



Cannabis Advisory Board Overview of 2017 Law: **Basic Summary**

Regulations required by Chapter 55 of the Acts of 2016

G.L. c.94G §4(a ½)

The commission shall, in accordance with chapter 30A, adopt regulations consistent with this chapter for the administration, clarification and enforcement of laws regulating and licensing marijuana establishments. The regulations shall include:

- (i) methods and forms of application which an applicant for a license shall follow and complete before consideration by the commission;
- (ii) a schedule of application, license and renewal fees in an amount necessary to pay for all regulation and enforcement costs of the commission; provided, however, that fees may be relative to the volume of business conducted or to be conducted by the marijuana establishment;
- (iii) qualifications for licensure and minimum standards for employment that are directly and demonstrably related to the operation of a marijuana establishment and similar to qualifications for licensure and employment standards in connection with alcoholic beverages as regulated under chapter 138; provided, that a prior conviction solely for a marijuana-related offense or for a violation of section 34 of chapter 94C shall not disqualify an individual or otherwise affect eligibility for employment or licensure in connection with a marijuana establishment, unless the offense involved the distribution of a controlled substance, including marijuana, to a minor;
- (iv) procedures and policies 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 and to positively impact those communities;
- (v) standards for the licensure of marijuana establishments, including, but not limited to updating that licensure;
- (vi) standards for the reporting or payment of licensure fees or taxes;
- (vii) requirements for the information to be furnished by an applicant or licensee;
- (viii) criteria for evaluation of the application for a license;



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- (ix) requirements for the information to be furnished by a licensee relating to the licensee's employees;
- (x) requirements for fingerprinting or other method of identification of an applicant for a license or a licensee;
- (xi) procedures and grounds for the revocation or suspension of a license or registration;
- (xii) minimum uniform standards of accounting procedures;
- (xiii) requirements for record keeping by marijuana establishments and procedures to track marijuana cultivated, processed, manufactured, delivered or sold by marijuana establishments;
- (xiv) any necessary registration requirements for employees working at the marijuana establishment;
- (xv) requirements that all marijuana establishment employees be properly trained in their respective professions as necessary;
- (xvi) procedures for the interim authorization of a marijuana establishment under this chapter;
- (xvii) minimum standards for the requirement that all licensees possess and operate an interoperable publicly available application programming interface seed-to-sale tracking system sufficient to ensure the appropriate track and trace of all marijuana cultivated, processed or manufactured pursuant to this chapter;
- (xviii) minimum security requirements for licensees sufficient to deter and prevent theft and unauthorized entrance into areas containing marijuana, which shall include but not be limited to the use of security cameras, provided that the requirements shall not prohibit the cultivation of marijuana outdoors or in greenhouses;



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- (xix) minimum standards for liability insurance coverage or requirements that a certain sum be placed in escrow to be expended for coverage liabilities;
- (xx) requirements and standards sufficient to ensure for the virtual separation of marijuana cultivated, processed, manufactured, delivered or sold by a licensee that is also licensed as a medical marijuana treatment center pursuant to chapter 369 of the acts of 2012. Such requirements shall leverage seed-to-sale tracking technology and may allow for the appropriate transfer or acquisition of marijuana seeds, clones, cuttings, plants or plant tissue between such entities;
- (xxi) requirements and procedures to prevent the sale, delivery or transfer of marijuana to persons under 21 years of age, or the purchase of marijuana on behalf of a person under 21 years of age, including a prohibition on persons under 21 entering marijuana establishments;
- (xxii) standards for manufacturing or extracting cannabinoid oils or butane hash oil;
- (xxiii) health and safety standards, established in consultation with the department of public health and the department of agricultural resources, for the cultivation, processing, manufacturing and distribution of marijuana, including standards regarding sanitation for the preparation, storage, handling and sale of food products, including compliance with state sanitation requirements set forth in 105 CMR 500.000, and health inspections; provided, however, that the authority to promulgate regulations pertaining to the use of pesticides shall remain with the department of agricultural resources;
- (xxiv) requirements for the packaging of marijuana and marijuana products that shall, at a minimum:
 - (1) require the most current consumer product safety commission standards, set forth in 16 C.F.R. 1700 et seq.;
 - (2) protect children from accidentally ingesting marijuana or marijuana products, including by making packaging certified child-resistant and resealable;



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- (3) require the division of each serving within a package containing multiple servings in a manner that allows consumers and card holders to easily identify a single serving;
 - (4) prohibit the use of bright colors, cartoon characters and other features designed to appeal to minors;
 - (5) ensure that packaging is opaque or plain in design;
 - (6) limit each serving size to no greater than 10 milligrams of delta-nine-tetrahydrocannabinol (Δ 9-THC); and
 - (7) prohibit any packaging that imitates or has a semblance to any existing branded consumer products, including foods and beverages, that do not contain marijuana;
- (xxv) requirements for the potency or dosing limitations of edible marijuana products sold by licensees;
- (xxvi) requirements for the labeling of a package containing marijuana or marijuana products that shall, at a minimum, include:
- (1) a symbol or easily recognizable mark issued by the commission that indicates the package contains marijuana or a marijuana product;
 - (2) a symbol or other easily recognizable mark issued by the commission on the package indicating to children that the product is harmful to children;
 - (3) the name and contact information of the marijuana cultivator or the marijuana product manufacturer who produced the marijuana or marijuana product;
 - (4) the results of sampling, testing and analysis conducted by a licensed independent testing laboratory;



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- (5) a seal certifying the marijuana meets such testing standards;
- (6) a unique batch number identifying the production batch associated with manufacturing, processing, and cultivating;
- (7) a list of ingredients and possible allergens;
- (8) the amount of delta-nine-tetrahydrocannabinol (Δ 9-THC) in the package and in each serving of a marijuana product as expressed in absolute terms and as a percentage of volume;
- (9) the number of servings in a package if there are multiple servings;
- (10) a use-by date, if applicable; and
- (11) the following 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.**”;

(xxvii) procedures and policies, in cooperation with the department of agricultural resources, to promote and encourage full participation in the regulated marijuana industry by farmers and businesses of all sizes, which shall include creating a schedule of cultivator license fees commensurate with cultivation size and regulations to create a craft marijuana cultivator cooperative system including, but not limited to, the following:

- (1) a limitation on ownership interests in a marijuana cultivator cooperative;
- (2) a limit on the total marijuana produced by a craft marijuana cultivator by the number of plants, surface area used for cultivation or output by weight; and



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- (3) a reasonable fee for licensure as a craft marijuana cultivator cooperative;
- (xxviii) requirements for the safe disposal of excess, contaminated, adulterated or deteriorated marijuana, which shall consider policies which promote the recycling of such waste, including, but not limited to, recycled industrial products;
- (xxix) requirements for advertising, marketing and branding of marijuana and marijuana products that shall, at a minimum, include:
 - (1) a prohibition on advertising, marketing and branding in such a manner that is deemed to be deceptive, false or misleading;
 - (2) a prohibition on advertising, marketing and branding by means of television, radio, internet, billboard 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 reliable, up-to-date audience composition data;
 - (3) a prohibition on advertising, marketing and branding that utilizes statements, designs, representations, pictures or illustrations that portray anyone less than 21 years of age;
 - (4) a prohibition on advertising, marketing and branding including, but not limited to, mascots, cartoons, brand sponsorships and celebrity endorsements, that is deemed to appeal to a person less than 21 years of age;
 - (5) a prohibition on advertising, marketing and branding, including statements by a licensee, that makes any false or misleading statements concerning other licensees and the conduct and products of such other licensees;
 - (6) a prohibition on advertising, marketing and branding through certain identified promotional items as determined by the commission, including giveaways, coupons or “free” or “donated” marijuana;



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- (7) a prohibition on advertising, marketing and branding by a licensee that asserts its products are safe, other than labeling required pursuant to this chapter;
 - (8) a reasonable prohibition on timing and use of illuminated external signage, which shall comply with all local ordinances and requirements, and a prohibition on neon signage;
 - (9) a prohibition of the use of vehicles equipped with radio or loud speakers for the advertising of marijuana;
 - (10) a prohibition on the use of radio or loud speaker equipment in any marijuana establishment for the purpose of attracting attention to the sale of marijuana;
 - (11) an allowance that a licensee may sponsor a charitable, sporting or similar event, but a prohibition of advertising, marketing and branding at, or in connection with, such an event unless at least 85 per cent of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience composition data;
 - (12) a requirement that the website of a marijuana establishment shall verify that the entrant is at least 21 years of age;
 - (13) a prohibition on the use of unsolicited pop-up advertisements on the internet; and
 - (14) a requirement that all advertising, marketing or branding materials for marijuana and marijuana products contain a standard health warning developed by the department of public health;
- (xxx) procedures and requirements to enable the transfer of a license for a marijuana establishment to another qualified person or to another suitable location with notification and approval by the commission;



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- (xxxix) requirements to establish a process allowing the commission to order a prohibition on the sale of a marijuana product found especially appealing to persons under 21;
- (xxxixii) requirements to establish a process allowing a marijuana product manufacturer to voluntarily submit a product, its packaging and intended marketing to the commission for review of whether the product is especially appealing to persons under 21;
- (xxxixiii) requirements that prohibit marijuana product manufacturers from altering or utilizing commercially-manufactured food products when manufacturing marijuana products unless the food product was commercially manufactured specifically for use by the marijuana product manufacturer to infuse with marijuana; provided, however, that a commercially-manufactured food product may be used as an ingredient in a marijuana product if:
 - (i) it is used in a way that renders it unrecognizable as the commercial food product in the marijuana product; and
 - (ii) there is no statement or advertisement indicating that the marijuana product contains the commercially-manufactured food product; and
- (xxxixiv) energy and environmental standards for licensure and licensure renewal of marijuana establishments licensed as a marijuana cultivator or marijuana product manufacturer.