





**935 CMR 500.000**

## **Regulations for the Adult Use of Marijuana**

Safe ✨ Equitable ✨ Sustainable



## Final Regulations, 935 CMR 500 Timeline

August 1, 2017	Appointment of Cannabis Advisory Board
September 1, 2017	Appointment of Cannabis Control Commission
December 22, 2017	Announcement of Draft Regulations
February 5-15, 2018	Public Hearings
February 15, 2018	End of Public Comment Period
March 7, 2018	Final Regulations Approved
April 1, 2018	Applications Scheduled to be Accepted

## Final Regulations, 935 CMR 500 Types of Marijuana Establishments

**Marijuana Cultivator** means an entity licensed to:

- ❖ Cultivate marijuana,
- ❖ process and package marijuana,
- ❖ transfer marijuana to other Marijuana Establishments,  
but not to consumers.

A Craft Marijuana Cooperative is a type of Marijuana Cultivator.



## Final Regulations, 935 CMR 500 Types of Marijuana Establishments

### Craft Marijuana Cultivator Cooperative

- Massachusetts residents;
- Limited liability company, limited liability partnership, or cooperative corporation;
- Authorized to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments, but not to consumers;
- 1 member must have filed a Schedule F within the last 5 years;
- Cooperative must abide by the 7 Principles set by ICA;
- A business may only have one craft marijuana cultivator cooperative license.





## Final Regulations, 935 CMR 500 Types of Marijuana Establishments

### Marijuana Cultivator

Each licensee (except a craft marijuana cooperative) may have 3 licenses, but the total canopy authorized by the licenses added together may not exceed 100,000 square feet.

Tier 1: up to 5,000 square feet

Tier 2: 5,001 to 10,000 sq. ft.

Tier 3: 10,001 to 20,000 sq. ft.

Tier 4: 20,001 to 30,000 sq. ft.

Tier 5: 30,001 to 40,000 sq. ft.

Tier 6: 40,001 to 50,000 sq. ft.

Tier 7: 50,001 to 60,000 sq. ft.

Tier 8: 60,001 to 70,000 sq. ft.

Tier 9: 70,001 to 80,000 sq. ft.

Tier 10: 80,001 to 90,000 sq. ft.

Tier 11: 90,001 to 100,000 sq. ft.

## Final Regulations, 935 CMR 500 Types of Marijuana Establishments

### **Marijuana Cultivator: Tier Expansion & Relegation**

#### ***Expansion***

- ❖ A Marijuana Cultivator may submit an application to change the tier in which it is classified.
- ❖ A Marijuana Cultivator may change tiers to either expand or reduce production.
- ❖ If a Marijuana Cultivator is applying to expand production, it must demonstrate that while cultivating at the top of its production tier, it has sold 85% of its product consistently over the six months preceding the application for expanded production.

#### ***Relegation:***

- ❖ At the time of license renewal, the Commission will review the records of the Marijuana Cultivator during the six months prior to the application for renewal.
- ❖ The Commission may reduce the licensee's maximum canopy to a lower tier if the licensee sold less than 70% of what it produced.

## Final Regulations, 935 CMR 500 Types of Marijuana Establishments



### **Marijuana Product Manufacturer**

An entity authorized to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments,  
but not to consumers.



## Final Regulations, 935 CMR 500 Types of Marijuana Establishments

### Marijuana Retailer

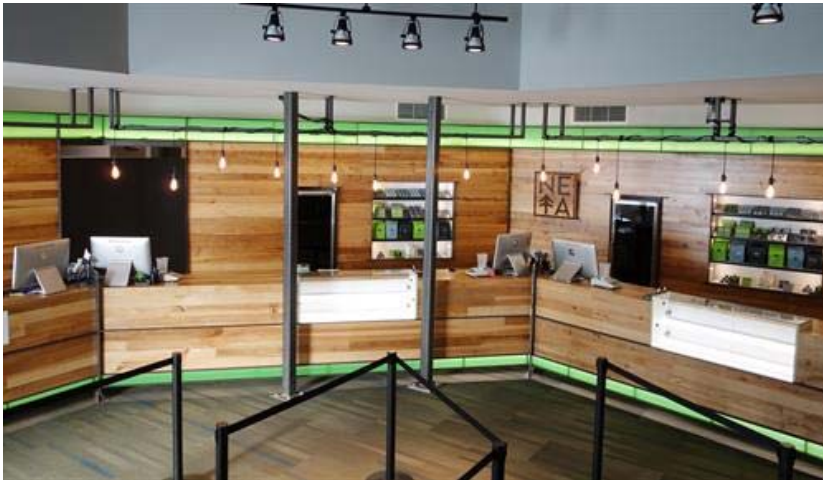
An entity authorized to:

- ❖ purchase and deliver marijuana and marijuana products from marijuana establishments
- ❖ deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.
- ❖ A marijuana retailer that provides a retail location accessible to consumers 21 years of age or older or in possession of a registration card demonstrating that the individual is a registered qualifying patient with the Medical Use of Marijuana Program, if the retail store is co-located with a medical marijuana treatment center.



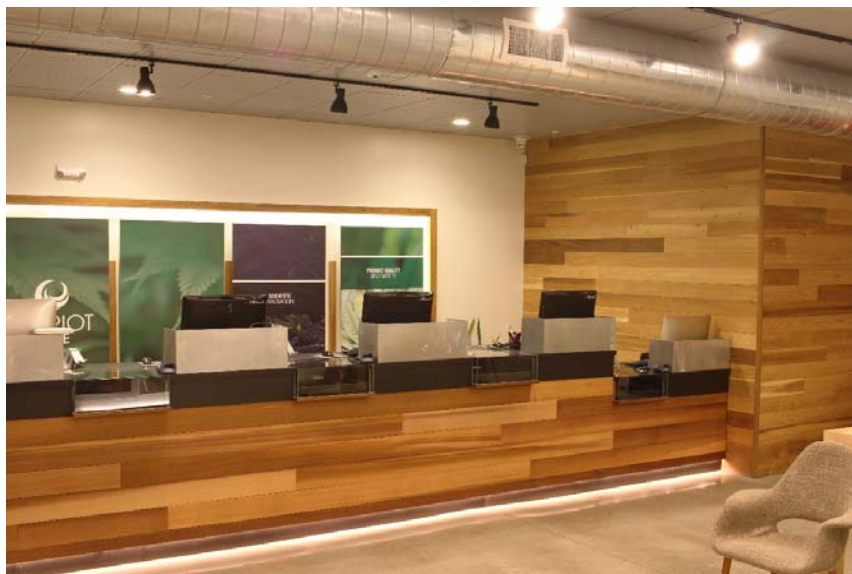
## Final Regulations, 935 CMR 500 Types of Marijuana Establishments

### **Marijuana Retailer:** Examples of Current Medical Use of Marijuana Retail Location



## Final Regulations, 935 CMR 500 Types of Marijuana Establishments

**Marijuana Retailer:** Example of Current Medical Use of Marijuana Retail Location



## Final Regulations, 935 CMR 500 Types of Marijuana Establishments

### **Marijuana Research Facility**

An academic institution, non-profit corporation or domestic corporation or entity authorized to do business in the Commonwealth of Massachusetts.

A marijuana research facility may cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding marijuana and marijuana products.

Any research involving humans must be authorized by an Institutional Review Board.





## Final Regulations, 935 CMR 500 Types of Marijuana Establishments

### **Independent Testing Laboratory**

An entity that does not hold any other type of marijuana establishment license and is properly accredited to perform tests in compliance with the stringent requirements of the Department of Public Health protocols for testing marijuana and marijuana products.

### **Standards Testing Laboratory**

An entity that would otherwise qualify to be an independent testing laboratory but instead performs blind tests to verify the results of an independent testing laboratory at the request of the Commission.





## Final Regulations, 935 CMR 500 Types of Marijuana Establishments

### **Marijuana Transporter**

An entity may only transport marijuana or marijuana products when such transportation is not already authorized under a marijuana establishment license if it is licensed as a Marijuana Transporter:

### **Third Party Transporter**

An entity registered to do business in Massachusetts that does not hold another marijuana establishment license pursuant to 935 CMR 500.050 and is not registered as a registered marijuana dispensary pursuant to 105 CMR 725.000.

### **Existing Licensee Transporter**

A Marijuana Establishment that wishes to contract with other marijuana establishments to transport their marijuana and marijuana products to other marijuana establishments.



## Final Regulations, 935 CMR 500 Types of Marijuana Establishments

### **Marijuana Micro-Business**

A microbusiness is a co-located Tier 1 marijuana cultivator and/or marijuana product manufacturer.

A microbusiness licensee shall not have an ownership stake in any other marijuana establishment and a majority of its executives or members must have been residents of Massachusetts for no less than 12 months prior to application is eligible to apply for a micro-business license.

Application fees and license fees for marijuana micro-businesses shall be set at 50% of the combined sum of the application fees and license fees for cultivation and manufacturing.



## Final Regulations, 935 CMR 500 Licensing Process

April 2

Begin Certification Applications for Priority Applicants:

- ❖ Registered Marijuana Dispensaries
- ❖ Economic Empowerment Applicants

April 17

Begin Accepting Applications from certified Priority Applicants

May 1

Open Applications for:

- ❖ Cultivation
- ❖ Microbusiness
- ❖ Craft Cooperatives
- ❖ Independent Testing Labs
- ❖ Transport

June 1

Open Applications for:

- ❖ Retail
- ❖ Product Manufacturers

## Final Regulations, 935 CMR 500 Licensing Process

### Application of Intent

- Incorporation
- Capital
- Bond
- Property Interest
- *Municipal Information*
- Positive Impact on DIA

### Background Check

- All executives, managers, persons or entities with direct or indirect authority over the management policies, cultivation or security operations
- Fingerprint check
- Nationwide civil & criminal

### Management and Operations Profile

- Certificate of Good Standing with SoS and DOR
- Business Plan
- Operating Policies and Procedures
- Training Plan



## Final Regulations, 935 CMR 500 Licensing Process

### **Priority Applicants:**

- Priority RMD Applicant means a registered marijuana dispensary with a final or provisional certificate of registration in good standing with the Department of Public Health or Commission, as applicable.
- Economic Empowerment Applicant means an applicant who meet certain criteria demonstrating experience in or business practices that promote economic empowerment in communities disproportionately impacted by high rates of arrest and incarceration for offenses under chapter 94C.



## Final Regulations, 935 CMR 500 Licensing Process

### **Economic Empowerment Priority Applicants must demonstrate 3 of the following:**

- ❖ Majority of ownership belongs to people who have lived in *areas of disproportionate impact* for 5 of the last 10 years;
- ❖ Majority of ownership has held one or more previous positions where the primary population served were disproportionately impacted, or where primary responsibilities included economic education, resource provision or empowerment to disproportionately impacted individuals or communities;
- ❖ At least 51% of current employees/sub-contractors reside in *areas of disproportionate impact* and will increase to 75% by first day of business;
- ❖ At least 51% of employees or sub-contractors have drug-related CORI, but are otherwise legally employable in a cannabis-related enterprise;
- ❖ A majority of the ownership is made up of individuals from Black, African American, Hispanic or Latino descent; or
- ❖ Owners can demonstrate significant past experience in or business practices that promote economic empowerment in areas of disproportionate impact.

## Final Regulations, 935 CMR 500 Communities of Disproportionate Impact

Abington  
Amherst  
Boston  
Braintree  
Brockton  
Chelsea  
Fall River  
Fitchburg  
Greenfield  
Haverhill  
Holyoke  
Lowell  
Lynn  
Mansfield

Monson  
New Bedford  
North Adams  
Pittsfield  
Quincy  
Randolph  
Revere  
Southbridge  
Spencer  
Springfield  
Taunton  
Walpole  
Wareham  
West Springfield  
Worcester

Note: Boston, Worcester, Springfield and Lowell are further subdivided:  
<https://mass-cannabis-control.com/wp-content/uploads/2018/04/FINAL-DRAFT-Areas-of-Disproportionate-Impact-1.pdf>

### Eligibility

*One or more of the following criteria must be met:*

- ❖ Residency in an area of disproportionate impact
- ❖ Residency in Massachusetts for at least the preceding 12 months and a conviction for a 94C offense under M.G.L. c. 94C or an equivalent conviction in another jurisdiction; or
- ❖ Residency in Massachusetts for at least the preceding 12 months and proof that the individual was either married to or the child of an individual convicted under M.G.L. c. 94C or an equivalent conviction in another jurisdiction.



### Training

- ❖ Management, recruitment and employee trainings;
- ❖ Accounting and sales forecasting;
- ❖ Tax prediction and compliance;
- ❖ Legal compliance;
- ❖ Business plan creation and operational development;
- ❖ Marijuana industry best practices; and
- ❖ Assistance with identifying or raising funds or capital



## Final Regulations, 935 CMR 500 Licensing Process

### **Background Check Packet** includes:

- ❖ A CORI check form;
- ❖ Requirement for fingerprinting that enables a multi-state criminal history check;
- ❖ Narrative information from individuals listed on the application as executives, members, close associates or managers.





### Mandatory Disqualifications:

- ❖ Applicants with Open or Unresolved Criminal Proceedings at the time of application but excluding solely marijuana-related proceedings under M.G.L. c. 94C, §34;
- ❖ Applicants with Open or Unresolved Marijuana Business-Related violations in MA or in another jurisdiction that have been unresolved for 6 months or the nature of which would necessarily result in a determination of unsuitability;
- ❖ Trafficking conviction for certain drugs (heroin, cocaine, morphine, opium, fentanyl, phenmetrazine, or meth) other than marijuana; or
- ❖ Failure to register as a sex offender.
- ❖ **Statutory Restriction:** convictions for solely marijuana-related offenses are NOT to be a disqualifier for licensure.

## Final Regulations, 935 CMR 500 Local Control

Zoning bylaws or ordinances are not permitted to operate to **prevent** the conversion of an RMD registered not later than July 1, 2017 that is engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a marijuana establishment for adult use engaged in the same type of activity.

- ❖ The Commission interprets **conversion** to include not only replacing the operation of a registered marijuana dispensary entirely with the operation of a marijuana establishment, but also to address adding marijuana establishment operations to the operations of a registered marijuana dispensary.
- ❖ Please note that there is legislation pending (<https://malegislature.gov/Bills/190/H4284>) that clarifies this interpretation.

In other words, a registered marijuana dispensary that has received its provisional or final registration no later than July 1, 2017 is grandfathered against zoning bylaws or ordinances that would prevent it from conducting the same type of activities for adult use of marijuana that it is engaged in for medical use of marijuana.

## Final Regulations, 935 CMR 500 Local Control

### ***A Moratorium of a Reasonable Length of Time is Permitted.***

- ❖ Although municipalities are prohibited from using a zoning bylaw or ordinance to *prevent* the conversion of a registered marijuana dispensary, the Commission does not interpret the word ***prevent*** to prohibit the municipality from imposing a moratorium, a ***temporary*** delay passed as a zoning amendment to allow a municipality to engage in a planning process to determine how best to zone marijuana establishments for adult use in its community.
- ❖ The Commission will interpret the reasonableness of the length of a moratorium in a manner consistent with the opinions issued by the Attorney General's Office in reviewing moratoria proposed by communities.
- ❖ When the moratorium expires, the Commission cautions local officials from amending their zoning bylaws or ordinances in a manner that could be deemed to conflict with the statute and recommends consulting the City Solicitor and Town Counsel regarding any zoning amendments.

## Final Regulations, 935 CMR 500 Local Control

### ***Additional Local Permits for Adult Use May Be Required***

- ❖ Although municipalities are prohibited from using a zoning bylaw or ordinance to *prevent* the conversion of a registered marijuana dispensary, the Commission does not interpret the word *prevent* to prohibit the municipality from requiring a registered marijuana dispensary eligible under the statute to apply for any additional local permits required to change its existing operation with a marijuana establishment for adult use.
- ❖ The Commission cautions local permitting boards from exercising their discretion in acting on a request for a local permit in a manner that could be deemed to conflict with the statute and recommends consulting the City Solicitor and Town Counsel during their decision-making.





## Final Regulations, 935 CMR 500 Local Control

### ***Banning or Limiting the Number of Marijuana Establishments in a Municipality***

- ❖ A municipality may restrict the number of marijuana establishments in its community, but it must follow certain procedures to do so.
- ❖ A municipality may pass a bylaw or ordinance limiting the number of marijuana retailers to 20% or more of the number of liquor licenses issued pursuant to G.L. c.138 §15 (commonly known as “package stores”) in that municipality. For example, if a municipality has 100 such liquor licenses, that municipality may set a maximum limit for 20 marijuana retailers.



## Final Regulations, 935 CMR 500 Local Control

### ***Banning or Limiting the Number of Marijuana Establishments in a Municipality***

There are two different procedures for proceeding, which depend on how the municipality voted on the ballot initiative to legalize marijuana in 2016, if the governing body of a municipality seeks to:

- ❖ **Ban** marijuana retailers from operating in the municipality,
- ❖ **Limit** the number of them to fewer than 20% of the number of liquor licenses (rounding up to the nearest whole number if the result is a fraction), or
- ❖ **Limit** the number of any type of marijuana establishment to fewer than the number of RMDs registered to engage in the same type of activity in the city or town.



## Final Regulations, 935 CMR 500 Local Control

### ***Banning or Limiting the Number of Marijuana Establishments in a Municipality***

- ❖ If a municipality voted **NO** on the initiative, then the governing body may limit or ban the number of marijuana establishment through by passing a bylaw or ordinance prior to and including December 31, 2019.
- ❖ If a municipality voted **YES** on the initiative or if it is after December 31, 2019, then the question must be posed to the people of the municipality at a regular or special election following a specific process and wording.

Please note that there is legislation pending (<https://malegislature.gov/Bills/190/H4284>) to clarify the election process.

## Final Regulations, 935 CMR 500 Local Control

### *Impact of Banning or Limiting the Number of Marijuana Establishments in a Municipality*

- ❖ **Ban:** If a municipality enacts a complete prohibition on marijuana establishments for adult use through a general bylaw or ordinance, the Commission will not issue a license so as to authorize the conversion of a registered marijuana dispensary to a marijuana establishment for adult use in that municipality.
- ❖ **Limited Number:** If a municipality adopts a general bylaw or ordinance imposing a limitation on the number of marijuana establishments within its community, such that the amount allowed is less than the registered marijuana dispensaries within that community, the municipality must determine which registered marijuana dispensaries will be permitted to proceed to the application process for adult use by executing a host community agreement with those dispensaries.



## Final Regulations, 935 CMR 500 Local Control

- ❖ **Buffer Zone:** Under state law, a marijuana establishment may not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Municipalities may adopt an ordinance or bylaw to reduce that distance requirement.
- ❖ **Signage:** A municipality may regulate, by bylaw or ordinance, signage regarding marijuana-related uses, but the ordinance or bylaw may not impose a standard more restrictive than those applied to retail establishments selling alcoholic beverages within the municipality.
- ❖ **Transportation:** Municipalities are prohibited from barring the transportation of marijuana or marijuana products or adopting an ordinance or by-law that makes the transportation of marijuana or marijuana products unreasonably impracticable.

## Final Regulations, 935 CMR 500 Local Control

- ❖ Under state law, marijuana establishments and RMDs are required to execute “host community agreements” with the municipalities in which they operate. The agreement must stipulate the responsibilities of the community and the marijuana establishment or RMDs.
- ❖ The agreement may include a community impact fee of up to 3% of gross sales to be paid to the host community, as long as the fee is reasonably related to real costs imposed on the municipality due to the establishment or RMD operating there. The agreement may not be effective for longer than five years.
- ❖ Please note that any cost to a city or town imposed by the operation of a marijuana establishment or RMD must be documented and considered a public record under Massachusetts public records laws, G.L. c.4 §7 cl. 26 and G.L. c.66 §10.





## Final Regulations, 935 CMR 500 Local Control

- ❖ The Commission encourages municipalities to carefully consider the impact of the particular marijuana establishment proposed for a community, as well as benefits it may bring in local revenue and employment, when negotiating a host community agreement.
- ❖ Please note that there is legislation pending to protect host community agreements executed on or before July 1, 2017 (<https://malegislature.gov/Bills/190/H4284>). The same legislation requires municipalities receiving community impact fee payments to establish a separate account into which fee payments must be deposited.
- ❖ During each fiscal year, the funds in the account may be appropriated for the purposes identified in the agreement and the balance in the account would be available for appropriation in the next fiscal year. Any deficit in the account must be raised by taxation, unless the municipality has otherwise provided, and would be subject to all applicable provisions of G.L. c.59.

## Final Regulations, 935 CMR 500 Operational Requirements

- ❖ All marijuana and marijuana products must be handled in compliance with sanitary requirements.
- ❖ Edible marijuana products are not considered food under the law, but must be handled in compliance with sanitary requirements for wholesale manufacturing, retail sale and transportation of food.
- ❖ All marijuana and marijuana products must be tested in compliance with the testing protocols established by the Department of Public Health.
- ❖ All marijuana and marijuana products must be tracked from seed to sale in interoperable database.
- ❖ \$5,000 bond or cash to be posted in the event of the need to destroy cannabis or cannabis products
- ❖ Required compliance with existing state laws on cultivation, waste disposal, etc.
- ❖ Energy conservation and environmental requirements.

## Final Regulations, 935 CMR 500 Security Requirements

- ❖ Cultivators, marijuana product manufacturers, independent laboratories and research facilities must restrict access to only authorized employees and visitors;
- ❖ All inventory must be tracked on the interoperable system set by the Commission;
- ❖ Must be alarmed;
- ❖ Visitors must be logged;
- ❖ Marijuana and marijuana products must be stored in limited access areas;
- ❖ 24 hour video surveillance is required;
- ❖ Must be sufficiently lit to allow readable image to be captured;
- ❖ Security plan filed with local law enforcement.



## Final Regulations, 935 CMR 500 Security Requirements

### ***Access to Retail Stores***

- ❖ Retailers must check government issued ID to demonstrate someone is 21 years of age or older before allowing anyone access to marijuana establishment for adult use.
- ❖ For co-located medical marijuana dispensaries and adult use marijuana establishments, retailers must check government issued ID to demonstrate someone is 21 years of age OR check that someone has a DPH Program ID card showing they are a patient and a government ID showing they are 18 years of age or older.



### Permitted Practices

- ❖ CAN have logo, but logo CAN'T use medical symbols, images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana are prohibited from use in this logo;
- ❖ Sponsorship of a charitable, sporting or similar event, but marketing limit to audience expected to be 85% 21 years and older according to data;
- ❖ Locked display cases inside each establishment;
- ❖ Any marketing shall include statement "Please Consume Responsibly" and
- ❖ at least 2 other warnings from menu of choices;
- ❖ All marketing must include warning developed by DPH.





**Warning Graphics on Marijuana and Marijuana Products**



### Prohibited Practices

- ❖ Deceptive, false, misleading, untrue, or misleading marketing;
- ❖ No TV, radio, internet or other electronic communication, billboard or other outdoor advertising, or print publication unless at least 85 per cent of the audience is reasonably expected to be 21 years of age or older as determined by data;
- ❖ Using statements, designs, representations, pictures or illustrations that portray anyone less than 21 years of age;
- ❖ mascots, cartoons, brand sponsorships and celebrity endorsements deemed to appeal to a person less than 21 year of age;
- ❖ false or misleading statements concerning other licensees and the conduct and products of such other licensees;



### Prohibited Practices (cont'd)

- ❖ Promotional items prohibited by the Commission, including, but not limited to, giveaways, coupons, or “free” or “donated” marijuana;
- ❖ Representations of safety, curative or therapeutic effects, other than labeling required pursuant by regulations, unless supported by evidence or data;
- ❖ Installation of any neon signage or any illuminated external signage that fails to comply with all local ordinances and requirements;
- ❖ Installation of any external signage that is illuminated beyond the period of 30 minutes before sundown until closing;
- ❖ Use of vehicles equipped with radio or loud speakers;



### Prohibited Practices (cont'd)

- ❖ The use of radio or loud speaker equipment in any Marijuana Establishment for advertising;
- ❖ Advertising, marketing, and branding at, or in connection with, a charitable, sporting or similar event, unless at least 85 per cent of the audience is reasonably expected to be 21 years of age or older, as determined by data;
- ❖ Operation of any website of a Marijuana Establishment that fails to verify that the entrant is at least 21 years of age;
- ❖ Use of unsolicited pop-up advertisements on the internet;





### Prohibited Practices (cont'd)

- ❖ Marketing in or on public or private vehicles, at bus stops, taxi stands, transportation waiting areas, train stations, airports, or other similar transportation venues, including, wrapping vehicles;
- ❖ Marketing marijuana or marijuana products, on clothing, cups, drink holders, apparel accessories, electronic equipment or accessories, sporting equipment, novelty items and similar portable promotional items;
- ❖ Signs or other printed matter advertising any brand or kind of marijuana product displayed on the exterior or interior of any licensed premises wherein marijuana products are not regularly and usually kept for sale;
- ❖ Marketing price of marijuana or marijuana products, except they can have list in store and on website;





**Prohibited Practices (cont'd)**

- ❖ Display of marijuana or marijuana products so as to be clearly visible to a person from the exterior of a Marijuana Establishment;
- ❖ Any marketing that fails to contain a health warning by DPH;
- ❖ Improper or objectionable nature, including obscene or suggestive statements.



## Final Regulations, 935 CMR 500 Labelling Requirements

### **Comprehensive labelling requirements, including:**

- ❖ Requirements specified for type of product;
- ❖ Name and contact information of creator;
- ❖ Cannabinoid profile, as well as ingredients;
- ❖ Warning re: allergen;
- ❖ DPH warning;
- ❖ Graphic symbol indicating product contains marijuana and that it is dangerous to children;
- ❖ Serving size;
- ❖ Batch and serial number;
- ❖ Confirmation of testing;
- ❖ Directions for use.

### **Comprehensive packaging requirements:**

- ❖ Certified by independent third party to be child-resistant;
- ❖ Resealable;
- ❖ Opaque, plain design;
- ❖ No neon colors;
- ❖ No resemblance to existing non-marijuana consumer products;
- ❖ No designs, brands or names typically marketed to minors;
- ❖ No symbols or celebrities that are commonly used to market products to minors;
- ❖ No images of minors; or
- ❖ No words that refer to products that are commonly associated with minors or marketed to minors.

**Comprehensive packaging requirements (cont'd):**

- ❖ Products with multiple servings must say “INCLUDES MULTIPLE SERVINGS”;
- ❖ Consumer must be able to easily perform the division into single servings;
- ❖ Edible Marijuana Products in a solid form shall be easily and permanently scored to identify individual servings;
- ❖ If a product is unable to be easily and permanently scored to identify individual servings, the it shall be packaged in a single serving size;



**Comprehensive packaging requirements (cont'd):**

- ❖ Packaging for marijuana product beverages shall be packaged solely in a single serving size. Multiple serving marijuana product beverages are strictly prohibited for sale;
- ❖ Each single serving of an Edible MIP contained in a multiple-serving package shall be marked, stamped or otherwise imprinted with a symbol or easily recognizable mark issued by the Commission that indicates that the single serving is a Marijuana Product;
- ❖ 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 (5) milligrams of delta-nine-tetrahydrocannabinol ( $\Delta$ 9-THC).





## Final Regulations, 935 CMR 500 Training Requirements

### Training

- ❖ Marijuana establishment agents must have 8 hours of training per year;
- ❖ 2 hours must be Responsible Vendor Training, mandatory for staff handling marijuana, voluntary for others;
- ❖ Responsible Vendor Training Programs will be registered with the Commission and will not be commonly owned with marijuana establishments.
- ❖ Responsible Vendor Training Programs must include Core Curriculum set by Commission.



### Core Curriculum Requirements

- ❖ Marijuana's effect on the human body:
  - Marijuana's physical effects based on type of marijuana product;
  - The amount of time to feel impairment;
  - Visible signs of impairment; and
  - Recognizing the signs of impairment.
- ❖ Diversion prevention and prevention of sales to minors, including best practices;
- ❖ Compliance with all tracking requirements;
- ❖ Acceptable forms of identification.
  - How to check identification;
  - Spotting false identification;
  - Medical registration cards issued by the DPH;
  - Provisions for confiscating fraudulent identifications; and
  - Common mistakes made in verification.



### Core Curriculum Requirements (cont'd)

- ❖ Other key state laws and rules affecting owners, managers, and employees, including
  - Local and state licensing and enforcement;
  - Incident and notification requirements;
  - Administrative and criminal liability;
  - License sanctions and court sanctions;
  - Waste disposal;
  - Health and safety standards;
  - Patrons prohibited from bringing marijuana onto licensed premises;
  - Permitted hours of sale;
  - Conduct of establishment;
  - Permitting inspections by state and local licensing and enforcement authorities;
  - Licensee responsibilities for activities occurring within licensed premises;
  - Maintenance of records;
  - Privacy issues; and
  - Prohibited purchases and practices.
- ❖ Such other areas of training determined by the Commission to be included in a responsible vendor training program.



## Final Regulations, 935 CMR 500 Inspections

### **Inspections:**

- ❖ Regularly scheduled;
- ❖ Unscheduled;
- ❖ Secret Shopper Program;
- ❖ Cooperation required.

### **Enforcement:**

- ❖ Cease & Desist Order;
- ❖ Limitation of Sales;
- ❖ Quarantine;
- ❖ Suspension;
- ❖ Revocation;
- ❖ Fines.

### Leadership Rating Criteria

Evaluated at time of renewal of license

#### Social Justice Leader

- ❖ 1% of the marijuana establishment's gross revenue is donated to the technical assistance fund; and
- ❖ Licensee has conducted 50 hours of educational seminars targeted to residents of areas of disproportionate impact in one or more of the following: marijuana cultivation, marijuana product manufacturing, marijuana retailing, or marijuana business training.





### Local Employment Leader

- ❖ 51% or more of the licensee's employees have been a Massachusetts resident for 12 months or more, as determined by the Commission;
- ❖ 51% or more of the licensee's executives have been a Massachusetts resident for 12 months or more, as determined by the Commission.



### Compliance Leader

- ❖ All licensee employees have completed all required trainings for their positions within ninety days of hire;
- ❖ Licensee has not been issued a written deficiency statement;
- ❖ Licensee has not been the subject of a cease and desist order or a quarantine order;
- ❖ Licensee has not had its license suspended; and
- ❖ Licensee has met all timelines required by the Commission.



### Energy and Environmental Leader

- ❖ The licensee has met or exceeded its energy and environmental impact goals for its registration period;
- ❖ The licensee has consistently documented and complied with best management practices for energy use, waste disposal and environmental impact;
- ❖ The licensee has documented that renewable energy credits representing 100% of the licensee's energy usage have been retired; and
- ❖ The licensee has labeled all their products as being produced using 100% renewable energy.





## Contact Information

*Thank you!*

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