**\*These regulations include only those chapters with edits and changes in accordance with the Secretary of the Commonwealth’s filing requirements\***

935 CMR 501.000: MEDICAL USE OF MARIJUANA

Section

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# 501.001: Purpose

The purpose of 935 CMR 501.000 is to implement St. 2017, c. 55: *An Act to Ensure Safe Access to Marijuana*; M.G.L. c. 94G and M.G.L. c. 94I.

# 501.002: Definitions

For the purposes of 935 CMR 501.000, the following terms shall have the following meanings:

Administrative Hold means a hold requiring temporary isolation of Marijuana, Marijuana Products, or Marijuana-infused Products (MIPs), by a Licensee or Registrant pending further investigation.

Adult-use Cannabis or Marijuana means Marijuana that is cultivated, Processed, Transferred, tested or sold to adults 21 years of age or older pursuant to M.G.L. c. 94G.

Adult-use Cannabis or Marijuana Products means Marijuana Products that are Processed Manufactured, Transferred, tested or sold to adults 21 years of age or older pursuant to

M.G.L. c. 94G.

Advanced Core Curriculum means the advanced training curriculum taught by a Responsible Vendor Trainer that may be taken by MTC Agents after completing the Basic Core Curriculum under 935 CMR 501.105(2)(b).

Advertising means a form of marketing communication that employs a sponsored, nonpersonal message to sell or promote an MTC’ Brand Name, MTC Branded Good, service, product or idea.

Affixed means the attachment of a label or other packaging material so that it is not easily removed or lost.

Agent Registration Card means an identification card currently and validly issued by the Commission to a Marijuana Establishment, MTC or Laboratory Agent. The Agent Registration Card allows access into Commission supported databases. The registration card facilitates verification of an individual Registrant's status including, but not limited to, identification by the Commission and Law Enforcement Authorities of those individuals exempt from Massachusetts criminal and civil penalties under M.G.L. c. 94G and 94I, and 935 CMR 500.000: *Adult Use of Marijuana* and 935 CMR 501.000.

Area of Disproportionate Impact means a geographic area identified by the Commission for the purposes identified in M.G.L. c. 94G, § 4(a½)(iv), and 935 CMR 500.040: *Leadership Rating Program for Marijuana Establishments* and *Marijuana-related Businesses* and 500.101: *Application Requirements*, and which has had historically high rates of arrest, conviction, and incarceration related to Marijuana crimes.

Arming Station means a device that allows control of a security alarm system.

Assignment for the Benefit of Creditors means a contractual agreement with a third-party by which the Licensee assigns all of its assets and liabilities to such third-party in order to satisfy the Licensee's obligations to its creditors by liquidating the assets.

Basic Core Curriculum means the foundational training curriculum required of all MTC Agents taught by a Responsible Vendor Trainer under 935 CMR 501.105(2)(b).

Beverage means a liquid intended for drinking.

*Bona Fide* Healthcare Provider – Patient Relationship means a relationship between a Certifying Healthcare Provider, acting in the usual course of their professional practice, and a Patient in which the healthcare provider has conducted a Clinical Visit, completed and documented a full assessment of the Patient's medical history and current medical condition, has explained the potential benefits and risks of Marijuana use, and has a role in the ongoing care and treatment of the Patient.

Brand Name means a brand name (alone or in conjunction with any other word), registered trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other identifiable marker associated with an MTC.

Brand Name Sponsorship means the payment by an MTC in exchange for use of a Brand Name:

* + 1. to sponsor an athletic, musical, artistic, or other social or cultural event; or
    2. to identify, advertise, or promote such event or an entrant or participant of such an event.

Cannabinoid means any of several compounds produced by Marijuana plants that have medical and psychotropic effects.

Cannabinoid Profile means the amounts, expressed as the dry-weight percentages, of delta-nine-tetrahydrocannabinol, cannabidiol, tetrahydrocannabinolic acid and cannabidiolic acid in a Marijuana Product. Amounts of other Cannabinoids may be required by the Commission.

Cannabis means Marijuana as defined in 935 CMR 501.002.

Canopy means an area to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain Flowering and/or Vegetative plants larger than eight inches tall and eight inches wide at any point in time, including all of the space(s) within the boundaries. Canopy may be noncontiguous, but each unique area included in the total Canopy calculations shall be separated by an identifiable boundary which includes, but is not limited to: interior walls, shelves, Greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If Flowering and/or Vegetative plants larger than eight inches tall and eight inches wide are being cultivated using a shelving system, the surface area of each level shall be included in the total Canopy calculation.

Card Holder means a Registered Qualifying Patient, Personal Caregiver, Marijuana Establishment Agent, Medical Marijuana Treatment Center (MTC) Agent, or Laboratory Agent who holds a valid Patient or Agent Registration Card.

Caregiver means a Personal Caregiver or Institutional Caregiver.

Caregiving Institution means a hospice program, long-term care facility, or hospital duly registered currently and validly by the Commission, providing care to a Registered Qualifying Patient on the premises of the facility or through a hospice program.

Cease and Desist Order means an order to stop or restrict operations including, but not limited to, cultivation, product manufacturing, Transfer, sale, delivery, or testing, of Marijuana, Marijuana Products, or Marijuana-infused Products (MIPs) by a Licensee or Registrant to protect the public health, safety or welfare.

Ceases to Operate means a Marijuana Establishment, Medical Marijuana Treatment Center (MTC) or Independent Testing Laboratory that closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen. The Commission may determine that an establishment has Ceased to Operate based on its actual or apparent termination of operations.

Certificate of Licensure means the certificate issued by the Commission that confirms that an MTC or Independent Testing Laboratory has met all applicable requirements pursuant to

M.G.L. c. 94I, and 935 CMR 501.000 and is currently and validly licensed by the Commission. An MTC or Independent Testing Laboratory may be eligible for a provisional or final Certificate of Licensure.

Certificate of Registration means a certificate currently and validly issued by the Commission, that confirms an individual or entity has met all applicable requirements pursuant to

M.G.L. c. 94I, and 935 CMR 501.000 and is registered by the Commission.

Certifying Certified Nurse Practitioner (CNP) means a Massachusetts licensed certified nurse practitioner licensed pursuant to 244 CMR 4.00: *Advanced Practice Registered Nursing*, who certifies that in their professional opinion, the potential benefits of the medical use of Marijuana would likely outweigh the health risks for a Qualifying Patient.

Certifying Healthcare Provider means a Certifying CNP, a Certifying Physician or a Certifying Physician Assistant.

Certifying Physician means a Massachusetts licensed physician (Medical Doctor or Doctor of Osteopathy), who certifies that in their professional opinion, the potential benefits of the medical use of Marijuana would likely outweigh the health risks for a Qualifying Patient.

Certifying Physician Assistant means a Massachusetts physician assistant licensed pursuant to 263 CMR 3.00: *Licensure of Individual Physician Assistants*, who certifies that in their professional opinion, the potential benefits of the medical use of Marijuana would likely outweigh the health risks for a Qualifying Patient.

Clinical Visit means an in-person or telehealth visit during which a Certifying Healthcare Provider establishes a *Bona Fide* Healthcare Provider Patient Relationship and conducts a full assessment of the Patient's medical history and current medical condition, including the Debilitating Medical Condition, and explains the potential benefits and risks of Marijuana use. A Clinical Visit for an initial Certificate of Registration shall be performed in-person.

Clone means a clipping from a Cannabis or Marijuana plant that can be rooted and grown.

Close Associate means a Person who holds a relevant managerial, operational or financial interest in the business of an applicant or Licensee and, by virtue of that interest or power, is able to exercise a significant influence over the corporate governance of a Marijuana Establishment, an MTC or Independent Testing Laboratory licensed under 935 CMR 500.000: *Adult Use of Marijuana*. A Close Associate is deemed to be a Person or Entity Having Direct or Indirect Control.

Colocated Marijuana Operations (CMO) means an MTC operating under a License pursuant to 935 CMR 501.000 and a Marijuana Establishment operating under at least one License pursuant to 935 CMR 500.000: *Adult Use of Marijuana*, on the same Premises. Colocated Marijuana Operations pertain to cultivation, product manufacturing, and retail licenses, but not any other adult-use License.

Commission means the Massachusetts Cannabis Control Commission, as established by

M.G.L. c. 10, § 76, or its representatives. The Commission has authority to implement the state Marijuana laws, which include, but are not limited to, St. 2016, c. 334: *The Regulation and Taxation of Marijuana Act*, as amended by St. 2017, c. 55: *An Act to Ensure Safe Access to Marijuana*; M.G.L. 10, § 76; M.G.L. c. 94G; M.G.L. c. 94I; 935 CMR 500.000: *Adult Use of Marijuana* and 935 CMR 501.000.

Community Impact Fee (CIF) means impact fee(s) claimed by a Host Community in relation to the operations of a particular Marijuana Establishment or MTC which have been certified by the Commission or ruled upon by a court of competent jurisdiction as being Reasonably Related to the actual costs imposed on a Host Community by a Marijuana Establishment or MTC’s operations.

Commission Delegee(s) means other state or local officials or agencies working in cooperation with the Commission by agreement, to carry out the Commission's responsibilities and to ensure compliance with the adult-use and medical-use laws, and any other applicable federal or state laws.

Confidential Application Materials means any electronic or written document, communication or other record pertaining to an application for licensure or registration that is required to be confidential or protected from disclosure by law, which includes, but is not limited to, personally identifiable information concerning an applicant, Registrant, or Licensee; background check information or Criminal Offender Record Information (CORI) as defined by 803 CMR 2.02: *Definitions, or Criminal History Record Information (CHRI)* as defined by 803 CMR 7.02: *Definitions*; and information that implicates security concerns.

Confidential Database means the Commission database that holds data concerning:

* + 1. Qualifying Patients issued a Registration Card for medical use of Marijuana;
    2. healthcare professionals registered to issue Written Certifications;
    3. MTCs;
    4. quantity of medical-use Marijuana dispensed to a Card Holder; and
    5. any other pertinent information.

Confidential Information means information that is legally required to be kept confidential, or that is protected from disclosure by a legally recognized privilege. This includes, but is not limited to, M.G.L. c. 4, § 7, cl. 26 and M.G.L. c. 94I, §§ 2(e) and 3.

Confidential Investigatory Materials means any electronic or written document, communication or other record pertaining to an investigation which concerns:

1. a possible violation of a statute, regulation, rule, practice or procedure, or professional or industry standard, administered or enforced by the Commission;
2. an ongoing investigation that could alert subjects to the activities of an investigation;
3. any details in witness statements, which if released create a grave risk of directly or indirectly identifying a private citizen who volunteers as a witness;
4. investigative techniques the disclosure of which would prejudice the Commission's future investigative efforts or pose a risk to the public health, safety or welfare; or
5. the background of any person the disclosure of which would constitute an unwarranted invasion of personal privacy.

Confidential Records means any electronic or written record required to be kept confidential or protected from disclosure by law which includes, but is not limited to, Confidential Application Materials, Confidential Social Equity Application Materials, Confidential Investigatory Materials, and Protected Patient Records (as defined in 935 CMR 501.002: Protected Patient Records).

Confidential Social Equity Application Materials means any electronic or written document, communication or other record pertaining to an application for the Social Equity Program that is required to be confidential or protected from disclosure by law which includes, but is not limited to, CORI as defined by 803 CMR 2.02: *Definitions*, or CHRI as defined in 803 CMR 7.02: *Definitions*.

Consumer means a person who is 21 years of age or older.

Court Appointee shall mean a person or entity appointed by a court of competent jurisdiction to exercise court oversight with respect to the property, assets, management, or operations of a Licensee or Person or Entity Having Direct or Indirect Control over a Licensee including, without limitation, a receiver, custodian, guardian, trustee, and executor or administrator of estate. This could include a person or entity preapproved or recommended by the Commission or its delegee appointed by the court.

Court Supervised Proceeding shall mean a proceeding where a court of competent jurisdiction supervises the property, assets, management, or operations of a Licensee or Person or Entity Having Direct or Indirect Control over a Licensee through a Court Appointee.

Craft Marijuana Cooperative means a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, Manufacture, Process, package, brand and Transfer Marijuana or Marijuana Products to Marijuana Establishments, but not to Consumers.

Criminal Offender Record Information (CORI) shall have the same meaning as defined by 803 CMR 2.02: *Definitions*.

Cultivation Batch means a collection of Cannabis or Marijuana plants from the same seed or plant stock that are cultivated and harvested together, and receive an identical Propagation and cultivation treatment including, but not limited to: growing media, ambient conditions, watering and light regimes and agricultural or hydroponic inputs. Clones that come from the same plant are one batch. The Licensee shall assign and record a unique, sequential alphanumeric identifier to each Cultivation Batch for the purposes of production tracking, product labeling and product recalls.

Debilitating means causing weakness, cachexia, wasting syndrome, intractable pain, or nausea, or impairing strength or ability, and progressing to such an extent that one or more of a patient's major life activities is substantially limited.

Debilitating Medical Condition means cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, and multiple sclerosis (MS), when such diseases are debilitating, and other debilitating conditions as determined in writing by a Qualifying Patient's healthcare provider.

Delivery Agreement means a contract between a licensed Marijuana Establishment and a Delivery Licensee or Marijuana Establishment with a Delivery Endorsement to deliver Marijuana or Marijuana Products from the Marijuana Establishment directly to Consumers and as permitted, Marijuana Couriers to Patients and Caregivers, under the provisions of a Delivery License.

Delivery Endorsement means authorization granted to Licensees in categories of Marijuana Establishments identified by the Commission to perform deliveries directly from the establishment to Consumers.

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

Delivery Licensee means an entity that is authorized to deliver Marijuana and Marijuana Products directly to Consumers and as permitted, Marijuana Couriers to Patients and Caregivers.

Department of Agricultural Resources (MDAR) means the Massachusetts Department of Agricultural Resources, unless otherwise specified. MDAR has jurisdiction over Hemp and Pesticides.

Department of Criminal Justice Information Services (DCJIS) means the Massachusetts Department of Criminal Justice Information Services, unless otherwise specified. DCJIS shall have the same meaning as defined in 803 CMR 2.02: *Definitions*.

Department of Public Health (DPH) means the Massachusetts Department of Public Health, unless otherwise specified. DPH is the agency that administered the Medical Use of Marijuana Program prior to 2019.

Department of Revenue (DOR) means the Massachusetts Department of Revenue, unless otherwise specified.

Department of Unemployment Assistance (DUA) means the Massachusetts Department of Unemployment Assistance, unless otherwise specified.

Duress Alarm means a silent security alarm signal generated by the entry of a designated code into an Arming Station that signals an alarm user is under duress and turns off the system.

Economic Empowerment Priority Applicant means an applicant who as an entity or through an individual certified by the Commission in 2018, meets and continues to meet three or more of the following six criteria, at least one of which shall be a majority-equity-ownership criterion:

* + 1. Majority Equity Ownership Criteria:
       1. A majority (more than 50%) of ownership belongs to people who have lived for five of the preceding ten years in an Area of Disproportionate Impact, as determined by the Commission.
       2. A majority (more than 50%) 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.
       3. A majority (more than 50%) of the ownership is made up of individuals from Black, African American, Hispanic or Latino descent.
    2. Additional Criteria:
       1. At least 51% of current employees or subcontractors reside in Areas of Disproportionate Impact and by the first day of business, the ratio will meet or exceed 75%.
       2. At least 51% of employees or subcontractors have drug-related CORI and are otherwise legally employable in Cannabis enterprises.
       3. Other significant articulable demonstration of past experience in, or business practices that promote, economic empowerment in Areas of Disproportionate Impact.

This applicant has priority for the purposes of the review of its license application.

Edibles means a Marijuana Product that is to be consumed by humans by eating or drinking. These products, when created or sold by a Marijuana Establishment or an MTC, shall not be considered a food or a drug as defined in M.G.L. c. 94, § 1.

Electronic Certification means a document signed or executed electronically by a Certifying Healthcare Provider, stating that in the healthcare professional's professional opinion, the potential benefits of the medical use of Marijuana would likely outweigh the health risks for the Qualifying Patient. Such certification shall be made only in the course of a *Bona Fide* Healthcare Provider Patient Relationship and shall specify the Qualifying Patient's Debilitating Medical Condition. Electronic Certifications, on submission by a Certifying Healthcare Provider to the Commission, shall automatically generate a temporary registration.

Enclosed Area means an indoor or outdoor area equipped with locks or other security devices, which is accessible only to Qualifying Patients, MTC Agents, Registered Qualifying Patients, or Caregivers.

Equity Holder means a person or entity that holds, or may hold as a result of one or more of the following including, without limitation, vesting, conversion, exercising an option, a right of first refusal, or any agreement that would trigger an automatic transfer of or conversion to equity, any amount of equity in a Marijuana Establishment or an MTC.

Executive means members of the board of directors, executive officers, executive director, manager, or their equivalent, of a Marijuana Establishment, MTC, or Independent Testing Laboratory.

Executive Office of Energy and Environmental Affairs (EOEEA) means the Massachusetts Executive Office of Energy and Environmental Affairs, unless otherwise specified.

Existing Licensee Transporter means an entity that is otherwise licensed by the Commission and also licensed to purchase, obtain, and possess Marijuana or Marijuana Products solely for the purpose of transporting, temporary storage, sale and distribution on behalf of other Marijuana Establishments or MTCs to other establishments, but not to Consumers.

Expedited Applicant means an applicant for a Marijuana Microbusiness, Marijuana Craft Cooperative, Independent Testing Laboratory, or Outdoor Marijuana Cultivator license; a Social Equity Participant; a minority, woman, and/or veteran-owned business; eligible for expedited review prior to other General Applicants.

Fingerprint-based Background Check Trust Fund means a fund established under M.G.L. c. 29,

§ 2HHH, in which fees for fingerprint background checks are deposited.

Finished Marijuana means Usable Marijuana, Cannabis resin or Cannabis concentrate.

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.

Flowering means the gametophytic or reproductive state of Cannabis or Marijuana in which the plant produces flowers, trichomes, and Cannabinoids characteristic of Marijuana.

Food and Drug Administration (FDA) means the United States Food and Drug Administration.

General Applicant means an applicant that has not been certified as an Economic Empowerment Priority Applicant or an MTC Priority Applicant; and is not eligible to be an Expedited Applicant.

Greenhouse means a structure or thermally isolated Enclosed Area of a building that maintains a specialized sunlit environment used for and essential to the cultivation, protection or maintenance of plants.

Gross Annual Sales means the total revenue generated by an ME or MTC under an individual license pertaining to the sale of Marijuana, Marijuana Products, Marijuana Accessories and Marijuana Establishment or MTC Branded Goods or the provision of services used by the Commission to calculate limits under M.G.L. c. 94G §3(d)(2)(i) regarding the Community Impact Fee amount properly due and payable to a Host Community.

Hardship Cultivation Registration means a registration issued to a Registered Qualifying Patient under the requirements of 935 CMR 501.027.

Healthcare Clinician or Provider means a Certifying Physician, Certifying Certified Nurse Practitioner or Certifying Physician Assistant qualified under 935 CMR 501.000 to issue Written Certifications for the medical-use of Marijuana.

Hemp means the plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of Marijuana Product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis, regardless of moisture content. MDAR has jurisdiction over Hemp.

Holdup Alarm means a silent alarm signal generated by the manual activation of a device that signals a robbery in progress.

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).

Horticulture Lighting Square Footage (HLSF) means an area to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain plants at any point in time, at any stage of growth, including all of the space(s) within the boundaries, HLSF may be noncontiguous, but each unique area included in the total HLSF calculations shall be separated by an identifiable boundary which includes, but is not limited to: interior walls, shelves, Greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If plants are being cultivated using a shelving system, the surface area of each level shall be included in the total HLSF calculation.

Host Community means a municipality in which a Marijuana Establishment, MTC or Independent Testing Laboratory is located or in which a License Applicant has proposed locating an establishment.

Host Community Agreement (HCA) means an agreement entered into and executed between a Host Community and a License Applicant or between a Host Community and a Marijuana Establishment or MTC pursuant to M.G.L. c. 94G § 3(d).

Host Community Agreement (HCA) Waiver means a written statement executed by a Host Community and a License Applicant, or by a Host Community and a Marijuana Establishment or an MTC, which expresses the parties’ mutual intent to waive the regulatory requirement to have a Host Community Agreement.

Immature Plant means a rooted plant in the Vegetation stage of development that is no taller than eight inches, no wider than eight inches, and is in a growing/cultivating container.

Immediate Family Member means a spouse, parent, child, grandparent, grandchild, or sibling, including in-laws.

Impassible Barrier means, for the purposes of determining the 500 feet buffer zone, a highway, public or private way or path, inaccessible structure, body of water, or other obstruction that renders any part of the 500-foot straight-line distance between an MTC Entrance and a School Entrance inaccessible by a pedestrian or automobile.

Independent Testing Laboratory means a laboratory that is licensed or registered by the Commission and is:

* + 1. Currently and validly licensed under 935 CMR 500.101: *Application Requirements*, or formerly and validly registered by the Commission;
    2. Accredited to ISO 17025:2017 or the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
    3. Independent financially from any MTC, Marijuana Establishment or Licensee; and
    4. Qualified to test Marijuana and Marijuana Products, including MIPs, in compliance with

M.G.L. c. 94C, § 34; M.G.L c. 94G, § 15; 935 CMR 500.000: *Adult Use of Marijuana*; 935 CMR 501.000; and Commission protocol(s).

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

Inducement means money or any other thing of substantial value intended to persuade or influence a person or entity to take an action or refrain from taking an action.

Informed Consent means the consent obtained by a Research Licensee from potential participants in a research project that explains to potential participants the risks and potential benefits of a study, and the rights and responsibilities of the parties involved.

Informed Consent Form means the document provided to potential participants in a research project that explains to potential participants the risks and potential benefits of a study, and the rights and responsibilities of the parties involved.

Institutional Caregiver means an employee of a hospice program, long-term care facility, or hospital providing care to a Registered Qualifying Patient on the Premises of a long-term care facility, hospital or through a hospice program.

Institutional Review Board means a specifically constituted administrative body established or designated by a Marijuana Research Facility Licensee to review and oversee the design and methods of a research project and, where human or animal subject are a component of the research, to protect the rights and welfare of persons recruited to participate in research.

Known Allergen means milk, egg, fish, crustacean shellfish, tree nuts, wheat, peanuts, and soybeans, or such other allergen identified by the U.S. Food and Drug Administration (FDA).

Laboratory Agent means an employee of an Independent Testing Laboratory who transports, possesses or tests medical-use Marijuana or MIPs in compliance with 935 CMR 501.000. For the purposes of testing for the medical-use program, a Laboratory Agent may register under 935 CMR 501.029 or 935 CMR 500.029: *Registration and Conduct of Laboratory Agents*.

Law Enforcement Authorities means local law enforcement including, but not limited to, the local police and fire departments within the municipality where the Licensee is sited, unless otherwise indicated.

License means the certificate issued by the Commission that confirms that an MTC or Independent Testing Laboratory has met all applicable requirements pursuant to St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94I, and 935 CMR 501.000. An MTC or Independent Testing Laboratory may hold a provisional or final License.

License Applicant means a person or entity pursuing a license to operate a Marijuana Establishment or MTC who has submitted or intends to submit a license application to the Commission. A License Applicant may also be considered a prospective Marijuana Establishment.

Licensee means a person or entity on the application and licensed by the Commission to operate an MTC or Independent Testing Laboratory under St. 2016, c. 334, as amended by St. 2017,

c. 55, M.G.L. c. 94I, and 935 CMR 501.000. Any person or entity that solely provides initial capital to establish or operate the establishment and to whom, in return for the initial capital, requires only repayment of the loan and does not have any ownership or direct or indirect authority to control the MTC or Independent Testing Laboratory, will not be a Licensee.

Life Limiting Illness means a Debilitating Medical Condition that does not respond to curative treatments, where reasonable estimates of prognosis suggest death may occur within two years.

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.

Limitation on Sales means a limitation on the sales of Marijuana, Marijuana Products, or MIPs by a Licensee or Registrant arising from the regulations and until substantial compliance by a Licensee or Registrant with a law, regulation, guidance or other requirement for licensure or registration.

Limited Access Area means an indoor or outdoor area on the Premises of an MTC where Marijuana or MIPs, or their byproducts are cultivated, stored, weighed, packaged, Processed, or disposed, under the control of an MTC, with access limited to only to those MTC Agents and Laboratory Agents designated by the MTC after receipt of a Final License.

Local Approval Process means the steps required by a Host Community in order for a License Applicant to operate as an ME or MTC in the Host Community, including, but not limited to, zoning, all associated fees, deadlines, and meeting schedules for local bodies involved in such processes.

Local Authorities means local municipal authorities unless otherwise indicated.

Manufacture means to compound, blend, extract, infuse or otherwise make or prepare a Marijuana Product.

Marijuana (or Cannabis) means all parts of any plant of the genus Cannabis, not excepted in 935 CMR 501.002: Marijuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; Clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that Cannabis shall not include:

* + 1. The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
    2. Hemp; or
    3. The weight of any other ingredient combined with Cannabis or Marijuana to prepare topical or oral administrations, food, drink or other products.

Marijuana Accessories (or Cannabis Accessories) means equipment, products, devices or materials of any kind that are intended or designed for use in planting, Propagating, cultivating, growing, harvesting, Manufacturing, compounding, converting, producing, Processing, preparing, testing, analyzing, packaging, Repackaging, storing, containing, ingesting, inhaling or otherwise introducing Cannabis or Marijuana into the human body

Marijuana Courier means an entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from an MTC, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under M.G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and 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*.

Marijuana Cultivator means an entity licensed to cultivate, Process and package Marijuana, and to Transfer Marijuana to other Marijuana Establishments, but not to Consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Establishment (ME) means a Marijuana Cultivator (Indoor or Outdoor), Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Independent Testing Laboratory, Marijuana Retailer, Marijuana Transporter, Delivery Licensee, Marijuana Research Facility Licensee (as defined in 935 CMR 501.002: Marijuana Research Facility Licensee), Social Consumption Establishment (as defined in 935 CMR 501.002: Social Consumption Establishment), or any other type of licensed Marijuana-related business, except a Medical Marijuana Treatment Center (MTC).

Marijuana Establishment Agent means any Owner, employee, Executive, or volunteer of a Marijuana Establishment, who shall be 21 years of age or older. Employee includes a consultant or contractor who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of Marijuana.

Marijuana-infused Product (MIP) means a Marijuana Product infused with Marijuana that is intended for use or consumption including, but not limited to, Edibles, ointments, aerosols, oils, and Tinctures. A Marijuana-infused Product (MIP), when created or sold by a Marijuana Establishment or an MTC, shall not be considered a food or a drug as defined in M.G.L. c. 94,

§ 1. MIPs are a type of Marijuana Product.

Marijuana Products (or Cannabis Products) means Marijuana and its products, unless otherwise indicated Marijuana Products includes products that have been Manufactured and contain Cannabis, Marijuana or an extract from Cannabis or Marijuana, including concentrated forms of Marijuana and products composed of Marijuana and other ingredients that are intended for use or consumption, including Edibles, Beverages, topical products, ointments, oils and Tinctures. Marijuana Products include Marijuana-infused Products (MIPs) defined in 935 CMR 501.002: Marijuana-infused Products.

Marijuana Product Manufacturer means an entity licensed to obtain, Manufacture, Process and package Marijuana or Marijuana Products and to Transfer these products to other Marijuana Establishments, but not to Consumers.

Marijuana Regulation Fund means the fund established under M.G.L. c. 94G, § 14, in which fees, fines, and other monies collected by the Commission are deposited, except for fees collected by the Commission on behalf of other state agencies.

Marijuana Research Facility means the Premises at which a Marijuana Research Facility Licensee is approved to conduct research.

Marijuana Research Facility Licensee or Research Licensee means an academic institution, nonprofit corporation or domestic corporation or entity authorized to do business in the Commonwealth, including a licensed Marijuana Establishment or MTC, that is licensed to conduct research.

Marijuana Retailer means an entity licensed to purchase, Repackage, White Label, and transport Marijuana or Marijuana Product from Marijuana Establishments and to Transfer or otherwise Transfer this product to Marijuana Establishments and to sell to Consumers. Unless licensed, retailers are prohibited from offering Marijuana or Marijuana Products for the purposes of on-site social consumption on the Premises of a Marijuana Establishment.

Marijuana Transporter means an entity, not otherwise licensed by the Commission, that is licensed to possess Marijuana Products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments or MTCs, but not to Consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third-party Transporter.

Marijuana Vaporizer Device means a product containing concentrated marijuana oil that is converted into inhalable marijuana aerosolized vapors.

Massachusetts Resident means a person whose primary Residence is in Massachusetts.

Medical Marijuana Treatment Center (MTC), formerly known as a Registered Marijuana Dispensary (RMD)), means an entity licensed under 935 CMR 501.101 that acquires, cultivates, possesses, Processes (including development of related products such as Edibles, MIPs, Tinctures, aerosols, oils, or ointments), Repackages, transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Marijuana for medical use.

Medical-use Marijuana (or Medical-use Cannabis) means Marijuana that is cultivated, Processed, Transferred, tested or sold in compliance with M.G.L. c. 94I, and 935 CMR 501.000.

Medical-use Marijuana or Marijuana Products means Marijuana Products that are Manufactured, Transferred, tested or sold in compliance with M.G.L. c. 94I, and 935 CMR 501.000.

Member means a member of a nonprofit entity incorporated pursuant to M.G.L. c. 180.

Microbusiness means an entity that can be either a Tier 1 Marijuana Cultivator or Marijuana Product Manufacturer or both, in compliance with the operating procedures for each License and, if in receipt of a Delivery Endorsement issued by the Commission, may deliver Marijuana or Marijuana Products produced at the licensed location directly to Consumers in compliance with established regulatory requirements for retail sale as it relates to delivery. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of Marijuana per year from other Marijuana Establishments for the purpose of Marijuana Product manufacturing by the Licensee.

Model Host Community Agreement means a template published by the Commission to illustrate a compliant Host Community Agreement. Host Community Agreements that conform to the model Host Community Agreement are presumed compliant and must be executed by the parties.

Mother Plant means a marijuana plant that is grown or maintained for the purpose of generating Clones, and that will not be used to produce plant material for sale to another Marijuana Establishment or Medical Marijuana Treatment Center.

MTC Agent means any Owner, employee, Executive, or volunteer of an MTC, who shall be 21 years of age or older. Employee includes a consultant or contractor who provides on-site services to an MTC related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of Marijuana or Marijuana Products for medical purposes.

MTC Branded Good means a merchandise item offered for sale by an MTC, and identifiable as being of a particular MTC, distinct from those of other entities, by having the MTC's Brand Name. An MTC Branded Good does not include Marijuana, Marijuana Products, or Marijuana Accessories. It may include apparel, water bottles or other similar non-Edible merchandise.

MTC Entrance means the entrance or entrances that provides ingress and egress to Consumers, Registered Qualifying Patients and Caregivers, to the MTC.

MTC Priority Applicant means a Medical Marijuana Treatment Center (MTC) (previously, Registered Marijuana Dispensary (RMD)) certified by the Commission as an MTC Priority Applicant in 2018 upon demonstrating that it had at least a provisional Certification of Registration prior to April 1, 2018. This applicant has priority for the purposes of the review of its license application.

Mycotoxin means a secondary metabolite of a microfungus that is capable of causing death or illness in humans and other animals. For purposes of 935 CMR 500.000: *Adult Use of Marijuana* and 935 CMR 501.000, Mycotoxin shall include aflatoxin B1, aflatoxin B2, aflatoxin G1, aflatoxin G2, and ochratoxin A.

Order to Show Cause means an order issued by the Commission or a Commission Delegee on a determination that there are grounds to suspend or revoke a License or registration.

Other Jurisdiction means the United States, another state, or foreign jurisdiction, or a military, territorial or Native American tribal authority.

Outdoor Cultivation shall mean the cultivation of mature Cannabis without the use of artificial lighting in the Canopy area at any point in time. Artificial lighting is permissible only to maintain Immature or Vegetative Mother Plants.

Owner means any Equity Holder that possesses 10% equity or more in a Marijuana Establishment, MTC or Independent Testing Laboratory.

Panic Alarm means an audible security alarm signal generated by the manual activation of a device that signals a life threatening or emergency situation and calls for a law enforcement response.

Paraphernalia means "drug paraphernalia" as defined in M.G.L. c. 94C, § 1.

Patient Registration Card means a temporary or an annual Registration Card currently and validly issued by the Commission to a Registered Qualifying Patient. The Patient Registration Card facilitates verification of an individual Registrant's status including, but not limited to, identification by the Commission and Law Enforcement Authorities, of those individuals who are exempt from Massachusetts criminal and civil penalties under M.G.L. c. 94I, and 935 CMR

* 1. through Commission-supported databases. A Temporary Patient Registration issued to a Qualifying Patient shall be deemed a Registration Card.

Person means an individual or entity under the laws of the Commonwealth.

Person or Entity Having Direct Control means any person or entity having direct control over the operations of an MTC, which satisfies one or more of the following criteria:

* + 1. An Owner that possesses a financial interest in the form of equity of 10% or greater in an MTC;
    2. A Person or Entity that possesses a voting interest of 10% or greater in an MTC or a right to veto significant events;
    3. A Close Associate;
    4. A Person or Entity that has the right to control, or authority through contract, or otherwise including, but not limited to:
       1. To make decisions regarding operations and strategic planning, capital allocations, acquisitions and divestments;
       2. To appoint more than 50% of the directors or their equivalent;
       3. To appoint or remove Corporate-level officers or their equivalent;
       4. To make major marketing, production, and financial decisions;

6. To earn 10% or more of the profits or collect more than 10% of the dividends.

5. To execute significant (in aggregate of $10,000 or greater) or exclusive contracts; or

* + 1. A Court Appointee or assignee pursuant to an agreement for a general assignment or Assignment for the Benefit of Creditors; or
    2. A Third-party Technology Platform Provider that possesses any financial interest in a Delivery Licensee including, but not limited to, a Delivery Agreement or other agreement for services.

Person or Entity Having Indirect Control means any person or entity having indirect control over operations of MTC. It specifically includes any Person or Entity Having Direct Control over an indirect holding or parent company of the applicant, and the chief executive officer and executive director of those companies, or any person or entity in a position indirectly to control the decision-making of MTC.

Personal Caregiver means a person, registered by the Commission, who shall be 21 years of age or older, who has agreed to assist with a Registered Qualifying Patient's medical use of Marijuana, and is not the Registered Qualifying Patient's Certifying Healthcare Provider. A visiting nurse, personal care attendant, or home health aide providing care to a Registered Qualifying Patient may serve as a Personal Caregiver, including as a second Personal Caregiver to patients younger than 18 years old.

Personal Caregiver Registration Card means a temporary or an annual Registration Card currently and validly issued by the Commission to a Personal Caregiver. The Registration Card allows access into Commission supported databases. The Registration Card facilitates verification of an individual Registrant's status including, but not limited to, identification by the Commission and Law Enforcement Authorities of those individuals who are exempt from Massachusetts criminal and civil penalties under M.G.L. c. 94I, and 935 CMR 501.000. A temporary registration issued to a Personal Caregiver shall be deemed a Registration Card.

Pesticide means a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; provided that Pesticide shall not include any article that is a "new animal drug" within the meaning of § 201(v) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 321(v)), or that has been determined by the Secretary of the United States Department of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an "animal feed" within the meaning of

§ 201(w) of such act (21 U.S.C. § 32(w)).

Preapproved Court Appointee means a person or entity preapproved by the Commission pursuant to 935 CMR 500.104(3)(c) to serve as a Court Appointee over a Licensee or its delegee which may be recommended to a court of competent jurisdiction.

Pre-certification Application means an application reviewed by the Commission for pre- certification prior to provisional licensure. The Pre-certification Application may be available in a form and manner determined by the Commission.

Pre-verification means the process of an MTC examining the identification presented by an individual Registered Qualifying Patient to confirm that the identification is valid and matches the individual presenting it and collecting the information required by 935 CMR 501.000 prior to that Registered Qualifying Patient being able to receive deliveries of Marijuana or Marijuana Products to the Registered Qualifying Patient or Caregiver's Residence.

Pre-verification or Verification of Eligibility as a Social Equity Business means the process through which the Commission confirms whether an applicant is a Social Equity Business.

Premises means any indoor or outdoor location over which an MTC or Independent Testing Laboratory or its agents may lawfully exert substantial supervision or control over entry or access to the property or the conduct of persons.

Priority Applicant means an MTC Priority Applicant (formerly a Registered Marijuana Dispensary or RMD Priority Applicant) or an Economic Empowerment Priority Applicant.

Process or Processing means to harvest, dry, cure, trim and separate parts of the Cannabis or Marijuana plant by manual or mechanical means, except it shall not include Manufacture as defined in 935 CMR 501.002: Manufacture.

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 or Delivery Operator pursuant to 935 CMR 500.000: *Adult Use of Marijuana* or an MTC pursuant to 935 CMR 501.000.

Production Area means a Limited Access Area within the MTC where Cannabis or Marijuana is handled or produced in preparation for sale.

Production Batch means a batch of finished plant material, Cannabis resin, Cannabis concentrate, or Marijuana-infused Product made at the same time, using the same methods, equipment and ingredients. The Licensee shall assign and record a unique, sequential alphanumeric identifier to each Production Batch for the purposes of production tracking, product labeling and product recalls. All Production Batches shall be traceable to one or more Cannabis or Marijuana Cultivation Batches.

Program Transfer means the transfer of the medical use of Marijuana program pursuant to St. 2017, c. 55, §§ 64 through 71, and 82, and M.G.L. c. 94.

Propagation means the reproduction of Cannabis or Marijuana plants by seeds, cuttings, or grafting.

Protected Patient Records means any document, record or electronic or written communication related to their care provided by a medical-use Marijuana Licensee or establishment or by a Certifying Healthcare Provider that is required to be confidential or protected from disclosure by law.

Provisional Medical Marijuana Treatment Center License means a License issued by the Commission confirming that an MTC has completed the application process and satisfied the qualifications for initial licensure.

Qualifying Patient means:

* + 1. a Massachusetts Resident or a non-Massachusetts Resident receiving end-of-life or palliative care or cancer treatment in Massachusetts as determined by a Certifying Healthcare Provider, who is 18 years of age or older who has been diagnosed by a Certifying Healthcare Provider as having a Debilitating Medical Condition; or
    2. a Massachusetts Resident, or a non-Massachusetts Resident receiving end-of-life or palliative care or cancer treatment in Massachusetts as determined by a Certifying Healthcare Provider, who is younger than 18 years old who has been diagnosed by two Massachusetts licensed Certifying Physicians, at least one of whom is a board-certified pediatrician, pediatric subspecialist, oncologist, neurologist, or family physician as having a Debilitating Medical Condition that is also a Life-limiting Illness, subject to 935 CMR 501.010(10).

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.

Quarantine Order means an order to quarantine or otherwise restrict the sales or use of Marijuana, Marijuana Products, or MIPs by a Licensee or Registrant to protect the public health, safety, or welfare.

Reasonably Related means a demonstrable nexus between the actual operations of an ME or MTC and an enhanced need for a Host Community’s goods or services in order to offset the impact of operations. Fees customarily imposed on other non-marijuana businesses operating in a Host Community shall not be considered Reasonably Related.

Registered Qualifying Patient means a Qualifying Patient who is currently and validly issued a temporary or an annual Registration Card by the Commission.

Registrant means the holder of a Registration Card currently and validly registered with the Commission.

Registration Card means an identification card currently and validly issued by the Commission, to a Registered Qualifying Patient, Personal Caregiver, Institutional Caregiver, MTC or Laboratory Agent. The Registration Card allows access into Commission supported databases. The Registration Card facilitates verification of an individual Registrant's status including, but not limited to, the identification by the Commission and Law Enforcement Authorities of those individuals who are exempt from Massachusetts criminal and civil penalties under St. 2016, c. 334, as amended by St. 2017, c. 55, M.G.L. c. 94I, and 935 CMR 501.000.

Removal of Product means an order issued against an MTC to remove and prohibit sales of categories of products, product types, specific product types or specific brands of products after notice and on a determination that the Marijuana or Marijuana Product poses a substantial risk to the public health, safety or welfare including, but not limited to, when the product is especially appealing to persons younger than 21 years old.

Repackage means to uniformly wrap or seal Marijuana that has already been wrapped or sealed, into a ready-made product for retail sale, without combining, infusing, or changing the chemical composition of the Marijuana.

Research Permit means a certificate indicating Commission approval to conduct a specified research project over a specified and finite period. To the extent that a Research Licensee is subject to other IRB, institutional, industry, or professional standards, they shall demonstrate compliance with those standards.

Residence means a house, condominium or apartment, and excludes, unless otherwise authorized by law, dormitories or other on-campus college or university housing; bed-and-breakfast establishments, hotels, motels or other commercial hospitality operations; and federal public housing identified at https://resources.hud.gov/, shelters or residential programs.

Residual Solvent means a volatile organic chemical used in the Manufacture of a Marijuana Product that is not completely removed by practical manufacturing techniques.

Responsible Vendor means an MTC that the Commission has determined to have completed the initial training requirements and has maintained its training requirement under 935 CMR 501.105(2).

Responsible Vendor Trainer means an independent business entity certified by the Commission to provide Responsible Vendor Training Program courses. No owner, manager, or employee of a Responsible Vendor Trainer may be a Person or Entity Having Direct or Indirect Control of an MTC.

Responsible Vendor Training (RVT) Program means a mandatory program that provides training courses taught by a Responsible Vendor Trainer for MTC Agents in order to satisfy the minimum training hours required under 935 CMR 501.105(2).

School Entrance means the entrance(s) that provide ingress and egress to students of the pre-existing public or private or private school providing education in kindergarten or any grades 1 through 12 at the time of the newspaper publication of the proposed MTC's community outreach meeting under 935 CMR 501.101(1)(a)9.a.

SDO means the Supplier Diversity Office of the Massachusetts Operational Services Division (OSD).

Second Confirmatory Test means a second full panel of tests performed for reanalysis of a sample of Marijuana or Marijuana Products that failed an initial test for contaminants.

Seed-to-sale Electronic Tracking System means a system designated by the Commission as the system of record (Seed-to-sale SOR) or a secondary electronic tracking system used by a Marijuana Establishment or an MTC or an Independent Testing Laboratory. This system shall capture everything that happens to an individual Marijuana plant, from seed and cultivation, through growth, harvest and Manufacture of Marijuana Products and MIPs, including transportation, if any, to final sale of finished products. Seed-to-sale Electronic Tracking System shall utilize a unique-plant identification and unique-batch identification. It will also be able to track agents' and Registrants' involvement with the Marijuana Product. Any secondary system used by the Marijuana Establishment or an MTC or an Independent Testing Laboratory shall integrate with the SOR in a form and manner determined by the Commission.

Seed-to-sale-System of Record (Seed-to-sale SOR) means the electronic tracking system designated and required by the Commission to perform a process.

Shelf-stable means able to be safely stored at room temperature in a sealed container. Shelf-stable does not include "Time/Temperature Controlled for Safety Food" as it is defined in the 2013 *Food Code* as adopted under 105 CMR 590.001(A).

Small Business means, for the purposes of 935 CMR 500.005(1)(b), an applicant or Licensee that:

* + 1. currently employs a combined total of 50 or fewer full-time equivalent employees in all locations or employees work less than a combined total of 2,600 hours per quarter; and
    2. has gross revenues of $5 million or less, as reported to the Massachusetts Department of Revenue the year prior to the date of the Licensee's renewal application or as otherwise demonstrated in a form and manner determined by the Commission.

Social Consumption Establishment means an entity licensed to sell Marijuana or Marijuana Products and allow Consumers to consume Marijuana or Marijuana Products solely on its Premises.

Social Equity Program Participant means an individual who qualified to participate in the Social Equity Program and is designated as a program participant by the Commission.

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 responsibility 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*.

Summary Suspension means the suspension of any License or registration issued under 935 CMR 501.000 and the cessation of all operations in order to protect the public health, safety and welfare.

Temporary Patient Registration means an interim registration document for patients and their Personal Caregivers generated automatically upon the Commission's receipt of a Certifying Healthcare Provider's Electronic Certification. The temporary registration document shall constitute a Registration Card for patients and their Personal Caregivers to access an MTC. Temporary registration shall expire 14 days after the Commission issues the Registration Card or on the issuance and receipt of an annual Registration Card, whichever occurs first.

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 sale or delivery by a Marijuana Courier or an MTC to a Registered Qualifying Patient or Caregiver. A proprietary application developed by a Licensee exclusively for that Licensee's use shall not be considered to be a Third-party Technology Platform Provider. A Third-party Technology Platform Provider may not be an investor in a Delivery Licensee.

Tincture means a Cannabis-infused alcohol or oils concentrate administered orally in small amounts using a dropper or measuring spoon. Tinctures are not considered an Edibles under 935 CMR 501.000.

Transfer means the sale of Marijuana or Marijuana Products from a Marijuana Establishment to a separate Marijuana Establishment, Independent Testing Laboratory or MTC (but not to Consumers) subject to entry of the transaction in the Commission's Seed-to-sale SOR.

United States (US) means the United States of America.

Unreasonably Impracticable means that the measures necessary to comply with the regulations, ordinances or bylaws adopted pursuant to St. 2016, c. 334, as amended by St. 2017, c. 55,

M.G.L. c. 94G, M.G.L. c. 94I, 935 CMR 500.000: *Adult Use of Marijuana* or 935 CMR 501.000 subject Licensees to unreasonable risk or require such a high investment of risk, money, time or any other resource or asset that a reasonably prudent businessperson would not operate a Marijuana Establishment.

Usable Marijuana means the fresh or dried leaves and flowers of the female Marijuana plant and any mixture or preparation thereof, including Marijuana, Marijuana Products or MIPs, but does not include the seedlings, seeds, stalks, roots of the plant, or Marijuana rendered unusable in accordance with 935 CMR 501.105(12).

Vault means a secured, limited access storage room within an MTC 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.

Vegetation means the sporophytic state of the Cannabis or Marijuana plant, which is a form of asexual reproduction in plants during which plants do not produce resin or flowers and are bulking up to a desired production size for Flowering.

Vegetative Plant means a plant in a stage of Vegetation.

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

Verified Financial Hardship means that an individual is a recipient of MassHealth, or Supplemental Security Income, or the individual's income does not exceed 300% of the federal poverty level, adjusted for family size.

Veteran means a person who served in the active military, naval, air, or space service of the United States and who was discharged or released under conditions other than dishonorable.

Visitor means an individual, other than an MTC Agent or Laboratory Agent, authorized by the MTC or Independent Testing Laboratory to be on the Premises of an MTC for a purpose related to its operations and consistent with the objectives of M.G.L. c. 94I, and 935 CMR 501.000.

Visitor Identification Badge means a badge issued by an MTC, Marijuana Establishment or the Commission to be used at all times while on the Premises of a Marijuana Establishment or an MTC or Independent Testing Laboratory. These identification badges shall be issued in a form and manner determined by the Commission.

Waiver of Consent means the document signed by potential participants or the legal guardians of potential participants that waives one or more elements of consent.

Written Certification means a form submitted to the Commission by a Massachusetts licensed Certifying Healthcare Provider describing the Qualifying Patient's pertinent symptoms, specifying the patient's Debilitating Medical Condition, and stating that in the physician's professional opinion the potential benefits of the medical use of Marijuana would likely outweigh the health risks for the patient.

14-day Supply means that amount of Marijuana, or equivalent amount of Marijuana in MIPs, that a Registered Qualifying Patient would reasonably be expected to need over a period of 14 calendar days for the Patient's personal medical use, which is 2.5 ounces, subject to 935 CMR 501.010(9), unless otherwise determined by a Certifying Healthcare Provider.

60-day Supply means that amount of Marijuana, or equivalent amount of Marijuana in MIPs, that a Registered Qualifying Patient would reasonably be expected to need over a period of 60 calendar days for his or her personal medical use, which is ten ounces, subject to 935 CMR 501.010(9), unless otherwise determined by a Certifying Healthcare Provider.

# 501.032: Revocation of a Registration Card or Hardship Cultivation Registration

* + 1. Each of the following, in and of itself, constitutes full and adequate grounds for revocation of a temporary or an annual Registration Card issued to a Registered Qualifying Patient or Personal Caregiver or a Registration Card issued to an MTC agent, Laboratory Agent or a Hardship Cultivation Registration:
       1. Submission of information in the application or renewal application that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity, including lack of disclosure or insufficient disclosure;
       2. Violation of the requirements of the state Marijuana laws, including 935 CMR 501.000;
       3. Fraudulent use of a Registration Card including, but not limited to, tampering, falsifying, altering, modifying, duplicating, or allowing another person to use, tamper, falsify, alter, modify, or duplicate an Agent Registration Card or Hardship Cultivation Registration;
       4. Selling, Transferring, distributing, or giving Marijuana to any unauthorized person;
       5. Failure to notify the Commission within five business days after becoming aware that the Agent Registration Card has been lost, stolen, or destroyed;
       6. Failure to notify the Commission within five business days after a change in the registration information contained in the application or required by the Commission to have been submitted in connection with the application an Agent Registration Card, including open investigations or pending actions as delineated in 935 CMR 501.802, as applicable, that may otherwise affect the status of the suitability for registration of the MTC agent;

(g) Conviction, guilty plea, plea of *nolo contendere*, or admission to sufficient facts of a drug offense involving distribution to a minor in the Commonwealth, or a like violation of the laws of an Other Jurisdiction; or

(h) Conviction, guilty plea, plea of *nolo contendere* or admission to sufficient facts in the Commonwealth, or a like violation of the laws of another state, to an offense as delineated in 935 CMR 501.801, Table A: *MTC Licensees* or 501.803, Table C: *Registration as a Laboratory Agent*, as applicable, that may otherwise affect the status of the suitability for registration of the MTC agent.

* + 1. In addition to the grounds in 935 CMR 501.032(1), each of the following, in and of itself, shall be adequate grounds for the revocation of a Patient Registration Card:
       1. The Qualifying Patient is no longer a resident of the Commonwealth;
       2. The Qualifying Patient, taking into account the amounts of Marijuana, Marijuana Products or MIPs obtained by his or her Personal Caregiver, if applicable, knowingly and intends to subvert, seeks to obtain or obtains more of such amounts than is allowable under 935 CMR 501.105; or
       3. The Qualifying Patient has used Marijuana in a manner that puts at risk the health, safety, or welfare of others, or has failed to take reasonable precautions to avoid putting others at such risk.
    2. In addition to the grounds in 935 CMR 501.032(1), a conviction of a felony drug offense in the Commonwealth, or a like violation of the laws of an Other Jurisdictions shall be adequate grounds for the revocation of an MTC Agent Registration Card for individuals or entities subject to 935 CMR 501.801, Table A: *MTC Licensees* or 935 CMR 501.803, Table C: *Registration as a Laboratory Agent*.
    3. In addition to the applicable grounds in 935 CMR 501.032(1) through (3), any other ground that serves the purposes of M.G.L. c. 94I, or 935 CMR 501.000 shall be sufficient to revoke a Registration Card or Hardship Cultivation Registration.
    4. Other grounds as the Commission may determine in the exercise of its discretion, that are directly related to the applicant's ability to serve as an MTC agent, that make the Registrant unsuitable for registration. The Commission will provide notice to the Registrant of the grounds prior to the revocation of an Agent Registration Card and a reasonable opportunity to correct these grounds.
       1. The Commission may delegate Registrants' suitability determinations to the Executive Director, who may appoint a Suitability Review Committee, in accordance with 935 CMR 501.801. Suitability determinations shall be based on credible and reliable information.
       2. The Executive Director may institute a suitability review based on a recommendation from Enforcement staff that background check information would result in or could support an adverse suitability determination. All suitability determinations will be made in accordance with the procedures set forth in 935 CMR 501.800.

# 501.101: Application Requirements

* + 1. New Applicants. An MTC applicant shall file, in a form and manner specified by the Commission, an application for licensure as an MTC. The application requirements outlined in 935 CMR 501.101(1) will apply to all MTC applications submitted on or after November 1, 2019. 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 M.G.L. c. 66, § 10 and M.G.L. c. 4, § 7, cl. 26.
       1. Application of Intent. An applicant for licensure as an MTC shall submit the following as part of the Application of Intent:
          1. Documentation that the MTC is an entity registered to do business in Massachusetts and a list of all Persons or Entities Having Direct or Indirect Control. In addition, the applicant shall submit any contractual, management, or other written document that explicitly or implicitly conveys direct or indirect control over the MTC to the listed person or entity pursuant to 935 CMR 501.050(1)(b);
          2. A disclosure of an interest of each individual named in the application in any Marijuana Establishment or MTC application for licensure or Licensee in Massachusetts;
          3. Documentation disclosing whether any individual named in the application have past or present business interests in Other Jurisdictions;
          4. 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 MTC 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 501.101(1)(a)1. Information submitted shall be subject to review and verification by the Commission as a component of the application process. Required documentation shall include:

The proper name of any individual or registered business name of any entity;

The street address; provided however, that the address may not be a post office box;

The primary telephone number;

Electronic mail;

The amount and source of capital provided or promised;

A bank record dated within 60 days of the application submission date verifying the existence of capital;

Certification that funds used to invest in or finance the MTC were lawfully earned or obtained; and

Any contractual or written agreement pertaining to a loan of initial capital, if applicable.

* + - * 1. Documentation of a bond or an escrow account in an amount set by 935 CMR 501.105(16);
        2. Identification of the proposed address for the License;
        3. Documentation of a property interest in the proposed address. The proposed MTC shall be identified in the documentation as the entity that has the property interest. Interest may be demonstrated by one of the following:

Clear legal title to the proposed site;

An option to purchase the proposed site;

A legally enforceable agreement to give such title; or

Documentation evidencing permission to use the Premises.

* + - * 1. Documentation in the form of the most current, executed HCA or HCA Waiver entered into between a License Applicant and a Host Community that complies with 935 CMR 501.180.
        2. 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 submission date. If the MTC will be located in two locations under this License, the applicant shall hold separate and distinct community outreach meetings in each municipality. Documentation shall include:

Copy of a notice of the time, place and subject matter of the meeting, including the proposed address of the MTC, that was published in a newspaper of general circulation in the city or town at least 14 calendar days prior to the meeting;

Copy of the meeting notice filed with the city or town clerk, the planning board, the contracting authority for the municipality and local cannabis licensing authority, if applicable;

Attestation that at least one meeting was held within the municipality where the MTC is proposed to be located;

Attestation that at least one meeting was held after normal business hours;

Attestation that notice of the time, place and subject matter of the meeting, including the proposed address of the MTC, was mailed at least seven calendar days prior to the community outreach meeting to abutters of the proposed address of the MTC, 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;

Information presented at the community outreach meeting, which shall include, but not be limited to:

The proposed address of the MTC with the declaration that the proposed MTC is a "Medical Marijuana Treatment Center";

Information adequate to demonstrate that the location(s) will be maintained securely;

Steps to be taken by the MTC to prevent diversion to minors;

A plan by the MTC to provide reduced cost or free Marijuana to Patients with documented Verified Financial Hardship, as defined by the Commission. The plan shall outline the goals, programs, and measurements the MTC will pursue once licensed;

A plan by the Marijuana Establishment to positively impact the community;

Information adequate to demonstrate that the location will not constitute a nuisance as defined by law; and

An attestation that community members were permitted to ask questions and receive answers from representatives of the MTC.

* + - * 1. A description of plans to ensure that the MTC is or will be compliant with local codes, ordinances, and bylaws for the physical address of the MTC, which shall include, but not be limited to, the identification of all local licensing requirements for the medical use of Marijuana;
        2. A plan by the MTC 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. A Licensee may satisfy their positive impact plan requirement, in part, by donating to the Cannabis Social Equity Trust Fund at any time once licensed. The plan shall outline the goals, programs, and measurements the MTC will pursue once licensed.
        3. In addition to donating to the Cannabis Social Equity Trust Fund, a Licensee may satisfy the remainder of their positive impact plan by complying with one or more of the following:

The 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;

The Licensee can demonstrate that a majority of employees have a conviction or continuance without a finding for an offense under M.G.L. c. 94C or an equivalent conviction in Other Jurisdictions; or

The Licensee can demonstrate that in a year, at least one percent of its gross revenue or a minimum of 20 hours of each staff member's paid time is contributed to supporting persons from communities disproportionately harmed by Marijuana prohibition or an Area of Disproportionate Impact as determined by the Commission.

* + - * 1. The requisite nonrefundable application fee pursuant to 935 CMR 501.005; and
        2. Any other information required by the Commission.
      1. Background Check. Prior to an application being considered complete, each applicant for licensure shall submit the following information:
         1. The list of individuals and entities in 935 CMR 501.101(1)(a)1.;
         2. Information for each individual identified in 935 CMR 501.101(1)(a)1., which shall include:

the individual's full legal name and any aliases;

the individual's address;

the individual's date of birth;

a photocopy of the individual's driver's license or other government-issued identification card;

a CORI Acknowledgment Form, pursuant to 803 CMR 2.09: *Requirements for Requestors to Request CORI*, provided by the Commission, signed by the individual and notarized; and

any other authorization or disclosure, deemed necessary by the Commission, for the purposes of conducting a background check.

* + - * 1. Relevant Background Check Information. All Persons and Entities Having Direct or Indirect Control, and those individuals and entities contributing 10% or more in the form of a loan, shall provide information detailing involvement in any of the following criminal, civil, or administrative matters:

A description and the relevant dates of any criminal action under the laws of the Commonwealth, or an Other Jurisdiction, 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;

A description and the relevant dates of any civil action under the laws of the Commonwealth, or an Other Jurisdiction including, but not limited to, a complaint relating to any professional or occupational or fraudulent practices;

A description and relevant dates of any past or pending legal or disciplinary actions in the Commonwealth or any other state 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;

A description and the relevant dates of any administrative action 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:

The denial, suspension, or revocation, or other action with regard to of a professional or occupational license, registration, or certification or the surrender of a license;

Administrative actions with regard to unfair labor practices, employment discrimination, or other prohibited labor practices; and

Administrative actions with regard to financial fraud, securities regulation, or consumer protection.

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

Any other information required by the Commission.

* + - 1. 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 MTC and evidence that the MTC 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 MTC's plan to obtain a liability insurance policy or otherwise meet the requirements of 935 CMR 501.105(10);

7. A detailed summary of the business plan for the MTC;

8. A detailed summary of operating policies and procedures for the MTC, which shall include, but not be limited to, provisions for:

Security;

Prevention of Diversion;

Storage of Marijuana;

Transportation of Marijuana;

Inventory procedures;

Procedures for quality control and testing of product for potential contaminants;

Personnel policies;

Dispensing procedures;

Recordkeeping procedures;

Maintenance of financial records; and

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 MTC. The plan shall outline the goals, programs, and measurements the MTC will pursue once licensed.

9. A detailed description of qualifications and intended training(s) for MTC agents who will be employees;

10. The Management and Operation Profile submitted in accordance with 935 CMR 501.101(1)(c) shall demonstrate compliance with the operational requirements set forth in 935 CMR 501.105 through 501.160, 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 MTC;

12. The identification of whether the MTC will perform home deliveries to Patients and Caregivers. If so, a detailed summary of the policies and procedures to ensure the safe delivery of Finished Marijuana Products to Patients and Caregivers, including procedures for how Individual Orders will be filled and procedures for reconciling Individual Orders at the close of the business day, shall be provided;

13. A detailed operation plan for the cultivation of Marijuana, including a detailed summary of policies and procedures for cultivation, consistent with state and local law including, but not limited to, the Commission's guidance in effect November 1, 201914. A list of all products that MTC plans to produce, including the following information:

A description of the types and forms of Marijuana Products that the MTC intends to produce;

The methods of production;

A safety plan for the manufacture and production of Marijuana Products; and

A sample of any unique identifying mark that will appear on any product produced by the applicant as a branding device.

15. A detailed summary of the proposed program to provide reduced cost or free Marijuana to Patients with documented financial hardship; and

16. Any other information required by the Commission.

* + 1. Application Requirements for MTC Applicants that Submit an Application of Intent prior to November 1, 2019.
       1. Application of Intent. An applicant for an MTC License shall submit the following as part of the Application of Intent:
          1. Documentation that it is an entity in good standing as specified in 935 CMR 501.050, as well as a list of all Executives of the proposed MTC, and a list of all members, if any, of the entity;
          2. Documentation that it has at least $500,000 in its control and available, as evidenced by bank statements, lines of credit, or the equivalent, to ensure that the applicant has sufficient resources to operate. 935 CMR 501.101(2) may be fulfilled through demonstration of pooled resources among the individuals or entities affiliated with the applicant. If an entity is submitting more than one application, the capital requirement shall be $400,000 for each subsequent application;
          3. An attestation signed by an authorized designee of the entity that if the entity is allowed to proceed to the Management and Operations Profile, the entity is prepared to pay a nonrefundable application fee as specified in the applicable notice;
          4. The requisite nonrefundable application fee; and
          5. Any other information required by the Commission.
       2. Management and Operations Profile. Within 45 days after receipt of an invitation to the Management and Operations Profile, the applicant shall submit a response in a form and manner specified by the Commission, which includes:
          1. Detailed information regarding entity, including the legal name, a copy of the articles of organization and bylaws;
          2. The name, address, date of birth, and resumés of each Executive of the applicant and of the members, if any, of the entity, along with a photocopy of their driver's licenses or other government-issued identification cards, and background check information in a form and manner determined by the Commission;
          3. List of all Persons or Entities Having Direct or Indirect Control over the management or policies of the MTC;
          4. A description of the MTC's plan to obtain a liability insurance policy or otherwise meet the requirements of 935 CMR 501.105(10);
          5. A detailed summary of the business plan for the MTC;
          6. An operational plan for the cultivation of Marijuana, including a detailed summary of policies and procedures for cultivation;
          7. If the MTC intends to produce MIPs, a description of the types and forms of MIPs that the MTC intends to produce, and the methods of production;
          8. A detailed summary of operating policies and procedures for the MTC, which shall include, but not be limited to, provisions for security, prevention of diversion, storage of Marijuana, transportation of Marijuana, inventory procedures, including plans for integrating any existing electronic tracking systems with the Seed-to-sale SOR, procedures for quality control and testing of product for potential contaminants, procedures for maintaining confidentiality as required by law, personnel policies, dispensing procedures, recordkeeping procedures, plans for patient education, and any plans for patient or Personal Caregiver home delivery;
          9. A detailed summary of the MTC's policies and procedures for the provision of Marijuana to Registered Qualifying Patients with Verified Financial Hardship without charge or at less than the market price, as required by 935 CMR 501.050(1)(h);
          10. A detailed description of all intended training(s) for MTC agents;
          11. Evidence that the applicant is responsible and suitable to maintain an MTC. Information including, but not limited to, the following factors shall be considered in determining the responsibility and suitability of the applicant to maintain an MTC:

Demonstrated experience running a business;

History of providing healthcare services or services providing Marijuana for medical purposes, including provision of services in other states;

History of response to correction orders issued under the laws or regulations of the Commonwealth or other states;

Whether the applicant complies with all laws of the Commonwealth relating to taxes and child support and whether the applicant will have workers' compensation and professional and commercial insurance coverage;

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;

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;

* + 1. Fraudulent billing practices;
    2. Past or pending legal or disciplinary actions in any other state against any officer, Executive, director, or board member of the applicant or its members, or against any other entity owned or controlled in whole or in part by them, related to the cultivation, Processing, distribution, or sale of Marijuana for medical purposes;
    3. Past or pending denial, suspension, or revocation of a license or registration, or the denial of a renewal of a license or registration, for any type of business or profession, by the Commonwealth or Other Jurisdictions, including denial, suspension, revocation, or refusal to renew certification for Medicaid or Medicare;
    4. Past discipline by, or a pending disciplinary action or unresolved complaint by the Commonwealth, or a like action or complaint by Other Jurisdictions, with regard to any professional license or registration of an Executive of the applicant, as well as by any member of the entity, if any; or

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

Any attempt to obtain a registration, license, or approval to operate in any state by fraud, misrepresentation, or the submission of false information;

* + - * 1. Any other information required by the Commission.
      1. Siting Profile. Within 12 months after receipt of an invitation to submit the Siting Profile, the applicant shall submit a response in a form and manner specified by the Commission, which includes:
         1. The county, city or town in which the proposed MTC would be sited, and if known, the physical address of the proposed MTC. If Marijuana will be cultivated or MIPs will be prepared at any location other than the dispensing location of the proposed MTC, the physical address of the one additional location where Marijuana will be cultivated or MIPs will be prepared, if known;
         2. The applicant shall provide evidence of interest in the subject property or properties. Interest may be demonstrated by one of the following:

Clear legal title to the proposed site;

An option to purchase the proposed site;

A legally enforceable agreement to give such title; or

Documentation evidencing permission to use the premises;

* + - * 1. Documentation in the form of a single-page certification signed by the contracting authorities for the municipality (or municipalities) and applicant evidencing that the applicant for licensure and host municipality in which the address of the MTC is located have executed a Host Community agreement(s);
        2. A description of plans to ensure that the MTC is or shall be compliant with local codes, ordinances, and bylaws for the physical address of the MTC and for the physical address of the additional location, if any, including the identification of all local licensing bylaws or ordinances for the medical use of Marijuana;
        3. A proposed timeline for achieving operation of the MTC and evidence that the MTC will be ready to operate within the proposed timeline after notification by the Commission that the applicant qualifies for licensure; and
        4. Any other information required by the Commission.
    1. CMO License Requirements. MTC applicants seeking to operate a Marijuana Establishment shall also comply with 935 CMR 500.101: *Application Requirements*.
    2. Pre-verification and Verification of Social Equity Businesses.

1. Pre-verification of Eligibility as a Social Equity Business is applicable to individuals and entities who, as a business entity, have not been licensed as a Marijuana Establishment.
   1. An individual or entity may file, in a form and manner specified by the Commission, an application for Pre-verification of Eligibility as a Social Equity Business. Once the Commission has confirmed that the application is complete, Commission staff will review the application to determine whether the individual or entity is eligible as a Social Equity Business. After making this determination, the Commission will notify the individual or entity whether it has been determined to be a pre-verified Social Equity Business.
   2. The Commission shall act on an application for Pre-verification of Eligibility as a Social Equity Business within 30 days of receipt.
   3. Pre-verified Social Equity Businesses certified by the Commission may request that the Commission provide confirmation of pre-verified status to a Host Community.
2. Verification of Eligibility as a Social Equity Business is applicable to individuals and entities who, as a business entity, are licensed as a Marijuana Establishment.
   1. A Marijuana Establishment may file, in a form and manner specified by the Commission, an application for Verification of Eligibility as a Social Equity Business. Once the Commission has confirmed that the application is complete, Commission staff will review the application to determine whether the Marijuana Establishment is a Social Equity Business or is eligible as a Social Equity Business. After making this determination, the Commission will notify the Marijuana Establishment whether it has been determined to be a verified Social Equity Business.
   2. The Commission shall act on an application for Verification of Eligibility as a Social Equity Business within 30 days of receipt.

(c) If there has been a change in qualifying criteria after the submission of an application, or after receiving pre-verification, the individual or entity pre-verified or verified as a Social Equity Business shall revise this information and attest to the change in a form and manner determined by the Commission. The individual or entity shall also notify the Host Community of a change in qualifying criteria to its application or its pre-verified status as a Social Equity Business, as applicable.

(d) List to be provided to the Department of Revenue. The Commission shall provide the Department of Revenue with a list of Social Equity Businesses 30 days within pre-verification or Verification of Eligibility as a Social Equity Business by the Commission.

# 501.102: Action on Applications

1. Action on Each Application. The Commission shall grant Licenses with the goal of ensuring that the needs of the Commonwealth are met regarding access, quality, and community safety.
   1. License applications shall be evaluated based on the applicant's:
2. Demonstrated compliance with the laws and regulations of the Commonwealth;
3. Suitability for licensure based on the provisions of 935 CMR 501.101(1), 501.800 and 501.801; and
4. Evaluation of the thoroughness of the applicant's responses to the required criteria. The Commission shall consider each License application submitted by an applicant on a rolling basis.
   1. The Commission shall notify each applicant in writing that:
      1. The application has been deemed complete. Once deemed complete, the Commission reserves the right to approve or deny the License application.
      2. The application has been deemed incomplete, and include the grounds for which it has been deemed incomplete; or
      3. The Commission requires further information within a specified period of time before the packet is determined to be complete.
   2. Failure of the applicant to adequately address all required items in its application in the time required under 935 CMR 501.102 by the Commission will result in evaluation of the application as submitted. Nothing in 935 CMR 501.101 is intended to confer a property or other right or interest entitling an applicant to a meeting before an application may be denied.
   3. On determination that the application is complete, a copy of the completed application, to the extent permitted by law, will be forwarded to the municipality in which the MTC will be located. The Commission shall request that the municipality respond within 60 days of the date of the correspondence that the applicant's proposed MTC complies with municipal bylaws or ordinances.
   4. The applicant shall keep current all information required by 935 CMR 501.000 or otherwise required by the Commission. The applicant shall report any changes in or additions to the content of the information contained in the application to the Commission within five business days after such change or addition. If a material change occurs to an application deemed complete, the Commission may deem the application incomplete pending further review. If an application initially deemed complete, and later deemed incomplete, a notice will be provided to the applicant. An incomplete application must be fully evaluated pursuant to 935 CMR 501.102(1)(a) prior to being deemed complete again and submitted to the Commission pursuant to M.G.L. c. 94G, § 5(a).
5. Action on Completed Application.
   1. The Commission shall review applications from applicants in the order they were submitted as determined by the Commission's electronic licensing system.
   2. The Commission shall grant or deny a provisional License not later than 90 days following notification to the applicant that all required packets are considered complete. Applicants shall be notified in writing that:
      1. the applicant shall receive a provisional License which may be subject to further conditions as determined by the Commission; or
      2. the applicant has been denied a License. Denial shall include a statement of the reasons for the denial.
   3. Failure of the applicant to complete the application process within the time specified by the Commission in the application instructions shall be grounds for denial of a License.
6. Action on Application Submissions under 935 CMR 501.101(2).
   1. The Commission shall not consider an application that is submitted after the due date specified.
      1. An applicant that has submitted an Application of Intent shall be invited to the Management and Operations Profile phase within six months of November 1, 2019. Failure to do so will result in the expiration of the application.
      2. An applicant that has been invited to the Management and Operations Profile shall submit the Management and Operations Profile within 45 days of the invite. Failure to do so will result in the expiration of the application.
      3. An applicant that has been invited to the Management and Operations Profile shall be invited to submit a Siting Profile within 12 months of the invite to the Management and Operations Profile. Failure to do so will result in the expiration of the application.

4. An applicant that has been invited to the Siting Profile shall obtain a provisional License within 12 months of the invite to the Siting Profile. Failure to do so will result in the expiration of the application.

* 1. Once the Application of Intent and Management and Operations Profile have been submitted, respectively, and deemed complete, the applicant will be invited by notice to the next stage of the application.
  2. Once the Siting Profile has been deemed complete, the applicant will receive notice. Notice and a copy of the completed application, to the extent permitted by law, will be forwarded to the municipality (or municipalities) in which the MTC will be located. The Commission shall request that the municipalities respond within 60 days of the date of the correspondence that the applicant's proposed MTC is in compliance with municipal bylaws or ordinances.
  3. Failure of the applicant to adequately address all required items in its application will result in evaluation of the application as submitted. The applicant will not be permitted to provide supplemental materials, unless specifically requested by the Commission.
  4. The Commission shall grant or deny a provisional License once the application, and all its sections, have been deemed complete and all third-party documentation has been reviewed. Applicants shall be notified in writing that:
     1. The applicant shall receive a provisional License which may be subject to further conditions as determined by the Commission; or
     2. The applicant has been denied a License. Denial shall include a statement of the reasons for the denial.
  5. 935 CMR 501.103 shall apply to all applicants that are granted a provisional License under 935 CMR 501.101.

# 501.103: 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 an MTC, in the name of the entity. Such provisional License shall be subject to reasonable conditions specified by the Commission, if any.
       1. The Commission shall review architectural plans for the building or renovation of an MTC. 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 MTC that identifies the square footage available and describes the functional areas of the MTC, 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 MTC will be compliant with requirements of the Americans with Disabilities Act (ADA) Accessibility Guidelines.

To demonstrate compliance with 935 CMR 501.120(11), an MTC applicant shall also submit an energy compliance letter prepared by a Massachusetts Licensed Professional Engineer or Massachusetts Licensed Registered Architect with supporting documentation.

* + - 1. An MTC shall construct its facilities in accordance with 935 CMR 501.000, conditions set forth by the Commission in its provisional License and architectural review, and any applicable state and local laws, regulations, permits or licenses.
      2. The Commission may conduct inspections of the facilities, as well as review all written materials required in accordance with 935 CMR 501.000.
      3. 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 will result in the License approval expiring. If this occurs, a new License application will need to be completed pursuant to 935 CMR 501.101 and will require Commission approval.
      4. To the extent updates are required to the information provided for initial licensure, the MTC shall submit an updated energy compliance letter prepared by a Massachusetts Licensed Professional Engineer or Massachusetts Licensed Registered Architect with supporting documentation, together with a renewal application submitted under 935 CMR 501.103(4).
    1. Final License. On completion of all inspections required by the Commission, an MTC is eligible for a final License. All information described in 935 CMR 501.000 that is not available at the time of submission shall be provided to and approved by the Commission before an MTC may receive a final License. Such final Licenses shall be subject to reasonable conditions specified by the Commission, if any.
       1. No person or entity shall operate an MTC without a final License issued by the Commission.
       2. A provisional or final License may not be assigned or transferred without prior Commission approval.
       3. A provisional or final License shall be immediately void if the MTC Ceases to Operate or if, without the permission of the Commission, it relocates.
       4. Acceptance of a provisional or final License constitutes an agreement by the MTC that it will adhere to the practices, policies, and procedures that are described in its application materials, as well as all relevant laws, regulations, and any conditions imposed by the Commission as part of licensure.
       5. The MTC shall post the final License in a conspicuous location on the Premises at each Commission-approved location.
       6. The MTC shall conduct all activities authorized by 935 CMR 501.000 at the address(es) identified on the final License issued by the Commission.
    2. The MTC shall be operational within the time indicated in 935 CMR 501.101(1)(c)5. or as otherwise amended through the application process and approved by the Commission through the issuance of a final License.
    3. Expiration and Renewal of Licensure. The MTC's License, as applicable, shall expire one year after the date of issuance of the provisional License and annually thereafter, and may be renewed as follows, unless an action has been taken based on the grounds set forth in 935 CMR 501.450:
       1. No later than 90 calendar days prior to the expiration date, an MTC shall submit a completed renewal application to the Commission in a form and manner determined by the Commission, as well as the required License fee.
       2. The MTC shall submit as a component of the renewal application a report or other information demonstrating the establishment's efforts to comply with the plans required under 935 CMR 501.101(1), including 935 CMR 501.101(1)(a)11. and 935 CMR 501.101(1)(c)8.k., as applicable. The report will, at a minimum, have detailed, demonstrative, and quantifiable proof of the establishment's efforts, progress, and success of said plans.
       3. An MTC engaged in indoor cultivation shall include a report of the MTC's energy and water usage over the 12-month period preceding the date of the application.
       4. To the extent updates are required to the information provided for initial licensure, the MTC shall submit an updated energy compliance letter prepared by a Massachusetts Licensed Professional Engineer or Massachusetts Licensed Registered Architect with supporting documentation, together with a renewal application submitted under 935 CMR 501.103(4).
       5. The MTC shall submit as a component of the renewal application certification of good standing from the Secretary of the Commonwealth, the DOR, and the DUA. Certificates of good standing will be accepted if issued within 90 days of the submittal of the renewal application.
       6. The MTC shall update as needed, and ensure the accuracy of, all information that it submitted on its initial application for a License.
       7. The MTC shall comply with the requirements of 935 CMR 501.104(1) in accordance with that section separately from the renewal application.
       8. The Commission shall issue a renewal License within 30 days of receipt of a renewal application and renewal License fee from an MTC to a Licensee, if the Licensee:
          1. Is in good standing with the Secretary of the Commonwealth, DOR, and DUA;
          2. Provided documentation demonstrating substantial effort or progress towards achieving its goals submitted as part of its plans required under 935 CMR 501.101(1), including 935 CMR 501.101(1)(a)11. and 501.101(1)(c)8.k., as applicable; and
          3. No new information submitted as part of the renewal application, or otherwise obtained, presents suitability issues for any individual or entity listed on the application or License.
       9. CMO Marijuana Retailers shall submit the following information pertaining to patient supply of marijuana:
          1. The licensee's policy and the procedures (*e.g*., data points, formulas) relied on to determine what constitutes a sufficient quantity and variety of marijuana products consistent with 935 CMR 501.140(13); and
          2. The licensee's policy and procedures for determining what qualifies as a reasonable substitution for a medical marijuana product under 935 CMR 501.140(13) and its policy for communicating reliance on the substitution to Patients.

501.170: Municipal Requirements

(1) An MTC and Independent Testing Laboratory and their agents shall comply with all local rules, regulations, ordinances, and bylaws. (2) Nothing in 935 CMR 501.000 shall be construed to prohibit lawful local oversight and regulation, including fee requirements, that does not conflict or interfere with the operation of 935 CMR 501.000.

501.180: Host Community Agreement Requirements for License Applicants, MTCs, and Host Communities

1. 935 CMR 501.180 is governed by M.G.L. c. 94G § 3 (d)(1)-(5), as amended by St. 2022, c. 180 which went into effect on November 9, 2022. Pursuant to M.G.L. c. 94G § 4(a), the Commission is authorized to review, regulate, enforce, and approve HCAs and to develop a Model Host Community Agreement.
2. General Requirements for Host Community Agreements. The Commission shall review and approve each HCA as part of a completed License application and at each License renewal. The parties to an HCA relative to an application for licensure are a License Applicant and a Host Community. The parties to an HCA relative to an application for renewal of licensure are a Host Community and an MTC.
   1. A License Applicant seeking a new License to operate an MTC shall negotiate and execute a compliant HCA with a Host Community unless a compliant HCA Waiver has been submitted pursuant to 935 CMR 501.180(5). A compliant HCA or compliant HCA waiver must be submitted in order for a License application to be deemed complete pursuant to 935 CMR 501.102.
   2. An MTC seeking renewal of a License to continue to operate in a Host Community shall have an HCA that complies with 935 CMR 501.180 unless a compliant HCA Waiver has been submitted pursuant to 935 CMR 501.180(5).
   3. An HCA submitted by a License Applicant or Medical Marijuana Treatment Center which is determined to conform with the Model Host Community Agreement will be presumed compliant for purposes of this section.
   4. A Host Community shall negotiate the terms of an HCA in good faith.
   5. Each of the parties shall ensure that HCAs satisfy the following minimum acceptable requirements:
      1. The parties shall ensure that references in an HCA to a License Applicant or MTC are consistent with both the business entity name certified and recorded with the Secretary of the Commonwealth and the business entity name stated either in a License Applicant’s license application or on an MTC’s license record as maintained by the Commission.
      2. The parties shall ensure that HCAs set forth all of a Host Community’s conditions for allowing an MTC or a License Applicant to operate in the community. A Host Community may not contract for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of Massachusetts General Laws. No Host Community may impose an unreasonable condition or a term that is Unreasonably Impracticable in an HCA. A condition may be presumed reasonable if:
3. The condition is required under a Host Community’s local rules, regulations, ordinances, or bylaws;
4. The condition has been deemed necessary to ensure public safety and proposed by the chief law enforcement authority and/or fire protection chief in a Host Community with explanation and detail why the condition is necessary for public safety.
5. The condition has been deemed necessary to ensure public health and proposed by the chief public health authority in a Host Community with explanation and detail why the condition is necessary for public health;
6. The condition is a local requirement customarily imposed by a Host Community on other, non-cannabis businesses operating in the community;
7. The condition is required by law;
8. The condition does not conflict with other laws; or
9. The condition is otherwise deemed reasonable by the Commission based on particular circumstances presented by an HCA or contracting parties.
   * 1. The parties shall ensure that HCAs include a statement of all stipulated responsibilities between a Host Community and a License Applicant or between a Host Community and an MTC including, but not limited to, the following:
10. A provision requiring a Host Community to annually transmit its invoice of claimed impact fees to an MTC within one month of the anniversary of the date an MTC received final licensure;
11. A provision explicitly identifying any generally occurring fees to be charged by a Host Community. Generally occurring fees are customarily imposed on other non-cannabis businesses operating in a Host Community and shall not be considered a CIF (e.g., routine water, property tax, sewer, trash pickup etc.).
    * 1. The parties shall ensure that HCAs include the following information:
         1. The specific MTC license operations permitted under the terms of the HCA;
         2. The name, signature, and title of the individual(s) authorized to enter into HCAs on behalf of a Host Community as a contracting authority;
         3. The name, signature, and title of the individual(s) authorized to enter into HCAs on behalf of a License Applicant or an MTC as an authorized representative;
         4. The date(s) of execution by both parties;
         5. The effective date of an HCA; and
         6. The duration of an HCA.
      2. The parties shall ensure that HCAs provide clear, specific terms regarding a Host Community’s assessment of a CIF if applicable, including, but not limited to, a provision requiring a Host Community to transmit its invoice of claimed impact fees to an MTC within one month of the anniversary of an MTC's final license date.
    1. The parties may include a clause in an HCA whereby the parties voluntarily agree to bring HCA disputes before a private mediator retained by the parties. Neither party may unilaterally compel private mediation.
    2. Approval of HCAs may be conditioned on a Host Community being in good compliance standing with the Commission relative to any HCA to which the Host Community is a contracting party.
    3. The Commission may deem a provision of an HCA invalid, and therefore unenforceable, based on a finding that the provision violates M.G.L. cc. 94G and 94I, 935 CMR 500.000 or 935 CMR 501.000. The Commission may also declare an HCA or a provision of an HCA voidable upon deeming the HCA as a contract of adhesion.
    4. The Commission may decline to approve an HCA on the basis of any other ground that serves the purposes of M.G.L. cc. 94G and 94I, 935 CMR 500.000, or 935 CMR 501.000.
    5. An MTC that seeks a name change pursuant to 935 CMR 501.104(1) after execution of an HCA must provide notice of the change to the Host Community in a form and manner determined by the Commission. An MTC that seeks a location change to another Host Community shall submit a new HCA to the Commission. An MTC that seeks a location change within the same Host Community after execution of an HCA may be required to provide an amended HCA to the Commission. An MTC that submits a Change of Ownership request for the transfer of a license may be required to submit a new or amended HCA to the Commission.
    6. Prohibitions.
12. No License Applicant, MTC, or Host Community shall enter into an HCA that includes a promise to make a future monetary payment, in-kind contribution, or charitable contribution. A License Applicant or MTC may voluntarily provide organizations with monetary payments, in-kind contributions and charitable contributions after executing an HCA, as long as a License Applicant or MTC’s actions are not performed because of a condition imposed by a Host Community, whether explicitly or implicitly.
13. A contractual financial obligation, other than a CIF, that is explicitly or implicitly a factor considered in or included as a condition of an HCA is unenforceable, subject to the following exceptions:
14. References in an HCA to an MTC’s obligations to pay any fees associated with sales tax, excise tax on Marijuana and Marijuana Products, optional local tax, or as otherwise provided in M.G.L. c. 94G, M.G.L. c. 64H, and M.G.L. c. 64N.
15. References in an HCA to an MTC’s obligations to pay a Host Community for generally occurring fees associated with operating in a Host Community (e.g., water, sewer, property tax, etc.).
16. No Host Community may mandate or otherwise require that the CIF be a certain percentage of an MTC’s total or gross sales as a term or condition of an HCA.
17. A Host Community shall not demand a CIF exceeding three percent of the gross sales of an MTC as a term or condition of an HCA.
18. No License Applicant, MTC, or Host Community will use Inducements to negotiate or execute an HCA. No municipality or Host Community shall negotiate or renegotiate an HCA through the use of undue influence, duress, coercion, intimidation, threats, or any strong-arm tactics including by threat of dissolution of the HCA.
19. No Host Community may rely on other written instruments, contracts, or agreements to impose terms or conditions on a License Applicant, Marijuana Establishment, or Medical Marijuana Treatment Center outside of an HCA.
    1. The following terms, conditions, or clauses are prohibited in an HCA:
20. A provision that discourages any party from bringing a civil cause of action or other legal challenge relative to an HCA or to an individual term or provision of an HCA;
21. A provision that requires a License Applicant or MTC to make upfront payments as a condition for operating in the Host Community;
22. A provision that affords a Host Community sole and absolute discretion on how a Host Community will spend a CIF;
23. A provision waiving an MTC’s ability to dispute whether impact fees claimed by a Host Community are Reasonably Related and properly due and payable as a CIF;
24. A provision that categorically deems a Host Community’s claimed impact fees to be reasonably related or that otherwise excuse a Host Community from calculating impact fees based on the actual operations of an MTC;
25. A provision that imposes legal, overtime, or administrative costs or any costs other than a CIF on an MTC with the exception of an MTC’s tax obligations or its responsibility for paying routine, generally occurring municipal fees;
26. A provision that obligates an MTC to set aside money in an escrow, bond, or other similar account for a Host Community’s use or purposes;
27. A provision that requires an MTC to make any additional payments or obligations including but not limited to monetary payments, in-kind contributions, providing staffing, advance payments, or charitable contributions by an MTC to a Host Community or any other organization.
28. A provision including or otherwise deeming good faith estimates, unquantifiable costs, generalized expenses, or pro-rated expenses as a CIF.
29. Review and Certification of Host Community Agreements. The Commission, through its Executive Director or the director’s delegee, shall review an HCA submitted by a License Applicant or an MTC and make a determination certifying whether the HCA, in whole or in part, satisfies Commission requirements.
    1. The Commission shall complete its review of an HCA within 90 days of receiving an HCA from an MTC. The Commission may request additional information or send a determination notice identifying deficiencies in an HCA. Submission of an amended HCA resets the 90-day period of Commission review.
    2. Review of HCAs submitted by License Applicants
30. All applications for initial licensure submitted on or after March 1, 2024, must include an HCA that complies with 935 CMR 501.000 *et seq*. or a compliant HCA Waiver.
31. The Commission may request additional information from a License Applicant or a Host Community in connection with its review.
32. The Commission shall send a notice of its HCA determination to both a License Applicant and a Host Community within 90 days of receipt of an HCA.
33. If the Commission determines that a License Applicant’s HCA does not comply with 935 CMR 501.180, then the HCA determination notice shall state the following:
    1. The factual basis for the Commission’s finding of noncompliance, including identification of the noncompliant term(s), condition(s), or provision(s) of the HCA, if applicable;
    2. The parties’ option to correct the noncompliance and submit an amended HCA; and
    3. The parties’ option to submit an HCA Waiver that complies with 935 CMR 501.180(5).
34. Failure to submit a compliant HCA or a compliant HCA Waiver with an application for licensure may result in an application remaining incomplete pursuant to 935 CMR 501.102.
    1. Review of HCAs submitted by an MTC
       1. All renewal applications submitted on or after March 1, 2024, must include an HCA that complies with 935 CMR 501.000 *et seq*. or a compliant HCA Waiver.
       2. The Commission may request additional information from an MTC or a Host Community in connection with its review.
       3. The Commission shall send a notice of its HCA determination to both an MTC and a Host Community within 90 days of receipt of the HCA. The determination notice shall identify whether the HCA, in whole or in part, complies with 935 CMR 501.180.
       4. If the Commission determines that an MTC’s HCA does not comply with 935 CMR 501.180, then the HCA determination notice shall provide the following:
    2. The factual basis for the Commission’s finding of noncompliance, including identification of the noncompliant term(s), condition(s), or provision(s) of the HCA, if applicable;
    3. The parties’ option to correct the noncompliance and submit an amended HCA;
    4. The parties’ option to submit an HCA Waiver that complies with 935 CMR 501.180(5);
    5. The parties' option to proceed under an executed HCA that conforms with the Commission's Model Host Community Agreement, to be relied on in the interim until the parties come to an agreement;
       1. A Host Community shall notify an MTC if it no longer intends to continue as a Host Community for an MTC. A Host Community shall not discontinue relations with an MTC in bad faith. On receipt of a notice of discontinuance from a Host Community, the MTC shall notify the Commission. On receipt of a notice of discontinuance, an MTC may submit a request for equitable relief to the Commission consistent with 935 CMR 501.180(3)(c)(6).
       2. If a Host Community discontinues relations with an MTC, or on submission of a mutual abrogation agreement executed by both a Host Community and an MTC, an MTC may submit a request for equitable relief to the Commission.

An MTC’s request for equitable relief must identify facts, information, and any documentation to support why an MTC should be considered for equitable remedies. An MTC shall ensure that the request for equitable relief includes a Host Community’s notice under 935 CMR 501.180(3)(c)4.d.

Commission Staff will conduct a paper review of the petition and make a recommendation to the Commission.

The Commission may exercise its discretion whether to grant one or more of the following equitable remedies to an MTC: (i) Extension of a License expiration date without incurring additional prorated fees; (ii) Waiver of a Change of Location fee; (iii) institution of procedures for winding down an MTC's operations at the licensed Premises; (iv) Other equitable relief as determined by the Commission.

If the Commission grants or denies equitable relief to an MTC, the agency will provide notice of its decision to an MTC and a Host Community. A Host Community or an MTC may seek relief from a court of competent jurisdiction.

* + 1. Failure to submit a compliant HCA or compliant HCA Waiver may constitute grounds for denial of a renewal application.
    2. Any action subsequently taken to deny an MTC’s renewal application due to failure to produce a compliant HCA or a compliant HCA Waiver shall afford MTCs a right to hearing pursuant to 935 CMR 501.500.
       1. If an MTC elects a hearing pursuant to 935 CMR 501.500, the administrative proceeding must be conducted pursuant to 801 CMR 1.01, Formal Rules.
       2. A Host Community may seek intervention as a party to the hearing.
  1. Complaints Alleging Noncompliance with 935 CMR 501.180
     + - 1. Consistent with its power to enforce HCAs, the Commission may, at its discretion, investigate any complaint alleging noncompliance with the requirements in this section and take enforcement action as provided in 935 CMR 501.000.
         2. An interested person may file a complaint with the Commission alleging noncompliance with an HCA requirement under 935 CMR 501.180. Nothing in this subdivision shall be construed to prevent an MTC or a Host Community from bringing a private breach of contract action in a court of competent jurisdiction regarding an alleged breach of specific promises mutually agreed to in the parties’ HCA.
         3. If the Commission substantiates an allegation of noncompliance with HCA regulatory requirements, then the Commission may take administrative or enforcement action against a Licensee or a Host Community including sending a notice of deficiency, requesting additional information, or otherwise taking action as provided under 935 CMR 501.000.
         4. Failure by a Host Community to correct the noncompliant conduct may result in one or more of the following:
       1. Issuance of sanctions pursuant to 935 CMR 501.360;
       2. Loss of a Host Community’s good compliance standing for purposes of 935 CMR 501.180(2)(e);
       3. Identification of a Host Community lack of good compliance standing in a form and manner determined by the Commission; or
       4. Abstaining from consideration of any new license applications affiliated with a Host Community until a Host Community’s good compliance standing is restored.

1. Community Impact Fees
   1. General Requirements. Pursuant to M.G.L. c. 94G, § 4(a½), the Commission is charged with establishing criteria for reviewing, certifying, and approving CIFs.
   2. To qualify as a CIF, an impact fee alleged by a Host Community must be Reasonably Related.
   3. On certification by the Commission, a CIF becomes properly due and payable unless disputed by an MTC consistent with 935 CMR 501.180(4)(c)4.a.
   4. A Host Community may assess a CIF as a condition of allowing a License Applicant or an MTC to operate or continue to operate in its community. A Host Community may also opt not to assess a CIF.
   5. A Host Community may also opt not to assess a CIF.
   6. A Host Community shall ensure that the initial invoice period of claimed impact fees covers a one-year period that starts from the date the Commission grants an MTC a final license. A Host Community shall further ensure that all subsequent, one-year invoice periods are consistent with the anniversary of an MTC’s final license date. The Commission will not certify any impact fees attributable to dates outside of the applicable invoice period.
   7. A Host Community seeking to assess a CIF shall transmit an itemized invoice to an MTC in a form and manner determined by the Commission documenting claimed impact fees arising from the preceding year of an MTC’s operations.
      * 1. Sunshine Requirement: A Host Community shall ensure that impact fee invoices include a specific description of how the claimed impact fees were spent, including each line item for each good or service charged stating its cost, purpose, and relation to an MTC’s operations.
        2. A Host Community shall transmit its impact fee invoice to an MTC no later than one month after the anniversary of the date the MTC received a final license from the Commission. A Host Community’s failure to transmit the impact fee invoice to an MTC within the prescribed time shall result in a forfeiture of any CIF for the applicable year of operations.
        3. A Host Community shall ensure that the impact fee invoice is restricted to the license number(s) operating from the licensed Premises alleged to have impacted the community. For CMOs, a Host Community shall transmit an impact fee invoice to a Marijuana Establishment and an MTC.
   8. Within 30 calendar days of receiving a Host Community’s invoice of claimed impact fees, an MTC shall submit the invoice and any supporting documentation, if applicable, to the Commission in a form and manner determined by the Commission.
   9. An MTC that has agreed to pay a CIF under its HCA shall annually pay any undisputed CIF no later than the end of the current fiscal year or within 90 days of the date of the Commission’s CIF certification, whichever is later. This subdivision shall not be construed to require an MTC to pay a CIF if an MTC’s payment obligation is the subject of a nonfrivolous legal dispute either through the Commission's administrative hearing process or before a court of competent jurisdiction.
   10. Prohibited Practices.
       1. A Host Community shall not attempt to collect impact fees relating to any operations occurring prior to the date an MTC is granted a final license by the Commission.
       2. A Host Community shall not attempt to collect impact fees from any MTC that has held a final license for more than nine years.
       3. In circumstances where the licensed Premises is the site of multiple final licenses, no Host Community may amplify its assessment of claimed impact fee(s) by assigning the same impact fee(s) to each final license operating from the licensed Premises without regard to the distinct operations of each licensed entity.
       4. No Host Community may rely on other written instruments, contracts, or agreements to assess Community Impact Fees. No Host Community may include additional payments or obligations in its invoice of claimed impact fees, including but not limited to monetary payments, in-kind contributions and charitable contributions by an MTC to a Host Community or any other organization.
       5. A Host Community shall not include any legal costs incurred by a Host Community to defend against a lawsuit brought by an MTC in its invoice of claimed impact fees.
       6. No Host Community may modify the effective date of a preexisting CIF for any final license that becomes subject to an ownership or control change under 935 CMR 501.104(1).
   11. Commission Review and Certification of CIFs. The Commission, through its Executive Director, shall review a Host Community’s invoice of claimed impact fees and make a determination certifying, in whole or in part, the CIF that may be assessed for the preceding year of an MTC’s operations based on a finding that an impact fee(s) is Reasonably Related to an MTC’s operations.
       * + 1. An MTC shall provide verification of its Gross Annual Sales, including wholesale revenue generated by Marijuana Cultivators and Marijuana Product Manufacturers, to the Commission with its transmission of a Host Community’s invoice of claimed impact fees.

An MTC shall submit a summary of all sales of Marijuana, Marijuana Products, Marijuana Accessories and MTC Branded Goods for that license to patients and other Licensees, as applicable.

If product was wholesaled or otherwise sold or transferred to other Licensees at no cost or reduced cost, an MTC shall apply the average cost per gram or milligram to the amount sold or transferred to establish and report the fair market value of the product, and include that amount in its summary submission.

* + - * 1. The Commission may make a final determination on Gross Annual Sales relying on the factors in 935 CMR 501.180(4)(c)3., and any additional information gathered. The Gross Annual Sales determined by the Commission, pursuant to 935 CMR 501.180(4)(c)3., shall be used for purposes of the CIF in circumstances where product was wholesaled or otherwise sold or transferred to other Licensees at no cost or reduced cost, and shall not be used for any other purposes related to other obligations, including tax filings, for an MTC.
        2. The Commission may determine the Gross Annual Sales of an MTC using the following factors:

Patient Sales as represented by an MTC;

Patient Sales as represented by the Commission Seed-to-Sale System of Record;

Fair Market Value of wholesaled or transferred Marijuana, Marijuana Products, Marijuana Accessories and MTC Branded Goods;

Any wholesaled or transferred Marijuana, Marijuana Products, Marijuana Accessories and MTC Branded Goods that has been refunded or is otherwise the subject of a voided sale;

Value of services rendered, wholesaled or transferred Marijuana, Marijuana Products, Marijuana Accessories and MTC Branded Goods as represented by the Commission Seed-to-Sale System of Record; and

Other factors as determined necessary by the Commission to calculate the Gross Annual Sales by the licensee in the absence of available information as listed in this subdivision.

* + - * 1. The Commission shall provide notice of its CIF determination to an MTC and a Host Community. The Commission’s notice will provide an MTC with the following options:

An MTC may request an administrative hearing before an independent Hearing Officer of the Commission pursuant to 935 CMR 501.500 to challenge the findings of fact and conclusions of law. Any administrative proceeding elected by an MTC must be conducted pursuant to 801 CMR 1.01, *Formal Rules.* The Host Community may seek intervention as a party to the hearing; or

A Licensee may seek court intervention to independently review a Host Community’s claimed impact fees by bringing a breach of contract action against a Host Community in a court of competent jurisdiction.

* + - * 1. The parties may elect to bring a dispute between the parties before a private mediator retained by the parties at any time if such mediation is a term of the HCA or is voluntarily elected by the parties. Neither party may unilaterally compel private mediation.
        2. After a CIF dispute has resolved, an MTC must provide proof of payment of the certified CIF with its renewal application. If an MTC prevails in a CIF dispute, an MTC must also provide proof that its CIF payment obligation has been eliminated.

1. Waiver of Host Community Agreements
   1. A Host Community may waive the regulatory requirement to have a compliant HCA by submitting an HCA Waiver to the Commission that complies with 935 CMR 501.180(5).
   2. An HCA Waiver constitutes a total relinquishment of the requirement that an Applicant or MTC enter into an HCA with a Host Community. No party to an HCA may use an HCA Waiver to waive individual provisions of an HCA.
   3. An HCA Waiver may be submitted relative to an application for licensure or an application for renewal of licensure. A Host Community and an Applicant or MTC may also submit an HCA Waiver after both parties have executed an HCA.
   4. Acceptance of an HCA Waiver is limited to the specific application or license number(s) stated in the HCA Waiver request.
   5. The Commission shall determine whether an HCA Waiver complies with 935 CMR 501.180(5).
   6. An HCA Waiver that sets an expiration date or any conditions is deemed noncompliant.
   7. An HCA Waiver determined to be the result of an Inducement is deemed noncompliant.
   8. If a Host Community elects to submit an HCA Waiver, a Host Community’s submission shall be in a form and manner determined by the Commission and include, at minimum, the following information:
      * + 1. Identification of the specific application or license number intended to be exempt from the requirement to have a compliant HCA;
          2. Identification of a License Applicant or MTC in a manner consistent with both the business entity name certified and recorded with the Secretary of the Commonwealth of Massachusetts and the business entity name stated either in a License Applicant’s license application or on an MTC’s license record as maintained by the Commission.
          3. Printed name and signature of the individual(s) authorized to represent and act on behalf of a Host Community;
          4. Printed name and signature of the individual(s) authorized to represent and act on behalf of an Applicant or MTC;
          5. The date of each parties’ signature; and
          6. An attestation that the HCA Waiver was mutually agreed upon by both parties and executed in good faith.
   9. An HCA Waiver that is executed and recorded with the Commission remains in full force and effect until such time as it is rescinded. An HCA Waiver may only be rescinded on Commission approval of an HCA subsequently executed and submitted by the parties.
   10. An HCA waiver is not subject to review under the criteria in 935 CMR 501.850 regarding general waivers.

501.181: Minimum Acceptable Equity Standards Governing Municipalities and Host Communities

1. 935 CMR 501.180 is governed by M.G.L. c. 94G §§ 3 and 4, as amended by St. 2022, c. 180. Pursuant to M.G.L. c. 94G § 3, the Commission must establish minimum acceptable standards for Host Communities to promote and encourage full participation in the regulated Marijuana industry by people from communities that were disproportionately harmed by Marijuana prohibition and enforcement and to positively impact those communities.
2. M.G.L. c. 94G § 4(a)(xxxi)-(xxxii) empowers the Commission to establish procedures for municipalities to promote and encourage full participation in the regulated Marijuana industry during negotiations of HCAs with Social Equity Businesses and to develop minimum acceptable standards governing HCA negotiations with Social Equity Businesses. The Commission is further authorized to develop best practices for HCA negotiations between municipalities and License Applicants that have been designated as Social Equity Program Participants or Economic Empowerment Priority Applicants.
3. Equity Standards for Host Communities to Promote and Encourage Full Participation in the regulated Marijuana industry.
4. Municipalities are presumed to have met the Commission’s minimum acceptable equity standards for promoting and encouraging full participation in the regulated Marijuana industry by taking one of the following actions:
   1. Adopting an ordinance or bylaw to exclusively permit Social Equity Businesses for 3 years or until the goals of the exclusivity period have been met;
   2. Adopting the Model Ordinance or Bylaw created by the Commission to permit Social Equity Businesses; or
   3. Creating a Local Approval Process for equity applicants that is administered on a 1:1 basis, where a General Applicant may be approved only after a Social Equity Business has commenced operations. Host Communities may choose to administer a 1:1 Local Approval Process until such time as 50% of the Licensees operating in the Host Community are Social Equity Businesses.
5. Notwithstanding 935 CMR 501.181(3)(a), a Host Community shall adopt, but not be limited to, the following transparent practices to promote and encourage full equity participation:
   1. A Host Community shall publicize certain information in a conspicuous location at its offices and on its website which shall, at minimum, include:
6. All required steps of a Host Community’s Local Approval Process, including, but not limited to, all associated fees, deadlines, and meeting schedules for local bodies involved in the Local Approval Process;
7. Identification of key individuals involved in a Host Community’s Local Approval Process, including, but not limited to, their name, title, business address, and business contact information such as email address or phone number;
8. A list of all documentation required by a Host Community’s Local Approval Process, in downloadable form and paper form;
9. Identification of application criteria for local approval to operate an MTC and scoring methodologies relied on by a Host Community;
10. General scoring information for all applicants and a Host Community’s scoring of each individual applicant;
11. A Host Community’s explanation, in narrative form, of its reasoning for the approval or denial of an application; and
12. Any other information required by the Commission.
    1. A Host Community shall develop an equity plan to promote and encourage full

participation in the regulated cannabis industry by individuals from communities disproportionately harmed by cannabis prohibition and enforcement and shall publicize its equity plan in a conspicuous location at its offices and on its website. A Host Community’s equity plan shall:

1. Encourage applications from business and individuals that would meet the definition of Social Equity Businesses, Social Equity Program Participants, and Economic Empowerment Priority Applicants as determined by the Commission.; and
2. Include goals, programs, and measurements a Host Community will utilize to promote and encourage equity participation.
3. A Host Community shall publish data regarding its total applicant pool, which

shall identify each Social Equity Business and License Applicant that has been designated as a Social Equity Program Participant or Economic Empowerment Priority Applicant, or who have been pre-verified pursuant to 935 CMR 501.101(4),

4. The Commission may require the Host Community to report data to the Commission.

1. A municipality or Host Community shall adhere to best practices for HCA negotiations with individuals or entities pre-verified or verified pursuant to 935 CMR 501.101(4), Social Equity Businesses, and License Applicants that have been designated as Social Equity Program Participants or Economic Empowerment Priority Applicants including, but not limited to, the following:
   1. A Host Community shall develop a standard evaluation form, or use a form developed by the Commission, that scores components of an application. The evaluation form shall include consideration of equity in the overall evaluation score, which must comprise not less than 25 percent of the total evaluation score. This equity component shall include:
      1. whether an individual, entity, or License Applicant is pre-verified or verified pursuant to 935 CMR 501.101(4);
      2. whether the License Applicant is a Social Equity Program Participant;
      3. whether the License Applicant is an Economic Empowerment Priority Applicant;
      4. whether a License Applicant or pre-verified individual or entity has a prior Marijuana-related criminal offense or conviction;
      5. whether a License Applicant or pre-verified individual or entity is part of an Area of Disproportionate Impact, as identified by the Commission; or
      6. whether a pre-verified individual is of Black, African American, Hispanic, Latino, Native American or indigenous descent, or a majority of a pre-verified entity or License Applicant entity is comprised of individuals that are of Black, African American, Hispanic, Latino, Native American or indigenous descent.
2. In circumstances where a Host Community imposes a cap on the number of Marijuana Establishments or MTCs that may obtain local approval to operate, if a Host Community later decides to allow additional Marijuana Establishments or MTCs, at least 50 percent of those licenses, but no less than 1 license, above the previously-established cap shall be reserved for: License Applicants that are Social Equity Businesses; License Applicants that have been designated as Social Equity Program Participants, Economic Empowerment Priority Applicants, or both; or individuals or entities verified or pre-verified pursuant to 935 CMR 500.101(7), including pre-verified individuals or entities that have already been designated as Social Equity Businesses, Economic Empowerment Applicants, or both. A Host Community seeking exemption from this regulatory requirement may submit a waiver request pursuant to 935 CMR 501.850. Such request must include identification of proposed compensating features, as provided under 935 CMR 501.850(2)(b).
3. Host Communities must adopt local rules or bylaws to comply with 935 CMR 501.181(3)(d) on or before May 1, 2024. A Host Community shall submit an attestation in a form and manner determined by the Commission affirming that it has adopted local laws to effectuate compliance with 935 CMR 501.181(3)(d) and identifying the specific laws passed. In addition, a Host Community shall submit its equity plan and any other documentation of its compliance with 935 CMR 501.181(3)(d) .
4. Any interested person may file a complaint with the Commission alleging noncompliance with an equity requirement under 935 CMR 501.181.

If the Commission substantiates an allegation of noncompliance with 935 CMR 501.181, a Host Community shall be fined after first receiving notice and opportunity for corrective action pursuant to 935 CMR 501.310 and 935 CMR 501.320. A Host Community shall be fined in an amount equal to the annual total of CIFs received from all Marijuana Establishments and MTCs operating in the Host Community during the prior calendar year.

* 1. The Commission shall afford a Host Community a right to a hearing pursuant to 935 CMR 501.500.
  2. All fines collected shall be deposited into the Cannabis Social Equity Trust Fund established in section 14A of chapter 94G.
  3. The Commission may identify on its website any municipality or Host Community that has been assessed a fine for equity noncompliance.
  4. Fine assessments pursuant to 935 CMR 501.181(3) shall take effect no sooner than May 1, 2025.

1. Equity Standards for Host Communities during HCA Negotiations with Equity Parties.
2. A Host Community shall prioritize negotiations of HCAs with equity parties. The equity party to negotiations of an HCA for an application for licensure is: a License Applicant that is a Social Equity Business; a License Applicant that has been designated as Social Equity Program Participants, Economic Empowerment Priority Applicants or both; or an individual or entity verified or pre-verified pursuant to 935 CMR 500.101(7), including pre-verified individuals or entities that are not yet a License Applicant but have already been designated as Social Equity Businesses, Economic Empowerment Applicants, or both. A Host Community may waive or reduce fees for an equity party to an HCA negotiation, including, but not limited to CIFs, zoning and occupancy fees.
3. Required practices. At minimum, a municipality or Host Community shall take the following actions during HCA negotiations with an equity party to promote and encourage their full participation:
   1. Engage in an ongoing dialogue by providing multiple opportunities for discussion and negotiation of HCA terms including, at minimum, two conferences with an equity party;
   2. Include any attorney, authorized representative, or other advocate, if elected by an equity party, in all negotiation discussions and conferences;
   3. Promote language access by providing a certified interpreter or translator to assist an equity party who is a Non-English speaker during all negotiation discussions and conferences;
   4. Provide reasonable opportunities for an equity party to review a proposed HCA, HCA term or condition outside of a negotiation conference, or to seek review or input by a third party of their choice.
   5. Negotiate the terms of an HCA in good faith, including consideration of flexible terms that may mitigate particular challenges affecting an equity party, such as access to capital, with all terms and clauses conspicuously identified and openly discussed; and
   6. Allow an equity party to propose an amendment to, or seek cancellation of, an HCA within thirty days from the date of execution of the HCA.
4. Prohibited practices.
   * 1. No municipality or Host Community shall negotiate an HCA with an equity party through the use of undue influence, duress, coercion, intimidation, threats, or any strong-arm tactics.
     2. No municipality or Host Community shall threaten loss of an equity party’s position in its local application queue or delay to the processing of an equity party’s application.
     3. No municipality or Host Community shall compel an equity party to sign an HCA in any manner that conflicts with the practices required in 935 CMR 501.181(4)(c).
     4. No municipality or Host Community shall negotiate or discontinue negotiations with an equity party in bad faith.
5. Equity Standards for Host Communities to Positively Impact Communities that were Disproportionately Harmed by Marijuana Prohibition and Enforcement
6. A Host Community must develop a plan to positively impact one or more of the following communities:
   1. Past or present residents of the geographic “areas of disproportionate impact,” which have been defined by the Commission and identified in its Guidance for Identifying Areas of Disproportionate Impact. The designation of these areas will be re-evaluated periodically.
   2. State-designated Economic Empowerment Priority Applicants
   3. State-designated Social Equity Program participants
   4. Massachusetts residents who have past drug convictions
   5. Massachusetts residents with parents or spouses who have drug convictions.
7. A Host Community shall publicize said plan in a conspicuous location at its offices and on its website. The plan shall outline the goals, programs, and measurements the Host Community will pursue.
   1. : Complaints Process
      1. In a time and manner determined by the Commission, a dedicated telephone number, email address or other means shall be provided for members of the public or Qualifying Patients to notify the Commission of complaints regarding MTCs, MTC Agents or Host Communities.
      2. The Commission may, at its discretion, investigate or decline to investigate any complaint or refer a complaint to another law enforcement or regulatory authority.
   2. : Inspections and Compliance
      1. Pursuant to M.G.L. c. 94I and M.G.L. c. 94G, §§ 4(a)(xvii) through (xx), the Commission or a Commission Delegee may inspect an MTC and affiliated vehicles at any time without prior notice to determine the MTC's compliance with the act and 935 CMR 501.000. All areas, activities and records of an MTC and activities and records of MTC agents are subject to such inspection. Submission of an application by or issuance of a License to an MTC constitutes consent for such inspection
      2. An MTC shall allow immediate access to the facility on being presented with photo identification documenting the Commission representative's affiliation with the Commission or a Commission Delegee’s affiliation with a state agency with lawful jurisdiction over the operations of an MTC.
      3. An MTC or Host Community shall immediately on request make available to the Commission or a Commission Delegee all information that may be relevant to an inspection or investigation of an incident or a complaint.
      4. An MTC or Host Community shall make all reasonable efforts to facilitate the inspection or investigation of an incident or a complaint, including the taking of samples, photographs, video or other evidence or recordings, and complying with demands for examination and inspection in accordance with 935 CMR 501.302.
      5. During an inspection, the Commission or a Commission Delegee may direct an MTC to test Marijuana for contaminants including, but not limited to, mold, mildew, heavy metals, plant-growth regulators, and the presence of Pesticides not approved for use on Marijuana pursuant to 935 CMR 501.120(5).
      6. An inspection or other investigation may be made prior to the issuance of a License or the renewal of a License. Additional inspections may be made whenever the Commission or a Commission Delegee deems it necessary for the enforcement of M.G.L. c. 94I and

M.G.L. c. 94G, and 935 CMR 501.000.

* + 1. The failure to cooperate with an inspection or investigation or otherwise comply with 935 CMR 501.301 may result in administrative or disciplinary action against the Licensee or Host Community.

501.310: Deficiency Statements

After an inspection in which a violation of St. 2016, c. 334, as amended by St. 2017, c. 55,

M.G.L. c. 94G, M.G.L. 94I, 935 CMR 500.000: *Adult Use of Marijuana*, or 935 CMR 501.000 is observed or a violation is otherwise determined to have occurred, the Commission shall issue a deficiency statement citing every violation identified, a copy of which shall be left with or sent to the MTC or Host Community.

501.320: Plans of Correction

* + 1. An MTC or Host Community shall submit to the Commission a written plan of correction for any violations cited in the deficiency statement issued pursuant to 935 CMR 501.310, within ten business days after receipt of the statement.
    2. A plan shall state, with respect to each deficiency, the specific corrective step(s) to be taken, a timetable for such steps, and the date by which compliance with will be achieved. The timetable and the compliance dates shall be consistent with achievement of compliance in the most expeditious manner possible.
    3. The Commission shall review the plan of correction, and shall notify the MTC or Host Community of either the acceptance or rejection of the plan or any component of the plan.
    4. An unacceptable plan shall be amended and resubmitted within five business days after receipt of such notice.
    5. The approval of a plan of correction shall not preclude the Commission from issuing an order for further corrective action fixing a reasonable time for correction of the violation, assessing an administrative fine, or taking any other administrative action authorized under the Commission's regulations.
    6. An MTC or Host Community shall notify the Commission once the plan of correction has been fully implemented and completed.

501.360: Fines and Sanctions

The Commission or a Commission Delegee may issue an order to a Licensee or a Host Community to show cause as to why a fine or other financial penalty against a Licensee, Registrant, or Host Community should not be imposed for any acts or omissions determined to be in violation of the state Marijuana laws, including 950 CMR 501.000.

1. Notice of Fines or Sanctions. The Commission or a Commission Delegee shall send written notice of the action taken against a Licensee, Registrant, or Host Community and the basis(es) for that action, which shall include, but not be limited to, the following information:
   1. The Commission's statutory and regulatory authority, including its jurisdiction over the subject matter and its authority to issue the order with regards to the License, registration or HCA;
   2. The factual basis(es) of the order;
   3. The alleged violation(s) of law;
   4. An assessment of an administrative fine of up to $50,000 per violation, or an order for corrective action fixing a reasonable time for correction of the violation or both; and
   5. Notice to the Licensee, Registrant, or Host Community that they may request a hearing in accordance with 935 CMR 501.500.
2. An administrative fine up to $50,000 may be assessed for each violation.
   1. The decision to impose any fine shall identify the factors considered by the Commission or a Commission Delegee in setting the amount.
   2. Each day during which a violation continues may constitute a separate violation, and each instance and provision of the state Marijuana laws, including M.G.L. c. 94I, and 935 CMR 501.000, that is violated may constitute a separate violation.
3. The Commission or a Commission Delegee, in determining the amount of fine or financial penalty to impose may consider greater or lesser amount depending on aggravating or mitigating circumstances including, but not limited to:
   1. Aggravating Circumstances.
      1. Duration and severity of violation;
      2. Whether the Licensee, Registrant, or Host Community has previously been subject to an administrative or enforcement action including, but not limited to, a notice of deficiency;
      3. Whether the Licensee, Registrant, or Host Community knew or had reason to know of the violation including, but not limited to, warning or issuance of a notice of deficiency; and
      4. Whether the offense:
         1. Constitutes grounds for denial of a renewal application or suspension or revocation of licensure;
         2. Involved multiple Persons or Entities Having Direct or Indirect Control or agents of the Licensee, Registrant, or Host Community;
         3. Involved any compensating features associated with a valid waiver issued pursuant to 935 CMR 501.850;
         4. Involved a person younger than 21 years old or a Registered Qualifying Patient or Caregiver;
         5. Involved or affected multiple Qualifying Patients;
         6. Involved or exposed the public to risk of diversion; or
         7. Created a risk to the public health, safety or welfare.
   2. Mitigating Circumstances.
      1. Whether the Commission learned of the violation or risk of violation from the Licensee, Registrant, or Host Community prior to investigation;
      2. The financial impact of corrective measures, if any, which provide safeguards exceeding the minimum requirements of 935 CMR 501.000. However, financial impact shall not include any cost associated with loss of economic opportunity due to noncompliance or costs of corrective action necessary to achieve compliance with minimum requirements of 935 CMR 501.000;
      3. The Licensee's, Registrant's, or Host Community’s good faith efforts to avoid a violation;
      4. The Licensee's, Registrant's, or Host Community’s degree of cooperation in the investigation; and
      5. The Licensee's, Registrant's, or Host Community’s willingness to accept responsibility.
      6. The Licensee's or Registrant's compliance with the training requirements pursuant to 935 CMR 501.105(2)(b);
      7. The Licensee's or Registrant's status as current or past leader pursuant to the Leadership Ratings Program under 935 CMR 501.040; and
      8. Other particular mitigating circumstances presented by the Licensee, Registrant, or Host Community.
4. The fine or financial penalty shall be due and payable within 30 calendar days of the date of one of the following:
   1. The date of the assessment; or
   2. If a hearing is requested pursuant to 935 CMR 501.500, the date of the final agency action.
5. Failure to timely pay the fine or financial penalty may result in further action being taken by the Commission or a Commission Delegee including, but not limited to, suspension or revocation of a License or registration, or loss of a Host Community’s good compliance standing with the Commission, as declared and identified pursuant to the procedures set forth in 935 CMR 501.180(3)(d).
6. If remaining unpaid at the time of licensure renewal, the fine or financial penalty shall be added to the fee for renewal of the License. A License may not be renewed without the payment of the renewal fee and if applicable, an unpaid fine or financial penalty.
7. All fines and financial penalties collected by or on behalf of the Commission, pursuant to 935 CMR 501.360, shall be made payable to the Commission and deposited into the Marijuana Regulation Fund.

The failure to cooperate with provisions of 935 CMR 501.360, may result in administrative or disciplinary action against the Licensees, Registrants, or Host Communities.

501.500: Hearings and Appeals of Commission Actions

1. The Commission has the authority to administer the administrative hearing process under

M.G.L. c. 94I, § 7 and M.G.L. c. 94G, § 4(a)(xxiv) and (g).

1. A Licensee or Host Community shall be afforded a hearing on any adverse action taken pursuant to:

(a) 935 CMR 501.360;

(b) 935 CMR 501.370;

(c) 935 CMR 501.450; or

(d) Any other notice of the Commission that specifies that the Licensee, Registrant, or Host Community has a right to challenge the findings of fact and conclusions of law set forth in the Commission's notice using the process set forth in 935 CMR 501.500.

1. Notice(s).
   1. Notice of Violation(s) includes a notice issued in accordance with 935 CMR 501.360 or 935 CMR 501.370.
   2. Notice of Other Action(s). The Commission or a Commission Delegee shall send written notice of the action including, but not limited to, a denial of a renewal License, taken against a Licensee, Registrant, or Host Community and the basis(es) for that action, which shall include, but not be limited to, the following information:
      1. The Commission's statutory and regulatory authority, including its jurisdiction over the subject matter and its authority to take action with regards to the License, registration, or HCA;
      2. The factual basis(es) for that action;
      3. The alleged violation(s) of law;
      4. The current restriction(s) on the Licensee’s or Registrant’s operations or the sale or use of Marijuana, Marijuana Products, or MIPs, if any;
      5. The potential for further disciplinary action(s), sanction(s) or fine(s); and
      6. The Licensee, Registrant, or Host Community's right to a hearing, if any.
   3. The Commission or a Commission Delegee may modify, amend or rescind a notice issued under 935 CMR 500.500(3)(c).
2. Hearing Request. The hearing request shall be submitted in a form and a manner determined by the Commission or a Commission Delegee including, but not limited to, the request shall be made no later than 30 days after the effective date of the notice. A request for a hearing is filed on the date the request is received by the Commission.
   1. A timely request for a hearing shall specifically identify each issue and fact in dispute and state the position of the Licensee, Registrant, or Host Community, the pertinent facts to be adduced at the hearing, and the reasons supporting that position.
   2. The failure to timely file a request for a hearing or to state the basis of the hearing request will result in dismissal of the challenge to the findings set forth in the notice of violation(s) or action(s).
   3. If a timely request for a hearing is made, the Licensee, Registrant, or Host Community may also seek to stay any action until there has been a final agency action pursuant to 935 CMR 501.500(7) or 935 CMR 501.500(12); provided however, that if the Commission issues an order or notice on the basis of information that ongoing operations pose an immediate or serious threat to the public health, safety, or welfare, and that operations without restrictions during the pendency of the administrative appeal could reasonably be expected to endanger the health, safety, or welfare of the public, there will be no stay.
   4. Nothing in 935 CMR 501.500 shall preclude the Commission or a Commission Delegee from issuing a stay.
3. Hearing Officer. The Commission shall designate a Hearing Officer or delegate this designation to the Executive Director.
4. Hearing Officer's Authority to Take Action in the Event of Waiver, Default or Summary Decision.
   1. Waiver. If a Licensee, Registrant, or Host Community fails to request a hearing in a timely manner or otherwise waives their right to a hearing, the Hearing Officer may assume the truth of the allegations set forth in the notice and recommend to the Commission disciplinary action(s), sanction(s) or fine(s) or an informal disposition of the matter.
   2. Default. If a Licensee, Registrant, or Host Community defaults, the Hearing Officer or a Commission Delegee may assume the truth of the allegations set forth in the notice and recommend to the Commission appropriate disciplinary action(s), sanction(s) or fine(s) or an informal disposition of the matter.
   3. Summary Decision. If there is no genuine issue of fact to be determined by a hearing, the Hearing Officer may assume the truth of the allegations set forth in the notice and recommend to the Commission disciplinary action(s), sanction(s) or fine(s) or an informal disposition of the matter.
   4. For actions without a hearing under 935 CMR 501.500, the Hearing Officer may conduct an evidentiary hearing on the appropriateness of disciplinary action(s), sanction(s) or fine(s).
5. Commission's Authority to Review, Approve or Reject Informal Dispositions. At any time, the Commission or a Commission Delegee may, in its discretion, review, approve or reject an informal disposition, but only on a showing that the alleged violations have been corrected, and a submission of a written waiver of its right to judicial review.
6. Hearing Notice. If a hearing is requested in a timely manner under 935 CMR 501.500(4), the Hearing Officer shall provide notice and a hearing within a reasonable time after that request, or as soon as is practicable, or at a time mutually agreed by the parties.
   1. The hearing notice should comply with M.G.L. c. 30A, § 11(1).
   2. Prior to the commencement of a proceeding, a Hearing Officer may conduct conference(s) and refer or require the parties to participate in settlement negotiations. If the parties reach a settlement, the Hearing Officer shall suspend the proceedings pending Commission consideration of the matter under 935 CMR 501.500(7).
7. Conduct of the Hearing.
   1. To the extent that a Hearing Officer conducts a proceeding, it shall be conducted pursuant to M.G.L. c. 30A and the Standard Adjudicatory Rules of Practice and Procedure, which includes 801 CMR 1.01: *Formal Rules*, 801 CMR 1.02: *Informal/Fair Hearing Rules*, and/or 801 CMR 1.03: *Miscellaneous Provisions Applicable to All Adjudicatory Proceedings*.
   2. In the case of an Order to Show Cause, why a License or Registration should not be suspended or revoked, the hearing shall be conducted pursuant to M.G.L. c. 30A, §§ 10, 11 and 12.
   3. If after the commencement of the hearing, the parties reach a settlement, the Hearing Officer shall suspend the proceedings pending Commission consideration of the matter under 935 CMR 501.500(7).
8. Reopening of Hearings. At any time before the Commission's Final Decision is issued, on the motion of any party or on their own initiative, the Commission by a majority vote or the Hearing Officer may on good cause shown reopen the hearing for the purpose of receiving new evidence.
9. Hearing Officer's Recommended Decision.
   1. Burden of proof.
      1. For a notice of violation(s), the Commission or a Commission Delegee bears the burden of proving the violation(s) of law.
      2. For a notice of action(s) including, but not limited to, the denial of a renewal License, the Licensee bears the burden of proving the qualifications for licensure.
   2. The Hearing Officer will make a recommended decision to the Commission.
      1. The recommended decision may affirm, modify, or overturn the actions proposed in the Commission's notice of violation(s) or action(s).
      2. The recommended decision shall be in writing to the Commission for its consideration, which shall include, but not be limited to, a statement of reasons, including determination of each issue of fact or law necessary to the decision.
      3. The Hearing Officer may recommend disciplinary action(s), sanction(s) or fine(s), or an informal disposition of the matter and provide reasons for the recommendation, including whether the recommendation is consistent with the notice of violation(s) or action(s) and the Commission's prior disciplinary action(s), sanction(s) or fine(s).
      4. The Hearing Officer shall electronically mail a copy of the recommended decision to each party or their attorney(s) of record and on request, mail a copy of the recommended decision to each party or their attorney(s) of record.
   3. Within 21 calendar days of the issuance of the recommended decision, the parties may submit to the Commission written objections and arguments regarding the Hearing Officer's recommended decision.
10. Final Decision.
    1. The Commission may affirm, adopt, modify, amend, or reverse the recommended decision of the Hearing Officer or remand the matter for further consideration.
    2. The Commission's decision shall be considered the Final Decision, unless its authority to render a Final Decision is delegated.
       1. The Final Decision shall be in writing. The drafting of the decision may be delegated to the General Counsel so long as the Commission votes on the substance of the Final Decision.
       2. The Final Decision may incorporate by reference the Hearing Officer's recommended decision in whole or in part. The Commission shall consider the parties' written objections and arguments regarding the Hearing Officer's recommended decision under 935 CMR 501.500(11)(c), but is not required to respond to these submissions.
       3. The Final Decision shall include, but not be limited to, the following:
          1. A statement of reasons, including determination of each issue of fact or law necessary to the decision; and
          2. Any disciplinary action(s), sanction(s) or fine(s), or an informal disposition of the matter.
    3. The vote on the Final Decision shall be supported and signed by at least three Commissioners. As part of its vote, the Commission may delegate to the General Counsel action(s) needed to finalize the decision including, but not limited to, the stamping of Commissioners' signatures.
    4. The Commission's Final Decision is a final agency action reviewable pursuant to

M.G.L. c. 30A, § 14.

(e) The Commission or a Commission Delegee shall electronically mail a copy of the recommended decision to each Licensee, Registrant, Host Community, or their attorney(s) of record and on request, mail a copy of the recommended decision to each Licensee, Registrant, Host Community, or their attorney(s) of record.

1. Appeals. Any Person aggrieved by a Final Decision may appeal that decision to the Superior Court in accordance with M.G.L. c. 30A, § 14. The filing of an appeal shall not operate as a stay of enforcement of the Commission's decision, but the Commission may in its discretion stay enforcement.

501.800: Suitability Standard for Licensure and Registration

1. Pursuant to M.G.L. c. 94G, §§ 4(a)(xii), (xiv), 21(a)(ii) and M.G.L. c. 94I, the Commission may make, in an exercise of its discretion, a suitability or cure determination based on a factual basis.
2. The Commission may also delegate suitability determinations to the Executive Director, who may appoint a Suitability Review Committee (Committee) to advise the Executive Director.
3. All suitability determinations will be made in accordance with the procedures set forth in 935 CMR 501.800.
4. Suitability Review Process.
   1. Designated Enforcement staff (staff) shall conduct background checks and gather information and evidence applicable to a subject's suitability and make a recommendation as to suitability and, as appropriate, a cure. Staff may make an adverse suitability recommendation on finding information and evidence that would result in a Mandatory Disqualification, Presumptive Negative Suitability Determination or that would support a Negative Suitability Recommendation.
   2. Before making an adverse suitability recommendation, staff shall consult with the Executive Director or the Executive Director's delegee(s). The Executive Director may dispose of the matter or direct the Committee to institute a review of suitability or take any action consistent with M.G.L. c. 94G.
   3. If the Executive Director institutes a suitability review, the staff shall send the written notice of an adverse suitability recommendation that identifies the Person subject to suitability review, the particular offenses or conduct relied on and whether that the offenses or conduct results in a Mandatory Disqualification or Presumptive Negative Suitability Determination, or supports a Negative Suitability Recommendation, and reasons for that determination.
   4. The notice of an adverse suitability recommendation shall provide an opportunity to cure the suitability issue by removing the subject from its application. To the extent that an applicant can propose a cure, for example, by removing a subject from an application, the cure shall be done in a manner determined by the Commission.
   5. The notice of an adverse suitability recommendation shall provide the subject with the opportunity to request an informal proceeding before the Suitability Review Committee.
   6. A request for an informal proceeding shall be submitted in a form and manner determined by the Commission and no later than 14 business days following the effective date of the adverse suitability recommendation. Requests received after 14 business days may be considered at the discretion of the Executive Director or the Committee.
   7. On notification of an adverse suitability recommendation and receipt of an informal proceeding request, the Committee shall initiate a proceeding, make a recommendation and/or take other action(s) after consultation with the Executive Director.
   8. If an applicant or a subject does not make a timely request for an informal proceeding before the Committee, the Executive Director may forward the adverse suitability recommendation to the Committee for a review, make a suitability determination, or take any action consistent with M.G.L. c. 94G.
5. The Committee shall:
   1. Consider and review whether offense(s) or information resulting in a Mandatory Disqualification or a Presumptive Negative Suitability Determination under 935 CMR 501.801: *Table A*, 935 CMR 501.802: *Table B* and 935 CMR 501.803: *Table C*, as applied to the subject, renders the subject unsuitable for licensure or registration;
   2. Consider and review whether offense(s) or information not otherwise set forth in 935 CMR 501.801: *Table A*, 935 CMR 501.802: *Table B* and 935 CMR 501.803: *Table C* would result in a Negative Suitability Recommendation and renders the subject unsuitable for licensure or registration; and
   3. Subsequent to its review of a suitability matter, make recommendations to the Executive Director, or the Commission, or a Commission Delegee.
6. When reviewing an adverse suitability recommendation by staff that there is an offense resulting in a Mandatory Disqualification, the Commission shall consider credible and reliable information demonstrating that:
7. The disqualifying event was based on erroneous information or evidence; and
8. The subject can demonstrate that prior to the informal proceeding, the adverse suitability recommendation can no longer be supported because the error was corrected.
9. When reviewing an offense resulting in a Presumptive Negative Suitability Determination, the committee shall take into consideration the following factors:
   1. Nature and specific circumstances of the offense or incident:
      1. Time since the offense or incident;
      2. Number of offenses or incidents;
      3. If criminal, sentence imposed and length, if any, of incarceration;
      4. If criminal, sentence imposed and length, if any, of parole or probation; and
      5. Relationship of offense or incident to nature of work to be performed;
   2. Mitigating factors:
      1. Age of the subject at the time of the offense or incident; and
      2. Whether offenses or incidents were committed in association with dependence on drugs or alcohol from which the subject has since recovered;
   3. Conduct since time of the offense or incident:
      1. If criminal, any relevant evidence of rehabilitation or lack thereof, such as information about compliance with conditions of parole or probation, including orders of no contact with victims and witnesses; and
      2. The subject's conduct and experience since the time of the offense including, but not limited to, professional or educational certifications obtained; and
   4. Any other relevant information, including information submitted by the subject to the Committee or requested by the Commission.
10. The Committee may make a Negative Suitability Determination in the following circumstances:
    1. On the receipt of the staff's Negative Suitability Recommendation that there is credible and reliable information:
       1. The applicant's or Licensee's prior actions posed or would likely pose a risk to the public health, safety, or welfare if a License or registration is granted or renewed; and
       2. The risk posed by the applicant's or Licensee's actions relates or would likely relate to the operation of an MTC.
    2. On review of this recommendation, the Committee shall consider whether the staff has carried its burden of demonstrating:
       1. The applicant's or Licensee's prior actions posed or would likely pose a risk to the public health, safety, or welfare if a License or registration is granted or renewed; and
       2. The risk posed by the applicant's or Licensee's actions relates or would likely relate to the operation of an MTC.
11. Where an MTC Agent listed on the application for licensure in accordance with 935 CMR 501.101(1) is found to have no suitability issue under 935 CMR 501.801: *Table A*, or to have overcome any suitability issue, the Agent shall not be subject to a subsequent suitability review under 935 CMR 501.802: *Table B* and 935 CMR 501.803: *Table* C.
    1. Nothing in 935 CMR 501.800 relieves the requirement that the applicant or Licensee conduct background checks on its agents and disclose to the Commission's staff any suitability issue(s) that arise as a result of those checks.
    2. Any subsequent disclosure of background check information for an MTC Agent required to be listed and evaluated pursuant to 935 CMR 501.101(1), will be assessed pursuant to 935 CMR 501.801: *Table A* or on other grounds for a Negative Suitability Determination only.
    3. Nothing in 935 CMR 501.800 precludes the Commission from initiating a suitability review based on background information received after the Commission's initial suitability review.
12. The Executive Director in consultation with the Committee may determine that a subject's suitability warrants the Commission's consideration. The Executive Director may also remand a matter to staff for further investigation prior to making a determination. The Commission may consider the determination when acting on the application or renewal.

501.801: Suitability Standard for Licensure

1. In accordance with M.G.L. c. 94I and M.G.L. c. 94G, § 5, the Commission is prohibited from licensing an MTC where an individual who is a Person Having Direct or Indirect Control has been convicted of a felony or offense in an Other Jurisdiction that would be a felony in the Commonwealth, except a prior conviction solely for a Marijuana offense or solely for a violation of M.G.L. c. 94C, § 34, unless the offense involved distribution of a controlled substance, including Marijuana, to a minor.
2. For purposes of determining suitability based on background checks in accordance with 935 CMR 501.101(1)(b):
   1. All conditions, offenses, and violations are construed to include Massachusetts law or like or similar law(s) of Other Jurisdictions.
   2. All criminal disqualifying conditions, offenses, and violations include the crimes of attempt, accessory, conspiracy, and solicitation.
   3. Juvenile dispositions shall not be considered as a factor for determining suitability.
   4. Where applicable, all look back periods for criminal conditions, offenses, and violations included in 935 CMR 501.801: *Table A* commence on the date of disposition; provided, however, that if disposition results in incarceration in any institution, the look back period shall commence on release from incarceration.
   5. Unless otherwise specified in Table, a criminal condition, offense or violation include both convictions, which include guilty pleas and pleas of *nolo contendere*, and dispositions resulting in continuances without a finding or other disposition constituting an admission to sufficient facts, but shall exclude other non-conviction dispositions.
3. Licensees and Registered Agents shall remain suitable at all times a License or registration remains in effect. An individual subject to this section shall notify the Commission in writing of any charge or conviction of an offense that would result in a presumptive negative suitability determination or mandatory disqualification under 935 CMR 501.801: *Table A*, 935 CMR 501.802: *Table B* and 935 CMR 501.803: *Table C* within ten days of such individual's arrest or summons, and within ten days of the disposition on the merits of the underlying charge. Failure to make proper notification to the Commission may be grounds for disciplinary action. If the Commission lawfully finds a disqualifying event and the individual asserts that the record was sealed, the Commission may require the individual to provide proof from a court evidencing the sealing of the case.

Table A: MTC Licensees. Shall apply to applicants, Licensees and Persons or Entities Having Direct or Indirect Control in accordance with 935 CMR 501.101(1) and 935 CMR 501.103(4).

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| Time Period | Precipitating Issue | Result |
| Present (during time from start of application process through action on application or renewal). | Open/Unresolved Criminal Proceedings:  Any outstanding or unresolved criminal proceeding, the disposition of which may result in a felony conviction under the laws of the Commonwealth or Other Jurisdictions, but excluding any criminal proceeding based solely on a Marijuana-related offense or a violation of M.G.L. c. 94C, § 32E(a) or 34. | Mandatory Disqualification |
| Present | Outstanding or Unresolved Criminal Warrants | Presumptive Negative Suitability Determination |

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| Time Period | Precipitating Issue | Result |
| Present | Submission of Untruthful Information to the Commission Including, but Not Limited to:  Submission of information in connection with a License application, waiver request or other Commission action that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity, including lack of disclosure or insufficient disclosure; or  Making statements during or in connection with a Commission inspection or investigation that are deceptive, misleading, false or fraudulent, or that tend to deceive or create a misleading impression, whether directly, or by omission or ambiguity, including lack of disclosure or insufficient disclosure. | Presumptive Negative Suitability Determination |
| Present | Open/Unresolved Marijuana License or Registration Violations (Massachusetts or Other Jurisdictions) | Presumptive Negative Suitability Determination |
| Present | Open Professional or Occupational License Cases | Presumptive Negative Suitability Determination |
| Indefinite | Sex Offender Registration:  Required to register as a sex offender in Massachusetts or an Other Jurisdiction. | Mandatory Disqualification |
| Indefinite | Felony Convictions in Massachusetts or an Other Jurisdiction Including, but Not Limited to:  Felony weapons violation involving narcotics; Felony involving violence against a person; Felony involving theft or fraud;  Felony drug, excluding conviction solely for a Marijuana-related offense or solely for a violation of M.G.L. c. 94C, § 34. | Mandatory Disqualification |
| Indefinite | Conviction or Continuance without a Finding (CWOF) for Any Distribution of a Controlled Substance to a Minor | Mandatory Disqualification |
| Indefinite | Non-felony Weapons Violations, Including Firearms, Involving Narcotics | Presumptive Negative Suitability Determination |

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| Time Period | Precipitating Issue | Result |
| Indefinite | Firearms-related Crimes | Presumptive Negative Suitability Determination |
| Indefinite | Multiple Crimes of Operating under the Influence  Two offenses within a ten-year period; or  Three or more offenses within any period of time. | Presumptive Negative Suitability Determination |
| Preceding Five Years | Multiple Crimes  During the five years immediately preceding the application for licensure that separately may not result in a negative determination of suitability but may, if taken together and tending to show a pattern of harmful behavior, result in a negative determination of suitability depending on the type and severity of the crimes | Presumptive Negative Suitability Determination |
| Preceding Five Years | Crimes of Domestic Violence Including, but Not Limited to:  Violation of an abuse prevention restraining order under M.G.L. c. 209A;  Violation of a harassment prevention order under M.G.L. c. 258E | Presumptive Negative Suitability Determination |
| Preceding Five Years | Marijuana License or Registration Violations (Massachusetts or Other Jurisdictions)  The applicant or a Licensee held a License that was revoked, a renewal application that was denied, or a similar action taken with relation to their Marijuana business in Massachusetts or Other Jurisdiction, whether by administrative action or stipulated agreement. | Mandatory Disqualification |
| More than Five and Less than Ten Years | Marijuana License or Registration Violations (Massachusetts or Other Jurisdictions)  The applicant or a Licensee held a License that was revoked, a renewal application that was denied, or a similar action taken with relation to their Marijuana business in Massachusetts or Other Jurisdiction, whether by administrative action or stipulated agreement. | Presumptive Negative Suitability Determination |

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| Time Period | Precipitating Issue | Result |
| Preceding Five Years | The applicant's or Licensee's prior actions posed or would likely pose a risk to the public health, safety, or welfare; and  the risk posed by the applicant's or Licensee's actions relates or would likely relate to the operation of an MTC. | May make a Negative Suitability Determination in accordance with 935 CMR  501.800(8) |

501.802: Suitability Standard for Registration as a Medical Marijuana Treatment Center Agent

1. In accordance with M.G.L. c. 94G, § 4(a½)(iii), the Commission has established qualifications for licensure and minimum standards for employment that are directly and demonstrably related to the operation of an MTC and similar to qualifications for licensure and employment standards in connection with alcoholic Beverages as regulated under M.G.L. c. 138; provided, that a prior conviction solely for a Marijuana-related offense or for a violation of

M.G.L. c. 94C, § 34 shall not disqualify an individual or otherwise affect eligibility for employment or licensure in connection with an MTC, unless the offense involved the distribution of a controlled substance, including Marijuana, to a minor.

1. For purposes of determining suitability based on background checks in accordance with 935 CMR 501.030 and 501.101.
   1. All conditions, offenses, and violations are construed to include Massachusetts law or like or similar law(s) of Other Jurisdictions.
   2. All criminal disqualifying conditions, offenses, and violations include the crimes of attempt, accessory, conspiracy and solicitation.
   3. Juvenile dispositions shall not be considered as a factor for determining suitability.
   4. Where applicable, all look back periods for criminal conditions, offenses, and violations included in 935 CMR 501.802: *Table B* and 935 CMR 501.803: *Table C* commence on the date of disposition; provided however, that if disposition results in incarceration in any institution, the look back period shall commence on release from incarceration.
   5. Unless otherwise specified in 935 CMR 501.802: *Table B* and 935 CMR 501.803: *Table C*, a criminal condition, offense or violation shall include both convictions, which include guilty pleas and pleas of *nolo contendere*, and dispositions resulting in continuances without a finding or other disposition constituting an admission to sufficient facts, but shall exclude other non-conviction dispositions. All suitability determinations will be made in accordance with the procedures set forth in 935 CMR 501.800. In addition to the requirements established in 935 CMR 501.800, the Suitability Review Committee shall:
      1. Consider whether offense(s) or information that would result in a Presumptive Negative Suitability Determination under 935 CMR 501.802: *Table B* and 935 CMR 501.803: *Table C* renders the subject unsuitable for registration, regardless of the determination of the Licensee; and
      2. Consider appeals of determinations of unsuitability based on claims of erroneous information received as part of the background check during the application process in accordance with 803 CMR 2.17: *Requirement to Maintain a Secondary Dissemination Log* and 803 CMR 2.18: *Adverse Employment Decision Based on CORI or Other Types of Criminal History Information Received from a Source Other than the DCJIS*.
2. Registered Agents shall remain suitable at all times a License or registration remains in effect. An individual subject to this section shall notify the Commission in writing of any charge or conviction of an offense that would result in a presumptive negative suitability determination or mandatory disqualification under 935 CMR 501.802: *Table B* and 935 CMR 501.803: *Table C* within ten days of such individual's arrest or summons, and within ten days of the disposition on the merits of the underlying charge. Failure to make proper notification to the Commission may be grounds for disciplinary action. If the Commission lawfully finds a disqualifying event and the individual asserts that the record was sealed, the Commission may require the individual to provide proof from a court evidencing the sealing of the case.

Table B: MTC Agents. Shall apply solely to applicants for registration as an MTC Agent at an MTC licensed pursuant to 935 CMR 501.101.

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| Time Period | Precipitating Issue | Result |
| Present (during time from start of application process through action on application or renewal). | Open/Unresolved Criminal Proceedings:  Any outstanding or unresolved criminal proceeding for an offense involving the distribution of a controlled substance, including Marijuana, to a minor. | Presumptive Negative Suitability Determination |
| Present | Open Professional or Occupational License Cases | Presumptive Negative Suitability Determination |
| Present | Open/Unresolved Marijuana License or Registration Violations (Massachusetts or Other Jurisdictions):  An outstanding or unresolved violation of the regulations as included in 935 CMR  501.000 or a similar statute or regulations of Other Jurisdictions, which has either  (a) remained unresolved for a period of six months or more; or (b) the nature of which would result in a determination of unsuitability for registration. | Presumptive Negative Suitability Determination |
| Present | Submission of Untruthful Information to the Commission Including, but Not Limited to:  Submission of information in connection with an agent application, waiver request or other Commission action that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity, including lack of disclosure or insufficient disclosure; or  Making statements during or in connection with a Commission inspection or investigation that are deceptive, misleading, false or fraudulent, or that tend to deceive or create a misleading impression, whether directly, or by omission or ambiguity, including lack of disclosure or insufficient disclosure. | Presumptive Negative Suitability Determination |

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| Time Period | Precipitating Issue | Result |
| Indefinite | Conviction or Continuance without a Finding (CWOF) for Any Distribution of a Controlled Substance to a Minor | Mandatory Disqualification |
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| Indefinite | The applicant's or Licensee's prior actions posed or would likely pose a risk to the public health, safety, or welfare; and the risk posed by the applicant's or Licensee's actions relates or would likely relate to the operation of an MTC. | May make a Negative Suitability Determination in accordance with  935 CMR 501.800(8) |

501.803: Suitability Standard for Registration as a Laboratory Agent

1. 935 CMR 501.803 shall apply to Laboratory Agents in their capacity as employees or volunteers for an Independent Testing Laboratory licensed pursuant to 935 CMR 501.029 registered with the DCJIS pursuant to 803 CMR 2.04: *iCORI Registration* and the Commission for purposes of determining suitability for registration as a Laboratory Agent with the Licensee.
2. In accordance with M.G.L. c. 94G, § 15(b)(5), the Commission is prohibited from issuing a registration to a Laboratory Agent who has been convicted of a felony drug offense in the Commonwealth or Other Jurisdictions that would be a felony drug offense in the Commonwealth.
3. For purposes of determining suitability based on background checks performed in accordance with 935 CMR 501.803:
4. All conditions, offenses, and violations are construed to include Massachusetts law or similar law(s) of Other Jurisdictions.
5. All criminal disqualifying conditions, offenses, and violations include the crimes of attempt, accessory, conspiracy, and solicitation.
6. Juvenile dispositions shall not be considered as a factor for determining suitability.
7. Where applicable, all look back periods for criminal conditions, offenses, and violations included in 935 CMR 501.803: *Table C* commence on the date of disposition; provided however, that if disposition results in incarceration in any institution, the look back period shall commence on release from incarceration.
8. Unless otherwise specified in 935 CMR 501.803: *Table C*, a criminal condition, offense or violation shall include both convictions, which include guilty pleas and pleas of *nolo contendere*, and dispositions resulting in continuances without a finding or other disposition constituting an admission to sufficient facts, but shall exclude other non-conviction dispositions.
9. All suitability determinations will be made in accordance with the procedures set forth in 935 CMR 501.800. In addition to the requirements established in 935 CMR 501.800 shall:
   1. Consider whether offense(s) or information that would result in a Presumptive Negative Suitability Determination under 935 CMR 501.803: *Table C* renders the subject unsuitable for registration, regardless of the determination of the Licensee; and
   2. Consider appeals of determinations of unsuitability based on claims of erroneous information received as part of the background check during the application process in accordance with 803 CMR 2.17: *Requirement to Maintain a Secondary Dissemination Log* and 803 CMR 2.18: *Adverse Employment Decision Based on CORI or Other Types of Criminal History Information Received from a Source Other than the DCJIS*.

Table C: Registration as a Laboratory Agent. Shall apply solely to applicants for registration as a Laboratory Agent in accordance with 935 CMR 501.803 at an MTC registered or licensed pursuant to 935 CMR 501.052, or 935 CMR 500.050: *Marijuana Establishments*.

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| Time Period | Precipitating Issue | Result |
| Present (during time from start of application process through action on application or renewal). | Open/Unresolved Criminal Proceedings:  Any outstanding or unresolved criminal proceeding, the disposition of which may result in a felony conviction under the laws of the Commonwealth or a similar law in Other Jurisdictions. | Mandatory Disqualification |
| Present | Open/Unresolved Marijuana | Presumptive |
|  | Business-related License | Negative |
|  | Violations (Massachusetts or | Suitability |
|  | Other Jurisdictions): | Determination |
|  | an outstanding or unresolved |  |
|  | violation of the regulations as |  |
|  | included in 935 CMR 501.000 |  |
|  | or a similar statute or |  |
|  | regulations in Other |  |
|  | Jurisdictions that has either (a) |  |
|  | remained unresolved for a |  |
|  | period of six months or more; or |  |
|  | (b) the nature of which would |  |
|  | result in a determination of |  |
|  | unsuitability for registration. |  |

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| Time Period | Precipitating Issue | Result |
| Present | Submission of False or Misleading Information to the Commission Including, but Not Limited to:  Submission of information in connection with an agent application, waiver request or other Commission action that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity including lack of disclosure or insufficient disclosure; or  Making statements during or in connection with a Commission inspection or investigation that are deceptive, misleading, false or fraudulent, or that tend to deceive or create a misleading impression, whether directly, or by omission or ambiguity, including lack of disclosure or insufficient disclosure. | Presumptive Negative Suitability Determination |
| Present | Open Professional or Occupational License Cases | Mandatory Disqualification |
| Indefinite | Felony Convictions in Massachusetts or Other Jurisdictions for drug offenses or trafficking crimes under  M.G.L. c. 94C, § 32E, or like crimes in Other Jurisdictions. | Mandatory Disqualification |
| Preceding Five Years | Felony Convictions or CWOF in Massachusetts or Other Jurisdictions for crimes of violence against a person, "violent crime" to be defined the same way as under M.G.L.  c. 140, § 121 and M.G.L. c. 127,  § 133E. | Presumptive Negative Suitability Determination |
| Preceding Seven Years | Felony Convictions or CWOF in Massachusetts or Other Jurisdictions for crimes of dishonesty or fraud. | Presumptive Negative Suitability Determination |

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| Time Period | Precipitating Issue | Result |
| Preceding Five Years | The applicant's or Licensee's prior actions posed or would likely pose a risk to the public health, safety, or welfare; and  the risk posed by the applicant's or Licensee's actions relates or would likely relate to the operation of an MTC. | May make a Negative Suitability Determination in accordance with 935 CMR 500.800(8) |