

935 CMR: CANNABIS CONTROL COMMISSION

935 CMR 502.000: COLOCATED ADULT-USE AND MEDICAL-USE MARIJUANA OPERATIONS

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502.001: Purpose

An entity engaged in colocated marijuana operations (CMOs) must comply with the adult-use marijuana laws, St. 2017, c. 55; M.G.L. c. 94G; M.G.L. 94I; 935 CMR 500.000: *Adult Use of Marijuana*; 935 CMR 501.000: *Medical Use of Marijuana* and 935 CMR 502.000. In addition to 935 CMR 502.000, 935 CMR 500.000 and 935 CMR 501.000 control for CMOs.

502.002: Definitions

Adult-use Cannabis or Marijuana means Marijuana that is cultivated, processed, transferred, tested or sold to adults 21 years of age or older in compliance with 935 CMR 500.000: *Adult Use of Marijuana*.

Adult-use Cannabis or Marijuana Products means Marijuana Products that are processed manufactured, transferred, tested or sold to adults 21 years of age or older in compliance with 935 CMR 500.000: *Adult Use of Marijuana*.

Cannabis or Marijuana Products means cannabis or marijuana and its products unless otherwise indicated. Cannabis or Marijuana Products includes products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures. Cannabis or marijuana products are the equivalent of marijuana-infused products (MIPs) defined in 935 CMR 501.003: *Definitions*.

Caregiver means a personal caregiver or caregiving institution.

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Caregiving Institution means a hospice program, long term care facility, or hospital duly licensed or certified by the Department or Commission providing care to a registered Qualifying Patient on the premises of the facility or through a hospice program.

Certificate of Registration means the certificate formerly and validly issued by the Department or currently or validly issued by the Commission that confirms that an RMD, caregiving institution or independent testing laboratory has met all applicable requirements pursuant to M.G.L. 94I, and 935 CMR 501.000: *Medical Use of Marijuana*, and was formerly and validly registered by the Department or is currently and validly registered by the Commission. An RMD may be eligible for a provisional or final certificate of registration.

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Clone means a clipping from a cannabis or marijuana plant which can be rooted and grown.

Colocated Marijuana Operations (CMO) means an entity operating under both an RMD registration pursuant to 935 CMR 501.000: *Medical Use of Marijuana*, and under at least one Marijuana Establishment license pursuant to 935 CMR 500.000: *Adult Use of Marijuana*, on the same premise. Colocated marijuana operations pertain to cultivation, product manufacturing, and retail, but not any other adult-use license.

Commission means the Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its representatives. The Commission has authority to implement the state marijuana laws, which include, but are not limited to, St. 2017, c. 55; M.G.L. c. 94G; M.G.L. c. 94I; 935 CMR 500.000: *Adult Use of Marijuana*, 935 CMR 501.000: *Medical Use of Marijuana*, and 935 CMR 502.000.

Commission Designee(s) means other state or local officials or agencies working in cooperation with the Commission and as designated by the Commission to carry out the Commission's responsibilities and to ensure compliance with the adult-use, medical-use, and colocated-operations laws.

Consumer means a person who is 21 years of age or older.

Delivery means the lawful delivery of marijuana or MIPs for medical use to a patient or caregiver.

Department of Public Health or Department means the Massachusetts Department of Public Health, unless otherwise specified. The Department had the authority to implement and regulate the medical-use of marijuana program before the Program Transfer.

Edible Marijuana-infused Products (Edible MIPs) means a Marijuana-infused Product (MIP) that is to be consumed by eating or drinking. Edible MIPs are the equivalent of edible marijuana products under 935 CMR 500.000: *Adult Use of Marijuana*.

Finished Marijuana means usable marijuana, cannabis resin or cannabis concentrate.

Hardship Cultivation Registration means a registration issued to a registered Qualifying Patient under the requirements of 935 CMR 501.035: *Hardship Cultivation Registration*.

Hemp means the plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

Identification Badges are badges issued by an RMD, a Marijuana Establishment or the Commission, which must be used while on CMO premises. Identification badges must be issued in a form and manner determined by the Commission.

Independent Testing Laboratory means a laboratory qualified to test medical-use marijuana in

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compliance with M.G.L. c. 94I; 935 CMR 501.000: *Medical Use of Marijuana*, or adult-use marijuana licensed in accordance with M.G.L. c. 94G and 935 CMR 500.000: *Adult Use of Marijuana*. Testing by either a registered or licensed Independent Testing Laboratory may be deemed by the Commission to satisfy the requirements of M.G.L. c. 94G, § 15.

Laboratory Agent means an employee of an independent testing laboratory registered in accordance with 935 CMR 501.032: *Registration of Testing Laboratory Agents*, who transports or tests medical-use marijuana or MIPs; or an employee of an Independent Testing Laboratory registered in accordance with 935 CMR 500.029: *Registration and Conduct of Laboratory Agents*, who transports, possesses or tests cannabis or marijuana in compliance with 935 CMR 500.000: *Adult Use of Marijuana*.

502.002: continued

License means the certificate issued by the Commission that confirms that a Marijuana Establishment has met all applicable requirements pursuant to St. 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000: *Adult Use of Marijuana*. An applicant may be eligible for a provisional or final license.

Licensee means a person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000: *Adult Use of Marijuana*.

Limited Access Area means an indoor or outdoor area on the registered premises of a CMO where cannabis or MIPs or marijuana products, or their byproducts are cultivated, stored, weighed, packaged, processed, or disposed, under the control of a CMO, with access limited only to those persons that are essential to operations in these areas designated by the CMO, representatives of the Commission as authorized by the adult-use, medical-use, and colocated operations laws, Commission designee(s), and law enforcement authorities acting within their lawful jurisdiction. An RMD agent can also access this area for adult-use if they are also a marijuana establishment agent designated by the establishment.

Marijuana or Cannabis means all parts of any plant of the genus *Cannabis*, not excepted in 935 CMR 501.003: *Definitions*, and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

- (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (b) hemp; or
- (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

Marijuana Establishment means an adult-use Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, Marijuana Microbusiness or any other type of licensed marijuana-related business.

Marijuana Establishment Agent means a board member, director, employee, executive, manager, or volunteer of a Marijuana Establishment, who is 21 years of age or older. Employee includes a consultant or contractor who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

Marijuana-infused Product (MIP) means a product infused with marijuana that is intended for use or consumption including, but not limited to, edible products, ointments, aerosols, oils, and tinctures. Marijuana-infused Product (MIP), when created or sold by an RMD, shall not be considered a food or a drug as defined in M.G.L. c. 94, § 1. MIPs are the equivalent of marijuana products under 935 CMR 500.000: *Adult Use of Marijuana*.

Massachusetts Resident means a person whose primary residence is located in Massachusetts.

Medical-use Cannabis or Marijuana means Marijuana that is cultivated, processed, transferred,

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tested or sold in compliance with 935 CMR 501.000: *Medical Use of Marijuana*.

Medical-use Cannabis or Marijuana Products means Marijuana Products that are manufactured, transferred, tested or sold in compliance with 935 CMR 501.000: *Medical Use of Marijuana*.

502.002: continued

Patient Registration Card means an identification card formerly and validly issued by the Department or currently and validly issued by the Commission, to a registered Qualifying Patient, personal caregiver, institutional caregiver, RMD agent or laboratory agent. The medical registration card allows access into Commission-supported databases. The medical registration card facilitates verification of an individual registrant's status including, but not limited to, identification by the Commission and law enforcement authorities of those individuals who are exempt from Massachusetts criminal and civil penalties under M.G.L. c. 94I, and 935 CMR 501.000: *Medical Use of Marijuana*.

Person means an individual or an entity.

Personal Caregiver means a person, formerly and validly registered by the Department or currently and validly registered by the Commission, who is at least 21 years old, who has agreed to assist with a registered Qualifying Patient's medical use of marijuana, and is not the registered Qualifying Patient's certifying healthcare provider. A visiting nurse, personal care attendant, or home health aide providing care to a registered Qualifying Patient may serve as a personal caregiver, including to patients younger than 18 years old as a second caregiver.

Program Transfer means the transfer of the medical use of marijuana program to the Commission pursuant to St. 2017, c. 55, §§ 64 through 71, and 82, and M.G.L. c. 94I.

Provisional RMD Certificate of Registration means a certificate formerly and validly issued by the Department or currently and validly issued by the Commission confirming that an RMD completed the application process.

Qualifying Patient means a Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed healthcare provider as having a debilitating medical condition, or a Massachusetts resident younger than 18 years old who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 935 CMR 501.010(10).

Registered Marijuana Dispensary (RMD) means an entity formerly and validly registered under 935 CMR 501.000: *Medical Use of Marijuana* or currently and validly registered under 935 CMR 501.100: *Registration of Registered Marijuana Dispensaries*, that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered Qualifying Patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Registered Qualifying Patient means a Qualifying Patient who was formerly and validly issued a registration card by the Department or is currently and validly issued a registration card by the Commission.

Registrant means the holder of a registration card or a certificate of registration, or a certifying healthcare provider registered with the Department or Commission.

RMD Agent means a board member, director, employee, executive, manager, or volunteer of an

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RMD, who is 21 years of age or older. Employee includes a consultant or contractor who provides on-site services to an RMD related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

502.002: continued

Seed-to-sale Electronic Tracking System means a system designated by the Commission as the system of record (Seed-to-sale SOR) or a secondary electronic tracking system used by an RMD or an Independent Testing Laboratory. This system shall capture everything that happens to an individual marijuana plant, from seed and cultivation, through growth, harvest and manufacture of MIPs, including transportation, if any, to final sale of finished products. Seed-to-sale Electronic Tracking System shall utilize a unique-plant identification and unique-batch identification. It will also be able to track agents' and registrants' involvement with the marijuana product. Any secondary system used by the RMD or Independent Testing Laboratory must integrate with the SOR in a form and manner determined by the Commission.

Seed-to-sale System of Record (Seed-to-sale SOR) means the electronic tracking system designated and required by the Commission to perform a process.

Visitor means an individual, other than an RMD agent or Marijuana Establishment agent, authorized by the CMO to be on the premises of an establishment for a purpose related to its operations, provided however, that no such individual shall be younger than 21 years old.

502.003: Colocated Marijuana Operations (CMOs)

A Registered Marijuana Dispensary (RMD) may also be licensed to conduct adult-use operations as a Cultivator, Product Manufacturer and Retailer, as defined in 935 CMR 502.002. No other license type qualifies for CMOs.

A Marijuana Establishment may also be registered as an RMD. No other registration type qualifies for CMOs.

A "CMO" may also be used to refer to an RMD that is also licensed as a Marijuana Establishment, or a Marijuana Establishment that is also registered as an RMD, that conducts colocated marijuana operations at a particular premise.

502.005: Fees

(1) For CMOs, an applicant must pay all of the following fees:

- (a) Marijuana Establishment Application Fee. The application fee for a Marijuana Establishment, that will be colocated with an RMD, shall be the respective application fee for the type of Marijuana Establishment set forth in 935 CMR 500.005: *Fees* or \$450, whichever is lower.
- (b) RMD Application Fee. The application fee for an RMD, that will be colocated with a Marijuana Establishment, shall be the applicable fee set forth in 935 CMR 501.004: *Fees*.
- (c) License and Registration Fees. A CMO must pay the respective registration fee(s) for operating an RMD, and the respective licensing fee(s) for operating a Marijuana Establishment.

(2) The fees identified in 935 CMR 502.005 do not include the following:

- (a) The costs associated with the Commission SOR, the Seed-to-sale electronic tracking system, which includes a monthly program fee and fees for plant and package tags.
- (b) The costs associated with criminal background checks as required under 935 CMR 500.000: *Adult Use of Marijuana* or 935 CMR 501.000: *Medical Use of Marijuana*.
- (c) The costs associated with preapproval of packaging and labels in accordance with 935 CMR 502.105(7).

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502.028: Registration of Agents Affiliated with CMOs

An agent may be registered under 935 CMR 500.000: *Adult Use of Marijuana* or 935 CMR 501.000: *Medical Use of Marijuana*. An agent working in CMOs may only perform tasks and duties permitted by the license or registration under which they are registered and may perform colocated tasks and duties only if registered under both 935 CMR 500.000 and 501.000.

502.101: Application Requirements

RMD applicants seeking to operate a Marijuana Establishment must comply with 935 CMR 500.101(2): *RMD Applicants*. A Marijuana Establishment seeking to operate as an RMD must comply with the application requirements in 935 CMR 501.000: *Medical Use of Marijuana*.

(1) Additional License Requirements. There is no separate application process applicable to CMOs. However, in addition to the requirements set forth in 935 CMR 500.101: *Application Requirements*, 935 CMR 501.100: *Registration of Registered Marijuana Dispensaries*, and 501.031: *Registration of Independent Testing Laboratories*, applicants shall also provide, as part of their application, detailed descriptions of the following:

- (a) a proposed plan for inventory, including entering inventory into the Seed-to-sale SOR so that it separates adult-use and medical-use products, and transferring inventory between an RMDs and a Marijuana Establishment;
- (b) a proposed plan for transporting marijuana, MIPs, or marijuana products, including plans for how the CMO will comply with 935 CMR 500.105(13): *Transportation Between Marijuana Establishments* and 935 CMR 501.110(5): *Registered Marijuana Dispensary Transportation of Marijuana and MIPs*, and which shall prohibit delivery of adult-use products; and
- (c) a proposed plan for maintaining records, including plans for separating financial records for adult-use products to ensure compliance with the applicable tax laws;

502.102: Action on Applications

Action on applications for CMOs will be determined in a form and a manner determined by the Commission which includes, but is not limited to, the procedures set forth in 935 CMR 500.102: *Action on Applications*.

502.103: Licensure and Renewal

Action on licensure and renewal for CMOs will be determined in a form and a manner determined by the Commission which includes, but is not limited to, the procedures set forth in 935 CMR 500.103: *Licensure and Renewal*.

502.104: Notification and Approval of Changes

Action on notification and approval of changes for CMOs will be determined in a form and a manner determined by the Commission which includes, but is not limited to, the procedures set forth in 935 CMR 500.104: *Notification and Approval of Changes*.

502.105: General Operational Requirements

- (1) Written Operating Procedures. A CMO shall have detailed written operating procedures.
- (a) A CMO must have written operating procedures that comply with both 935 CMR 500.105(1): *Written Operating Procedures* and 935 CMR 501.105(1).
A CMO is not precluded from having two sets of written operating procedures, one applicable to medical-use and one applicable to adult-use operations; or from having one set of written operating procedures so long as it complies with both 935 CMR 500.105(1): *Written Operating Procedures* and 935 CMR 501.105(1).
 - (b) If the CMO has additional locations, it shall develop and follow a set of such operating procedures for each location.

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(c) If requested by the Commission, written operating procedures must be submitted to the Commission in searchable electronic form.

(2) Agent Training. For CMOs, an individual who is both an RMD agent and a marijuana establishment agent must receive the trainings provided in both 935 CMR 500.105(2)(a) and (b), and 935 CMR 501.105(8): *RMD Agent Training*, including training regarding privacy and confidentiality requirements for patients. Agents responsible for tracking and entering product into the Seed-to-sale SOR must receive training in a form and manner determined by the Commission.

502.105: continued

(3) Requirements for the Handling of Marijuana. Unless otherwise authorized by the Commission, a CMO must comply with 935 CMR 500.105(3): *Requirements for the Handling of Marijuana* and 935 CMR 501.105(3): *Requirements for Handling and Testing Marijuana and for Production of MIPs.*

(4) Marketing and Advertising Requirements.

(a) Permitted Practices.

1. A CMO may develop a business name and logo to be used in labeling, signage, and other materials; provided however, that use of medical symbols, images of marijuana, or related paraphernalia, and colloquial references to cannabis and marijuana that the Commission determines are appealing to persons younger than 21 years old are prohibited from use in this business name and logo.

2. Sponsorship of a charitable, sporting or similar event, except that advertising, marketing, and branding at or in connection with such an event is prohibited unless at least 85% of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data.

3. A CMO may display, in secure, locked cases, samples of each product offered for sale and subject to the requirements of 935 CMR 500.110: *Security Requirements for Marijuana Establishments.* These display cases may be transparent. An authorized agent may remove a sample of marijuana from the case and provide it to the Qualifying Patient, caregiver or consumer for inspection, provided the Qualifying Patient, caregiver or consumer may not consume or otherwise use the sample unless otherwise authorized in 935 CMR 502.105(4)(a)3. CMOs are prohibited from providing adult-use products for on-site social consumption.

4. A CMO may post prices in the store and may respond to questions about pricing. A CMO shall provide a catalogue or a printed list of the prices and strains of marijuana available at the CMO to registered Qualifying Patients, personal caregivers, and consumers upon request. A catalogue or a printed list of the prices, strains of marijuana and MIPs available at the CMO may also be posted on a CMO's website. A CMO cannot post prices in any other manner.

5. A CMO may engage in reasonable marketing, advertising and branding practices that do not jeopardize the public health, welfare or safety of the general public or promote the diversion of adult-use marijuana or non-medical marijuana use in individuals younger than 21 years old. Any such marketing, advertising and branding created for viewing by the public shall include the statement "Please Consume Responsibly", in a conspicuous manner on the face of the advertisement and shall include a minimum of two of the following warnings in their entirety in a conspicuous manner on the face of the advertisement:

a. "This product may cause impairment and may be habit forming."

b. "Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug."

c. "There may be health risks associated with consumption of this product."

d. "For use only by adults 21 years of age or older or persons holding a patient registration card. Keep out of the reach of children."

e. "Marijuana should not be used by women who are pregnant or breastfeeding."

6. All marketing, advertising and branding produced by or on behalf of a CMO shall include the following warning, including capitalization, in accordance with M.G.L. c. 94G, § 4(a½)(xxvi):

"This product has not been analyzed or approved by the Food and Drug

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Administration (FDA). There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN.** There may be health risks associated with consumption of this product. Marijuana can impair concentration, coordination, and judgment. The impairment effects of edible marijuana may be delayed by two hours or more. In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1. This product may be illegal outside of MA."

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(b) Prohibited Practices. The following advertising, marketing, and branding activities are prohibited:

1. advertising, marketing and branding in such a manner that is deemed to be deceptive, false, misleading, or untrue, or tends to deceive or create a misleading impression, whether directly, or by ambiguity or omission;
2. advertising, marketing and branding by means of television, radio, internet, mobile applications, social media, or other electronic communication, billboard or other outdoor advertising, or print publication, unless at least 85% of the audience is reasonably expected to be 21 years of age or older as determined by reliable and current audience composition data;
3. advertising, marketing and branding that utilizes statements, designs, representations, pictures or illustrations that portray anyone younger than 21 years old;
A CMO must seek approval from the Commission to advertise, market and brand to portray persons under 21 years of age holding a patient registration card;
4. advertising, marketing and branding including, but not limited to, mascots, cartoons, brand sponsorships and celebrity endorsements, that is deemed to appeal to a person younger than 21 years of age;
5. advertising, marketing and branding, including statements by a licensee, that makes any false or misleading statements concerning other registrants or licensees and the conduct and products of such other registrants or licensees;
6. advertising, marketing and branding through certain identified promotional items as determined by the Commission including, but not limited to, gifts, giveaways, coupons, or "free" or "donated" marijuana;
7. advertising, marketing and branding by a registrant or licensee that asserts that its products are safe, or represent that its products have curative or therapeutic effects, other than labeling required pursuant to M.G.L. c. 94G, § 4(a $\frac{1}{2}$)(xxvi), unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor as determined by the Commission;
8. installation of any neon signage or any illuminated external signage which fails to comply with all local ordinances and requirements;
9. installation of any external signage that is illuminated beyond the period of 30 minutes before sundown until closing, provided however that the Commission may further specify minimum signage requirements;
10. the use of vehicles equipped with radio or loud speakers for the advertising of marijuana;
11. the use of radio or loud speaker equipment for the purpose of attracting attention to the sale of marijuana;
12. advertising, marketing and branding at, or in connection with, a charitable, sporting or similar event, unless at least 85% of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data;
13. operation of any CMO website that fails to verify that the entrant is a Qualifying Patient, or a caregiver or 21 years of age or older;
14. use of unsolicited pop-up advertisements on the internet;
15. any advertising of an improper or objectionable nature including, but not limited to, the use of recipe books or pamphlets for MIPs or marijuana products which contain obscene or suggestive statements;
16. advertising, marketing or branding of MIPs or marijuana products, on clothing, cups, drink holders, apparel accessories, electronic equipment or accessories, sporting equipment, novelty items and similar portable promotional items;

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17. advertising, marketing or branding on or in public or private vehicles and at bus stops, taxi stands, transportation waiting areas, train stations, airports, or other similar transportation venues including, but not limited to, vinyl-wrapped vehicles or signs or logos on transportation vehicles or company cars; and
 18. display of MIPs or marijuana products so as to be clearly visible to a person from the exterior of a CMO.
- (c) Nothing in 935 CMR 502.105(4)(b)1. through 18. prohibits a CMO from using a mark provided by the Commission which uses images of marijuana.

502.105: continued

(5) Labeling of Marijuana, MIPs, or Marijuana Products.

(a) Prior to April 1, 2019, at the point of sale, a CMO's marijuana, MIPs or marijuana products must comply with the labeling requirements in 935 CMR 500.105(5): *Transportation Between Marijuana Establishments* for adult-use sales or 935 CMR 501.105(5): *Packaging and Labeling* for medical-use sales.

(b) On April 1, 2019 and thereafter, a CMO's entire inventory must at a minimum have a label that includes the tracking number(s) for the Seed-to-sale SOR. Each plant must have a plant tag.

(c) On April 1, 2019 and thereafter, at the point of sale, a CMO's marijuana, MIPs, or marijuana products must be recorded in the Seed-to-sale SOR and must comply with the labeling requirements in 935 CMR 500.105(5): *Labeling of Marijuana and Marijuana Products* for adult-use sales or 935 CMR 501.105(5): *Packaging and Labeling* for medical-use sales.

(d) On April 1, 2019 and thereafter, the Commission may provide an approved label that satisfies the labeling requirements in 935 CMR 500.105(5): *Labeling of Marijuana and Marijuana Products* for adult-use sales or 935 CMR 501.105(5): *Packaging and Labeling* for medical-use sales.

(6) Packaging of Marijuana, MIPs, or Marijuana Products.

(a) Prior to April 1, 2019, at the point of sale, a CMO's marijuana, MIPs, or marijuana products must be recorded in the Seed-to-sale SOR and must comply with the packaging requirements in 935 CMR 500.105(6): *Packaging of Marijuana and Marijuana Products* for adult-use sales or 935 CMR 501.105(5): *Packaging and Labeling* for medical-use sales.

(b) On April 1, 2019 and thereafter, a CMO's entire inventory must at a minimum have a package tag that includes the tracking number(s) for the Seed-to-sale SOR. Each plant must have a plant tag.

(c) On April 1, 2019 and thereafter, at the point of sale, a CMO's marijuana, MIPs, or marijuana product must be recorded in the Seed-to-sale SOR and must comply with the packaging requirements in 935 CMR 500.105(6): *Packaging of Marijuana and Marijuana Products* for adult-use sales or 935 CMR 501.105(5): *Packaging and Labeling* for medical-use sales.

(7) Packaging and Labeling Preapproval. Prior to a marijuana product being sold at a CMO, a registrant, licensee or applicant may submit an application, in a form and manner determined by the Commission, for packaging and label approval by the Commission. The Commission may charge a fee for packaging and labeling pre-approval. The packaging and labeling preapproval process shall in no way substitute for compliance with 935 CMR 502.105(4) through (6).

(8) Inventory and Transfer.(a) Inventory.

1. A CMO's-real time inventory tracking shall be maintained in accordance with 935 CMR 500.105(8)(c) and (d), and include, at a minimum, an inventory of marijuana plants; marijuana plant seeds and clones in any phase of development such as propagation, vegetation, and flowering; marijuana ready for dispensing; all MIPs or marijuana products; and all damaged, defective, expired, or contaminated marijuana, MIPs or marijuana products awaiting disposal.

2. An RMD or a Marijuana Establishment operating as a CMO shall:

a. Establish inventory controls and procedures for the conduct of inventory reviews, and comprehensive inventories of MIPs or marijuana products in the process of

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cultivation, and finished, and stored marijuana;

- b. Conduct a monthly inventory of marijuana in the process of cultivation and finished, stored marijuana;
 - c. Conduct a comprehensive annual inventory at least once every year after the date of the previous comprehensive inventory; and
 - d. Promptly transcribe inventories if taken by use of an oral recording device.
3. The record of each inventory shall include, at a minimum, the date of the inventory, a summary of the inventory findings, and the names, signatures, and titles of the individuals who conducted the inventory.

502.105: continued

4. A CMO must implement procedures for virtual, *i.e.*, electronic, separation of medical-use and adult-use marijuana, MIPs, and marijuana products subject to Commission approval. The use of plant or package tags in the Seed-to-sale SOR may constitute sufficient separation.
 5. After Program Transfer, an RMD shall enter its entire inventory into the Seed-to-sale SOR in a form and manner determined by the Commission.
 - a. On April 1, 2019 and thereafter, an RMD must attach plant tags to all marijuana clones and plants and attach package tags to all finished marijuana, MIPs and marijuana products and enter any remaining inventory, including seeds, into the Seed-to-sale SOR. The failure to enter inventory into the Seed-to-sale SOR may result in the suspension or revocation of an RMD registration or Marijuana Establishment license.
 - b. The use of the Seed-to-sale SOR does not preclude an RMD from using a secondary electronic tracking system so long as it otherwise complies with 935 CMR 501.105: *Operational Requirements for Registered Marijuana Dispensaries*.
The RMD must seek approval from the Commission to integrate the secondary system with the Seed-to-sale SOR designated by the Commission.
 6. On April 1, 2019 and thereafter, a CMO must maintain, at a minimum, electronic separation of medical- and adult-use marijuana, MIPs, and marijuana products in the Seed-to-sale SOR.
- (b) Transfer of Product. Subject to marijuana product or MIPs being entered into the Seed-to-sale SOR, an RMD may transfer product to a Marijuana Establishment; and a Marijuana Establishment may transfer product to an RMD as long as there is no violation of the dosing limitations set forth in 935 CMR 500.150(4): *Dosing Limitations*.
Such transfers cannot violate provisions protecting patient supply under 935 CMR 502.140(9). An RMD must limit its transfer of inventory of seeds, plants, and usable marijuana to reflect the projected needs of registered Qualifying Patients.
- (c) Sale of Product.
1. Medical-use marijuana or MIPs, may be sold to Qualifying Patients or caregivers only if it has been tested by an Independent Testing Laboratory registered or licensed at the time of sale to test medical use marijuana in compliance with M.G.L. c. 94G, M.G.L. c. 94I, 935 CMR 501.000: *Medical Use of Marijuana*, and 935 CMR 500.000: *Adult Use of Marijuana*.
 2. Marijuana or marijuana products may be sold to adult-use consumers if it has been tested by an Independent Testing Laboratory that is licensed at the time of sale to test adult use marijuana in compliance with M.G.L. c. 94G, and 935 CMR 500.000: *Adult Use of Marijuana*.
 3. Before April 1, 2019, at a minimum at the point of sale or prior to the point of sale, a CMO must designate whether marijuana or marijuana products are intended for sale for adult use through the Seed to sale SOR. Products shall be transferred to the appropriate license within the Seed-to-sale SOR prior to sale. After the point of sale, there shall be a reconciliation of that inventory in the SOR.
 4. On April 1, 2019 and thereafter, at a minimum at the point of sale or prior to the point of sale, a CMO must designate whether marijuana or MIPs, or marijuana products are intended for sale for adult use or medical use through the SOR. Products shall be transferred to the appropriate license within the Seed-to-sale SOR prior to sale. After the point of sale, there shall be a reconciliation of that inventory in the SOR.
 5. To the extent a CMO conducts adult use retail sales, it is subject to the laws governing taxation in the Commonwealth including, but not limited to, the laws regarding taxation,

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filing, audit and seizure

(9) Record Keeping. A CMO shall comply with 935 CMR 500.105(9): *Record Keeping* and 935 CMR 501.105(9): *Record Keeping*.

(10) Liability Insurance Coverage or Maintenance of Escrow.

(a) A CMO 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 935 CMR 502.105(10)(b) or otherwise approved by the Commission. The deductible for each policy shall be no higher than \$5,000 per occurrence.

502.105: continued

(b) A CMO that documents an inability to obtain minimum liability insurance coverage as required by 935 CMR 502.105(10)(a) may place in escrow a sum of no less than \$250,000 or such other amount approved by the Commission, to be expended for coverage of liabilities.

(c) The escrow account required pursuant to 935 CMR 502.105(10)(b) must be replenished within ten business days of any expenditure.

(d) Reports documenting compliance with 935 CMR 502.105(10) shall be made in a manner and form determined by the Commission pursuant to 935 CMR 500.000: *Adult Use of Marijuana* and 935 CMR 501.105(13): *Reports to the Commission*.

(11) Storage Requirements. A CMO shall comply with both 935 CMR 500.105(11): *Storage Requirements* and 935 CMR 501.105(4): *RMD Storage Requirements*.

(12) Waste Disposal.

(a) All recyclables and waste, including organic waste composed of or containing finished marijuana, MIPs, or marijuana products, shall be stored, secured, and managed in accordance with applicable state and local statutes, ordinances, and regulations.

(b) Liquid waste containing marijuana or by-products of marijuana processing shall be disposed of in compliance with all applicable state and federal requirements including, but not limited to, for discharge of pollutants into surface water or groundwater (Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53; 314 CMR 3.00: *Surface Water Discharge Permit Program*; 314 CMR 5.00: *Groundwater Discharge Program*; 314 CMR 12.00: *Operation Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers*; the Federal Clean Water Act, 33 U.S.C. 1251 *et seq.*, the National Pollutant Discharge Elimination System Permit Regulations at 40 CFR Part 122, 314 CMR 7.00: *Sewer System Extension and Connection Permit Program*), or stored pending disposal in an industrial wastewater holding tank in accordance with 314 CMR 18.00: *Industrial Wastewater Holding Tanks and Containers*.

(c) Organic material, recyclable material and solid waste generated at a CMO shall be redirected or disposed of as follows:

1. Organic and recyclable material shall be redirected from disposal in accordance with the waste disposal bans described at 310 CMR 19.017: *Waste Bans*.

2. To the greatest extent feasible:

- a. Any recyclable material as defined in 310 CMR 16.02: *Definitions* shall be recycled in a manner approved by the Commission; and

- b. Any remaining marijuana waste shall be ground and mixed with other organic material as defined in 310 CMR 16.02: *Definitions* such that the resulting mixture renders the marijuana unusable for its original purpose. Once such marijuana waste has been rendered unusable, the mixture may be composted or digested at an aerobic or anaerobic digester at an operation that is in compliance with the requirements of 310 CMR 16.00: *Site Assignment Regulations for Solid Waste Facilities*.

3. Solid waste containing cannabis waste generated by CMO may be ground up and mixed with solid wastes such that the resulting mixture renders the cannabis unusable for its original purposes. Once such cannabis waste has been rendered unusable, it may be brought to a solid waste transfer facility or a solid waste disposal facility (*e.g.*, landfill or incinerator) that holds a valid permit issued by the Department of Environmental Protection or by the appropriate state agency in the state in which the facility is located; or

(d) No fewer than two Marijuana Establishments or RMD Agents must witness and

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document how the marijuana waste is disposed or otherwise handled (recycled, composted, etc.) in accordance with 935 CMR 502.105(12).

(e) A CMO must accept at no charge unused, excess, or contaminated marijuana or MIPs from a registered Qualifying Patient, personal caregiver and shall destroy it as provided in 935 CMR 502.105(12) and maintain a written record of such disposal, which shall include the name of the supplying registered Qualifying Patient or personal caregiver if applicable.

502.105: continued

(f) When marijuana, MIPs or marijuana products or waste is disposed or handled, the CMO must create and maintain an electronic record of the date, the type and quantity disposed or handled, the manner of disposal or other handling, the location of disposal or other handling, and the names of the two agents present during the disposal or other handling, with their signatures. CMOs shall keep these records for at least three years. This period shall automatically be extended for the duration of any enforcement action and may be extended by an order of the Commission.

On April 1, 2019 and thereafter, the disposal of marijuana, MIPs or marijuana products must be recorded and tracked in the Seed-to-sale SOR.

(13) Transportation.

(a) Any transport of adult-use marijuana and marijuana products is governed by 935 CMR 500.105(13): *Transportation Between Marijuana Establishments*; and any transport or delivery of medical-use marijuana and MIPs is governed by 935 CMR 501.105(3), (6) and (16) and 935 CMR 501.110(5): *Registered Marijuana Dispensary Transportation of Marijuana and MIPs*.

(b) A CMO can transport adult-use and medical-use marijuana, MIPs and marijuana products if it is appropriately registered and licensed to do so. Where a CMO is transporting both adult-use and medical-use marijuana, MIPs and marijuana products, the CMO must comply with the more restrictive security provisions.

(c) A CMO is prohibited from delivering adult-use marijuana for purposes other than commercial use by a licensed Marijuana Establishment. Any vehicle authorized to transport medical-use marijuana for delivery to a private residence cannot transport adult-use marijuana at the same time.

(14) Access to the Commission, State and Local Officials and Agencies, Law Enforcement and Emergency Responders.

(a) The following individuals shall have access to a CMO or CMO transportation vehicle:

1. Representatives of the Commission acting in the course of their authority under the adult-use marijuana laws, St. 2016, c. 334 as amended by St. 2017, c. 55; M.G.L. c. 94G; 935 CMR 500.000: *Adult Use of Marijuana*; M.G.L. c. 94I; 935 CMR 501.000: *Medical Use Marijuana* and 935 CMR 502.000: *Colocated Adult-use and Medical-use Marijuana Operations*;
2. Commission Designee(s); and
3. Law enforcement authorities and emergency responders acting within their lawful jurisdiction.

(b) 935 CMR 502.000: *Colocated Adult-use and Medical-use Marijuana Operations* shall not be construed to prohibit access to state and local officials and agencies acting within their lawful jurisdiction.

(15) Energy Efficiency and Conservation. A CMO must comply with 935 CMR 500.105(15): *Energy Efficiency and Conservation*.

(16) Bond. A CMO must comply with 935 CMR 500.105(16): *Bond*.

(17) Social Equity Program. A CMO must comply with 935 CMR 500.105(17): *Social Equity Program*. For purposes of 935 CMR 502.105(17), "Marijuana Establishment" wherever it appears in 935 CMR 500.105(17) shall mean CMO.

502.110: Security Requirements

(1) General Requirements. A CMO shall implement sufficient security measures to deter and prevent unauthorized entrance into areas containing marijuana and theft of marijuana at the CMO. Security measures taken by the CMO to protect the premises, registered Qualifying Patients, personal caregivers, employees, Marijuana Establishment agents, RMD agents, consumers and general public shall include, but not be limited to the following:

- (a) Positively identifying individuals seeking access to the premises of the CMO to limit access solely to individuals 21 years of age or older, or registered Qualifying Patients or personal caregivers;

502.110: continued

- (b) Adopting procedures to prevent loitering and ensure that only individuals engaging in activity expressly or by necessary implication permitted by M.G.L. c. 94I; 935 CMR 500.000: *Adult Use of Marijuana* and 935 CMR 501.000: *Medical Use of Marijuana* and are allowed to remain on the premises;
- (c) Disposing of marijuana in accordance with 935 CMR 502.105(12) in excess of the quantity required for normal, efficient operation as established within 935 CMR 502.105;
- (d) Securing all entrances to the CMO to prevent unauthorized access;
- (e) Establishing limited access areas pursuant to 935 CMR 502.110(4), which shall be accessible only to specifically authorized personnel limited to include only the minimum number of employees essential for efficient operation;
- (f) Storing all finished marijuana, MIPs or marijuana products in a secure, locked safe or vault in such a manner as to prevent diversion, theft and loss;
- (g) Keeping all safes, vaults and any other equipment or areas used for the production, cultivation, harvesting, processing or storage of marijuana, MIPs or marijuana products securely locked and protected from entry, except for the actual time required to remove or replace marijuana;
- (h) Keeping all locks and security equipment in good working order;
- (i) Prohibiting keys, if any, from being left in the locks or stored or placed in a location accessible to persons other than specifically authorized personnel;
- (j) Prohibiting accessibility of security measures, such as combination numbers, passwords or electronic or biometric security systems, to persons other than specifically authorized personnel;
- (k) Ensuring that the outside perimeter of the CMO is sufficiently lit to facilitate surveillance, where applicable;
- (l) Ensuring that all marijuana, MIPs or marijuana products are kept out of plain sight and are not visible from a public place without the use of binoculars, optical aids or aircraft;
- (m) Developing 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;
- (n) Developing sufficient additional safeguards as required by the Commission for CMOs that present special security concerns; and
- (o) Sharing the CMO's security plan and procedures with law enforcement authorities and fire services and periodically updating law enforcement authorities and fire services if the plans or procedures are modified in a material way.

(2) Alternate Security Provisions.

- (a) Notwithstanding the requirements specified in 935 CMR 502.110(1), (5) and (6), if a CMO has provided other, specific safeguards that may be regarded as an adequate substitute for those requirements, such measures may be taken into account by the Commission in evaluating the overall required security measures.
- (b) The applicant, registrant or licensee shall submit a request for an alternative security provision to the Commission on a form as determined and made available by the Commission. Upon receipt of the form, the Commission shall submit the request to the chief law enforcement officer in the municipality where the CMO is located or will be located. The Commission shall request that the chief law enforcement officer review the request and alternative security provision requested and, within 30 days:
 1. certify the sufficiency of the requested alternate security provision; or
 2. provide the Commission with a statement of reasons why the alternative security provision is not sufficient in the opinion of the chief law enforcement officer.

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The Commission shall take the chief law enforcement officer's opinion under consideration in determining whether to grant the alternative security provision, provided that it shall not be determinative. If no response is received from the chief law enforcement officer or a designee within 30 days of submitting the request to the chief law enforcement officer, the Commission shall proceed with a determination.

502.110: continued

(3) Buffer Zone. The property where the proposed CMO is to be located, at the time the license application is received by the Commission, is not located within 500 feet of a preexisting public or private school providing education in kindergarten or any of grades one through 12, unless a city or town adopts an ordinance or bylaw that reduces the distance requirement. The distance under 935 CMR 502.110 shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the CMO is or will be located.

(4) Limited Access Areas.

(a) 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 one inch in height.

(b) 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 Commission, reflecting entrances and exits, walls, partitions, counters, vegetation, flowering, processing, production, storage, disposal and retail sales areas.

(c) Access to limited access areas shall be limited to persons that are essential to operations in these areas and specifically permitted by the RMD or Marijuana Establishment; representatives of the Commission acting in accordance with their authority under the adult-use, medical-use and colocated-operations laws; Commission designee(s); and law enforcement authorities; and emergency responders acting within their lawful jurisdiction.

(d) Employees of the CMO shall visibly display an employee identification badge issued by the CMO or the Commission at all times while at the CMO or transporting marijuana.

(e) All outside vendors, contractors and visitors shall obtain a visitor identification badge prior to entering a limited access area, and shall be escorted at all times by a marijuana establishment agent or RMD agent authorized to enter the limited access area. The visitor identification badge shall 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 Commission at all times. All visitor identification badges shall be returned to the CMO upon exit.

(5) Security and Alarm Requirements for CMOs Operating Enclosed Areas. A CMO must comply with 935 CMR 500.110(5): *Security and Alarm Requirements for Marijuana Establishments Operating Enclosed Areas*. For purposes of 935 CMR 502.110(5), "Marijuana Establishment" wherever it appears in 935 CMR 500.110(5) shall mean CMO.

(6) Security and Alarm Requirements for CMOs Operating an Open Cultivation Facility. A CMO operating an open cultivation facility must comply with 935 CMR 500.110(6): *Security and Alarm Requirements for Marijuana Establishments Operating an Open Cultivation Facility*. For purposes of 935 CMR 502.110(6), "Marijuana Establishment" wherever it appears in 935 CMR 500.110(6) shall mean CMO.

(7) Incident Reporting. A CMO must comply with 935 CMR 500.110(7): *Incident Reporting*. For purposes of 935 CMR 502.110(7), "Marijuana Establishment" wherever it appears in 935 CMR 500.110(7) shall mean CMO.

(8) Security Audits. A CMO shall comply with 935 CMR 500.110(8): *Security Audits* and 935 CMR 501.110(7): *Incident Reporting*.

502.120: Additional Operational Requirements for Cultivation

An RMD that cultivates marijuana for adult-use must comply with 935 CMR 500.120: *Additional Operating Requirements for Indoor and Outdoor Marijuana Cultivators*.

502.130: Additional Operating Requirements for Product Manufacturing

At the point of initial production, a CMO's marijuana or MIPs that are tracked for medical use in the Seed-to-sale SOR must comply with 935 CMR 501.105(3): *Requirements for Handling and Testing Marijuana and for Production of MIPs*. At the point of initial production, a CMO's marijuana or marijuana products that are tracked for adult-use in the Seed-to-sale SOR must comply with 935 CMR 500.130: *Additional Operating Requirements for Marijuana Product Manufacturers*.

502.140: Additional Operational Requirements for Retail Sales

(1) In addition to the general operational requirements for CMOs required under 935 CMR 502.105, CMOs engaged in retail sales shall comply with additional operational requirements for CMOs under 935 CMR 502.140.

(2) On-premises Verification of Identification for CMOs. Upon entry into the premises of a CMO by an individual, an RMD agent or marijuana establishment agent shall immediately inspect the individual's proof of identification and determine that the individual is 21 years of age or older. A patient registration card is not sufficient proof of age.

(a) If the individual is between 18 and 21 years of age, he or she shall not be admitted unless they produce an active patient registration card issued by the DPH or the Commission.

(b) If the individual is younger than 18 years old, he or she shall not be admitted without an active patient registration card and a personal caregiver with an active patient registration card.

(c) In addition to the patient registration card, registered Qualifying Patients 18 years of age and older and personal caregivers must also produce proof of identification.

(3) Limitation on Sales. A CMO must comply with requirements related to limitation on sales provided in 935 CMR 500.140(4): *Limitations on Sales*.

(4) Unauthorized Sales and Right to Refuse Sales. A CMO must comply with 935 CMR 500.140(5): *Unauthorized Sales and Right to Refuse Sales*.

(5) Recording Sales. A CMO must comply with 935 CMR 500.140(6): *Recording Sales*. In addition, a colocated retailer shall maintain and provide to the Commission on a biannual basis accurate sales data collected by the licensee during the six months immediately preceding this application to ensure an adequate supply of marijuana and MIPs or marijuana products under 935 CMR 500.140(10): *Patient Supply*.

(6) Physical Separation of Marijuana and MIPs or Marijuana Products for Medical or Adult Use. A CMO shall provide for physical separation between medical- and adult-use sales areas. Separation may be provided by a temporary or semi-permanent physical barrier, such as a stanchion, that, in the opinion of the Commission, adequately separates sales areas of MIPs for medical-use from sales areas of marijuana products for adult-use for the purpose of patient confidentiality.

(a) A CMO shall provide for separate lines for sales of marijuana or MIPs for medical-use from marijuana products for adult-use within the sales area, provided that the holder of a patient registration card may use either line and shall not be limited only to the medical-use line, so long as the CMO can record the patient's transaction in accordance with 935 CMR 501.105(5)(d).

(b) A CMO shall additionally provide a patient consultation area, an area that is separate

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from the sales floor that is enclosed to allow privacy and for confidential visual and auditory consultation with Qualifying Patients.

(c) A CMO's patient consultation area must have signage stating, "Consultation Area". The private consultation area must be separate from the sales area. It must be accessible by a Qualifying Patient or caregiver without having to traverse a Limited Access Area.

(d) A CMO shall use best efforts to prioritize patient and caregiver identification verification and physical entry into its retail area.

(7) Consumer and Patient Education. A CMO must comply with the consumer education requirements under 935 CMR 500.140(8): *Consumer Education* and patient education requirements under 935 CMR 501.105(11): *Patient Education*.

502.140: continued

(8) Testing. No marijuana, MIP or marijuana product may be sold for adult use or medical use that is not capable of being tested by an Independent Testing Laboratory in accordance with 935 CMR 502.105(8)(c). The product must be deemed to comply with the standards required under 935 CMR 500.160: *Testing of Marijuana and Marijuana Products*.

(9) Patient Supply.

(a) A CMO shall ensure access to a sufficient quantity and variety of marijuana products, including marijuana, for patients registered under 935 CMR 501.000: *Medical Use of Marijuana*.

1. Where the CMO has been open and dispensing for a period of less than six months, the license shall reserve 35% of the RMD's marijuana products.

2. Where the CMO has been open and dispensing for a period of six months or longer, the licensee shall maintain a quantity and variety of marijuana products for patients registered under 935 CMR 501.000: *Medical Use of Marijuana*, sufficient to meet the demand indicated by an analysis of sales data collected by the licensee during the preceding six months in accordance with 935 CMR 500.140(6) *Recording Sales*.

(b) Marijuana products reserved for patient supply shall, unless unreasonably impracticable, reflect the actual types and strains of marijuana products documented during the previous six months. If a substitution must be made, the substitution shall reflect as closely as possible the type and strain no longer available.

(c) On a quarterly basis, the CMO shall submit to the Commission an inventory plan to reserve a sufficient quantity and variety of medical-use products for registered patients, based on reasonably anticipated patient needs as documented by sales records over the preceding six months. On each occasion that the supply of any product within the reserved patient supply is exhausted and a reasonable substitution cannot be made, the CMO shall submit a report to the Commission in a form determined by the Commission.

(d) Marijuana products reserved for patient supply shall be either maintained on-site at the retailer or easily accessible at another location operated by the licensee and transferable to the retailer location within 48 hours of notification that the on-site supply has been exhausted. CMOs shall perform audits of patient supply available on a weekly basis and retain those records for a period of six months.

(e) The Commission shall, consistent with 935 CMR 500.300: *Inspections and Compliance*, inspect and audit CMOs to ensure compliance with 935 CMR 502.140. The Commission may, in addition to the issuance of a deficiency statement under 935 CMR 500.310: *Deficiency Statements* and a plan of correction under 935 CMR 500.320: *Plans of Correction*, demand that the CMO take immediate steps to replenish its reserved patient supply to reflect the amounts required under 935 CMR 502.140(9)(a). Failure to adequately address a deficiency statement or follow a plan of correction shall result in administrative action by the Commission pursuant to 935 CMR 500.450: *Marijuana Establishment License: Grounds for Denial of Renewal Applications, Suspension and Revocation* and 935 CMR 500.500: *Hearings and Appeals of Actions on Licenses*.

(f) CMOs may transfer marijuana products reserved for medical use to adult use within a reasonable period of time prior to the date of expiration provided that the product does not pose a risk to health or safety.

502.150: Edible MIPs or Marijuana Products

(1) At the point of final production, a CMO's marijuana and MIPs recorded for medical-use in its Seed-to-sale SOR must comply with the packaging and labeling requirements in 935 CMR

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501.105(5): *Packaging and Labeling.*

(2) At the point of final production, a CMO's marijuana or marijuana products that is recorded for adult-use in its Seed-to-sale SOR must comply with the packaging, labeling, and dosing requirements in 935 CMR 500.105(5) and (6), and 935 CMR 500.150: *Edible Marijuana Products.*

502.160: Testing of Marijuana, MIPs, or Marijuana Products

(1) A CMO is prohibited from selling any marijuana, MIPs, or marijuana products that have not already been tested by an Independent Testing Laboratory, in compliance with the testing protocols established by 935 CMR 500.160: *Testing of Marijuana and Marijuana Products* or 935 CMR 501.105(3): *Requirements for Handling and Testing Marijuana and for Production of MIPs*.

(a) Medical-use marijuana or MIPs, may be sold to Qualifying Patients or caregivers if it has been tested by an Independent Testing Laboratory registered at the time of sale to test medical use marijuana in compliance with M.G.L. c. 94I, and 935 CMR 501.000: *Medical Use of Marijuana*.

(b) Marijuana or marijuana products may be sold to consumers if it has been tested by an Independent Testing Laboratory that is licensed at the time of sale to test adult use marijuana in compliance with 935 CMR 500.000: *Adult Use of Marijuana*.

(2) At any time, adult-use marijuana or marijuana product must be tracked in the Seed-to-sale SOR.

(3) On April 1, 2019 or thereafter, testing of all marijuana, or MIPs marijuana products, must be tracked in the Seed-to-sale SOR.

502.300: Inspections

The Commission or its agents or designees may inspect CMOs pursuant to 935 CMR 500.300: *Inspections and Compliance* and 935 CMR 501.300: *Inspection of Registered Marijuana Dispensaries* to determine the CMO's compliance with the adult-use, medical-use and colocated operations laws.

502.700: Waivers

For CMOs, in addition to waiver provisions set forth in 935 CMR 500.700: *Waivers* and 935 CMR 501.700: *Waivers*, the Commission may delegate its authority to the Executive Director to waive administrative regulatory requirements under either 935 CMR 500.000: *Adult Use of Marijuana* or 935 CMR 501.000: *Medical Use of Marijuana*. The Executive Director may determine the process or manner of the waiver process, including whether a registrant, licensee or applicant is required to request a waiver in writing. There can be no waiver of statutory requirements. A waiver of the regulatory requirements cannot pose a risk to the public health, safety or welfare.

502.900: Severability

The provisions of 935 CMR 502.000: *Colocated Adult-use and Medical-use Marijuana Operations* are severable. If a court of competent jurisdiction declares any section, subsection, paragraph, or provision unconstitutional or invalid, the validity of the remaining provisions shall not be affected.

REGULATORY AUTHORITY

935 CMR 502.000: St. 2017, c. 55: *An Act to Ensure Safe Access to Marijuana*, and M.G.L. c. 94G and M.G.L. c. 94I.