

Frequently Asked Questions About the 2019-2020 Audit

1. Why was the Cannabis Control Commission (Commission) audited?

The Office of the State Auditor (Auditor) is authorized to conduct performance audits of public entities. In addition to ensuring tax dollars are spent wisely, audits, reports and investigations also focus on improving state government performance. In February 2021, the Auditor [chose to audit Massachusetts Cannabis Control Commission](#) for a period from January 1, 2019 through December 31, 2020 to examine efficiency and effectiveness of our program, with the goal of implementing improvements.

For more information about the Auditor see <https://www.mass.gov/info-details/about-the-office-of-the-state-auditor#making-government-work-better->.

2. What did the audit cover?

The audit period covered January 1, 2019 through December 31, 2020. The Auditor asked: “Does CCC ensure that recreational marijuana products sold meet the safety standards required by Section 15(a)(1) through (3) of Chapter 94G of the General Laws; Section 500.160(1) through (4) and (10) of Title 935 of the Code of Massachusetts Regulations, which was in effect during the audit period; and CCC’s ‘Protocol for Sampling and Analysis of Finished Medical Marijuana Products and Marijuana-Infused Products for Massachusetts Registered Medical Marijuana Dispensaries?’”

The Auditor checked that the Commission was acting in accordance with the law and its own regulations and standards.

The audit timeframe (2019-2020) amounts to six weeks after the first licensed adult-use cannabis sales in Massachusetts began at two Marijuana Retailers and seven days after the Commission assumed oversight of the Medical Use of Marijuana Program from the Department of Public Health. Over the two years that followed—through the end of the audit period on December 31, 2020—the Commission underwent unprecedented growth, revised relevant regulations and policies multiple times, and responded to two unforeseen



crises in the vaping public health emergency of 2019 and the COVID-19 industry shut down of 2020, on top of conducting the day-to-day business of closely regulating a business that remains federally illegal.

3. Is my cannabis safe?

Yes. Marijuana sold through licensed retailers and MTCs is tested in accordance with Commission protocols and not allowed to be sold unless it passes tests and those tests are current.

As noted in the Auditor's report, agency controls were in place throughout the review period of 2019-2020, and those have been evaluated and enhanced since our inception. Specifically, in the finding about pesticide testing, the Commission's controls were effectively deployed and worked, as evidenced by [public fines levied against multiple licensees for illegal use and application of pesticides](#) separate and apart from the audit itself.

MDAR regulates hemp and has jurisdiction over pesticides.

4. Did the Commission allow the sale of expired products?

The Auditor found that less than 1% of products sold between January 1, 2019 and December 31, 2020 contained some kind of marijuana component, like flower or oil, that had been last tested for contaminants over one year before.

By regulation, testing results are valid for one year. Products sold beyond the test date were not "expired" in the sense that other consumer goods may be. The shelf stability of cannabis depends largely on the specific product and any other ingredients, additives, and hardware that may be associated with it. For instance, edible products made with perishable ingredients may be recommended for consumption within a calendar year. Other products may be consumable outside of a calendar year. The purpose of the retest, and the reason the Commission requires it, is to ensure any new contaminants have not been introduced to the product, or that there has not been any degradation of the potency or cannabinoid concentration, for instance. This is especially true for products such as vape products and flower. Patients and consumers are advised, therefore, to carefully read the label of products for any specific consumption requirements or suggestions.

The Commission believes that anything less than 100% is unacceptable. Before the audit team's finding, the Commission took steps to address testing dates, including creating a monthly report of testing dates and issuing a notice of deficiency (NOD) if a product is out of testing validity dates. The first NODs for this deficiency were issued in April 2022.



5. Did the Commission allow the sale of products that did not pass pesticide testing?

No. The audit found that a small number of MEs and independent testing laboratories (ITLs) did not report positive pesticide tests to Commission within the 72-hour reporting requirement. The audit also found one instance where the ITL did not report a positive pesticide test to the Commission.

The Commission agrees with the recommendations in this finding and has taken steps to ensure reporting of pesticide detection.

The Commission disagrees, however, with the finding that the Commission did not have controls; in fact, in the case of pesticide testing, the Commission's controls were effectively deployed and worked. During the audit period, Enforcement staff issued notices of deficiency, started an investigation, and came to an agreement with a Licensee that resulted in a financial sanction and, importantly, operational corrections to deter future risk.

6. Does the Commission agree with the auditor?

The Commission accepts the findings of the auditor and appreciates the audit team's responses and recommendations. The Commission disagrees in some places particularly in one case, about pesticide reporting, where the Commission asserts that its controls worked.

Overall, however, the Commission has taken steps to improve controls, its regulations, and its protocols before and after the audit was completed. Less than 100% effectiveness of health and safety controls is unacceptable, and the Commission is committed to continuous improvement.

The agency and the industry that were audit for actions in 2019-2020 are very different than what is in place today. For example, during the audit period there were two Independent Testing Laboratories (ITLs). Today, 14 ITLs are operating. At the time the audit report began, in January 2019, the Commission employed 40 staff members, including the Commissioners and the Executive Director. By December 31, 2020, at the end of the audit period, the Commission had 86 staff members, including the Commissioners and the Executive Director. Today, the Commission has more than 120 employees, including six testing staff—and one of the most important and impactful controls we can deploy are agency employees who work every day on behalf of the residents, patients, and consumers of the Commonwealth.



7. Will the Commission be audited again?

As with any public entity, the auditor may choose to audit the Commission at any time.

8. What do I do if I have a complaint about a product, or the licensees that sold it?

You can contact the establishment where you purchased it. If you have a concern about a licensed establishment, you can contact the Commission at [Contact - Cannabis Control Commission Massachusetts \(MassCannabisControl.com/contact\)](https://www.mass.gov/info-details/contact-cannabis-control-commission-massachusetts).

9. The audit notes that the Commission did not provide cybersecurity awareness training to its employees. How is the agency ensuring security of its data, files, and systems?

The Commission has required cybersecurity training for all employees, including periodic tests starting in 2020. Additionally, the Commission implements a number of cybersecurity tools including end-point protection, firewalls, email scanning all inbound and outbound emails for malware, phishing and other security issues and other monitoring and prevention tools.

