

Delivery: Recording Devices

As agents in the cannabis industry, we are accustomed to being recorded by security cameras while we work in our licensed facilities or while we transport and delivery cannabis. Security recordings have multiple benefits. In addition to keeping our premises safe, they deter diversion, monitor compliance are a great record of what occurs at work.

In addition to security cameras at and in all licensed establishments, we also have cameras for all vehicles in which cannabis is moved around Massachusetts.

For safety and accuracy, **delivery transactions** directly to consumers **will be recorded by agent via a conspicuous body camera.**

Just as every consumer that enters a Retailer is on camera as they enter the building and shop, they will also be **on camera during delivery transfer.**

We **MUST notify Consumers** of the use of **mandatory recording devices** at least **THREE times**

1. At time of order
2. At proof of order
3. Upon arrival at residence

Sell-SMaRT™ Suggestions/Script

At time of order

“We look forward to delivering cannabis directly to you. Per Massachusetts regulations, our delivery agent will be wearing a body camera that records the delivery.”

Proof of order

Email or text confirmation:

“We’ve successfully received your order for _____ (product summary) to _____ (address). As a reminder, this delivery will be video recorded.”

Upon on arrival

“Hi, I’m _____ (agent name) with _____ (delivery company). Are you _____ (consumer name)? I have your order and, as a reminder, this experience is being recorded. May I please see your ID?”

Recordings & Compliance

- Retain body cam delivery recordings for at least 30-days
- Video footage & information is **ONLY** for your team and possibly Law Enforcement or CCC review: never share with an unauthorized third-party
- Videos are confidential and protected from disclosure

****Follow you company standard operating procedures for deliveries and recording devices and notifications to Consumers.**

935 CMR:500.110: (8) Security Requirements for Delivery Licensee or a Marijuana Establishment with Delivery Endorsement Operations.

(b) A Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement Agents engaged in the delivery of Marijuana or Marijuana Products to a Consumer shall have on their person an operational body camera during all times that the Marijuana Establishment Agent is outside of the delivery vehicle for the purpose of transacting a delivery

1. The body camera shall record all deliveries.
2. Consumers shall be notified of the use of body cameras to record delivery transactions at the time of order, on the proof of order and by the Marijuana Establishment agent on arrival at the Residence.
3. In addition to providing notice, body cameras shall be displayed conspicuously on the Marijuana Establishment Agent's person.
4. A Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall **maintain video from body cameras confidentially and protected from disclosure to the full extent allowed by law**. The Licensee shall implement **data security, records retention**, and record destruction policies for body camera video in compliance with applicable federal and state privacy laws including, but not limited to, the Driver Privacy Protection Act, 18 USC § 2721, the Massachusetts Identify Theft Act, M.G.L. c. 93H, 201 CMR 17.00: Standards for the Protection of Personal Information of Residents of the Commonwealth, and the Fair Information Practices Act, M.G.L. c. 66A.
5. Video of deliveries shall be **retained for a minimum of 30 days**, or, with notice to the Delivery Licensee or Marijuana Establishment with a Delivery Endorsement, for the duration of an investigation by the Commission or by law enforcement, whichever is longer. To obtain video from a Licensee as part of an investigation, Commission staff shall consult with the Executive Director and to the extent possible, view the video at the place of storage.
6. A Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement **may not share or disclose any portion of the information or video footage collected** as the result of the use of a body camera pursuant to 935 CMR 500.110(8)(b) to any third party not explicitly authorized by 935 CMR 500.000 to have access to that video footage, subject to the exceptions in 935 CMR 500.110(8)(b)6.a. and b.
 - a. A Licensee or Marijuana Establishment shall make **video footage available to law enforcement officers acting in his or her official capacity pursuant to a validly issued court order or search warrant demonstrating probable cause**.
 - b. Nothing in 935 CMR 500.110(8)6. shall prohibit law enforcement from performing a constitutionally valid search or seizure including, but not limited to, circumstances that present an imminent danger to safety, and other exceptional or emergency circumstances where time or opportunity to apply for a warrant is lacking.
7. Unless **retained for investigative purposes**, the Licensee shall **erase or otherwise destroy videos after the 30-day retention period**.