

Frequently Asked Questions About Delivery

Applicants and licensees are required to comply with the Cannabis Control Commission's (Commission) governing laws available at [MassCannabisControl.com](https://www.mass.gov/info-details/mass-cannabis-control-commission) and are encouraged to consult their counsel with regards to compliance. These frequently asked questions are intended to anticipate and answer common questions and are not intended to modify any legal rights and obligations.

1. Is the “Delivery Only” license type the same as the “Marijuana Courier” license type?

Yes, the name for the Delivery Only license was changed to “Marijuana Courier” and is the same license type.

2. If I originally applied for, or was approved for a Delivery Only license, can I convert it to a Marijuana Delivery Operator license?

No. Even if you have previously applied for Pre-Certification or Licensure for Delivery Only (now Courier), you will have to start a new Pre-Certification application for the Marijuana Delivery Operator license.

If you previously applied to operate as a Delivery Only licensee, or were issued that license, your application or license will automatically convert to the Marijuana Courier license type.

3. What is the difference between a Marijuana Courier, Marijuana Delivery Operator, and a Delivery Endorsement?

The Marijuana Courier and Marijuana Delivery Operator licenses are both stand-alone license types allowed to perform different operations. Marijuana Couriers are allowed to deliver marijuana and marijuana products to consumers and patients from a Marijuana



Retail Establishment or Medical Marijuana Treatment Center. Delivery Operators are allowed to purchase marijuana and marijuana products from licensed Marijuana Cultivators and Marijuana Product Manufacturers and sell and deliver to consumers. Marijuana Couriers cannot store marijuana and marijuana products overnight whereas Marijuana Delivery Operators may securely store on its premises marijuana and marijuana products that have been purchased at wholesale for eventual resale to consumers.

A Delivery Endorsement is expanded permission to perform delivery operations that is added to an 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. Currently, Delivery Endorsements are available only to Marijuana Microbusinesses with majority ownership comprised of Certified Economic Empowerment Priority Applicants and/or Social Equity Program Participants for a period of at least 36 months from the date the first Delivery Operator licensee receives a notice to commence operations.

4. Who can apply for a Delivery license?

Marijuana Courier and Marijuana Delivery Operator 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 and/or Social Equity Program Participants for a period of at least 36 months from the date the first Delivery Operator licensee receives a notice to commence operations.

5. Can a Delivery applicant or licensee have, or obtain, a Marijuana Retailer license?

Yes.

Individuals and entities are limited to applying for and obtaining no more than two (2) delivery licenses. The limitation for delivery licenses is not tied to the amount an individual or entity can obtain for retail licenses—which remains at no more than three (3).

6. What restrictions are in place to prevent retailers or third-party companies from

controlling delivery businesses?

Individuals and entities can hold only a limited number of Marijuana Retailer and Delivery licensees.

Marijuana Retailers, Delivery 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 licensee and a Third-Party Technology Platform Provider, however, shall be available for inspection and are subject to the control limitations under [935 CMR 500.050](#): Marijuana Establishments, including:

- a. A Third-Party Technology Platform Provider cannot be a licensee, or a Person or Entity with Direct or Indirect Control, as defined by [935 CMR 500.002](#): Fees, of a Delivery licensee.
- b. A contract between a Delivery licensee and a Third-Party Technology Platform Provider shall be negotiated and entered into on an arm's length basis. A Delivery licensee may not accept any investment by a Third-Party Technology Platform Provider with which it has a contract.
- c. A Delivery licensee cannot share its profits of the sale of marijuana or marijuana products with a Third-Party Technology Platform Provider, or otherwise provide a percentage or portion of the sale of marijuana or marijuana products to the Third-Party Technology Platform Provider.

7. What is the application process to apply for a Delivery license?

For an applicant to receive a Delivery license, they must complete two (2) applications that will occur in two (2) phases: Phase 1 – the pre-certification application, and Phase 2 – the 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.

As a note, there are two separate pre-certification applications, one for each Delivery license type that have specific and distinct requirements. While an applicant can be pre-certified for both license types, they must be pre-certified for the license type they are applying for and cannot use another pre-certification in its place.

8. 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”)
- b. Information pertaining to Persons and Entities Having Direct or Indirect Control;
- c. Business interests in other jurisdictions, and within Massachusetts, of any Persons and Entities Having Direct or Indirect Control;
- d. Background check and contact information for any Persons and Entities Having Direct

or Indirect Control—background check authorization documents are not required until the provisional license application;

- e. Upload a business plan and a plan for obtaining limited liability insurance; and
- f. Upload operating policies and procedures that comply with the Commission’s regulations including the following:
 - i. Security plan;
 - 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. Plan to obtain marijuana and marijuana products (Marijuana Courier license type)

- xii. Personnel policies; and
- xiii. Dispensing procedures (for Marijuana Delivery Operators).

Applicants are encouraged to review the Commission’s [Guidance on Licensure](#) for further clarification on application requirements.

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

When a pre-certification application is deemed complete, the application will move to the “Applications Deemed Complete” queue within the Massachusetts Cannabis Industry Portal (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.

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

Pre-certified applications are valid for 24 months from the date of the approval notice. Applicants must start the provisional license application within 24 months from when they were pre-certified; otherwise, a new pre-certification application will need to be completed and approved.

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

The following is a list of application requirements for 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 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 (both Delivery license types) and Marijuana Retailers (for Marijuana Couriers only);
- 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;
 - ix. White labeling and wholesale agreements, where applicable for Marijuana Delivery Operators; and

- x. A proposed timeline to become operational.

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

No. When you start your provisional license application, the previously submitted information will transfer from your approved pre- certification application. If previously submitted information has changed or is outdated, you will need to update that information at the provisional license application stage. For example, you will need to add individuals newly associated with your application.

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

The application fee for a Marijuana Delivery Operator or a Marijuana Courier license application is \$1,500, however, license application fees are automatically waived (\$0) for businesses controlled by and with majority ownership comprised of Certified Economic Empowerment Priority Applicants or Social Equity Program Participants.

14. What are the license fees for a Marijuana Delivery Operator and Marijuana Courier license and when do I pay it?

The annual license fee is \$5,000 for a Marijuana Courier and \$10,000 for a Delivery Operator. However, the annual license fees for Delivery licensee businesses controlled by and with majority ownership comprised of Social Equity Program Participants and/or Certified Economic Empowerment Priority Applicants are the following:

- For the first year: \$0
- For the second year and every following year: \$2,500 for a Marijuana Courier and \$5,000 for a Delivery Operator license (50% reduction)

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

Licensed Marijuana Microbusinesses may electronically submit a Delivery Endorsement application through MassCIP. This application process involves one (1) application instead of the two-part application process for Delivery licenses. Delivery Endorsements are only available to businesses controlled by and with majority ownership comprised of Certified Economic Empowerment Priority Applicants or Social Equity Program Participants for a period of 36 months from the date the first Delivery Operator Licensee receives a notice to commence operations.

16. 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 Platform Providers.

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

Generally, the application fee for a Delivery Endorsement is \$500. This fee is paid prior to submission of the application.

Currently, while Delivery Endorsements are available only to Marijuana Microbusinesses controlled by and with a majority ownership comprised of Certified Economic Empowerment Priority Applicants and/or Social Equity Program Participants during a 36-month exclusivity period, the application fee is waived (\$0).

18. What is the annual license fee for a Delivery Endorsement and when do I pay it?

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

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

19. Where can I get more information about the application requirements or the licensing process?

Information about all license application requirements and the licensing process can be found in the Commission’s [Guidance on Licensure](#). For best advice, the Commission recommends consulting a licensed attorney or knowledgeable industry professional for best guidance.

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

A Third-Party Technology Platform Provider (Provider) is an individual or business that provides or hosts an internet-based application(s) developed for the facilitation of ordering and delivering marijuana, marijuana products and marijuana accessories and branded goods by a Marijuana Courier or Marijuana Delivery Operator or a business with a Delivery Endorsement to a consumer, patient, or caregiver.

Where a Delivery licensee contracts with a Provider, it must ensure that its goods are sold in compliance with the licensing requirements, for example, advertising and branding.

A licensee that develops a proprietary application exclusively for its own use is not considered to be a Third-Party Technology Platform Provider.

A Third-Party Technology Platform Provider may not be an investor in a Delivery licensee.

21. Can a Marijuana Courier deliver adult and medical marijuana product? What about Marijuana Delivery Operators?

Yes, a Marijuana Courier may contract with Marijuana Retailers and/or Medical Marijuana Treatment Centers (MTCs) to deliver product to consumers, patients, or caregivers. Products from an MTC can be delivered to patients and caregivers.

A Marijuana Delivery Operator may not acquire from an MTC or deliver medical-use marijuana to a patient or caregiver. A Marijuana Delivery Operator can only sell and deliver marijuana and marijuana products, and their own marijuana accessories and branded goods, directly to a consumer (a person who is 21 years of age or older).

22. Where do I apply for a Delivery license or Delivery Endorsement?

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

23. Which communities may receive deliveries? Why aren't Marijuana Couriers or Marijuana Delivery Operators allowed to deliver to consumers in municipalities that have not allowed retail operations or opted in for delivery operations?

The law allows cities or towns, in some cases, to restrict certain Marijuana Establishments from operating within its borders. Considering this legal requirement, the Commission's regulations allow delivery in only the following locations:

- i. The city or town in which the Delivery licensee is located (the business location or place of business);

- ii. Any city or town which allows for retail operations (even if a Marijuana Retailer is not operational there); and
- iii. Any city or town that has notified the Commission that delivery is allowed within its borders.

Applicants, licensees, and consumers can view which cities and towns have allowed delivery and retail operations by reviewing the Commission’s Municipal Zoning Tracker located here: MassCannabisControl.com/Municipal-Zoning-Tracker.

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

No, the city or town must either allow retail operations or “opt in” to allow delivery operations. A city or town 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 cities or towns have allowed delivery and retail operations by reviewing the Commission’s Municipal Zoning Tracker located here: MassCannabisControl.com/Municipal-Zoning-Tracker.

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

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

The location should be in a city or town 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 license, 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.

After being pre-certified, Marijuana Courier and Marijuana Delivery Operator license applicants provide their location information in their provisional license applications.

26. Does a delivery business need to sign a Host Community Agreement (HCA) with every community in which its residents will receive a delivery?

No. However, all applicants must submit certification of an executed HCA with the city or town in which their business will be located.

27. Will consumers pay the Marijuana Courier for the entire order or just for the delivery fee?

It is up to the Marijuana Courier and the Marijuana Retailer it contracts with to determine when and how the consumer pays. For the safety of the drivers and consumers, Marijuana Retailers and Marijuana Couriers may use platforms for the electronic payment of funds to minimize the amount of cash carried on a delivery vehicle, and store cash in a locked compartment.

28. Are there limits on the number of Marijuana Establishments with which a Marijuana Courier can do business?

No. However, a Marijuana Courier is required to have an executed delivery agreement with the Marijuana Retailer or MTC prior to performing deliveries.

29. Can Delivery licensees mix products from different Marijuana Retailers into a consumer's individual order?

Yes, as long as the consumer's individual order does not exceed the individual possession limits. A Marijuana Courier, Marijuana Delivery Operator, or a Microbusiness with a Delivery Endorsement can deliver only one (1) individual order per consumer, during each

delivery. A Delivery licensee or a Microbusiness with a Delivery Endorsement cannot deliver to the same consumer at the same residence more than once each calendar day, regardless of the quantity of their individual order.

30. May a Marijuana Courier contract with a Marijuana Retailer to complete the pre-verification process for consumers who intend to place delivery orders? What are some of the pre-verification restrictions for Delivery licensees?

Yes.

A Marijuana Courier 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 or Third-Party Technology Platform.

A Marijuana Delivery Operator or Microbusiness 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 Commission-approved electronic means.

31. Can delivery companies use third-party applications or credit, debit, or ATM card transactions instead of cash payments for safety reasons?

Yes.

32. At what point can Certified Economic Empowerment Priority Applicants or Social Equity Program Participants liquidate their ownership over the Marijuana Courier or Delivery Operator license?

All Delivery licenses are available to businesses controlled by and with majority ownership comprised of Certified Economic Empowerment Priority Applicants and/or Social Equity Program Participants for an exclusive period of at least 36 months from the date the first Delivery Operator licensee receives notice to commence operations. Certified Economic

Empowerment Priority Applicants and/or Social Equity Program Participants must have, and maintain, control and majority ownership over this license type during the entire exclusivity period.

33. Does the licensee with which a Marijuana Courier contracts to obtain product for delivery need to be a Marijuana Retailer?

Yes, a Marijuana Courier can only contract with Marijuana Retailers and/or MTCs to deliver the Marijuana Retailers' and/or MTCs' marijuana and marijuana products to consumers, patients, or caregivers.

34. Can a Marijuana Courier wholesale product from Marijuana Product Manufacturers and Marijuana Cultivators?

No.

35. Can a Marijuana Delivery Operator wholesale product from Marijuana Product Manufacturers and Marijuana Cultivators?

Yes. A Marijuana Delivery Operator may contract with licensed Marijuana Cultivators, Marijuana Product Manufacturers, Microbusinesses, or Craft Marijuana Cooperatives to obtain wholesale products to sell and deliver directly to consumers.

36. When does a background check and fingerprinting occur with a Marijuana Courier or Marijuana Delivery Operator license application?

When applicants complete the provisional license application (the second application), applicants must submit background check authorization forms and update background check history events. After review and when deemed complete, Commission staff will notify applicants to submit the background check fee to a Commission vendor and complete the fingerprint examination. No background checks or fingerprinting is required in the pre-certification application, however, disclosure of background events will be reviewed.

37. Who is eligible to apply for and invest in Delivery licenses?

Delivery 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 36 months from the date the first Delivery Operator licensee receives a notice to commence operations (the “exclusivity period”).

Other individuals and entities may contribute capital resources.

38. Can a Marijuana Microbusiness with a Delivery Endorsement deliver other Marijuana Establishments’ marijuana products?

No.

39. Can an agent of a Marijuana Courier enter a Marijuana Retailer, with whom they have a delivery agreement, through 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.

40. Will a Delivery licensee have to undergo an inspection once provisionally licensed?

Yes, 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 licensee moves to final license approval.

41. Can a Marijuana Courier licensee perform other marijuana-related activities, such as

packaging, repackaging, and/or preparing orders for delivery?

No.

42. Can a Delivery licensee rent its delivery vehicle?

No, the licensee must either own its vehicle or lease it from a private party. The vehicle must be properly registered to the licensee as a commercial vehicle.

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

Yes, Marijuana Couriers can also deliver marijuana accessories and branded goods, either their own or the Marijuana Retailer's.

Yes, Marijuana Delivery Operators can deliver their own marijuana accessories and branded goods.

Marijuana accessories may not include branded goods.

44. 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.

45. Are Marijuana Couriers allowed to deliver its own product?

A Marijuana Courier can only deliver products sold by a Marijuana Retailer or MTC. Therefore, for a Marijuana Courier to deliver its own product, it would also need to hold a

separate Marijuana Retailer or MTC license. Microbusinesses with Delivery Endorsements can deliver its own product to consumers.

46. Can Marijuana Couriers “stack” deliveries within one trip?

Yes, Marijuana Courier 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. This \$10,000 limit does not apply to marijuana accessories and branded goods.

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

No, the Delivery licensee’s registered agent must deliver the product to the consumer’s residence, house, condominium, or apartment.

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

Consumers who are 21 years of age or older may receive deliveries for adult-use marijuana and marijuana products. Consumers must be pre-verified before filling the order by providing the government-issued identification card that will be used at the time of delivery.

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 is considered equivalent to five (5) grams of active tetrahydrocannabinol (THC) in marijuana concentrate including, but not limited to, tinctures. One (1) ounce of marijuana flower is considered equivalent to 500 milligrams of active THC in edible marijuana products.

49. 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 must provide notice to the employer-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.

If a motor vehicle accident renders the vehicle inoperable, the Licensee shall notify state and local law enforcement immediately so that marijuana products may be adequately secured.

50. 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 city or town under the law. For purposes of Delivery 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.

51. Can my business office or location be mobile? Can I work out of a trailer or my delivery van?

Delivery licensees must have a fixed business address where the licensee conducts business operations. This location must be approved by the city or town where it is situated.

52. What will the Commission require for a location?

- a. Identification of the proposed address for the license;

- b. Documentation of a property interest in the proposed address by way of one of the following:
- i. Clear legal title to the proposed site;
 - ii. An option to purchase the proposed site;
 - iii. A legally enforceable agreement to give such title; or
 - iv. Documentation from the owner evidencing permission to use the Premises.

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

- Disclosure of the business' address;
- Documents showing property interest in the proposed address (for example, lease, title to 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 city or town that allows marijuana retail or delivery operations and is appropriately zoned. The location should have a building that allows for the “back office” operations of a Delivery 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.

53. Can an entity with a Marijuana Retailer location apply for a Delivery license? If so, does it need to have an additional location for the delivery business?

Yes, a Marijuana Retailer can apply for a Delivery license subject to the license caps and the exclusivity period.

A licensee who has both a Marijuana Retailer and Delivery license is allowed to operate from the same facility, so long as the licensee is able to comply with the regulations for both license types.

54. 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 city or town.

55. Does a Delivery licensee have to use its own drivers, or can it use the Marijuana Retailer's drivers? Is there an option to use a combination of both methods?

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

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

The Commission, in its regulations, require all vehicles used for delivery by a Delivery licensee or Marijuana Establishment with a Delivery Endorsement to carry liability insurance in an amount not less than \$1,000,000 combined single limit.

57. May a Marijuana Courier with an existing delivery agreement with a Marijuana Retailer (who also has a Cultivation or 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.

58. Can a Social Equity Program Participant's Microbusiness invest in other Social Equity Program Participants' or Certified Economic Empowerment Priority Applicants' businesses?

Persons and entities associated with the Microbusiness are prohibited 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 certain investments, such as contributions of capital resources.

59. What criteria will be used to determine whether the exclusivity period will be extended beyond 36 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 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.

60. Can seeds and clones be delivered?

Yes.

61. Can a Microbusiness with a Delivery Endorsement also hold a Delivery license?

No.

62. What is a transportation plan?

All applicants must demonstrate knowledge and compliance with standard operating procedures including a transportation plan. 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.

63. 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.

64. Can a Marijuana Courier store or warehouse marijuana or marijuana products?

No, the Marijuana Courier must return all undeliverable or refused marijuana and marijuana products to the originating Marijuana Retailer once all deliveries included on a manifest have been made. Marijuana and marijuana products cannot be held or warehoused by a Marijuana Courier overnight.

65. When a Marijuana Courier 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 Marijuana Courier may allow its 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 should track the vehicle's mileage 1) when the vehicle leaves the Marijuana Retailer, 2) each time it arrives at a consumer's residence, and 3) when it returns to the Marijuana Retailer, principal place of business, or an off-site location as permitted. A notation should be made indicating the return trip was to this final location.

66. During which hours is a Delivery licensee prohibited from performing deliveries?

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

67. How does the local tax option apply to a transaction where both marijuana and non-marijuana products, such as marijuana accessories and branded goods, are sold?

When marijuana and marijuana products are sold at retail, there is a calculation of the state

sales tax, state excise tax, and if applicable, a local option tax imposed by cities or towns. For a Marijuana Retailer, Delivery Operator or Microbusiness with a Delivery Endorsement, the rate of the local tax option is set by the host community and calculated for retail sales of marijuana and marijuana products.

Retail sales of non-marijuana products, such as accessories and branded goods are generally only subject to the state sales tax if they are separately identified on the receipt given to the purchaser at the time of the sale.

68. Is the Marijuana Courier required to pay the taxes on marijuana and marijuana products delivered to consumers?

No. For marijuana and marijuana products, the Marijuana Retailer, not the Marijuana Courier, is required to pay the state excise tax, the state sales tax, and any applicable local option tax on the products delivered to consumers.

69. How should Marijuana Retailers, including Delivery Operator Licensees and Microbusinesses with a Delivery Endorsement, separately state transactions where marijuana is sold along with non-marijuana products, such as marijuana accessories and branded goods?

Marijuana Retailers, including Delivery Operator Licensees and Microbusinesses with a Delivery Endorsement, must separately identify the amount of the total sales price for sales of marijuana and marijuana products and for sales of other goods, e.g., accessories or branded goods, or services, on the purchaser's receipt. If there is a sale of accessories and branded goods and these sales are identified separately, only the state sales tax needs to be calculated, not the state excise tax or local option tax. You should be aware that some branded goods, i.e., articles of clothing, may be exempt from the sales tax. If the sale of different goods are identified not separately on the purchaser's receipt, all of these taxes will be calculated for the total sales price. For more information, see [DOR's Sales and Use Tax Guide](#).

DOR, not the Commission, regulates taxation, so licensees are encouraged to review [DOR's](#)

guidance, or consult with DOR or their own counsel on how taxes are collected on particular goods and for a particular sale.