

Issued: March 27, 2020  
Amended: May 20, 2020  
Effective: May 25, 2020

## Amended Administrative Order No. 1

Medical Marijuana Treatment Centers  
Marijuana Establishments

### AMENDED ADMINISTRATIVE ORDER ALLOWING CURBSIDE OPERATIONS M.G.L. c. 94I, M.G.L. c. 94G, 935 CMR 501.105, 501.110, and 501.140, and 935 CMR 500.105, 500.110, and 500.140

The Cannabis Control Commission (Commission), acting through its Executive Director, amends its Administrative Order No. 1 (Amended Administrative Order) in response to Governor Charles D. Baker's *Declaration of a State of Emergency to Respond to COVID-19* issued on March 10, 2020 (Executive Order No. 591) and the *Reopening Massachusetts Report and General Business Guidance*, both issued May 18, 2020 (Reopening Requirements), and in accordance with M.G.L. 94I, M.G.L. c. 94G, and the applicable medical- and adult-use regulations, including 935 CMR 501.105, 501.110, and 501.140 and 935 CMR 500.105, 500.110, and 500.140. Under the Governor's orders, it is in the interest of the public health, safety and welfare to practice social distancing at all times.

In compliance with the Governor's Reopening Requirements and this Amended Administrative Order, licensed Medical Marijuana Treatment Centers and Marijuana Establishments (MTCs and MEs, and collectively Licensees), may conduct sales by phone and by electronic means and may transfer Marijuana and Marijuana Products curbside (Curbside Operations).

The Commission, acting through its Executive Director, hereby **ORDERS** as follows:

1. "Curbside Operations" is defined as the transfer or dispensing of Marijuana or Marijuana Products by a registered agent of a Licensee to a vehicle located in the parking area of the Licensee or to an individual at the entrance to the MTC or ME. "Entrance" shall include an access control vestibule or air-lock entrance that is enclosed and physically separated from the retail or other functional areas of the MTC or ME.
2. As of the effective date of this Amended Administrative Order, Licensees may conduct pre-orders by phone or electronic means with a Registered Qualifying Patient



- or Caregiver or Consumer prior to the purchase and transfer of Marijuana and Marijuana Products curbside.
- a. Medical-Use Transactions
    - i. In conducting phone or electronic sales orders, MTCs shall adhere to the statutory requirements regarding patient privacy. G.L. c. 94I, § 3(b).
    - ii. MTCs must verify patient eligibility for product sale with the MMJOS system prior to processing the transaction.
  - b. Adult-Use Transactions
    - i. In conducting phone or electronic sales orders, MEs shall adhere to the statutory requirements regarding consumer privacy. G.L. c. 94G, § 4(c)(3) and 935 CMR 500.140(2)(c).
3. If a Licensee completes a pre-order by phone or electronic means, the Licensee may transfer Marijuana and Marijuana Products curbside subject to the following conditions:
- a. Curbside Operations shall occur on the licensed Premises outdoors and shall be located so as to minimize compromises to security, taking into consideration camera locations, foliage or other obstructions, proximity to the MTC or ME entrance and similar considerations;
  - b. All sales must occur within the MTC or ME. This requirement is satisfied if one of the following has occurred:
    - i. Sales occur in compliance with the state guidance, including the Reopening Requirements.<sup>1</sup>
    - ii. Payment is made through one of the following means:
      - 1. by an electronic Internet-based payment platform;
      - 2. by phone in a call-ahead manner;
      - 3. by a mobile payment point-of-sale (POS) system; or
      - 4. by cash within the brick-and-mortar premises entrance. Such transactions would be strictly limited to allow for the pre-arranged cash payment of the Marijuana or Marijuana Product and should require exact change so as to minimize contact and expedite transactions to avoid lines.
  - c. Scheduled appointments and social-distancing practices consistent with state and federal guidance<sup>2</sup> are encouraged.
  - d. Licensee agents shall identify the purchasing individuals and any accompanying individuals arriving curbside.
    - i. Medical-Use Transactions:

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<sup>1</sup> <https://www.mass.gov/info-details/reopening-massachusetts#general-business-guidance->

<sup>2</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>

1. Agents shall verify the purchasing Registered Qualifying Patient's or Caregiver's age and status in accordance with 935 CMR 501.140(2)(a);
  2. To the extent that curbside transfer involves a vehicle, all other individuals in the vehicle must be 21 years of age or older unless the individual is a Registered Qualifying Patient within the meaning of 935 CMR 501.002 or his or her Caregiver;
  3. When verifying patient MTC agents are not required to physically handle an identification card if verification can be performed by visual inspection or scanning device.
- ii. Adult-Use Transactions:
1. Agents shall verify the purchasing Consumer's age and status in accordance with 935 CMR 500.140(2)(a);
  2. To the extent that curbside transfer involves a vehicle, all other individuals in the vehicle must be 21 years of age or older;
  3. ME agents are not required to physically handle an identification card if verification can be performed by visual inspection or scanning device.
- e. Licensees shall comply with regulatory requirements, including those pertaining to all inventory and transfer and recordkeeping.
- f. To the extent that Licensees conduct Curbside Operations, these operations shall be physically located so as to enable video recording by existing video cameras pursuant to 935 CMR 501.110 (5) and 935 CMR 500.110 (5).
- i. In accordance with existing regulations, Licensees shall operate video cameras at all points of entry and exit of the licensed Premises and shall angle video cameras so as to allow for the identification of any individuals entering or exiting the licensed Premises and all areas where Marijuana or Marijuana Products are handled, transferred, or dispensed.
  - ii. Licensees shall ensure that curbside transfers and if applicable, dispensing, of Marijuana or Marijuana Products is video recorded and stored.
4. Licensees conducting Curbside Operations shall notify the Commission and municipal officials prior to commencing such operations.
5. MEs and MTCs newly conducting Curbside Operations shall submit standard operating procedures and a facility layout indicating changes to the outdoor premises within forty-eight hours of commencing these operations. The facility layout for Curbside Operations must include the following:

- a. Identify designated curbside sales area(s), traffic queuing plans, and signage to direct Registered Qualifying Patients or Caregivers or Consumers;
  - b. Ensure curbside sales only occur on the licensed Premises and do not occur on public sidewalks or adjacent parking lots; and
  - c. Ensure traffic does not overflow onto public or private property unless permission has been obtained by the municipality and/or owner.
6. To the extent feasible, Licensees shall minimize the impact of Curbside Operations on municipalities.
  - a. Licensees shall notify municipal officials, including providing a copy of the updated facility layout to municipal police and health officials;
  - b. Curbside Operations shall not block traffic, sidewalks, or increase lines or crowds; and
  - c. Licensees must remain in compliance with the terms of their host community agreements and all local rules, regulations, ordinances, and by-laws, including any municipal public health order.
7. Licensees shall comply with any applicable orders issued by state or local authorities, including all executive orders and guidance issued by the Governor pursuant to Chapter 639 of the Acts of 1950 and by the Commissioner of the Department of Public Health pursuant to G.L. c. 17, § 2A.
8. Licensees shall adhere to all regulations established in 935 CMR 501.105, 501.110, and 501.140 and 500.105, 500.110, and 500.140 for sales not explicitly addressed by this order. If a Licensee cannot comply with these or any other regulatory requirements, the Licensee may seek a waiver under 935 CMR 501.850 or 935 CMR 500.850.
9. Licensees shall monitor and comply with all Commission-issued guidelines and bulletins, including those establishing social distancing measures.

Administrative Order No. 1 as amended shall take effect on Monday, May 25, 2020, at 12:00 A.M.

Administrative Order No. 1 as amended shall remain in effect until the rescission or modification of Executive Order No. 591 or the date the Commission rescinds or amends this order, whichever occurs first. The Commission may amend or modify this order as applicable to one particular licensee, a group of licensees, or all Commission licensees.

Failure to comply with the above conditions may result in disciplinary action against the Licensees and their agents up to and including suspension and/or revocation of licensure or registration and any additional civil and criminal penalties established under the Essential Services Order.

Nothing herein should be construed as precluding or limiting the Commission's authority to take additional administrative action to protect the public health, safety, and welfare.

Questions about this order may be directed in writing to the above address, by phone (774-415-0200) on Monday – Friday from 9:00 A.M. – 5:00 P.M. or email at [Commission@CCCMass.com](mailto:Commission@CCCMass.com).

Signed this 20<sup>th</sup> day of May 2020:

**Commonwealth of Massachusetts Cannabis Control Commission**

A handwritten signature in black ink, appearing to read "Shawn Collins", written over a horizontal line.

Shawn Collins, Executive Director