

Section 500.105. General Operational Requirements for Marijuana Establishments

(1) Written Operating Procedures . Every Marijuana Establishment shall have and follow a set of detailed written operating procedures. If the Marijuana Establishment 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:

(a) Security measures in compliance with 935 CMR 500.110;

(b) Employee security policies, including personal safety and crime prevention techniques;

(c) A description of the Marijuana Establishment's hours of operation and after-hours contact information, which shall be provided to the Commission, made available to law enforcement officials upon request, and updated pursuant to 935 CMR 500.000.

(d) Storage of marijuana in compliance with 935 CMR 500.105(11);

(e) Description of the various strains of marijuana to be cultivated, processed or sold, as applicable, and the form(s) in which marijuana will be sold;

(f) Procedures to ensure accurate recordkeeping, including inventory protocols in compliance with 935 CMR 500.105(8) and (9);

(g) Plans for quality control, including product testing for contaminants in compliance with 935 CMR 500.160;

(h) A staffing plan and staffing records in compliance with 935 CMR 500.105(9);

(i) Emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies;

(j) Alcohol, smoke, and drag-free workplace policies;

(k) A plan describing how confidential information will be maintained;

(l) A policy for the immediate dismissal of any marijuana establishment agent who has:

1. Diverted marijuana, which shall be reported to law enforcement officials and to the Commission;

2. Engaged in unsafe practices with regard to operation of the Marijuana Establishment, which shall be reported to the Commission; or

3. Been convicted or entered a guilty plea, plea of *nolo contendere*, or admission to sufficient facts of a felony drag offense involving distribution to a minor in the Commonwealth, or a like violation of the laws of another state, the United States or a foreign jurisdiction, or a military, territorial, or Native American tribal authority.

(m) A list of all board members and executives of a Marijuana Establishment, and members, if any, of the licensee must be made available upon request by any individual.

935 CMR 500.105(1)(m) requirement may be fulfilled by placing this information on the Marijuana Establishment's website.

(n) Policies and procedures for the handling of cash on Marijuana Establishment premises including but not limited to storage, collection frequency, and transport to financial institution(s).

(o) Policies and procedures to prevent the diversion of marijuana to individuals younger than 21 years old.

(p) Policies and procedures for energy efficiency and conservation that shall include:

1. Identification of potential energy use reduction opportunities (including but not limited to natural lighting, heat recovery ventilation and energy efficiency measures), and a plan for implementation of such opportunities;

2. Consideration of opportunities for renewable energy generation, including, where applicable, submission of building plans showing where energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable;
3. Strategies to reduce electric demand (such as lighting schedules, active load management and energy storage); and
4. Engagement with energy efficiency programs offered pursuant to M.G.L. c. 25, § 21, or through municipal lighting plants.

(2) Marijuana Establishment Agent Training .

(a) Marijuana Establishments shall ensure that all marijuana establishment agents complete training prior to performing job functions. Training shall be tailored to the roles and responsibilities of the job function of each marijuana establishment agent, and at a minimum must include a Responsible Vendor Program under 935 CMR 500.105(2)(b). At a minimum, staff shall receive eight hours of on-going training annually.

(b) Responsible Vendor Training .

1. On or after July 1, 2019, all current owners, managers and employees of a Marijuana Establishment that are involved in the handling and sale of marijuana for adult use at the time of licensure or renewal of licensure, as applicable, shall have attended and successfully completed a responsible vendor program to be designated a "responsible vendor."

2. Once a licensee is designated a "responsible vendor," all new employees involved in the handling and sale of marijuana for adult use shall successfully complete a responsible vendor program within 90 days of hire.

3. After initial successful completion of a responsible vendor program, each owner, manager, and employee involved in the handling and sale of marijuana for adult use shall successfully complete the program once every year thereafter to maintain designation as a "responsible vendor."

4. Administrative employees who do not handle or sell marijuana may take the "responsible vendor" program on a voluntary basis.

5. Marijuana establishments must maintain records of responsible vendor training program compliance for four years and make them available to inspection by the Commission and any other applicable licensing authority upon request during normal business hours.

6. Certification Training Program Standards .

a. No owner or employee of a responsible vendor program shall have an interest in a licensed Marijuana Establishment;

b. Program providers shall submit their programs to the Commission every two years for approval as a responsible vendor program;

c. The program shall include at least two hours of instruction time;

d. The program shall be taught in a real-time, interactive classroom setting where the instructor is able to verify the identification of each individual attending the program and certify completion of the program by the individual identified;

e. The program provider shall maintain its training records at its principal place of business during the applicable year and for the following three years;

f. The provider shall make the records available for inspection by the Commission and any other applicable licensing authority upon request during normal business hours;

g. The program shall provide written documentation of attendance and successful passage of a test on the knowledge of the required curriculum for each attendee;

h. Attendees who can speak and write English must successfully pass a written test with a score of 70% or better;

i. Attendees who cannot speak or write English may be offered a verbal test, provided that the same questions are given as are on the written test and the results of the verbal test are documented with a passing score of 70% or better; and

j. Program providers shall solicit effectiveness evaluations from individuals who have completed their program.

7. Certification Training Class Core Curriculum .

a. Discussion concerning marijuana's effect on the human body. Training shall include:

i. Marijuana's physical effects based on type of marijuana product;

ii. The amount of time to feel impairment;

iii. Visible signs of impairment; and

iv. Recognizing the signs of impairment.

b. Diversion prevention and prevention of sales to minors, including best practices;

c. Compliance with all tracking requirements; and

d. Acceptable forms of identification. Training shall include:

i. How to check identification;

ii. Spotting false identification;

iii. Medical registration cards issued by the DPH;

iv. Provisions for confiscating fraudulent identifications; and

v. Common mistakes made in verification.

e. Other key state laws and rules affecting owners, managers, and employees, which shall include:

i. Local and state licensing and enforcement;

ii. Incident and notification requirements;

iii. Administrative and criminal liability;

iv. License sanctions and court sanctions;

v. Waste disposal;

vi. Health and safety standards;

vii. Patrons prohibited from bringing marijuana onto licensed premises;

viii. Permitted hours of sale;

ix. Conduct of establishment;

x. Permitting inspections by state and local licensing and enforcement authorities;

xi. Licensee responsibilities for activities occurring within licensed premises;

xii. Maintenance of records;

xiii. Privacy issues; and

xix. Prohibited purchases and practices.

f. Such other areas of training determined by the Commission to be included in a responsible vendor training program.

(3) Requirements for the Handling of Marijuana .

(a) A Marijuana Establishment authorized to process marijuana shall do so in a safe and sanitary manner. A Marijuana Establishment shall process the leaves and flowers of the female marijuana plant only, which shall be:

1. Well cured and generally free of seeds and stems;
2. Free of dirt, sand, debris, and other foreign matter;
3. Free of contamination by mold, rot, other fungus, and bacterial diseases;
4. Prepared and handled on food-grade stainless steel tables; and
5. Packaged in a secure area.

(b) All Marijuana Establishments, including those that develop or process non-edible marijuana products, shall comply with the following sanitary requirements:

1. Any marijuana establishment agent whose job includes contact with marijuana or nonedible marijuana products, 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*;

2. Any marijuana establishment agent working in direct contact with preparation of marijuana or nonedible marijuana products shall conform to sanitary practices while on duty, including:

- a. Maintaining adequate personal cleanliness; and

- b. 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.

3. 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 Marijuana Establishment in production areas and where good sanitary practices require employees to wash and sanitize their hands, and shall provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices;

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

5. 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 935 CMR 500.105(12);

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

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

8. Buildings, fixtures, and other physical facilities shall be maintained in a sanitary condition;

9. 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 US 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;

10. All toxic items shall be identified, held, and stored in a manner that protects against contamination of marijuana products;

11. A Marijuana Establishment'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 Marijuana Establishment's needs;

12. Plumbing shall be of adequate size and design, and adequately installed and maintained to carry sufficient quantities of water to required locations throughout the Marijuana Establishment. Plumbing shall properly convey sewage and liquid disposable waste from the Marijuana Establishment. There shall be no cross-connections between the potable and waste water lines;

13. A Marijuana Establishment shall provide its employees with adequate, readily accessible toilet facilities that are maintained in a sanitary condition and in good repair;

14. Products that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms; and

15. 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 finished products or their containers.

16. All vehicles and transportation equipment used in the transportation of marijuana products or edibles requiring temperature control for safety must be designed, maintained, and equipped as necessary to provide adequate temperature control to prevent the marijuana products or edibles from becoming unsafe during transportation, consistent with applicable requirements pursuant to **21 CFR 1.908 (c)** .

(c) All Marijuana Establishments, including those that develop or process edible marijuana products, shall comply with sanitary requirements. All edible products shall be prepared, handled, and stored in compliance with the sanitation requirements in **105 CMR 590.000** : *Minimum Sanitation Standards for Food Establishments*.

(4) Marketing and Advertising Requirements .

(a) Permitted Practices .

1. A Marijuana Establishment may develop a logo to be used in labeling, signage, and other materials; provided, however, that use of medical symbols, images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana are prohibited from use in this logo.

2. Sponsorship of a charitable, sporting or similar event, except that advertising, marketing, and branding at or in connection with such an event is prohibited unless at least 85% of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data;

3. A Marijuana Establishment may display, in secure, locked cases, samples of each product offered for sale and subject to the requirements of 935 CMR 500.110. These display cases may be transparent. An authorized marijuana establishment agent may remove a sample of marijuana from the case and provide it to the consumer for inspection, provided the consumer may not consume or otherwise use the sample unless otherwise authorized herein.

4. The establishment may post prices in the store and may respond to questions about pricing on the phone.

5. A Marijuana Establishment may engage in reasonable marketing, advertising and branding practices that are not otherwise prohibited in 935 CMR 500.105(4)(b) that do not jeopardize the public health, welfare or safety of the general public or promote the diversion of marijuana or marijuana use in individuals younger than 21 years old. Any such marketing, advertising and branding created for viewing by the public shall include the statement "Please Consume Responsibly," in a conspicuous manner on the face of the advertisement and shall include a minimum of two of the following warnings in their entirety in a conspicuous manner on the face of the advertisement:

a. "This product may cause impairment and may be habit forming."

b. "Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug."

c. "There may be health risks associated with consumption of this product."

d. "For use only by adults 21 years of age or older. Keep out of the reach of children."

e. "Marijuana should not be used by women who are pregnant or breastfeeding."

6. All marketing, advertising and branding produced by or on behalf of a Marijuana Establishment shall include the following warning, including capitalization, in accordance with M.G.L. c. 94G, § 4(a½)(xxvi): "This product has not been analyzed or approved by the Food and Drug Administration (FDA). There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN. There may be health risks associated with consumption of this product. Marijuana can impair concentration, coordination, and judgment. The impairment effects of edible marijuana may be delayed by two hours or more. In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1. This product may be illegal outside of MA."

(b) Prohibited Practices . The following advertising, marketing, and branding activities are prohibited:

1. advertising, marketing, and branding in such a manner that is deemed to be deceptive, false, misleading, or untrue, or tends to deceive or create a misleading impression, whether directly, or by ambiguity or omission;
2. advertising, marketing and branding by means of television, radio, internet, mobile applications, social media, or other electronic communication, billboard or other outdoor advertising, or print publication, unless at least 85% of the audience is reasonably expected to be 21 years of age or older as determined by reliable and current audience composition data;
3. advertising, marketing, and branding that utilizes statements, designs, representations, pictures or illustrations that portray anyone younger than 21 years old;
4. advertising, marketing, and branding including, but not limited to, mascots, cartoons, brand sponsorships and celebrity endorsements, that is deemed to appeal to a person younger than 21 years old;
5. advertising, marketing, and branding, including statements by a licensee, that makes any false or misleading statements concerning other licensees and the conduct and products of such other licensees;
6. advertising, marketing, and branding through certain identified promotional items as determined by the Commission including, but not limited to, gifts, giveaways, coupons, or "free" or "donated" marijuana;
7. advertising, marketing, and branding by a licensee that asserts that its products are safe, or represent that its products have curative or therapeutic effects, other than labeling required pursuant to M.G.L. c. 94G, § 4(a½)(xxvi), unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor as determined by the Commission;
8. installation of any neon signage or any illuminated external signage which fails to comply with all local ordinances and requirements;
9. installation of any external signage that is illuminated beyond the period of 30 minutes before sundown until closing;
10. the use of vehicles equipped with radio or loud speakers for the advertising of marijuana;
11. the use of radio or loud speaker equipment in any Marijuana Establishment for the purpose of attracting attention to the sale of marijuana;
12. advertising, marketing, and branding at, or in connection with, a charitable, sporting or similar event, unless at least 85% of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data;
13. operation of any website of a Marijuana Establishment that fails to verify that the entrant is 21 years of age or older;
14. use of unsolicited pop-up advertisements on the internet;

15. any advertising, marketing, and branding materials for marijuana products that fails to contain the standard health warning developed by the DPH;
16. any advertising of an improper or objectionable nature including, but not limited to, the use of recipe books or pamphlets for marijuana products which contain obscene or suggestive statements;
17. advertising, marketing or branding of marijuana products, on clothing, cups, drink holders, apparel accessories, electronic equipment or accessories, sporting equipment, novelty items and similar portable promotional items;
18. advertising, marketing or branding on or in public or private vehicles and at bus stops, taxi stands, transportation waiting areas, train stations, airports, or other similar transportation venues including, but not limited to, vinyl-wrapped vehicles or signs or logos on transportation vehicles or company cars;
19. signs or other printed matter advertising any brand or kind of marijuana product that are displayed on the exterior or interior of any licensed premises wherein marijuana products are not regularly and usually kept for sale;
20. advertising or marketing of the price of marijuana products, except that the Marijuana Establishment shall provide a catalogue or a printed list of the prices and strains of marijuana available at the Marijuana Establishment to consumers and may post the same catalogue or printed list on its website and in the retail store; and
21. display of marijuana products so as to be clearly visible to a person from the exterior of a Marijuana Establishment.

(c) Nothing in 935 CMR 500.105(4) prohibits a Marijuana Establishment from using a mark provided by the Commission which uses images of marijuana.

(5) Labeling of Marijuana and Marijuana Products .

(a) Labeling of Marijuana Not Sold as a Marijuana Product . Prior to marijuana being sold or transferred a Marijuana Cultivator shall ensure the placement of 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 makes available for retail sale, containing at a minimum the following information:

1. The name and registration number of the Marijuana Cultivator that produced the marijuana, together with the retail licensee's business telephone number, electronic mail address, and website information, if any;
2. The quantity of usable marijuana contained within the package;
3. The date that the Marijuana Retailer or Marijuana Cultivator packaged the contents and a statement of which licensee performed the packaging;
4. A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and processing;
5. The full cannabinoid profile of the marijuana contained within the package, including THC and other cannabinoid level;
6. A statement and a seal certifying that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with M.G.L. c. 94G, § 15;
7. 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. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN.";
8. The following symbol or easily recognizable mark issued by the Commission that indicates the package contains marijuana product:

9. The following symbol or other easily recognizable mark issued by the Commission that indicates that the product is harmful to children:

935 CMR 500.105(5)(a) shall not apply to marijuana packaged by a Marijuana Cultivator for transport to a Marijuana Retailer in compliance with 935 CMR 500.105(13) provided however that the retailer is responsible for compliance with 935 CMR 500.105(5) for all marijuana products sold or displayed for consumers.

(b) Labeling of Edible Marijuana Infused Products . Prior to edible marijuana products being sold or transferred, the Marijuana Product Manufacturer shall place a legible, firmly affixed label on which the wording is no less than $\frac{1}{16}$ inch in size on each edible marijuana product that it prepares for retail sale or wholesale, containing at a minimum the following information:

1. The name and registration number of the product manufacturer that produced the marijuana product, together with the product manufacturer's business telephone number, e-mail address, and website information, if any;
2. The name of the marijuana product;
3. Refrigeration of the product is required, as applicable;
4. Net weight or volume in US customary and metric units;
5. The quantity of usable marijuana contained within the product as measured in ounces;
6. The type of marijuana used to produce the product, including what, if any, processing technique or solvents were used;
7. A list of ingredients, including the full cannabinoid profile of the marijuana contained within the Marijuana Product, including the amount of delta-nine-tetrahydrocannabinol ([DELTA]9-THC) and other cannabinoids in the package and in each serving of a marijuana product as expressed in absolute terms and as a percentage of volume;
8. The serving size of the marijuana product in milligrams if the package is a multiple-serving package;
9. The number of serving sizes within the marijuana product based on the limits provided in 935 CMR 500.150;
10. The amount, in grams, of sodium, sugar, carbohydrates and total fat per serving;
11. The date of creation and the recommended "use by" or expiration date which shall not be altered or changed;
12. A batch number, sequential serial number and bar codes when used, to identify the batch associated with manufacturing and processing;
13. Directions for use of the marijuana product if relevant;
14. A statement and a seal that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with M.G.L. c. 94G, § 15;
15. A warning if nuts or other known allergens are contained in the product;
16. This statement, including capitalization: "The impairment effects of edible products may be delayed by two hours or more. This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or

operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN";

17. The following symbol or easily recognizable mark issued by the Commission that indicates the package contains marijuana product:

18. The following symbol or other easily recognizable mark issued by the Commission that indicates that the product is harmful to children:

935 CMR 500.105(5)(b) shall apply to edible marijuana products produced by a Marijuana Product Manufacturer for transport to a Marijuana Retailer in compliance with 935 CMR 500.105(13) and shall be in addition to any regulation regarding the appearance of edible marijuana products under 935 CMR 500.150.

(c) Labeling of Marijuana Concentrates and Extracts . Prior to marijuana concentrates or extracts being sold or transferred, the Marijuana Product Manufacturer shall place a legible, firmly affixed label on which the wording is no less than $1/16$ inch in size on each marijuana concentrate container that it prepares for retail sale or wholesale, containing at a minimum the following information:

1. The name and registration number of the product manufacturer that produced the marijuana product, together with the product manufacturer's business telephone number, e-mail address, and website information, if any;

2. The name of the marijuana product;

3. Product identity including the word "concentrate" or "extract" as applicable;

4. Net weight of volume expressed in US customary units and metric units;

5. The type of marijuana used to produce the product, including what, if any, processing technique or solvents were used;

6. A list of ingredients, including the full *Cannabinoid* profile of the marijuana contained within the Marijuana Product, including the amount of delta-nine-tetrahydrocannabinol ([DELTA]9-THC) and other cannabinoids in the package and in each serving of a Marijuana Product as expressed in absolute terms and as a percentage of volume;

7. A statement of the serving size and number of servings per container or amount suggested for use based on the limits provided in 935 CMR 500.150;

8. The date of creation and the recommended "use by" or expiration date;

9. A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and processing;

10. Directions for use of the marijuana product if relevant;

11. A statement and a seal that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with M.G.L. c. 94G, § 15;

12. A warning if nuts or other known allergens are contained in the product;

13. 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. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN.";

14. The following symbol or easily recognizable mark issued by the Commission that indicates the package contains marijuana product:

15. The following symbol or other easily recognizable mark issued by the Commission that indicates that the product is harmful to children:

935 CMR 500.105(5)(c) shall apply to marijuana concentrates and extracts produced by a Marijuana Product Manufacturer for transport to a Marijuana Retailer in compliance with 935 CMR 500.105(13).

(d) Labeling of Marijuana Infused Tinctures and Topicals . Prior to marijuana infused tinctures or topicals being sold or transferred the Marijuana Product Manufacturer shall place a legible, firmly affixed label on which the wording is no less than $\frac{1}{16}$ inch in size on each container of marijuana infused tincture or topical that it prepares for retail sale or wholesale, containing at a minimum the following information:

1. The name and registration number of the product manufacturer that produced the marijuana product, together with the product manufacturer's business telephone number, e-mail address, and website information, if any;

2. The marijuana product's identity;

3. The type of marijuana used to produce the product, including what, if any, processing technique or solvents were used;

4. A list of ingredients, including the full Cannabinoid profile of the marijuana contained within the Marijuana Product, including the amount of delta-nine-tetrahydrocannabinol ([DELTA]9-THC) and other cannabinoids in the package and in each serving of a Marijuana Product as expressed in absolute terms and as a percentage of volume;

5. Net weight or volume as expressed in US customary units or metric units;

6. The date of product creation;

7. A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and processing;

8. Directions for use of the marijuana product if relevant;

9. A statement and a seal that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with M.G.L. c. 94G, § 15;

10. A warning if nuts or other known allergens are contained in the product;

11. 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. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN.";

12. The following symbol or easily recognizable mark issued by the Commission that indicates the package contains marijuana product:

13. The following symbol or other easily recognizable mark issued by the Commission that indicates that the product is harmful to children:

935 CMR 500.105(5)(d) shall apply to marijuana-infused tinctures and topicals produced by a Marijuana Product Manufacturer for transport to a Marijuana Retailer in compliance with 935 CMR 500.105(13).

(e) In circumstances where the labeling of the marijuana product is unreasonable or impractical, the Marijuana Establishment may include the labeling information on a peel-back label or may place the product in a sealed bag with an insert or additional, easily readable label firmly affixed to that bag.

(6) Packaging of Marijuana and Marijuana Products .

(a) Tamper or Child-resistant Packaging . Licensees licensed subject to 935 CMR 500.050(5) shall ensure that all marijuana products, other than those offered at wholesale by a Marijuana Cultivator, that are provided for sale to consumers by a licensee shall be sold in tamper or child-resistant packaging. To be in compliance with 935 CMR 500.105(6), licensees shall ensure:

1. That to the extent it is not unreasonably impracticable for the specific type of product, marijuana products are packaged in containers that are

a. opaque or plain in design;

b. resealable for any marijuana product intended for more than a single use or containing multiple servings; and

c. certified by a qualified third-party tamper or child-resistant packaging testing firm that the packaging is in compliance with the most recent poison prevention packaging regulations of the US Consumer Product Safety Commission as included at **16 CFR 1700**; or

2. That where compliance with the requirements of tamper or child-resistant packaging is deemed to be unreasonably impracticable, marijuana products shall be placed in an exit package that is:

a. capable of being resealed and made tamper or child-resistant resistant again after it has been opened;

b. includes the following statement, including capitalization, in at least ten-point Times New Roman, Helvetica or Arial font: KEEP OUT OF REACH OF CHILDREN; and

c. is certified by a qualified third-party tamper or child-resistant packaging testing firm that the packaging is in compliance with the most recent poison prevention packaging regulations of the US Consumer Product Safety Commission as included at **16 CFR 1700**.

(b) Limits on Packaging Design . Packaging for marijuana products sold or displayed for consumers, including any label or imprint affixed to any packaging containing marijuana products or any exit packages, shall not be attractive minors. Packaging is explicitly prohibited from:

1. using bright colors, defined as colors that are "neon" in appearance;

2. imitating or having a semblance to any existing branded consumer products, including foods and beverages, that do not contain marijuana;

3. featuring cartoons;

4. featuring a design, brand or name that resembles a non-cannabis consumer product of the type that is typically marketed to minors;

5. featuring symbols or celebrities that are commonly used to market products to minors;

6. featuring images of minors; or

7. featuring words that refer to products that are commonly associated with minors or marketed to minors.

(c) Packaging of Multiple Servings .

1. Packaging for marijuana products sold or displayed for consumers in multiple servings shall include the following statement on the exterior of the package in a printed font that is no smaller than ten-point Times New Roman, Helvetica or Arial, including capitalization: "INCLUDES MULTIPLE SERVINGS."

2. Packaging for marijuana products in solid form sold or displayed for consumers in multiple servings shall allow a consumer to easily perform the division into single servings.

a. Edible marijuana products in a solid form shall be easily and permanently scored to identify individual servings.

b. Notwithstanding 935 CMR 500.105(6)(c)2.a., where a product is unable, because of its form, to be easily and permanently scored to identify individual servings, the product shall be packaged in a single serving size. The determination of whether a product is able to be easily and permanently scored shall be decided by the Commission consistent with sub-regulatory guidelines established by the Commission and provided to licensees.

3. Packaging for marijuana product beverages shall be packages solely in a single serving size. Multiple serving beverages are strictly prohibited for sale.

(d) Each single serving of an edible marijuana product contained in a multiple-serving package shall be marked, stamped or otherwise imprinted with the symbol issued by the Commission under 935 CMR 500.105(5) that indicates that the single serving is a marijuana product.

(e) Serving size shall be determined by the processor but in no instance shall an individual serving size of any marijuana product contain more than five milligrams of delta-nine-tetrahydrocannabinol (A9-THC).

(7) Packaging and Labeling Pre-approval . Prior to a marijuana product being sold at a Marijuana Establishment, a licensee or license applicant may submit an application, in a form and manner determined by the Commission, for packaging and label approval to the Commission. The Commission may charge a fee for packaging and labeling pre-approval. The packaging and labeling pre-approval process shall in no way substitute for compliance with 935 CMR 500.105(4) through (6).

(8) Inventory .

(a) Subject to the DPH' s approval, a Marijuana Establishment that is also a RMD may sell marijuana products in its possession at the time it receives approval from the Commission to commence sales, subject to the limitation in 935 CMR 500.140(10).

(b) Real-time inventory shall be maintained as specified by the Commission and in 935 CMR 500.105(8)(c) and (d), including, at a minimum, an inventory of marijuana plants; marijuana plant-seeds and clones in any phase of development such as propagation, vegetation, and flowering; marijuana ready for dispensing; all marijuana products; and all damaged, defective, expired, or contaminated marijuana and marijuana products awaiting disposal.

(c) A Marijuana Establishment shall:

1. Establish inventory controls and procedures for the conduct of inventory reviews, and comprehensive inventories of marijuana products in the process of cultivation, and finished, stored marijuana;

2. Conduct a monthly inventory of marijuana in the process of cultivation and finished, stored marijuana;

3. Conduct a comprehensive annual inventory at least once every year after the date of the previous comprehensive inventory; and

4. Promptly transcribe inventories if taken by use of an oral recording device.

(d) 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.

(e) A Marijuana Establishment shall tag and track all marijuana seeds, clones, plants, and marijuana products, using a seed-to-sale methodology in a form and manner to be approved by the Commission.

(f) No marijuana product, including marijuana, may be sold or otherwise marketed for adult use that is not capable of being tested by Independent Testing Laboratories, except as allowed under 935 CMR 500.000.

(g) A Marijuana Establishment that is cultivating, processing or selling marijuana products for medical use as well as marijuana products for adult use must create virtual separation of the products.

At the point of sale, a Marijuana Retailer that is also a RMD must designate whether marijuana products are intended for sale for adult use or medical use through tracking methodology approved by the Commission under 935 CMR 500.000.

(h) A Marijuana Retailer that is also a RMD is subject to the laws governing taxation in the Commonwealth, including, but not limited to, the laws regarding taxation, filling, audit and seizure.

(9) Record Keeping . Records of a Marijuana Establishment must be available for inspection by the Commission, upon request. The records of a Marijuana Establishment shall be maintained in accordance with generally accepted accounting principles. Written records that are required and are subject to inspection include, but are not necessarily limited to, all records required in any section of 935 CMR 500.000, in addition to the following:

(a) Written operating procedures as required by 935 CMR 500.105(1);

(b) Inventory records as required by 935 CMR 500.105(8);

(c) Seed-to-sale tracking records for all marijuana products as required by 935 CMR 500.105(8)(e);

(d) The following personnel records:

1. Job descriptions for each employee and volunteer position, as well as organizational charts consistent with the job descriptions;

2. A personnel record for each marijuana establishment agent. Such records shall be maintained for at least 12 months after termination of the individual's affiliation with the Marijuana Establishment and shall include, at a minimum, the following:

a. all materials submitted to the Commission pursuant to 935 CMR 500.030(2);

b. documentation of verification of references;

c. the job description or employment contract that includes duties, authority, responsibilities, qualifications, and supervision

d. 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;

e. documentation of periodic performance evaluations;

f. a record of any disciplinary action taken; and

g. notice of completed responsible vendor and eight-hour related duty training.

3. A staffing plan that will demonstrate accessible business hours and safe cultivation conditions;

4. Personnel policies and procedures; and

5. All background check reports obtained in accordance with 935 CMR 500.030.

(e) Business records, which shall include manual or computerized records of:

1. Assets and liabilities;

2. Monetary transactions;

3. Books of accounts, which shall include journals, ledgers, and supporting documents, agreements, checks, invoices, and vouchers;

4. Sales records including the quantity, form, and cost of marijuana products; and

5. 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 Marijuana Establishment, including members of the nonprofit corporation, if any.

(f) Waste disposal records as required under 935 CMR 500.105(12); and

(g) Following closure of a Marijuana Establishment, all records must be kept for at least two years at the expense of the Marijuana Establishment and in a form and location acceptable to the Commission.

(10) Liability Insurance Coverage or Maintenance of Escrow .

(a) A Marijuana Establishment 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 935 CMR 500.105(10)(b) or otherwise approved by the Commission. The deductible for each policy shall be no higher than \$5,000 per occurrence.

(b) A Marijuana Establishment that documents an inability to obtain minimum liability insurance coverage as required by 935 CMR 500.105(10)(a) may place in escrow a sum of no less than \$250,000 or such other amount approved by the Commission, to be expended for coverage of liabilities.

(c) The escrow account required pursuant to 935 CMR 500.105(10)(b) must be replenished within ten business days of any expenditure.

(d) Reports documenting compliance with 935 CMR 500.105(10) shall be made in a manner and form determined by the Commission pursuant to 935 CMR 500.000.

(11) Storage Requirements .

(a) A Marijuana Establishment shall provide adequate lighting, ventilation, temperature, humidity, space, and equipment, in accordance with applicable provisions of 935 CMR 500.105 and 500.110.

(b) A Marijuana Establishment 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.

(c) Marijuana Establishment storage areas shall be maintained in a clean and orderly condition.

(d) Marijuana Establishment storage areas shall be free from infestation by insects, rodents, birds, and pests of any kind.

(e) Marijuana Establishment storage areas shall be maintained in accordance with the security requirements of 935 CMR 500.110.

(12) Waste Disposal .

(a) All recyclables and waste, including organic waste composed of or containing finished marijuana and marijuana products, shall be stored, secured, and managed in accordance with applicable state and local statutes, ordinances, and regulations.

(b) Liquid waste containing marijuana or by-products of marijuana processing shall be disposed of in compliance with all applicable state and federal requirements, including but not limited to, for discharge of pollutants into surface water or groundwater (Massachusetts Clean Waters Act, M.G.L. c. 21 §§ 26 through 53; **314 CMR 3.00** : *Surface Water Discharge Permit Program*; **314 CMR 5.00** : *Groundwater Discharge Program*; **314 CMR 12.00** : *Operation Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers*; the Federal Clean Water Act, **33 U.S.C. 1251 et seq.**, the National Pollutant Discharge Elimination System Permit Regulations at **40 CFR Part 122**, **314 CMR 7.00** : *Sewer System Extension and Connection Permit Program*), or stored pending disposal in an industrial wastewater holding tank in accordance with **314 CMR 18.00** : *Industrial Wastewater Holding Tanks and Containers*.

(c) Organic material, recyclable material and solid waste generated at a Cannabis Establishment shall be redirected or disposed of as follows:

1. Organic material and recyclable material shall be redirected from disposal in accordance with the waste disposal bans described at **310 CMR 19.017** : *Waste Bans*.

2. To the greatest extent feasible:

a. Any recyclable material as defined in **310 CMR 16.02** : *Definitions* shall be recycled in a manner approved by the Commission; and

b. Any remaining marijuana waste shall be ground and mixed with other organic material as defined in **310 CMR 16.02** : *Definitions* such that the resulting mixture renders the marijuana unusable for its original purpose. Once such marijuana waste has been rendered unusable, the mixture may be composted or digested at an aerobic or anaerobic digester at an operation that is in compliance with the requirements of **310 CMR 16.00** : *Site Assignment Regulations for Solid Waste Facilities*.

3. Solid waste containing cannabis waste generated at a marijuana establishment may be ground up and mixed with solid wastes such that the resulting mixture renders the cannabis unusable for its original purposes. Once such cannabis waste has been rendered unusable, it may be brought to a solid waste transfer facility or a solid waste disposal facility (e.g., landfill or incinerator) that holds a valid permit issued by the Department of Environmental Protection or by the appropriate state agency in the state in which the facility is located; or

(d) No fewer than two Marijuana Establishment Agents must witness and document how the marijuana waste is disposed or otherwise handled (recycled, composted, etc.) in accordance with 935 CMR 500.105(12). When marijuana products or waste is disposed or handled, the Marijuana Establishment must create and maintain a written or electronic record of the date, the type and quantity disposed or handled, the manner of disposal or other handling, the location of disposal or other handling, and the names of the two Marijuana Establishment Agents present during the disposal or other handling, with their signatures. Marijuana Establishments shall keep these records for at least three years. This period shall automatically be extended for the duration of any enforcement action and may be extended by an order of the Commission.

(13) Transportation Between Marijuana Establishments .

(a) General Requirements

1. A licensed Marijuana Establishment shall, as an element of its license, be licensed to transport its marijuana products to other licensed establishments, except as otherwise provided herein.

2. Marijuana products may only be transported between licensed Marijuana Establishments by registered marijuana establishment agents.

3. A licensed Marijuana Transporter may contract with a licensed Marijuana Establishment to transport that licensee's marijuana products to other licensed Marijuana Establishments.

4. The originating and receiving licensed Marijuana Establishments shall ensure that all transported marijuana products are linked to the seed-to-sale tracking program. For the purposes of tracking, seeds and clones will be properly tracked and labeled in a form and manner determined by the Commission.

5. Any marijuana product that is undeliverable or is refused by the destination Marijuana Establishment shall be transported back to the originating establishment.

6. All vehicles transporting marijuana products shall be staffed with a minimum of two marijuana establishment agents. At least one agent shall remain with the vehicle at all times that the vehicle contains marijuana or marijuana products.

7. Prior to leaving a Marijuana Establishment for the purpose of transporting marijuana products, the originating Marijuana Establishment must weigh, inventory, and account for, on video, all marijuana products to be transported.

8. Within eight hours after arrival at the destination Marijuana Establishment, the destination establishment must re-weigh, re-inventory, and account for, on video, all marijuana products transported.

9. When videotaping the weighing, inventorying, and accounting of marijuana products before transportation or after receipt, the video must show each product being weighed, the weight, and the manifest.

10. Marijuana products must be packaged in sealed, labeled, and tamper or child-resistant packaging prior to and during transportation.

11. In the case of an emergency stop during the transportation of marijuana products, a log must be maintained describing the reason for the stop, the duration, the location, and any activities of personnel exiting the vehicle.

12. A Marijuana Establishment or a Marijuana Transporter transporting marijuana products shall ensure that all transportation times and routes are randomized.

13. A Marijuana Establishment or a Marijuana Transporter transporting marijuana products shall ensure that all transport routes remain within the Commonwealth.

14. All vehicles and transportation equipment used in the transportation of cannabis products or edibles requiring temperature control for safety must be designed, maintained, and equipped as necessary to provide adequate temperature control to prevent the cannabis products or edibles from becoming unsafe during transportation, consistent with applicable requirements pursuant to **21 CFR 1.908 (c)** .

(b) Reporting Requirements .

1. Marijuana establishment agents must document and report any unusual discrepancy in weight or inventory to the Commission and law enforcement authorities not more than 24 hours of the discovery of such a discrepancy.

2. Marijuana establishment agents shall report to the Commission and law enforcement authorities any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport, not more than 24 hours of such accidents, diversions, losses, or other reportable incidents.

(c) Vehicles .

1. A vehicle used for transporting marijuana products must be:

a. owned or leased by the Marijuana Establishment or the Marijuana Transporter;

b. properly registered, inspected, and insured in the Commonwealth (documentation of such status shall be maintained as records of the Marijuana Establishment or the Marijuana Transporter, and shall be made available to the Commission upon request);

c. equipped with an alarm system approved by the Commission; and

d. equipped with functioning heating and air conditioning systems appropriate for maintaining correct temperatures for storage of marijuana products.

2. Marijuana products must not be visible from outside the vehicle.

3. Any vehicle used to transport marijuana products shall not bear any markings indicating that the vehicle is being used to transport marijuana products, and any such vehicle shall not indicate the name of the Marijuana Establishment or the Marijuana Transporter.

4. When transporting marijuana products, no other products may be transported or stored in the same vehicle.

5. No firearms may be located within the vehicle or on a marijuana establishment agent.

(d) Storage Requirements .

1. Marijuana products must be transported in a secure, locked storage compartment that is a part of the vehicle transporting the marijuana products.

2. The storage compartment must be sufficiently secure that it cannot be easily removed.

3. If a Marijuana Establishment, pursuant to a Marijuana Transporter License, or a Marijuana Transporter is transporting marijuana products for more than one Marijuana Establishment at a time, the marijuana products for each Marijuana Establishment shall be kept in a separate locked storage compartment during transportation and separate manifests shall be maintained for each Marijuana Establishment.

4. If a Marijuana Establishment is transporting marijuana products to multiple other establishments, it may seek the Commission's permission to adopt reasonable alternative safeguards.

(e) Communications .

1. Any vehicle used to transport marijuana products shall contain a global positioning system (GPS) monitoring device that is:

a. not a mobile device that is easily removable;

b. attached to the vehicle at all times that the vehicle contains marijuana products;

c. monitored by the Marijuana Establishment or Marijuana Transporter during transport of marijuana products; and

d. inspected by the Commission prior to initial transportation of marijuana products, and after any alteration to the locked storage compartment.

2. Each marijuana establishment agent transporting marijuana products shall have access to a secure form of communication with personnel at the originating location at all times that the vehicle contains marijuana and marijuana products.

3. Secure types of communication include, but are not limited to:

a. two-way digital or analog radio (UHF or VHF);

b. cellular phone; or

c. satellite phone.

4. When choosing a type of secure communications, the following shall be taken into consideration:

a. cellular signal coverage;

b. transportation area;

c. base capabilities;

d. antenna coverage; and

e. frequency of transportation.

5. Prior to, and immediately after leaving the originating location, the marijuana establishment agents shall use the secure form of communication to contact the originating location to test communications and GPS operability.

6. If communications or the GPS system fail while on route, the marijuana establishment agents transporting marijuana products must return to the originating location until the communication system or GPS system is operational.

7. The marijuana establishment agents transporting marijuana products shall contact the originating location when stopping at and leaving any scheduled location, and regularly throughout the trip, at least every 30 minutes.

8. The originating location must have a marijuana establishment agent assigned to monitoring the GPS unit and secure form of communication, who must log all official communications with marijuana establishment agents transporting marijuana products.

(f) Manifests .

1. A manifest shall be filled out in triplicate, with the original manifest remaining with the originating Marijuana Establishment, a second copy provided to the destination Marijuana Establishment upon arrival, and a copy to be kept with the licensed marijuana establishment agent during transportation and returned to the Marijuana Establishment or Marijuana Transporter upon completion of the transportation.

2. Prior to transport, the manifest shall be securely transmitted to the destination Marijuana Establishment by facsimile or email.

3. Upon arrival at the destination Marijuana Establishment, a marijuana establishment agent at the destination Marijuana Establishment shall compare the manifest produced by the agents who transported the marijuana products to the copy transmitted by facsimile or email. This manifest must, at a minimum, include;

- a. the originating Marijuana Establishment name, address, and registration number;
- b. the names and registration numbers of the agents who transported the marijuana products;
- c. the name and registration number of the marijuana establishment agent who prepared the manifest;
- d. the destination Marijuana Establishment name, address, and registration number;
- e. a description of the marijuana products being transported, including the weight and form or type of product;
- f. the mileage of the transporting vehicle at departure from originating Marijuana Establishment and mileage upon arrival at destination Marijuana Establishment, as well as mileage upon return to originating Marijuana Establishment;
- g. the date and time of departure from originating Marijuana Establishment and arrival at destination Marijuana Establishment for each transportation;
- i. a signature line for the marijuana establishment agent who receives the marijuana products;
- j. the weight and inventory before departure and upon receipt;
- k. the date and time that the transported products were re-weighed and re-inventoried;
- l. the name of the marijuana establishment agent at the destination Marijuana Establishment who re-weighed and re-inventoried products; and
- m. the vehicle make, model, and license plate number.

4. The manifest shall be maintained within the vehicle during the entire transportation process, until the delivery is completed.

5. A Marijuana Establishment shall retain all transportation manifests for no less than one year and make them available to the Commission upon request.

(g) Requirements for Agents .

1. Each employee or agent transporting or otherwise handling marijuana products for a Marijuana Transporter must be registered as a marijuana establishment agent and have a driver's license in good standing issued by the Massachusetts Registry of Motor Vehicles for all classes of vehicle the marijuana establishment agent will operate for the Marijuana Transporter prior to transporting or otherwise handling marijuana products.

2. A marijuana establishment agent shall carry his or her registration card at all times when transporting marijuana products, and shall produce his or her registration card to the Commission or law enforcement officials upon request.

(h) Marijuana Transporters shall use best management practices to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts.

(14) Access to the Commission, Emergency Responders and Law Enforcement .

(a) The following individuals shall have access to a Marijuana Establishment or Marijuana Establishment transportation vehicle:

1. Representatives of the Commission in the course of responsibilities authorized by St. 2016, c. 334, as amended by St. 2017, c. 55 or 935 CMR 500.000;
2. Representatives of other state agencies of the Commonwealth; and
3. Emergency responders in the course of responding to an emergency.

(b) 935 CMR 500.000 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.

(15) Energy Efficiency and Conservation . A marijuana establishment must demonstrate consideration of the following factors as part of its operating plan and application for licensure:

(a) Identification of potential energy use reduction opportunities (such as natural lighting and energy efficiency measures), and a plan for implementation of such opportunities;

(b) Consideration of opportunities for renewable energy generation, including, where applicable, submission of building plans showing where energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable;

(c) Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage); and

(d) Engagement with energy efficiency programs offered pursuant to M.G.L. c. 25, § 21, or through municipal lighting plants.

(16) Bond .

(a) Prior to commencing operations, a Marijuana Establishment shall provide proof of having obtained a surety bond in an amount equal to its licensure fee payable to the Marijuana Regulation Fund to ensure payment of the cost incurred for the destruction of cannabis goods necessitated by a violation of St. 2016, c. 334, as amended by St. 2017, c. 55 or 935 CMR 500.000 or the cessation of operation of the Marijuana Establishment.

(b) All bonds required under 935 CMR 500.000 must be issued by a corporate surety licensed to transact surety business in the Commonwealth.

(c) If the Marijuana Establishment is unable to secure a surety bond, as required by 935 CMR 500.105(16) it may place in escrow a sum of no less than \$5,000 or such other amount approved by the Commission, to be expended for coverage of liabilities.

(d) The escrow account required pursuant to 935 CMR 500.105(16)(c) must be replenished within ten business days of any expenditure required under 935 CMR 500.105 except if the Marijuana Establishment has ceased operations. Documentation of the replenishment must be promptly sent to the Commission.

(17) Social Equity Program .

(a) There shall be a Social Equity Program established by the Commission to provide training and technical assistance to eligible applicants and licensees which may include, but shall not be limited to:

1. Management, recruitment and employee trainings;
2. Accounting and sales forecasting;
3. Tax prediction and compliance;
4. Legal compliance;
5. Business plan creation and operational development;
6. Marijuana industry best practices; and
7. Assistance with identifying or raising funds or capital.

(b) Eligibility for the Social Equity Program shall be met if applicants or licensees satisfy one or more of the following criteria:

1. Residency in an area of disproportionate impact, as defined by the
 - a. A Massachusetts driver's record or Massachusetts ID card record;
 - b. A signed lease agreement that includes the subject's name;

- c. Residential property deed that includes the subject's name;
 - d. School records;
 - e. Housing authority records;
 - f. Banking records;
 - g. Utility bills, which identifies energy and water use; or
 - h. Dated notices or correspondence from a local or state government entity that includes the subject's name.
2. Residency in Massachusetts for at least the preceding 12 months and a conviction for a 94C offense under M.G.L. c. 94C or an equivalent conviction in another jurisdiction; or
 3. Residency in Massachusetts for at least the preceding 12 months and proof that the individual was either married to or the child of an individual convicted under M.G.L. c. 94C or an equivalent conviction in another jurisdiction.

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935 CMR 500.105
