

Compliance during the COVID-19 State of Emergency Frequently Asked Questions

The Cannabis Control Commission (Commission) has employed multiple emergency measures in response to the COVID-19 State of Emergency. On March 23, 2020, the Commission issued a Summary Cease and Desist Order applicable to adult-use cannabis operations. On March 27, 2020, the Commission issued Administrative Order No. 01, authorizing Medical Marijuana Treatment Centers (MTC) to conduct Curbside Operations to reinforce public health advisories, followed by an [Amended Cease and Desist Order](#) on April 7, 2020. As a result, the Commission continues to receive inquiries from licensees seeking to understand their compliance obligations and now provides the following information and responses to frequently asked questions.

Please note that further guidance on transfer of product to the medical supply chain is forthcoming. The Commission will continue to monitor developments related to COVID-19 and will update this document as needed to inform licensees and to preserve and protect the public health, safety, and welfare of the citizens of the Commonwealth.

Licensees are also encouraged to review [Centers for Disease Control and Prevention \(CDC\) guidance for businesses and employers](#), and the [state guidance to businesses](#) published and periodically updated by the Commonwealth of Massachusetts Executive Office of Housing and Economic Development. Licensees may also visit [MassCannabisControl.com](#), send an email to Commission@CCCMass.com, or call 774-415-0200 to submit additional questions or concerns.

I. General

1. May an MTC accept an expired driver's license for purposes of verifying proof of identification?

Yes, if the license is a Class D or DM driver's license that has expired or will expire between March 1, 2020 and April 30, 2020. On March 15, 2020, Governor Baker issued an [Emergency Order](#) authorizing the Registry of Motor Vehicles (RMV) to extend the expiration date of driver's licenses and identification cards expiring on or after March 1, 2020. As a result, the RMV will apply a [60-day extension](#) to the expiration dates of all Class D and DM driver's licenses, identification cards, and Learner's Permits within the



RMV system that have expired or are expiring between March 1, 2020 and April 30, 2020.

2. May an MTC accept an out-of-state medical marijuana patient card for purposes of patient verification?

No. The Commission has not implemented rules for out-of-state patient registration reciprocity.

3. The Executive Director Bulletin regarding [Operations of Marijuana Establishments and Medical Marijuana Treatment Centers](#) states that “An agent who is laid off during this period as a result of the March 23, 2020 order will maintain their agent registration.” Does that mean that no additional fee or background check will be required?

Yes. An agent who is laid off as a result of COVID-19 Order No. 13 will not need to repeat the agent registration process. The agent will not need to undergo another background check and the licensee will not need to pay another agent registration fee.

4. Can employees hired “on hold” be registered as agents by the Commission?

Yes. All persons hired as employees, whether working or not, can be registered as agents. Agent registration is also appropriate for board members, directors, executives, managers, and volunteers associated with the licensee.

5. If a locality designates an adult-use Marijuana Establishment (ME) essential for medical patients during the Governor’s temporary closure of non-essential businesses, can the ME engage in operations to service patients?

No, local determinations of essential services do not override COVID-19 Order No. 13. The licensee might consider pursuing an [essential services designation](#) from the Executive Office of Housing and Economic Development.

6. Are licensees required to update standard operating procedures in response to the COVID-19 state of emergency?

Yes. Licensee operations must remain in compliance with existing Commission, municipal, and public health and safety requirements, as well as Department of Public Health, CDC, and other stated public health directives (e.g., social distancing, sanitation, personal protective equipment). Licensees must update, or develop, standard operating procedures to reflect those compliance obligations. Licensees must also maintain written operating procedures to ensure that Establishments operate in a clean, orderly, and sanitary manner and promote workplace safety consistent with standards set by the Occupational Safety and Health Administration and required by the current state of



emergency. Pursuant to 935 CMR 500.105(1)(r) and 935 CMR 501.105(1)(r), workplace safety procedures must identify and address biological, chemical, or physical hazards, establish a hazard communication plan, and include a personal protective equipment assessment. Operating policies and procedures responsive to COVID-19 may be submitted to Inspections@CCCMass.com using the subject line: COVID-19 SOP: [License Number(s)]. Please specify the name and version of any prior SOP amended, modified or replaced by the submitted SOP.

7. Which businesses or operations must remain closed under the April 7 Amended Cease and Desist Order?

Adult-use MEs and Colocated Marijuana Operations (CMO) conducting adult-use retail must cease all adult-use operations at their licensed premises, must continue to close their Brick-and-Mortar Premises to workers, customers, and must not re-open to workers, customers, or the public before May 4, 2020 at 12:00 P.M., subject to the exceptions outlined in Section B.2–B.4 of the [Amended Cease and Desist Order](#).

8. What are my options to acquire medical marijuana if I feel at risk of exposure to COVID-19 when entering a physical MTC?

On March 27, 2020, the Commission issued Administrative Order No. 01, authorizing MTCs to conduct Curbside Operations to reinforce public health advisories. MTCs are currently authorized to deliver medical marijuana to registered qualifying patients. The Commission has encouraged licensees to consider the promotion and geographic expansion of those services and to remind patients of the ability to acquire up to a 60-day patient supply.

9. How does the Governor’s emergency order and stay at home advisory impact the Commission’s regulations?

The Commission’s [adult](#) and [medical use of marijuana](#) regulations do not change under the Governor’s emergency order and stay at home advisory. The Commission has issued a [cease and desist](#) order, later [amended](#), establishing permissible licensee operations in light of the Governor’s emergency order.

10. Will my products still be tested under the emergency order?

Yes, the Commonwealth’s licensed Independent Testing Laboratories that operate under the Medical Use of Marijuana Program will continue to test medical marijuana and marijuana products under the emergency order. MTCs will continue to comply with all testing protocols required under [935 CMR 501.000](#).



11. How will my facility handle waste pick up?

MTCs shall maintain compliance with all regulatory obligations, including 935 CMR 501.105 and 935 CMR 501.120. The Governor’s emergency order also deems water and wastewater, transportation and logistics, and public works employees in waste management as essential services.

12. Will the Commission continue to review licensing applications from prospective MEs despite the Governor’s emergency order?

Yes, the agency has invested in significant technology capabilities that enable staff to work remotely, including teleconferencing, to sustain all Commission operations.

13. Are Post-Provisional License Inspections and other inspections continuing during the Governor’s emergency order?

Investigators and Compliance Officers continue to monitor licensees for compliance through remote technology and communication with local health officials. Several on-site licensing inspections have been postponed due to Covid-19. Postponed inspections will be rescheduled subject to a priority process that will include, among other factors, the date of the previously scheduled inspection. During this time, the Commission continues to explore innovative uses of technology, including the possibility of virtual inspections. Licensees should contact their assigned compliance officer or investigator with any questions related to inspections.

14. Will Commission staff work with local police and other authorities to manage lines and operations?

Yes, the Commission will work alongside licensees, state and local authorities, and the general public to ensure that we’re all following the various orders, advisories, and guidelines. We have encouraged and expect that licensees will limit lines and queues and encourage patients to utilize mobile and order-ahead capabilities, curbside operations, or offer deliveries whenever possible. Our investigators and compliance officers remain in the field and will continue to monitor compliance with those requirements, as we take the health and welfare of patients, the public, and our staff, seriously.

15. Will the Commission continue to conduct public meetings, manage open investigations, and hold scheduled administrative hearings?

Yes, the agency has invested in significant technology capabilities that enable staff to work remotely, including teleconferencing, and sustain every aspect of Commission operations. The Baker Administration has issued an [Executive Order Suspending Certain](#)



[Provisions of the Open Meeting Law](#) that permits public bodies to continue to convene through the use teleconferencing and other means.

Regarding licensing and enforcement functions, Commission staff will be in touch with licensees by email for Requests for Information, scheduling appointments and adjustments, and other requests, to manage ongoing investigations, administrative hearings, and other core functions.

II. Patient Delivery

16. Are there any required actions that an MTC must take before it can start performing patient deliveries?

Yes, MTCs must obtain specific approval from the Commission prior to engaging in patient delivery. MTCs seeking to provide patient delivery services must submit a request to their assigned compliance officer or investigator by email using the subject line: Request for Delivery Vehicle Inspection/Authorization: [License Number(s)]. A request may also be sent to Inspections@CCCMass.com if the MTC is unaware of their assigned compliance officer or investigator.

To expedite the approval process, MTCs can submit the following documentation with their request:

- Standard Operating Procedures pursuant to 935 CMR 501.145: Home Delivery; 501.140 Additional Operational Requirements for Patient Sales; 935 501.110(7): Cash Handling and Transportation Requirement and 501.110(8): Security Requirements for MTC Home Delivery Operations;
- Agreements with Third-Party Technology Platforms pursuant to 935 CMR 501.145(1)(d), if applicable;
- Proposed hours of operations and geographic coverage for delivery operations;
- Verification of vehicle alarm and GPS systems; and
- Vehicle registration and insurance policy.

Once all required documents have been received, the MTC's request will be reviewed and considered. No MTC can proceed with patient delivery until it has received an official notice of approval from the Commission authorizing delivery operations.

17. I am an MTC with vehicles that have been authorized by the Commission for transportation. Can I begin using those vehicles for patient delivery operations?

No. MTCs with vehicles previously authorized for transportation must still submit a request with all required documents to their assigned compliance officer or investigator



under the process stated above (see answer number 16). Vehicles intended for patient delivery that have also been previously authorized for transportation will not be subject to a separate inspection. No MTC can proceed with patient delivery, however, until it has received an official notice of approval from the Commission.

18. Can I order adult-use marijuana deliveries while the stay at home advisory is in place?

No, there are no licensed adult-use marijuana delivery operators in the Commonwealth at this time. Only licensed MTCs are authorized to provide home delivery services to registered qualifying patients. Applications for adult-use delivery licenses are expected to be available on the Commission's licensing portal, MassCIP, in May 2020.

III. Curbside Operations

19. How should MTCs notify the Commission of their intent to commence Curbside Operations and submit their standard operating procedures and facility layout?

MTCs should send notice of their intent to commence curbside operations to their assigned compliance officer or investigator by email using the subject line: Notice of Curbside Operations [License Number(s)]. MTCs should also direct their standard operating procedures and facility layout to their assigned compliance officer or investigator using the subject line Curbside Operations SOP: [License Number(s)]. Notice may be provided to Inspections@CCCMass.com if a licensee is unaware of their assigned compliance officer or investigator.

20. Do MTCs need to provide the Commission with verification that they have notified the municipality of their intent to commence Curbside Operations?

MTCs may provide the Commission with verification that the municipality has been placed on notice but are not required to do so.

21. If an MTC were to notify the Commission of its intent to commence Curbside Operations on a Friday, would the MTC be required to submit its standard operating procedures and facility layout to the Commission by Sunday?

No. It is acceptable for MTCs to provide their standard operating procedures and facility layout within two business days of notifying the Commission of their intent to commence curbside operations. Because business hours and operations differ among MTCs, the Commission will consider business days to mean Monday–Friday for purposes of this notice requirement (e.g., an MTC that provides notice on Friday at 4pm must provide its standard operating procedure and facility layout by 4pm on Tuesday).



22. May an MTC utilize a mobile payment point-of-sale (POS) system?

Yes. Use of a mobile payment POS system must otherwise comply with the Commission’s regulations including, but not limited to, 935 CMR 501.105(8) (seed-to-sale system of record), 935 CMR 501.105(9) (recordkeeping), and 935 CMR 501.140(5) (recording patient sales). An MTC utilizing a mobile payment POS must ensure that all sales are accurately tracked in the Commission’s seed-to-sale System of Record.

23. May an MTC provide a consumer with change in amounts less than five dollars for a debit card transaction?

Yes. Returning change in the amount of five dollars or less in connection with a debit card transaction shall not be deemed a cash transaction for purposes of the Administrative Order. A licensee providing change for debit card transactions must address the practice as part of its Curbside Operations SOP.

Section 5(c) of the Administrative Order states that “[n]o cash transactions may occur in the parking lot or outside the MTC’s indoor premises.”

IV. Transfer of Marijuana and Marijuana Products

24. Can an ME transfer marijuana and marijuana products to an MTC or CMO?

Yes, MEs may complete wholesale transfers of adult-use marijuana and marijuana products to a CMO and/or MTC where necessary to maintain the continuity of manufacturing functions as it pertains to the medical marijuana supply chain.

Needed medical supply chain transfers are subject to certain conditions and attestations established in the Commission’s First Amended Cease and Desist Order issued on April 7, 2020.

The Commission is developing further direction and guidance on the required form and manner necessary to demonstrate medical supply need. **No transfers can be made until that process is established.**

25. Will CMOs that close adult-use operations under the Governor’s emergency order be able to transfer adult-use inventory to medical use for sale through the Medical Use of Marijuana Program?

CMOs that are licensed cultivators, product manufacturers, and retailers under both the Adult and Medical Use of Marijuana Programs may complete wholesale transfers of



adult-use marijuana and marijuana products where necessary to maintain the continuity of manufacturing functions as it pertains to the medical marijuana supply chain (See Answer No. 24).

V. Cultivation and Product Manufacturing

26. Can an MTC reclaim oil from quarantined vaporizer products for the purpose of remediating and creating new marijuana products?

No. Pursuant to the Commission's [First Amended Quarantine Order Applying to Vaporizer Products With Conditions](#), all vaporizer products manufactured prior to December 12, 2019 must be quarantined. Neither an MTC, CMO, or ME may reclaim or remediate quarantined vaporizer products subject to the order.

27. Have cultivation and product manufacturing facilities been deemed essential businesses?

Yes, medical cultivation and product manufacturing operations shall continue and must remain in compliance with all laws, regulations, and restrictions put in place by the Governor's emergency orders and stay at home advisories, including social distancing measures. Adult-use cultivation and product manufacturing operations must cease unless operations are necessary to support the medical marijuana supply chain. Adult-use MEs and CMOs may designate necessary staff to maintain their cultivation and product manufacturing operations subject to the Amended Cease and Desist Order.

