

105 CMR: Department of Public Health

- (1) A RMD shall obtain and maintain general liability insurance coverage for no less than \$1,000,000 per occurrence and \$2,000,000 in aggregate, annually, and product liability insurance coverage for no less than \$1,000,000 per occurrence and \$2,000,000 in aggregate, annually, except as provided in 105 CMR 725.105(Q)(2). The deductible for such a liability policy shall be no higher than \$5,000 per occurrence.
- (2) A RMD that documents an inability to obtain minimum liability insurance coverage as required by 105 CMR 725.105(Q)(1) may place in escrow a sum of no less than \$250,000, to be expended for coverage of liabilities.
- (3) The escrow account required pursuant to 105 CMR 725.105(Q)(2) must be replenished within 10 business days of any expenditure.
- (4) Reports documenting compliance with 105 CMR 725.105(Q) shall be made in a manner and form determined by the Department pursuant to 105 CMR 725.105(M).

725.110: Security Requirements for Registered Marijuana Dispensaries

- (A) General Requirements. A RMD shall implement sufficient security measures to deter and prevent unauthorized entrance into areas containing marijuana and theft of marijuana at the RMD. Security measures to protect the premises, registered qualifying patients, personal caregivers, and dispensary agents of the RMD must include but are not limited to the following. The RMD must:
- (1) Allow only registered qualifying patients, personal caregivers, dispensary agents, persons authorized by 105 CMR 725.105(P), and, subject to the requirements of 105 CMR 725.110(C)(4), outside vendors, contractors, and visitors, access to the RMD;
 - (2) Prevent individuals from remaining on the premises of the RMD if they are not engaging in activity expressly or by necessary implication permitted by the Act and 105 CMR 725.000;
 - (3) Dispose of marijuana in accordance with 105 CMR 725.105(J), in excess of the quantity required for normal, efficient operation as established in 105 CMR 725.105(G)(1);
 - (4) Establish limited access areas accessible only to specifically authorized personnel, which shall include only the minimum number of employees essential for efficient operation;
 - (5) Store all finished marijuana in a secure, locked safe or vault and in such a manner as to prevent diversion, theft, and loss;
 - (6) Keep all safes, vaults, and any other equipment or areas used for the production, cultivation, harvesting, processing, or storage of marijuana and MIPs securely locked and protected from entry, except for the actual time required to remove or replace marijuana;
 - (7) Keep all locks and security equipment in good working order;

105 CMR: Department of Public Health

- (8) Prohibit keys, if applicable, from being left in the locks, or stored or placed in a location accessible to persons other than specifically authorized personnel;
 - (9) Prohibit accessibility of security measures, such as combination numbers, passwords, or electronic or biometric security systems, to persons other than specifically authorized personnel;
 - (10) Ensure that the outside perimeter of the RMD is sufficiently lit to facilitate surveillance;
 - (11) Ensure that trees, bushes, and other foliage outside of the RMD do not allow for a person or persons to conceal themselves from sight;
 - (12) Develop emergency policies and procedures for securing all product following any instance of diversion, theft, or loss of marijuana, and conduct an assessment to determine whether additional safeguards are necessary; and
 - (13) Develop sufficient additional safeguards as required by the Department for RMDs that present special security concerns.
 - (14) A RMD shall comply with all local requirements regarding siting, provided however that if no local requirements exist, a RMD shall not be sited within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate. The 500 foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD.
- (B) Alternate Security Provisions. If a RMD has provided other safeguards that can be regarded as an adequate substitute for a security requirement specified in 105 CMR 725.110, such added protection may be taken into account by the Department in evaluating overall required security measures.
- (C) Limited Access Areas
- (1) All limited access areas must be identified by the posting of a sign that shall be a minimum of 12" X 12" and which states: "Do Not Enter – Limited Access Area – Access Limited to Authorized Personnel Only" in lettering no smaller than 1 inch in height.
 - (2) All limited access areas shall be clearly described by the filing of a diagram of the registered premises, in the form and manner determined by the Department, reflecting walls, partitions, counters, and all areas of entry and exit. Said diagram shall also show all propagation, vegetation, flowering, processing, production, storage, disposal, and retail sales areas.
 - (3) A dispensary agent shall visibly display an identification badge issued by the RMD at all times while at the RMD or transporting marijuana.

- (4) All outside vendors, contractors, and visitors must obtain a visitor identification badge prior to entering a limited access area, and shall be escorted at all times by a dispensary agent authorized to enter the limited access area. The visitor identification badge must be visibly displayed at all times while the visitor is in any limited access area. All visitors must be logged in and out, and that log shall be available for inspection by the Department at all times. All visitor identification badges shall be returned to the RMD upon exit.

(D) Security and Alarm Systems

- (1) A RMD shall have an adequate security system to prevent and detect diversion, theft, or loss of marijuana or unauthorized intrusion, utilizing commercial grade equipment, which shall, at a minimum, include:
 - (a) A perimeter alarm on all entry points and perimeter windows;
 - (b) A failure notification system that provides an audible, text, or visual notification of any failure in the surveillance system. The failure notification system shall provide an alert to designated employees of the RMD within five minutes after the failure, either by telephone, email, or text message;
 - (c) A duress alarm, panic alarm, or holdup alarm connected to local public safety or law enforcement authorities;
 - (d) Video cameras in all areas that may contain marijuana, at all points of entry and exit, and in any parking lot, which shall be appropriate for the normal lighting conditions of the area under surveillance. The cameras shall be directed at all safes, vaults, sales areas, and areas where marijuana is cultivated, harvested, processed, prepared, stored, handled, or dispensed. Cameras shall be angled so as to allow for the capture of clear and certain identification of any person entering or exiting the RMD or area;
 - (e) Twenty-four hour recordings from all video cameras that are available for immediate viewing by the Department upon request and that are retained for at least 90 calendar days. Recordings shall not be destroyed or altered, and shall be retained as long as necessary if the RMD is aware of a pending criminal, civil, or administrative investigation, or legal proceeding for which the recording may contain relevant information;
 - (f) The ability to immediately produce a clear, color, still photo (live or recorded);
 - (g) A date and time stamp embedded on all recordings. The date and time shall be synchronized and set correctly and shall not significantly obscure the picture;
 - (h) The ability to remain operational during a power outage; and
 - (i) A video recording that allows for the exporting of still images in an industry standard image format, including .jpg, .bmp, and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.

- (2) All security system equipment and recordings shall be maintained in a secure location so

105 CMR: Department of Public Health

as to prevent theft, loss, destruction, and alterations.

- (3) In addition to the requirements listed in 105 CMR 725.110(D)(1) and (2), the RMD shall have a back-up alarm system, with all capabilities of the primary system, provided by a company supplying commercial grade equipment, which shall not be the same company supplying the primary security system.
 - (4) Access to surveillance areas shall be limited to persons that are essential to surveillance operations, law enforcement authorities acting within their lawful jurisdiction, security system service personnel, and the Department. A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Department upon request. If on-site, surveillance rooms shall remain locked and shall not be used for any other function.
 - (5) All security equipment shall be in good working order and shall be inspected and tested at regular intervals, not to exceed 30 calendar days from the previous inspection and test.
- (E) Registered Marijuana Dispensary Transportation of Marijuana and MIPs
- (1) Only a dispensary agent may transport marijuana or MIPs on behalf of a RMD, whether between RMDs, RMD sites, or to registered qualifying patients or personal caregivers.
 - (2) A RMD shall:
 - (a) Weigh, inventory, and account for on video all marijuana to be transported prior to its leaving the origination location;
 - (b) Re-weigh, re-inventory, and account for on video all marijuana transported, within eight hours after arrival at the destination RMD except in the case of home delivery pursuant to 105 CMR 725.110(E)(11);
 - (c) Document and report any unusual discrepancy in weight or inventory to the Department and local law enforcement within 24 hours;
 - (d) Complete a shipping manifest in a form and manner determined by the Department, for retention by the origination location, and carry a copy of said manifest with the products being transported; and
 - (e) Securely transmit a copy of the manifest to the receiving RMD prior to transport except in the case of home delivery pursuant to 105 CMR 725.110(E)(11).
 - (3) A RMD shall retain all shipping manifests for no less than one year and make them available to the Department upon request.
 - (4) A RMD shall ensure that marijuana is:
 - (a) Transported in a secure, locked storage compartment that is part of the vehicle transporting the marijuana;
 - (b) Not visible from outside the vehicle; and
 - (c) Transported in a vehicle that bears no markings that indicate that the vehicle is being used to transport marijuana nor indicates the name of the RMD.

105 CMR: Department of Public Health

- (5) Any vehicle transporting marijuana shall travel directly to the receiving RMD and shall not make any stops except in the case of home delivery pursuant to 105 CMR 725.110(E)(11). In case of an emergency stop, a detailed log must be maintained describing the reason for the event, the duration, the location, and any activities of personnel exiting the vehicle.
 - (6) A RMD shall ensure that all delivery times and routes are randomized.
 - (7) A RMD shall staff all transport vehicles with a minimum of two dispensary agents. At least one dispensary agent shall remain with the vehicle at all times that the vehicle contains marijuana.
 - (8) Each dispensary agent shall have access to a secure form of communication with personnel at the sending site at all times that the vehicle contains marijuana.
 - (9) Each dispensary agent shall carry his or her Department-issued registration card at all times when transporting marijuana and shall produce it to the Department's authorized representative or law enforcement official upon request.
 - (10) A RMD shall report to the Department and local law enforcement any vehicle accidents, diversions, losses, or other reportable incidents pursuant to 105 CMR 725.110(F), that occur during transport, within 24 hours.
 - (11) Home delivery of marijuana to a registered qualifying patient or a personal caregiver shall be conducted in accordance with 105 CMR 725.105(F) and 105 CMR 725.110(E).
 - (12) Each vehicle used for transport of marijuana shall have a global positioning system monitoring device that is monitored by the RMD during transport.
- (F) Incident Reporting
- (1) A RMD shall immediately notify appropriate law enforcement authorities and the Department within 24 hours after discovering the following:
 - (a) Discrepancies identified during inventory, diversion, theft, loss, and any criminal action involving the RMD or a dispensary agent;
 - (b) Any suspicious act involving the sale, cultivation, distribution, processing, or production of marijuana by any person;
 - (c) Unauthorized destruction of marijuana;
 - (d) Any loss or unauthorized alteration of records related to marijuana, registered qualifying patients, personal caregivers, or dispensary agents;
 - (e) An alarm activation or other event that requires response by public safety personnel;
 - (f) The failure of any security alarm system due to a loss of electrical power or mechanical malfunction that is expected to last longer than eight hours; and
 - (g) Any other breach of security.