

Issued: March 23, 2020
Effective: March 24, 2020 at 12:00 noon

Case No. 2020AM-0001

Licensed Marijuana Establishments
Medical Marijuana Treatment Centers conducting adult-use retail at non-colocated premises

SUMMARY CEASE AND DESIST ORDER
M.G.L. c. 94I, M.G.L., c. 94G,
935 CMR 500.350: Cease and Desist Order and Summary Suspension Order.

The Cannabis Control Commission (Commission), acting through its Executive Director, issues this cease and desist order (Cease and Desist Order) in compliance with Governor Charles D. Baker's *Order Assuring Continued Operations of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More than 10 People* issued on March 23, 2020, a.k.a. Covid-19 Order No. 13 (Essential Services Order) and in accordance with M.G.L. 94I, M.G.L. c. 94G, and 935 CMR 500.350: Cease and Desist Order and Summary Suspension Order. Under the Essential Services Order, all licensed Marijuana Establishments (MEs) and Medical Marijuana Treatment Centers (MTCs) conducting adult-use retail at non-colocated premises (each, the "Respondent" and collectively, the "Respondents") have not been deemed essential and therefore, shall close their physical workplaces and facilities (Brick-and-Mortar Premises) to workers, customers, and the public as of 12:00 noon on March 24, 2020, and shall not re-open to workers, customers, or the public before 12:00 noon on April 7, 2020.

A. Factual Findings

In making its determination, the Commission, acting through its Executive Director, finds as follows:

- (1) To the extent that the Essential Services Order deemed medical-use MTCs and Colocated Marijuana Operations (CMOs), which conduct dispensing, cultivation, product manufacturing, and transportation, as essential, they are not subject to this Cease and Desist Order.
- (2) As part of the Essential Services Order, adult-use MEs and MTCs conducting adult-use retail at non-colocated premises are considered to be non-essential and therefore, are subject to this Cease and Desist Order.
- (3) Independent testing labs (ITLs) providing required testing to medical-use operations are not subject to this Cease and Desist Order.



B. Order

The Commission, acting through its Executive Director, hereby **ORDERS** as follows:

1. Respondents shall cease all adult-use operations at their licensed premises and shall close their Brick-and-Mortar Premises to workers, customers, and the public as of 12:00 noon on March 24, 2020, and shall not re-open to workers, customers, or the public before 12:00 noon on April 7, 2020.
2. To the extent that under the Essential Services Order farm and support service workers are deemed essential, Respondents may designate necessary staff to maintain their cultivation operations. Essential cultivation operations include feeding and irrigation of existing plantings, undertaking pre-existing integrated pest management, and preventative maintenance programs, but shall not include making new cultivation plantings.
3. Respondents shall take all necessary measures to adequately secure the physical premises of marijuana establishments. To the extent that under the Essential Services Order security staff to maintain building access control and security measures are deemed essential, Respondents may designate necessary staff to provide physical security to their operations. Respondents must provide immediate notification to the Commission and municipalities of any inability to provide physical security to their operations pursuant to 935 CMR 500.110(9) and 935 CMR 501.110(9).
4. To the extent feasible, Respondents shall comply with any applicable requirements of 935 CMR 500.350, including, but not limited to, the posting requirements.
5. Respondents shall comply with any applicable orders issued by state or local authorities, including all executive orders issued by the Governor pursuant to Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws.
6. Respondents shall monitor and comply with all Commission-issued bulletins and guidelines, including those establishing social distancing measures.
7. Respondents holding a valid license will continued to be considered licensed and to be subject to all applicable requirements for the maintenance of their licenses, including renewal.

Notice is provided pursuant to 801 CMR 1.02(6)(a)(1)(b) that this Cease and Desist Order shall take effect on Tuesday, March 24, 2020, at 12:00 P.M. Failure to comply with the



above conditions may result in disciplinary action against Respondent up to and including suspension and/or revocation of licensure and any additional civil and criminal penalties established under the Essential Services Order.

Nothing herein should be construed as precluding or limiting the Commission's authority to take additional administrative action to protect the public health, safety, and welfare.

The Cease and Desist Order shall remain in effect until Tuesday, April 7, 2020 at 12:00 noon or the date the Commission rescinds or amends the order, whichever occurs first. The Commission may amend or modify this Cease and Desist Order as applicable to one particular licensee, a group of licensees, or all Commission licensees.

Respondent may request a hearing within twenty-one (21) calendar days after the effective date of this Cease and Desist Order by making such request electronically to Yaw.Gyebi@CCCMass.com. Respondent may seek representation of counsel at any such hearing. Any request for a hearing must comply with 935 CMR 500.350(5)(a) and 935 CMR 500.500(4). The Commission may consolidate multiple hearing requests into a single group hearing based on common issues of fact and law.

Questions about the Cease and Desist Order may be directed in writing to the above address, by phone (774-415-0200) on Monday – Friday from 9:00 A.M. – 5:00 P.M. or email at Commission@cccmass.com.

Signed this 23rd day of March 2020:

Commonwealth of Massachusetts Cannabis Control Commission



Shawn Collins, Executive Director

