

Regulation 105 CMR 725.105 & 110 - Procedures & Security

725.105: Operational Requirements for Registered Marijuana Dispensaries

- (A) Every RMD shall have and follow a set of detailed written operating procedures
- (B) Cultivation, Acquisition, and Distribution Requirements
- (C) Requirements for Handling and Testing Marijuana and for Production of MIPs
- (D) RMD Storage Requirements
- (E) Packaging and Labeling
- (F) Dispensing Marijuana
- (G) Inventory
- (H) Dispensary Agent Training
- (I) Record Keeping
- (J) Waste Disposal
- (K) Patient Education
- (L) Marketing and Advertising Requirements
- (M) Reports to the Department
- (N) Prohibitions
- (O) Requirements Upon Expiration, Revocation, or Voiding of Certificate of Reg. of RMD
- (P) Access to the Department, Emergency Responders, and Law Enforcement
- (Q) Liability Insurance Coverage or Maintenance of Escrow

725.110: Security Requirements for Registered Marijuana Dispensaries

- (A) General Requirements
- (B) Alternate Security Provisions
- (C) Limited Access Areas
- (D) Security and Alarm Systems
- (E) Registered Marijuana Dispensary Transportation of Marijuana and MIPs
- (F) Incident Reporting

**105 CMR 725.000: IMPLEMENTATION OF AN ACT FOR
THE HUMANITARIAN MEDICAL USE OF MARIJUANA**

725.105: Operational Requirements for Registered Marijuana Dispensaries

(A) **Every RMD shall have and follow a set of detailed written operating procedures.** If the RMD has a second location, it shall develop and follow a set of such operating procedures for that facility. Operating procedures shall include but need not be limited to the following:

- (1) Security measures in compliance with 105 CMR 725.110;
- (2) Employee security policies, including personal safety and crime prevention techniques;
- (3) A description of the RMD's:
 - (a) Hours of operation and after-hours contact information, which shall be provided to the Department, made available to law enforcement officials upon request, and updated pursuant to 105 CMR 725.100(F)(4); and
 - (b) Price list for marijuana, MIPs, and any other available products, and alternate price lists for patients with documented verified financial hardship as required by 105 CMR 725.100(A)(6);
- (4) Storage of marijuana in compliance with 105 CMR 725.105(D);
- (5) Description of the various strains of marijuana to be cultivated and dispensed, and the form(s) in which marijuana will be dispensed;
- (6) Procedures to ensure accurate recordkeeping, including inventory protocols;
- (7) Plans for quality control, including product testing for contaminants in compliance with 105 CMR 725.105(C)(2);
- (8) A staffing plan and staffing records in compliance with 105 CMR 725.105(I)(4)(c);
- (9) Emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies;
- (10) Alcohol, smoke, and drug-free workplace policies;
- (11) A plan describing how confidential information will be maintained in accordance with 105 CMR 725.200;
- (12) A description of the RMD's patient education activities in accordance with 105 CMR 725.105(K);
- (13) The standards and procedures by which the RMD determines the price it charges for marijuana, and a record of the prices charged, including the RMD'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 105 CMR 725.100(A)(6);

(14) Written policies and procedures for the production and distribution of marijuana, which shall include but not be limited to:

- (a) Methods for identifying, recording, and reporting diversion, theft, or loss, and for correcting all errors and inaccuracies in inventories;
- (b) A procedure for handling voluntary and mandatory recalls of marijuana. Such procedure shall be adequate to deal with recalls due to any action initiated at the request or order of the Department, and any voluntary action by a RMD to remove defective or potentially defective marijuana from the market, as well as any action undertaken to promote public health and safety;
- (c) A procedure for ensuring that any outdated, damaged, deteriorated, mislabeled, or contaminated marijuana is segregated from other marijuana and destroyed. This procedure shall provide for written documentation of the disposition of the marijuana;
- (d) Policies and procedures for patient or personal caregiver home-delivery; and
- (e) Policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs.

(15) A policy for the immediate dismissal of any dispensary agent who has:

- (a) Diverted marijuana, which shall be reported to law enforcement officials and to the Department; or
- (b) Engaged in unsafe practices with regard to operation of the RMD, which shall be reported to the Department; and

(16) A list of all board members and executives of a RMD, and members, if any, of the nonprofit corporation, must be made available upon request by any individual. This requirement may be fulfilled by placing this information on the RMD's website.

(B) Cultivation, Acquisition, and Distribution Requirements

(1) The following requirements pertain to cultivation of marijuana for medical use:

- (a) Only a RMD is permitted to cultivate marijuana, with the exception of a registered qualifying patient granted a hardship cultivation registration or that patient's personal caregiver;
- (b) A cultivation location of a RMD may cultivate marijuana for only that RMD, and up to two additional RMDs under a common non-profit corporation;
- (c) All phases of the cultivation of marijuana shall take place in designated, locked, limited access areas that are monitored by a surveillance camera system in accordance with 105 CMR 725.110(D)(1)(d)–(i);

(d) Application of any non-organic pesticide in the cultivation of marijuana is prohibited. All cultivation must be consistent with U.S. Department of Agriculture organic requirements at 7 CFR Part 205;

(e) Soil for cultivation shall meet the U.S. Agency for Toxic Substances and Disease Registry's Environmental Media Evaluation Guidelines for residential soil levels; and

(f) The cultivation process shall use best practices to limit contamination, including but not limited to mold, fungus, bacterial diseases, rot, pests, nonorganic pesticides, mildew, and any other contaminant identified as posing potential harm.

(2) A RMD may acquire marijuana from or distribute marijuana to another RMD when:

(a) An documented emergency situation occurs such as loss of crop, vandalism, or theft, or other circumstance as approved by the Department; or

(b) A specific registered qualifying patient's needs cannot otherwise be met by the acquiring RMD, as documented by the acquiring RMD; and

(c) The distribution and acquisition of marijuana to and from all other RMDs does not exceed, cumulatively, 30% of the RMD's total annual inventory.

(C) Requirements for Handling and Testing Marijuana and for Production of MIPs

(1) Except for a registered qualifying patient or personal caregiver, who are not subject to 105 CMR 725.105, only a registered RMD is permitted to produce MIPs. A MIP production facility of a RMD may produce MIPs for only that RMD, and up to two additional RMDs under a common non-profit corporation.

(2) The RMD is responsible for having all marijuana cultivated by the RMD tested in accordance with the following:

(a) Marijuana shall be tested for the cannabinoid profile and for contaminants as specified by the Department, including but not limited to mold, mildew, heavy metals, plant-growth regulators, and the presence of non-organic pesticides. The Department may require additional testing;

(b) The RMD shall maintain the results of all testing for no less than one year;

(c) The RMD must have and follow a policy and procedure for responding to results indicating contamination, which shall include destruction of contaminated product and assessment of the source of contamination. Such policy shall be available to registered qualifying patients and personal caregivers;

(d) All testing must be conducted by an independent laboratory that is:

1. Accredited to International Organization for Standardization (ISO) 17025 by a third party accrediting body such as A2LA or ACLASS; or

2. Certified, registered, or accredited by an organization approved by the Department.

(e) The RMD shall arrange for testing to be conducted in accordance with the frequency required by the Department;

(f) A RMD must have a contractual arrangement with a laboratory for the purposes of testing marijuana, including a stipulation that those individuals responsible for testing at the laboratory be registered as dispensary agents by the RMD pursuant to 105 CMR 725.030;

(g) An executive of a RMD, or a member, if any, of the non-profit corporation, is prohibited from having any financial or other interest in a laboratory providing testing services for any RMD;

(h) No individual employee of a laboratory providing testing services for RMDs may receive direct financial compensation from any RMD;

(i) All transportation of marijuana to and from laboratories providing marijuana testing services shall comply with 105 CMR 725.110(E);

(j) All storage of marijuana at a laboratory providing marijuana testing services shall comply with 105 CMR 725.105(D); and

(k) All excess marijuana must be returned to the source RMD and be disposed of pursuant to 105 CMR 725.105(J).

(3) All marijuana in the process of cultivation, production, preparation, transport, or analysis shall be housed and stored in such a manner as to prevent diversion, theft, or loss.

(a) Such items shall be accessible only to the minimum number of specifically authorized dispensary agents essential for efficient operation.

(b) Such items shall be returned to a secure location immediately after completion of the process or at the end of the scheduled business day.

(c) If a manufacturing process cannot be completed at the end of a working day, the processing area or tanks, vessels, bins, or bulk containers containing marijuana shall be securely locked inside an area or building that affords adequate security.

(4) A RMD shall process marijuana in a safe and sanitary manner. A RMD shall process the leaves and flowers of the female marijuana plant only, which shall be:

(a) Well cured and free of seeds and stems;

(b) Free of dirt, sand, debris, and other foreign matter;

(c) Free of contamination by mold, rot, other fungus, and bacterial diseases;

(d) Prepared and handled on food-grade stainless steel tables; and

(e) Packaged in a secure area.

(5) Production of edible MIPs shall take place in compliance with the following:

(a) All edible MIPs shall be prepared, handled, and stored in compliance with the sanitation requirements in 105 CMR 500.000: Good Manufacturing Practices for Food, and with the requirements for food handlers specified in 105 CMR 300.000:

Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements; and

(b) Any edible MIP that is made to resemble a typical food or beverage product must be packaged in an opaque package and labeled as required by 105 CMR 725.105(E)(3).

(6) All RMDs, including those that develop or process non-edible MIPs, shall comply with the following sanitary requirements:

(a) Any dispensary agent whose job includes contact with marijuana or non-edible MIPs, including cultivation, production, or packaging, is subject to the requirements for food handlers specified in 105 CMR 300.000: Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements;

(b) Any dispensary agent working in direct contact with preparation of marijuana or non-edible MIPs shall conform to sanitary practices while on duty, including:

1. Maintaining adequate personal cleanliness; and

2. Washing hands thoroughly in an adequate hand-washing area before starting work, and at any other time when hands may have become soiled or contaminated.

(c) Hand-washing facilities shall be adequate and convenient and shall be furnished with running water at a suitable temperature. Hand-washing facilities shall be located in the RMD in production areas and where good sanitary practices require employees to wash and/or sanitize their hands, and shall provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices;

(d) There shall be sufficient space for placement of equipment and storage of materials as is necessary for the maintenance of sanitary operations;

(e) Litter and waste shall be properly removed, disposed of so as to minimize the development of odor, and minimize the potential for the waste attracting and harboring pests. The operating systems for waste disposal shall be maintained in an adequate manner pursuant to 105 CMR 725.105(J);

(f) Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately kept clean and in good repair;

(g) There shall be adequate safety lighting in all processing and storage areas, as well as areas where equipment or utensils are cleaned;

- (h) Buildings, fixtures, and other physical facilities shall be maintained in a sanitary condition;
- (i) All contact surfaces, including utensils and equipment, shall be maintained in a clean and sanitary condition. Such surfaces shall be cleaned and sanitized as frequently as necessary to protect against contamination, using a sanitizing agent registered by the U.S. Environmental Protection Agency (EPA), in accordance with labeled instructions. Equipment and utensils shall be so designed and of such material and workmanship as to be adequately cleanable;
- (j) All toxic items shall be identified, held, and stored in a manner that protects against contamination of marijuana and MIPs;
- (k) A RMD's water supply shall be sufficient for necessary operations. Any private water source shall be capable of providing a safe, potable, and adequate supply of water to meet the RMD's needs;
- (l) Plumbing shall be of adequate size and design, and adequately installed and maintained to carry sufficient quantities of water to required locations throughout the RMD. Plumbing shall properly convey sewage and liquid disposable waste from the RMD. There shall be no cross-connections between the potable and waste water lines;
- (m) A RMD shall provide its employees with adequate, readily accessible toilet facilities that are maintained in a sanitary condition and in good repair;
- (n) Products that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms; and
- (o) Storage and transportation of finished products shall be under conditions that will protect them against physical, chemical, and microbial contamination as well as against deterioration of them or their container.

(D) RMD Storage Requirements

- (1) A RMD shall provide adequate lighting, ventilation, temperature, humidity, space, and equipment, in accordance with applicable provisions of 105 CMR 725.105 and 725.110.
- (2) A RMD shall have separate areas for storage of marijuana that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging have been opened or breached, until such products are destroyed.
- (3) RMD storage areas shall be maintained in a clean and orderly condition.
- (4) RMD storage areas shall be free from infestation by insects, rodents, birds, and pests of any kind.
- (5) RMD storage areas shall be maintained in accordance with the security requirements of 105 CMR 725.110.

(E) Packaging and Labeling

(1) Marijuana shall be packaged in plain, opaque, tamper-proof, and child-proof containers without depictions of the product, cartoons, or images other than the RMD's logo. Edible MIPs shall not bear a reasonable resemblance to any product available for consumption as a commercially available candy.

(2) Labeling of Marijuana (Excluding MIPs). The RMD shall place a legible, firmly affixed label on which the wording is no less than 1/16 inch in size on each package of marijuana that it prepares for dispensing, containing at a minimum the following information:

- (a) The registered qualifying patient's name;
- (b) The name and registration number of the RMD that produced the marijuana, together with the RMD's telephone number and mailing address, and website information, if any;
- (c) The quantity of usable marijuana contained within the package;
- (d) The date that the RMD packaged the contents;
- (e) A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and processing;
- (f) The cannabinoid profile of the marijuana contained within the package, including THC level;
- (g) A statement that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with 105 CMR 725.105(C)(2); and
- (h) This statement, including capitalization: "This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Do not drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN."

(3) Labeling of MIPs.

The RMD shall place a legible, firmly affixed label on which the wording is no less than 1/16 inch in size on each MIP that it prepares for dispensing, containing at a minimum the following information:

- (a) The registered qualifying patient's name;
- (b) The name and registration number of the RMD that produced the MIP, together with the RMD's telephone number and mailing address, and website information, if any;
- (c) The name of the product;
- (d) The quantity of usable marijuana contained within the product as measured in ounces;
- (e) A list of ingredients, including the cannabinoid profile of the marijuana contained within the product, including the THC level;

- (f) The date of product creation and the recommended “use by” or expiration date;
- (g) A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and processing;
- (h) Directions for use of the product if relevant;
- (i) A statement that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with 105 CMR 725.105(C)(2);
- (j) A warning if nuts or other known allergens are contained in the product; and
- (k) This statement, including capitalization: “This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Do not drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN.”

(F) Dispensing Marijuana

(1) Registered qualifying patients and personal caregivers shall be identified as follows:

(a) A RMD shall refuse to sell marijuana to any registered qualifying patient or personal caregiver who is unable to produce a registration card and valid proof of identification, or who does not have a valid certification in the Department supported interoperable database. The identification must contain a name, photograph, and date of birth, and shall be limited to one of the following:

1. A driver’s license;
2. A government-issued identification card;
3. A military identification card; or
4. A passport.

(b) Upon entry into a RMD by a registered qualifying patient or personal caregiver, a dispensary agent shall immediately inspect the patient or caregiver’s registration card and proof of identification.

(2) A RMD may dispense only to a registered qualifying patient who has a current valid certification, or to his or her personal caregiver. Pursuant to 105 CMR 725.010(H), a certifying physician shall have defined the calendar day length of valid certification of a qualifying patient.

(a) For a registered qualifying patient certified for less than 60 days, the amount of marijuana dispensed, including marijuana contained in MIPs, shall be no more than the appropriate proportion of a 60-day supply, as defined in 105 CMR 725.004 (e.g., a patient certified for 15 days may receive up to 2.5 ounces of marijuana).

(b) For a registered qualifying patient certified for 60 days or longer, the amount of marijuana dispensed, including marijuana contained in MIPs, shall be no more than a 60-day supply in each 60-day period as defined in 105 CMR 725.004 (e.g. a patient certified for 90 days may receive up to ten ounces in the first 60 days and five ounces in the remaining 30 days, while a patient certified for 180 days may receive up to ten ounces in each 60-day period).

(c) For a registered qualifying patient whose certifying physician has determined that he or she requires a 60-day supply in excess of 10 ounces in accordance with 105 CMR 725.010(I), the amount of marijuana dispensed, including marijuana contained in MIPs, pursuant to 105 CMR 725.105(F)(2)(a) or (b) shall be adjusted accordingly.

(3) A RMD shall make interpreter services available that are appropriate to the population served, including for the visually- and hearing-impaired. Such services may be provided by any effective means.

(4) A RMD may refuse to dispense to a registered qualifying patient or personal caregiver if in the opinion of the dispensary agent, the patient or the public would be placed at risk. In any instance of denial, a RMD must notify the patient's certifying physician within 24 hours.

(G) Inventory

(1) A RMD must limit its inventory of seeds, plants, and usable marijuana to reflect the projected needs of registered qualifying patients.

(2) Real-time inventory shall be maintained as specified by the Department and in 105 CMR 725.105(G)(3) and (4), including, at a minimum, an inventory of marijuana plants; marijuana plant-clones in any phase of development such as propagation, vegetation, and flowering; marijuana ready for dispensing; all MIPs; and all damaged, defective, expired, or contaminated marijuana and MIPs awaiting disposal.

(3) A RMD shall:

(a) Establish inventory controls and procedures for the conduct of inventory reviews, and comprehensive inventories of marijuana and MIPs in the process of cultivation, and finished, stored marijuana;

(b) Conduct a monthly inventory of marijuana in the process of cultivation and finished, stored marijuana;

(c) Conduct a comprehensive annual inventory at least once every year after the date of the previous comprehensive inventory; and

(d) Promptly transcribe inventories if taken by use of an oral recording device.

(4) The record of each inventory shall include, at a minimum, the date of the inventory, a summary of the inventory findings, and the names, signatures, and titles of the individuals who conducted the inventory.

(5) A RMD shall tag and track all marijuana seeds, plants, and products, using a seed-to-sale methodology.

(H) Dispensary Agent Training

RMDs shall ensure that all dispensary agents complete training prior to performing job functions. Training shall be tailored to the roles and responsibilities of the job function of each dispensary agent, and at a minimum must include training on confidentiality, and other topics as specified by the Department. At a minimum, staff shall receive 8 hours of on-going training annually.

(I) Record Keeping

Records of a RMD must be available for inspection by the Department, upon request. Written records that are required and are subject to inspection include but are not necessarily limited to all records required in any section of 105 CMR 725.000, in addition to the following:

- (1) Operating procedures as required by 105 CMR 725.105(A);
- (2) Inventory records as required by 105 CMR 725.105(G);
- (3) Seed-to-sale tracking records for all marijuana and MIPs as required by 725.105(G)(5);
- (4) The following personnel records:
 - (a) Job descriptions for each employee and volunteer position, as well as organizational charts consistent with the job descriptions;
 - (b) A personnel record for each dispensary agent. Such records shall be maintained for at least 12 months after termination of the individual's affiliation with the RMD and shall include, at a minimum, the following:
 1. All materials submitted to the Department pursuant to 105 CMR 725.030(B);
 2. Documentation of verification of references;
 3. The job description or employment contract that includes duties, authority, responsibilities, qualifications, and supervision;
 4. Documentation of all required training, including training regarding privacy and confidentiality requirements, and the signed statement of the individual indicating the date, time, and place he or she received said training and the topics discussed, including the name and title of presenters;
 5. A copy of the application that the RMD submitted to the Department on behalf of any prospective dispensary agent;
 6. Documentation of periodic performance evaluations; and
 7. A record of any disciplinary action taken.

- (c) A staffing plan that will demonstrate accessible business hours and safe cultivation conditions;
 - (d) Personnel policies and procedures; and
 - (e) All CORI reports obtained in accordance with 105 CMR 725.030(C), M.G.L. c.6, s. 172 and 803 CMR 2.00;
- (5) Business records, which shall include manual or computerized records of:
- (a) Assets and liabilities;
 - (b) Monetary transactions;
 - (c) Books of accounts, which shall include journals, ledgers, and supporting documents, agreements, checks, invoices, and vouchers;
 - (d) Sales records that indicate the name of the registered qualifying patient or personal caregiver to whom marijuana has been dispensed, including the quantity, form, and cost; and
 - (e) Salary and wages paid to each employee, stipend paid to each board member, and any executive compensation, bonus, benefit, or item of value paid to any individual affiliated with a RMD, including members of the non-profit corporation, if any.
- (6) Waste disposal records as required under 105 CMR 725.105(J)(5); and
- (7) Following closure of a RMD, all records must be kept for at least 2 years at the expense of the RMD and in a form and location acceptable to the Department.

(J) Waste Disposal

- (1) All waste, including waste composed of or containing finished marijuana and MIPs, shall be stored, secured, and managed in accordance with applicable state and local statutes, ordinances, and regulations.
- (2) Liquid waste containing marijuana or by-products of marijuana processing shall be disposed of in compliance with requirements for discharge into surface water (314 CMR 3.00), groundwater (314 CMR 5.00), and sewers (314 CMR 7.00), or disposed of in an industrial wastewater holding tank in accordance with 314 CMR 18.00.
- (3) Solid waste generated at a RMD shall be disposed of as follows:
 - (a) Incineration in a commercial or municipal waste combustor in Massachusetts holding a valid permit issued by the Department of Environmental Protection (DEP). No fewer than two dispensary agents must witness and document destruction; or
 - (b) Disposal in a landfill holding a valid permit issued by the DEP or by the appropriate state agency in the state in which the facility is located. No fewer than two dispensary agents must witness and document disposal in the landfill; or

(c) Grinding and incorporating the medical marijuana waste with solid wastes such that the resulting mixture renders the medical marijuana waste unusable. Once such medical marijuana waste has been rendered unusable, it may be:

1. Disposed of in a solid waste management facility that holds a valid permit issued by the DEP or by the appropriate state agency in the state in which the facility is located; or
2. If the material mixed with the medical marijuana waste is organic material as defined in 310 CMR 16.02, the mixture may be composted at an operation that is in compliance with the requirements of 310 CMR 16.00.

(4) A RMD must accept at no charge unused, excess, or contaminated marijuana from a registered qualifying patient or personal caregiver, and shall destroy it as provided in 105 CMR 725.105(J) and maintain a written record of such disposal, which shall include the name of the supplying registered qualifying patient or personal caregiver if applicable.

(5) When marijuana or MIPs are disposed of, the RMD must create and maintain a written record of the date, the type and quantity disposed of, the manner of disposal, and the persons present during the disposal, with their signatures. RMDs shall keep disposal records for at least two years.

(K) Patient Education.

A RMD shall provide educational materials about marijuana to registered qualifying patients and their personal caregivers. A RMD must have an adequate supply of up-to-date educational material available for distribution. Educational materials must be available in languages accessible to all patients served by the RMD, including for the visually- and hearing-impaired. Such materials shall be made available for inspection by the Department upon request. The educational material must include at least the following:

- (1) A warning that marijuana has not been analyzed or approved by FDA, that there is limited information on side effects, that there may be health risks associated with using marijuana, and that it should be kept away from children;
- (2) A warning that when under the influence of marijuana, driving is prohibited by M.G.L. c. 90, s. 24, and machinery should not be operated;
- (3) Information to assist in the selection of marijuana, describing the potential differing effects of various strains of marijuana, as well as various forms and routes of administration;
- (4) Materials offered to registered qualifying patients and their personal caregivers to enable them to track the strains used and their associated effects;
- (5) Information describing proper dosage and titration for different routes of administration. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of potency must also be explained;

- (6) A discussion of tolerance, dependence, and withdrawal;
- (7) Facts regarding substance abuse signs and symptoms, as well as referral information for substance abuse treatment programs;
- (8) A statement that registered qualifying patients may not distribute marijuana to any other individual, and that they must return unused, excess, or contaminated product to the RMD from which they purchased the product, for disposal; and
- (9) Any other information required by the Department.

(L) Marketing and Advertising Requirements

- (1) A RMD may develop a logo to be used in labeling, signage, and other materials. Use of medical symbols, images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana are prohibited from use in this logo.
- (2) RMD external signage shall not be illuminated except for a period of 30 minutes before sundown until closing, and shall comply with local requirements regarding signage, provided however that the Department may further specify minimum signage requirements. Neon signage is prohibited at all times.
- (3) A RMD shall not display on the exterior of the facility advertisements for marijuana or any brand name, and may only identify the building by the registered name.
- (4) A RMD shall not utilize graphics related to marijuana or paraphernalia on the exterior of the RMD or the building in which the RMD is located.
- (5) A RMD shall not advertise the price of marijuana, except that it shall provide a catalogue or a printed list of the prices and strains of marijuana available at the RMD to registered qualifying patients and personal caregivers upon request.
- (6) Marijuana, MIPs, and associated products shall not be displayed or clearly visible to a person from the exterior of a RMD.
- (7) A RMD shall not produce any items for sale or promotional gifts, such as T-shirts or novelty items, bearing a symbol of or references to marijuana or MIPs, including the logo of the RMD.
- (8) All advertising materials and materials produced by a RMD and disseminated pursuant to 105 CMR 725.105(K) or (L) are prohibited from including:
 - (a) Any statement, design, representation, picture, or illustration that encourages or represents the use of marijuana for any purpose other than to treat a debilitating medical condition or related symptoms;
 - (b) Any statement, design, representation, picture, or illustration that encourages or represents the recreational use of marijuana;

(c) Any statement, design, representation, picture, or illustration related to the safety or efficacy of marijuana unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor, which shall be made available upon the request of a registrant or the Department; or

(d) Any statement, design, representation, picture, or illustration portraying anyone under 18 years of age.

(9) Inside the RMD, all marijuana shall be kept in a limited access area inaccessible to any persons other than dispensary agents, with the exception of displays allowable under 105 CMR 725.105(L)(10). Inside the RMD, all marijuana shall be stored in a locked, access controlled space in a limited access area during non-business hours.

(10) A RMD may display, in secure, locked cases, no more than one sample of each product offered for sale. These display cases may be transparent.

(11) The Department shall maintain and make available a list of all RMDs, their dispensing location, and their contact information.

(M) Reports to the Department

The Department may require ongoing reporting on operational, quality, and financial information in a form and manner determined by the Department.

(N) Prohibitions

(1) A RMD may not dispense, deliver, or otherwise transfer marijuana to a person other than a registered qualifying patient or to his or her personal caregiver, to another RMD as specified in 105 CMR 725.105(B)(2), or to a laboratory as specified in 105 CMR 725.105(C)(2).

(2) A RMD may not acquire marijuana or marijuana plants except through the cultivation of marijuana by that RMD or another RMD as specified in 105 CMR 725.105(B)(2), provided however that a RMD may acquire marijuana seeds.

(3) A RMD is prohibited from acquiring, possessing, cultivating, delivering, transferring, transporting, supplying, or dispensing marijuana for any purpose except to assist registered qualifying patients.

(4) A RMD may not give away any marijuana except as required pursuant to 105 CMR 725.100(A)(6). A RMD may not provide any samples of marijuana.

(5) A RMD may not receive orders for marijuana in any manner other than from a registered qualifying patient or personal caregiver in-person at the RMD, except in the cases of home delivery, in which an order may be received by telephone or through a password protected, internet-based platform.

(6) A RMD may not fill orders for marijuana in any manner other than to a registered qualifying patient or personal caregiver in-person at the RMD, except in the case of home

delivery, in which an order may be delivered only to a registered qualifying patient or personal caregiver who possesses valid photo identification as required pursuant to 105 CMR 725.105(F)(2).

(7) A RMD may not sell any products other than marijuana, including MIPs and marijuana seeds, and other products such as vaporizers that facilitate the use of marijuana for medical purposes.

(8) Consumption of marijuana on the premises or grounds of any RMD is prohibited, provided however that a RMD may administer marijuana for the purposes of teaching use of vaporizers, or demonstration of use of other products as necessary.

(9) A RMD may not adulterate marijuana, including with psychoactive additives or other illicit substances.

(10) A RMD may not sell marijuana to a patient with a hardship cultivation registration or to his or her personal caregiver(s), provided however that the RMD may sell seeds to such individuals.

(O) Requirements Upon Expiration, Revocation, or Voiding of Certificate of Registration of RMD

(1) If a registration to operate expires without being renewed, is revoked, or becomes void, the RMD shall:

- (a) Immediately discontinue cultivation and production of marijuana;
- (b) Weigh and inventory all unused marijuana in all stages of cultivation and all MIPs in any stage of production, and create and maintain a written record of all such items;
- (c) Dispose of the unused marijuana in accordance with 105 CMR 725.105(J) subsequent to approval by the Department. Such disposal shall be considered to be in the best interests of the general public, and the Department shall not be held liable in any way for any financial or other loss; and
- (d) Maintain all records as required by 105 CMR 725.105(I)(7).

(2) If the RMD does not comply with the requirements of 105 CMR 725.105(O)(1), the Department shall have the authority to, at the RMD's expense, secure the RMD, and after a period of thirty calendar days, seize and destroy the inventory and equipment and contract for the storage of RMD records.

(P) Access to the Department, Emergency Responders, and Law Enforcement

(1) The following individuals shall have access to a RMD or RMD transportation vehicle:

- (a) Representatives of the Department in the course of responsibilities authorized by 105 CMR 725.000 or the Act; and
- (b) Emergency responders in the course of responding to an emergency.

(2) This regulation shall not be construed to prohibit access to authorized law enforcement personnel or local public health, inspectional services, or other permit-granting agents acting within their lawful jurisdiction.

(Q) Liability Insurance Coverage or Maintenance of Escrow

(1) A RMD shall obtain and maintain general liability insurance coverage for no less than \$1,000,000 per occurrence and \$2,000,000 in aggregate, annually, and product liability insurance coverage for no less than \$1,000,000 per occurrence and \$2,000,000 in aggregate, annually, except as provided in 105 CMR 725.105(Q)(2). The deductible for such a liability policy shall be no higher than \$5,000 per occurrence.

(2) A RMD that documents an inability to obtain minimum liability insurance coverage as required by 105 CMR 725.105(Q)(1) may place in escrow a sum of no less than \$250,000, to be expended for coverage of liabilities.

(3) The escrow account required pursuant to 105 CMR 725.105(Q)(2) must be replenished within 10 business days of any expenditure.

(4) Reports documenting compliance with 105 CMR 725.105(Q) shall be made in a manner and form determined by the Department pursuant to 105 CMR 725.105(M).

725.110: Security Requirements for Registered Marijuana Dispensaries

(A) General Requirements

A RMD shall implement sufficient security measures to deter and prevent unauthorized entrance into areas containing marijuana and theft of marijuana at the RMD. Security measures to protect the premises, registered qualifying patients, personal caregivers, and dispensary agents of the RMD must include but are not limited to the following. The RMD must:

(1) Allow only registered qualifying patients, personal caregivers, dispensary agents, persons authorized by 105 CMR 725.105(P), and, subject to the requirements of 105 CMR 725.110(C)(4), outside vendors, contractors, and visitors, access to the RMD;

(2) Prevent individuals from remaining on the premises of the RMD if they are not engaging in activity expressly or by necessary implication permitted by the Act and 105 CMR 725.000;

(3) Dispose of marijuana in accordance with 105 CMR 725.105(J), in excess of the quantity required for normal, efficient operation as established in 105 CMR 725.105(G)(1);

(4) Establish limited access areas accessible only to specifically authorized personnel, which shall include only the minimum number of employees essential for efficient operation;

(5) Store all finished marijuana in a secure, locked safe or vault and in such a manner as to prevent diversion, theft, and loss;

- (6) Keep all safes, vaults, and any other equipment or areas used for the production, cultivation, harvesting, processing, or storage of marijuana and MIPs securely locked and protected from entry, except for the actual time required to remove or replace marijuana;
- (7) Keep all locks and security equipment in good working order;
- (8) Prohibit keys, if applicable, from being left in the locks, or stored or placed in a location accessible to persons other than specifically authorized personnel;
- (9) Prohibit accessibility of security measures, such as combination numbers, passwords, or electronic or biometric security systems, to persons other than specifically authorized personnel;
- (10) Ensure that the outside perimeter of the RMD is sufficiently lit to facilitate surveillance;
- (11) Ensure that trees, bushes, and other foliage outside of the RMD do not allow for a person or persons to conceal themselves from sight;
- (12) Develop emergency policies and procedures for securing all product following any instance of diversion, theft, or loss of marijuana, and conduct an assessment to determine whether additional safeguards are necessary; and
- (13) Develop sufficient additional safeguards as required by the Department for RMDs that present special security concerns.
- (14) A RMD shall comply with all local requirements regarding siting, provided however that if no local requirements exist, a RMD shall not be sited within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate. The 500 foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD.

(B) Alternate Security Provisions

If a RMD has provided other safeguards that can be regarded as an adequate substitute for a security requirement specified in 105 CMR 725.110, such added protection may be taken into account by the Department in evaluating overall required security measures.

(C) Limited Access Areas

- (1) All limited access areas must be identified by the posting of a sign that shall be a minimum of 12" X 12" and which states: "Do Not Enter – Limited Access Area – Access Limited to Authorized Personnel Only" in lettering no smaller than 1 inch in height.
- (2) All limited access areas shall be clearly described by the filing of a diagram of the registered premises, in the form and manner determined by the Department, reflecting walls, partitions, counters, and all areas of entry and exit. Said diagram shall also show all propagation, vegetation, flowering, processing, production, storage, disposal, and retail sales areas.

(3) A dispensary agent shall visibly display an identification badge issued by the RMD at all times while at the RMD or transporting marijuana.

(4) All outside vendors, contractors, and visitors must obtain a visitor identification badge prior to entering a limited access area, and shall be escorted at all times by a dispensary agent authorized to enter the limited access area. The visitor identification badge must be visibly displayed at all times while the visitor is in any limited access area. All visitors must be logged in and out, and that log shall be available for inspection by the Department at all times. All visitor identification badges shall be returned to the RMD upon exit.

(D) Security and Alarm Systems

(1) A RMD shall have an adequate security system to prevent and detect diversion, theft, or loss of marijuana or unauthorized intrusion, utilizing commercial grade equipment, which shall, at a minimum, include:

(a) A perimeter alarm on all entry points and perimeter windows;

(b) A failure notification system that provides an audible, text, or visual notification of any failure in the surveillance system. The failure notification system shall provide an alert to designated employees of the RMD within five minutes after the failure, either by telephone, email, or text message;

(c) A duress alarm, panic alarm, or holdup alarm connected to local public safety or law enforcement authorities;

(d) Video cameras in all areas that may contain marijuana, at all points of entry and exit, and in any parking lot, which shall be appropriate for the normal lighting conditions of the area under surveillance. The cameras shall be directed at all safes, vaults, sales areas, and areas where marijuana is cultivated, harvested, processed, prepared, stored, handled, or dispensed. Cameras shall be angled so as to allow for the capture of clear and certain identification of any person entering or exiting the RMD or area;

(e) Twenty-four hour recordings from all video cameras that are available for immediate viewing by the Department upon request and that are retained for at least 90 calendar days. Recordings shall not be destroyed or altered, and shall be retained as long as necessary if the RMD is aware of a pending criminal, civil, or administrative investigation, or legal proceeding for which the recording may contain relevant information;

(f) The ability to immediately produce a clear, color, still photo (live or recorded);

(g) A date and time stamp embedded on all recordings. The date and time shall be synchronized and set correctly and shall not significantly obscure the picture;

(h) The ability to remain operational during a power outage; and

(i) A video recording that allows for the exporting of still images in an industry standard image format, including .jpg, .bmp, and .gif. Exported video shall have the ability to be

archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.

(2) All security system equipment and recordings shall be maintained in a secure location so as to prevent theft, loss, destruction, and alterations.

(3) In addition to the requirements listed in 105 CMR 725.110(D)(1) and (2), the RMD shall have a back-up alarm system, with all capabilities of the primary system, provided by a company supplying commercial grade equipment, which shall not be the same company supplying the primary security system.

(4) Access to surveillance areas shall be limited to persons that are essential to surveillance operations, law enforcement authorities acting within their lawful jurisdiction, security system service personnel, and the Department. A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Department upon request. If on-site, surveillance rooms shall remain locked and shall not be used for any other function.

(5) All security equipment shall be in good working order and shall be inspected and tested at regular intervals, not to exceed 30 calendar days from the previous inspection and test.

(E) Registered Marijuana Dispensary Transportation of Marijuana and MIPs

(1) Only a dispensary agent may transport marijuana or MIPs on behalf of a RMD, whether between RMDs, RMD sites, or to registered qualifying patients or personal caregivers.

(2) A RMD shall:

(a) Weigh, inventory, and account for on video all marijuana to be transported prior to its leaving the origination location;

(b) Re-weigh, re-inventory, and account for on video all marijuana transported, within eight hours after arrival at the destination RMD except in the case of home delivery pursuant to 105 CMR 725.110(E)(11);

(c) Document and report any unusual discrepancy in weight or inventory to the Department and local law enforcement within 24 hours;

(d) Complete a shipping manifest in a form and manner determined by the Department, for retention by the origination location, and carry a copy of said manifest with the products being transported; and

(e) Securely transmit a copy of the manifest to the receiving RMD prior to transport except in the case of home delivery pursuant to 105 CMR 725.110(E)(11).

(3) A RMD shall retain all shipping manifests for no less than one year and make them available to the Department upon request.

(4) A RMD shall ensure that marijuana is:

(a) Transported in a secure, locked storage compartment that is part of the vehicle transporting the marijuana;

(b) Not visible from outside the vehicle; and

(c) Transported in a vehicle that bears no markings that indicate that the vehicle is being used to transport marijuana nor indicates the name of the RMD.

(5) Any vehicle transporting marijuana shall travel directly to the receiving RMD and shall not make any stops except in the case of home delivery pursuant to 105 CMR 725.110(E)(11). In case of an emergency stop, a detailed log must be maintained describing the reason for the event, the duration, the location, and any activities of personnel exiting the vehicle.

(6) A RMD shall ensure that all delivery times and routes are randomized.

(7) A RMD shall staff all transport vehicles with a minimum of two dispensary agents. At least one dispensary agent shall remain with the vehicle at all times that the vehicle contains marijuana.

(8) Each dispensary agent shall have access to a secure form of communication with personnel at the sending site at all times that the vehicle contains marijuana.

(9) Each dispensary agent shall carry his or her Department-issued registration card at all times when transporting marijuana and shall produce it to the Department's authorized representative or law enforcement official upon request.

(10) A RMD shall report to the Department and local law enforcement any vehicle accidents, diversions, losses, or other reportable incidents pursuant to 105 CMR 725.110(F), that occur during transport, within 24 hours.

(11) Home delivery of marijuana to a registered qualifying patient or a personal caregiver shall be conducted in accordance with 105 CMR 725.105(F) and 105 CMR 725.110(E).

(12) Each vehicle used for transport of marijuana shall have a global positioning system monitoring device that is monitored by the RMD during transport.

(F) Incident Reporting

(1) A RMD shall immediately notify appropriate law enforcement authorities and the Department within 24 hours after discovering the following:

(a) Discrepancies identified during inventory, diversion, theft, loss, and any criminal action involving the RMD or a dispensary agent;

(b) Any suspicious act involving the sale, cultivation, distribution, processing, or production of marijuana by any person;

(c) Unauthorized destruction of marijuana;

(d) Any loss or unauthorized alteration of records related to marijuana, registered qualifying patients, personal caregivers, or dispensary agents;

(e) An alarm activation or other event that requires response by public safety personnel;

(f) The failure of any security alarm system due to a loss of electrical power or mechanical malfunction that is expected to last longer than eight hours; and

(g) Any other breach of security.

(2) A RMD shall, within 10 calendar days, provide written notice to the Department of any incident described in 105 CMR 725.110(F)(1), by submitting an incident report in the form and manner determined by the Department which details the circumstances of the event, any corrective actions taken, and confirmation that the appropriate law enforcement authorities were notified.

(3) All documentation related to an incident that is reportable pursuant to 105 CMR 725.110(F)(1) shall be maintained by a RMD for no less than one year and made available to the Department and to law enforcement authorities acting within their lawful jurisdiction upon request.

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