

Policy Regarding Transfer of Medical Marijuana Inventory for Adult Use

July 11, 2018

This document was issued originally by the Department of Public Health (DPH). As part of the transfer of the medical-use of marijuana program on or before December 31, 2018, the Commission adopted this document. We suggest that you remain current with the applicable medical-use marijuana laws, which include M.G.L. c. 94I and 935 CMR 501.000, and periodically check for revisions to this document before relying on its contents. Questions with regards to this document may be directed to Commission@CCCMass.com.

Circular Letter: DHCQ 18-7-680

TO: Registered Medical Dispensaries seeking Licensure for Retail Sale of Adult Use Marijuana

SUBJECT: Policy Regarding Transfer of Medical Marijuana Inventory for Adult Use

DATE: July 11, 2018

The Cannabis Control Commission's (Commission) regulation, 935 CMR 500.000, allows existing Registered Medical Dispensaries (RMDs) currently regulated by the Department to apply for a license for the purpose of adult use sales of marijuana. As a result, the Department recognizes that RMDs with existing inventory of marijuana may wish to make available a portion of their medical marijuana inventory for sale in the adult use market.

While the Department's regulation does not allow for such a transfer "as of right"¹, the Department may allow such a transfer to occur pursuant to 105 CMR 725.105(B)(2)(a), which in part authorizes RMDs to acquire or distribute marijuana to another RMD under circumstances approved by the Department. For the purposes of this guidance, the Department interprets "other circumstances" to include requests for approval to transfer medical marijuana inventory for adult use as a way to effectuate Chapter 55 of the Acts of 2017.

¹ Pursuant to 105 CMR 725.105(M), an RMD may only dispense, deliver, or otherwise transfer marijuana to a registered qualifying patient or their personal caregiver, to a laboratory as specified in 105 CMR 725.105(C)(2).



In order to be approved for such a transfer of inventory, RMDs seeking to transfer part of its medical marijuana or marijuana infused product (MIPs) inventory for sale in the adult use market must be wholly owned by the same entity as the applicant seeking licensure from the Commission and must request prior approval of the transfer for adult use pursuant to 105 CMR 725.105(B)(2)(a). Additionally, any medical marijuana products to be transferred must meet the requirements of 105 CMR 725.000, including the handling and testing requirements found at 105 CMR 725.105(C). For the purposes of requesting such approval and consistent with the Department's regulatory restrictions on product transfers, no RMD may request to transfer more than 45% of its total annual inventory of medical marijuana or MIPs for adult use purposes.

In addition to the inventory issue, the Department anticipates that RMDs may need to seek waivers from the Department's existing regulations in order to operationalize co-located medical and adult use marijuana sales. Any waiver requests must meet the requirements of 105 CMR 725.700, and should be submitted on the Medical Use of Marijuana Program's Application for a Waiver, which may be accessed electronically here: <https://www.mass.gov/lists/medical-use-of-marijuana-laws-regulations-and-reports>.

Medical Use of Marijuana Program staff is available and ready to provide assistance. RMDs with questions on the information or procedures contained in this guidance should email the Program at RMDcompliance@state.ma.us or call (833) 869-6820.

