

GUIDANCE ON MARIJUANA ESTABLISHMENT AGENT REGISTRATION

This guidance was created to assist Marijuana Establishments and prospective Marijuana Establishment agents with the registration process required under 935 CMR 500.030. **It does not apply to registration for laboratory establishment agents under 935 CMR 500.029.**¹

REQUIREMENTS

Marijuana Establishments must apply for agent registrations for the following individuals: board members, directors, executives, managers, employees, and volunteers.² For an individual to be deemed suitable for registration, they must be:

- (1) 21 years of age or older;
- (2) never been convicted in the Commonwealth of distribution of controlled substances to minors or a like offense in another jurisdiction; and
- (3) be suitable for registration in accordance with 935 CMR 500.800 and 500.802.

Marijuana Establishment applicants must fill out an agent registration application for each individual as it pertains to a specific license. If an applicant submits Marijuana Establishment applications for three license types (for example, cultivation, retail, and product manufacturing), and the proposed agent will be associated with all three Marijuana Establishments, three agent registration applications must be filled out and submitted. An agent is only permitted to perform work allowed by the specific license associated with an application. Some examples to explain this include the following:

Example 1: Agent is registered under a cultivation license only. Agent is allowed to perform work consistent with that cultivation license including transporting marijuana and marijuana products from this establishment to another establishment. Because the agent is associated with the cultivation license, the agent is not allowed to perform any job duties associated with the retail license.

Example 2: Agent is registered under a retail license only. Agent is allowed to perform work consistent with that retail license including transporting marijuana or marijuana products from the establishment to another establishment. Because the agent is only associated with the retail license, the agent is not allowed to perform cultivation or product manufacturing duties.

Marijuana Establishments must fill out an application for each individual that will act as its agent within the meaning of 935 CMR 500.030, and any other individuals previously included in the establishment's license application. Each application must have the following information³:

- (1) individual's full name, address, date of birth;

¹ Guidance on Laboratory Agent Registration will be forthcoming.

² 935 CMR 500.030(1)

³ 935 CMR 500.030(2)

- (2) all aliases used previously or currently including maiden names;
- (3) a copy of the applicant's driver's license or other government-issued ID;
- (4) attestation that the individual will not engage in the diversion of marijuana products;
- (5) written acknowledgment by the individual of any limitations on his/her authorization to cultivate, harvest, prepare, package, possess, transport and dispense marijuana in the Commonwealth;
- (6) background information including the following:
 - a. description and dates of any criminal action that occurred in any jurisdiction which resulted in a conviction, guilty plea, plea of nolo contendere, or admission of sufficient facts;
 - b. description and dates of any civil or administrative action that occurred in any jurisdiction relating to any professional, occupational or fraudulent practices;
 - c. description and dates of any past or pending action on a license that occurred or is occurring in any jurisdiction; and
 - d. description and dates of any past or pending disciplinary action or unresolved complaint that occurred or is occurring in any jurisdiction.
- (7) Nonrefundable application fee paid by the Marijuana Establishment (\$50.00).

CORI REPORTS

Marijuana Establishments are required to obtain a Criminal Offender Record Information (CORI) report within 30 days prior to submission of an agent registration application⁴. This information should be used to fill out the background check information for criminal actions on each applicant for each application. CORI reports do not need to be sent to the Commission unless specifically requested. CORI reports should be stored securely and kept confidential. CORI reports will be subject to review by Commission investigators on request.

CORI reports are only valid for one year from the date it was generated. New CORI reports must be obtained, for all required individuals, prior to the one-year anniversary of the last report that was generated.

CORI WAIVER AVAILABILITY

⁴ 935 CMR 500.030(3)

Marijuana Establishment may request a waiver of the CORI report requirement in limited circumstances and with the submission of a signed waiver request form.⁵ The Commission's consideration of a waiver request will be based on the following:

- (1) compliance with the CORI report requirement would cause undue hardship to the requestor;
- (2) the requestor's noncompliance would not jeopardize the health or safety of any patient or the public;
- (3) the requestor will institute compensating features acceptable to the Commission

Individuals listed on the establishment's application for licensure who were subject to a background check review in accordance with 935 CMR 500.101(1)(b) or 500.101(2)(c), are also subject to the CORI requirement in 935 CMR 500.030(3), and may also request a waiver according to the process outlined below.

A signed and notarized waiver request form is required to assess a waiver request. This request must be filled out, signed, and notarized by an individual with authority or control over the Marijuana Establishment. It must be uploaded within the application for agent registration. This request⁶ shall include the following:

- (1) date of the last generated CORI report for the individual seeking registration as a marijuana establishment agent, which must be within the prior 365 days;
- (2) name of entity and individual who reviewed the last generated CORI report;
- (3) attestations by the Marijuana Establishment Representative for the following:
 - a. A new CORI check for the proposed agent per 935 CMR 500.030(3) would cause an undue hardship to the Marijuana
 - b. The last generated report was generated within the previous 365 days and that a new CORI report will be generated prior to the last report expiring;
 - c. All required background check information on the CORI was reported in the agent registration application identified above;
 - d. The last generated CORI report will be on file, securely and confidentially kept, for review by the Commission's investigators or agents on request;
 - e. The individual attesting for the Marijuana Establishment reviewed the CORI report with the agent on a specific date and asked if there were any changes since that report. The agent did not report any changes since the issuance of the CORI report. The attesting individual is not aware of any changes since the issuance of the CORI report that would implicate the suitability of the applicant within the meaning of 935 CMR 500.800, 500.802, and 500.803.

⁵ 935 CMR 500.700

⁶ 935 CMR 500.700(2)

Waivers for agent registration CORI reports will be approved or denied administratively by the Chief of Investigations and Enforcement or his/her designee. If approved, a review of the agent registration application will occur and the Marijuana Establishment will be notified regarding the status of the application when applicable. If the waiver is denied, a notice will be sent to the Marijuana Establishment with the reasons for the denial and directive to obtain a new CORI report by or before a certain date. Failure to obtain a CORI report by that date may result in the denial of the registration application.

COMMISSION REVIEW OF APPLICATIONS

Agent registration applications will be reviewed after a Marijuana Establishment has been issued a notice of provisional licensure. If multiple provisional licenses are issued, agent registration applications will be reviewed in the order of the date of the issuance of the provisional license. Recommendations will be made to the Commission for agent registration approval or denial as a whole, whenever possible.

METRC & AGENT REGISTRATION

Further guidance and information will be forthcoming on the interplay between the registering of agents and their appearance and assignment within the METRC system, the Commission's electronic system of record for seed-to-sale tracking. However, once a Marijuana Establishment receives notice of provisional licensure and pays associated license fees, agent registration applications should be submitted for review and Commission consideration. Once approved, individuals associated with a license will be able to be viewed in the METRC system the following business day.

Once the license fee is paid and provisional licensure begins, METRC will contact the business with additional information regarding the seed-to-sale tracking system.