



MASSACHUSETTS CANNABIS CONTROL COMMISSION
STEVEN J. HOFFMAN, CHAIRMAN

CANNABIS CONTROL COMMISSION CONTINUES PUBLIC POLICY DISCUSSION

Policies will include: license categories, licensing process requirements, operating requirements and enforcement measures

For Immediate Release

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Contact: CNB Press Office

857-268-6454 / CNBPRESS@STATE.MA.US

Boston, MA - Today, the Cannabis Control Commission held its third day of public deliberation on policy matters that will inform the implementation of the recreational adult use cannabis industry in Massachusetts.

The decisions today will be incorporated into a working document of regulations that will be subject to a final vote of the Commission, expected to occur next week, before being formally filed as Draft Regulations.

Policy recommendations determined today:

Operational Requirements for Marijuana Cultivation

Agreed to require security and screening consistent with *Chapter 55 of the Acts of 2017*; require cultivation in compliance with generally accepted agricultural practices; require cultivators to comply with Massachusetts law on plant nutrient and pesticide application; require cultivators to grow consistently with federal standards for organic growing only if they label products "organic" and encourage best management practices for energy efficiency. The Executive Director will convene an Energy and Environmental Workgroup by Jan. 31, 2018 to recommend best management practices for energy and environmental objectives

Operational Requirements for Manufacturing

Agreed to emulate requirements under medical use of marijuana regulations for handling of marijuana and marijuana products

Operational Requirements for Testing

Agreed to adopt DPH testing protocols as well as a requirement for a method to provide consumers with product testing results in an understandable and accessible manner; and to evaluate testing protocols on ongoing basis

Operational Requirements for Retail

Agreed to adopt registered marijuana dispensary regulation that upon entry, a Marijuana Establishment Agent shall immediately inspect an individual's identification, which shall contain a name, photograph and date of birth and shall be limited to: a driver's license; a government-issued identification card; a military identification card; or a passport.

The Commission also agreed to adopt *Industry Subcommittee* recommendation allowing only those individuals 18 or over with a valid registration card on premises that offer both Medical and Recreational products, and to ensure separation at Point of Sale. They also agreed that If you are a pediatric patient, you may be on premises only with a registered personal caregiver.

Operational Requirements - Transportation

The Commission agreed to adopt the Department of Public Health Transportation Protocol including:

- Vehicle must be owned by licensed entity;
- Vehicle and driver must be licensed according to Mass RMV requirements for the class of vehicle;
- Vehicle equipped with fixed GPS, two-way communication with shipping entity, alarm system;
- No vehicle labeling identifying content;
- Product not visible from outside;
- Product kept in locked box secured to vehicle;
- Manifest kept on board;
- Linked to seed-to-sale tracking system;
- 2 occupants within the vehicle during transportation;
- No firearms within the vehicle.

Operational Requirements - Delivery by Retail Licensee or Microbusiness

Agreed to require transportation regulations as stated above plus:

- Positive identification of delivery recipient, proof of age (21 or older); and signature of recipient.
- Identical packaging requirements as if sold at retail establishment.
- No tampered with or open packaging prior to delivery.
- \$3,000 retail maximum value – multiple orders permitted within the maximum value.
- Hours of operation to be limited to licensee's operational hours.
- Deliveries shall be limited to personal residences, as defined by regulation.

- In the event of simultaneous delivery of medical and adult use cannabis and marijuana products, the delivery vehicle shall maintain two clearly labeled lock boxes to physical separate the product.

Separation of Medical and Adult Use Marijuana Products - Retail

Agreed to require a combination of virtual and physical separation: virtual separation until point of sale and physical separation of medical use and adult use products in the retail location due to differences in potency limitations. Cultivators and manufacturing shall maintain virtual separation through tracking system. Retail shall maintain physical separation of product and point of sale at counter.

Marijuana Establishment Employees - Registration

Agreed to adopt a DPH-like regulation requiring employees to obtain 1-year registration, paid for by the licensee; Require Marijuana Establishment Agents to carry a registration card with them at all times on premises; Allow for individual to be affiliated with multiple Marijuana Establishments; Immediately void registration upon separation from Marijuana Establishment.

Training and Responsible Vendor Program

Agreed to require training of all marijuana establishment agents to include the following:

- Marijuana Establishments shall ensure that all Marijuana Establishment Agents complete training prior to performing job functions.
- Training shall be tailored to the roles and responsibilities of the job function of each Marijuana Establishment Agent, and at a minimum must include a responsible vendor program modeled after Colorado's responsible vendor program.
- At a minimum, staff shall receive 8 hours of on-going training annually.
- Additional or different requirements tailored to the roles and responsibilities of their job function
- Document that the hourly training has occurred
- Social use Cannabis Awareness and Response Education program should be incorporated into training program
- Vendors shall be certified by the Commission
- Ensuring that training is available online

Operational Requirements for Social Consumption

Agreed to adopt operational requirements for retail establishments, in addition to the following:

- Products from licensed cultivators or manufacturers, with an exception allowing restaurants using marijuana products to modify or further process products;
- Allow only individual servings. No marijuana may leave the premises;
- Develop Cannabis Awareness and Response Education for employees, to be integrated with Responsible Vendor Program;
- Add requirement for reasonable plan to assist with patron transportation;

- Prohibit any sales of alcohol at marijuana consumption establishments (no prohibition on liquor license, but sales may not be conducted at time of marijuana use/sale);

Operational Requirements - Social Consumption (Smoking)

** Will revisit for clarification Thursday December 14, 2017**

Social Consumption Ownership / Volume Restrictions

Agreed that a Licensee may be granted up to 3 Social Consumption Licenses and that no social use licenses may operate in municipalities with bans or moratoria on marijuana establishments.

Security and Incident Reporting

The Commission agreed to adopt the DPH security regulations for the medical use of marijuana program. In addition, adherence to the Cole memo and the enforcement areas it emphasizes may prevent federal intervention and should be prioritized (i.e. prevent diversion to other states, access by youth). Specific provisions relative to security include requiring: surveillance locations; mandated reporting; security systems with back-up alarm systems; storage and safekeeping of inventory in secure locked safe or vault; creating well-defined limited access areas and employee protocols.

Security Requirements - DPH Modifications

Agreed to adopt *Public Safety Subcommittee* recommendations with regard to alternative security safeguards and provide for specific regulations for outdoor cannabis cultivation that include:

- Perimeter fencing designed to prevent unauthorized access;
- Video cameras at points of entry/exit and in parking lots;
- Surveillance system continuously monitored electronically, by monitoring company or by other means determined to be adequate by Commission and that provides alerts to system failure;
- Surveillance system in locked area with limited access.

Security Requirements - Security Plan

Agreed to adopt both the *Public Safety Sub-committee* recommendation and a Colorado-like regulation specifying details of security system plan that includes a description of the location, a floorplan or layout of the establishment in a manner required by the municipality, and operation of the security system, including the location of the central control on premises, a schematic of security zones and the name of the security and monitoring company, if any.

Security Requirements - Incident Reporting

Agreed to adopt DPH-like reporting requirement that the Commission and law enforcement be notified within 24 hours of diversions, theft or losses; discrepancies; criminal actions; alarm activations requiring a public safety personnel or private security response; failure of an alarm system expected to last more than 8 hours;

- Written report to Commission within 10 days of incident;
- Maintenance of documentation related to incident for not less than 1 year and made available to Commission or law enforcement acting in their lawful jurisdiction upon request.

Edibles - Restrictions

Agreed to restrict products from being produced that bear a resemblance to the likeness of human, animal, fruit or sports equipment, as well as others shapes/likeness as determined by the Commission

Edibles - Names

Agreed to restrict products from being named anything similar to those of mainstream items consumed by minors

Products - Universal Symbol

Agreed to require the placement of the Universal Symbol on at least one side of the edible products considered to be “per se practicable.” For products not considered to be “per se practicable” the placement of the Universal Symbol on the package will be deemed sufficient.

Products - Serving Size

Agreed to limit edibles to 5mg per serving with 20 servings per package

Edibles - Approval of Products

Agreed to require that all new THC edible product categories be approved by the Commission prior to coming to market

Packaging -

Agreed to adopt child safety and consumer welfare according to regulations recommended by Subcommittees, plus best practices from the Council on Responsible Cannabis Regulation and the state of Oregon.

Including:

The following requirements apply to marijuana establishments, except for social consumption licensees.

- Limits on packaging design as spelled out in statute and recommended by Industry Sub-Committee and adopted in Oregon;
- Requiring child resistant packaging across all Marijuana and Marijuana Products that have been tested by qualified third party;
- Requiring package to be opaque or plain in design;
- Require packaging to be resealable if more than 1 serving;
- Where compliance with above requirements deemed to be impracticable with child resistant packaging, Marijuana Products must be placed in exit packaging capable of being resealed, with child warning.

Packaging - Multiple Servings

Commission agreed to adopt recommendations that address underlying issues of overconsumption that include:

- Allow the consumer to easily identify a single serving in a multi-serving package;
- Include a statement on the exterior: "INCLUDES MULTIPLE SERVINGS";
- Where a product is not easily and permanently scored to identify individual servings, the product shall be packaged in a single serving size;
- Beverages shall be packaged in single serving sizes.

Packaging - Labeling

Agree to adopt *Chapter 55 of the Acts of 2017*, in addition include the following additional requirements:

- Net weight or volume in U.S. customary and metric units
- Type of marijuana used to produce the product, including processing techniques/solvents;
- Amount in grams of sodium, sugar, carbs, and total fat/serving;
- Number of servings;
- Directions for use.

Packaging - Labeling (Concentrates)

Commission agreed to adopt *Chapter 55 of the Acts of 2017* and include the additional requirements:

- Net weight or volume in U.S. customary and metric units;
- Type of marijuana used to produce the product, including processing techniques/solvents;
- Product identity and the following warnings, as applicable
 - "CONCENTRATE—DO NOT EAT"
 - "EXTRACT—DO NOT EAT"
- Number of servings;
- Directions for use;
- Topicals/tinctures provisions the same, minus the warning.

Advertising

Agreed to Adopt prohibitions outlines in *Chapter 55 of the Acts of 2017* and in addition the following:

- No Advertising of an improper or objectionable nature, including without limitation the use of recipe books or pamphlets for marijuana products which contain obscene or suggestive statements;
- No signs or other printed matter advertising any brand or kind of marijuana product that are displayed on the exterior or interior of any licensed premises wherein marijuana products are not regularly and usually kept for sale;
- No transit advertising on or in public or private vehicles and at bus stops, taxi stands, transportation waiting areas, train stations, airports, etc., including without limitation vinyl wrapped vehicles, and logoed vehicles, and logoed delivery vehicles and company cars.

Advertising - Warnings

Agreed to require that all advertising contain the phrase “*please consume responsibly*” and **two** of the following warnings:

- “This product may cause impairment and may be habit forming”
- “Marijuana can impair concentration, coordination, and judgement. Do not operate a vehicle or machinery under the influence of this drug”
- “There may be health risks associated with consumption of this product”
- “For use only by adults twenty-one and older. Keep out of reach of children”
- “Marijuana should not be used by women who are pregnant or breast feeding”

Insurance

Agreed to require liability insurance of \$1 million per incident; \$2 million annual aggregate

- Alternate amount of insurance determined adequate by Commission
- \$250K in escrow account

Waste Disposal

Agreed to emulate waste disposal requirements for medical use of marijuana and allow for the development of recycling options as required by *Chapter 55 of the Acts of 2017* and also make waste disposal part of issues considered by Energy and Environmental Workgroup - The Commission also agreed that waste disposal for the purposes of waste disposal does not require separate product manufacturing license

Public Notice List

Agreed to Invite stakeholders and members of the public to sign-up to receive notification of meetings, documents and other matters of interest.

The Cannabis Control Commission will convene again tomorrow at 10:30am, 19 Staniford Street, Hurley Building - Minihan Meeting Room.

The Commission expects to incorporate these policies into a working document which will be subject to a final vote of the Commission expected to occur next week.

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