

The Cannabis Control Commission encourages industry participants to provide public comment between 1/17/20 – 2/10/20. Please email all comments to [Andrew.Carter@CCCMass.com](mailto:Andrew.Carter@CCCMass.com)

**Massachusetts Seed – to – Sale Guidance**

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## Definitions

### Additive

means any botanically-derived or artificially-derived substance added to Marijuana or Marijuana Products to achieve a specific technical and/or functional purpose during processing, storage, or packaging. Additives may be direct or indirect. Direct additives are used to impart specific technological or functional qualities. Indirect additives are not intentionally added but may be present in trace amounts as a result of processing, packaging, shipping, or storage.

### Cannabis or Marijuana

means all parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana(a) through (c) 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

### 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 Cannabis Products, Beverages, topical products, ointments, oils and Tinctures. Cannabis or Marijuana Products include Marijuana-infused Products (MIPs) defined in 935 CMR 500.002.

### Clone

means a clipping from a Cannabis or Marijuana plant that can be rooted and grown.

### Cultivation ‘Harvest’ Batch

means a collection of Cannabis or Marijuana plants from the same seed or plant stock that are cultivated and harvested together, and receive an identical Propagation and cultivation treatment including, but not limited to: growing media, ambient conditions, watering and light regimes and agricultural or hydroponic inputs. Clones that come from the same plant are one batch. The Licensee shall assign and record a unique, sequential



alphanumeric identifier to each Cultivation Batch for the purposes of production tracking, product labeling and product recalls.

**Flowering**

means the gametophytic or reproductive state of Cannabis or Marijuana in which the plant produces flowers, trichomes, and Cannabinoids characteristic of Marijuana.

**Finished Marijuana**

means Usable Marijuana, Cannabis resin or Cannabis concentrate

**Immature Plants**

means a non-flowering Marijuana plant that is no taller than eight inches and no wider than eight inches produced from a cutting, clipping, or seedling and that is in a growing/cultivating container.

**Licensee**

means a person or entity on the application and licensed by the Commission to operate a Marijuana Establishment or Independent Testing Laboratory under St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000. Any person or entity that solely provides initial capital to establish or operate the establishment and to whom, in return for the initial capital, requires only repayment of the loan and does not have any ownership or direct or indirect authority to control the Marijuana Establishment or Independent Testing Laboratory, will not be a Licensee.

**Marijuana Cultivator**

means an entity licensed to cultivate, Process and package Marijuana, and to Transfer Marijuana to other Marijuana Establishments, but not to Consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

**Mature Plants**

means plants greater than eight inches tall.

**Mother Plant**

means a marijuana plant that is grown or maintained for the purpose of generating Clones, and that will not be used to produce plant material for sale to another Marijuana Establishment or Medical Marijuana Treatment Center.

**Packages**

means an amount of marijuana that may be sold, processed or transferred and must be placed into one or more containers, each having a unique Metrc tag.

**Production Batch**

means a batch of cannabis resin, cannabis concentrate, cannabis extract or marijuana infused product made at the same time, using the same methods, equipment and ingredients. The licensee shall assign and record a unique, sequential alphanumeric identifier to each production batch for the purposes of production tracking, product labeling and product recalls. All production batches shall be traceable to one or more cannabis or marijuana cultivation batches.

**Seed-to-Sale Electronic Tracking System**

means a system designated by the Commission as the system of record (SOR) or a secondary electronic tracking system used by a Marijuana Establishment, MTC, or 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 Marijuana Products and 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 Marijuana Establishment, MTC, or Independent Testing Laboratory must integrate with the SOR in a form and manner determined by the Commission.

**System of Record (SOR)**

means the electronic tracking system designated and required by the Commission to perform a process.

**Usable Marijuana**

means the fresh or dried leaves and flowers of the female Marijuana plant and any mixture or preparation thereof, including Marijuana, Marijuana Products or MIPs, but does not include the seedlings, seeds, stalks, roots of the plant, or Marijuana rendered unusable in accordance with 935 CMR 500.105(12)(c).

**Vegetation**

means the sporophytic state of the Cannabis or Marijuana plant, which is a form of asexual reproduction in plants during which plants do not produce resin or flowers and are bulking up to a desired production size for Flowering.

**Cultivation****Are additives required to be entered into Metrc?**

No, during cultivation, additives are not required to be tracked in the state's seed-to-sale tracking system, Metrc. Cultivators may input additives into Metrc as a way track growing processes. A licensee cannot edit or delete an additive once it has been entered. During production, however, additives must be entered into Metrc.

**How many tags do I need to order for plants and packages?**

The number of tags you order is a business decision; however, you are responsible for having a sufficient stock of tags at all times for daily inventory reconciliation and tracking. A licensee can order a maximum of 5,000 tags per order.

### Immature Plants

#### **Can I transfer seeds or clones to another license?**

Yes, seeds and clones that are under eight inches can be transferred to a different license. Once a plant is tagged in Metrc, it must remain under that license.

#### **Can I bring in seeds or clones that are outside of Metrc?**

Yes, please contact your Investigator or Compliance Officer.

#### **How does a licensee add their inventory to Metrc?**

Clones are entered as strain-specific immature batches. There is a maximum clone count of 100 clones per batch. The licensee is required to tag each clone once they are moved to the vegetative stage, usually once clones reach eight inches tall. All clone packages must be strain-specific, and the item name must include clones, for example, Blue Dream Clones.

The Commission strongly recommends licensees Marijuana Establishments (“MEs”) manually enter their inventory into the state’s seed-to-sale tracking system. If an ME chooses to upload their inventory through their third-party API, they must ensure the figures entered reflect accurate inventory.

If an ME chooses this route, the Commission recommends that the ME create a master spreadsheet of inventory to keep on file.

#### **How are seeds entered into Metrc?**

Harvested Seeds: Once seeds are harvested, they must be tracked. Each harvested seed package cannot contain more than 50 seeds.

Immature Seeds: Strain-specific immature seeds will be counted and entered into Metrc unless they are in the process of being planted. Retail licenses can store seed packages as count-based for internal use.

Transferring Seeds: When transferring to a retailer, the seeds are physically put into packages of 6 for sale. Licensees may put multiple packages of 6 under one Metrc tag.

#### **How does a facility track the chain of custody for clones and seeds?**

Strain-specific clone and seed packages are transferred using a transfer manifest in Metrc. The licensee will select the tab “create plantings” from each of the strain-specific package tags. This will create a new strain-specific immature planting. The same “create



plantings” tab is available under both the vegetative and flowering tabs for seeds or cuttings generated from tagged plants.

**How do I enter strain-specific immature batches if I do not know what the strain is?**

A licensee is required to enter the strain name.

**Flowering Plants**

**If a licensee enters the incorrect wet weight for a plant, are they required to destroy their harvest batch?**

No, a licensee that enters the incorrect wet weight for plant is not required to destroy the harvest. Licensees have within 48 hours of harvest to make adjustments. Licensees should complete an incident report and document a plan of correction if an incorrect weight is entered. Outside of the 48 hours of harvest, licensees need to contact Metrc support. Licensees are not allowed to average the wet weights of plants in their harvest batches.

**When plants are entered into Metrc, should they be weighed individually or in bulk and then averaged?**

Plants must be weighed individually when entered into Metrc. Licensees are not allowed to average weights of plants.

**How does a licensee make their test packages?**

Test packages are made directly from each strain-specific harvest batch. Harvest batches are limited to 15 pounds of flower, shake, or trim.

When making a test sample, all associated package tags must be selected in the creation of the Metrc test sample package.

**How should waste be tracked in Metrc?**

Waste should be reported in Metrc either by room or by plant tag. A licensee may have multiple entries of waste, but all waste must be accounted for by the end of the business day.

**Can a licensee wait to create their harvest batch until the entire strain is harvested, which might take several days?**

No, at the end of day physical inventory must match Metrc. For example, if a licensee is harvesting a strain that takes two days to complete, the licensees would create a batch each day for what is harvested.

**Is it a requirement that licensees enter the strain name as the harvest batch name?**

Yes, licensees should include the strain name and date of harvest in the harvest batch name.



**Is there a maximum amount of plants in a harvest batch?**

No, there is no maximum amount of plants in a harvest batch. Any product harvested throughout the day must match the end-of-day inventory in Metrc.

**Product Manufacturing****During the product manufacturing stages, when is it required to assign a production batch number?**

If a product is physically or chemically altered, a new production batch number must be assigned.

Whenever a new product is created for the purpose of selling to the general public, or for the purpose of adding to a product which will be sold to the general public, that product must be tracked in Metrc..

**Are additives required to be entered into Metrc?**

At this time, additives may be listed for cultivation. The Commission is working to develop additional functionality with Metrc.

**Is there a limit to how much product can be assigned to a Metrc tag?**

Yes, no more than three liftable containers, each not heavier than 50 pounds, per Metrc tag. Once assigned a Metrc tag, these containers cannot be separated.

**Retail****When does the separation of medical versus adult use product occur?**

Separation of medical and adult use product will occur at the point of sale on the retail level. During production separation of medical and adult use product must occur if the product potency limit exceeds the allowable limit for adult use products.

If potency levels allow the product to be sold to either medical patients or adult consumers, the separation must be demonstrated at the point of sale.

All sales must be recorded under the appropriate license in Metrc. This ensures that medical patients remain exempt from paying sales' tax on products, and appropriate sales data is aggregated under the applicable license.

**How should display product be tracked in Metrc?**

Display products should have their own separate Metrc package tag, created from the parent package. This package tag will allow the display product to be sent back to the processor for disposal once the product is wasted.



These tags can be kept in a contained location in a secured area. Display products do not require tags to be physically displayed on the product.

**How do retailers enter their sales into Metrc?**

Retailers can utilize an API, csv file, or manual upload. Retailers should contact their point of sale provider for the API function.

**How does an MTC perform a patient return or exchange in Metrc?**

Any patient returns that are accepted cannot be resold and must be wasted.

A new package tag is created with the item category name “waste – concentrate” or “waste – flower.” Creating this category requires Commission approval. Contact the Commission in this situation.

**How do I perform home delivery to medical patients?**

Delivery to medical patients may be tracked using the sales delivery feature. At this time, the sales delivery feature is currently activated for medical-use licensees only.

**Miscellaneous FAQ's****Can licensees list multiple drivers on a manifest?**

Yes, include the names and badge or registration card number of all drivers on the manifest. All drivers must be entered in the space provided, separated with either a comma or slash. Licensees must include the travel route. If changing drivers in route, identify the location of the change in the planned route section.

**When a marijuana establishment is transferring product to another marijuana establishment, what transfer type do they select on the manifest?**

If the marijuana establishments are not affiliated through licensure, then it will be an “unaffiliated transfer.”

**When a marijuana establishment does an affiliated transfer within the same facility, does there need to be a physical paper manifest?**

No, the package history will display this information.

**Can a licensee send whole wet plants to another licensee to dry, cure and package into bud and trim packages and test on their behalf?**

No, cultivators cannot send wet plants to another licensee to dry.

**How do we adjust sample packages?**

Retailers will choose the adjustment reason “sample” for their own use and adjust down for the sample since samples cannot be sold. All sample packages should be item specific and tested prior to transfer.



**How do retailers edit their sales if their file was uploaded twice, sold from the incorrect package id or need to delete a sale if receipt based?**

The retailer will be required to void or edit each receipt number individually upon notification of the issue and reconcile the void in Metrc and point-of-sale system by the end of the business day.

**Can retailers create gift box package tags?**

No, retailers are not allowed to create gift box package tags.

**Commission Testing Protocol****Are the labs allowed to have the licensee make their own test samples?**

Yes, a licensee is able to make its own lab sample. When making a lab sample, licensees must ensure that they follow the Commission sampling protocol. Unless otherwise specified in the Commission’s testing protocols, flower samples are limited to 15 pounds batches. Each 15lbs batch requires one 5g test package (pesticide, heavy metals, microbes, micro-toxins, cannabinoid profile).

When making a test sample, all associated package tags must be selected in the creation of the Metrc test sample package.

**What happens if my product fails testing?**

A failure for pesticides cannot be remediated. If product fails testing for a reason other than pesticides, the ME has two options: 1) reanalyze the sample; or 2) remediate and then retest.

**1. Reanalyze:**

If an ME does not agree with the original test result, it can request the lab reanalyze the same sample. If this second test results in passing, the ME is required to have the same sample and analysis verified by a different lab. If upon reanalysis, the sample does not pass, the batch must be destroyed.

**2. Remediation:**

When a product fails testing, the ME needs to select “remediate” and the method of remediation in Metrc. Then, a new product sample can be sent to a lab for a full panel of testing. If the product fails a second time, it must be destroyed.

**For adult-use product, do marijuana establishments need to submit two samples to the lab for every product they test?**

No, two samples are not required for adult-use product. However, two samples will continue to be the requirement for the testing of medical product.

**Can a licensee transfer or receive product from a licensee that is not licensed in Metrc?**

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No, licensee are not allowed to transfer or received cannabis product from licensee that is not in Metrc.

**Transferring Product After Testing**

**Can a licensee transfer or receive product that has not been tested?**

No, a licensee may only transfer cannabis product that has test results. This includes, transferring between licenses.

