area (co-location); and
- v. Plan to ensure 35% of its inventory is preserved for patients (co-location).

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 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.

3





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.



## HVV MASSACHUSETTS, INC.

MCN282121

MPN281657

MRN282578

### **BACKGROUND & APPLICATION OF INTENT REVIEW**

1. Name and address of the proposed Marijuana Establishment:

HVV Massachusetts, Inc.  
39 Great Republic Drive, Gloucester, MA 01930

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 applications were reopened once for additional information.

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

- a. Cultivation, Tier 4/Indoor (20,001 to 30,000 sq. ft.) (Application Submitted: Newburyport);
- b. Product Manufacturing (Application Submitted: Newburyport);
- c. MTC (Provisional License: Dispensary in Gloucester);
- d. MTC (Provisional License: Dispensary in Boston); and
- e. MTC (Provisional License: Dispensary in Amherst).

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

Michael Reardon — Director  
Edward Lauth — Director

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

HV Ventures MA, LLC — Capital Contributor

Provisional License Executive Summary 1



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

MTC Priority (RP201813)

7. The applicant and municipality executed a Host Community Agreement on March 28, 2019.
8. The applicant conducted a community outreach meeting on April 30, 2019 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on August 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:
  - a. Engage with the community to ensure that any programs directed towards aiding disproportionately impacted populations are provided with appropriate resources;
  - b. Provide \$25,000.00 on an annual basis to assist Girls' LEAP; and
  - c. Serve communities that have been disproportionately impacted through volunteer efforts.

### **SUITABILITY REVIEW**

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

### **MANAGEMENT AND OPERATIONS REVIEW**

13. The applicant states that it can be operational within three (3) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Cultivation and Product Manufacturing: Monday – Sunday: 7:00 a.m.-11:00 p.m.  
Retail: Monday – Sunday: 9:00 a.m.- 11:00 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:

2



- a. Recruit and hire a diverse group of employees that values and promotes inclusiveness among the workforce;
- b. Create a safe, accepting and respectful work environment; and
- c. Prioritize working with suppliers that are owned and/or managed by minority groups.

17. Summary of cultivation plan (if applicable):

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

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

- a. Vape oils and distillates;
- b. Edibles
  - i. Gummies;
  - ii. Chocolates;
  - iii. Hard candies;
  - iv. Capsules;
- c. Concentrates
  - i. Bubble Hash
  - ii. Live Hash Rosin
  - iii. Tinctures
- d. Topicals
  - i. Lotions
  - ii. Oils
  - iii. Transdermal patches

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

The applicant is a vertically integrated MTC. The applicant plans to obtain marijuana from its affiliated licenses.

20. ISO 17025 Certifying Body and Certificate Number (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.



## **THE HEIRLOOM COLLECTIVE, INC.**

MCN281438

MPN281407

### **BACKGROUND & APPLICATION OF INTENT REVIEW**

1. Name and address of the proposed Marijuana Establishment:

The Heirloom Collective, Inc.  
87 Northfield Road, Bernardston, MA 01337

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 once for additional information.

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

- a. MTC (Final License: Dispensary in Hadley)
- b. MTC (Provisional License: Dispensary in Orange)
- c. MTC (Provisional License: Dispensary in Greenfield)

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

James Counihan – Executive  
Timothy Van Epps – Executive  
Patrick Cloney – Executive  
Christopher David – Director

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

No other entity, other than the applicant, appear to have ownership or control over the proposed establishment.

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

Provisional License Executive Summary 1



MTC Priority Applicant (RPA201869)

7. The applicant and municipality executed a Host Community Agreement on February 5, 2019.
8. The applicant conducted a community outreach meeting on March 5, 2019 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on July 31, 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:
  - a. Hire 15% of individuals from disproportionate impact areas; and
  - b. Contract with 15% of its vendors, contractors and builders from Greenfield as well as individuals from the Social Equity Program;

**SUITABILITY REVIEW**

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

**MANAGEMENT AND OPERATIONS REVIEW**

13. The applicant states that it can be operational within two (2) months of receiving its 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:
  - a. Create a diverse workplace by employing 50% women and 20% of minorities, veterans, persons with a disability or persons of all gender identities and sexual orientations; and



- b. Utilize diverse suppliers.

17. Summary of cultivation plan (if applicable):

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

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

- a. Extractions:
  - i. Rosin
  - ii. Ice water hash
  - iii. Ethanol derived concentrates
- b. Vaporizer Cartridges
- c. Ethanol derived concentrate plungers
- d. Confections:
  - i. Chocolate bars
  - ii. Chocolate candies
  - iii. Lozenges
- e. Baked Goods:
  - i. Cookies
  - ii. Brownies

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

Not applicable.

20. ISO 17025 Certifying Body and Certificate Number (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.





**CURALEAF MASSACHUSETTS, INC.**  
MRN282183

**BACKGROUND & APPLICATION OF INTENT REVIEW**

1. Name and address of the proposed Marijuana Establishment:

Curaleaf Massachusetts, Inc.  
124 West Street, Unit D, Ware, MA01930

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 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):

- a. Cultivation—Tier 11/Indoor (90,001-100,000 sq. ft) (Provisional License: Webster);
- b. Product Manufacturer (Provisional License: Webster);
- c. Retail (Provisional License: Oxford);
- d. Retail (Application Submitted: Provincetown);
- e. MTC (Commenced Operations: Dispensing in Oxford); and
- f. MTC (Commenced Operations: Dispensing in Hanover).

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

Patrik Jonsson—Executive  
Jonathan Faucher—Executive  
Stuart Wilcox—Executive  
Joseph Lusardi—Director  
Steven Patierno—Director  
Karl Johansson—Director  
Peter Derby—Director  
Gary Stein—Director  
Devin Earl—Executive

Provisional License Executive Summary 1



Diane Albernaz—Director  
Christine Rigby—Board Member  
Peter Clateman—Board Member  
Boris Jordan—Shareholder of Curaleaf, Inc.  
Andrey Blokh—Shareholder of Curaleaf, Inc.

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

Curaleaf, Inc.—Capital contributor and owner of Curaleaf Massachusetts, Inc.  
Curaleaf Holdings, Inc.—Holding company of Curaleaf, Inc.

6. Applicant’s priority status and information pertaining to co-located operations:

MTC Priority (RP201882)

7. The applicant and municipality executed a Host Community Agreement on December 4, 2018.

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

9. The Commission received a municipal response from the municipality on June 7, 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:

- a. Advertise open positions in Monson’s The Journal Register and Holyoke’s The Daily Hampshire Gazette to attract individuals from areas of disproportionate impact;
- b. Partner with Holyoke Community College to offer cannabis industry classes to students 21 and over; and
- c. Provide donations through fundraising to Nueva Esperanza, a community-based organization located in Holyoke.

**SUITABILITY REVIEW**

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

12. 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.

**MANAGEMENT AND OPERATIONS REVIEW**



13. The applicant states that it can be operational as soon as it receives its provisional license.
14. The applicant's proposed hours of operation are the following:
  - Monday – Saturday: 9:00 a.m. – 7:00 p.m.
  - Sunday: 10:00 a.m. – 2:00 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:
  - a. Advertise open employment positions to publications directed to minorities, women, veterans, and persons with disabilities; and
  - b. Sponsor events with local Chambers of Commerce and community organizations to aid in improving the skills of diverse people and increase their opportunities for employment.
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 is a vertically integrated MTC. The applicant plans to obtain marijuana from its affiliated licenses.
20. ISO 17025 Certifying Body and Certificate Number (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.



**CURALEAF MASSACHUSETTS, INC.**  
MRN282052

**BACKGROUND & APPLICATION OF INTENT REVIEW**

1. Name and address of the proposed Marijuana Establishment:

Curaleaf Massachusetts, Inc.  
170 Commercial Street, Provincetown, MA 02657

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 five (5) times for additional information.

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

- a. Cultivation—Tier 11/Indoor (90,001-100,000 sq. ft) (Provisional License: Webster);
- b. Product Manufacturer (Provisional License: Webster);
- c. Retail (Provisional License: Oxford);
- d. Retail (Application Submitted: Ware);
- e. MTC (Commenced Operations: Dispensing in Oxford); and
- f. MTC (Commenced Operations: Dispensing in Hanover).

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

Patrik Jonsson—Executive  
Jonathan Faucher—Executive  
Stuart Wilcox—Executive  
Joseph Lusardi—Director  
Steven Patierno—Director  
Karl Johansson—Director  
Peter Derby—Director  
Gary Stein—Director  
Devin Earl—Executive

Provisional License Executive Summary 1



Diane Albernaz—Director  
Christine Rigby—Board Member  
Peter Clateman—Board Member  
Boris Jordan—Shareholder of Curaleaf, Inc.  
Andrey Blokh—Shareholder of Curaleaf, Inc.

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

Curaleaf, Inc.—Capital contributor and owner of Curaleaf Massachusetts, Inc.  
Curaleaf Holdings, Inc.—Holding company of Curaleaf, Inc.

6. Applicant’s priority status and information pertaining to co-located operations:

MTC Priority (RP201882)

7. The applicant and municipality executed a Host Community Agreement on November 14, 2018.
8. The applicant conducted a community outreach meeting on June 7, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on June 10, 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:
- a. Provide mentoring, professional and technical services for individuals and businesses looking to enter into the cannabis industry in Wareham; and
  - b. Provide donations through fundraising to provide Narcan to Wareham Police Department to help fight addiction.

### **SUITABILITY REVIEW**

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

### **MANAGEMENT AND OPERATIONS REVIEW**

13. The applicant states that it can be operational as soon as it receives its provisional license.
14. The applicant’s proposed hours of operation are the following:



Monday – Saturday: 9:00 a.m. – 7:00 p.m.  
Sunday: 10:00 a.m. – 2:00 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:
  - a. Advertise open employment positions to publications directed to minorities, women, veterans, and persons with disabilities; and
  - b. Perform outreach to increase employment applications to at least 30% of underrepresented populations.
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 is a vertically integrated MTC. The applicant plans to obtain marijuana from its affiliated licenses.
20. ISO 17025 Certifying Body and Certificate Number (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.

