

Issued: March 23, 2020
Amended: April 7, 2020; May 18, 2020
Effective: May 18, 2020 at 12:00 P.M.

Case No. 2020AM-0001 (Amended)

Marijuana Establishments
Medical Marijuana Treatment Centers
Colocated Marijuana Operations

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

The Cannabis Control Commission (Commission), acting through its Executive Director, issues this amended and final cease and desist order (Final 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, (Essential Services Order), and amended on April 28, 2020 and May 15, 2020 (Extended Essential Services Order), the Governor’s *Order Implementing a Phased Reopening of Workplaces and Imposing Workplace Safety Measures to Address COVID-19*, a.k.a. Covid-19 Order No. 33, issued on May 18, 2020, 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 Governor’s Executive Order, all licensed Marijuana Establishments (MEs), Medical Marijuana Treatment Centers (MTCs), and Colocated Marijuana Operations (CMOs) (collectively, “Licensees”) are permitted to operate their physical workplaces and facilities (“brick-and-mortar premises”) and begin a phased reopening of their business subject to the Governor’s COVID-19 Order No, 33.

A. Order

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

1. Licensees may immediately reopen their businesses to conduct licensed cultivation, product manufacturing, transportation and testing operations, but not adult-use retail operations, subject to the Governor’s Executive Order (available at <https://www.mass.gov/doc/may-18-2020-re-opening-massachusetts->



[order/download](#)) and the guidance and directives articulated in the Commonwealth’s four-phase reopening plan (available at <https://www.mass.gov/info-details/reopening-four-phase-approach>) (“reopening requirements”).

2. Licensees shall maintain written operating procedures for workplace safety in accordance with 935 CMR 500.105(1)(r) and 935 CMR 501.105(1)(r) and specifically demonstrate compliance with the mandatory workplace safety standards identified in the reopening requirements, including but not limited to the following:
 - a. Compliance with Mandatory Safety Standards for Workplaces (available at <https://www.mass.gov/info-details/reopening-mandatory-safety-standards-for-workplaces>);
 - b. Compliance with Safety Standards for Manufacturing (available at <https://www.mass.gov/lists/safety-standards-for-manufacturing>), as applicable to cultivation and product manufacturing operations;
 - c. Maintain and adhere to a written control plan outlining how its workplace will comply with the mandatory safety standards for operation in the COVID-19 reopening period (template available at <https://www.mass.gov/doc/covid-19-reopening-control-plan-template/download>);
 - d. Complete a compliance checklist demonstrating compliance with the licensee’s COVID-19 Control Plan Template and post the checklist in an area visible to both employees and visitors (available at <https://www.mass.gov/doc/compliance-attestation/download>);
 - e. Post Employer and Worker posters issued by the Executive Office of Housing and Economic Development in areas visible to managers and employees (available at <https://www.mass.gov/info-details/reopening-massachusetts>); and
 - f. Comply with any further directives, regulations, and guidance adopted pursuant to section six of the Governor’s Executive Order.



3. Licensees may transfer marijuana and marijuana products subject to compliance with the Commission’s regulations, including testing of marijuana and marijuana products to the extent necessary to comply with M.G.L. c. 94G, sec. 15(a)(2). Nothing herein shall be construed to prohibit or prevent re-testing of marijuana and marijuana products if a Licensee believes it is appropriate to promote and protect public health and safety.
4. Beginning on May 25, 2020, Marijuana Establishments may reopen their businesses to conduct licensed retail operations subject to continued compliance with the Governor’s orders, guidance, and directives identified in items a-f, above, and subject to the Commission’s administrative orders and bulletins. This shall include all current and future orders that may necessarily be updated in accordance with Covid-19 Order No. 33, including, but not limited to, Administrative Order No. 1 relative to Curbside Operations.

Notice is provided pursuant to 801 CMR 1.02(6)(a)(1)(b) that this Final Cease and Desist Order shall take effect on May 18, 2020, at 5:00 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 Service Order and any extensions to that 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 Final Cease and Desist Order shall remain in effect until rescinded on Monday, May 25, 2020 at 12:00 A.M. The Commission may amend or modify this 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 Final 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 Final 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.

ME or MTC agents who believe they are working under unsafe conditions or are not essential and being told to come into work may file a complaint with the Commission at Commission@CCCMass.com containing the subject line “COVID-19 Agent Complaint.”



Complaints may be submitted anonymously. To the extent that records are sought through a public records request or other compulsory legal process, the Commission will seek to protect the complainant's anonymity to the extent allowed by law. All Commission licensees and agents must comply with all applicable employment laws including laws prohibiting unlawful retaliation.

Signed this 18th day of May 2020:

Commonwealth of Massachusetts Cannabis Control Commission

A handwritten signature in black ink that reads "Shawn Collins". The signature is written in a cursive style with a long horizontal stroke at the end.

Shawn Collins, Executive Director

