



COMMONWEALTH OF MASSACHUSETTS

Guidance on Municipal Equity & Industry Participation

May 2024

Massachusetts Cannabis Control Commission

Ava Callender Concepcion, Acting Chair

Nurys Camargo, Commissioner

Kimberly Roy, Commissioner

Bruce Stebbins, Commissioner

Debra Hilton-Creek, Acting Executive Director

Table of Contents

I.	Introduction	4
II.	Role of the Cannabis Control Commission	4
III.	Commission License Types	5
	Medical Marijuana Treatment Center	5
	Marijuana Cultivator, Microbusiness, and Craft Marijuana Cooperative	5
	Marijuana Product Manufacturer	6
	Marijuana Retailer	6
	Marijuana Transporters	6
	Delivery Licenses	7
	Marijuana Research Facility	7
	Independent Testing & Standards Laboratories	8
	Social Consumption Establishment	8
IV.	Role of Host Communities & Municipalities	8
	HCAs and Community Impact Fees (CIFs)	8
	State and Local Taxes	9
	Local Control: By-laws and Ordinances	9
	Limiting Marijuana Businesses	10
	Municipality Imposed Penalties	11
	Additional Permits	12
	Buffer Zones	12
V.	The Municipal Role in the Commission Licensing Process	12
VI.	Municipal Equity Requirements	13
	Minimum Standards for Equity By-laws and Ordinances	13
	Municipal Transparency Practice Requirements	13
	HCA Negotiations: Required Practices Related to Equity	15
	Host Community Positive Impact Plan	15

	Host Community Compliance & Notification Requirements	17
VII.	Complaints Against Host Communities	18
VIII.	Seeking Counsel, Support, and Questions	19

I. Introduction

The following guidance is provided to assist municipalities working with businesses seeking to apply for licensure and operate as (1) adult-use Marijuana Establishments (“ME”) under 935 Code Mass. Regs. § (“CMR”) 500.000 and/or (2) Medical Marijuana Treatment Centers (“MTC”) under 935 CMR 501.000. This guidance is not legal advice. If municipalities have questions regarding the legal requirements for licensure and other compliance obligations, they are encouraged to consult appropriate legal counsel.¹

II. Role of the Cannabis Control Commission

The Commission has broad authority over the licensing of MEs and MTCs. It has also established regulatory requirements to address public safety, health, and welfare concerns such as the testing², potency, packaging, labeling, advertising³, dispensing, and diversion of marijuana and marijuana products.⁴ Additionally, the Commission is empowered to promote and encourage the full participation in the regulated marijuana industry by individuals and communities disproportionately impacted by marijuana prohibition, women, minority, and veteran-owned businesses.

As a licensing agency, the Commission reviews applicants’ qualifications for licensure, including background checks and suitability determinations, prior to issuing provisional and final licenses and ultimately approving a licensee to commence operations. As part of their licensing application process, applicants must hold a community outreach meeting and enter into a Host Community Agreement (“HCA”) with a municipality.⁵ Additionally, all individuals and entities seeking licensure must be found suitable as licensees by the Commission pursuant to 935 CMR 500.800, 500.801 (Table A), 501.800, and/or 501.801 (Table A). Individuals and entities may be disqualified for licensure if they have been convicted of a felony (not including marijuana-related offenses, however, inclusive of convictions or continuances without a finding for any distribution of a controlled substance to a minor) and may have the ability to seek a hearing. Individuals and entities unsure if they are suitable for licensure should seek independent legal counsel.

Furthermore, the Commission is now required to review and approve HCAs⁶ and review local ordinances and by-laws to ensure the municipality promotes an equitable licensed cannabis industry within its

¹ The Commission uses the term “counsel” as inclusive of and not limited to the following municipal positions: Town Counsel, City Solicitor, Corporation Counsel, Special Town/Municipal Counsel, and Labor Counsel.

² 935 CMR 500.160 and 935 CMR 501.160.

³ 935 CMR 500.105 501.105, and 935 CMR 500.145.

⁴ 935 CMR 500.110 and 501.110.

⁵ 935 CMR 500.180 ; 935 CMR 501.180.

⁶ G.L. c. 94G § 4(a); 935 CMR 500.181(3) and 935 CMR 501.181(3).



borders.⁷ The Commission started its review and enforcement of HCAs in March 2024. Beginning May 1, 2024, the Commission will commence review and enforcement of local equity policies required under relevant laws and regulations.

Once a license has been issued, the Commission may inspect MEs and MTCs, investigate close associates of a licensee whom the Commission suspects is involved in the financing, operation, or management of such licensee, and may impose fees and fines and conduct adjudicatory proceedings. It may also restrict, revoke, or suspend a license.⁸

The Commission has developed relationships with federal, state, and municipal officials in order to address areas of common concern. It may adopt, amend, or repeal regulations for the implementation, administration, and enforcement of the law; refer cases for criminal prosecution to the appropriate law enforcement authorities; monitor federal activity regarding marijuana and hemp; and prepare and publish research studies, legislative reports, or related materials.⁹

More information regarding the Commission’s licensing process can be found in its [Guidance on Licensure](#).

III. Commission License Types

The Commission is empowered to license businesses that meet certain qualifications as MEs and MTCs.

A brief list and description of the different types of licenses issued by the Commission are as follows:

Medical Marijuana Treatment Center

An MTC is an entity licensed under 935 CMR 501.000, that acquires, cultivates, possesses, processes, repackages, transports, sells, distributes, delivers, dispenses, or administers marijuana, marijuana products, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use.

Marijuana Cultivator, Microbusiness, and Craft Marijuana Cooperative

⁷ 935 CMR 500.181(3)(d) and 935 CMR 501.181(3)(d).

⁸ See generally G.L. c. 94G § 4; 935 CMR 500.301-500.370 and 935 CMR 501.301-501.370; 935 CMR 500.500 and 935 CMR 501.500.

⁹ See generally G.L. c. 94G § 4.



A Marijuana Cultivator is an entity licensed to cultivate, process and package Marijuana, and to transfer Marijuana to other MEs, but not to Consumers. Cultivators select what tier, *i.e.*, size of the grow they will operate, which determines their application and licensing fees.

A Microbusiness is an entity that can be either a Tier 1 Marijuana Cultivator or Marijuana Product Manufacturer, or both; if it is in receipt of a Delivery Endorsement issued by the Commission, it may deliver Marijuana or Marijuana Products produced at its licensed location directly to Consumers.¹⁰

A Craft Marijuana Cooperative is a type of Marijuana Cultivator organized as a limited liability company, limited liability partnership, or a cooperative corporation.¹¹ The cooperative license authorizes it to cultivate, obtain, manufacture, process, package, brand and transfer marijuana products to MEs, but not to consumers.

Marijuana Product Manufacturer

A Marijuana Product Manufacturer is an entity authorized to obtain, manufacture, process, and package marijuana or marijuana products, and to transport and transfer product to other MEs, but not to consumers.¹² All edibles prepared by a manufacturer shall be prepared, handled, and stored in compliance with the sanitation requirements in 105 CMR 590.000: *State Sanitary Code Chapter X: Minimum Sanitation Standards for Food Establishments*, and with the requirements for food handlers specified in 105 CMR 300.000: *Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements*. Safe handling regulations are enforceable by local boards of health.

Marijuana Retailer

A Marijuana Retailer is an entity authorized to transport, sell, purchase, repackage, or otherwise transfer marijuana or marijuana products to MEs and to sell marijuana, marijuana products, marijuana accessories and branded goods to consumers 21 years of age or older.¹³ A Marijuana Retailer may be collocated with an MTC.¹⁴

Marijuana Transporters

There are two types of Marijuana Transporter licenses: (1) a Third-party Transporter; and (2) an Existing

¹⁰ See 935 CMR 500.002.

¹¹ 935 Code Mass. Regs. § 500.002.

¹² 935 CMR 500.002.

¹³ 935 CMR 500.002.

¹⁴ 935 CMR 500.050(8).



Licensee Transporter.

A Third-party Transporter is an entity currently licensed to do business in Massachusetts that does not hold any other ME license pursuant to 935 CMR 500.050¹⁵ and is not formerly registered or currently licensed as an MTC pursuant to CMR 501.000: *Medical use of Marijuana*. A Third-party Transporter is permitted to transport marijuana and marijuana products between MEs and between MTCs.

An Existing Licensee Transporter is an ME that wishes to contract with other MEs to transport their marijuana and marijuana products to other MEs. Marijuana Transporters are allowed to warehouse marijuana and marijuana products in a form and manner determined by the Commission.¹⁶

Delivery Licenses

There are two available types of Delivery Licenses: (1) Marijuana Courier; and (2) Marijuana Delivery Operator.

A Marijuana Courier may enter into a Delivery Agreement with a Marijuana Retailer to deliver finished marijuana Products, marijuana accessories, and marijuana branded goods directly to consumers or with an MTC to deliver to patients or caregivers. A Marijuana Courier cannot wholesale, warehouse, process, repackage, or white label these products.

A Marijuana Delivery Operator may wholesale finished marijuana products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness, or Craft Marijuana Cooperative. It can also sell and deliver finished marijuana products, marijuana accessories, and marijuana branded goods directly to consumers. A Marijuana Delivery Operator cannot currently process or repackage marijuana products.

Marijuana Research Facility

A Marijuana Research Facility Licensee may be an academic institution, nonprofit corporation, or domestic corporation or entity authorized to do business in the Commonwealth, including a licensed ME or MTC, that is licensed to conduct research.¹⁷ A license to operate a Marijuana Research Facility is separate from a Research Permit to conduct a specific research project as researchers need Commission approval for each Research Permit before conducting their research. A Marijuana Research Facility Licensee may engage in cultivation or product manufacturing of marijuana or marijuana products if the cultivation or product manufacturing process is the subject of its research. Additionally, Marijuana

¹⁵ See 935 CMR 500.050, details the various Marijuana Establishment types.

¹⁶ See 935 CMR 500.050(9).

¹⁷ 935 CMR 500.002.



Research Facility Licensees may not transfer marijuana or marijuana products to other licensees, other than for testing, or sell to consumers, patients, or caregivers.¹⁸

Independent Testing & Standards Laboratories

There are two types of laboratory licenses: (1) Independent Testing Laboratory (“ITL”), and (2) Standards Laboratory. An ITL primarily contracts with licensees to test products for sale to consumers and patients. ITL licensees cannot have a financial relationship (other than for testing services) or hold licenses with other MEs or MTCs.

A Standards Laboratory is an entity that would otherwise qualify to be an ITL but instead performs tests to verify the results of an ITL at the request of the Commission.

Social Consumption Establishment

A Social Consumption Establishment is an entity licensed to sell marijuana or marijuana products and allow consumers to consume marijuana or marijuana products solely on its premises.¹⁹ The Commission has developed regulations for the licensing of these entities and will commence Social Consumption Establishment licensing when there are regulatory amendments to facilitate a successful and safe market.²⁰

More information regarding the Commission’s available license types can be found in its [Guidance on Licensure](#).

IV. Role of Host Communities & Municipalities

The local control provisions under G.L. c. 94G both authorize and limit the way in which Host Communities can control MEs and MTCs in their communities. For clarity, Host Communities are defined as a municipality in which an ME and/or MTC is located or in which a license applicant has proposed locating an ME and/or MTC.

HCAs and Community Impact Fees (CIFs)

Under state law, MEs and MTCs are required to execute HCAs with the municipalities in which they plan

¹⁸ 935 CMR 500.147.

¹⁹ 935 CMR 500.002.

²⁰ See 935 CMR 500.050(6).



to operate. The agreement must stipulate the responsibilities of the community and the ME or MTC. An HCA is a required component of a license application, so an applicant must execute an HCA with a municipality prior to submitting an application with the Commission.²¹

The HCA may include a CIF; however, it is not mandatory. If a Host Community elects to issue or claim a CIF, it must be reasonably related to the actual operations of an ME or MTC and an enhanced need for a Host Community’s goods or services in order to offset the impact of operations.²² Any cost to a city or town imposed by the operation of an ME or MTC must be adequately documented and is considered a public record under Massachusetts Public Records Law.²³

Additional information on HCA, can be found in the [Guidance for Host Community Agreements](#).

State and Local Taxes

There are three (3) different local and state taxes imposed on the retail sale of adult-use marijuana, which are passed onto the consumer, but not patients and caregivers unless they are purchasing accessories and branded goods.

The state sales tax and state excise tax are collected by the Department of Revenue (“DOR”) and then distributed to municipalities at least four times per year.²⁴ The DOR also empowers a Host Community to impose an additional tax, referred to as the local tax option, of up to 3% on retail transactions for marijuana or marijuana products by a Marijuana Retailer.²⁵

Local Control: By-laws and Ordinances

Under the “local control” provisions of G.L. c. 94G, § 3, the Legislature delegated to municipalities control over MEs²⁶ and MTCs²⁷ operating within their borders. Under § 3, and Commission regulations, Host Communities and municipalities can regulate the number, operations, and locations of potential MEs

²¹ G.L. c. 94G § 3(d).

²² 935 CMR 500.002; 935 Code Mass. Regs. § 501.002.

²³ G.L. c. 66 § 10.

²⁴ Adult-use marijuana is subject to the state sales tax of 6.25%; the state excise tax of 10.75%; and the local option for cities or towns, a figure up to 3% on all *retail* transactions. G.L. c. 64N, §§ 2, 3 (a).

²⁵ 830 CMR 64N.1.1.

²⁶ Under G.L. c. 94G, § 1, a Marijuana Establishment is defined as a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

²⁷ Under G.L. c. 94I, § 1, a Medical Marijuana Treatment Center is defined as the premises approved under a medical use marijuana license.



and MTCs.²⁸ The Commission, in turn, has broad authority over licensing and registration of these applicants, as well as ensuring that HCAs and local ordinances and by-laws that focus on promoting an equitable industry comply with the provisions of G.L. c. 94G.

A Host Community and municipality may adopt ordinances and by-laws that impose reasonable safeguards on the operation of MEs and MTCs and “any business dealing in marijuana accessories,” so long as the restrictions are not unreasonably impracticable and do not conflict with G.L. c. 94G and 94I, or regulations promulgated by the Commission.²⁹

A municipality may determine that a proposed marijuana-related use falls under an existing use authorized by its by-laws or ordinances. However, if a municipality elects to create new ordinances or by-laws with respect to MEs or MTCs, it may implement those that restrict the time, place, and manner of ME or MTC operations and any business dealing in marijuana accessories.³⁰ However, local zoning by-laws or ordinances may not operate to prevent the conversion of an MTC to an adult-use ME engaged in the same type of activity.³¹ The Commission interprets conversion to include not only replacing the operation of an MTC entirely with the operation of an ME, but also addressing colocated marijuana operations, *i.e.*, businesses desiring to sell both medical-use and adult-use marijuana.

Under St. 2022, c. 180, and Commission regulations, Host Communities are required to establish local ordinances or by-laws to promote and encourage full participation in the regulated marijuana industry by individuals and communities that have been disproportionately impacted by marijuana prohibition and enforcement, women, minority, and veteran-owned businesses no later than May 1, 2024. More information on these requirements can be found below in Section VI.

Limiting Marijuana Businesses

Under G.L. c. 94G, § 3, a municipality may adopt by-laws and ordinances that limit the number of MEs in its community, but it must submit any by-law or ordinance for approval to the voters if the ordinance or by-law would:

- Prohibit the operation of one (1) or more types of ME within the municipality;
- Limit the number of Marijuana Retailers to fewer than 20% of the number of liquor licenses (retail sale not to be drunk on premises) issued in the municipality under G.L. c. 138, § 15. For

²⁸ See e.g., G.L. c. 94G, §§ 3 (a)(2) and (d); 935 CMR 500.170(2) and 935 CMR 501.170(2).

²⁹ G.L. c. 94G, § 3(a).

³⁰ G.L. c. 94G, § 3 (a)(1).

³¹ *Id.* See also the Supreme Judicial Court’s decision in CommCan, Inc. & another v. Town of Mansfield, 488 Mass. 291, which provides discussion of this issue.



example, if a municipality has 100 liquor licenses, that municipality may set a maximum limit of 20 marijuana retailers; or

- Limit the number of any type of ME to fewer than the number of MTCs registered to engage in the same type of activity.

If a municipality chooses to enact any of the above-listed enumerated restrictions, the following procedures shall be followed:

- The city solicitor or town counsel must prepare a summary of the proposed ordinance or by-law indicating the number and types of MEs which shall be permitted to operate under the proposed ordinance or by-law and shall be included on the ballot;
- A ballot question shall be prepared asking “Shall this [city or town] adopt the following [by-law or ordinance]? [solicitor/counsel summary] [full text of by-law or ordinance].:”;
- If the majority of the votes cast in answer to the question are in the affirmative, the city or town may adopt the by-law or ordinance, but if the majority of votes cast is in the negative, the city or town shall not adopt the by-law or ordinance; and
- The ballot question may be placed on the ballot at a regular or special election held by the city or town by a vote of the board of selectmen or by the city or town council, with the approval of the mayor or chief executive officer of a city that does not have a mayor, and subject to a municipal charter, if applicable.³²

If a Host Community elects to increase its existing limit on the number of MEs or MTCs permitted to operate, they should ensure a minimum of 50%, but no fewer than one license, of the additional licenses beyond the previously set cap are allocated for Social Equity Businesses or individuals pre-verified with the status of a Social Equity Program Participant or Economic Empowerment Applicant.³³ A Host Community seeking exemption from this regulatory requirement may submit a waiver request pursuant to 935 CMR 500.850 or 501.850. Such request must include identification of proposed compensating features, as provided under 935 CMR 500.850(2)(b) or 501.850(2)(b).³⁴

Municipality Imposed Penalties

A Host Community is permitted to establish civil penalties for violation of an ordinance or by-law enacted pursuant to the Local Control provisions of G.L. c. 94G, § 3, but the penalty must be similar to that imposed for violations of an ordinance or by-law related to alcoholic beverages.³⁵

³² G.L. c. 94G, § 3(e)(3).

³³ 935 CMR 500.181(3)(c)(2); 935 CMR 501.181(3)(c)(2).

³⁴ 935 CMR 500.181(3)(c)(2); 935 CMR 501.181(3)(c)(2).

³⁵ G.L. c. 94G, § 3 (a)(5).



Additional Permits

Additional local permits may be required. Although Host Communities are prohibited from using a zoning by-law or ordinance to prevent the conversion of an MTC to an ME, the Commission does not interpret the word “prevent” to prohibit the municipality from requiring an MTC that is eligible under the statute to apply for any additional local permits required to change its existing operation to an ME for adult-use. The Commission cautions local permitting boards from exercising their discretion in acting on a request for a local permit in a manner that could be deemed to conflict with the applicable law and regulations.

Buffer Zones

Under state law, an ME or MTC may not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.³⁶

The buffer zone distance of 500 feet shall be measured in a straight line from the geometric center of the ME/MTC entrance to the geometric center of the nearest school entrance, unless there is an impassable barrier within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the ME/MTC entrance to the geometric center of the nearest school entrance. The Commission has defined “impassable barrier” as a highway, public or private way or path, inaccessible structure, body of water, or other obstruction that renders any part of the 500-foot straight-line distance between a ME/MTC and a school entrance inaccessible by a pedestrian or automobile.

Municipalities may adopt an ordinance or by-law to reduce that distance requirement under state law and regulations.³⁷

V. The Municipal Role in the Commission Licensing Process

Separate and apart from the Commission’s licensing process, Host Communities and municipalities must also implement their own municipal review process.

The applicant must demonstrate compliance and knowledge with all municipal requirements. To do so, the Commission will directly provide the Host Community with a municipal notice form to be completed

³⁶ G.L. c. 94G, § 5(b)(3).

³⁷ G.L. c. 94G, § 5(b)(3) ; 935 CMR 500.110(3); 935 CMR 501.110(3).



by the municipality.³⁸ This form is used to inform the Commission that the license applicant has complied with all applicable municipal by-laws and ordinances at its current stage in the licensing process.

For all ME and MTC License Applicants not subject to 935 CMR 500.102(1)(d)(2), the municipality has 60 days to complete this form.³⁹ For other license applicants, such as Social Equity Business Applicants, municipalities are provided 30 days to respond. Failure to respond to the Commission will result in approval by acquiescence.

VI. Municipal Equity Requirements

Host Communities are required to establish local rules or by-laws to create equity standards to promote and encourage full participation in the regulated marijuana industry.⁴⁰ On or before May 1, 2024, a Host Community shall submit an attestation to the Commission affirming it has adopted local laws to effectuate compliance and identify the specific local laws passed.⁴¹ The Host Community shall also submit its equity plan and any other documentation demonstrating compliance with state law and regulations.⁴²

Minimum Standards for Equity By-laws and Ordinances

A Host Community shall develop a municipal equity plan to encourage full participation in the regulated marijuana industry by individuals from communities disproportionately harmed by cannabis prohibition. The equity plan shall:

- Encourage applications from business and individuals that would meet the definition of Social Equity Businesses (“SEB”), Social Equity Program Participants (“SEP”), and Economic Empowerment Priority Applicants (“EEA”) as determined by the Commission;
- Include goals, programs, and measurements a Host Community will utilize to promote and encourage equity participation; and
- Consistently publish data regarding the total applicant pool for MEs identifying as SEBs, SEPs, and/or EEAs.

Municipal Transparency Practice Requirements

³⁸ 935 CMR 500.102(1)(d) and 935 CMR 501.102(1)(d).

³⁹ 935 CMR 500.102(1)(d)1 and 935 CMR 501.102(1)(d)1.

⁴⁰ G.L. c. 94G, §3 (f).

⁴¹ 935 CMR 500.181(3)(d) and 935 CMR 501.181(3)(d).

⁴² 935 CMR 500.181(3)(b)2 and 935 CMR 501.181(3)(b)2.



Host Communities are encouraged to build their licensee selection process in a way that prioritizes the community's individual needs and the Commonwealth's commitment to an equitable industry and economic justice. To promote and encourage full participation, Host Communities must also adopt transparent practices when establishing their framework.

Practices shall include but are not limited to:

- Publicizing information in a public location at its offices and on its website which at a minimum shall include:
- All required steps of a Host Community's local approval process including, but not limited to, all associated fees, deadlines, and meeting schedules for local bodies involved in the local approval process;
- Identification of key individuals involved in a Host Community's local approval process, including, but not limited to, their names, titles, business addresses, and business contact information such as email addresses or phone numbers;
- A list of all documentation required by a Host Community's local approval process, in downloadable form and paper form;
- Identification of application criteria for local approval to operate an ME and scoring methodologies relied on by a Host Community;
- General scoring information for all applicants and a Host Community's scoring of each individual applicant;
- A Host Community's explanation, in narrative form, of its reasoning for the approval or denial of an application; and
- Any other information required by the Commission.⁴³

The Commission recommends the following additional methods to promote equity in a Host Community:

- Designating specific municipal contacts who shall work closely with SEB applicants in the permitting process from initial inquiry through special permit and building permit process while also providing technical assistance;
- Reduce financial barriers by waiving or reducing fees for SEBs associated with permitting processes and approvals as allowable by ordinance and streamline permitting for these applicants; or
- Provide priority licensing review to SEBs.

⁴³ 935 CMR 500.181(5)(b) and 935 CMR 501.181(5)(b).



HCA Negotiations: Required Practices Related to Equity

Host Communities must adhere to required practices for HCA negotiations with individuals or entities pre-verified or verified as SEBs, and those designated by the Commission as SEPs and EEAs, including, but not limited to, the development of a standard evaluation form, or use a form developed by the Commission, that scores components of an application. The evaluation form shall include consideration of equity in the overall evaluation score which must comprise not less than 25% of the total evaluation score which shall include the following:

- whether an individual, entity, or license applicant is pre-verified or verified by the Commission as an SEB;
- whether the license applicant is a SEP;
- whether the license applicant is an EEA;
- whether a license applicant or pre-verified individual or entity has a prior marijuana-related criminal offense or conviction;
- whether a license applicant or pre-verified individual or entity is part of an area of disproportionate Impact, as identified by the Commission; or
- whether a pre-verified individual is of Black, African American, Hispanic, Latino, Native American or indigenous descent, or a majority of a pre-verified entity or license applicant entity is comprised of individuals that are of Black, African American, Hispanic, Latino, Native American or indigenous descent.

FYI—For Your Information

During the HCA negotiation and evaluation, individuals and entities meeting one or more of the criteria listed above should be awarded no less than 25% of the total evaluation score. Host Communities may award more than 25% of the total evaluation score at their discretion.

Host Community Positive Impact Plan

Host Communities must also develop a plan to positively impact one or more of the following communities. Although this plan is custom to each Host Community, it must outline the goals, programs and measurements the Host Community will pursue to impact one or more of the following communities:



- Past or present residents of the geographic "disproportionately impacted areas," which have been defined by the Commission and identified in its Guidance for Identifying Areas of Disproportionate Impact;
- State-designated EEAs;
- State-designated-SEP participants;
- Massachusetts residents who have past drug convictions; and
- Massachusetts residents with parents or spouses who have drug convictions.

Identified geographical disproportionately impacted areas are located in, or fully comprised, of 30 cities and towns. For more information on proper identification, please see the Commission’s [Guidance for Identifying Areas of Disproportionate Impact](#). The following is a list and map of the 30 cities and towns:

30 Communities of Disproportionate Impact			
Abington	Amherst	Boston	Braintree
Brockton	Chelsea	Fall River	Fitchburg
Greenfield	Haverhill	Holyoke	Lawrence
Lowell	Lynn	Mansfield	Monson
New Bedford	North Adams	Pittsfield	Quincy
Randolph	Revere	Southbridge	Spencer
Springfield	Taunton	Walpole	Wareham
West Springfield	Worcester		



VII. Complaints Against Host Communities

Any interested person may file a complaint with the Commission alleging noncompliance for license applicants, licensees, Host Communities, or any other population under the Commission’s statutory and regulatory jurisdiction.

After receiving a complaint, the Commission may, at its discretion, conduct an investigation. If the Commission substantiates an allegation of noncompliance, then the Commission may take administrative or enforcement action against a Host Community, including but not limited to, sending a notice of deficiency, requesting additional information or otherwise taking action.⁴⁴ A Plan of Correction may be required. Failure to comply with Commission request may result in enforcement action against the Host Community.

After May 1, 2025, a Host Community may be fined for noncompliance in an amount equal to the total of the CIFs received from all MEs and MTCs operating in the Host Community during the prior calendar year. All fines shall be deposited into the Cannabis Social Equity Trust Fund.⁴⁵ If a Host Community fails to correct the noncompliant conduct, it may result in one of the following:

- Issuance of sanctions pursuant to 935 CMR 500.360;
- Loss of a Host Community's good compliance standing for purposes of 935 CMR 500.180(2)(e);
- Identification of a Host Community lack of good compliance standing in a form and manner determined by the Commission; or
- Abstaining from consideration of any new license applications affiliated with a Host Community until a Host Community's good compliance standing is restored.⁴⁶

The Commission may identify on its website any Host Community that has been assessed a fine for noncompliance.⁴⁷

FYI—For Your Information

⁴⁴ 935 CMR 500.180(3)(d)4 and 935 CMR 501.180(3)(d)4.

⁴⁵ 935 CMR 500.180(3)(e) and 935 CMR 501.180(3)(e).

⁴⁶ 935 CMR 500.180(3)(d)4 and 935 CMR 501.180(3)(d)4.

⁴⁷ 935 CMR 500.180(3)(e)3 and 935 CMR 501.180(3)(e)3.



The Commission maintains communication avenues for constituents, consumers, patients, caregivers, license applicants, licensees, registered agents, and others to report noncompliant matters and other complaints. As of April 2024, the Commission is designing a more efficient communication mechanism to receive complaints of noncompliance and other issues to enhance user experience and due diligent reviews. Until this enhancement is implemented, any constituent may continue to report complaints to the Commission at Commission@CCCMass.com or by phone at 774-415-2000.

VIII. Seeking Counsel, Support, and Questions

Host Communities, municipalities, license applicants, licensees, and other interested parties are encouraged to seek legal advice from a licensed attorney with respect to municipal by-laws, ordinances, requirements, and processes, as well as negotiations regarding HCAs.

Other available resources for interested parties for additional guidance:

- [Guidance on Host Community Agreements](#);
- [Guidance on Licensure](#);
- [Model Host Community Agreement](#);
- [HCA Waiver](#);
- [Guidance on Equity Programs](#); and
- [Commission's FAQ Page](#).

For more information and resources regarding HCAs, please visit the [Host Community Agreements](#) page on our website. If you have additional questions on these HCA policies, please contact the Commission at Commission@CCCMass.com or (774) 415-0200.

