



CANNABIS CONTROL COMMISSION

General Requirements
Of Business Compliance for
Marijuana Retailers

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Marijuana Retailers Compliance Requirements

Cannabis Business Compliance Checklist

This checklist is intended to be used as a guideline to help ensure compliance with the Massachusetts regulations for compliance under **935 CMR 500.140** as of October 2019.

For More information please visit the Cannabis Control Commission website.

PROOF OF IDENTIFICATION

- ✓ **On-premises Verification of Identification for Adult Use Only Locations**
 - ✓ ***Upon Entry.*** No individual will be admitted to the retail establishment unless a marijuana establishment agent inspects the individual's proof of identification and confirms that the individual is 21 years of age or older.
 - ✓ ***Point-of-Sale.*** At the point of sale, a Marijuana establishment agent must inspect an individual's proof of identification to determine the individual's age.
 - ✓ 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.
- ✓ **On-premises Verification of Identification for Colocated Marijuana Operations ("CMO")**
 - ✓ Upon entry into a CMO (a colocated RMD and Marijuana Establishment), a marijuana establishment agent will immediately inspect the individual's proof of identification and determine that the individual is 21 years of age or older.
 - ✓ If the individual is younger than 21 years old but 18 years of age or older, he or she shall not be admitted unless they produce an active medical registration card issued by the DPH.
 - ✓ If the individual is younger than 18 years old, he or she shall not be admitted unless they produce an active medical registration card and they are accompanied by a personal caregiver with an active medical registration card.
 - ✓ In addition to the medical registration card, registered qualifying patients 18 years of age and older and personal caregivers must also produce proof of identification.

DELIVERY AGREEMENTS WITH DELIVERY-ONLY RETAILERS

Pre-Verification Process

- ✓ Marijuana Retailers must establish a pre-verification process for Consumers who intend to place orders for delivery with the Marijuana Establishment.
 - As part of the pre-verification process, the Marijuana Retailer must:
 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.
- ✓ The Marijuana Retailer may collect and confidentially maintain relevant information about the individual Consumer, for the purpose of transacting a delivery and ensuring that the recipient of a delivery 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.
 6. A shape that bears the likeness or contains characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings.

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LIMITATIONS ON SALES

- ✓ Marijuana Retailers may not sell ***more than 1 ounce of marijuana or*** or its combined dry weight equivalent in Marijuana concentrate or edible Marijuana Products to a consumer per day.
- ✓ One ounce of Marijuana flower shall be equivalent to:
 1. Five grams of active tetrahydrocannabinol (THC) in Marijuana concentrate, including but not limited to Tinctures.
 2. Five hundred milligrams of active tetrahydrocannabinol (THC) in edible Marijuana Products.
- ✓ Topicals and ointments are not subject to a limitation on daily sales.
- ✓ Marijuana Retailers cannot sell MJ or MJ products in excess of the potency limits.
- ✓ A Marijuana Retailer must demonstrate that it has a Point-of-Sale System that does not allow for a transactions in excess of the potency limits.

UNAUTHORIZED SALES AND THE RIGHT TO REFUSE SALES

A Marijuana Retailer:

- ✓ Must refuse to sell marijuana to any consumer who is unable to produce valid proof of identification.
- ✓ 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 Consumers engaging in daily transactions that exceed the legal possession limits or that create a risk of diversion.***
- ✓ Cannot knowingly sell to an individual more than one ounce of Marijuana or its dry weight equivalency per day.
- ✓ Cannot sell marijuana products containing nicotine.
- ✓ Cannot sell marijuana products containing alcohol, if sales of such alcohol would require licensure pursuant to M.G.L. c. 138.

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RECORDING SALES

A Marijuana Retailer:

- a) Can only use a point-of-sale (POS) system approved by the CCC, in consultation with the DOR.
- b) May utilize a sales recording module approved by the DOR.
- c) Cannot use software or other methods to manipulate or alter sales data.
- d) Must 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
 - no other methodology has been employed to manipulate or alter sales data.
- e) Must maintain records that it has performed the monthly analysis and produce it upon request to the Commission. If a retailer determines that such software has been installed:
 - it shall immediately disclose the information to the Commission;
 - it shall cooperate with the Commission in any investigation regarding manipulation or alteration of sales data; and
 - take such other action directed by the Commission to comply with general operational requirements for Marijuana Establishments.
- f) Must comply with 830 CMR 62C.25.1: Record Retention and DOR Directive 16-1 regarding recordkeeping requirements.
- g) Must adopt separate accounting practices at the point-of-sale for marijuana and marijuana product sales, and non-marijuana sales.
- h) 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*.

PHYSICAL SEPARATION OF MARIJUANA AND MARIJUANA PRODUCTS FOR MEDICAL OR ADULT USE

- ✓ **Separate sales areas.**
 - A CMO that is collocated with a RMD must physically separate the medical sales area from the adult-use sales area.
 - Separation may be provided by a temporary or semi-permanent physical barrier.
- ✓ **Separate lines.**
 - CMO must provide separate lines for sales to medical patients and recreational customers.
 - Medical patients may use either line.
- ✓ **Separate Area for Confidential Consultations.**
 - A CMO shall additionally provide an area that is separate from the sales floor to allow for confidential consultation.
- ✓ **Prioritization.**
 - A CMO use best efforts to prioritize patient and caregiver identification verification and physical entry into its retail area.

PATIENT SUPPLY

- ✓ A collocated marijuana operation must ensure access to sufficient quantity and variety of marijuana/marijuana products for registered qualifying patients.
 - If the CMO has been open and dispensing for at least 6 months, the licensee must maintain a quantity and variety of marijuana products for patients that is sufficient to meet the demand indicated by an analysis of sales data collected by the licensee during the preceding six months.
 - If the CMO has been open and dispensing for a period of less than six months, the licensee shall reserve 35% of the CMO's marijuana products for patients.
- ✓ **Quarterly Inventory Plan.**
 - On a quarterly basis, the CMO must submit to the CCC an inventory plan to reserve a sufficient quantity and variety of medical-use products for registered patients, based on reasonably anticipated patient needs as documented by sales records over the preceding six months. On each occasion that the supply of any product within the reserved patient supply is exhausted and a reasonable substitution cannot be made, the CMO shall submit a report to the Commission in a form determined by the Commission.

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✓ **Offsite Maintenance.**

- Marijuana products reserved for patient supply shall be either maintained on-site at the retailer or easily accessible at another location operated by the licensee and transferable to the retailer location within 48 hours of notification that the on-site supply has been exhausted. CMOs shall perform audits of patient supply available on a weekly basis and retain those records for a period of six months.

CONSUMER EDUCATION

Education Materials

- ✓ A retailer must have an adequate supply of current educational materials about marijuana available for distribution to consumers.
- ✓ Materials must be available in commonly spoken languages designated by the CCC, which will include, but not be limited to appropriate materials for the visually- and hearing-impaired.
- ✓ The CCC will impose fines or other civil penalties for a Marijuana Establishment's failure to provide these materials.

Content of Educational Materials.

The educational materials must include at least the following:

- a) **No FDA approval warning.**
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;
- b) **No driving warning.**
A warning that when under the influence of marijuana, driving is prohibited, and machinery should not be operated;
- c) **Strain Selection Assistance Information.**
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) **Strain Information.**
Materials to enable consumers to track the strains used and their associated effects;
- e) **Dosage Information.**
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;

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- f) **A discussion of tolerance, dependence, and withdrawal;**
- g) **Substance abuse information.**
Facts regarding substance abuse signs and symptoms, as well as referral information for substance abuse treatment programs;
- h) **No sale by consumers.**
A statement that consumers may not sell marijuana to any other individual; and
- i) **Penalties for violating relevant laws.**
Information regarding penalties for possession or distribution of marijuana in violation of Massachusetts law.

TESTING

- ✓ No marijuana product, including marijuana, may be sold or otherwise marketed for adult use that has not first been tested by an Independent Testing Laboratory.