

Guidance on Responsible Vendor Training

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Proper training is a critical part of a Marijuana Establishment's success. Under Cannabis Control Commission (Commission) regulations, Marijuana Establishment Agents are required to complete training prior to performing their job functions.

Training must be tailored to the roles and responsibilities of each Marijuana Establishment job function, and each Marijuana Establishment Agent must receive eight hours of ongoing training annually. The training must include at least two hours of active in-class or online instruction time by a Commission-certified Responsible Vendor Trainer and prepare participants ("attendees") to pass a subsequent written test with a score of 70% or better.

Responsible Vendor Trainers

Responsible Vendor Trainers are independent entities. An owner or employee of a Responsible Vendor Training program cannot have a controlling interest in a licensed Marijuana Establishment, and standards are in place to ensure trainers do not experience conflicts of interest or sell certain services, equipment, or supplies from third parties, which will be described later in this guidance.

Businesses that are interested in becoming certified as Responsible Vendor Trainers must complete an application, which will include copies of their proposed training and testing materials, and have it reviewed and approved by the Commission. For more information on the application process, please [email Director of Research Julie K. Johnson, PhD \(Julie.Johnson@Mass.Gov\)](mailto:Julie.Johnson@Mass.Gov).

Responsible Vendor Trainers are required to stay up to date on developments in federal and state laws and regulations that affect Marijuana Establishments in order to ensure their training and testing materials are current. Additionally, to remain certified, Responsible Vendor Trainers must submit their programs to the Commission every two years for review and approval.

Responsible Vendor Training Programs

To be certified as a Responsible Vendor Trainer, an entity must offer a training program in a real-time, interactive setting, either live or online, in which the instructor is able to verify the identification of each individual participating in the program and certify completion of the program by the identified participant. Such verification procedures shall include the scanning of the participant's current driver's license or government-issued identification and maintaining the scanned identification as part of the participant's record. The test taker shall employ measures to ensure the participant's identification is authentic, and the participant is the same person



depicted. Online programs must also take steps to ensure the same participant is taking the course throughout and not substituting someone else to complete it.

Program

Certified Responsible Vendor Training programs must cover the issues identified in 935 CMR 500.050(2)(b) and any other issues identified by the Commission. Instruction time must extend at least two hours and the training program must prepare participants to pass a written test by achieving a score of 70% or better. Online programs must employ measures to ensure participants cannot skip through any portions of the program. Responsible Vendor Trainers shall allow Commission staff to visit in-person trainings without notice and provide opportunities for Commission staff to monitor online programs.

Testing & Program Evaluation

Participants who can speak and write English must pass a written test with a score of 70% or better. Participants who cannot speak or write English may be offered a verbal test, but the questions must be the same as those on the written test and the results of the verbal test must be documented with a passing score of 70% or better. Although Responsible Vendor Trainers are encouraged to provide multilingual training, it is not a requirement. The test may be delivered in English. The Responsible Vendor Trainer must also be able to provide accommodations to disabled participants.

Once participants have completed their course, the Responsible Vendor Trainer must provide an evaluation asking questions regarding program effectiveness. The Responsible Vendor Trainer should review the evaluations and make course corrections, within the Commission's requirements, as appropriate.

Recordkeeping

A Responsible Vendor Trainer must maintain its training records at its principal place of business during the applicable calendar year and for the following three years. The Responsible Vendor Trainer must make the records available for inspection by Commission staff and any other applicable licensing authority upon request during normal business hours. The Responsible Vendor Trainer must also be able to provide written documentation of attendance and successful passage of a test on the knowledge of the required curriculum for each participant.

Responsible Vendors

Once a Marijuana Establishment licensee is designated a "Responsible Vendor," all new employees involved in the handling and sale of marijuana for adult use must successfully complete a Responsible Vendor Training program within 90 days of hire.

After initial successful completion of a Responsible Vendor Training program, each owner, manager, and employee involved in the handling and sale of marijuana for adult use shall successfully complete the program once every year thereafter to maintain designation as a "Responsible Vendor." Administrative employees who do not handle or sell marijuana may take the "Responsible Vendor" program on a voluntary basis.



Marijuana Establishments that achieve Responsible Vendor status must keep records about Responsible Vendor Training program compliance for four years. The records must also be available for inspection by Commission staff and any other applicable licensing authority if they ask during normal business hours.

Standards to Ensure Independence

Responsible Vendor Trainers are required to be independent of other Marijuana Establishments. They may, however, require the support of participants in marijuana industry, including licensees or Marijuana Establishment Agents. In order to preserve the independence of the Responsible Vendor Training program and prevent misuse, the following rules shall control the use of commercial interests in Responsible Vendor Training.

For the purpose of these standards, a “*commercial interest*” is any entity, or individual affiliated with such entity, that cultivates, manufactures, produces, tests, transports, or sells marijuana, marijuana products, or marijuana accessories, or supplies services, equipment, or materials to such entities. Commercial support is financial, or in-kind, contributions given by a commercial interest, which is used to pay all or part of the costs of a Responsible Vendor Training activity.

Preserving Independence

A Responsible Vendor Trainer must ensure that the following decisions were made free of the control of a commercial interest:

- a. Identification of Responsible Vendor Training needs;
- b. Determination of educational objectives;
- c. Selection and presentation of content;
- d. Selection of all persons and organizations that will be in a position to control the content of the Responsible Vendor Training;
- e. Selection of educational methods; and
- f. Evaluation of the activity.

A commercial interest cannot take the role of non-accredited partner in a joint provider relationship.

Conflicts of Interest

Disclosure: The Responsible Vendor Trainer must be able to show that everyone who is in a position to control the content of an education activity has disclosed all relevant financial relationships with any commercial interest to the Responsible Vendor Trainer. A relevant financial relationship is one, of any amount, which has occurred within the past 12 months that creates a conflict of interest.

- An individual must disclose to participants any relevant financial relationship(s), to include the following information:
 - The name of the individual;



- The name of the commercial interest(s); and
 - The nature of the relationship the person has with each commercial interest.
- The source of all support from commercial interests must be disclosed to participants. When commercial support is “in-kind,” the nature of the support must be disclosed to participants.
 - Disclosure must never include the use of a corporate logo, trade name, or a product-group message of a commercial interest.
 - A provider must disclose the above information to participants prior to the beginning of the educational activity.

Failure to Disclose: An individual who refuses to disclose relevant financial relationships will be disqualified from being a planning committee member, a teacher, or an author of Responsible Vendor Training, and cannot have control of, or responsibility for, the development, management, presentation, or evaluation of the Responsible Vendor Training activity.

Timely Resolution: The provider must have implemented a mechanism to identify and resolve all conflicts of interest prior to educating participants.

Appropriate Use of Commercial Support

- The Responsible Vendor Trainer must make all decisions regarding the disposition and disbursement of commercial support;
- A provider cannot be required by a commercial interest to accept advice or services concerning teachers, authors, or participants, or other education matters – including content – from a commercial interest as conditions of contributing funds or services;
- All commercial support associated with a Responsible Vendor Training activity must be given with the full knowledge and approval of the provider;
- The terms, conditions, and purposes of the commercial support must be documented in a written agreement between the commercial supporter that includes the provider and its educational partner(s). The agreement must include the provider even if the support is given directly to the provider’s educational partner or a joint provider;
- The written agreement must specify the commercial interest that is the source of commercial support;
- Both the commercial supporter and the provider must sign the written agreement between the commercial supporter and the provider;
- The provider must have written policies and procedures governing honoraria and reimbursement of out-of-pocket expenses for planners, teachers, and authors;
- The provider, the joint provider, or designated educational partner must pay directly any teacher or author honoraria or reimbursement of out-of-pocket expenses in compliance with the provider’s written policies and procedures;
- No other payment shall be provided to the director of the activity, planning committee members, teachers or authors, joint provider, or any others involved with the supported activity;



- If teachers or authors are listed on the agenda as facilitating or conducting a presentation or session, but participate in the remainder of an educational event as an participant, their expenses can be reimbursed, and honoraria can be paid for their teacher or author role only;
- Social events or meals at Responsible Vendor Training activities cannot compete with or take precedence over the educational events;
- The provider may not use commercial support to pay for travel, lodging, honoraria, or personal expenses for non-teacher or non-author participants of a Responsible Vendor Training activity. The provider may use commercial support to pay for travel, lodging, honoraria, or personal expenses for bona fide employees and volunteers of the provider, joint provider, or educational partner; and
- The provider must be able to produce accurate documentation detailing the receipt and expenditure of the commercial support.

Appropriate Management of Associated Commercial Promotion

- Arrangements for commercial exhibits or advertisements cannot influence planning or interfere with the presentation, nor can they be a condition of the provision of commercial support for Responsible Vendor Training activities;
- Product-promotion material or product-specific advertisement of any type is prohibited in or during Responsible Vendor Training activities;
 - The juxtaposition of editorial and advertising material on the same products or subjects must be avoided;
 - Live (staffed exhibits, presentations) or enduring (printed or electronic advertisements) promotional activities must be kept separate from Responsible Vendor Training;
 - Advertisements and promotions shall not be inserted within the pages of the printed Responsible Vendor Training content;
 - Advertisements and promotional materials may face the first or last pages of printed Responsible Vendor Training content as long as the materials are not related to the Responsible Vendor Training content they face and are not paid for by the commercial supporters of the Responsible Vendor Training activity;
 - For computer-based Responsible Vendor Training activities, advertisements and promotional materials will not be visible on the screen at the same time as the Responsible Vendor Training content and not interspersed between computer or app windows or screens of the Responsible Vendor Training content;
 - Responsible Vendor Trainers may not place their Responsible Vendor Training activities on a website owned or controlled by a commercial interest;
 - Advertising of any type is prohibited within the educational content of Responsible Vendor Training activities on the internet including, but not limited to, banner ads, subliminal ads, and pop-up window ads;



- Advertisements and promotional materials will not be included within audio- or video-recorded Responsible Vendor Training content. There will be no “commercial breaks”;
 - For live, face-to-face Responsible Vendor Training, advertisements and promotional materials cannot be displayed or distributed in the educational space immediately before, during, or after a Responsible Vendor Training activity; and
 - Providers cannot allow representatives of commercial interests to engage in sales or promotional activities while in the space or place of the Responsible Vendor Training activity.
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- Educational materials that are part of a Responsible Vendor Training activity, such as slides, abstracts, and handouts, cannot contain any advertising, corporate logo, trade name, or a product-group message of a commercial interest;
 - Print or electronic information distributed about elements of a Responsible Vendor Training activity that are not directly related to the transfer of education to the participant, such as schedules and content descriptions, may include product-promotion material or product-specific advertisement;
 - The content or format of a Responsible Vendor Training activity or its related materials must promote improvements or quality in the provision of cannabis services or products, and not a specific proprietary business interest of a commercial interest; and
 - Presentations must give a balanced view of technologies, methodologies, services, or products. Use of generic names will contribute to impartiality. If Responsible Vendor Training educational material or content includes trade names, when available, trade names from several companies should be used instead of trade names from a single company.

Questions?

If you have additional questions regarding types of Marijuana Establishments, please contact the Commission at CannabisCommission@State.MA.US or (617) 701-8400.

