

SECURTY REGULATIONS FOR MARIJUANA ESTABLISHMENTS

General Requirements:

MGL. Ch. 94G, §12 - General Marijuana Establishment Operation

(a) In addition to requirements established by regulation pursuant to section 4 of this chapter or by a city or town pursuant to section 3 of this chapter, a marijuana establishment shall:

(1) secure every entrance to the establishment so that access to areas containing marijuana is restricted to employees and others permitted by the marijuana establishment to access the area and to agents of the commission or state and local law enforcement officers and emergency personnel; and

(2) secure its inventory and equipment during and after operating hours to deter and prevent theft of marijuana, marijuana products and marijuana accessories.

(b) No marijuana establishment may cultivate, process, test, store or manufacture marijuana or marijuana products at any location other than at a physical address approved by the commission and within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the marijuana establishment to access the area. A greenhouse or outdoor marijuana cultivation area shall have sufficient security measures to demonstrate that outdoor areas are not readily accessible by unauthorized individuals, including perimeter security fencing designed to prevent unauthorized entry.

(c) No marijuana establishment shall allow cultivation, processing, manufacture, sale or display of marijuana or marijuana products to be visible from a public place without the use of binoculars, aircraft or other optical aids.

(d) No marijuana establishment shall refuse representatives of the commission the right at any time of operation to inspect the entire licensed premises or to audit the books and records of the marijuana establishment.

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(e) No marijuana establishment shall allow any person under 21 years of age to volunteer or work for the marijuana establishment.

(f) No marijuana establishment shall cultivate, manufacture, sell or otherwise transact business with any products containing cannabinoids other than those that were produced, distributed and taxed in compliance with this chapter.

Goal:

Create security measures to protect the premises, staff, customers and abutters of marijuana establishments in compliance with MGL. Ch. 94G, §12 - General Marijuana Establishment Operation.

Security Protocol & Local Law Enforcement: All marijuana establishments shall notify the local Chief of Police regarding their security protocol and provide familiarity with the establishment.

Alternative Safeguards: If a marijuana establishment has provided other safeguards that can be regarded as an adequate substitute for a security requirements, such added protection may be taken into account by the Cannabis Control Commission in evaluating overall required security measures.

Purpose: Individuals not engaging in activity, expressly permitted by the establishment's functions or service, shall be forbidden from remaining on the premises of marijuana establishments.

Personnel: Only allow minimum number of employees essential for efficient operation.

Disposal: 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);

Storing: Store all finished marijuana in a secure, locked safe or vault and in such a manner as to prevent diversion, theft, and loss.

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Safekeeping & Storage: 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.

Equipment Maintenance: Keep all locks and security equipment in good working order and design work order protocol for broken or non-functioning equipment.

Safeguarding Access: 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.

Safeguard Security Measures: Protect combination numbers, passwords, key cards for access, or electronic or biometric security systems, to allow only specifically authorized personnel to have access to limited access areas.

Lighting: Ensure that the outside perimeter of the marijuana establishment is sufficiently lit to facilitate adequate surveillance of premises.

Exterior: Ensure that trees, bushes, and other foliage outside of the marijuana establishment do not allow for a person or persons to conceal themselves from sight.

Emergency Policies: 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.

Additional Safeguards: Develop sufficient additional safeguards that present special security concerns.

School Buffer: Any property where a proposed marijuana establishment is to be located shall not be within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a city or town adopts an ordinance or by-law that reduces the distance requirement. The 500 foot distance under this section is measured in a

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straight line from the nearest point of the facility in question to the nearest point of the proposed marijuana establishment

Restricted Areas: Marijuana establishments shall create limited access areas and must be identified by the posting of a sign that shall be a minimum of 12" X 12" and which states: "Do Not Enter – Restricted Area – Access Limited to Authorized Personnel Only" in lettering no smaller than 1 inch in height.

Restricted Area Illustration: All restricted areas shall be clearly described by the filing of a diagram of the registered premises, in the form and manner determined by the Cannabis Control Commission 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.

Employee Identification Card: An owner, operator, employee or other agent acting on behalf of a marijuana cultivator; marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in MGL. Ch. 94G, §1(j), shall be issued an identification card by the Cannabis Control Commission. The identification card shall verify that the card holder is a marijuana establishment employee and permitted to carry out the functions of each entity as defined in MGL. Ch. 94G, §1. The registration card identifies for the Commission and law enforcement authorities, those individuals who may conduct the lawful operation of marijuana establishments defined in MGL. Ch. 94G §9 (a) 1-4.

The identification card allows access to the interoperable database in the Criminal Justice Information System allowing law enforcement to verify compliance of the lawful operation of marijuana establishments.

Registration/Identification Card

An owner, operator, employee or other agent acting on behalf of a marijuana cultivator; marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in MGL. Ch. 94G, §1(j), shall apply for a marijuana agent identification card.

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- (1) Be at least 21 years old.
- (2) An individual who will be a controlling person of the proposed marijuana establishment shall not been convicted of a felony or convicted of an offense in another state that would be a felony in the commonwealth, except a prior conviction solely for a marijuana offense or solely for a violation of section 34 of chapter 94C of the General Laws, unless the offense involved distribution of a controlled substance, including marijuana, to a minor. MGL Ch. 94G § 5 (4)
- (3) An application for an identification card shall include: The full name, date of birth, and address of the individual;
 - a. Written acknowledgement by the individual of the limitations on his or her authorization to carry out the lawful operations of a marijuana establishment.
 - b. A copy of the individuals driver's license, government-issued identification card, or other verifiable identity document acceptable to the Commission;
 - c. An attestation that the individual will not engage in the diversion of marijuana;
 - d. Any other information required by the Commission.
- (4) A marijuana establishment executive registered with the Commission must submit to the Department a Criminal Offender Record Information (CORI) report for each individual for whom the establishment seeks an identification card.
- (5) A marijuana establishment must notify the Commission no more than one business day after an owner, operator, employee or other agent ceases to be associated with the establishment.

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(6) The individual's identification card shall be immediately void when he or she is no longer associated with the marijuana establishment.

(7) A registration card will be valid for one year from the date of issue, and may be renewed, in a form and manner determined by the Commission.

(8) After obtaining an identification card for a marijuana establishment a controlling person is responsible for notifying the Commission, in a form and manner determined by the Commission, as soon as possible, but in any event, within five business days after any changes to the information that the marijuana establishment was previously required to submit to the Commission, or after discovery that an identification card has been lost or stolen.

(9) An owner, operator, employee or other agent acting on behalf of a marijuana cultivator; marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in MGL. Ch. 94G, §1, must carry his or her identification card at all times while performing the lawful operations of a marijuana establishment including at all times while at an establishment or while transporting marijuana.

Visitor Badges: All outside vendors, contractors, and visitors must obtain visitor identification badge prior to entering a restricted area, and shall be escorted at all times by an authorized staff member to enter the restricted 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 Cannabis Control Commission at all times. All visitor identification badges shall be returned upon exiting the establishment.

Surveillance Cameras, Perimeter Fencing & Alarm Systems

A marijuana establishment 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:

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1. A perimeter alarm on all entry points and perimeter windows.
2. 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 marijuana establishment within five minutes after the failure, either by telephone, email, or text message.
3. A duress alarm, panic alarm, or holdup alarm connected to a central alarm system monitoring company who may notify local law enforcement authorities.
4. Outdoor Sites: Outside marijuana cultivation areas shall be fortified with perimeter security fencing (intrusion alarms) designed to prevent unauthorized entry and shall not be advertised, or be visible from public areas. Area should be posted that it is a restricted area and surveillance cameras shall be installed at all entry & exit points.

Surveillance Locations: Surveillance cameras shall be installed 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, point of 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 marijuana establishment or restricted area.

Digital Retention: Twenty-four hour recordings from all video/surveillance cameras shall be available for immediate viewing by the Cannabis Control Commission or law enforcement officers in the performance of duty upon request and shall be retained for at least 90 calendar days. Recordings shall not be destroyed or altered, and shall be retained as long as necessary if the Marijuana Establishment is aware of a pending criminal, civil, or administrative investigation, or legal proceeding for which the recording may contain relevant information;

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Camera Quality: The surveillance system shall have the capability to immediately produce a clear, color, still photo (live or recorded) and;

1. Be equipped with 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.
2. The ability to remain operational during a power outage; and 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.

Video Storage: All security system equipment and recordings shall be maintained in a secure location so as to prevent theft, loss, destruction, and alterations.

Back Up: Marijuana Establishments 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.

Access: 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 representatives of the Cannabis Control Commission. A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Cannabis Control Commission upon request. If on-site, surveillance rooms shall remain locked and shall not be used for any other function.

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Inspections: 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.

Registered Marijuana Dispensary Transportation of Marijuana Products

(1) Only authorized marijuana cultivators, manufacturers, or retailers may transport marijuana products on behalf of a marijuana establishment, whether between authorized marijuana establishments, or to scheduled delivery locations.

(2) An authorized marijuana establishment shall:

(a) Weigh, inventory, and account for on video surveillance all marijuana to be transported prior to its leaving the origination location;

(b) Re-weigh, re-inventory, and account for on video surveillance all marijuana transported, within eight hours after arrival at the destination except in the case of home delivery.

(c) Document and report any unusual discrepancy in weight or inventory to the Cannabis Control Commission and local law enforcement within 24 hours.

(d) Complete a shipping manifest in a form and manner determined by the Cannabis Control Commission 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 destination prior to transport except in the case of home delivery.

(3) An authorized marijuana establishment shall retain all shipping manifests for no less than one year and make them available to the Cannabis Control Commission upon request.

(4) A marijuana establishment shall ensure that marijuana is:

(a) Transported in a secure, locked storage compartment that is part of the vehicle transporting the marijuana;

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(b) Not visible from outside the vehicle; and

(c) be transported in a vehicle that bears no markings indicating that the vehicle is being used to transport marijuana nor identifies the name of the marijuana establishment.

(5) Any vehicle transporting marijuana shall travel directly to the receiving location and shall not make any stops except in the case of home delivery. 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 marijuana establishment shall ensure that all delivery times and routes are staggered and not routine.

(7) A marijuana establishment shall staff all transport vehicles with a minimum of two staff members. At least one staff member shall remain with the vehicle at all times while the vehicle contains marijuana.

(8) Each marijuana establishment staff member 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 marijuana establishment staff member shall carry his or her Cannabis Control Commission identification card at all times when transporting marijuana and shall produce it to the Cannabis Control Commissions authorized representative or law enforcement official upon request.

(10) A marijuana establishment shall report to the Cannabis Control Commission and local law enforcement any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport, within 24 hours.

(11) Authorized marijuana establishment delivery staff conducting home delivery of marijuana, shall confirm the age of the purchaser.

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(12) Each vehicle used for transport of marijuana shall have a global positioning system monitoring device that is monitored by the marijuana establishment during transport.

Mandated Reporting Structure:

Incident Reporting: A Marijuana Establishment shall immediately notify appropriate law enforcement authorities and the Cannabis Control Commission within 24 hours after discovering the following:

- (a) Discrepancies identified during inventory, diversion, theft, loss, and any suspected criminal action;
- (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;
- (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.

(2) Within 10 calendar days, a marijuana establishment shall provide written notice to the Cannabis Control Commission of any type of incident described herein by submitting an incident report in the form and manner determined by the Cannabis Control Commission, which details the circumstances of the event, any corrective actions taken, and confirmation that the appropriate law enforcement authorities were notified.

(3) All documentation related to an incident that is reportable herein shall be maintained by a marijuana establishment for no less than one year and made available to the Cannabis Control Commission and to law enforcement authorities acting within their lawful jurisdiction upon request.

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(G) A marijuana establishment shall, on an annual basis, obtain at its own expense a security system audit by a vendor approved by the Cannabis Control Commission. A report of such audit must be submitted, in a form and manner determined by the Cannabis Control Commission no later than 30 calendar days after the audit is conducted. If the audit identifies concerns related to the marijuana establishments security system, the establishment must also submit a plan to mitigate those concerns within 10 business days of submitting the audit.

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