

Cannabis Control Commission Code of Ethics

Updated November 16, 2018

Contents

1. Scope and Purpose	2
2. Applicability	2
3. Continuing Obligation	2
4. Use of This Code	2
5. Ethics Training	3
6. Nepotism and Financial Interests	4
7. Appearances of Conflicts of Interests	6
8. Gifts	7
9. Improper Use of Position and Unwarranted Privileges	8
10. Charitable and Other Outside Activities	9
11. Political Activity	10
12. Confidentiality	12
13. Unlawful Conduct	12
14. Limitations on Comments on Pending Matters	12
16. Post-Employment	13
17. Enforcement Actions	14
18. Special Circumstances	14
19. Request for Advice	14



1. Scope and Purpose

The purpose of this Enhanced Code of Ethics (“**Code**”) is to ensure the highest level of public confidence in the integrity of the regulation of the cannabis industry in the Commonwealth. In accordance with Chapter 55 of the Acts of 2017, *An Act to Ensure Safe Access to Marijuana (Act)*,¹ and G.L. c. 10, § 76(k), this Code of Ethics establishes rules for Commissioners and employees of the Massachusetts Cannabis Control Commission (“**Commission**”) that are more restrictive than those already applicable to all state employees under G.L. c. 268A (the “**conflict of interest law**”), G.L. c. 268B (the “**financial disclosure law**”), and 930 CMR 1.00 - 7.00 (the “**State Ethics Commission regulations**”) (collectively, the “**State Ethics Laws**”).

2. Applicability

This Code shall apply to all Commissioners and employees of the Commission. “Employee” means a person who is employed by the Commission for compensation, on a full-time, part-time, or intermittent basis.

3. Continuing Obligation

It is the continuing obligation of each Commissioner and employee to review this Code and to review and assess their conduct in light of this Code. Commissioners and employees are encouraged to consult with the Legal Department, Executive Director or Department Heads where a Commissioner or employee has any reasonable doubt regarding the propriety of their past, present or future conduct, or if they have any question regarding the applicability or meaning of any provision of this Code or any other restriction.

4. Use of This Code

This Code is intended as a supplement to the State Ethics Laws. If a provision of this Code addresses a matter covered by the State Ethics Laws, the provision found in this Code shall

¹ Under the Act, the Commission “shall establish a code of ethics for all members and employees that shall be more restrictive than said chapters 268A and 268B.”



control to the extent that it is more restrictive. The provisions of the State Ethics Laws shall otherwise remain fully applicable to all Commissioners and employees.

5. Ethics Training

To ensure that Commissioners and employees are fairly and fully apprised of all ethical obligations incumbent upon them, the Commission shall provide the following ethics education and training to all Commissioners and employees:

- (a) Within 14 days of appointment or employment, each Commissioner and employee shall be provided a paper or electronic copy of
 - this Code,
 - the Ethics Commission’s Summary of the Conflict of Interest Law for State Employees, and
 - the State Ethics Laws.

Each Commissioner and employee shall acknowledge in writing receipt of the above and submit their acknowledgment to the Commission Human Resources Department (“HR”).

- (b) Within 30 days of appointment or employment, each Commissioner and employee shall
 - complete the Conflict of Interest Law Online Training program prepared by the State Ethics Commission, and submit a Certificate of Completion to HR.
 - undergo a program of ethics training administered by HR. The program shall cover the provisions of this Code, and the applicable provisions of the State Ethics Laws. At the completion of the training program each Commissioner and employee shall sign a form acknowledging completion of the Commission’s ethics training program.
- (c) On an annual basis, each Commissioner and employee shall complete the process outlined in this section (except that the Conflict of Interest Law Online Training program prepared by the State Ethics Commission shall be completed every 2 years).

- (d) On an annual basis, each Commissioner and employee shall file with HR the disclosure statement required under Section 6 of this Code.

6. Nepotism and Financial Interests

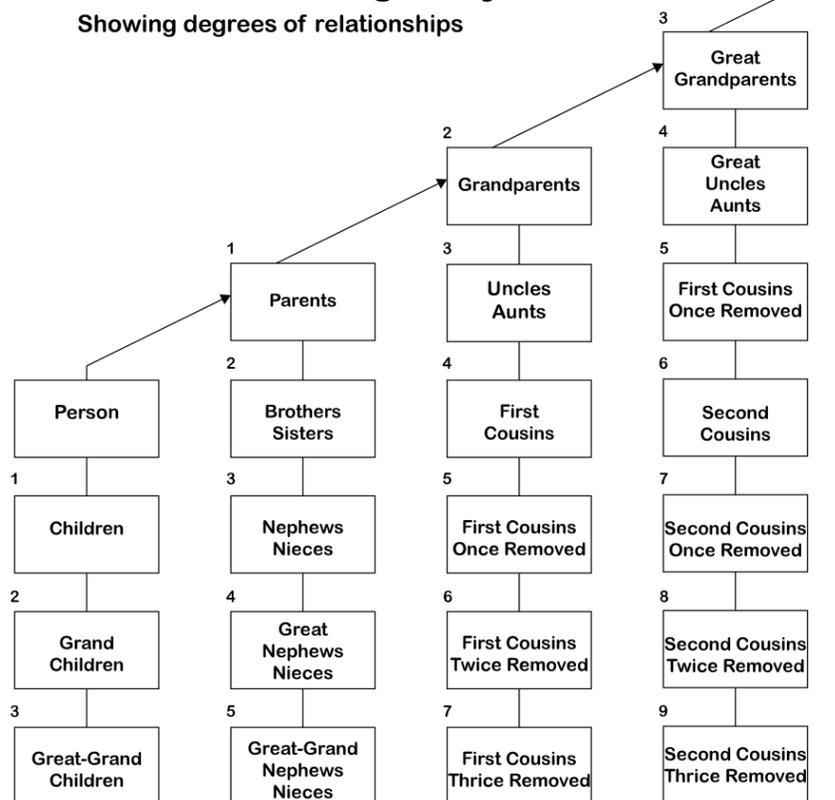
- (a) No Commissioner or employee may participate in a particular matter, as defined by G.L. c. 268A, § 1, that affects the financial interest of
- i. a relative within the third degree of consanguinity,
 - ii. a person with whom such commissioner or employee has a significant relationship, as defined below,
 - iii. a business organization in which s/he is serving as officer, director, trustee, partner or employee, or
 - iv. any person or organization with whom s/he is negotiating or has any arrangement concerning prospective employment.

Such particular matters include, but are not limited to, the hiring process for employment at the Commission, vetting and selection of vendors in the bidding process, and review and approval of a license or registration.

- (b) Participate means participate in agency action or in a particular matter personally and substantially as a state employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise.

Table of Consanguinity

Showing degrees of relationships



- (c) Significant relationship means: (1) a spouse, domestic partner, or life partner; (2) a relative within the third degree of consanguinity of a person's spouse or domestic partner, i.e., affinity; (3) a former spouse or domestic partner; or (4) anyone with whom a person shared an influential or intimate relationship that could reasonably be characterized as important.
- (d) The financial interest must be direct and immediate or reasonably foreseeable. It cannot be remote or speculative.
- (e) Where such a particular matter comes before an employee, the employee must recuse themselves from the matter and have a superior reassign the particular matter to another employee. Where such a particular matter comes before a

Commissioner, the Commissioner must recuse themselves from the matter, and if applicable, have the recusal noted in the meeting minutes.

- (f) No Commissioner or employee may hold a license or registration issued by the Commission.

7. Appearances of Conflicts of Interests

- (a) Commissioners must recuse themselves from any licensing or registration decision in which a potential conflict of interest exists.
- (b) For all other matters where a Commissioner's or employee's impartiality may reasonably be questioned, a Commissioner or employee must either 1) disqualify and recuse themselves, and abstain from participating or voting in that matter, or 2) file the State Ethics Commission's Section 23(b)(3) disclosure form prior to participating or voting in the matter.²
- (c) Commission employees must file their disclosure forms with the Executive Director, except that the Executive Director must file his or her disclosure form with the Commission. Commissioners must file their disclosure forms with their respective appointing authorities.
- (d) The disclosure form must include the relevant facts which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that the employee or Commissioner might be unduly influenced or unduly favor any party or person.
- (e) If a Commissioner or employee feels they cannot perform their duties fairly and objectively because of an affiliation or relationship they have with someone involved, the Commissioner or employee should voluntarily recuse themselves.

² The Section 23(b)(3) disclosure form is available at <https://www.mass.gov/service-details/state-employee-disclosure-forms> (form no. 9 – G.L. c. 268A, § 23(b)(3) - Appearance of undue favor or improper influence disclosure).

8. Gifts

- (a) Except where permitted below, no Commissioner or employee may solicit or directly or indirectly receive any gift of any value, including complimentary service, bonus, discount or reward from an entity or individual regulated by or subject to the regulation of the Commission, or an applicant for a license or registration, or any close associate, holding company, intermediary company or other affiliate of an applicant or licensee or registrant.
- (b) Close associate means an individual or entity who has been listed on an application for an ME or agent license, or an RMD or agent registration, submitted to the Commission, including an individual or entity with direct or indirect authority, and an individual or entity contributing capital.
- (c) Affiliate means an entity effectively controlling or controlled by an ME or an RMD, or under common ownership or control with another ME or RMD.
- (d) A Commissioner or employee who is offered any such gift that is worth \$50 or more and does not fall within one of the exceptions listed below must disclose such offer to their immediate supervisor, or in the case of a Commissioner, to the Executive Director, as soon as reasonably possible.
- (e) Exceptions: A Commissioner or employee may accept the following:
 - i. Food or refreshment of nominal value (i.e.- approximately \$10 or less) where a Commissioner or employee attends a function as an invitee, in their official capacity, that is hosted, sponsored, or subsidized by a current applicant, licensee, or registrant, or their representatives (e.g., opening ceremonies for licensed ME, industry showcases and expositions, symposia, seminars, association meetings, and continuing education programs).
 - ii. Unsolicited advertising or promotional materials of nominal value.
 - iii. Gifts permitted by the State Ethics Commission's regulations at 930 CMR 5.08, including travel expenses, provided that the employee or

Commissioner complies with the applicable regulatory requirements and that gifts of any value from individuals and entities described in 9(a) above continue to be prohibited and are not exempt.

- iv. Gifts received on behalf of the Commission, permitted by G.L. c. 94G, § 4(a)(vi), so long as the Commissioner or employee first received approval by the Executive Director.

9. Improper Use of Position and Unwarranted Privileges

- (a) No Commissioner or employee shall use or attempt to use their official position to secure for themselves or others unwarranted privileges or exemptions which are not available to similarly situated individuals.
- (b) No Commissioner or employee shall engage in private business relationships with persons over whom they have official authority or with whom they have official dealings, unless they first seek advice from the State Ethics Commission or the Legal Department.
- (c) Those over whom a Commissioner or employee has official authority means a Commissioner's or employee's subordinates and those managed by their subordinates; vendors and consultants whose contracts they or their subordinates manage; persons and entities granted licenses or registrations by the Commission; and persons and entities subject to the Commission's official inspection.
- (d) Those with whom a Commissioner or employee has official dealings means persons or entities that may be directly and significantly affected by a Commissioner's or employee's actions, and may include, but are not limited to the following, individuals where a Commissioner or employee has communications with them in their official capacity: advisory committee members, constituents, applicants, licensees, registrants, vendors, and contractors.
- (e) No Commissioner or employee shall use state resources (including their official title, state-issued cell phones, state email accounts, official Commission social media accounts), time or equipment for private purposes or to further private interests, unless they first seek advice from the State Ethics Commission or the Legal Department.

- (f) A Commissioner or employee may use official Commission social media accounts only in their official capacity and for Commission-related purposes only.

10. Charitable and Other Outside Activities

- (a) No Commissioner or employee may hold a license or registration issued by the Commission.
- (b) No Commissioner or employee may serve as officer, director, trustee, partner or employee of an entity seeking licensure or registration, or licensed or registered by the Commission.
- (c) No Commissioner or employee, in their private capacity, may be paid by anyone other than the Commission in connection with any matter in which the Commission is a party or has a direct and substantial interest.
- (d) No Commissioner or employee may act as an agent or representative or attorney for anyone other than the Commission in any matter in which the Commission is a party or has a direct and substantial interest.
- (e) No Commissioner or employee may send targeted solicitations (for example, for donations or support for a private or charitable cause) to those under their official authority or those with whom they have official dealings. No Commissioner or employee may do this using either an official public social media account or a private social media account.
- (f) Targeted solicitation means a request for support or donation sent directly to an individual or entity and on its face appearing to target the recipient. For example, sending an email to a specific recipient asking for donations, or mailing a letter that addresses a specific individual may be considered a targeted solicitation. This is different from a general solicitation where the request for support or donation is either posted on a bulletin or wall for others to see, or on its face does not appear to be targeting the recipient. Therefore, emailing a large listserv where the email does not name any specific recipient or sending out a mass mailing to “resident of city” may be examples of general solicitation.

In the context of using social media accounts, postings, such as posting on one's own Facebook timeline or tweeting on Twitter or posting on LinkedIn, are generally considered untargeted general solicitations, even if the user's account is set to private so that only friends and followers can view postings. These postings are synonymous to posting a flier on a bulletin board where viewers, even if whoever can access the bulletin board is limited, would not feel like they were being personally targeted. A targeted solicitation in a social media setting is when an employee sends a private message or direct message, a function available on most social media platforms.

- (g) No Commissioner or employee may accept compensation from any person or entity other than the Commission for published works created as part of their official duties.

11. Political Activity

[Note: This section is based on state law and will be updated as state law changes. It is not intended to be more restrictive than state law.]

- (a) Political activity means activity directed at influencing people to vote for or against candidates and/or ballot initiatives, or activity directed at influencing governmental decision-makers which does not involve an election. This excludes activities that are considered part of a state employee's official responsibilities and duties.
- (b) No Commissioner or employee may solicit or receive, directly or indirectly, any contribution or anything of value for any political purpose, including fundraising activity on behalf of any candidate or political committee, including parties, political action committees and ballot question committees on any level – local, state or federal.

A Commissioner or employee may not, for example:

- allow their name to be used on a political committee's stationary if the stationary is used in soliciting funds;
- identify or provide names to a political committee to be solicited;
- participate in fund-raising committees or fund-raising planning meetings;

- distribute or sell tickets to political fund-raising events;
 - perform any volunteer work that is directly connected with political fund-raising;
 - be the featured speaker at a political fund-raising event;
 - serve as treasurer of a political campaign; or
 - use social media to “like,” “follow,” “share,” or “re-tweet” a political fundraising event or communication. Many campaign-related postings include embedded solicitations. Forwarding those postings in any way may constitute prohibited “indirect” fundraising.
- (c) No Commissioner or employee may use Commission resources, including cellphones, land-line telephones, computers, email accounts, vehicles, office space, equipment and supplies for campaign or other political purposes.
- (d) No Commissioner or employee may engage in any campaign or political activity during regular work hours. A Commissioner or employee must use their break time, leave time or non-work time to do so.
- (e) No Commissioner or employee may use their official title, the Commission’s name or logo, or the state seal in connection with any political activity engaged in on their own time.
- (f) No Commissioner or employee may represent anyone other than the Commonwealth, including a campaign committee, in connection with any matter in which the Commonwealth is a party or has a substantial interest.
- (g) No Commissioner or employee may solicit campaign assistance from anyone who has a matter pending before the Commissioner or employee or before any of the Commissioner’s or employee’s subordinates.
- (h) No Commissioner or employee may require other state employees to contribute to or participate in campaign activities, or penalize state employees who do not contribute to or participate in campaign activities in their spare time.
- (i) No Commissioner or employee may use confidential information gained by reason of their official position to engage in any political activity, including political fund-raising (or for any other personal interest). Confidential information

may involve, but is not limited to: databases, names, addresses, telephone numbers, and e-mail addresses.

- (j) Before engaging in political activities outside of the Commission, a Commissioner or employee should consider seeking advice from the State Ethics Commission and the Office of Campaign and Political Finance.

12. Confidentiality

- (a) Confidential information means records, data, materials or information required to be protected from disclosure by state or federal law. For example, a licensee's background check report or Commission personnel records are considered confidential by law.
- (b) No Commissioner or employee may improperly disclose, in any medium, including social media, confidential records or confidential information acquired by them in the course of their official duties nor use such information to further their personal interest.
- (c) No Commissioner or employee may improperly disclose, in any medium, confidential records or information protected from disclosure by state or federal law, or by a legally recognized privilege.

13. Unlawful Conduct

- (a) Each Commissioner and employee who has been charged with a felony, misdemeanor or ethical misconduct should promptly report such incident to the Executive Director or the Director of Human Resources.

14. Limitations on Comments on Pending Matters

- (a) Commissioners shall abstain from public comment about the merits of a pending adjudicatory proceeding, quasi-judicial proceeding, suitability recommendation or decision, application or other similar proceeding pending before the Commission, except in a duly posted open meeting, or summarizing a public comment made in a duly posted open meeting, or otherwise in the course of their official duties or in explaining for public information the procedures of the Commission.

15. Violations

- (a) If a Commissioner: (i) is guilty of malfeasance in office; (ii) substantially neglects the duties of a Commissioner; (iii) is unable to discharge the powers and duties of the Commissioner's office; (iv) commits gross misconduct; or (v) is convicted of a felony, the remaining Commissioners shall refer the matter to the Commissioner's appointing authority(ies) for action pursuant to G.L. c. 10, § 76(d), which may result in removal from office as provided by law.
- (b) An employee who violates this Code or a provision of the State Ethics Laws, may be subject to appropriate disciplinary action.

16. Post-Employment

- (a) No Commissioner or employee, after leaving the Commission, may be compensated by, or act on behalf of, a new employer other than the Commonwealth, in connection with any particular matter in which they participated personally and substantially in their Commission position.
- (b) For one year after leaving the Commission, a Commissioner or employee who had official responsibility over a particular matter during the two years before they left the Commission may not communicate in person or in any other way with the Commission about that matter on behalf of someone else.
- (c) No Commissioner or employee may improperly disclose, in any medium, including social media, confidential records or confidential information acquired by them in the course of their official duties nor use such information to further their personal interest.
- (d) Confidential information means records, data, materials or information required to be protected from disclosure by state or federal law. For example, a licensee's background check report or Commission personnel records are considered confidential by law.
- (e) No Commissioner or employee may improperly disclose, in any medium, confidential records or information protected from disclosure by state or federal law or a legally recognized privilege.

- (f) A Commissioner or employee who has been removed, dismissed or terminated for a violation of this Code, or who violates the post-employment restrictions may be ineligible for future appointment, employment or contracts with the Commission, and may not be approved for a license or registration for a period of two years after the violation.

17. Enforcement Actions

- (a) The Executive Director may issue any guidance necessary to achieve compliance with this Code.

18. Special Circumstances

- (a) A Commissioner or employee who believes that full compliance with a provision of this Code will be overly burdensome in a particular instance, may apply to the Executive Director for a waiver. The burden is on the petitioning Commissioner or employee to demonstrate in writing that the grant of a waiver would not compromise the intent of this Code or undermine public confidence in the integrity of the regulatory process.
- (b) No waiver may be granted by the Commission from any provision of State Ethics Laws, or the Act or G.L. c. 94G, or where the variance would pose a risk to public safety.

19. Request for Advice

- (a) Any Commissioner or employee may request advice from the Legal Department relative to the applicability of any provision of this Code and shall act in conformance with that opinion. The Legal Department may direct a Commissioner or employee to seek advice from the State Ethics Commission or the Office of Campaign and Political Finance. An opinion rendered by the Legal Department, until and unless amended or revoked, shall be a defense in any disciplinary action brought under this Code and shall be binding on the Commission in any proceedings concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misrepresented by the person in the request for an opinion.



- (b) Such requests and opinions rendered shall be deemed confidential and exempt from disclosure.
- (c) Commissioners and employees have the option of contacting the State Ethics Commission directly. It is encouraged that Commissioners and employees inform the Legal Department when seeking external advice.

ADDITIONAL RESOURCES

Cannabis Control Commission

[An Act to Ensure Safe Access to Marijuana, St.2017, c.55](#)

[935 CMR 500.000: Adult Use of Marijuana](#)

State Ethics Commission

[Disclosure Forms for State Employees](#)

[State Ethics Commission Advisories](#)

[State Ethics Commission Primers](#)

[Conflict of Interest Law, G.L. c. 268A](#)

[Financial Disclosure Law, G.L. c. 268B](#)

[State Ethics Commission Regulations](#)

Office of Campaign and Political Finance

[Office of Campaign and Political Finance: Legal resources](#)