935 CMR 500.000: ADULT USE OF MARIJUANA

Section

500.001: Purpose
500.002: Definitions
500.003: Colocated Marijuana Operations (CMOs)
500.005: Fees
500.029: Registration and Conduct of Laboratory Agents
500.030: Registration of Marijuana Establishment Agents
500.031: Denial of a Marijuana Establishment Agent Registration Card
500.032: Revocation of a Marijuana Establishment Agent Registration Card
500.033: Void Registration Cards
500.040: Leadership Rating Program for Marijuana Establishments and Marijuana-related Businesses
500.050: Marijuana Establishments
500.100: Application for Licensing of Marijuana Establishments
500.101: Application Requirements
500.102: Action on Applications
500.103: Licensure and Renewal
500.104: Notification and Approval of Changes
500.105: General Operational Requirements for Marijuana Establishments
500.110: Security Requirements for Marijuana Establishments
500.120: Additional Operational Requirements for Indoor and Outdoor Marijuana Cultivators
500.130: Additional Operational Requirements for Marijuana Product Manufacturers
500.140: Additional Operational Requirements for Retail Sale
500.141: Additional Operational Requirements for Social Consumption Establishments
500.145: Additional Operational Requirements for Delivery of Marijuana, Marijuana Products, and Marijuana Establishment-Branded Goods to Consumers and as Permitted to Patients or Caregivers
500.150: Edibles
500.160: Testing of Marijuana and Marijuana Products
500.170: Municipal Requirements
500.200: Counties of Dukes County and Nantucket
500.300: Complaints Process
500.301: Inspections and Compliance
500.302: Compliance Examination
500.303: Unannounced Purchase for Purpose of Investigative Testing (Secret Shopper Program)
500.310: Deficiency Statements
500.320: Plans of Correction
500.321: Administrative Hold
500.330: Limitation of Sales
500.315: Removal and Prohibition of Marijuana and Marijuana Products
500.340: Quarantine Order
500.350: Cease and Desist Order and Summary Suspension Order
500.360: Fines
500.370: Order to Show Cause
500.400: Marijuana Establishments: Grounds for Denial of Application for Licensure
500.415: Void Marijuana Establishment License
500.450: Marijuana Establishment License: Grounds for Suspension, Revocation and Denial of Renewal Applications
500.500: Hearings and Appeals of Actions on Licenses
500.800: Background Check Suitability Standard for Licensure and Registration
500.801: Suitability Standard for Licensure
THESE DRAFT REGULATIONS ARE PROVIDED FOR PURPOSES OF PUBLIC REVIEW AND COMMENT ONLY, AND ARE NOT EFFECTIVE UNTIL PROMULGATED.

CHANGES FROM DRAFT REGULATIONS FILED JULY 24, 2020 ARE HIGHLIGHTED.

FOR CURRENT AND EFFECTIVE REGULATIONS, PLEASE SEE: https://mass-cannabis-control.com/the-laws/

500.802: Suitability Standard for Registration as a Marijuana Establishment Agent
500.803: Suitability Standard for Registration as a Laboratory Agent
500.820: Confidentiality
500.830: Petitions for the Adoption, Amendment or Repeal of Regulations
500.840: Non-conflict with Other Laws
500.850: Waivers
500.860: Notice
500.900: Severability
500.001: Purpose

The purpose of 935 CMR 500.000 Adult Use of Marijuana is to implement St. 2017, c. 55, An Act to Ensure Safe Access to Marijuana and M.G.L. c. 94G.

500.002: Definitions

[...] Delivery Agreement means a contract between a licensed Marijuana Establishment and a Delivery License Holder or Marijuana Establishment with a Delivery Endorsement to deliver Marijuana or Marijuana Products from the Marijuana Establishment directly to Consumers, Delivery Licensees to Patients and Caregivers under the provisions of a Delivery License.

[...] Delivery Items means Finished Marijuana Products, Marijuana Accessories, and Marijuana Establishment Branded Goods.

[...] Delivery License means an entity that is authorized to deliver Marijuana and Marijuana Products directly to Consumers, as permitted, Limited Delivery Licensees to Patients and Caregivers, and not to exceed the individual possession amount limits as determined by statute.

[...] Finished Marijuana Product means a Marijuana Product that is completely manufactured and ready for retail sale and shall include Finished Marijuana that has been separated into individual packages or containers for sale.

[...] Individual Order means a delineated amount of Finished Marijuana Products to be delivered by a Delivery License Holder or a Marijuana Establishment with a Delivery Endorsement to an individual Consumer, Limited Delivery Licensee to a Patient or Caregiver, and not to exceed the individual possession amount limits as determined by statute.

[...] Marijuana Delivery License Holder or Delivery License Holder means either a Marijuana Limited Delivery Licensee or a Marijuana Wholesale Delivery Licensee.

[...] Marijuana Limited Delivery Licensee or Limited Delivery Licensee means an entity that is authorized to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods, directly to Consumers from a Marijuana Retailer, directly to Registered Qualifying Patients or Caregivers from an MTC, but not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process or Repackage.

[...] Marijuana Wholesale Delivery License or Wholesale Delivery License means an
entity authorized to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but shall not operate a storefront under this license. A Marijuana Wholesale Delivery License shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: Definitions or 935 CMR 500.050: Marijuana Establishments and shall be subject to 935 CMR 500.050 (1)(b): Control Limitations.

[…]

Product Database means a Commission-operated technology platform displaying information about Marijuana Products produced by licensed Marijuana Product Manufacturers and sold by a licensed Marijuana Retailer pursuant to 935 CMR 500.000 and 935 CMR 501.000 or sold by a Marijuana Wholesale Delivery Licensee.

[…]

Quality Control Sample means a sample of Marijuana or Marijuana Product developed by a Marijuana Cultivator, a Marijuana Product Manufacturer, a Microbusiness, or a Craft Marijuana Cooperative that is provided internally to employees for purposes of ensuring product quality and making determinations about whether to sell the Marijuana or Marijuana Product.

[…]

Substantial Modification means a material change to a term of a contract that a reasonable person would understand alters the relationship between the parties. A Substantial Modification shall include, but is not limited to, shifting responsibilities for the performance of a contract term or increasing or decreasing the amount of consideration being paid for performance of the contract above an amount that is de minimis.

[…]

Third-party Technology Platform Provider means an individual or entity that provides or hosts an internet-based application or group of applications developed for the facilitation of ordering and delivering Finished Marijuana Products, Marijuana Accessories and Branded Goods for delivery by a Delivery License Holder or a Marijuana Establishment with a Delivery Endorsement to a Consumer.

[…]

Vault means a secured, limited access storage room within a Marijuana Establishment that is outfitted with adequate security features for the purposes of storing Marijuana or Marijuana Products or cash. A vault must be adequately sized to store inventory that is not being actively handled for purposes of dispensing, packaging, processing or transportation.

[…]

Vendor Sample means a sample of Marijuana or Marijuana Product developed by a Marijuana Cultivator or a Marijuana Product Manufacturer licensed under the provisions of 935 CMR 500.000: Adult Use of Marijuana, that is provided to a
These draft regulations are provided for purposes of public review and comment only, and are not effective until promulgated.

Changes from draft regulations filed July 24, 2020 are highlighted.

For current and effective regulations, please see: https://mass-cannabis-control.com/the-laws/

Marijuana Product Manufacturer, Marijuana Retailer or a Marijuana Wholesale Delivery Licensee to promote product awareness.

Warehouse means an indoor structure or a portion of the structure on the licensee's premises used by a Marijuana Establishment for the onsite storage of Marijuana and Marijuana Products in compliance with the regulatory requirements of 935 CMR 500.000 including the requirements for security, storage and disposal. For Wholesale Delivery Licensees the location of the Warehouse shall be the Licensee's principle place of business in the host community.

Warehousing means the onsite storage of Marijuana and Marijuana Products that have been purchased at wholesale for eventual resale.

White Labeling means to affix a product label that includes the branding, including the name and logo, of a specific Marijuana Establishment Licensee to a Finished Marijuana Product that was previously produced and packaged by a licensed Product Manufacturer, Cultivator, Microbusiness or Craft Marijuana Cooperative for sale to Consumers. Vaporizer Devices shall not be white labeled. White labeled products shall be required to comply with 935 CMR 500.105(5): Labeling of Marijuana and Marijuana Products, 935 CMR 500.130(6): Product Database and 935 CMR 500.146(7): White Labeling.

Wholesale means the Transfer of Marijuana or Marijuana Product between Marijuana Establishments.

Wholesale Agreement means a contract between Marijuana Establishments defining the terms of Transfer of Marijuana or Marijuana Products between the Marijuana Establishments.

500.005: Fees

(1) Marijuana Establishment Application and License Fees

(a) Each applicant for licensure as a Marijuana Establishment shall pay to the Commission a nonrefundable application fee, annual license fee, and a monthly Seed-to-sale licensing fee. These fees do not include the costs associated with the Seed-to-sale licensing system, which includes a monthly program fee and fees for plant and package tags. These fees do not include the costs associated with criminal background checks as required under 935 CMR 500.030, Registration of Marijuana Establishment Agent, or 935 CMR 500.101(1)(b).

(b) Waiver of Fees

1. Application fees are waived for

   a. Microbusinesses,

   b. businesses controlled by and with majority ownership comprised of Social Equity Program Participants and/or Economic Empowerment Priority Applicants; and

   c. Massachusetts Minority Business Enterprises (MBE), Women Business Enterprises (WBE), or Veteran Business Enterprises (VBE) with valid certification from the Massachusetts Operational Services Division’s SDO and which are also considered to be Small Businesses as defined by the Commission.

   This does not include the costs associated with background checks.
2. For Annual License Fees, a 50% reduction in the fee associated with an application for:
   a. Businesses controlled by and with majority ownership comprised of Social Equity Program Participants and/or Economic Empowerment Priority Applicants, and
   b. Massachusetts Minority Business Enterprises (MBE), Women Business Enterprises (WBE), and Veteran Business Enterprises (VBE) with valid certification from the Massachusetts Operational Services Division’s SDO and which are also considered to be Small Businesses as defined by the Commission.

3. For Annual Limited Delivery License Fees, a 100% reduction for businesses controlled by and with majority ownership comprised of Social Equity Program Participants and/or Economic Empowerment Priority Applicants for the initial license fee payment. Upon renewal, and each year thereafter, there shall be a 50% reduction in the annual license fee for Limited Delivery Licenses pursuant to 935 CMR 500.050(1)(b)(2).

4. Seed-to-sale SOR monthly program fees are waived for:
   a. Craft Marijuana Cooperatives
   b. Microbusinesses
   c. businesses controlled by and with majority ownership comprised of Economic Empowerment Priority Applicants and/or Social Equity Program Participants, and
   d. Massachusetts Minority Business Enterprises (MBE), Women Business Enterprises (WBE), and Veteran Business Enterprises (VBE) with valid certification from the Massachusetts Operational Services Division’s SDO and which are also considered to be Small Businesses as defined by the Commission.

This waiver does not include other costs associated with the Seed-to-sale licensing system, specifically the fees for plant and package tags.

5. All other applicants are responsible for the payment of fees in accordance with 935 CMR 500.050(a) and may not waive their obligation pursuant to 935 CMR 500.850, Waivers.

(c) Each applicant shall choose the tier at which it will be initially licensed.

(d) Application and Annual License Fee Schedule.

<table>
<thead>
<tr>
<th>License Types</th>
<th>Application Fees (Indoor/Outdoor)</th>
<th>Annual License Fee (Indoor/Outdoor)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana Cultivator (Indoor or Outdoor)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tier 1: up to 5,000 square feet</td>
<td>$200 (I)/$100 (O)</td>
<td>$1,250 (I)/$625 (O)</td>
</tr>
<tr>
<td>Tier 2: 5,001 to 10,000 sq. ft.</td>
<td>$400 (I)/$200 (O)</td>
<td>$2,500 (I)/$1,250 (O)</td>
</tr>
<tr>
<td>Tier 3: 10,001 to 20,000 sq. ft.</td>
<td>$600 (I)/$300 (O)</td>
<td>$5,000 (I)/$2,500 (O)</td>
</tr>
<tr>
<td>Tier 4: 20,001 to 30,000 sq. ft.</td>
<td>$2,000 (I)/$1,500 (O)</td>
<td>$20,000 (I)/$10,000 (O)</td>
</tr>
<tr>
<td>Tier 5: 30,001 to 40,000 sq. ft.</td>
<td>$2,000 (I)/$1,500 (O)</td>
<td>$22,500 (I)/$11,250 (O)</td>
</tr>
<tr>
<td>Tier 6: 40,001 to 50,000 sq. ft.</td>
<td>$2,000 (I)/$1,500 (O)</td>
<td>$25,000 (I)/$12,500 (O)</td>
</tr>
<tr>
<td>Tier 7: 50,001 to 60,000 sq. ft.</td>
<td>$2,000 (I)/$1,500 (O)</td>
<td>$30,000 (I)/$15,000 (O)</td>
</tr>
<tr>
<td>Tier 8: 60,001 to 70,000 sq. ft.</td>
<td>$2,000 (I)/$1,500 (O)</td>
<td>$35,000 (I)/$17,500 (O)</td>
</tr>
<tr>
<td>Tier 9: 70,001 to 80,000 sq. ft.</td>
<td>$2,000 (I)/$1,500 (O)</td>
<td>$40,000 (I)/$20,000 (O)</td>
</tr>
<tr>
<td>Tier 10: 80,001 to 90,000 sq. ft.</td>
<td>$2,000 (I)/$1,500 (O)</td>
<td>$45,000 (I)/$22,500 (O)</td>
</tr>
<tr>
<td>Tier 11: 90,0001 to 100,000 sq. ft.</td>
<td>$2,000 (I)/$1,500 (O)</td>
<td>$50,000 (I)/$25,000 (O)</td>
</tr>
</tbody>
</table>
### License Types

<table>
<thead>
<tr>
<th>License Types</th>
<th>Application Fees (Indoor/Outdoor)</th>
<th>Annual License Fee (Indoor/Outdoor)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Craft Marijuana Cooperative</td>
<td>Total fees for its Canopy. If more than six locations, add $200 (I)/$100(O) per additional location.</td>
<td>Total fees for its Canopy. If more than six locations, add $1,250(I)/$625(O) per additional location.</td>
</tr>
<tr>
<td>Marijuana Product Manufacturing</td>
<td>$1,500</td>
<td>$10,000</td>
</tr>
<tr>
<td>Marijuana Microbusiness</td>
<td>$1,000</td>
<td>50% of all applicable license fees</td>
</tr>
<tr>
<td>Independent Testing Laboratory</td>
<td>$1,500</td>
<td>$10,000</td>
</tr>
<tr>
<td>Marijuana Retailer (brick-and-mortar)</td>
<td>$1,500</td>
<td>$10,000</td>
</tr>
<tr>
<td>Social Consumption Establishment</td>
<td>$1,500</td>
<td>$10,000</td>
</tr>
<tr>
<td>Marijuana Transporter:</td>
<td>$1,500</td>
<td>$5,000</td>
</tr>
<tr>
<td>Third-party Transporter</td>
<td>$1,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>Marijuana Transporter: Existing Licensee</td>
<td>$1,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>Marijuana Limited Delivery Licensee</td>
<td>$1,500</td>
<td>$5,000</td>
</tr>
<tr>
<td>Marijuana Wholesale Delivery Licensee</td>
<td>$1,500</td>
<td>$10,000</td>
</tr>
<tr>
<td>Marijuana Establishment with a Delivery Endorsement</td>
<td>$500</td>
<td>$5,000</td>
</tr>
<tr>
<td>Marijuana Retailer (brick-and-mortar)</td>
<td>$1,500</td>
<td>$5,000</td>
</tr>
<tr>
<td>Marijuana Research Facility</td>
<td>$300</td>
<td>$1,000</td>
</tr>
<tr>
<td>Marijuana Research Permit</td>
<td>$1,000</td>
<td></td>
</tr>
</tbody>
</table>

(e) Other Fees (cost per License).

- Change in Name Fee: $1,000
- Change in Location Fee: 50% of applicable License Fee
- Change in Building Structure Fee: $1,000
- Change in Ownership or Control Fee (involving at least one entity gaining ownership/control): $5,000 per entity, per License
- Change in Ownership or Control Fee (involving individuals, e.g., change of Board Member): $500 per person
- Architectural Review Request Fee: $1,500
- Packaging and Labelling Pre-Approval Application Fee: $50 per product

(2) Registration Card Holder Fees: […]

(3) Fingerprint-based Criminal Background Checks Fees: […]

500.050: Marijuana Establishments

(a) A Marijuana Establishment is required to be registered to do business in the Commonwealth as a domestic business corporation or another domestic business.
business entity in compliance with 935 CMR 500.000, Adult Use of Marijuana and to maintain the corporation or entity in good standing with the Secretary of the Commonwealth, DOR, and DUA.

(b) Control Limitations.

1. No Person or Entity Having Direct or Indirect Control shall be granted, or hold, more than three licenses in a particular class, except as otherwise specified in 935 CMR 500.000, Adult Use of Marijuana.

2. An Independent Testing Laboratory or Standards Laboratory Licensee, or any associated Person or Entity Having Direct or Indirect Control, may not have a License in any other class.

3. To the extent that persons or entities seek to operate a testing facility in the Counties of Dukes County and Nantucket, 935 CMR 500.200, Counties of Dukes County and Nantucket applies.

4. The Commission shall receive notice of any such interests as part of the application pursuant to 935 CMR 500.101, Application Requirements.

5. Any Person or Entity Having Direct or Indirect Control, or Licensee, shall be limited to a total of 100,000 square feet of Canopy distributed across no more than three cultivation Licenses under 935 CMR 500.000, Adult Use of Marijuana and three MTC Licenses. A Craft Marijuana Cooperative Licensee shall be limited to one license and a total of 100,000 square feet of Canopy.

6. No Person or Entity Having Direct or Indirect Control in a Marijuana Retailer license shall obtain, or be granted, more than a combined total of three Marijuana Retailer Licenses and/or Wholesale Delivery Licenses.

(c) License Classes are as follows:

1. Marijuana Cultivator (Indoor or Outdoor):
   a. Tier 1: up to 5,000 square feet of Canopy;
   b. Tier 2: 5,001 to 10,000 square feet of Canopy;
   c. Tier 3: 10,001 to 20,000 square feet of Canopy;
   d. Tier 4: 20,001 to 30,000 square feet of Canopy;
   e. Tier 5: 30,001 to 40,000 square feet of Canopy;
   f. Tier 6: 40,001 to 50,000 square feet of Canopy;
   g. Tier 7: 50,001 to 60,000 square feet of Canopy;
   h. Tier 8: 60,001 to 70,000 square feet of Canopy;
   i. Tier 9: 70,001 to 80,000 square feet of Canopy;
   j. Tier 10: 80,001 to 90,000 square feet of Canopy;
   k. Tier 11: 90,001 to 100,000 square feet of Canopy.

2. Craft Marijuana Cooperative;

3. Marijuana Product Manufacturer;

4. Marijuana Microbusiness;

5. Independent Testing Laboratory and Standards Laboratory;

6. Marijuana Retailer;

7. Social Consumption Establishment:

8. Marijuana Transporter:
   a. Existing Licensee Transporter;
   b. Third-party Transporter;

9. Marijuana Delivery License Holder:
   a. Limited Delivery Licensee;
   b. Marijuana Wholesale Delivery Licensee;

10. Marijuana Research Facility.

(d) A Marijuana Establishment shall operate all activities authorized by the License only at the address(es) reported to the Commission for that license.

(e) All Marijuana Establishment Agents of the Marijuana Establishment shall be registered with the Commission pursuant to 935 CMR 500.030, Registration of Marijuana Establishment Agents.
(2) Marijuana Cultivator (Indoor or Outdoor) […]

(3) Craft Marijuana Cooperative. […]

(3) Marijuana Product Manufacturer. […]

(4) Marijuana Microbusiness. […]

(5) Social Consumption Establishment Pilot Program. […]

(6) Independent Testing Laboratory. […]

(7) Marijuana Retailer

(a) General Requirements.

1. A Marijuana Retailer may purchase, transport, sell, Repackage, or otherwise Transfer Marijuana or Marijuana Products to Marijuana Establishments and sell to Consumers. A Marijuana Retailer cannot deliver Marijuana or Marijuana Products to Consumers unless the Marijuana Retailer also has been issued a Delivery License, nor may a Marijuana Retailer allow on-site social consumption by Consumers on the Premises of the Marijuana Establishment, provided that a Gross Licensee’s interests in Marijuana Wholesale Delivery Licenses shall be limited to a combined total of three licenses in either category of Retail or Marijuana Wholesale Delivery Licenses.

2. A retailer shall operate all Marijuana-related activities solely at the address identified in the license.

3. No Person or Entity Having Direct or Indirect Control in a Marijuana Retailer license shall obtain, or be granted, more than a combined total of three Marijuana Retailer Licenses and/or Wholesale Delivery Licenses.

(b) A Marijuana Retailer shall provide a retail location accessible to Consumers 21 years of age or older, or, if colocated with an MTC, Registered Qualifying Patients with the Medical Use of Marijuana Program in possession of a Medical Registration Card.

(8) Marijuana Transporter

(a) An entity may only transport Marijuana Products when such transportation is not already authorized under a Marijuana Establishment license if it is licensed as a Marijuana Transporter:

1. Third-party Transporter. An entity formerly registered or currently licensed to do business in Massachusetts that does not hold another Marijuana Establishment license pursuant to 935 CMR 500.050: Marijuana Establishments and is not formerly registered or currently licensed as an MTC pursuant to 935 CMR 500.000: Medical Use of Marijuana. A Third-party Transporter is permitted to transport Marijuana and Marijuana Products between Marijuana Establishments and between MTCs.

2. Existing Licensee Transporter. A Marijuana Establishment that wishes to contract with other Marijuana Establishments to transport their Marijuana Products to other Marijuana Establishments.

(b) All Marijuana Transporter, their agents and employees, who contract with a Marijuana Establishment to transport Marijuana Products shall comply with G.L. c. 94G, and 935 CMR 500.000: Adult Use of Marijuana.

(c) Marijuana Transporters will be allowed to warehouse Marijuana Products in a form and manner determined by the Commission.

(9) Marijuana Limited Delivery Licensee
These draft regulations are provided for purposes of public review and comment only, and are not effective until promulgated. Changes from draft regulations filed July 24, 2020 are highlighted.

For current and effective regulations, please see: https://mass-cannabis.laws.com/the-laws

(a) A Delivery Licensee may deliver Marijuana or Marijuana Products directly to Consumers from a Marijuana Retailer or a Limited Delivery Consumer. A Limited Delivery Licensee must have a Delivery Agreement. A Limited Delivery Licensee may be an Owner of or have a controlling interest in a Cultivation, Product Manufacturing, Social Consumption Establishment, Research, Retail or Transportation license.

(b) Limited Delivery Licensees shall be limited on an exclusive basis to businesses controlled by and with majority ownership comprised of Economic Empowerment Priority Applicants or Social Equity Program Participants for a period of 36 months from the date the first Delivery Licensee receives a notice to commence operations, provided, however, that the Commission may, by written determination, extend the exclusivity period to promote and encourage full participation in the regulated Marijuana industry by people from communities that have previously been disproportionately harmed by Marijuana prohibition and enforcement of the law.

1. The Commission shall develop criteria for evaluating whether the goals of the exclusivity period are met, which shall include, but not be limited to:
   a. Overall rates of participation in the regulated Marijuana industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement of the law;
   b. Overall rates of participation in the regulated Marijuana industry by people of color, particularly Black, African American, Latinx, Asian/Pacific Asian, and Indigenous people;
   c. Licenses granted to businesses with majority ownership comprised of Economic Empowerment Priority Applicants and Social Equity Program Participants;
   d. Number of registered agents who are Social Equity Program Participants;
   e. Number of Delivery Licensees in operation and business performance relative to other Marijuana Establishments;
   f. Financial feasibility of continued participation in the regulated Marijuana industry by communities that have previously been disproportionately harmed by Marijuana prohibition and enforcement of the law if exclusivity period ends; and
   g. Any other information the Commission determines relevant.

2. The Commission shall collect and report on data measuring the criteria throughout the exclusivity period. The Commission shall begin evaluating whether the goals of the exclusivity period have been met at least eight months before the end of the exclusivity period to provide adequate time to consider whether an extension of the exclusivity period is necessary prior to the conclusion of that time period.

3. The licenses shall generally be available to applicants after the first 36-month period unless the Commissioners affirmatively votes to extend the period of exclusivity by a period of 12 months after the first 36-month period. Any subsequent extension of the exclusivity period would require the Commission affirmatively to find that the goals and objectives of the exclusivity period as set forth in 935 CMR 500.050(10)(b)1. have not been met.

4. If data collected by the Commission demonstrates progress toward the goals and objectives of the exclusivity period as set forth in 935 CMR 500.050(10)(b)1. and that demand for consumer delivery is likely to exceed the supply that could be provided by businesses that meet the exclusivity requirements during the exclusivity period, the Commission...
may vote during the exclusivity period to allow the following additional businesses to own Delivery Licenses:
(a) Worker-owned cooperatives organized to operate consistently with the Seven Cooperative Principles established by the International Cooperative Alliance in 1995; or
(b) Massachusetts Minority Business Enterprises (MBE), Women Business Enterprises (WBE), and Veteran Business Enterprises (VBE) with valid certification from the Massachusetts Operational Services Division’s SDO.
(c) No person or entity other than those disclosed in the application shall be a Person or Entity Having Direct or Indirect Control in a Delivery License.
(d) No Person or Entity with Direct or Indirect Control shall possess, or be granted, more than three (3) Limited Delivery Licenses.
(e) After the promulgation of these regulations, any application or license classified as a Delivery-Only license pursuant to previously adopted regulations shall be converted to a Limited Delivery License application or license governed by this section.

10) Marijuana Wholesale Delivery License
(a) A Marijuana Wholesale Delivery Licensee may Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative and sell and deliver directly to Consumers. A Marijuana Wholesale Delivery Licensee may be an Owner of or have a controlling interest in a Cultivation, Product Manufacturing, Social Consumption Establishment, Research, Transportation or Retail license, subject to the limitations stated in 935 CMR 500.050(11)(e).
(b) A Marijuana Wholesale Delivery Licensee shall operate a warehouse for the purpose of storing Finished Marijuana Products.
(c) Wholesale Delivery Licenses shall be limited on an exclusive basis to businesses controlled by and with majority ownership comprised of Economic Empowerment Priority Applicants or Social Equity Program Participants for a period of 36 months from the date the first Delivery Licensee receives a notice to commence operations, provided, however, that the Commission may vote to extend that period following a determination that the goal of the exclusivity period to promote and encourage full participation in the regulated Marijuana industry by people from communities that have previously been disproportionately harmed by Marijuana prohibition and enforcement of the law has not been met; and the Commission may vote to expand eligibility for Delivery Licenses during the exclusivity period pursuant to 935 CMR 500.050(10)(b).

The Commission shall develop criteria for evaluating whether the goals of the exclusivity period are met, which shall include, but not be limited to:
1. Overall rates of participation in the regulated Marijuana industry by people from communities that have previously been disproportionately harmed by Marijuana prohibition and enforcement of the law.
2. Overall rates of participation in the regulated Marijuana industry by people of color.
3. Licenses granted to businesses with majority ownership comprised of Economic Empowerment Priority Applicants and Social Equity Program Participants.
4. Number of registered agents who are Social Equity Program Participants.
5. Number of Delivery Licensees in operation and business performance relative to other Marijuana Establishments.
7. Financial feasibility of continued participation in the regulated Marijuana industry by communities that have previously been disproportionally harmed by Marijuana prohibition and enforcement of the law if exclusivity period ends; and
8. Any other information the Commission determines relevant.

2. The Commission shall collect and report on data measuring the criteria throughout the exclusivity period. The Commission shall begin evaluating whether the goals of the exclusivity period have been met at least eight months before the end of the 36-month period to provide adequate time to consider whether an extension of the 36-month period is necessary prior to the conclusion of that time period.

3. The licenses shall generally be available to applicants after the 36-month period unless the Commissioners affirmatively vote to extend the period of exclusivity by a period of 12 months after the first 36-month period. Any subsequent extension of the exclusivity period would require the Commission affirmatively to find that the goals and objectives of the exclusivity period as set forth in 935 CMR 500.050(10)(b)1. have not been met.

4. If data collected by the Commission demonstrates progress toward the goals and objectives of the exclusivity period as set forth in 935 CMR 500.050(10)(b)1. and that demand for consumer delivery is likely to exceed the supply that could be provided by businesses that meet the exclusivity requirements during the exclusivity period, the Commission may vote during the exclusivity period to allow the following additional businesses to own Delivery Licenses:
   c. Worker-owned cooperatives organized to operate consistently with the Seven Cooperative Principles established by the International Cooperative Alliance in 1995; or
d. Massachusetts Minority Business Enterprises (MBE), Women Business Enterprises (WBE), and Veteran Business Enterprises (VBE) with valid certification from the Massachusetts Operational Services Division’s SDO.

(d) No person or entity other than those disclosed in the application shall be a Person or Entity Having Direct or Indirect Control in a Delivery License.
(e) No Person or Entity Having Direct or Indirect Control in a Wholesale Delivery License shall obtain, or be granted, more than a combined total of three Wholesale Delivery and/or Marijuana Retail Licenses. A Wholesale Delivery License is considered to be a Marijuana Retail license for purposes of license cap limits as outlined in 935 CMR 500.000: Adult Use of Marijuana. This provision shall not be construed or interpreted to indicate that a Wholesale Delivery License is a Marijuana Retail license unless otherwise specified by the Commission.

500.101: Application Requirements

(1) New Applicants. An applicant in any category of Marijuana Establishment shall file, in a form and manner specified by the Commission, an application for licensure as a Marijuana Establishment. The application shall consist of three sections: Application of Intent; Background Check; and Management and Operations Profile, except as otherwise provided. The applicant may complete any section of the application in any order. Once all sections of the application have been completed, the application may be submitted. Application materials, including attachments, may be subject to release pursuant to the Public Records Law,
M.G.L. c. 66, § 10 and M.G.L. c. 4, § 7, cl. 26.
(a) Application of Intent.
(b) Background Check. […]
(c) Management and Operations Profile. Each applicant shall submit, with respect to each application, a response in a form and manner specified by the Commission, which includes:
1. Detailed information regarding its business registration with the Commonwealth, including the legal name, a copy of the articles of organization and bylaws as well as the identification of any doing-business-as names;
2. A certificate of good standing, issued within the previous 90 days from submission of an application, from the Corporations Division of the Secretary of the Commonwealth;
3. A certificate of good standing or certificate of tax compliance issued within the previous 90 days from submission of an application, from the DOR;
4. A certificate of good standing, issued within the previous 90 days from submission of an application, from the DUA, if applicable. If not applicable, a written statement to this effect is required;  
5. A proposed timeline for achieving operation of the Marijuana Establishment and evidence that the Marijuana Establishment will be ready to operate within the proposed timeline after notification by the Commission that the applicant qualifies for licensure;
6. A description of the Marijuana Establishment’s plan to obtain a liability insurance policy or otherwise meet the requirements of 935 CMR 500.105(10), Liability Insurance Coverage or Maintenance of Escrow;
7. A detailed summary of the business plan for the Marijuana Establishment;  
8. A detailed summary of operating policies and procedures for the Marijuana Establishment which shall include, but not be limited to, provisions for:
   a. Security;
   b. Prevention of diversion;
   c. Storage of Marijuana;
   d. Transportation of Marijuana;
   e. Inventory procedures;
   f. Procedures for quality control and testing of product for potential contaminants;
   g. Personnel policies;
   h. Dispensing procedures;
   i. Recordkeeping procedures;
   j. Maintenance of financial records; and
   k. Diversity plans to promote equity among people of color, particularly Black, African American, Latinx, and Indigenous people, women, Veterans, persons with disabilities, and LGBTQ+ people, in the operation of the Marijuana Establishment. The plan shall outline the goals, programs, and measurements the Marijuana Establishment will pursue once licensed.
9. A detailed description of qualifications and intended training(s) for Marijuana Establishment Agents who will be employees;
10. The Management and Operation Profile submitted in accordance with 935 CMR 500.101(1)(c) shall demonstrate compliance with the operational requirements set forth in 935 CMR 500.105. General Operational Requirements for Marijuana Establishments through 935 CMR 500.145. Additional Operational Requirements for Delivery of Marijuana and Marijuana Products, Marijuana Accessories and Marijuana Establishment Branded Goods to Consumers and/or Permitted to Patients or Caregivers, as applicable;
11. Disclosure of the proposed hours of operation, and the names and contact information for individuals that will be the emergency contacts for the Marijuana Establishment; and
12. Any other information required by the Commission.

(2) Delivery and Social Consumption Application Process.
(a) Delivery and Social Consumption Establishment Applicants. An applicant shall file, in a form and manner specified by the Commission, an application for licensure. An application for licensure shall consist of two component parts: a Pre-certification Application and a Provisional License Application. After an applicant receives a Provisional License, the applicant shall comply with the requirements of 935 CMR 500.101, Licensure and Renewal.
(b) Pre-certification Application. The Pre-certification Application shall consist of three sections: Application of Intent, Background Check and Management and Operations Profile.
1. The applicant must complete any section of the application in any order. Once all sections of the application have been completed, the application may be submitted.
2. The Commission may determine an applicant to be pre-certified upon finding the applicant has submitted responsive documentation demonstrating a propensity to successfully operate under a Delivery License or Social Consumption Establishment.
3. On approval of the Pre-certification Application, the applicant shall be given a dated notice of such approval along with a copy of the Pre-certification Application to the extent permitted by law.
4. Application materials, including attachments, may be subject to release pursuant to the Public Records Law, M.G.L. c. 66, § 10 and M.G.L. c. 4, § 7, cl. 26.
(c) Application of Intent. An applicant for pre-certification under this section shall submit the following as part of the Application of Intent:
1. Documentation that the Marijuana Establishment is an entity registered to do business in Massachusetts and a list of all Persons or Entities Having Direct or Indirect Control;
2. A disclosure of an interest of each individual named in the application in any Marijuana Establishment for licensure in Massachusetts;
3. Documentation disclosing whether any individual named in the application have past or present business interests in Other Jurisdictions;
4. The requisite nonrefundable application fee pursuant to 935 CMR 500.005 ¶500.005;
5. Any other information required by the Commission.
(d) Background Check. Each applicant for pre-certification shall submit the following information:
1. The list of individuals and entities in 935 CMR 500.101(1)a; 2. Relevant Background Check Information. All Persons and Entities Having Direct or Indirect Control listed in the Pre-certification Application shall provide information detailing involvement in any of the following criminal, civil, or administrative matters:
   a. A description and the relevant dates of any criminal action under the laws of the Commonwealth, or Other Jurisdictions, whether for a felony or misdemeanor including, but not limited to, action against any health care facility or facility for providing Marijuana for medical- or adult-use purposes, in which those individuals either owned shares of stock or served as board member, Executive, officer, director or member, and which resulted in conviction, or guilty plea, or plea of nolo contendere, or admission of sufficient facts;
   b. A description and the relevant dates of any civil action under the
laws of the Commonwealth, or Other Jurisdictions including, but not limited to, a complaint relating to any professional or occupational or fraudulent practices;
c. A description and relevant dates of any past or pending legal or disciplinary actions in the Commonwealth or any Other Jurisdiction against an entity whom the applicant served as a Person or Entity, Having Direct or Indirect Control, related to the cultivation, Processing, distribution, or sale of Marijuana for medical- or adult-use purposes;
d. A description and the relevant dates of any administrative action with regard to any professional license, registration, or certification, including any complaint, order, stipulated agreement or settlement, or disciplinary action, by the Commonwealth, or like action in an Other Jurisdiction including, but not limited to, any complaint or issuance of an order relating to the denial, suspension, or revocation of a license, registration, or certification or the surrender of a license;
e. A description and relevant dates of any administrative action, including any complaint, order or disciplinary action, by the Commonwealth, or a like action by Other Jurisdictions with regard to any professional license, registration, or certification, held by any Person or Entity Having Direct or Indirect Control, if any;
f. A description and relevant dates of actions against a license to prescribe or distribute controlled substances or legend drugs held by any Person or Entity Having Direct or Indirect Control that is part of the applicant's application, if any; and
g. Any other information required by the Commission.

(c) Management and Operations Profile. Each applicant shall submit, with respect to each application, a response in a form and manner specified by the Commission, which includes:
1. A description of the Marijuana Establishment's plan to obtain a liability insurance policy or otherwise meet the requirements of 935 CMR 500.105(10): Liability Insurance or Maintenance of Escrow;
2. A detailed summary of the business plan for the Marijuana Establishment;
3. A detailed summary of operating policies and procedures for the Marijuana Establishment which shall include, but not be limited to, provisions for:
   a. Security, including specific plans for securing entrances and that all Finished Marijuana and Finished Marijuana Products are kept out of plain sight and not visible from a public place;
   b. Prevention of diversion;
   c. Where applicable to Delivery Licensees, procedures to ensure the safe delivery of Finished Marijuana Products to Consumers and to maintain a record of the transaction;
   d. Storage of Marijuana, including, but not limited to, disposal procedures for unsold and unconsumed Marijuana Products;
   e. Transportation of Marijuana;
   f. Inventory procedures, including procedures for accounting and reporting inventory at the close of the business day;
   g. Procedures for quality control and testing of product for potential contaminants;
   h. Personnel policies;
   i. Dispensing procedures, including the process for how Individual Orders will be filled;
   1. Procedures to ensure that Consumers are not overserved, or that Individual orders designated to be filled by the same individual, are adhered to;
   2. Procedures to educate Consumers about risk of impairment and penalties for operating under the influence.

Deleted: enforcement

Deleted: <pre>...enforcement</pre>

Deleted: &lt;pre&gt;...enforcement&lt;/pre&gt;

Deleted: &lt;pre&gt;including, but not limited to, disposal procedures for unsold and unconsumed Marijuana Products;...&lt;/pre&gt;
1. Recordkeeping procedures;
2. Maintenance of financial records;
3. Sanitary practices in compliance with 105 CMR 590.008; State Sanitary Code Chapter X – Minimum Sanitation Standards for Food Establishments; and
4. A detailed description of qualifications and intended training(s) for Marijuana Establishment Agents who will be employees;

4. The Management and Operation Profile submitted in accordance with 935 CMR 500.101(1)(c) shall demonstrate compliance with the operational requirements set forth by incorporation in 935 CMR 500.105. General Operational Requirements for Marijuana Establishments through 935 CMR 105. Additional Operational Requirements for Delivery of Marijuana, and Marijuana Products, Marijuana Accessories, and Marijuana Establishment Brands Goods to Consumers and as provided by past business interests, as applicable;

5. Disclosure of the proposed hours of operation, and the names and contact information for individuals that will be the emergency contacts for the Marijuana Establishment; and
6. Any other information required by the Commission.

(f) Provisional License Application. The provisional license application shall consist of the three sections of the application, the Application of Intent, Background Check, and Management and Operations Profile.

1. An applicant may submit a provisional license application within 12 months of the date of the applicant's pre-certification approval pursuant to 935 CMR 500.101(2)(c)(4).
2. If there has been a material change of circumstances after the submission of these sections as part of the Pre-certification Application, the applicant shall revise this information and attest in a form and manner determined by the Commission.
3. The applicant may submit any section of the application in any order.
4. Once all sections of the application have been completed, the application may be submitted for review.
5. Once the Provisional License application has been submitted, it will be reviewed in the order it was received pursuant to 935 CMR 500.102(2), Action on Completed Applications.

6. The Pre-certification and Provisional License application combined will be reviewed in accordance with 935 CMR 500.102(1), Action on each Application.
7. Application materials, including attachments, may be subject to release pursuant to the Public Records Law, M.G.L. c. 66, § 10 and M.G.L. c. 4, § 7, cl. 26.

(g) Application of Intent. An applicant for licensure under this section shall submit the following as part of the Application of Intent:

1. A list of all Persons or Entities Having Direct or Indirect Control currently associated with the proposed establishment. In addition, the applicant shall submit any contractual, management, or other written document that explicitly or implicitly conveys direct or indirect control over the Marijuana Establishment to the listed person or entity pursuant to 935 CMR 500.050(1)(b);
2. A disclosure of an interest of each individual named in the application in any Marijuana Establishment or MTC application for Massachusetts;
3. Documentation disclosing whether any individual named in the application have past or present business interests in Other Jurisdictions;
4. Documentation of a bond or an escrow account in an amount set by
5. Identification of the proposed address for the license;
6. Documentation of a property interest in the proposed address. The proposed Marijuana Establishment shall be identified in the documentation as the entity that has the property interest. Interest may be demonstrated by one of the following:
   a. Clear legal title to the proposed site;
   b. An option to purchase the proposed site
   c. A legally enforceable agreement to give such title; or
   d. Documentation from the Owner evidencing permission to use the Premises.
7. Disclosure and documentation detailing the amounts and sources of capital resources available to the applicant from any individual or entity that will be contributing capital resources to the applicant for purposes of establishing or operating the identified Marijuana Establishment for each license applied for. If any person or entity contributing initial capital, either in cash or in kind, would be classified as a Person or Entity Having Direct or Indirect Control, in exchange for the initial capital, they shall also be listed pursuant to 935 CMR 500.101(1)(a). Information submitted shall be subject to review and verification by the Commission as a component of the application process. Required documentation shall include:
   a. The proper name of any individual or registered business name of any entity;
   b. The street address, provided, however that the address may not be
      a. a post office box;
      b. The primary telephone number;
      c. Electronic mail;
      d. The amount and source of capital provided or promised;
      e. A bank record dated within 60 days of the application submission date verifying the existence of capital;
      f. Certification that funds used to invest in or finance the Marijuana Establishment were lawfully earned or obtained; and
      g. Any contractual or written agreement pertaining to a loan of initial capital, if applicable.
8. Documentation that the applicant has conducted a community outreach meeting consistent with the Commission's Guidance for License Applicants on Community Outreach within the six months prior to the application. Documentation shall include:
   a. Copy of a notice of the time, place and subject matter of the meeting, including the proposed address of the Marijuana Establishment, that was published in a newspaper of general circulation in the city or town at least 14 calendar days prior to the meeting;
   b. Copy of the meeting notice filed with the city or town clerk;
9. Attestation that notice of the time, place and subject matter of the meeting, including the proposed address of the Marijuana Establishment, was mailed at least seven calendar days prior to the community outreach meeting to abutters of the proposed address of the Marijuana Establishment, and residents within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such Owner is located in another city or town;
   a. Information presented at the community outreach meeting, which shall include, but not be limited to:
      i. The type(s) of marijuana establishment to be located at the proposed address;
      ii. Information adequate to demonstrate that the location will be
THESE DRAFT REGULATIONS ARE PROVIDED FOR PURPOSES OF PUBLIC REVIEW AND COMMENT ONLY, AND ARE NOT EFFECTIVE UNTIL PROMULGATED.

CHANGES FROM DRAFT REGULATIONS FILED JULY 24, 2020 ARE HIGHLIGHTED.

FOR CURRENT AND EFFECTIVE REGULATIONS, PLEASE SEE: https://mass-cannabis-consumer.com/the-laws

maintained securely;
iii. Steps to be taken by the marijuana establishment to prevent diversion to minors;
iv. A plan by the marijuana establishment to positively impact the community;
v. Information adequate to demonstrate that the location will not constitute a nuisance as defined by law; and
vi. An attestation that community members were permitted to ask questions and receive answers from representatives of the marijuana establishment.

b. Documentation in the form of a single-page certification signed by the contracting authorities for the municipality and applicant evidencing that the applicant for licensure and host municipality in which the establishment is located executed a host community agreement. In addition to this requirement, the host community shall state that they have accepted the Social Consumption Establishment applicant’s plans to:
   i. Mitigate noise;
   ii. Mitigate odor; and
   iii. Comply with outdoor smoking laws, ordinances, or bylaws.
   c. A description of plans to ensure that the marijuana establishment is or will be compliant with local codes, ordinances, and bylaws for the physical address of the marijuana establishment, which shall include, but not be limited to, the identification of any local licensing requirements for social consumption of the adult use of marijuana;
   d. A plan by the marijuana establishment to positively impact areas of disproportionate impact, as defined by the commission, for the purposes established in M.G.L. c. 94G, § 4(a½)(iv). The plan shall outline the goals, programs, and measurements the marijuana establishment will pursue once licensed; and
   e. Any other information required by the Commission.

(h) Background Check. Each applicant for licensure shall submit complete background check application information in compliance with the provisions of 935 CMR 500.101(2)(c);

1. Each applicant for licensure shall submit the list of individuals and entities in 935 CMR 500.1011(b)2. and 935 CMR 500.101(2)(d)1.
2. The applicant shall resubmit the information required under 935 CMR 500.101(2)(b) if there has been a material change of circumstances including, but not limited to, a change in the list of individuals and entities identified above.

Management and Operations Profile. Each applicant shall submit, with respect to each application, a response in a form and manner specified by the Commission, which includes:
1. Detailed information regarding its business registration with the Commonwealth, including the legal name, a copy of the articles of organization and bylaws as well as the identification of any doing-business-as names;
2. A certificate of good standing, issued within the previous 90 days from submission of an application, from the Corporations Division of the Secretary of the Commonwealth;
3. A certificate of good standing or certificate of tax compliance issued within the previous 90 days from submission of an application, from the DOR;
4. A certificate of good standing, issued within the previous 90 days from submission of an application, from the DUA, if applicable. If not applicable, a written statement to this effect is required;
5. A proposed timeline for achieving operation of the Marijuana
Establishment and evidence that the Marijuana Establishment will be ready to operate within the proposed timeline after notification by the Commission that the applicant qualifies for licensure;

6. A diversity plan to promote equity among people of color, particularly Black, African American, Latinx, and Indigenous people, women, Veterans, persons with disabilities, and LGBTQ+ people, in the operation of the Marijuana Establishment. The plan shall outline the goals, programs, and measurements the Marijuana Establishment will pursue once licensed.

(3) Additional Specific Requirements.
(a) Additional Requirements for Cultivators. [...] 
(b) Additional Requirements for Craft Marijuana Cooperatives. [...] 
(c) Additional Requirements for Marijuana Product Manufacturers [...] 
(d) Additional Requirements for Microbusinesses. [...] 
(e) Additional Requirements for Retailers. [...] 
(f) Additional Requirements for Independent Testing Laboratories. [...] 

In addition to the requirements set forth in 935 CMR 500.101(2): Delivery and Social Consumption Application Process, applicants to operate under a Wholesale Delivery License shall also provide the following:

1. As part of the Pre-Certification application, a delivery plan that demonstrates compliance with 935 CMR 500.145: Additional Operational Requirements for Wholesale Delivery Licensees.
2. As part of the Provisional License application, information and documentation regarding any agreements with Marijuana Establishments or Techno...
500.103: Licensure and Renewal

(1) Provisional License. On selection by the Commission, an applicant shall submit the required license fee and subsequently be issued a provisional license to develop a Marijuana Establishment, in the name of the entity. Such provisional license shall be subject to reasonable conditions specified by the Commission, if any:

(a) The Commission shall review architectural plans for the building or renovation of a Marijuana Establishment. Construction or renovation related to such plans may not begin until the Commission has granted approval. Submission of such plans shall occur in a manner and form established by the Commission including, but not limited to, a detailed floor plan of the Premises of the proposed Marijuana Establishment that identifies the square footage available and describes the functional areas of the Marijuana Establishment, including areas for any preparation of Marijuana Products, and, if applicable, such information for the single allowable off-Premises location in Massachusetts where Marijuana will be cultivated or Marijuana Products will be prepared; and a description of plans to ensure that the Marijuana Establishment will be compliant with requirements of the Americans with Disabilities Act (ADA) Accessibility Guidelines.

(b) To demonstrate compliance with 935 CMR 500.120(11), a Marijuana Cultivator applicant must also submit an energy compliance letter prepared by a Massachusetts Licensed Professional Engineer or Massachusetts Licensed Registered Architect with supporting documentation. For a Microbusiness or Craft Marijuana Cooperative with a cultivation location sized as Tier 1 or Tier 2, compliance with any of the requirements of 935 CMR 500.120(11) may be demonstrated through an energy compliance letter prepared by one or more of the following energy professionals:

1. A Certified Energy Auditor certified by the Association of Energy Engineers;
2. A Certified Energy Manager certified by the Association of Energy Engineers;
3. A Massachusetts Licensed Professional Engineer; or

(c) A Marijuana Establishment shall construct its facilities in accordance with 935 CMR 500.000. Adult Use of Marijuana, conditions set forth by the Commission in its provisional license and architectural review, and any applicable state and local laws, regulations, permits or licenses.

(d) The Commission may conduct inspections of the facilities, as well as review all written materials required in accordance with 935 CMR 500.000. Adult Use of Marijuana.

(e) The applicable license fee shall be paid within 90 days from the date the applicant was approved for a provisional license by the Commission. Failure to pay the applicable license fee within the required time frame shall result in the license approval expiring. If this occurs, a new license application will need to be completed pursuant to 935 CMR 500.101: Application Requirements and will require Commission approval.

(f) To the extent updates are required to the information provided for initial licensure, the Marijuana Cultivator shall submit an updated energy compliance letter prepared by a Massachusetts Licensed Professional Engineer or Massachusetts Licensed Registered Architect with supporting...
THESE DRAFT REGULATIONS ARE PROVIDED FOR PURPOSES OF PUBLIC REVIEW AND COMMENT ONLY, AND ARE NOT EFFECTIVE UNTIL PROMULGATED.

CHANGES FROM DRAFT REGULATIONS FILED JULY 24, 2020 ARE HIGHLIGHTED.

FOR CURRENT AND EFFECTIVE REGULATIONS, PLEASE SEE: https://mass-cannabis.control.com/the-law

documentation, together with a renewal application submitted under 935 CMR 500.101(4). Expiration and Renewal of Licensure.

(g) Prior to the issuance of a final license, an Independent Testing Laboratory shall demonstrate compliance with 935 CMR 500.050(7)(a) and provide to the Commission documentation relating to its accreditation.

(h) In the event that an Applicant for a Wholesale Distributor License decides, following the submission of the Application for Provisional Licensure but prior to receiving Final Licensure, that the Applicant will engage in White Labeling, the Applicant shall submit the information required by 935 CMR 500.101(c)(4)(4) to the Commission. The Executive Director shall determine whether the submission satisfies the requirements of 935 CMR 500.101(c)(4)(4).

(2) Final License. […]

(3) The Marijuana Establishment shall be operational within the time indicated in 935 CMR 500.101(1)(c)(4), or as otherwise amended through the application process and approved by the Commission through the issuance of a final license.

(4) Expiration and Renewal of Licensure. […]

500.105: General Operational Requirements for Marijuana Establishments

(1) Written Operating Procedures. […]

(2) Marijuana Establishment Agent Training.

(a) Marijuana Establishments shall ensure that all Marijuana Establishment Agents complete minimum training requirements prior to performing job functions. […]

(b) Responsible Vendor Training.

1. All current Marijuana Establishment Agents involved in the handling and sale of Marijuana for adult use at the time of licensure or renewal of licensure, as applicable, shall have attended and successfully completed a Responsible Vendor Training Program to be designated a “Responsible Vendor”,
   a. Marijuana Establishment Agents shall first take the Basic Core Curriculum.
   b. On completing the Basic Core Curriculum, a Marijuana Establishment Agent is eligible to take the Advanced Core Curriculum.
   c. Exception for Administrative Employees. Marijuana Establishment Agents who serve as administrative employees and do not handle or sell Marijuana are exempt from the four-hour RVT requirement but may take a Responsible Vendor Training Program covering on a voluntary basis part of fulfilling the eight-hour total training requirement.

2. Once a Marijuana Establishment is designated a Responsible Vendor, all Marijuana Establishment Agents employed by the Marijuana Establishment that are involved in the handling and sale of Marijuana for adult use shall successfully complete the Basic Core Curriculum within 90 days of hire.

3. After successful completion of the Basic Core Curriculum, each Marijuana Establishment Agent involved in the handling and sale of Marijuana for adult use shall fulfill the four-hour RVT requirement every year thereafter for the Marijuana Establishment to maintain designation as a Responsible Vendor. Failure to maintain Responsible Vendor status is grounds for action by the Commission.

4. Responsible Vendor Trainer Certification. …
a. No owner, manager or employee of a Responsible Vendor Trainers shall submit their program materials to the Commission prior to offering courses every two years following Commission certification of the Responsible Vendor Trainer and Responsible Vendor Training Program curriculum, and on request. The process for certification will be in a form and manner determined by the Commission.

b. Responsible Vendor Training Program courses shall consist of at least two hours of instruction time.

c. Responsible Vendor Training Program courses may be presented in a virtual format that is not taught in a real-time, interactive, virtual or in-person classroom setting in which the instructor is able to verify the identification of each individual attending the program and certify completion of the program by the individual.

d. Except as provided in 935 CMR 500.105(2)(b)(4)(e), Responsible Vendor Trainers shall seek certification for each Basic Core Curriculum and Advanced Core Curriculum. Applications for Advanced Core Curriculum certification will be open on or before July 1, 2022.

e. Responsible Vendor Training Program curriculum, and

f. Responsible Vendor Trainers shall maintain its training records at its principal place of business for four years.

h. Responsible Vendor Trainers shall make the records available for inspection by the Commission and any other applicable licensing authority on request during normal business hours.

i. Responsible Vendor Trainers shall provide to the appropriate Marijuana Establishment and Marijuana Establishment Agent written documentation of attendance and successful evaluation of proficiency, such as passage of a test on the knowledge of the required curriculum for each attendee.

j. Individuals who can speak and write English fluently shall successfully demonstrate proficiency, such as passing a written test with a score of 70% or better.

k. Marijuana Establishment Agents who cannot speak or write English may be offered a verbal evaluation or test, provided that the same questions are given as are on the written test and the results of the verbal test are documented with a passing score of 70% or better.

l. Responsible Vendor Trainers shall solicit effectiveness evaluations from Marijuana Establishment Agents who have completed their program(s).

m. Basic Core Curriculum [...] 

n. Advanced Core Curriculum [...] 

2. Delivery Core Curriculum. In addition to the Basic Core Curriculum, all Marijuana Establishment Agents acting as delivery employees of a...
Delivery Licensee or a Marijuana Establishment with a Delivery endorsement shall have attended and successfully completed Delivery Core Curriculum prior to making a delivery, which shall, to the extent not covered in Basic Core Training, include, without limitation, training on:

- a. Safely conducting deliveries;
- b. Safe cash handling practices;
- c. Strategies for de-escalating potentially dangerous situations;
- d. Securing product following any instance of diversion, theft or loss of Finished Marijuana Products pursuant to 935 CMR 500.110(1)(m);
- e. Collecting and communicating information to assist in investigations;
- f. Procedures for checking identification;
- g. Indications of impairment;
- h. Notification to Consumers of use of mandatory recording devices; and
- i. Such other areas of training determined by the Commission to be included in a Responsible Vendor Training Program.

(3) Requirements for the Handling of Marijuana. […]

(4) Advertising Requirements. […]

(5) Labeling of Marijuana and Marijuana Products:

(a) Labeling of Marijuana Not Sold as a Marijuana Product. Prior to Marijuana being sold or transferred, a Marijuana Establishment shall ensure the placement of a legible, firmly Affixed label on which the wording is no less than 1/16 of an inch in size on each package of Marijuana that it makes available for retail sale containing at a minimum the following information:

1. The name and registration number, telephone number and email address of the Licensee that produced the Marijuana, together with the retail Licensee’s business telephone number, email address, and website information, if any.
2. The date that the Marijuana Establishment packaged the contents and a statement of which Licensee performed the packaging;
3. A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and Processing;
4. Net weight or volume in US customary and metric units, listed in that order;
5. The full Cannabinoid Profile of the Marijuana contained within the package, including THC and other Cannabinoid levels;
6. A statement and a seal certifying that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with M.G.L. c. 94G, § 15;
7. This statement, including capitalization;

This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN;

8. The following symbol or easily recognizable mark issued by the Commission that indicates the package contains Marijuana:
3. The following symbol or other easily recognizable mark issued by the Commission that indicates that the product is harmful to children:

---

10. 935 CMR 500.105(5) shall apply to Marijuana packaged as a Finished Marijuana Product for purposes of Wholesale to a Marijuana Wholesale Delivery Licensee for delivery to Consumers, provided that the Marijuana Cultivator, Microbusiness, or Craft Marijuana Cooperative is responsible for compliance with 935 CMR 500.105(5): Labeling of Marijuana and Marijuana Products for all Marijuana intended to be wholesaled for delivery to Consumers by a Marijuana Wholesale Delivery Licensee. White labeling of Finished Marijuana Products wholesaled from a Marijuana Cultivator, Microbusiness, or Craft Marijuana Cooperative for delivery to consumers by a Marijuana Wholesale Delivery Licensee may be performed by either Licensee, provided that white labeling is explicitly authorized by the Commission under the specific Marijuana Wholesale Delivery License and reflected in any Wholesale Agreement.

11. 935 CMR 500.105(5)(a) shall not apply to Marijuana packaged for transport of wholesale cultivated Marijuana in compliance with 935 CMR 500.105(8): Inventory and Transfer, provided however, that the Marijuana Retailer is responsible for compliance with 935 CMR 500.105(5): Labeling of Marijuana and Marijuana Products for all Marijuana sold or displayed to Consumers.

(b) Labeling of Edibles. Prior to Edibles being sold or Transferred, the Marijuana Product Manufacturer shall place a legible, firmly Affixed label on which the wording is no less than 1/16 of an inch in size on each Edible that it prepares for retail sale or wholesale, containing at a minimum the following information:

1. The name and registration number of the Marijuana Product Manufacturer that produced the Marijuana Product, together with the Marijuana Product Manufacturer's business telephone number, e-mail address, and website information, if any;
2. The name of the Marijuana Product;
3. Refrigeration of the product is required, as applicable;
4. Total dry weight or volume in US customary and metric units, listed in that order, of the Marijuana Product;
5. The number of servings within the Marijuana Product based on the limits provided in 935 CMR 500.105(3): Additional Labeling and Packaging Requirements for Edibles and the specific weight in milligrams of a serving size;
6. The type of Marijuana used to produce the product, including what, if
any, Processing technique or solvents were used;
7. A list of ingredients, including the full Cannabinoid Profile of the Marijuana contained within the Marijuana Product, including the amount of delta-nine-tetrahydrocannabinol (Δ9-THC) and other Cannabinoids in the package and in each serving of a Marijuana Product as expressed in absolute terms and as a percentage of volume;
8. The amount, in grams, of sodium, sugar, carbohydrates and total fat per serving;
9. The date of creation and the recommended “use by” or expiration date which may not be altered or changed;
10. A batch number, sequential serial number and bar codes when used, to identify the batch associated with manufacturing and Processing;
11. Directions for use of the Marijuana Product;
12. A statement and a seal that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with M.G.L. c. 94G, § 15;
13. A warning if nuts or other Known Allergens are contained in the product; and
14. This statement, including capitalization:

“The impairment effects of edible products may be delayed by two hours or more. This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN."

15. The following symbol or easily recognizable mark issued by the Commission that indicates the package contains Marijuana:

16. The following symbol or other easily recognizable mark issued by the Commission that indicates the product is harmful to children:

17. 935 CMR 500.105(5)(b) shall apply to Edible produced by a Marijuana Product Manufacturer for transport to a Licensee in compliance with 935 CMR 500.150(3). Inventory and Transfer and shall be in addition to any regulation regarding the appearance of Edible under 935 CMR 500.150 Edibles.

18. The White Labeling of Edibles to be sold and delivered by a Marijuana Wholesale Delivery Licensee may be conducted by the licensed Microbusiness or Product Manufacturer of the Edible at the

Deleted: ¶ The serving size of the Marijuana Product in milligrams
¶ The number of serving sizes within the Marijuana Product based on the limits provided in 935 CMR 500.106(3)
(c) Labeling of Marijuana Concentrates and Extracts: [...] 

(d) Labeling of Marijuana Infused Tinctures and Topicals: [...] 

(6) Packaging of Marijuana and Marijuana Products:

(a) Child-resistant Packaging: Licensees licensed subject to 935 CMR 500.05(6)(e) – Marijuana Product Manufacturer shall ensure that all Marijuana Products that are provided for sale to Consumers by a Licensee shall be sold in child-resistant packaging. Licensees licensed subject to 935 CMR 500.05(6)(e) – Marijuana Cultivator shall ensure that all Finished Marijuana Products provided at wholesale for delivery to Consumers by a Marijuana Wholesale Licensee shall be sold in child-resistant packaging. To comply with 935 CMR 500.105(6) Packaging of Marijuana and Marijuana Products, Licensees shall ensure:

1. That to the extent it is not Unreasonably Impracticable for the specific type of product, Marijuana Products are packaged in containers that are:
   a. Opaque and plain in design;
   b. Do not use bright colors, cartoon characters and other features designed to appeal to minors;
   c. Rescalable for any marijuana product intended for more than a single use or containing multiple servings, and
   d. Certified by a qualified child-resistant packaging testing firm that the packaging complies with the most recent poison prevention packaging regulations of the US Consumer Product Safety Commission as included at 16 CFR 1700.

2. That where compliance with the requirements of child-resistant packaging is deemed to be Unreasonably Impracticable, Marijuana or Marijuana Products shall be placed in an exit package that is:
   a. Capable of being rescalled and made child-resistant resistant again after it has been opened;
   b. Includes the following statement, including capitalization, in at least ten-point Times New Roman, Helvetia or Arial font: “KEEP OUT OF REACH OF CHILDREN.”; and
   c. Is certified by a qualified third-party child-resistant packaging testing firm that the packaging complies with the most recent poison prevention packaging regulations of the US Consumer Product Safety Commission as included at 16 CFR 1700.

(b) Limits on Packaging Design: Packaging for Marijuana or Marijuana Products sold or displayed for consumers, including any label or imprint affixed to any packaging containing Marijuana, Marijuana Products or any exit packages, may not be attractive minors. Packaging is explicitly prohibited from:

1. Using bright colors, defined as colors that are “neon” in appearance;
2. Imitating or having a semblance to any existing branded consumer product, including foods and beverages, that do not contain marijuana;
3. Featuring cartoons;
4. Featuring a design, brand or name that resembles a non-cannabis consumer product of the type that is typically marketed to minors;
5. Featuring symbols or celebrities that are commonly used to market products to minors;
6. Featuring images of minors; and
7. Featuring words that refer to products that are commonly associated with minors or marketed to minors.

(c) Packaging of Multiple Servings
1. Packaging for Marijuana Products sold or displayed for Consumers in multiple servings shall include the following statement on the exterior of the package in a printed font that is no smaller than ten-point Times New Roman, Helvetica or Arial, including capitalization: "INCIDES MULTIPLE SERVINGS".
2. Packaging for Marijuana Products in solid form sold or displayed for Consumers in multiple servings shall allow a Consumer to easily perform the division into single servings.
   a. Edible in a solid form shall be easily and permanently scored to identify individual servings.
   b. Notwithstanding 935 CMR 500.105(6)(c)2.a., where a product is unable, because of its form, to be easily and permanently scored to identify individual servings, the product shall be packaged in a single serving size. The determination of whether a product can be easily and permanently scored shall be decided by the Commission consistent with sub-regulatory guidelines established by the Commission and provided to Licensees.
   c. Packaging for Marijuana Product Beverages shall be packages solely in a single serving size. Multiple serving beverages are strictly prohibited for sale.

(d) Each single serving of an Edible contained in a multiple-serving package shall be marked, stamped or otherwise imprinted with the symbol issued by the Commission under 935 CMR 500.105(5) that indicates that the single serving is a Marijuana Product.

(e) Serving size shall be determined by the processor, but in no instance shall an individual serving size of any Marijuana Product contain more than five milligrams of delta-nine-tetrahydrocannabinol (Δ9-THC) subject to the testing variance specified in 935 CMR 500.160(11).

(f) CMOs shall comply with the packaging requirements in 935 CMR 500.105(6): Packaging of Marijuana and Marijuana Products for adult-use sales or 935 CMR 501.105(6): Packaging of Marijuana and Marijuana Products for medical-use sales.

7) Packaging and Labeling Pre-approval: […]

8) Inventory and Transfer: […]

9) Recordkeeping: […]

10) Liability Insurance Coverage or Maintenance of Escrow: […]

11) Storage Requirements: […]

12) Waste Disposal: […]

13) Transportation Between Marijuana Establishments:
   a. General Requirements:
      1. A licensed Marijuana Establishment shall be licensed to transport its Marijuana and Marijuana Products to other licensed establishments, except as otherwise provided herein.
      2. Marijuana Products may only be transported between licensed Marijuana Establishments by registered Marijuana Establishment Agents.
      3. A licensed Marijuana Transporter may contract with a licensed
Marijuana Establishment to transport that Licensee's Marijuana Products to other licensed Marijuana Establishments.
4. The originating and receiving licensed Marijuana Establishments shall ensure that all transported Marijuana Products are linked to the Seed-to-sale SOR. For the purposes of tracking, seeds and Clones shall be properly tracked and labeled in a form and manner determined by the Commission.
5. Any Marijuana Product that is undeliverable or is refused by the destination Marijuana Establishment shall be transported back to the originating establishment.
6. All vehicles transporting Marijuana Products shall be staffed with a minimum of two Marijuana Establishment Agents. At least one agent shall always remain with the vehicle when the vehicle contains Marijuana or Marijuana Products.
7. Prior to leaving a Marijuana Establishment for the purpose of transporting Marijuana Products, the originating Marijuana Establishment shall weigh, inventory, and account for, on video, all Marijuana Products to be transported.
8. Within eight hours after arrival at the destination Marijuana Establishment, the destination establishment shall reweigh, re-inventory, and account for, on video, all Marijuana Products transported.
9. When videotaping the weighing, inventorying, and accounting of Marijuana Products before transportation or after receipt, the video shall show each product being weighed, the weight, and the manifest.
10. Marijuana Products shall be packaged in sealed, labeled, and tamper or child-resistant packaging prior to and during transportation.
11. In the case of an emergency stop during the transportation of Marijuana Products, a log shall be maintained describing the reason for the stop, the duration, the location, and any activities of personnel exiting the vehicle. Licenses shall comply with applicable requirements of 21 CFR 1271, Incident Reporting.
12. A Marijuana Establishment or a Marijuana Transporter transporting Marijuana Products shall ensure that all transportation times and routes are randomized.
13. A Marijuana Establishment or a Marijuana Transporter transporting Marijuana Products shall ensure that all transport routes remain within the Commonwealth.
14. All vehicles and transportation equipment used in the transportation of Marijuana Products or Edibles requiring temperature control for safety shall be designed, maintained, and equipped as necessary to provide adequate temperature control to prevent the Marijuana Products or Edibles from becoming unsafe during transportation, consistent with applicable requirements pursuant to 21 CFR 1.908(c).
15. All vehicles shall be equipped with a video system that includes one or more video cameras in the storage area of the vehicle and one or more video cameras in the driver area of the vehicle and which shall remain operational at all times during the entire transportation process and which shall have:
   a. The ability to produce a clear color still photo whether live or recorded; and
   b. A date and time stamp embedded in all recordings which shall always be synchronized and set correctly and may not significantly obscure the picture.
(b) Reporting Requirements:
1. Marijuana Establishment Agents shall document and report any unusual discrepancy in weight or inventory to the Commission and Law Enforcement Authorities not more than 24 hours of the discovery of such
a discrepancy.
2. Marijuana Establishment Agents shall report to the Commission and Law Enforcement Authorities any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport, not more than 24 hours of such accidents, diversions, losses, or other reportable incidents.

(c) Vehicles
1. A vehicle used for transporting Marijuana Products shall be:
   a. Owned or leased by the Marijuana Establishment or the Marijuana Transporter;
   b. Properly registered, inspected, and insured in the Commonwealth (documentation of such status shall be maintained as records of the Marijuana Establishment or the Marijuana Transporter, and shall be made available to the Commission on request);
   c. Equipped with an alarm system approved by the Commission; and
   d. Equipped with functioning heating and air conditioning systems appropriate for maintaining correct temperatures for storage of Marijuana Products.
2. Marijuana Products may not be visible from outside the vehicle.
3. Any vehicle used to transport Marijuana Products may not bear any markings indicating that the vehicle is being used to transport Marijuana Products, and any such vehicle may not indicate the name of the Marijuana Establishment or the Marijuana Transporter.
4. When transporting Marijuana Products, no other products may be transported or stored in the same vehicle.
5. No firearms may be located within the vehicle or on a Marijuana Establishment Agent.

(d) Storage Requirements
1. Marijuana Products shall be transported in a secure, locked storage compartment that is a part of the vehicle transporting the Marijuana Products.
2. The storage compartment shall be sufficiently secure that it cannot be easily removed.
3. If a Marijuana Establishment, pursuant to a Marijuana Transporter License, or a Marijuana Transporter is transporting Marijuana Products for more than one Marijuana Establishment at a time, the Marijuana Products for each Marijuana Establishment shall be kept in a separate locked storage compartment during transportation and separate manifests shall be maintained for each Marijuana Establishment.
4. If a Marijuana Establishment is transporting Marijuana Products to multiple other establishments, it may seek the Commission's permission to adopt reasonable alternative safeguards.

(e) Communications
1. Any vehicle used to transport Marijuana Products shall contain a global positioning system (GPS) monitoring device that is:
   a. Not a mobile device that is easily removable;
   b. Attached to the vehicle at all times that the vehicle contains marijuana products;
   c. Monitored by the marijuana establishment or marijuana transporter during transport of marijuana products; and
   d. Inspected by the commission prior to initial transportation of marijuana products, and after any alteration to the locked storage compartment.
2. Each Marijuana Establishment Agent transporting Marijuana Products shall always have access to a secure form of communication with personnel at the originating location when the vehicle contains Marijuana and Marijuana Products.
3. Secure types of communication include, but are not limited to:
   a. Two-way digital or analog radio (UHF or VHF);
   b. Cellular phone; or
   c. Satellite phone.
4. When choosing a type of secure communications, the following shall be taken into consideration:
   a. Cellular signal coverage;
   b. Transportation area;
   c. Base capabilities;
   d. Antenna coverage; and
   e. Frequency of transportation.
5. Prior to, and immediately after leaving the originating location, the Marijuana Establishment Agents shall use the secure form of communication to contact the originating location to test communications and GPS operability.
6. If communications or the GPS system fail while on route, the Marijuana Establishment Agents transporting Marijuana Products shall return to the originating location until the communication system or GPS system is operational.
7. The Marijuana Establishment Agents transporting Marijuana Products shall contact the originating location when stopping at and leaving any scheduled location, and regularly throughout the trip, at least every 30 minutes.
8. The originating location shall have a Marijuana Establishment Agent assigned to monitoring the GPS unit and secure form of communication, who shall log all official communications with Marijuana Establishment Agents transporting Marijuana Products.

(f) Manifests.
1. A manifest shall be filled out in triplicate, with the original manifest remaining with the originating Marijuana Establishment, a second copy provided to the destination Marijuana Establishment on arrival, and a copy to be kept with the licensed Marijuana Establishment Agent during transportation and returned to the Marijuana Establishment or Marijuana Transporter on completion of the transportation.
2. Prior to transport, the manifest shall be securely transmitted to the destination Marijuana Establishment by facsimile or email.
3. On arrival at the destination Marijuana Establishment, a Marijuana Establishment Agent at the destination Marijuana Establishment shall compare the manifest produced by the agents who transported the Marijuana Products to the copy transmitted by facsimile or email. This manifest shall, at a minimum, include:
   a. The originating Marijuana Establishment name, address, and registration number;
   b. The names and registration numbers of the agents who transported the Marijuana Products;
   c. The name and registration number of the Marijuana Establishment Agent who prepared the manifest;
   d. The destination Marijuana Establishment name, address, and registration number;
   e. A description of the Marijuana Products being transported, including the weight and form or type of product;
   f. The mileage of the transporting vehicle at departure from originating Marijuana Establishment and mileage on arrival at destination Marijuana Establishment, as well as mileage on return to originating Marijuana Establishment;
   g. The date and time of departure from originating Marijuana Establishment and arrival at destination Marijuana Establishment for
each transportation;
h. A signature line for the Marijuana Establishment Agent who receives the Marijuana Products;
i. The weight and inventory before departure and on receipt;
j. The date and time that the transported products were reweighed and re-inventoried;
k. The name of the Marijuana Establishment Agent at the destination Marijuana Establishment who reweighed and re-inventoried products; and
l. The vehicle make, model, and license plate number.

4. The manifest shall be maintained within the vehicle during the entire transportation process, until the delivery is completed.

5. A Marijuana Establishment shall retain all transportation manifests for no less than one year and make them available to the Commission on request.

(g) Requirements for Agents.
1. Each employee or agent transporting or otherwise handling Marijuana Products for a Marijuana Transporter shall be registered as a Marijuana Establishment Agent and have a driver’s license in good standing issued by the Massachusetts Registry of Motor Vehicles for all classes of vehicle the Marijuana Establishment Agent will operate for the Marijuana Transporter prior to transporting or otherwise handling Marijuana Products.

2. A Marijuana Establishment Agent shall carry his or her Agent Registration Card at all times when transporting Marijuana Products and shall produce his or her Agent Registration Card to the Commission or Law Enforcement Authorities on request.

(b) Marijuana Transporters shall use best management practices to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts.

(i) A CMO can transport adult-use and medical-use Marijuana and Marijuana Products if it is appropriately licensed to do so. Where a CMO is transporting both adult-use and medical-use Marijuana, MIPs and Marijuana Products, the CMO shall comply with the more restrictive security provisions.

(14) Access to the Commission, Emergency Responders and Law Enforcement. […]

(15) Energy Efficiency and Conservation. […]

(16) Bond. […]

(17) Social Equity Program. […]

500.110: Security Requirements for Marijuana Establishments

(1) General Requirements. A Marijuana Establishment shall implement sufficient security measures to deter theft of Marijuana and Marijuana Products, prevent unauthorized entrance into areas containing Marijuana and Marijuana Products and ensure the safety of Marijuana Establishment employees, Consumers and the general public. Security measures taken by the Licensee to protect the Premises, employees, Marijuana Establishment Agents, Consumers and general public shall include, but not be limited to, the following:

(a) Positively identifying individuals seeking access to the Premises of the Marijuana Establishment or to whom or Marijuana Products are being
transported pursuant to 935 CMR 500.105(13). Transportation Between Marijuana Establishments is permitted pursuant to Title 935 CMR 500.101(13).

Consumers age verification to limit access solely to individuals 21 years of age or older;

(b) Adopting procedures to prevent loitering and ensure that only individuals engaging in activity expressly or by necessary implication permitted by 935 CMR 500.000 Adult Use of Marijuana and its enabling statute are allowed to remain on the Premises;

(c) Disposing of Marijuana in accordance with 935 CMR 500.105(12); Waste Disposal in excess of the quantity required for normal, efficient operation as established within 935 CMR 500.105 General Operational Requirements for Marijuana Establishments;

(d) Securing entrances to the Marijuana Establishment to prevent unauthorized access;

(e) Establishing Limited Access Areas pursuant to 935 CMR 500.110(4). Limited Access Areas, which, after receipt of a Final License, shall be accessible only to specifically authorized personnel, limited to include only the minimum number of employees essential for efficient operation;

(f) Storing all Finished Marijuana Products in a secure, locked safe or vault in such a manner as to prevent diversion, theft and loss;

(g) Keeping all safes, vaults, and any other equipment or areas used for the production, cultivation, harvesting, Processing or storage, including prior to disposal, of Marijuana or Marijuana Products securely locked and protected from entry, except for the actual time required to remove or replace Marijuana;

(h) Keeping all locks and security equipment in good working order;

(i) Prohibiting keys, if any, from being left in the locks or stored or placed in a location accessible to persons other than specifically authorized personnel;

(j) Prohibiting accessibility of security measures, such as combination numbers, passwords or electronic or biometric security systems, to persons other than specifically authorized personnel;

(k) Ensuring that the outside perimeter of the Marijuana Establishment is sufficiently lit to facilitate surveillance, where applicable;

(l) Ensuring that all Marijuana Products are kept out of plain sight and are not visible from a public place, outside of the Marijuana Establishment, without the use of binoculars, optical aids or aircraft;

(m) Developing emergency policies and procedures for securing all product following any instance of diversion, theft or loss of Marijuana, and conduct an assessment to determine whether additional safeguards are necessary;

(n) Developing sufficient additional safeguards as required by the Commission for Marijuana Establishments that present special security concerns;

(e) At Marijuana Establishments where transactions are conducted in cash, establishing procedures for safe cash handling and cash transportation to financial institutions to prevent theft, loss and associated risks to the safety of employees, customers and the general public;

(p) Sharing the Marijuana Establishment's floor plan or layout of the facility with Law Enforcement Authorities, and in a manner and scope as required by the municipality and identifying when the use of flammable or combustible solvents, chemicals or other materials are in use at the Marijuana Establishment; and

(q) Sharing the Marijuana Establishment's security plan and procedures with Law Enforcement Authorities, including police and fire departments, in the municipality where the Marijuana Establishment is located and periodically updating Law Enforcement Authorities, police and fire departments, if the plans or procedures are modified in a material way.
THESE DRAFT REGULATIONS ARE PROVIDED FOR PURPOSES OF PUBLIC REVIEW AND COMMENT ONLY, AND ARE NOT EFFECTIVE UNTIL PROMULGATED.

CHANGES FROM DRAFT REGULATIONS FILED JULY 24, 2020 ARE HIGHLIGHTED.

FOR CURRENT AND EFFECTIVE REGULATIONS, PLEASE SEE: https://mass-cannabis.control.com/the-law

(2) Alternate Security Provisions
(a) Notwithstanding the requirements specified in 935 CMR 500.110(1), (5), (6) and (7), if a Marijuana Establishment has provided other, specific safeguards that may be regarded as an adequate substitute for those requirements, such measures may be taken into account by the Commission in evaluating the overall required security measures. For purposes of cash handling and cash transportation, only alternative safeguards that comply with the requirements of 935 CMR 500.110(7)(b) shall be considered to be adequate substitutes.
(b) The applicant or Licensee shall submit a request for an alternative security provision to the Commission on a form as determined and made available by the Commission. On receipt of the form, the Commission shall submit the request to the chief law enforcement officer in the municipality where the Marijuana Establishment is located or will be located. The Commission shall request that the chief law enforcement officer review the request and alternative security provision requested and, within 30 days,
1. certify the sufficiency of the requested alternate security provision; or
2. provide the Commission with a statement of reasons why the alternative security provision is not sufficient in the opinion of the chief law enforcement officer.
(c) The Commission shall take the chief law enforcement officer's opinion under consideration in determining whether to grant the alternative security provision, provided that it shall not be determinative. If no response is received from the chief law enforcement officer or a delegate within 30 days of submitting the request to the chief law enforcement officer, the Commission shall proceed with a determination.

(3) Buffer Zone

(4) Limited Access Areas
(a) All Limited Access Areas shall be identified by the posting of a sign that shall be a minimum of 12” x 12” and which states “Do Not Enter - Limited Access Limited to Authorized Personnel Only” in lettering no smaller than one inch in height.
(b) All Limited Access Areas shall be clearly described by the filing of a diagram of the licensed Premises, in the form and manner determined by the Commission, reflecting entrances and exits, including loading areas, walls, partitions, counters, Propagation, Vegetation, Flowering, Processing, production, storage, disposal, and retail sales areas.
(c) At all times following receipt of a final license, access to Limited Access Areas shall be restricted to employees, agents, or volunteers specifically permitted by the Marijuana Establishment, agents of the Commission, Commission Delegates, and state and local Law Enforcement Authorities acting within their lawful jurisdictions, police and fire departments, and emergency medical services acting in the course of their official capacity.
(d) Employees of the Marijuana Establishment shall visibly display an employee identification badge issued by the Marijuana Establishment at all times while at the Marijuana Establishment or transporting Marijuana.
(e) Following receipt of a final license, all outside vendors, contractors, and Visitors shall obtain a Visitor Identification Badge prior to entering a Limited Access Area and shall be escorted at all times by a Marijuana Establishment Agent authorized to enter the Limited Access Area. The Visitor Identification Badge shall be visibly displayed at all times while the Visitor is in any Limited Access Area. All Visitors shall be logged in and out and that log shall be available for inspection by the Commission at all times. All Visitor Identification Badges shall be returned to the Marijuana Establishment on exit.
(f) A Marijuana Establishment conducting operations under multiple license types on a single Premise may establish Limited Access Areas for each licensed activity that overlap in shared hallways and access points, provided that operations under each license type are segregated and a Marijuana Establishment Agent has access only to the areas where activities are conducted pursuant to the license under which the Marijuana Establishment Agent is registered.

(5) Security and Alarm Requirements for Marijuana Establishments Operating Enclosed Areas.
   (a) A Marijuana Establishment located, in whole or in part, in a building, Greenhouse, Warehouse or other Enclosed Area shall have an adequate security system to prevent and detect diversion, theft or loss of Marijuana or unauthorized intrusion, utilizing commercial grade equipment which shall, at a minimum, include:
      1. A perimeter alarm on all building entry and exit points and perimeter windows, if any;
      2. A failure notification system that provides an audible, text or visual notification of any failure in the security system. The failure notification system shall provide an alert to designated employees of the Marijuana Establishment within five minutes after the failure, either by telephone, email or text message;
      3. A Duress Alarm, Panic Alarm or Holdup Alarm connected to local public safety or Law Enforcement Authorities;
      4. Video cameras in all areas that may contain Marijuana or vaults or safes for the purpose of securing cash, at all points of entry and exit and in any parking lot which shall be appropriate for the normal lighting conditions of the area under surveillance. The cameras shall be directed at all safes, vaults, sales areas and areas where Marijuana is cultivated, harvested, Processed, prepared, stored, handled or dispensed, or where cash is kept and processed. Cameras shall be angled so as to allow for the capture of clear and certain identification of any Person entering or exiting the Marijuana Establishment or area;
      5. Recordings from all video cameras which shall be enabled to record 24 hours each day and be available for immediate viewing by the Commission on request for at least the preceding 90 calendar days or the duration of a request to preserve the recordings for a specified period of time made by the Commission, whichever is longer. Video cameras may use motion detection sensors to begin recording, so long as the motion detection sensor system provides an alert to designated employees of the Marijuana Establishment in a manner established in the Marijuana Establishment's written security procedures and approved by the Commission or a Commission Delegee. If a Marijuana Establishment receives notice that the motion detection sensor is not working correctly, it shall take prompt action to make corrections and document those actions. Recordings may not be destroyed or altered, and shall be retained as long as necessary if the Marijuana Establishment is aware of a pending criminal, civil or administrative investigation or legal proceeding for which the recording may contain relevant information;
      6. The ability to immediately produce a clear, color still image whether live or recorded;
      7. A date and time stamp embedded in all recordings, which shall be synchronized and set correctly at all times and may not significantly obscure the picture;
      8. The ability to remain operational during a power outage for a minimum of four hours and, if it appears likely that the outage will last for more than four hours, the Marijuana Establishment takes sufficient steps to ensure...
security on the Premises in consultation with the Commission; and
9. A video recording that allows for the exporting of still images in an industry standard image format, including .jpg, .bmp and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that may be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.
(b) All security system equipment and recordings shall be maintained in a secure location so as to prevent theft, loss, destruction and alterations.
(c) In addition to the requirements listed in 935 CMR 500.110(5)(a) and (b), the Marijuana Establishment shall have a back-up alarm system, with all the capabilities of the primary system, provided by a company supplying commercial grade equipment, which may not be the same company supplying the primary security system, or shall demonstrate to the Commission's satisfaction alternate safeguards to ensure continuous operation of a security system.
(d) Access to surveillance areas shall be limited to Persons that are essential to surveillance operations, Law Enforcement Authorities acting within their lawful jurisdictions, security system service personnel and the Commission.
(e) A current list of authorized employees and service personnel that have access to the surveillance room shall be available to the Commission on request. If the surveillance room is on-site of the Marijuana Establishment, it shall remain locked and may not be used for any other function.
(f) All security equipment shall be in good working order and shall be inspected and tested at regular intervals, not to exceed 30 calendar days from the previous inspection and test.
(g) Trees, bushes and other foliage outside of the Marijuana Establishment shall be maintained so as to prevent a Person or Persons from concealing themselves from sight.

(6) Security and Alarm Requirements for Marijuana Establishments Operating Outdoors

7) Cash Handling and Transportation Requirements.
(a) A Marijuana Establishment with a contract to deposit funds with a financial institution that conducts any transaction in cash shall establish and implement adequate security measures and procedures for safe cash handling and cash transportation to financial institutions or DOR facilities to prevent theft and loss, and to mitigate associated risks to the safety of employees, customers and the general public. Adequate security measures shall include:
1. An on-site secure locked safe or vault maintained in an area separate from retail sales areas used exclusively for the purpose of securing cash;
2. Video cameras directed to provide images of areas where cash is kept, handled and packaged for transport to financial institutions or DOR facilities, provided that the cameras may be motion-sensor activated cameras and provided, further, that all cameras be able to produce a clear, still image whether live or recorded;
3. A written process for securing cash and ensuring transfers of deposits to the Marijuana Establishment's financial institutions and DOR facilities on an incremental basis consistent with the requirements for deposit by the financial institution or DOR facilities; and
4. Use of a licensed armored transport provider that is licensed pursuant to M.G.L. c. 147, § 25 (watch, guard or patrol agency) and has been approved by the financial institution or DOR agency.
(b) Notwithstanding the requirement of 935 CMR 500.110(7)(a)(4), a
Marijuana Establishment may request an alternative security provision under 935 CMR 500.110(2) Alternate Security Provisions for purposes of cash transportation to financial institutions and DOR facilities. Any approved alternative security provision shall be included in the security plan shared with law enforcement in the municipality in which the Marijuana Establishment is licensed and periodically updated as required under 935 CMR 500.110(14)(q). To be determined to provide a sufficient alternative, any such alternative safeguard shall include, but may not be limited to:

1. Requiring the use of a locked bag for the transportation of cash from a Marijuana Establishment to a financial institution or DOR facility;
2. Requiring any transportation of cash be conducted in an unmarked vehicle;
3. Requiring two registered Marijuana Establishment Agents employed by the Licensee to be present in the vehicle at all times during transportation of deposits;
4. Requiring real-time GPS tracking of the vehicle at all times when transporting cash;
5. Requiring access to two-way communications between the transportation vehicle and the Marijuana Establishment;
6. Prohibiting the transportation of Marijuana or Marijuana Products at the same time that cash is being transported for deposit to a financial institution or DOR facility; and
7. Approval of the alternative safeguard by the financial institution or DOR facility.

(c) All written safety and security measures developed under 935 CMR 500.105(7), Packaging and Labeling Pre-Approval shall be treated as security planning documents, the public disclosure of which would jeopardize public safety.

(8) Security Requirements for Delivery Licensees or Marijuana Establishments with Delivery Endorsement Operations.

(a) A Marijuana Establishment licensed as a Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall implement adequate security measures to ensure that each vehicle used for transportation of Marijuana and Marijuana Products is not readily accessible to unauthorized individuals and to prevent and detect diversion, theft or loss of Marijuana. Security measures shall, at a minimum, include for each operational delivery vehicle:

1. A vehicle security system that includes an exterior alarm;
2. A secure, locked storage compartment in each vehicle and not easily removable for the purpose of transporting the Marijuana or Marijuana Products;
3. A secure, locked storage compartment in each vehicle that is not easily removable, for the purpose of transporting and securing cash used as payment for deliveries of Marijuana or Marijuana Products;
4. A means of secure communication between each vehicle and the Marijuana Establishment's dispatching location which shall be capable of being monitored at all times that a vehicle is performing a delivery route. Means of communication shall include:
   a. Two-way digital or analog radio (UHF or VHF);
   b. Cellular phone; or
   c. Satellite phone.
5. A global positioning system (GPS) monitoring device that is:
   a. Not a mobile device and that is attached to the vehicle at all times that the vehicle contains Marijuana or Marijuana Products; and
   b. Monitored by the Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement at a fixed location during the...
transportation of Marijuana or Marijuana Products for the purpose of home delivery with location checks occurring at least every 30 minutes. The Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement may delegate monitoring of the GPS to the Third-party Technology Platform Provider with which the Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement has a contract, provided that the Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall be responsible for ensuring that monitoring occurs as required under 935 CMR 500.110(8)(b).

3. In addition to providing notice, body cameras shall be displayed conspicuously on the Marijuana Establishment Agent's person.

4. A Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall maintain video from body cameras confidentially and protected from disclosure to the full extent allowed by law. The Licensee shall implement data security, records retention, and record destruction policies for body camera video in compliance with applicable federal and state privacy laws, including but not limited to the Driver Privacy Protection Act, 18 USC § 2721, the Massachusetts Identify Theft Act, M.G.L. c. 93H, 201 CMR 17.00: Standards for the Protection of Personal Information of Residents of the Commonwealth, and the Fair Information Practices Act, M.G.L. c. 66A.

5. Video of deliveries shall be retained for a minimum of 30 days, or, with notice to the Delivery Licensee, for the duration of an investigation by the Commission or by law enforcement, whichever is longer. To obtain video from a Licensee as part of an investigation, Commission staff shall consult with the Executive Director and to the extent possible, view the video at the place of storage.

6. A Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement may not share or disclose any portion of the information or video footage collected as a result of the use of a body camera pursuant to 935 CMR 500.110(8)(b) to any third-party not explicitly authorized by 935 CMR 500.000. Adult Use of Marijuana to have access to that video footage, subject to the exceptions in 935 CMR 500.110(8)(b)(6).a. and b.
a. A Licensee or Marijuana Establishment shall make video footage available to law enforcement officers acting in his or her official capacity pursuant to a validly issued court order or search warrant demonstrating probable cause.

b. Nothing in 935 CMR 500.110(8)(b) shall prohibit law enforcement from performing a constitutionally valid search or seizure including, but not limited to, circumstances that present an imminent danger to safety, and other exceptional or emergency circumstances where time or opportunity to apply for a warrant is lacking.

7. Unless retained for investigative purposes, the Licensee shall erase or otherwise destroy videos after the 30-day retention period.

A Delivery Licensee, or Marijuana Establishment, with a Delivery Endorsement, transporting Marijuana and Marijuana Products for home delivery shall ensure that all vehicles used for deliveries are staffed with a minimum of two Marijuana Establishment Agents. At least one Marijuana Establishment Agent shall remain with the vehicle at all times that the vehicle contains Marijuana or Marijuana Products.

All Marijuana Establishment Agents acting as delivery employees of a Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement must have attended and successfully completed Responsible Vendor Training Basic Core Curriculum and Delivery Core Curriculum courses in accordance with 935 CMR 500.105(2)(b) prior to making a delivery.

A Marijuana Establishment Agent shall document and report any unusual discrepancy in inventory to the Commission and the local Law Enforcement Authorities in which the establishment is licensed within 24 hours of the discovery of such discrepancy.

A Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall report to the Commission and local law enforcement any vehicle accidents, diversions, losses, or other reportable incidents that shall occur during transit and, under no circumstances, more than 24 hours of becoming aware of any accidents, diversions, losses, or other reportable incidents. Any such report shall be made with the highest degree of punctuality.

The following individuals shall have access to Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement operations and vehicles, including video recordings:

1. Representatives of the Commission in the course of responsibilities authorized by:
   a. M.G.L. c. 94G or 935 CMR 500.000, Adult Use of Marijuana
   b. M.G.L. c. 94G or 935 CMR 500.000, Adult Use of Marijuana

2. Representatives of other state agencies acting within their jurisdiction;

4. Law enforcement, police and fire departments, and emergency medical services in the course of responding to an emergency.

A Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement for home delivery are subject to inspection and approval by the Commission prior to being put into use. It shall be the Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement responsibility to make the Commission aware of its intent to introduce a new vehicle into operation and ensure an inspection of the vehicle prior to commencing operations.

Firearms are strictly prohibited from Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement vehicles and from Marijuana

38
Establishment Agents performing home deliveries.

(9) Incident Reporting.

(a) A Marijuana Establishment shall notify appropriate Law Enforcement Authorities and the Commission of any breach of security or other reportable incident defined in 935 CMR 500.110(9) Incident Reporting immediately and, in no instance, more than 24 hours following discovery of the breach or incident. Notification shall occur, but not be limited to, during the following occasions:

1. Discovery of inventory discrepancies;
2. Diversion, theft or loss of any Marijuana Product;
3. Any criminal action involving or occurring on or in the Marijuana Establishment Premises or Licensee or agent;
4. Any suspicious act involving the sale, cultivation, distribution, processing or production of Marijuana by any Person;
5. Unauthorized destruction of Marijuana;
6. Any loss or unauthorized alteration of records related to Marijuana;
7. An alarm activation or other event that requires response by public safety personnel, including but not limited to local law enforcement, police and fire departments, public works or municipal sanitation departments, or security personnel privately engaged by the Marijuana Establishment;
8. The failure of any security alarm system due to a loss of electrical power or mechanical malfunction that is expected to last more than eight hours;
9. A significant motor vehicle crash that occurs while transporting or delivering Marijuana or Marijuana Products and would require the filing of a Motor Vehicle Crash Operator Report pursuant to G.L. c. 90 § 26, or (where provided) that renders the Licensee’s vehicle inoperable shall be reported immediately to state and local law enforcement so that Marijuana or Marijuana Products may be adequately secured; or
10. Any other breach of security.

(b) A Marijuana Establishment shall, within ten calendar days, provide notice to the Commission of any incident described in 935 CMR 500.110(9)(a) by submitting an incident report in the form and manner determined by the Commission which details the circumstances of the event, any corrective action taken, and confirmation that the appropriate Law Enforcement Authorities were notified.

(c) All documentation related to an incident that is reportable pursuant to 935 CMR 500.110(9)(a) shall be maintained by a Marijuana Establishment for not less than one year or the duration of an open investigation, whichever is longer, and made available to the Commission and Law Enforcement Authorities within their lawful jurisdiction on request.

(10) Security Audits. A Marijuana Establishment shall, on an annual basis, obtain at its own expense, a security system audit by a vendor approved by the Commission. A report of such audit shall be submitted, in a form and manner determined by the Commission, no later than 30 calendar days after the audit is conducted. If the audit identifies concerns related to the establishment’s security system, the Marijuana Establishment shall also submit a plan to mitigate those concerns within ten business days of submitting the audit.

500.130: Additional Operational Requirements for Indoor and Outdoor Marijuana Cultivators

(1) In addition to the general operational requirements for Marijuana Establishments required under 935 CMR 500.105, general operational
THESE DRAFT REGULATIONS ARE PROVIDED FOR PURPOSES OF PUBLIC REVIEW AND COMMENT ONLY, AND ARE NOT EFFECTIVE UNTIL PROMULGATED.

CHANGES FROM DRAFT REGULATIONS FILED JULY 24, 2020 ARE HIGHLIGHTED.

FOR CURRENT AND EFFECTIVE REGULATIONS, PLEASE SEE: https://mass-cannabis.law/main/laws/333cmr2.00-

Requirements for Marijuana Establishments and security requirements provided in 935 CMR 500.110: Security Requirements for Marijuana Establishments.

Marijuana Cultivators shall comply with additional operational requirements required under 935 CMR 500.120: Additional Operational Requirements for Indoor and Outdoor Marijuana Cultivators.

(2) A Marijuana Cultivator may cultivate its own Marijuana or acquire Marijuana from other Marijuana Establishments for the purposes of Propagation. Prior to commencing operations, Marijuana Cultivators shall disclose all growing media and plant nutrients intended to be used during the cultivation process. In all instances, Marijuana Cultivators shall disclose all growing media and plant nutrients used for cultivation upon request.

(3) Only a licensed Marijuana Cultivator or Microbusiness is permitted to cultivate Marijuana for adult use for sale to Marijuana Establishments.

(4) All phases of the cultivation, Processing, and packaging of Marijuana by a Marijuana Cultivator shall take place in a designated Limited Access Area where Marijuana is not visible from a public place without the use of binoculars, aircraft, or other optical aids. Marijuana is not visible if it cannot be reasonably identified.

(5) Application of Pesticides shall be performed in compliance with M.G.L. c. 132B and the regulations promulgated at 333 CMR 2.00 through 333 CMR 14.00. Any testing results indicating noncompliance shall be immediately reported to the Commission, who may refer any such result to the MDAR.

(6) A Marijuana Cultivator selling or otherwise transferring Marijuana to another Marijuana Establishment shall provide documentation of its compliance, or lack thereof, with the testing requirements of 935 CMR 500.160: Testing of Marijuana and Marijuana Products.

(7) A Marijuana Cultivator may label Marijuana and Marijuana Products with the word "organic" only if all cultivation is consistent with US Department of Agriculture organic requirements at 7 CFR 205: National Organic Program and consistent with MDAR requirements for Pesticide usage.

(8) Soil for cultivation shall meet federal standards identified by the Commission including, but not limited to, the U.S. Agency for Toxic Substances and Disease Registry's Environmental Media Evaluation Guidelines for residential soil levels.

(9) The cultivation process shall use best practices to limit contamination including, but not limited to, mold, fungus, bacterial diseases, rot, pests, Pesticides not in compliance with 935 CMR 500.120(5) for use on Marijuana, mildew, and any other contaminant identified as posing potential harm. Best practices shall be consistent with state and local law including, but not limited to, the Commission's Guidance on Integrated Pest Management.

(10) Any application of plant nutrient to land used for the cultivation of Marijuana shall comply with St. 2012, c. 262, as amended by St. 2013, c. 118, § 26, and 330 CMR 31.00: Plant Nutrient Application Requirements for Agricultural Land and Non-agricultural Turf and Lawns.

(11) A Marijuana Cultivator shall satisfy minimum energy efficiency and equipment standards established by the Commission and meet all applicable environmental laws, regulations, permits and other applicable approvals including, but not limited to, those related to water quality and quantity, wastewater, solid and hazardous waste management, and air pollution control.
including prevention of odor and noise pursuant to 310 CMR 7.00: Air Pollution Control as a condition of obtaining a final license under 935 CMR 500.103(2), Final License and as a condition of renewal under 935 CMR 500.103(4), Expiration and Renewal of License. A Marijuana Cultivator shall adopt and use additional best management practices as determined by the Commission, in consultation with the working group established under St. 2017, c. 55, § 76(b) or applicable departments or divisions of the EOEAA, to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts, and shall provide energy and water usage reporting to the Commission in a form determined by the Commission. Each license renewal application under 935 CMR 500.103(4), Expiration and Renewal of License shall include a report of the Marijuana Cultivator’s energy and water usage over the 12-month period preceding the date of application. Marijuana Cultivators shall be subject to the following minimum energy efficiency and equipment standards:

(a) The building envelope for all facilities, except Greenhouses, shall meet minimum Massachusetts Building Code requirements and all Massachusetts amendments (780 CMR: State Building Code), International Energy Conservation Code (IECC) Section C402 or The American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE) Chapters 5.4 and 5.5 as applied or incorporated by reference in 780 CMR: State Building Code, except that facilities using existing buildings may demonstrate compliance by showing that the envelope insulation complies with code minimum standards for Type Factory Industrial F-1, as further defined in guidelines issued by the Commission.

(b) Lighting used for Cannabis cultivation shall meet one of the following compliance requirements:

1. Horticulture Lighting Power Density may not exceed 36 watts per square foot, except for Tier 1 and Tier 2 which may not exceed 50 watts per square foot; or
2. All horticultural lighting used in a facility is listed on the current Design Lights Consortium Solid-state Horticultural Lighting Qualified Products List (“Horticultural QPL”) or other similar list approved by the Commission as of the date of license application, and lighting Photosynthetic Photon Efficacy (PPE) is at least 15% above the minimum Horticultural QPL threshold rounded up to the nearest 0.1 μmol/J (micromoles per joule).

3. A facility seeking to use horticultural lighting not included on the Horticultural QPL or other similar list approved by the Commission shall seek a waiver pursuant to 935 CMR 500.850. Waivers may be granted and provide documentation of third-party certification of the energy efficiency features of the proposed lighting. All facilities, regardless of compliance path, shall provide third-party safety certification by an OSHA NRTL or SCC-recognized body, which shall certify that products meet a set of safety requirements and standards deemed applicable to horticultural lighting products by that safety organization.

(c) Heating Ventilation and Air Condition (HVAC) and dehumidification systems shall meet Massachusetts Building Code requirements and all Massachusetts amendments (780 CMR State Building Code), IECC Section C403 or ASHRAE Chapter 6 as applied or incorporated by reference in 780 CMR: State Building Code. As part of the documentation required under 935 CMR 500.120(1)(b), a Marijuana Cultivator shall provide a certification from a Massachusetts Licensed Mechanical Engineer that the HVAC and dehumidification systems meet Massachusetts building code as specified in 935 CMR 500.120(1)(c) and that such systems have been evaluated and sized for the anticipated loads of the facility.

(d) Safety protocols shall be established and documented to protect workers, Consumers, or Visitors (e.g., eye protection near operating Horticultural
(e) Requirements in 935 CMR 500.120(11)(b) and (c) shall not be required if an indoor Marijuana Cultivator is generating 90% or more of the total annual on-site energy use for all fuels (expressed on a MWh basis) from an on-site clean or renewable generating source, or renewable thermal generation, as provided in M.G.L. c. 25A § 11F and 11F½. Additionally, the Marijuana Establishment shall document that renewable energy credits or alternative energy credits representing the portion of the Licensee’s energy usage not generated on-site have been purchased and retired on an annual basis.

(f) Prior to final licensure, a Marijuana Cultivator Licensee shall demonstrate compliance with 935 CMR 500.120(11), by submitting an energy compliance letter prepared by a Massachusetts Licensed Professional Engineer or Massachusetts Licensed Registered Architect with supporting documentation, together with submission of building plans under 935 CMR 500.103, Licensed and Renewal. For a Microbusiness or Craft Marijuana Cooperative with a cultivation location sized as Tier 1 or Tier 2, or such other Marijuana Cultivator that have been granted a waiver under 935 CMR 500.50, Waiver, compliance with any of the requirements of 935 CMR 500.120(11) may be demonstrated through an energy compliance letter or updated energy compliance letter prepared by one or more of the following energy professionals:

1. A Certified Energy Auditor certified by the Association of Energy Engineers;
2. A Certified Energy Manager certified by the Association of Energy Engineers;
3. A Massachusetts Licensed Professional Engineer; or

(g) A CMR with a final Certificate of Licensure issued before November 1, 2019 shall have until July 1, 2020 to comply with 935 CMR 500.120(11), except that any additions to or renovations to a facility shall comply with 935 CMR 500.120(11). A Marijuana Establishment subject to 935 CMR 500.120(11) may apply for an additional six-month extension if it agrees to install meters to monitor energy usage, water usage and other data determined by the Commission as necessary in order to provide reports on energy usage, water usage, waste production and other data in a form and manner determined by the Commission.

(h) For purposes of 935 CMR 500.120(11), the following terms shall have the following meanings:

1. Horticultural Lighting Equipment (HLE) means any lighting equipment (e.g., fixtures, bulbs, ballasts, controls, etc.) that uses energy for the cultivation of plants, at any stage of growth (e.g., germination, cloning/Mother Plants, Propagation, Vegetation, Flowering, and harvest).
2. Horticulture Lighting Square Footage (HLSF) means Canopy.
3. Lighting Power Density (HLPD) means a measure of total watts of Horticultural Lighting Equipment per total Horticulture Lighting Square Footage, (HLE / HLSF = HLPD) expressed as number of watts per square foot.

(12) In addition to the written operating policies required under 935 CMR 500.105(1), Written Operating Procedures, a Marijuana Cultivator, including CMO Marijuana Cultivators and MTCs, shall maintain written policies and procedures for the cultivation, production, Transfer or distribution of Marijuana, as applicable, which shall include but not be limited to:

(a) Methods for identifying, recording, and reporting diversion, theft, or loss, for correcting all errors and inaccuracies in inventories, and for maintaining accurate inventory. The policies and procedures, at a minimum, shall comply with 935 CMR 500.105(8), Inventory and Transfer;
(b) Policies and procedures for handling voluntary and mandatory recalls of Marijuana. Such procedures shall be adequate to deal with recalls due to any action initiated at the request or order of the Commission, and any voluntary action by a Marijuana Establishment to remove defective or potentially defective Marijuana from the market, as well as any action undertaken to promote public health and safety;

(c) Policies and procedures for ensuring that any outdated, damaged, deteriorated, mislabeled, or contaminated Marijuana is segregated from other Marijuana and destroyed. Such procedures shall provide for written documentation of the disposition of the Marijuana. The policies and procedures, at a minimum, shall comply with 935 CMR 500.105(12) Waste Disposal.

(1) Policies and Procedures for Transportation. The policies and procedures, at a minimum, shall comply with 935 CMR 500.105(13): Transportation Between Marijuana Establishments;

Energy Efficiency and Conservation and 935 CMR 500.120(11):

(i) Policies and procedures for ensuring fire safety in cultivation activities, including but not limited to the storage and processing of chemicals or fertilizers, in compliance with the standards set forth in 527 CMR 100: The Massachusetts Comprehensive Fire Code;

(g) Policies and procedures for the Transfer, acquisition, or sale of Marijuana between Marijuana Establishments;

(h) Policies and procedures for developing and providing Vendor Samples to a Marijuana Product Manufacturer, a Marijuana Retailer, or a Marijuana Establishment. Policies and procedures shall include methods by which the Marijuana Cultivator will adequately track, record, and document all Vendor Samples developed on, or provided from, the licensed Premises in satisfaction of 935 CMR 500.120(13): Vendor Samples;

(i) Policies and procedures for developing and providing Quality Control Samples to employees for the purpose of ensuring product quality and determining whether to make the product available to sell. Policies and procedures shall include methods by which the Marijuana Cultivator will adequately track, record, and document all Quality Control Samples developed on, or provided from, the licensed Premises in satisfaction of 935 CMR 500.120(14): Quality Control Samples. Policies and procedures shall further prohibit consumption of Quality Control Samples on the licensed Premises;

(j) Policies and procedures for packaging Marijuana and White Labeling. Marijuana Cultivators shall retain all Delivery Agreements entered into with Wholesale Delivery Licensees and shall make them available to the Commission upon request.

(13) Vendor Samples. Policies and procedures for Vendor Samples provided under this subsection:

(a) A Marijuana Cultivator may provide a Vendor Sample of Marijuana flower to a Marijuana Product Manufacturer or to a Marijuana Retailer. Provision of a Vendor Sample under this subsection shall not be considered a prohibited practice under 935 CMR 500.105(14)b6.

(b) Vendor Samples provided under this subsection:

1. May not be consumed on any licensed Premises;
2. May not be sold to another licensee or Consumer;
3. Shall be tested in accordance with 935 CMR 500.160: Testing of Marijuana and Marijuana Products; and
4. Shall be transported in accordance with 935 CMR 500.105(13): Transportation Between Marijuana Establishments. A Marijuana
A Marijuana Cultivator may include Vendor Samples with other Marijuana flower intended for transportation to an individual Marijuana Product Manufacturer or an individual Marijuana Retailer:

(c) Vendor Sample limits. A Marijuana Cultivator is limited to providing the following aggregate amount of Vendor Samples to an individual Marijuana Product Manufacturer or an individual Marijuana Retailer in a calendar month period:

1. Four grams per strain of Marijuana flower and no more than seven strains of Marijuana flower.

(d) All Vendor Samples provided by a Marijuana Cultivator under 935 CMR 500.120(13): Vendor Samples shall be assigned a unique, sequential alphanumeric identifier and entered into the Seed-to-sale SOR in a form and manner to be determined by the Commission, and further, shall be designated as "Vendor Sample."

(e) Vendor Samples provided under this subsection shall have a legible, firmly Affixed label on which the wording is no less than 1/16 inch in size containing at minimum the following information:

1. A statement that reads: "VENDOR SAMPLE NOT FOR RESALE";
2. The name and registration number of the Marijuana Cultivator;
3. The quantity, net weight, and type of Marijuana flower contained within the package; and
4. A unique sequential, alphanumeric identifier assigned to the Cultivation Batch associated with the Vendor Sample that is traceable in the Seed-to-sale SOR.

(14) Quality Control Samples.

(a) A Marijuana Cultivator may provide a Quality Control Sample of Marijuana flower to its employees for the purpose of ensuring product quality and determining whether to make the product available to sell. Provision of a Quality Control Sample under this subsection shall not be considered a prohibited practice under 935 CMR 500.105(4)(b)6.

(b) Quality Control Samples provided to employees under this section:

1. May not be consumed on the licensed Premises;
2. May not be sold to another licensee or Consumer; and

(c) Quality Control Sample limits. A Marijuana Cultivator is limited to providing the following aggregate amount of Quality Control Samples to all employees in a calendar month period:

1. Four grams per strain of Marijuana flower and no more than seven strains of Marijuana flower.

(d) All Quality Control Samples provided by a Marijuana Cultivator under 935 CMR 500.120(14): Quality Control Samples shall be assigned a unique, sequential alphanumeric identifier and entered into the Seed-to-sale SOR in a form and manner to be determined by the Commission, and further, shall be designated as "Quality Control Sample."

(e) Quality Control Samples provided under this subsection shall have a legible, firmly Affixed label on which the wording is no less than 1/16 inch in size containing at minimum the following information:

1. A statement that reads: "QUALITY CONTROL SAMPLE NOT FOR RESALE;"
2. The name and registration number of the Marijuana Cultivator;
3. The quantity, net weight, and type of Marijuana flower contained within the package; and
4. A unique sequential, alphanumeric identifier assigned to the Cultivation Batch associated with the Quality Control Sample that is traceable in the Seed-to-sale SOR.
(1) Upon providing a Quality Control Sample to an employee, the Marijuana Cultivator shall record:

1. The reduction in quantity of the total weight or item count under the unique alphanumeric identifier associated with the Quality Control Sample;
2. The date and time the Quality Control Sample was provided to the employee;
3. The agent registration number of the employee receiving the Quality Control Sample; and,
4. The name of the employee as it appears on their agent registration card.

500.130: Additional Operational Requirements for Marijuana Product Manufacturers

(1) In addition to the general operational requirements for Marijuana Establishments required under 935 CMR 500.105, General Operational Requirements for Marijuana Establishments and security requirements provided in 935 CMR 500.110, Security Requirements for Marijuana Establishments, Marijuana Product Manufacturers shall comply with additional operational requirements required under 935 CMR 500.130, Additional Operational Requirements for Marijuana Product Manufacturers.

(2) Production of Edible: shall take place in compliance with the following:

(a) All Edible shall be prepared, handled, and stored in compliance with the sanitation requirements in 105 CMR 590.000: State Sanitary Code Chapter X, Minimum Sanitation Standards for Food Establishments, and with the requirements for food handlers specified in 105 CMR 500.000: Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements; and
(b) Any Marijuana Product that is made to resemble a typical food or Beverage product shall be packaged and labelled as required by 935 CMR 500.105(5) and (6).

(3) A Marijuana Product Manufacturer shall meet all applicable environmental laws, regulations, permits and other applicable approvals including, but not limited to, those related to water quality and quantity, wastewater, solid and hazardous waste management and air pollution control, including prevention of odor and noise pursuant to 310 CMR 7:00: Air Pollution Control, and to use additional best management practices as determined by the Commission in consultation with the working group established under St. 2017, c. 55, § 78(b) or applicable departments or divisions of the EOEEA to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts.

(4) A Marijuana Product Manufacturer selling or otherwise Transferring Marijuana to another Marijuana Establishment shall provide documentation of its compliance, or lack thereof, with the testing requirements of 935 CMR 500.160, Testing of Marijuana and Marijuana Products, and standards established by the Commission for the conditions, including temperature and temperature controls, necessary to protect Marijuana Products against physical, chemical, and microbial contamination as well as against deterioration of finished products during storage and transportation.

(a) A Product Manufacturer shall retain all records of purchases from any manufacturer or supplier of any ingredient, additive, device, component part or other materials obtained by the Product Manufacturer in relation to the manufacturing of Marijuana Vaporizer Devices and such records shall be made available to the Commission on request.

(b) A Marijuana Product Manufacturer shall make objectively reasonable efforts to identify and maintain records of the name and business address of the manufacturer of any cartridge, battery, atomizer coil, hardware or other component of Marijuana Vaporizer Products manufactured by the Licensee.
Further, the Product Manufacturer shall, on request by the Commission, identify the materials used in the device’s atomizer coil (e.g., titanium, titanium alloy, quartz, copper, nichrome, kanthal, or other specified material) or state if such information cannot be reasonably ascertained.

(c) A copy of the Certificate of Analysis for each thickening agent, thinning agent or terpene infused or incorporated into a Marijuana Vaporizer Device during production shall be retained by a Product Manufacturer and provided as a part of a wholesale transaction with any Marijuana Retailer, MTC or Marijuana Wholesale Delivery Licensee. A copy of the Certificate of Analysis shall be in compliance.

(d) A Product Manufacturer that wholesales Marijuana Vaporizer Devices to a Marijuana Retailer, MTC or Marijuana Wholesale Delivery Licensee shall provide the recipient with the information insert required by 935 CMR 500.105(12) or the necessary information to produce such an insert, and the appropriate labeling information required by these regulations, provided, however, that White Labeling of Marijuana Vaporizer Devices is explicitly prohibited.

In addition to the written operating policies required under 935 CMR 500.105(1),  Written Operating Procedures, a Marijuana Product Manufacturer shall maintain written policies and procedures for the production or distribution of Marijuana Products, as applicable, which shall include, but not be limited to:

(a) Methods for identifying, recording, and reporting diversion, theft, or loss, and for correcting all errors and inaccuracies in inventories. The policies and procedures, at a minimum, shall comply with 935 CMR 500.105(8).

(b) Policies and procedures for handling voluntary and mandatory recalls of Marijuana Products. Such procedures shall be adequate to deal with recalls due to any action initiated at the request or order of the Commission, and any voluntary action by a Marijuana Establishment to remove defective or potentially defective Marijuana Products from the market, as well as any action undertaken to promote public health and safety;

(c) Policies and procedures for ensuring that any outdated, damaged, deteriorated, mislabeled, or contaminated Marijuana or Marijuana Products are segregated from other Marijuana and destroyed. Such procedures shall provide for written documentation of the disposition of the Marijuana or Marijuana Products. The policies and procedures, at a minimum, shall comply with 935 CMR 500.105(12), Waste Disposal.

(d) Policies and procedures for transportation. The policies and procedures, at a minimum, shall comply with 935 CMR 500.105(13), Transportation Between Marijuana Establishments.

(e) Policies and procedures to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts. The policies and procedures, at a minimum, shall comply with 935 CMR 500.105(15), Energy Efficiency and Conservation.

(f) Policies and procedures for the Transfer, acquisition, or sale of Marijuana Products between Marijuana Establishments, and if applicable, MTCs and CMOs;

(g) Policies and procedures to ensure that all Edibles are prepared, handled, and stored in compliance with the sanitation requirements in 105 CMR 590.000: State Sanitary Code Chapter X: Minimum Sanitation Standards for Food Establishments, and with the requirements for food handlers specified in 105 CMR 300.000: Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements;

(h) Policies and procedures for maintaining a product catalogue identifying all types of Marijuana Products actively manufactured at the facility. The catalog shall include a description of the product, photograph or illustration, packaging design, and dosage amounts, including expected Cannabinoid
Profile,
(i) Policies and procedures for ensuring safety in all processing activities and the related uses of extraction equipment in compliance with the standards set forth in 527 CMR 1.00: The Massachusetts Comprehensive Fire Code;
(ii) Policies and procedures for developing and providing Vendor Samples to a Marijuana Retailer. Policies and procedures shall include methods by which the Marijuana Product Manufacturer will adequately track, record, and document all Vendor Samples developed on, or provided from, the licensed Premises in satisfaction of 935 CMR 500.130(7);
(iii) Policies and procedures for developing and providing Quality Control Samples to employees for the purpose of ensuring product quality and determining whether to make the product available to sell. Policies and procedures shall include methods by which the Marijuana Product Manufacturer will adequately track, record, and document all Quality Control Samples developed on, or provided from, the licensed Premises in satisfaction of 935 CMR 500.130(8);
(iv) Policies and procedures for developing and providing White Labeling on behalf of any Marijuana Wholesale Delivery Licensee. Marijuana Product Manufacturers shall retain all Delivery Agreements entered into with Marijuana Wholesale Delivery Licenses and shall make them available to the Commission upon request.

(6) Product Database. In addition to the requirement to establish policies and procedures for maintaining a product catalogue under 935 CMR 500.130(5)(h), a Marijuana Product Manufacturer, after receiving a Provisional License but prior to receiving a Certificate to Commence Operations, shall provide the following information about the finished Marijuana Products it intends to produce and make available at wholesale to a Marijuana Retailer or Marijuana Wholesale Delivery Licensee prior to commencement of operations. This information may be used by the Commission for its Product Database:

(a) The Marijuana Product Manufacturer shall provide the following:
1. Marijuana Product type;
2. Marijuana Product brand name;
3. List of direct ingredients;
4. List of indirect ingredients;
5. Serving size, including a description of what constitutes a serving size for a product that is not already a single serving;
6. Potency;
7. A photograph of a finished Marijuana Product outside of but next to the Marijuana Product’s packaging, including any external or internal packaging, provided however that where single servings of a multi-serving product are unable to be easily identified because of its form, a description of what constitutes a single serving shall be provided (e.g. a single serving is a 1” x 1” square), and where an Edible cannot be stamped, for example, due to size or a coating, the photograph of the Edible outside of but next to its external and internal packaging, such as the wrapper, and labeling information for the Edible;
8. A photograph of the Marijuana Product inside the packaging, and;
9. A list of Marijuana Products to be sold based on anticipated or executed agreements between the Marijuana Product Manufacturer and Marijuana Retailer or Marijuana Wholesale Delivery Licensee.

(b) Photographs submitted pursuant to 935 CMR 500.130(6): Product Database shall be electronic files in a JPEG format with a minimum photo resolution of 640 x 480 and print resolution of 300 DPI. Photographs shall be against a white background.
(c) A Marijuana Product Manufacturer shall provide the information required under 935 CMR 500.130(6)(a) for each Marijuana Product that it produces, prior to the product being made available for sale through a licensed Marijuana Retailer, MTC, or Marijuana Wholesale Delivery Licensee, and shall update the information whenever a substantial change to the product information occurs. Substantial changes, including changes to information listed in 935 CMR 500.130(6)(a)1.–9., shall be submitted to the Commission for inclusion in the Product Database prior to the transfer of the Marijuana Product.

(7) Notwithstanding a stricter municipal or state regulation, a Marijuana Product Manufacturer shall identify the method of extraction (e.g., Butane, Propane, CO2) on a physical posting at all entrances of the Marijuana Establishment. The Posting shall be a minimum of 12” x 12” and identify the method of extraction in lettering no smaller than one inch in height. A Marijuana Product Manufacturer shall post a copy of a permit to keep, store, handle or otherwise use flammable and combustible at each place of operation within the facility.

(8) Vendor Samples.

(a) A Marijuana Product Manufacturer may provide a Vendor Sample of a Marijuana Product to a Marijuana Retailer or Marijuana Wholesale Delivery Licensee. Provision of a Vendor Sample under this subsection shall not be considered a prohibited practice under 935 CMR 500.105(4)(b)6.

(b) Vendor Samples provided under this subsection:
1. May not be consumed on any licensed Premises;
2. May not be sold to another licensee or Consumer;
3. Shall be tested in accordance with 935 CMR 500.160: Testing of Marijuana and Marijuana Products; and
4. Shall be transported in accordance with 935 CMR 500.105(13): Transportation Between Marijuana Establishments. A Marijuana Product Manufacturer may include Vendor Samples with other Marijuana Products intended for transportation to an individual Marijuana Retailer or Marijuana Wholesale Delivery Licensee.

(c) Vendor Sample limits. A Marijuana Product Manufacturer is limited to providing the following aggregate amounts of Vendor Samples to an individual Marijuana Retailer or Marijuana Wholesale Delivery Licensee in a calendar month period:
1. Five grams of Marijuana concentrate or extract, including but not limited to tinctures;
2. Five hundred milligrams of Edibles whereby the serving size of each individual sample does not exceed five milligrams and otherwise satisfies the potency levels set forth in 935 CMR 500.150(4): Dosing Limitations; and
3. Five units of sale per Cannabis product line and no more than six individual Cannabis product lines. For purposes of 935 CMR 500.130(8), a Cannabis product line shall mean items bearing the same Stock Keeping Unit Number.

(d) All Vendor Samples received from a Marijuana Cultivator pursuant to 935 CMR 500.120(13): Vendor Samples that are used to manufacture a Marijuana Product shall be assigned a unique, sequential alphanumeric identifier and entered into the Seed-to-sale SOR in a form and manner to be determined by the Commission, and further, shall be designated as “Vendor Sample.”

(e) All Vendor Samples provided by a Marijuana Product Manufacturer under 935 CMR 500.130(7) shall be assigned a unique, sequential alphanumeric identifier and entered into the Seed-to-sale SOR in a form and manner to be determined by the Commission and shall further be designated as “Vendor Sample.”
(f) Vendor Samples provided under this section shall have a legible, firmly affixed label on which the wording is no less than 1/16 inch in size containing at minimum the following information:
1. A statement that reads: “VENDOR SAMPLE NOT FOR RESALE”;
2. The name and registration number of the Marijuana Product Manufacturer;
3. The quantity, net weight, and type of Marijuana Product contained within the package; and
4. A unique sequential, alphanumeric identifier assigned to the Production Batch associated with the Vendor Sample that is traceable in the Seed-to-sale SOR.

(9) Quality Control Samples.
(a) A Marijuana Product Manufacturer may provide a Quality Control Sample of Marijuana Product to its employees for the purpose of ensuring product quality and determining whether to make the product available for sale. Provision of a Quality Control Sample under this subsection shall not be considered a prohibited practice under 935 CMR 500.105(4)(b).
(b) Quality Control Samples provided to employees under this subsection:
1. May not be consumed on the licensed Premises;
2. May not be sold to another licensee or Consumer; and
(c) Quality Control Sample limits. A Marijuana Product Manufacturer is limited to providing the following aggregate amounts of Quality Control Samples to all employees in a calendar month period:
1. Five grams of Marijuana concentrate or extract, including but not limited to tinctures;
2. Five hundred milligrams of Edibles whereby the serving size of each individual sample does not exceed five milligrams and otherwise satisfies the potency levels set forth in 935 CMR 500.150(4): Dosing Limitations; and
3. Five units of sale per Cannabis product line and no more than six individual Cannabis product lines. For purposes of 935 CMR 500.130(8): Vendor Samples, a Cannabis product line shall mean items bearing the same Stock Keeping Unit Number.
(d) All Quality Control Samples provided under 935 CMR 500.130(8): Vendor Samples shall be assigned a unique, sequential alphanumeric identifier and entered into the Seed-to-sale SOR in a form and manner to be determined by the Commission, and further, shall be designated as “Quality Control Sample.”
(e) Quality Control Samples provided under this subsection shall have a legible, firmly affixed label on which the wording is no less than 1/16 inch in size containing at minimum the following information:
1. A statement that reads: “QUALITY CONTROL SAMPLE NOT FOR RESALE”;
2. The name and registration number of the Marijuana Product Manufacturer;
3. The quantity, net weight, and type of Marijuana flower contained within the package; and
4. A unique sequential, alphanumeric identifier assigned to the Production Batch associated with the Quality Control Sample that is traceable in the Seed-to-sale SOR.
(f) Upon providing a Quality Control Sample to an Employee, the Marijuana Product Manufacturer shall record:
1. The reduction in quantity of the total weight or item count under the unique alphanumeric identifier associated with the Quality Control Sample.
500.140: Additional Operational Requirements for Retail Sale

(1) In addition to the general operational requirements for Marijuana Establishments required under 935 CMR 500.105, General Operational Requirements for Marijuana Establishments and security requirements provided in 935 CMR 500.110, Security Requirements for Marijuana Establishments. Licensees engaged in retail sales shall comply with 935 CMR 500.140, Additional Operational Requirements for Retail Sale.

(2) On-Premises Verification of Identification.

(a) On entry into the Premises of a Marijuana Retailer by an individual, a Marijuana Establishment Agent shall immediately inspect the individual's proof of identification and determine the individual's age. An individual shall not be admitted to the Premises, unless the Marijuana Retailer has verified that the individual is 21 years of age or older by an individual's proof of identification.

(b) On point of sale by an individual, a Marijuana Establishment Agent shall inspect the individual's proof of identification and determine the individual's age.

(c) In accordance with M.G.L. c. 94G, § 4(c)(1), a Marijuana Retailer may not acquire or record Consumer personal information other than information typically required in a retail transaction, which can include information to determine the Consumer's age. A Marijuana Retailer may not record or retain any additional personal information from Consumer without the Consumer's voluntary written permission, except as provided in (d) and (e).

(d) A Marijuana Retailer that has entered into Delivery Agreements with Delivery Licensees for the purpose of transacting home deliveries to Consumers shall establish a Pre-verification process for Consumers who intend to place orders for delivery with the Marijuana Establishment. A Marijuana Retailer that holds more than one Marijuana Retailer license may establish a process to share Pre-verification information about Consumers among their multiple locations for the purpose of enabling deliveries from any licensed location operated by the Marijuana Retailer, provided however that information shall only be shared among locations upon the affirmative election by a Consumer. To comply with the requirements of Pre-verification, the Marijuana Establishment shall:

1. Require the Consumer to pre-verify with the Marijuana Establishment either in person or through a Commission-approved electronic means by presenting or submitting the Consumer's valid, unexpired government-issued photo identification; and
2. Examine the government-issued identification card and verify that the individual Consumer presenting or submitting the government-issued identification card is the individual Consumer that matches the government-issued identification card and that the individual Consumer is 21 years of age or older.

(e) A Marijuana Retailer shall collect and maintain relevant information about the individual Consumer, for the purpose of transacting a delivery and ensuring that the recipient of a delivery under 935 CMR 500.145, Additional Operational Requirements for Delivery of Marijuana, Marijuana Products, Marijuana Accessories, and Marijuana Establishment Branded Goods to
THESE DRAFT REGULATIONS ARE PROVIDED FOR PURPOSES OF PUBLIC REVIEW AND COMMENT ONLY, AND ARE NOT EFFECTIVE UNTIL PROMULGATED.

CHANGES FROM DRAFT REGULATIONS FILED JULY 24, 2020 ARE HIGHLIGHTED.

FOR CURRENT AND EFFECTIVE REGULATIONS, PLEASE SEE: https://mass-cannabis.com/regs

Consumer is legally allowed to receive Marijuana and Marijuana Products, which shall be limited to;

1. The individual's name;
2. The individual's date of birth;
3. The individual's address;
4. The individual's primary telephone number; and
5. The individual's email address.

(f) Any such information collected by the Marijuana Establishment shall be used solely for the purpose of transacting a delivery under 935 CMR 500.145.

Additional Operational Requirements for Delivery of Marijuana, Marijuana Products, Marijuana Accessories, and Marijuana Establishment Branded Goods to Consumers and shall be otherwise maintained confidentially.

3. Limitation on Sales.
(a) In accordance with M.G.L. c. 94G, § 7, a Marijuana Retailer may not knowingly sell more than one ounce of Marijuana or its combined dry weight equivalent in Marijuana concentrate or Edible to a retail customer per day.

1. One ounce of Marijuana flower shall be equivalent to five grams of active tetrahydrocannabinol (THC) in Marijuana concentrate including, but not limited to, Tinctures.
2. One ounce of Marijuana flower shall be equivalent to five hundred milligrams of active tetrahydrocannabinol (THC) in Edible.
3. Topicals and ointments shall not be subject to a limitation on daily sales.
(b) A Marijuana Retailer may not sell Marijuana or Marijuana Products in excess of the potency levels established by 935 CMR 500.140(4), "Restrictions on Daily Limitations;" and
(c) A Marijuana Retailer shall demonstrate that it has a point-of-sale system that does not allow for a transaction in excess of the limit established in 935 CMR 500.140(4)(a) or the potency levels established in 935 CMR 500.140(3)(b).

4. Unauthorized Sales and Right to Refuse Sales.
(a) A Marijuana Retailer shall refuse to sell Marijuana to any Consumer who is unable to produce valid proof of government-issued identification.
(b) A retailer shall refuse to sell Marijuana Products to a Consumer if, in the opinion of the Marijuana Establishment Agent based on the information available to the agent at that time, the Consumer or the public would be placed at risk. This includes, but is not limited to, the Consumer engaging in daily transactions that exceed the legal possession limits or that create a risk of diversion.
(c) A retailer may not sell to an individual more than one ounce of Marijuana or its dry weight equivalent in Marijuana concentrate or Edible per transaction. A retailer may not knowingly sell to an individual more than one ounce of Marijuana or its dry weight equivalency per day.
(d) A retailer is prohibited from selling Marijuana Products containing nicotine.
(e) A retailer is prohibited from selling Marijuana Products containing alcohol, if sales of such alcohol would require licensure pursuant to M.G.L. c. 138.

5. Recording Sales.
(a) A Marijuana Retailer shall only utilize a point-of-sale system approved by the Commission, in consultation with the DOR.
(b) A retailer may utilize a sales recording module approved by the DOR.
(c) A retailer is prohibited from utilizing software or other methods to manipulate or alter sales data.
(d) A retailer shall conduct a monthly analysis of its equipment and sales data to determine that no software has been installed that could be utilized to
manipulate or alter sales data and that no other methodology has been employed to manipulate or alter sales data. A Marijuana Retailer shall maintain records that it has performed the monthly analysis and produce it on request to the Commission. If a retailer determines that software has been installed for the purpose of manipulation or alteration of sales data or other methods have been utilized to manipulate or alter sales data:

1. It shall immediately disclose the information to the Commission;
2. It shall cooperate with the Commission in any investigation regarding manipulation or alteration of sales data; and
3. Take such other action directed by the Commission to comply with 935 CMR 500.105 General Operational Requirements for Marijuana Establishments.

A retailer shall comply with 830 CMR 62C.25: Record Retention and DOR Directive 16-1 regarding recordkeeping requirements.

A retailer shall adopt separate accounting practices at the point of sale for Marijuana and Marijuana Product sales, and non-Marijuana sales.

The Commission and the DOR may audit and examine the point-of-sale system used by a retailer in order to ensure compliance with Massachusetts tax laws and 935 CMR 500.440(5): Recording Sales.

(6) Consumer Education. A Marijuana Retailer shall make available educational materials about Marijuana Products to Consumers. A retailer shall have an adequate supply of current educational material available for distribution. Educational materials shall be available in commonly spoken languages designated by the Commission, which will include, but not be limited to, appropriate materials for the visually- and hearing-impaired. Such materials shall be made available for inspection by the Commission on request. The Commission will establish fines or other civil penalties for a Marijuana Establishment's failure to provide these materials. The educational material shall include at least the following:

(a) A warning that Marijuana has not been analyzed or approved by the FDA, that there is limited information on side effects, that there may be health risks associated with using Marijuana, and that it should be kept away from children;
(b) A warning that when under the influence of Marijuana, driving is prohibited by M.G.L. c. 90, § 24, and machinery should not be operated;
(c) Information to assist in the selection of Marijuana, describing the potential differing effects of various strains of Marijuana, as well as various forms and routes of administration;
(d) Materials offered to Consumers to enable them to track the strains used and their associated effects;
(e) Information describing proper dosage and titration for different routes of administration. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of potency shall also be explained;
(f) A discussion of tolerance, dependence, and withdrawal;
(g) Facts regarding substance abuse signs and symptoms, as well as referral information for substance abuse treatment programs;
(h) A statement that Consumers may not sell Marijuana to any other individual;
(i) Information regarding penalties for possession or distribution of Marijuana in violation of Massachusetts law; and
(j) Any other information required by the Commission.

(7) Testing. No Marijuana Product, including Marijuana, may be sold or otherwise marketed for adult use that has not first been tested by Independent Testing Laboratories, except as allowed under 935 CMR 500.000 Adult Use of Marijuana. The product shall be deemed to comply with the standards required
under 935 CMR 500.160: Testing of Marijuana and Marijuana Products.
(a) Potency levels derived from the Cannabinoid Profile, including the amount of delta-nine-tetrahydrocannabinol (∆9-THC) and other Cannabinoids, contained within Finished Marijuana or Marijuana Product to be sold or otherwise marketed shall be recorded in the Seed-to-sale SOR.


(9) Advance Contactless Order Fulfillment.
(a) A Marijuana Retailer may allow for advance contactless ordering of Marijuana and Marijuana Products by telephone, website or third-party platform, which shall be available for inspection prior to commencing operations and on request.
(b) Marijuana Retailer may fulfill advance orders through contactless means by not requiring contact between a Consumer and Registered Marijuana Agent.
(c) Any physical unit used for the purpose of the fulfillment of an advance contactless order (order) shall ensure that access to orders of Marijuana or Marijuana Products is limited to the Consumer who placed the order.
(d) Any physical unit used for the purpose of order fulfillment shall be located within the Marijuana Retailer’s building and be bolted or otherwise permanently affixed to the Marijuana Establishment Premises.
(e) A Marijuana Retailer that adopts a contactless means of fulfilling orders shall have a written operations plan which shall be submitted to the Commission prior to commencing these operations and on request. The plan shall include a detailed description of how the Marijuana Retailer will ensure that advance contactless order fulfillment complies with the requirements of:
1. 935 CMR 500.105(3)(b) and (c) for the safe storage of Marijuana and Marijuana Products;
2. 935 CMR 500.110(1)(a) and M.G.L. c. 94G, § 4(c)(3) for the positive identification of individuals seeking access to the Premises of the Marijuana Establishment for the purpose of obtaining an order placed in advance to limit access solely to individuals 21 years of age or older;
3. 935 CMR 500.110(5)(a)(4) for the video surveillance of the advance contactless order; and
4. 935 CMR 500.140(8)(c) and (d).
(f) Orders placed in advance may not be retained in a physical unit used for the purpose of contactless order fulfillment overnight or outside of business hours.

(10) Product Database. A Marijuana Retailer that purchases wholesale Marijuana Products from a licensed Marijuana Product Manufacturer for the purpose of Repackaging Marijuana Products for sale to consumers shall provide the Commission with the following information. This information may be used by the Commission for its Product Database.
(a) The Marijuana Retailer shall provide the following:
1. A photograph of a finished Marijuana Product outside of but next to the Marijuana Product’s packaging, provided however that where single servings of a multi-serving product are unable to be easily identified because of its form, a description of what constitutes a single serving shall be provided (e.g. a single serving is a 1” x 1” square); and
2. A photograph of the Marijuana Product inside packaging; and
3. The name of the Product Manufacturer that produced the Marijuana Product.
(b) Photographs submitted shall be electronic files in a JPEG format with a minimum photo resolution of 640 x 480 and print resolution of 300 DPI.
Photographs shall be against a white background.

(c) Marijuana Retailers shall provide the information required under 935 CMR 500.140(8)(a) for each Marijuana Product it Repackages for sale prior to the product being made available for sale and shall update the information wherever a substantial change to packaging or label of the Marijuana Product occurs. For purposes of this section, a substantial change shall be a change to the physical attributes or content of the package or label.

(11) In addition to the written operating policies required under 935 CMR 500.105(1): Written Operating Procedures, a Marijuana Retailer shall maintain written policies and procedures which shall include:

(a) Policies and procedures for adequately tracking, recording, and documenting all Vendor Samples that the Marijuana Retailer receives from a Marijuana Cultivator or a Marijuana Product Manufacturer; and

(b) Policies and procedures for adequately tracking, recording, and documenting all Vendor Samples that the Marijuana Retailer provides to employees for the purpose of assessing product quality and determining whether to make the product available to sell, in compliance with 935 CMR 500.140(15): Patient Supply.

(12) Vendor Samples.

(a) A Marijuana Retailer may receive a Vendor Sample of Marijuana flower from a Marijuana Cultivator pursuant to 935 CMR 500.120(13): Vendor Samples. A Marijuana Retailer may also receive a Vendor Sample of Marijuana Product from a Marijuana Product Manufacturer pursuant to 935 CMR 500.130(7). Receipt of a Vendor Sample under this subsection shall not be considered a prohibited practice under 935 CMR 500.105(4)(b):6.

(b) Vendor Samples may not be sold to another licensee or Consumer.

(c) A Marijuana Retailer may provide the Vendor Samples it receives from a Marijuana Cultivator or a Marijuana Product Manufacturer to its employees for the purpose of assessing product quality and determining whether to make the product available to sell. Vendor Samples may not be consumed on any licensed Premises.

(d) Vendor Sample limits. A Marijuana Retailer is limited to providing the following aggregate amounts of Vendor Samples to all Employees in a calendar month period:

1. Four grams per strain of Marijuana flower and no more than seven strains of Marijuana flower;
2. Five grams of Marijuana concentrate or extract, including but not limited to Tinctures;
3. Five hundred milligrams of Edibles whereby the serving size of each individual sample does not exceed five milligrams and otherwise satisfies the potency levels set forth in 935 CMR 500.150(4): Dosing Limitations; and
4. Five units of sale per Cannabis product line and no more than six individual Cannabis product lines. For purposes of 935 CMR 500.140(15): Patient Supply, a Cannabis product line shall mean items bearing the same Stock Keeping Unit Number.

(e) Upon providing a Vendor Sample to an employee, the Marijuana Retailer shall record:

1. The reduction in quantity of the total weight or item count under the unique alphanumeric identifier associated with the Vendor Sample;
2. The date and time the Vendor Sample was provided to the Employee;
3. The agent registration number of the employee receiving the Vendor Sample; and
4. The name of the Employee as it appears on their agent registration card.
(f) All Vendor Samples provided by a Marijuana Retailer to its employees shall also be entered into the point-of-sale system and shall count against the individual employee’s daily purchase limit, if applicable, consistent with 935 CMR 500.140(3): Limitation on Sales.

(13) Sale of Marijuana Vaporizer Devices.
   (a) Marijuana Retailers offering Marijuana Vaporizer Devices for sale to Consumers shall include signage at the point of sale, that is legible and enlarged and contains the following statements:
      1. “Marijuana Vaporizer Devices have been tested for Vitamin E Acetate and other contaminants, with no adverse findings. WARNING: Vaporizer Devices may contain ingredients harmful to health when inhaled.”
      2. “Consumers shall have access to the test results of Marijuana Vaporizer Devices including copies of any Certificates of Analysis provided by the device’s manufacturer.”
   (b) Marijuana Retailers shall provide a physical insert to Consumers that accompanies all purchased Marijuana Vaporizer Devices that states, including capitalization and emphasis, the following:

      “Marijuana Vaporizer Devices have been tested for Vitamin E Acetate and other contaminants, with no adverse findings. WARNING: Vaporizer Devices may contain ingredients harmful to health when inhaled.”

   (c) The sale of disposable and reusable vaporizer pens and devices shall be accompanied by a product insert identifying the materials used in the vaporizer device’s atomizer coil (e.g., titanium, titanium alloy, quartz, copper, nichrome, kanthal, or other specified material), and manufacturer identification of the device hardware, cartridge, battery and other components;
   (d) A Marijuana Retailer shall make available the information contained in 935 CMR 500.105(5)(c)(6) in the product description at the point of sale and as part of any product list posted on the Marijuana Retailer’s website or third-party technology platforms or applications employed for pre-ordering or delivery.
   (e) A Marijuana Retailer shall retain all records of purchases from any Product Manufacturer or supplier of any ingredient, additive, device, component part or other materials provided to the Marijuana Retailer about Marijuana Vaporizer Devices sold at retailers. Such records shall be made available to the Commission upon request.

(14) Physical Separation of Marijuana and MIPs or Marijuana Products for Medical or Adult Use. A CMO shall provide for physical separation between medical- and adult-use sales areas. Separation may be provided by a temporary or semi-permanent physical barrier, such as a stanchion, that, in the opinion of the Commission, adequately separates sales areas of MIPs for medical-use from sales areas of Marijuana products for adult-use for the purpose of Patient Confidentiality.
   (a) A CMO shall provide for separate lines for sales of Marijuana or MIPs for medical-use from Marijuana Products for adult-use within the sales area, provided that the holder of a patient registration card may use either line and may not be limited only to the medical-use line, so long as the CMO can record the patient’s transaction in accordance with 935 CMR 501.105(5)(d).
   (b) A CMO shall additionally provide a patient consultation area, an area that is separate from the sales floor that is enclosed to allow privacy and for confidential visual and auditory consultation with Qualifying Patients.
(c) A CMO’s patient consultation area shall have signage stating "Consultation Area". The private consultation area shall be separate from the sales area. It shall be accessible by a Qualifying Patient or caregiver without having to traverse a Limited Access Area.

(d) A CMO shall use best efforts to prioritize patient and caregiver identification verification and physical entry into its retail area.

(15) Patient Supply.

(a) A CMO shall ensure access to a sufficient quantity and variety of marijuana products, including marijuana, for patients registered under 935 CMR 501.000: Medical Use of Marijuana.

1. Where the CMO has been open and dispensing for a period of less than six months, the license shall reserve 35% of the MTC’s marijuana products.

2. Where the CMO has been open and dispensing for a period of six months or longer, the licensee shall maintain a quantity and variety of marijuana products for patients registered under 935 CMR 501.000: Medical Use of Marijuana, sufficient to meet the demand indicated by an analysis of sales data collected by the licensee during the preceding six months in accordance with 935 CMR 501.140(5) Recording Sales and 935 CMR 501.140(5): Recording Sales.

(b) Marijuana products reserved for patient supply shall, unless unreasonably impracticable, reflect the actual types and strains of marijuana products documented during the previous six months. If a substitution must be made, the substitution shall reflect as closely as possible the type and strain no longer available.

(c) On a biennial basis, the CMO shall submit to the Commission an inventory plan to reserve a sufficient quantity and variety of medical-use Marijuana Products for Registered Qualifying Patients, based on reasonably anticipated patient needs as documented by sales records over the preceding six months. On each occasion that the supply of any product within the reserved patient supply is exhausted and a reasonable substitution cannot be made, the CMO shall submit a report to the Commission in a form determined by the Commission.

(d) Marijuana Products reserved for patient supply shall be either maintained on-site at the retailer or easily accessible at another location operated by the licensee and transferable to the retailer location within 48 hours of notification that the on-site supply has been exhausted. CMOs shall perform audits of available patient supply on a weekly basis and retain those records for a period of six months.

(e) The Commission shall, consistent with 935 CMR 500.301: Inspections and Compliance or 501.301: Inspections and Compliance, inspect and audit CMOs to ensure compliance with 935 CMR 500.140: Additional Operational Requirements for Retail Sale; The Commission may, in addition to the issuance of a deficiency statement under 935 CMR 500.310: Deficiency Statements or 501.310: Deficiency Statements and a plan of correction under 935 CMR 500.320: Plans of Correction or 935 CMR 501.320: Plans of Correction, demand that the CMO take immediate steps to replenish its reserved patient supply to reflect the amounts required under 935 CMR 500.140(15)(a) or 935 CMR 501.140(12)(a). Failure to adequately address a deficiency statement or follow a plan of correction shall result in administrative action by the Commission pursuant to 935 CMR 500.450: Marijuana Establishment License: Grounds for Denial of Renewal Applications, Suspension and Revocation and 935 CMR 500.500: Hearings and Appeals of Actions on Licenses or 935 CMR 501.450: Marijuana Establishment License: Grounds for Denial of Renewal Applications, Suspension and Revocation and 935 CMR 501.500: Hearings and Appeals of Actions on Licenses.

(f) CMOs may transfer marijuana products reserved for medical-use to adult-use within a reasonable period of time prior to the date of expiration provided
500.145: Additional Operational Requirements for Social Consumption Establishments

500.141: Additional Operational Requirements for Delivery of Marijuana, Marijuana Products, Marijuana Accessories, and Marijuana Establishment Branded Goods to Consumers and as Permitted to Patients or Caregivers

General Requirements:

(a) For purposes of section 935 CMR 500.145, “Delivery Items” means Finished Marijuana Products, Marijuana Accessories, and Marijuana Establishment Branded Goods.

(b) Pursuant to 935 CMR 500.105(4), a Delivery License or Delivery Endorsement is a necessary prerequisite for the delivery of Delivery Items directly to Consumers. Applications for a Delivery License or Delivery Endorsement shall be in a form and manner to be determined by the Commission.

(c) Prior to commencing operations, a Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall comply with all operational requirements imposed by:

1. 935 CMR 500.105;
2. 935 CMR 500.110, as applicable, including 935 CMR 500.110(8); and
3. 935 CMR 500.145.

(d) All individuals delivering for a Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement directly to Consumers, and as permitted to Patients or Caregivers, shall be employees of the Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement and shall hold a valid Marijuana Establishment Agent registration.

(e) All Marijuana and Marijuana Products delivered by a Limited Delivery Licensee shall be obtained from a licensed Marijuana Retailer or MTC.

Limited Delivery Licensees may deliver Marijuana Establishment Branded Goods and MTC Branded Goods carrying the limited Delivery Licensee’s brand or that of a licensed Marijuana Retailer or MTC.

Limited Delivery Licensees may deliver Marijuana Accessories from a licensed Marijuana Retailer or MTC, or acquire, and deliver their own Marijuana Accessories.

Limited Delivery Licensees may not deliver electronic vape devices, hardware, or batteries utilized in products that vaporize concentrates and oils, other than from a licensed Marijuana Retailer or MTC.

1. Limited Delivery Licensees shall only deliver Marijuana or Marijuana Products for delivery from a licensed Marijuana retailer or MTC with which the Limited Delivery Licensee has a Delivery Agreement.
2. All agreements between a limited Delivery Licensee and a Marijuana
Retailer or MTC shall be disclosed under the requirements of licensure in 935 CMR 500.101 and subject to limitations on control over Licenses under 935 CMR 500.050(1)(a).

3. The Commission shall be notified in writing of any substantial Modification to a Delivery Agreement.

(g) A Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement and Marijuana Retailer may use a Third Party Technology Platform Provider to facilitate orders by Consumers, including Patient Orders, and access protection standards established by G.L. c. 94G and c. 94I and other applicable state laws

1. All agreements between a Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement and a Third-party Technology Platform Provider shall be available for inspection as part of the requirements for licensure in 935 CMR 500.101 and shall be subject to the control limitations under 935 CMR 500.050(1)(a).

2. The Commission shall be notified in writing within five days of the following:

   a. Any substantial Modification to an agreement.

   b. Any new or additional or assigned agreements between a Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement and a Third-party Technology Platform Provider.

   c. Any Third-party Technology Platform shall comply with the consumer and patient protection standards established by G.L. c. 94G and c. 94I and other applicable state laws.

3. The maximum retail value of Marijuana or Marijuana Products as priced on the day of the order for provision, “maximum retail value” shall mean the aggregate value of Marijuana and Marijuana Products as priced on the day of the order for

   a. The maximum retail value of Marijuana or Marijuana Products allowed in a Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement's vehicle at any one time shall be $10,000. For purposes of this provision, “maximum retail value” shall mean the aggregate value of Marijuana and Marijuana Products as priced on the day of the order for
THESE DRAFT REGULATIONS ARE PROVIDED FOR PURPOSES OF PUBLIC REVIEW AND COMMENT ONLY, AND ARE NOT EFFECTIVE UNTIL PROMULGATED.

FOR CURRENT AND EFFECTIVE REGULATIONS, PLEASE SEE: https://mass-cannabis.com-the-law

Delivery
(i) All Marijuana and Marijuana Product deliveries shall be tracked using the Seed-to-sale SOR as designated by the Commission.
(ii) Records of sales of Marijuana Accessories and Marijuana Establishment Branded Goods shall be maintained by the Delivery Licensee or Marijuana Establishment with a Delivery Endorsement, but may not be tracked in the Seed-to-sale SOR.
(iii) For non-Marijuana or non-Marijuana Product sales, a Delivery Licensee or Marijuana Establishment with a Delivery Endorsement shall comply with Massachusetts tax laws, and DOR rules and regulations including, but not limited to, 830 CMR 62C.25.1, Record Retention and DOR Directive 16.1 regarding recordkeeping requirements.

Delivery
Licensees and Marijuana Establishments with a Delivery Endorsement shall comply with the requirements of 935 CMR 500.145 for purposes of cash transport to financial institutions.

Orders
All Marijuana and Marijuana Products sold in accordance with the following requirements:

(a) Orders for home delivery shall be received by a Marijuana Retailer, and transmitted to a Limited Delivery Licensee for delivery to a Residence. Only Marijuana Products that are Shelf-stable may be delivered. Products that are perishable or time and temperature controlled to prevent deterioration may not be allowed to be delivered by a Limited Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement.
(b) A Limited Delivery Licensee or Marijuana Establishment with a Delivery Endorsement shall deliver only to the Residence address provided. A Limited Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall deliver only to the Residence address provided. A Limited Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall deliver only to the Residence address provided. A Limited Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall deliver only to the Residence address provided. A Limited Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall deliver only to the Residence address provided.
(c) Only Marijuana Products that are Shelf-stable may be delivered. Products that are perishable or time and temperature controlled to prevent deterioration may not be allowed to be delivered by a Limited Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement.

Additional requirements:
1. The municipality identified as the Marijuana Establishment Licensee's place of business;
2. Any municipality which allows for retail within its borders whether or not one is operational; or
3. Any municipality which after receiving notice from the Commission, has notified the Commission that delivery may operate within its borders.

Limitations on the time for delivery shall comply with all municipal bylaws and ordinances, provided however, that all deliveries must be completed before 9:00 PM local time or the time determined by municipal bylaw or ordinance, whichever occurs first, and deliveries may not occur between the hours of 9:00 PM and 8:00 AM, unless otherwise explicitly authorized by municipal bylaw or ordinance.

Every effort shall be made to minimize the amount of cash carried in a Delivery Licensee vehicle at any one time. Marijuana Retailers utilizing a Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement for Consumer transactions shall use best efforts to implement platforms for the electronic payment of funds. Where cash is carried by a Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement vehicle, cash shall be stored in a locked compartment.

Delivery Licensees and Marijuana Establishments with a Delivery Endorsement shall comply with the requirements of 935 CMR 500.105(4) for purposes of cash transport to financial institutions.

In addition to complying with 935 CMR 500.105(4), a Delivery Licensee shall include on any website it operates or that operates on its behalf the license number(s) issued by the Commission.

In addition to complying with 935 CMR 500.105(4), a Marijuana Establishment with a Delivery Endorsement shall include on any website it operates or that operates on its behalf the endorsement number(s) issued by the Commission.

Orders Fulfilled by Limited Delivery Licensees: All orders for deliveries made by a Limited Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall comply with 935 CMR 500.105(1) and the following requirements:

(a) Orders for home delivery shall be received by a Marijuana Retailer, and transmitted to a Limited Delivery Licensee for delivery to a Residence.
these draft regulations are provided for purposes of public review and comment only, and are not effective until promulgated.

changes from draft regulations filed july 24, 2020 are highlighted.

for current and effective regulations, please see: https://mass-cannabis.com/the-rcr

shall be prohibited from delivering to college or university residence, dormitories, bridges, and federal public housing identified at https://resources.hud.gov.

(d) limited delivery licensees shall only deliver marijuana or marijuana products for which a specific order has been received by a licensed marijuana retailer with which the limited delivery licensee has a delivery agreement.

limited delivery licensees are prohibited from delivering marijuana or marijuana products without a specific order destined for an identified residence. an order may be generated directly through a marijuana retailer or through a third-party technology platform identified to the commission under 935 cmr 500.145(1)a.

(c) marijuana establishments with a delivery endorsement shall only deliver marijuana or marijuana products for which a specific order has been received. marijuana establishments with a delivery endorsement are prohibited from delivering marijuana or marijuana products without a specific order destined for an identified residence. an order may be generated directly through a marijuana establishment with a delivery endorsement or through a third-party technology platform identified to the commission under 935 cmr 500.145(1)g.

(f) limited delivery licensee, or a marijuana establishment, with a delivery endorsement are prohibited from delivery of more marijuana or marijuana products to an individual consumer than the individual possession amounts authorized by m.g.l. c. 94g, § 7(a)(1). an individual order must not exceed one ounce of marijuana or its dry-weight equivalent. the individual order shall only be delivered to the individual consumer identified on the order after verification of the individual's identity consistent with the requirements of 935 cmr 500.140(2)(d) and 935 cmr 500.145l. a limited delivery licensee or a marijuana establishment with a delivery endorsement shall only deliver one individual order, per consumer, during each delivery.

(g) a limited delivery licensee or a marijuana establishment with a delivery endorsement may not deliver to the same consumer at the same residence more than once each calendar day and only during authorized delivery hours.

(h) for home delivery, each order shall be packaged and labeled in accordance with 935 cmr 500.105(5) and (6) originating the order prior to transportation by the limited delivery licensee or a marijuana establishment with a delivery endorsement to the consumer.

(i) any delivery item that is undeliverable or refused by the consumer shall be transported back to the originating marijuana establishment that provided the product once all other deliveries included on a delivery manifest have been made. limited delivery licensees or marijuana establishments with a delivery endorsement are prohibited from maintaining custody of marijuana or marijuana products intended for delivery. it shall be the responsibility of the limited delivery licensee or marijuana establishment with a delivery endorsement, in conjunction with the marijuana retailer with which the limited delivery licensee has a delivery agreement, to ensure that any undelivered product is returned to the appropriate marijuana retailer and not retained by the limited delivery licensee or marijuana establishment with a delivery endorsement. a process for ensuring that undelivered marijuana and marijuana products can be returned to the marijuana retailer by the limited delivery licensee shall be a term of the delivery agreement.

3. orders fulfilled by wholesale delivery licensees. all orders for deliveries made by a wholesale delivery licensee shall comply with 935 cmr 500.145l(a)(6) and the following requirements.

3a. orders for home delivery by a wholesale delivery licensee shall be received by the marijuana wholesale delivery licensee.
THESE DRAFT REGULATIONS ARE PROVIDED FOR PURPOSES OF PUBLIC REVIEW AND COMMENT ONLY, AND ARE NOT EFFECTIVE UNTIL PROMULGATED.

CHANGES FROM DRAFT REGULATIONS FILED JULY 24, 2020 ARE HIGHLIGHTED.

FOR CURRENT AND EFFECTIVE REGULATIONS, PLEASE SEE: https://mass-cannabis.control.com/the-laws

(4) Limited Delivery Licensee Consumer Age Verification

(a) A Marijuana Retailer shall require any Consumer making a purchase for delivery by a Limited Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement to have the valid government-issued identification card of a Consumer who has not established an account for delivery through Pre-verification of the Consumer's government-issued identification card by the Marijuana Retailer, or

1. A person at the Marijuana Retailer's physical location or through a Commission approved electronic means, which may include a Commission approved electronic means, shall include examination of the Consumer's valid, unexpired government-issued photo identification that bears a date of birth in accordance with 935 CMR 500.140(2)(d). A Limited Delivery Licensee or Marijuana Establishment with a Delivery Endorsement is prohibited from performing a delivery to any Consumer who has not established an account for delivery through Pre-verification of the Consumer's government-issued identification card by the Marijuana Retailer, or

2. Through a Commission approved electronic means and shall include examination of the Consumer's valid, unexpired government-issued photo identification that bears a date of birth. A Marijuana Establishment with a

Deleting Delivery-only
Deleting shall require any Consumer making a purchase for delivery
Deleting photo
these draft regulations are provided for purposes of public review and
comment only, and are not effective until promulgated.
changes from draft regulations filed july 24, 2020 are highlighted.
for current and effective regulations, please see: https://mass-cannabis.
general.com/laws/62

Delivery Endorsement is prohibited from performing a delivery to any
Consumer who has not established an account for delivery through Pre-
verification of the Consumer's government-issued identification card.
(a) A Limited Delivery Licensee or a Marijuana Establishment with a
Delivery Endorsement may not deliver Delivery Items to any Person other than
the Consumer who ordered the Delivery Items.
(b) A Limited Delivery Licensee or a Marijuana Establishment with a
Delivery Endorsement shall verify the age and identity of the Consumer at the
time at which the Delivery Items are delivered to the Consumer at a Residence
to ensure that Marijuana and Marijuana Products are not delivered to
individuals younger than 21 years old. Prior to relinquishing custody of the
Marijuana or Marijuana Products to the Consumer, the Marijuana
Establishment Agent conducting the delivery shall verify that the government-
issued identification card of the Consumer receiving the Marijuana or
Marijuana Products matches the pre-verified government-issued identification
card of the Consumer who placed the order for delivery by:
1. Viewing the government-issued identification as provided for Pre-
verification under 935 CMR 500.145(3)(a);
2. Viewing proof of order generated at the time of order; and
3. Receiving the signature of the Consumer who ordered the Delivery
Items and verifying that the signature matches the government-issued photo
identification card presented.

(6) Vehicle and Transport Requirements for Home Delivery
(a) A Wholesale Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall be owned or leased by the
"Wholesale Delivery Licensee" or a Marijuana Establishment with a Delivery Endorsement.
shall be properly registered as commercial vehicles, and inspected and insured in the Commonwealth of Massachusetts.

(b) Vehicles used for home delivery by a Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement may be parked overnight at the address identified as the Licensee's place of business or another location, provided that keeping the vehicle at the identified location complies with all general and special bylaws of the municipality.

(c) Vehicles used for delivery by a Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall carry liability insurance in an amount not less than $1,000,000 combined single limit.

(d) Vehicles used for delivery by a Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall have no external markings, words or symbols that indicate the vehicle is being used for home delivery of Marijuana or Marijuana Products.

(e) A Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement transporting Marijuana and Marijuana Products for home delivery shall ensure that all vehicles used for deliveries are staffed with a minimum of two Marijuana Establishment Agents. At least one Marijuana Establishment Agent shall remain with the vehicle at all times that the vehicle contains Marijuana or Marijuana Products.

(f) Marijuana and Marijuana Products must not be visible from outside the vehicle.

(g) A Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall transport Marijuana and Marijuana Products in a secure, locked storage compartment that is a part of the vehicle and complies with the requirements of 935 CMR 500.110(8), Security Requirements for Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement

(h) A Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall maintain, in each vehicle used for deliveries, a secure, locked storage compartment for the purpose of transporting and securing cash used as payment. This compartment shall be separate from compartments required under 935 CMR 501.145(5)(h) for the transport of Marijuana and Marijuana Products.

(i) In the case of an emergency stop during the transportation of Delivery Items, a log shall be maintained describing the reason for the stop, the duration, the location, and any activities of personnel exiting the vehicle. The Marijuana Establishment Agents in the vehicle shall provide notice of the location of the stop and employ best efforts to remain in contact with the Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement.

(j) The Marijuana Establishment Agents transporting Delivery Items for home delivery shall contact the Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement fixed location when arriving at and leaving any delivery, and regularly throughout the trip, at least every 30 minutes.

(k) The Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall maintain a separate log for each vehicle in use for home deliveries. For each delivery, the Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall record:

1. The location of the originating Marijuana Establishment and date and time the vehicle leaves the location;
2. The mileage of the transporting vehicle at departure from the Marijuana Establishment mileage on arrival at each Consumer destination, and mileage on return to the Marijuana Establishment;
3. The date and time of departure from the Marijuana Establishment and arrival at each Consumer destination for each delivery; and
4. An entry indicating the date and time of the last delivery in an order.
(l) A Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall ensure that all delivery routes remain within the Commonwealth of Massachusetts at all times.

(m) A Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall make every effort to randomize its delivery routes.

(n) A Delivery Licensee or a Marijuana Establishment with a Delivery Endorsements may not transport products other than Delivery Items during times when the Delivery Licensee or a Marijuana Establishment with a Delivery Endorsements are performing home deliveries.

(o) Firearms are strictly prohibited from Delivery Licensee or a Marijuana Establishment with a Delivery Endorsements performing home deliveries.

(7) Manifests.

(a) Every home delivery shall have a manifest produced by the originating Marijuana Establishment, a Marijuana Retailer or a Marijuana Establishment with a Delivery Endorsement. A Wholesale Delivery Licensee shall produce the manifest.

A manifest shall be completed in duplicate, with the original manifest remaining in the possession of the originating Marijuana Establishment, Marijuana Retailer, or Marijuana Establishment with a Delivery Endorsement, and a copy to be kept with the Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement during the delivery. The manifest shall be signed by the Consumer on receipt of delivery or another Person acting on behalf of the Consumer receiving the Marijuana or Marijuana Products and the Marijuana Establishment Agent acting on behalf of the Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement. A signed manifest shall serve as the written record of the completion of the delivery. A manifest does not need to include Marijuana Accessories or Marijuana Establishment Branded Goods; however, the Delivery Licensee or Marijuana Establishment with a Delivery Endorsement shall maintain a record of the sale of all Delivery Items.

(b) The manifest shall, at a minimum, include:

1. The originating Marijuana Retailer or Wholesale Delivery Licensee, name, address, and License number;
2. The name and License number of the Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement performing the home delivery;
3. The names and Marijuana Establishment Agent numbers of the Marijuana Establishment Agents performing the delivery;
4. The Consumer’s Patient or Caregiver’s name and address;
5. A description of the Marijuana or Marijuana Products being transported, including the weight and form or type of product;
6. Signature lines for the agents who transported the Marijuana or Marijuana Products;
7. A signature line for Consumer, Patient or Caregiver who receives the Marijuana or Marijuana Products; and
8. The Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement vehicle, make, model, and license plate number.

(c) The manifest shall be maintained within the vehicle during the entire transportation process, until all the deliveries are completed.

(d) A Marijuana Establishment shall retain all transportation manifests for no less than one year and make them available to the Commission on request.

506.145 Additional Operational Requirements for Marijuana Wholesale Delivery Licensees.

(1) Warehouses.

(a) A Marijuana Wholesale Delivery Licensee shall operate a Warehouse for the storage of Finished Marijuana Products and preparation of Individual Orders for
Deliveries:
(b) Warehouses shall comply with all applicable requirements of 935 CMR 500.110, Security Requirements for Marijuana Establishments.
(c) Warehouses shall comply with all requirements of 935 CMR 500.105(11), Product Storage.
(d) Warehouses shall incorporate a sales port or loading area immediately adjacent to the warehouse that enables the transfer of Finished Marijuana Products into a vehicle for delivery.

2) Limitation on Sales:
(a) In accordance with M.G.L. c. 94G, § 7, a Marijuana Wholesale Delivery Licensee may not knowingly sell more than one ounce or its combined dry weight equivalent in Finished Marijuana Products to Consumers per day.
1. One ounce of Marijuana flower shall be equivalent to five grams of active tetrahydrocannabinol (THC) in Marijuana concentrates including, but not limited to, Tinctures.
2. One ounce of Marijuana flower shall be equivalent to five hundred milligrams of active tetrahydrocannabinol (THC) in Edibles.
3. Topicals and ointments shall not be subject to a limitation on daily sales.
(b) A Marijuana Wholesale Delivery Licensee may not sell Finished Marijuana Products in excess of the potency levels established by 935 CMR 500.150(4), Dosing Limitations, and
(c) A Marijuana Wholesale Delivery Licensee shall demonstrate that it has a point of sale system that does not allow for a transaction in excess of the limit established in 935 CMR 500.140(11)(a) or the potency levels established in 935 CMR 500.140(4)(a).

3) Unauthorized Sales and Right to Refuse Sales or Delivery:
(a) A Marijuana Wholesale Delivery Licensee shall refuse to sell or deliver Finished Marijuana Products to any Consumer who is unable to produce valid proof of government-issued identification.
(b) A Wholesale Delivery Licensee shall refuse to sell or deliver Finished Marijuana Products to a Consumer if, in the opinion of the Marijuana Establishments Agent based on the information available to the agent at that time, the Consumer or the public would be placed at risk. This includes, but is not limited to, the Consumer engaging in daily transactions that exceed the legal possession limits or that create a risk of diversion.
(c) A Wholesale Delivery Licensee may not sell or deliver in an individual more than one ounce or its dry weight equivalent in Finished Marijuana Products per transaction. A Wholesale Delivery Licensee may not knowingly sell or deliver to an individual more than one ounce or its dry weight equivalency in Finished Marijuana Products per day.
(d) A Wholesale Delivery Licensee is prohibited from selling or delivering Finished Marijuana Products containing nicotine, if sales of tobacco or cigarettes would require licensing under state law.
(e) A Wholesale Delivery Licensee is prohibited from selling or delivering Finished Marijuana Products containing alcohol, if sales of such beverage would require licensing pursuant to M.G.L. c. 138.

4) Recording Sales:
(a) A Marijuana Wholesale Licensee shall utilize a point-of-sale system approved by the Commission, in consultation with the DOR.
(b) A Wholesale Delivery Licensee may utilize a sales recording module approved by the DOR.
(c) A Wholesale Delivery Licensee is prohibited from utilizing software or other methods to manipulate or alter sales data.
(d) A Wholesale Delivery Licensee shall conduct a monthly analysis of its equipment.
and sales data to determine that no software has been installed that could be utilized to manipulate or alter sales data and that no other methodology has been combined with the software to manipulate or alter sales data. A Wholesale Delivery Licensee shall maintain records that it has performed the monthly analysis and produce it on request to the Commission. If a Wholesale Delivery Licensee determines that software has been installed for the purpose of manipulation or alteration of sales data or other methods have been utilized to manipulate or alter sales data:

1. It shall immediately disclose the information to the Commission and DOR.
2. It shall cooperate with the Commission in any investigation regarding manipulation or alteration of sales data, and
3. Take such other action directed by the Commission to comply with 935 CMR 500.105: General Operational Requirements for Marijuana Establishments.

5. Consumer Education. A Marijuana Wholesale Delivery Licensee shall make available educational materials about Finished Marijuana Products to Consumers. A Wholesale Delivery Licensee shall have an adequate supply of current educational material available for inspection by the Commission on request. Educational materials shall be available in commonly spoken languages designated by the Commission, which will include, but not be limited to, appropriate materials for the visually- and hearing-impaired. Such materials shall be made available for inspection by the Commission on request. If failure to provide these materials, a licensee may be subject to disciplinary action under 935 CMR 500.006. The educational material shall include at least the following:

(a) A warning that Marijuana has not been analyzed or approved by the FDA, that there is limited information on side effects, that there may be health risks associated with using Marijuana, and that it should be kept away from children.
(b) A warning that when under the influence of Marijuana, driving is prohibited by M.G.L. c. 90, § 24, and machinery should not be operated.
(c) Information to assist in the selection of Finished Marijuana Products, describing the potential differing effects of various strains of Marijuana, as well as various forms and routes of administration;
(d) Materials offered to Consumers to enable them to track the strain used and their associated effects;
(e) Information describing proper dosage and titration for different routes of administration. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of意志shall also be considered.
(f) A discussion of tolerance, dependence, and withdrawal;
(g) Facts regarding substance abuse signs and symptoms, as well as referred information for substance abuse treatment programs;
(h) A statement that Consumers may not sell Finished Marijuana Products to any other individual;
(i) Information regarding penalties for possession or distribution of Marijuana in violation of Massachusetts law; and
(j) Any other information required by the Commission.

6. Testing. No Finished Marijuana Product may be sold or otherwise marketed for adult use that has not first been tested by Independent Testing Laboratories, except as allowed under 935 CMR 500.006. Adult Use of Marijuana. The product shall be deemed to comply with the standards required under 935 CMR 500.160: Testing of Marijuana and Marijuana Products.
(a) Potency levels derived from the Cannabinoid Profile, including the amount of delta-
9-tetrahydrocannabinol (Δ9-THC) and other Cannabinoids, contained within
Finished Marijuana or Marijuanaw Product to be sold or otherwise marketed shall be
recorded in the Seed-to-sale SOR.

(7) White Labeling. The Licensee engaged in the White Labeling of Finished Marijuana
Products shall comply with the labeling and packaging requirements under 935 CMR
500.105(5): Labeling of Marijuana and Marijuana Products and 935 CMR 500.105(6):
Packaging of Marijuana and Marijuana Products prior to delivery to Consumers.

(a) The Wholesale Agreement between a Wholesale Delivery Licensee and the
Marijuana Establishment from which they are wholesaling shall clearly indicate
whether the Wholesale Delivery Licensee or the Marijuana Establishment licensee
from which the Finished Marijuana Product(s) are being wholesaled shall be
responsible for White Labeling on behalf of the Wholesale Delivery Licensee.

(b) The Wholesale Delivery Licensee shall notify the Commission within twenty-one
(21) days of any Substantial Modification to a Wholesale Agreement that alters
which Licensee has responsibility for White Labeling on behalf of the Wholesale
Delivery Licensee. A Licensee shall obtain the written authorization of the
Commission prior to commencing White Labeling.

(c) The Wholesale Delivery Licensee may submit the label to be used for White
Labeling to the Commission in accordance with 935 CMR 500.105(7): Packaging
and Labeling Preapproval.

(8) Product Database. A Marijuana Wholesale Delivery Licensee that purchases
Wholesale Finished Marijuana Products from a licensed Marijuana Cultivator, Microbusiness or Craft Marijuana Cooperative for the purpose of delivery to Consumers, whether White Labeled or not, shall provide the Commission with information to populate the Product Database. A Marijuana Wholesale Delivery Licensee that purchases wholesale Finished Marijuana Products from a licensed Marijuana Product Manufacturer for the purpose of White Labeling and sale to Consumers shall provide the Commission with information to populate the Product Database. Product Database information for Finished Marijuana Products purchased at Wholesale from Product Manufacturers that are not White Labeled shall remain the responsibility of the Product Manufacturer under 935 CMR
500.130(6): Product Database.

(a) The Marijuana Wholesale Delivery Licensee shall provide the following:

1. A photograph of a finished Marijuana Product outside of but next to the
Marijuana Product’s packaging, provided however that where single
servings of a multi-serving product are unable to be easily
identified because of its form, a description of what constitutes a single
serving shall be provided (e.g. a single serving is a 1” x 1” square);
2. A photograph of the Marijuana Product inside packaging; and
3. The name of the Product Manufacturer that produced the Marijuana
Product.

(b) Photographs submitted shall be electronic files in a JPEG format with a minimum
photo resolution of 640 x 480 and print resolution of 300 DPI. Photographs shall
be against a white background.

(c) Marijuana Wholesale Delivery Licensees shall provide the information required
under 935 CMR 500.146(7)(a) for each Finished Marijuana Product it offers for
sale and delivery prior to the product being made available for sale and shall
update the information whenever a substantial change to packaging or label of the
Finished Marijuana Product occurs. For purposes of this section, a substantial
change shall be a change to the physical attributes or content of the packaging or
label.

(9) In addition to the written operating policies required under 935 CMR 500.105(1):
Written Operating Procedures, a Marijuana Wholesale Delivery Licensee shall maintain written
policies and procedures which shall include:

(a) Policies and procedures for adequately tracking, recording, and documenting all Vendor Samples that the Marijuana Wholesale Delivery Licensee receives from a Marijuana Cultivator, a Marijuana Product Manufacturer, a Microbusiness or a Craft Marijuana Cooperative; and

(b) Policies and procedures for adequately tracking, recording, and documenting all Vendor Samples that the Marijuana Wholesale Delivery Licensee provides to employees for the purpose of assessing product quality and determining whether to make the product available for sale.

(10) Vendor Samples.

(a) A Marijuana Wholesale Delivery Licensee may receive a Vendor Sample of Marijuana Flower from a Marijuana Cultivator pursuant to 935 CMR 500.120(13): Vendor Samples. A Marijuana Wholesale Delivery Licensee may also receive a Vendor Sample of Marijuana Product from a Marijuana Product Manufacturer pursuant to 935 CMR 500.130(7). Receipt of a Vendor Sample under this subsection shall not be considered a prohibited practice under 935 CMR 500.105(4)(b).

(b) Vendor Samples may not be sold to another licensee or Consumer.

(c) A Marijuana Wholesale Licensee may provide the Vendor Samples it receives from a Marijuana Cultivator or a Marijuana Product Manufacturer to its Employees for the purpose of assessing product quality and determining whether to make the product available to sell the product. Vendor Samples may not be consumed on any licensed Premises.

(d) Vendor Sample limits. A Marijuana Wholesale Delivery Licensee is limited to providing the following aggregate amounts of Vendor Samples to all Employees in a calendar month period:

1. Four grams per strain of Marijuana Flower and no more than seven strains of Marijuana Flower;
2. Five grams of Marijuana Concentrate or Extract, including but not limited to Tinctures;
3. Five hundred milligrams of Edibles whereby the serving size of each individual sample does not exceed five milligrams and otherwise satisfies the potency levels set forth in 935 CMR 500.150(4): Dosing Limitations; and
4. Five units of sale per Cannabis product line and no more than six individual Cannabis product lines. For purposes of 935 CMR 500.146(12), a Cannabis product line shall mean items bearing the same Stock Keeping Unit Number.

(e) Upon providing a Vendor Sample to an employee, the Marijuana Wholesale Delivery Licensee shall record:

1. The reduction in quantity of the total weight or item count under the unique alphanumeric identifier associated with the Vendor Sample;
2. The date and time the Vendor Sample was provided to the Employee;
3. The agent registration number of the employee receiving the Vendor Sample; and
4. The name of the Employee as it appears on their agent registration card.

(f) All Vendor Samples provided by a Marijuana Wholesale Delivery Licensee to its employees shall also be entered into the point-of-sale system and shall count against the individual employee’s daily purchase limits, if applicable, consistent with 935 CMR 500.146(2): Limitation on Sales.

(11) Sale of Marijuana Vaporizer Devices.

(a) Marijuana Wholesale Delivery Licensees offering Marijuana Vaporizer Devices for sale to Consumers shall include a conspicuous and prominently displayed statement on its website, that is legible and enlarged and contains the following statement:

1. "Marijuana Vaporizer Devices have been tested for Vitamin E Acetate and..."
other contaminants, with no adverse findings. WARNING: Vaporizer Devices may contain ingredients harmful to health when inhaled.

2. Consumers shall have access to the test results of Marijuana Vaporizer Devices including copies of any Certificates of Analysis provided by the device’s manufacturer.

(b) Marijuana Wholesale Delivery Licensees shall provide a physical insert to Consumers that accompanies all purchased and delivered Marijuana Vaporizer Devices that states, including capitalization and emphasis, the following:

"Marijuana Vaporizer Devices have been tested for Vitamin E Acetate and other contaminants, with no adverse findings. WARNING: Vaporizer Devices may contain ingredients harmful to health when inhaled."

(c) The sale of disposable and reusable vaporizer pens and devices shall be accompanied by a product insert identifying the materials used in the vaporizer device’s atomizer coil (e.g., titanium, titanium alloy, quartz, copper, nichrome, kanthal, or other specified material), and manufacturer identification of the device hardware, cartridge, battery and other components;

(d) A Marijuana Wholesale Delivery Licensee shall make available the information contained in 935 CMR 500.105(5)(c)(6) in the product description as part of any product list posted on the Marijuana Wholesale Delivery Licensee’s website or Third-Party Technology Platforms or applications employed for delivery.

(e) A Marijuana Wholesale Delivery Licensee shall retain all records of purchases from any Product Manufacturer or supplier of any ingredient, additive, device, component part or other materials provided to the Marijuana Wholesale Delivery Licensee about Marijuana Vaporizer Devices sold by licensees. Such records shall be made available to the Commission upon request.

500.147: Operational Requirements for Marijuana Research Facility Licensees and Research Permits.

(1) In addition to the security requirements provided in 935 CMR 500.110: Security Requirements for Marijuana Establishments, Marijuana Research Facility Licensees shall comply with the operational requirements required under 935 CMR 500.147: Operational Requirements for Marijuana Research Facility Licensees and Research Permits.

(2) General Requirements

(a) For each research project to be conducted on the Premises, a Marijuana Research Facility Licensee shall have a valid Research Permit issued by the Commission pursuant to 500.147(4), Research Permits prior to beginning a research project. The Research Permit shall be renewed at least annually, or sooner depending on the nature and duration of the approved research project.

(b) All individuals engaging in research at the Marijuana Research Facility shall be registered with the Commission as Marijuana Establishment Agents under 935 CMR 500.030: Registration of Marijuana Establishment Agents.

(c) A Marijuana Research Facility Licensee may submit an application for a Research Permit to conduct research in areas including, but not limited to, the following:

1. Chemical potency and composition levels of Marijuana and Marijuana Products;
2. Clinical investigations of Marijuana Products, including dosage forms;
3. Efficacy and safety of administering Marijuana or Marijuana Products as a component of medical treatment under the supervision of a Certifying Healthcare Provider;
4. Genomic research on Marijuana;
5. Horticultural research on Marijuana; 
6. Agricultural research on Marijuana; and 
7. Other research topics upon the approval of the Commission, provided however that research conducted under the Marijuana Research Facility License may not be a substitute for processes for drug approval established by the U.S. Food and Drug Administration (FDA) pursuant to 21 CFR 312.

d) Marijuana or Marijuana Products used in research conducted under a Marijuana Research Facility License shall be cultivated by, produced by or acquired from a licensed MTC or Marijuana Establishment authorized to cultivate, produce or sell Marijuana or Marijuana Products, which includes a Marijuana Cultivator, Marijuana Product Manufacturer, Marijuana Retailer, a Microbusiness or a Craft Marijuana Cooperative. A Marijuana Research Facility Licensee not authorized to cultivate its own Marijuana may enter into an agreement with a licensed MTC or Marijuana Cultivator, Microbusiness or Craft Marijuana Cooperative to grow Marijuana specifically for research.

e) Any Marijuana or Marijuana Product cultivated, produced or acquired for use in a Commission-approved research project shall be entered by the Marijuana Establishment providing it to the Marijuana Research Facility into the Seed-to-sale SOR in a form and manner to be determined by the Commission.

(f) All Marijuana or Marijuana Products used in research and consumed by human or animal subjects shall comply with the following:
1. Be adequately described in the Informed Consent Form.
2. Tested in accordance with 935 CMR 500.160: Testing of Marijuana and Marijuana Products prior to consumption by human or animal subjects.

(g) Any research project where human research subjects are participants shall include one or more licensed physicians in good standing to monitor the participants.

(h) For any research project other than a survey-only research project, human participants in research conducted by a Marijuana Research Facility Licensee where consumption of Marijuana or Marijuana Products is a component of the research project design shall reside in the Commonwealth.

(i) Any research project where animal research subjects are participants shall include one or more licensed veterinary doctors in good standing to monitor the participants.

(j) For any research project other than a survey-only research project, research conducted pursuant to a license granted by the Commission shall be conducted solely within the boundaries of the Commonwealth.

(k) A Marijuana Research Facility shall supply the Commission with copies of all final reports, findings or documentation regarding the outcomes of approved research projects receiving a Research Permit. Any records received by the Commission may be subject to release pursuant to the Public Records Law, M.G.L. c. 66, § 10 and M.G.L. c. 4, § 7, cl. 26, or other compulsory legal process, or at the Commission’s discretion.

3) Marijuana Research Facility Activities and Premises.

(a) A Marijuana Research Facility Licensee may conduct research at one or more than one Marijuana Research Facility so long as the facility is approved by the Commission.

(b) A Marijuana Research Facility may be colocated with another Marijuana Establishment provided that the Marijuana Research Facility and other, EMO Marijuana Establishment(s) are commonly owned and physically separated. Physical separation shall include, but may not be limited to, separation by a permanent wall with a secure, locked entrance.

(c) A Marijuana Research Facility shall only possess for research the amount of Marijuana or Marijuana Products approved by the Commission to be used in research.
(4) Research Permits
(a) To qualify for a Research Permit to conduct human-or animal-based research, the research project shall have an Institutional Review Board (“IRB”) which shall approve the proposed research project.
(b) Applicants for a Research Permit to conduct research at a Marijuana Research Facility shall submit for each project the following information to the Commission in a form and manner determined by the Commission:
   1. The name and curriculum vitae (CV) of each investigator, including the Principal Investigator who leads the research project and each sub-investigator;
   2. The name of each licensed physician in good standing that will lead the project as Principal Investigator, be a sub-investigator, or monitor the participation by human subjects, if any, in the research project;
   3. The name of each licensed veterinary doctor in good standing that will lead the project as Principal Investigator, be a sub-investigator, or monitor the participation by animal subjects, if any, in the research project;
   4. The IRB Institution, if applicable;
   5. A publication-ready summary of the research project to be conducted;
   6. A detailed research protocol, including safety protocols;
   7. Articulated goals of the research project;
   8. Start and end dates of the research project;
   9. A description of the project funding or resources, an attestation that the project is adequately funded or resourced, and the sources of funding or resources;
   10. Information about the human subject participants, if any, which shall include but not be limited to:
      a. The number of participants;
      b. The number of Registered Qualifying Patients, if any;
      c. Demographic information about the participants;
      d. The ages of the participants; and
      e. Any cohort deemed “vulnerable” and applicable safety precautions (e.g. pregnant/breastfeeding women, minors, disable veterans, etc.);
      f. A copy of the Informed Consent Form or Waiver of Consent, if applicable; and
      g. Documentation that the process of obtaining Informed Consent complied with the Research Licensee’s other IRB, institutional, industry, or professional standards;
   11. The quantity of Marijuana or Marijuana Products anticipated to be
needed over the duration of the research project;
12. The Independent Testing Laboratory where the Marijuana or
Marijuana Products will be tested;
13. The name and license number of the licensed Marijuana Research
Facility or facilities where the research project will take place, provided
that if a license has not yet been granted to the Marijuana Research
Facility, the Research Permit applicant will still identify the facility and
provide its application number;
14. The disposal protocol for Marijuana or Marijuana Products that are
unused;
15. Disclosures of any actual or apparent conflicts of interest between any
Marijuana Research Facility Licensee or Agent and any member of the IRB
required by 935 CMR 500.14 (4)(b)(iv);
16. Application Fee
(c) The information required in 935 CMR 500.14 (4)(b) to qualify for a
Research Permit may, but is not required to, be submitted with an application
for licensure as a Marijuana Research Facility;
(d) Prior to receiving a Research Permit for a research project that includes
human or animal participants as subjects, the applicant shall submit evidence
of approval of the project by the identified IRB. Evidence of IRB approval or
exemption may be submitted separately from the information required in 935
CMR 500.14 (1)(b), but shall be submitted to receive a Research Permit.
(e) Materials submitted in support of an application for a permit that are
received by the Commission may be subject to release pursuant to the Public
Records Law, M.G.L. c. 66, § 10 and M.G.L. c. 4, § 7, cl. 26, or other
compulsory legal process, or at the Commission’s discretion.

5. Research Permit Approval
(a) When evaluating an application for a Research Permit to conduct a
research project at a licensed Marijuana Research Facility the Commission or
its delegate(s) shall consider:
1. Whether the research project is allowed under 935 CMR
500.14 (2)(c);
2. The adequacy of safety protocols detailed in 935 CMR
500.14 (3)(b)(vii);
3. The research project design;
4. Whether the research project is adequately funded or resourced and the
sources of the funding or resources;
5. Whether the amount of Marijuana or Marijuana Products anticipated to
for growth or use during the duration of the research project is consistent
with the proposed research project’s scope, goals, aims and the protocols
for tracking the amount used;
6. Disclosures of agreements between licensed Marijuana Research
Facilities and the nature of those agreements; and
7. Whether a required IRB is affiliated with an accredited academic
institution, licensed healthcare institution or other licensed research
institution and, if not, may require additional information regarding the
sufficiency of the IRB as it relates to the proposed research project.
(b) Prior to issuing a Research Permit, the Commission or its delegate shall
consider whether sufficient evidence of approval of the research project by the
identified IRB has been provided.
(c) Research Permits shall not require a vote of the Commission prior to
issuance.
(d) As set forth in 935 CMR 500.840, Non-conflict with Other Laws, the
issuance of a Research Permit may not give immunity under federal law or
pose an obstacle to federal enforcement of federal law.

72
(6) Denial of Research Permits.
(a) The Commission or its delegate may deny an application for a Research Permit for any of the following reasons, provided that a written denial including the reason for the denial shall be issued to the applicant(s):
1. No IRB approval;
2. Failure to provide adequate information regarding the IRB;
3. Proposed research poses a danger to public health or safety;
4. Proposed research lacks scientific value or validity;
5. The applicant for the Research Permit is not qualified to do the research;
6. The Research Permit applicant’s protocols or funding or other resources are insufficient to perform the research; or
7. Proposed research is otherwise inconsistent with the Commission’s governing laws.
(b) The applicant shall not be entitled to an administrative hearing under 935 CMR 500.500: Adult Use of Marijuana for the denial of a research permit.

(7) Inspections and Audits.
(a) The Commission or its delegate may at its discretion inspect a Marijuana Research Facility.
(b) The Commission or its delegate may at its discretion require an audit of a research project granted a Research Permit. Reasons for an audit shall include, but are not limited to:
1. The Commission has reasonable grounds to believe that the Marijuana Research Facility is in violation of one or more of the requirements set forth in these regulations or present a danger to the public health, safety or welfare;
2. The Commission has reasonable grounds to believe that the activities of the Marijuana Research Facility Licensee or a Marijuana Establishment Agent present a danger to the public health, safety or welfare; or
3. The Commission has reasonable grounds to believe that the Marijuana Research Facility Licensee has been or is engaged in research activities that have not been approved or permitted by the Commission.

REGULATORY AUTHORITY
935 CMR 500.000: St. 2016, c. 334, as amended by St. 2017, c. 55, and M.G.L. 94G.