

Frequently Asked Questions (FAQs) About Delivery

1. Who can apply for a Delivery-Only license?

Delivery-Only licenses and Delivery Endorsements are limited, on an exclusive basis, to businesses controlled by, and with majority ownership comprised of, Certified Economic Empowerment Priority Applicants or Social Equity Program Participants for a period of at least 24 months from the date the first Delivery-Only licensee receives a notice to commence operations.

Delivery Endorsements are currently limited to businesses that meet the same ownership and control requirements as above and are also licensed Marijuana Microbusinesses.

2. Can a Delivery-Only applicant or licensee have, or obtain, a Marijuana Retailer license?

Yes. A Delivery-Only applicant or licensee can have or obtain a Marijuana Retailer license.

Please note that for the purposes of license limitations, Delivery-Only licenses will be counted as a Marijuana Retailer. Therefore, no person or entity may be a Person or Entity Having Direct or Indirect Control, as defined by 935 CMR 500.002, over more than three (3) Marijuana Retailer and Delivery-Only licenses combined. For example, XYZ Corp. will reach its three (3) license limit for Marijuana Retailers once it obtains two (2) Marijuana Retailer licenses and one (1) Delivery-Only license.

3. What is the application process to apply for a Delivery-Only license?

For an applicant to receive a Delivery-Only license, they must complete two (2) applications that will occur in two (2) phases: (1) pre-certification application, and (2) provisional license application. All applicants will be required to complete both applications in phases. Phase 1 is completing the pre-certification application. Once you receive an approval letter stating



you are pre-certified, you will be able to start and finish Phase 2 which is completing the provisional license application.

4. What is required to be submitted as part of the pre-certification application?

The following is a list of application requirements for the pre-certification application:

- a. Information about the business:
 - i. Legal business name;
 - ii. Tax identification number;
 - iii. Contact information;
 - iv. Disadvantaged business enterprise information, if applicable; and
 - v. Certified Economic Empowerment Priority Applicant and Social Equity Program Participant certification numbers (these numbers start with either “EE” or “SE”)
- a. Information pertaining to Persons and Entities Having Direct or Indirect Control as defined in 935 CMR 500.002;
- b. Business interests in other jurisdictions, and within Massachusetts, of any Persons and Entities Having Direct or Indirect Control;
- c. Background check and contact information for any Persons and Entities Having Direct or Indirect Control;
- d. Upload a business plan and a plan for obtaining limited liability insurance. All applicants are required to submit a plan for obtaining liability insurance that satisfies the regulatory requirements. Applicants do not have to obtain any insurance policies until licensed. However, each applicant is required demonstrate in their plan that they will obtain, once licensed, a policy that shall include general liability and product liability insurance coverage of no less than \$1 million per occurrence and \$2 million in aggregate annually. The deductible for each policy can be no higher than \$5,000 per occurrence; and
- e. Upload operating policies and procedures that comply with the Cannabis Control Commission’s (Commission) regulations including the following:
 - i. Security plan pertaining to delivery;
 - ii. Transportation plan;
 - iii. Inventory plan;
 - iv. Plan to prevent diversion;
 - v. Storage plan;
 - vi. Delivery plan;
 - vii. Quality control and testing;
 - viii. Record-keeping procedures;
 - ix. Maintenance of financial records;
 - x. Qualifications and intended trainings for personnel;



- xi. Personnel policies; and
- xii. Dispensing procedures.

Applicants are encouraged to review the Commission’s Guidance on Licensure for further clarification on application requirements located here: https://mass-cannabis-control.com/wp-content/uploads/2020/02/02.25.2020_Guidance_Document_Licensure.pdf.

5. What is required to be submitted as part of the provisional license application?

- a. Amend or supplement any outdated information from what was submitted in the pre-certification application;
- b. Disclose the proposed location of the Delivery-Only license and submit property interest documentation;
- c. Disclose capital resources along with supporting documentation;
- d. Disclose, if known, all current agreements between the applicant and Third-Party Technology Platform Providers and Marijuana Retailers;
- e. Submit additional documentation which includes the following:
 - i. Certification of Host Community Agreement;
 - ii. Community Outreach Meeting attestations and documentation;
 - iii. Plan to remain compliant with local ordinances;
 - iv. Positive Impact Plan;
 - v. Diversity Plan;
 - vi. Bond or escrow account;
 - vii. Background authorization forms;
 - viii. Certificates of good standing from the Department of Revenue, Secretary of the Commonwealth, and Department of Unemployment Assistance; and
 - ix. A proposed timeline to become operational.

6. Will I have to re-enter the information from the pre-certification application into the provisional license application?

No, you will not need to re-enter this information. When you start your provisional license application, the previously submitted information will transfer from your approved pre-certification application.

However, you will need to amend any outdated information previously disclosed. Additionally, you will need to add to the previously submitted information if items have changed, i.e., if new individuals are associated with your application.



7. What is the application fee for a Delivery-Only license and when do I pay it?

Currently, there is no fee. The application fee for a Delivery-Only license application is \$1,500; however, as the application is only available to Certified Economic Empowerment Priority Applicants and Social Equity Program Participants, the fee will be automatically waived.

8. What is the license fee for a Delivery-Only license and when do I pay it?

Currently, the annual license fee is \$5,000. Certified Economic Empowerment Priority Applicants and Social Equity Program Participants receive a 50% reduction in annual license fees and will be required to pay \$5,000. The required annual license fee will be \$10,000 for non-Certified Economic Empowerment Priority Applicants and Social Equity Program Participants. If approved, the applicant will be required to pay the appropriate license fee.

9. How long is my pre-certification valid for?

Pre-certified applications are valid for 12 months from the date of the approval notice. Applicants must start the provisional license application within 12 months from when they were pre-certified; otherwise, a new pre-certification application will need to be completed and approved.

10. What is the application process to apply for a Delivery Endorsement?

Licensed Marijuana Microbusinesses may electronically submit a Delivery Endorsement application in the Massachusetts Cannabis Industry Portal (MassCIP). This application process contains one application instead of the two-part application process for Delivery-Only licenses. Delivery Endorsements are subject to the exclusivity provisions established in 935 CMR 500.050(10)(b) and are therefore only available to Certified Economic Empowerment Priority Applicants and Social Equity Program Participants at this time.

11. What is required to be submitted as part of the Delivery Endorsement application?

The applicant will confirm certain business information. In addition to that confirmation, applicants for a Delivery Endorsement will have to submit the following information:

- i. Plan to remain compliant with local ordinances relating to delivery;
- ii. Delivery plan;
- iii. Security plan for delivery; and



- iv. Agreements with Third-Party Technology Platforms.

12. What is the application fee for a Delivery Endorsement and when do I pay it?

Currently, there is no fee. As Delivery Endorsements are only available to Marijuana Microbusinesses with a majority ownership comprised of Certified Economic Empowerment Priority Applicants and/or Social Equity Program Participants for an exclusive period, the application fee is waived.

The application fee for Delivery Endorsements is \$500 for non-Certified Economic Empowerment Priority Applicants and Social Equity Program Participants. This fee is paid prior to submission of the application.

13. What is the license (or endorsement) fee for a Delivery Endorsement and when do I pay it?

The annual license fee for Delivery Endorsements is \$5,000. However, as Delivery Endorsements are only available to Marijuana Microbusinesses with a majority ownership comprised of Certified Economic Empowerment Priority Applicants and/or Social Equity Program Participants for an exclusive period, the license fee is reduced by 50% and will be \$2,500.

Additionally, as the endorsement is tied to the license, the fee will be prorated based on the remaining time on the license. This fee is required to be paid upon approval by the Commission.

14. Where can I get more information about satisfying the application requirements?

Information about all license application requirements can be found in the Commission’s Guidance on Licensure located here: https://mass-cannabis-control.com/wp-content/uploads/2020/02/02.25.2020_Guidance_Document_Licensure.pdf.

15. Where can I get more information about the licensing process?

Information about the licensing process can be found in the Commission’s Guidance on Licensure located here: https://mass-cannabis-control.com/wp-content/uploads/2020/02/02.25.2020_Guidance_Document_Licensure.pdf.



16. What is the difference between a Delivery-Only license and a Delivery Endorsement?

A Delivery-Only license is a distinct business license type for businesses that plan to deliver marijuana projects, not to cultivate, retail, or manufacture products. Businesses seeking to obtain a Delivery-Only license will need to provide the same information as all other license types but in phases.

A Delivery Endorsement is available to Marijuana Microbusinesses licensees. It is an endorsement, or expanded permission to perform delivery operations, added to the existing license. It is like having a driver's license for a car and then getting permission to operate a motorcycle and receiving a motorcycle endorsement.

17. What is a “Third-Party Technology Platform Provider?”

A Third-Party Technology Platform Provider is 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 and marijuana products by a Delivery-Only licensee or a Microbusiness with a Delivery Endorsement to a consumer, patient, or caregiver.

18. Can a Delivery-Only licensee deliver adult and medical marijuana product?

Yes. A Delivery-Only licensee may contract with Marijuana Retailers and/or Medical Marijuana Treatment Centers (MTCs) to deliver product to consumers, patients, or caregivers. Product from an MTC can be delivered to patients and caregivers. Products from a Delivery-Only licensee can be delivered to adult consumers, patients, and caregivers.

19. Where do I apply for a Delivery-Only license or Delivery Endorsement?

Applications will be available electronically in MassCIP located here: <https://www.massciportal.com/login-register>. Businesses seeking a Delivery-Only license will be able to view the pre-certification application. Marijuana Microbusinesses seeking a Delivery Endorsement will be able to view the Delivery Endorsement application.

All applicants will be required to have a user account set up to access MassCIP. You can create a user account here: <https://www.massciportal.com/login-register>. Online tutorials are available regarding the navigation and use of MassCIP located here: <https://mass-cannabis-control.com/masscip-tutorials>.



20. Which communities may receive deliveries? Why aren't Delivery-Only licensees allowed to deliver to consumers in municipalities that have not allowed retail operations or opted in for delivery operations?

The law allows municipalities, in some cases, to restrict certain Marijuana Establishments from operating within their borders. In light of this legal requirement, the Commission has adopted regulations to allow delivery in only the following locations:

- i. The municipality in which the licensee is located;
- ii. Any municipality which allows for retail operations whether or not a Marijuana Retailer is operational; and
- iii. Any municipality that has notified the Commission that delivery may operate within its borders.

Applicants, licensees, and consumers can view which municipalities have allowed delivery and retail operations by reviewing the Commission's Municipal Zoning Tracker located here: <https://mass-cannabis-control.com/municipaltracker>.

21. What defines the delivery-only business location? Is it where you house your vehicle(s)?

For purposes of Delivery-Only applicants and licensees, the business location is the location where the vehicle(s) are housed, delivery orders are received, vehicles are dispatched from every day, and where employees will monitor delivery vehicles in transport through GPS and reporting requirements.

The location should be in a municipality that has allowed retail or delivery operations and appropriately zoned. The location should have a building that allows for the "back office" operations of a Delivery-Only license such as where delivery orders are received, vehicles are dispatched from every day, and where employees will monitor delivery vehicles in transport through GPS and reporting requirements.

Delivery-Only license applicants will provide their location information in their provisional license application after being pre-certified.



22. Does the delivery business need to sign a Host Community Agreement (“HCA”) with every community in which their residents will receive a delivery?

No. All applicants, including those applying for Delivery-Only licenses, must submit certification of an executed HCA with the city or town in which their business will be located.

23. Will consumers pay the Delivery-Only licensee for the entire order or just for the delivery fee?

It is up to the Delivery-Only licensee and the Marijuana Retailers it contracts with to determine when and how the consumer pays.

24. Are there limits on the number of Marijuana Establishments with which a Delivery-Only licensee can do business?

No, a Delivery-Only licensee does not have a limit on the number of Marijuana Retailers or MTCs that it contracts with to perform deliveries. A Delivery-Only licensee shall have a delivery agreement executed between themselves and a Marijuana Retailer or MTC prior to performing deliveries.

25. Can Delivery-Only licensees mix products from different Marijuana Retailers or MTCs into a consumer’s individual order?

Yes, as long as the order does not exceed the individual possession limits. A Delivery-Only licensee or a Marijuana Establishment with a Delivery Endorsement shall only deliver one individual order, per consumer, during each delivery. A Delivery-Only licensee or a Marijuana Establishment with a Delivery Endorsement shall not deliver to the same consumer at the same residence more than once each calendar day.

26. May a Delivery-Only licensee contract with a Marijuana Retailer to complete the pre-verification process for consumers who intend to place delivery orders?

Yes. Delivery-Only licensees may contract with a Marijuana Retailer for the Marijuana Retailer to complete the pre-verification process for the Delivery-Only licensee’s intended consumers.

A Delivery-only licensee 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. A Marijuana Establishment with a Delivery Endorsement 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 through a Commission-approved electronic means.

27. Can delivery companies use third-party applications instead of cash payments for safety reasons?

Yes. Third-Party Technology Platform Providers may assist in the facilitation of ordering and delivering marijuana and marijuana product. Any agreements with these providers must be disclosed in the application, or alternatively, when such agreements are made.

28. At what point can Certified Economic Empowerment Priority Applicants or Social Equity Program Participants liquidate their ownership over the Delivery-Only license?

Delivery-Only licenses are available to Certified Economic Empowerment Priority Applicants and Social Equity Program Participants for an exclusive period of at least 24 months from the date the first Delivery-Only licensee receives notice to commence operations. The Commission may extend the period past 24 months. Certified Economic Empowerment Priority Applicants and/or Social Equity Program Participants must have, and maintain, majority ownership over this license type during the entire exclusivity period.

29. Does the licensee with which you contract to obtain product for delivery need to be a Marijuana Retailer?

Yes, Delivery-Only licensees can only contract with Marijuana Retailers and/or MTCs to deliver the Marijuana Retailers' and/or MTC's marijuana and marijuana products to consumers, patients, or caregivers.

30. Can Delivery-Only licensees wholesale product from Marijuana Product Manufacturers and Marijuana Cultivators?

No. Delivery-Only licensees can only contract with Marijuana Retailers and/or MTCs to deliver the Marijuana Retailer's and/or MTC's marijuana and marijuana products to consumers, patients, or caregivers.



31. When does a background check and fingerprinting occur with a Delivery-Only license application?

There are three parts to the background check and fingerprinting.

First, applicants will disclose all background check information in the pre-certification application. This step is not a full background check or clearance. The information at this stage will be reviewed as part of the pre-certification process. Based on the results of this stage, an applicant will have some knowledge about any suitability issues.

Second, when applicants complete the provisional license application, applicants must submit background check authorization forms and update background check history events.

Third, when the provisional license application is deemed complete, the Commission staff will notify applicants to submit the background check fee to Creative Services, Inc. and complete the fingerprint examination.

32. Does the Commission accept waivers on the body camera requirement or the requirement to have two agents in the delivery vehicle?

Yes, an applicant or licensee can request a waiver from any regulatory requirement. The waiver request form is available on the Commission's website located here: <https://mass-cannabis-control.com/forms-and-templates>. Commission staff reviews all waiver requests and recommends approval or denial of the waiver to be considered by the Executive Director. The applicant or licensee will be notified by email when a decision has been made.

33. Who is eligible to apply for and invest in Delivery-Only licenses?

Delivery-Only licenses are limited, on an exclusive basis, to businesses controlled by and with majority ownership comprised of, Certified Economic Empowerment Priority Applicants or Social Equity Program Participants for a period of at least 24 months from the date the first Delivery-Only licensee receives a notice to commence operations.

Other individuals and entities may contribute capital resources. However, majority ownership must be comprised of, and maintained, by Certified Economic Empowerment Priority Applicants or Social Equity Program Participants for a period of at least 24 months from the date the first Delivery-Only licensee receives a notice to commence operations. All individuals and entities are subject to the license limitations in 935 CMR 500.050.



34. Can a Marijuana Microbusiness with a Delivery Endorsement deliver other Marijuana Establishment’s marijuana products?

No, a Marijuana Microbusiness with a Delivery Endorsement is authorized to deliver only its marijuana products to consumers.

35. May an agent of a Delivery-Only licensee enter a Marijuana Retailer, with whom they have a delivery-only agreement, from an employee-only entrance to make a pickup without a registered agent badge for that particular Marijuana Retailer?

Yes, however, the Marijuana Retailer must follow visitor procedures.

36. Will a Delivery-Only licensee have to undergo an inspection once provisionally licensed?

Yes. The Commission staff will provide the licensee a notice once provisionally licensed along with a request form for a Post-Provisional License Inspection (“PPLI”). This inspection will ensure your vehicle(s) and standard operating procedures, among other items, comply with the Commission’s regulations. After successfully completing the PPLI, the Delivery-Only applicant would move to final license approval.

37. Can a Delivery-Only licensee perform other marijuana-related activities such as packaging, repackaging, and/or preparing orders for delivery?

No, Delivery-Only licensees can only pickup and deliver packaged marijuana and marijuana products.

38. Can a Delivery-Only licensee rent their delivery vehicle?

No. The licensee must either own their vehicle or lease it from a private party. The vehicle must be properly registered to the licensee as a commercial vehicle. Applicants and licensees who lease vehicles from private parties may need to list the person or entity leasing the vehicle to the licensee in their application if the person or entity will be a Person or Entity with Direct or Indirect Control. This term is defined in the Commission’s regulations here: https://mass-cannabis-control.com/wp-content/uploads/2019/11/935_CM_500.000_Adult_Use_of_Marijuana_11.1.19.pdf.



39. Can a Microbusiness licensee located in a municipality that does not permit retail sales and has not “opted in” to allow for delivery obtain a Delivery Endorsement?

No. The local municipality must either allow retail operations or “opt in” to allow delivery operations. A municipality can “opt in” after receiving notice from the Commission and stating that delivery may operate within its borders.

Applicants, licensees, and consumers can view which municipalities have allowed delivery and retail operations by reviewing the Commission’s Municipal Zoning Tracker located here: <https://mass-cannabis-control.com/municipaltracker>.

40. Can a Delivery-Only licensee deliver products other than marijuana (i.e. accessories, clothing, novelty, or promotional items)?

No, but this change is being considered by the Commission in its ongoing regulatory discussions.

41. How many registered agents must be in the vehicle when performing deliveries?

Two (2) registered agents must be in the delivery vehicle when performing home deliveries. At least one (1) registered agent must always remain in the vehicle.

42. Are Delivery-Only licensees able to deliver their own product from their manufacturing license?

Microbusinesses with Delivery Endorsements are allowed to deliver their product to consumers, however, Delivery-Only licensees must obtain marijuana and marijuana products from Marijuana Retailers or an MTC’s dispensing location only.

43. Can Delivery-Only licensees “stack” deliveries within one trip?

Yes. Delivery-Only licensees may obtain marijuana and marijuana products from multiple Marijuana Retailers and MTCs to deliver to consumers, patients, and caregivers. The maximum retail value of marijuana and marijuana product in the vehicle at one time is limited to \$10,000.



44. Can a person come to the delivery vehicle to pick up their order?

No. The Delivery-Only licensee's agent must deliver the product to the consumer's residence, house, condominium, or apartment.

45. Who can receive deliveries and how much can be delivered?

Consumers who are 21 years or older may receive deliveries for adult-use marijuana and marijuana products. Consumers must be pre-verified with the Marijuana Retailer filling the order.

Additionally, consumers are limited to one (1) ounce of marijuana or its combined dry weight equivalent in marijuana concentrate or edible marijuana products per day. One (1) ounce of marijuana flower shall be equivalent to five (5) grams of active tetrahydrocannabinol (THC) in marijuana concentrate including, but not limited to, tinctures. One (1) ounce of marijuana flower shall be equivalent to 500 milligrams of active THC in edible marijuana products.

46. What happens if there is a car accident or other emergency during a delivery?

In the case of an emergency stop during the delivery, 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 to the licensee of the location of the stop, seek assistance, and employ best efforts to remain in contact with their employer.

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.

47. If we are only transporting from retailer to consumer, why do we need a location?

Every business must provide a physical business location within a municipality under the law. For purposes of Delivery-Only applicants and licensees, this will be the location where the vehicle(s) are housed, delivery orders are received, vehicles are dispatched from every day, and where employees will monitor delivery vehicles in transport through GPS and reporting requirements.



48. What will the Commission require for a location?

The Commission has several requirements in the license application for a location of a Delivery-Only licensee:

- Disclosure of the address;
- Property interest documentation (i.e. lease, title of the property, a binding letter of intent to use the property);
- Host Community Agreement;
- Community Outreach Documentation; and
- Plan to Remain Compliant with Local Ordinances.

The location should be in a municipality that has allowed retail or delivery operations and is appropriately zoned. The location should have a building that allows for the “back office” operations of a Delivery-Only license from which delivery orders are received, vehicles are dispatched daily, and where employees will monitor delivery vehicles in transport through GPS and reporting requirements.

49. Can an entity with a Marijuana Retailer location apply for a Delivery-Only license? If so, do they need to have an additional location for the delivery-only business?

Yes, a Marijuana Retailer can apply for a Delivery-Only license subject to the license limits (three combined between the two license types) and if the business has a majority ownership comprised of Certified Economic Empowerment Priority Applicants and/or Social Equity Program Participants.

A licensee who has both a Marijuana Retailer and Delivery-Only license is allowed to operate from the same facility.

50. Are there any rules for where the vehicles need to be parked when they do not have marijuana in the vehicles?

Yes. The delivery vehicles 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 that municipality.



51. Does an adult-use Delivery-Only licensee have to use its own drivers or can they use the Marijuana Retailer’s drivers? Is there an option to use a combination of both methods?

The drivers performing adult-use deliveries on behalf of a Delivery-Only licensee must be active registered agents and employees of the Delivery-Only licensee.

52. Why is general liability and product liability insurance coverage needed?

The Commission, in their regulations, require all vehicles used for delivery by a Delivery-Only licensee or a Marijuana Establishment with a Delivery Endorsement to carry liability insurance in an amount not less than \$1,000,000 combined single limit. The purpose of liability insurance is to cover the business due to unforeseen circumstances.

53. May a Delivery-Only licensee who has an existing delivery agreement with a Marijuana Retailer licensee (who also has a product manufacturing license) pick up finished product from the licensed cultivation or manufacturing facility if it is earmarked for that same licensee’s own retail facility?

No. All marijuana and marijuana product orders for delivery must be picked up at a Marijuana Retailer facility.

54. Can a Social Equity Program Microbusiness invest in other Social Equity Program Participants or Certified Economic Empowerment Priority Applicant businesses?

A Microbusiness licensee must comply with the limitations in 935 CMR 500.050, which prohibits persons and entities associated with the Microbusiness from being a Person or Entity Having Direct or Indirect Control for any other Marijuana Establishment except a Social Consumption Establishment. However, this does not prohibit all investment.

55. What criteria will be used to determine whether the exclusivity period will be extended beyond 24 months?

At least eight (8) months before the end of the exclusivity period, the Commission will begin evaluating data to determine whether the goals of the exclusivity period have been met. The criteria for evaluation will include:

- 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;



- Overall rates of participation in the regulated Marijuana industry by people of color;
- Licenses granted to businesses with majority ownership comprised of Certified Economic Empowerment Priority Applicants and Social Equity Program Participants;
- Number of registered agents who are Social Equity Program Participants;
- Number of Delivery-only licensees in operation and business performance relative to other Marijuana Establishments;
- 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
- Any other information the Commission determines relevant.

56. Can seeds and clones be delivered?

Yes.

57. May a Microbusiness with a Delivery Endorsement also hold a Delivery-Only license?

No.

58. What does it mean by a transportation plan?

All applicants must demonstrate knowledge and compliance with standard operating procedures including a transportation plan. 935 CMR 500.145(4) and (5) outline transportation requirements for Delivery-Only license applicants. Some of these requirements include the need to have a properly registered vehicle, remaining within the Commonwealth when delivering and having randomized routes, GPS tracking, transportation logs, and requirements around manifests.

59. Do the operating procedures need to be separated into sections, or can they be merged? For example, can the “plan to prevent diversion” be part of the “delivery plan” section?

Each required plan must be uploaded as its own separate PDF and properly labeled; they cannot be merged.



60. What restrictions are in place to prevent retailers or third-party companies from controlling delivery-only businesses?

Marijuana Retailers or other licensees who violate the ownership and control limitations in 935 CMR 500.050 are subject to penalties up to, and including fines, suspension, and revocation of their license.

Delivery-Only licensees and Microbusinesses with Delivery Endorsements may work with Third-Party Technology Platform Providers which provide or host internet-based applications for the facilitation of ordering and delivering cannabis. All agreements between a delivery business and a third-party technology provider, however, shall be available for inspection and are subject to the control limitations under 935 CMR 500.050.

61. What can I expect when my pre-certification application is deemed complete?

When a pre-certification application is deemed complete, a recommendation is made to the Executive Director to approve the applicant as pre-certified if no outstanding issues are identified. The application will move to the “Applications Deemed Complete” queue within MassCIP. The applicant does not need to take any additional steps until notified by email from the Commission.

When the applicant is approved for pre-certification, a notice (including a copy of the pre-certification application) will be sent to the business email on the application explaining next steps which will include starting the next phase of the application—the provisional license application.

62. Can a Delivery-Only licensee store or warehouse marijuana or marijuana products?

No. All undeliverable, or refused, marijuana and marijuana products must be returned to originating Marijuana Establishment once all deliveries included on a manifest have been made. Marijuana and marijuana products cannot be held or warehoused by a Delivery-Only licensee overnight.

63. Is the Delivery-Only licensee required to pay local taxes on marijuana and marijuana products delivered to consumers?

No. The sale of marijuana and marijuana products originates, and is performed, by the Marijuana Retailer. The Marijuana Retailer is required to pay any local taxes for each product delivered by a Delivery-Only licensee. The local tax is paid to the Department of



Revenue, and ultimately, disbursed to the municipality in which the Marijuana Retailer is located. The local tax applies only to sales, and not deliveries.

64. When a Delivery-Only licensee has completed all deliveries for the day, and does not need to return marijuana and marijuana product to another Marijuana Establishment, can the delivery agent return the vehicle to the principal place of business or an off-site location?

Yes. The Delivery-Only licensee may allow their agents to return the delivery vehicle to the principal place of business or an off-site location, if this location complies with local and special bylaws or ordinances. The delivery log required to be maintained pursuant to 935 CMR 500.145(4)(k) should track the mileage from the last delivery performed to the final location and a notation should be made indicating the return trip was to this final location.

65. During what hours can a Delivery-Only licensee perform deliveries?

Deliveries shall not occur between the hours of 9:00 p.m. and 8:00 a.m. unless explicitly allowed by municipal bylaw or ordinance.

