

Delivery from a Medical Marijuana Establishment to a Patient (or Caregiver)

Massachusetts

Delivery is a great option for patients (or caregivers). There are many details to **ensure safe delivery** for your patients and agents. An agent may only deliver to the **primary address** for the patient (linked to the patient card). Deliveries may only occur **between 7am-11pm**.

935CMR 501.110: (8) Security Requirements for Medical Marijuana Establishment Patient Delivery Operations.

(a) A Medical Marijuana Establishment authorized to perform Patient delivery or a Marijuana Courier performing deliveries to Patients and Caregivers on behalf of a Medical Marijuana Establishment, shall implement adequate security measures to ensure that each vehicle used for transportation of Marijuana and Marijuana Products are not readily accessible to unauthorized individuals and to prevent and detect diversion, theft or loss of Marijuana. Security measures shall, at a minimum, include for each operational delivery vehicle:

1. A **vehicle security system that includes an exterior alarm**;
2. A **secure, locked storage compartment that is a part of the vehicle and not easily removable for the purpose of transporting** the Marijuana or Marijuana Products.
3. A **secure, locked storage compartment that is secured to the vehicle and not easily removable for the purpose of transporting and securing cash** used as payment for deliveries of Marijuana or Marijuana Products.
4. A means of **secure communication** between each vehicle and the Medical Marijuana Establishment's or Marijuana Courier's dispatching location which shall be capable of being monitored at all times that a vehicle is performing a delivery route. Means of communication shall include: a. Two-way digital or analog radio (UHF or VHF); b. Cellular phone; or c. Satellite phone.
5. A global positioning system (**GPS**) monitoring device that is: a. Not a mobile device and that is **attached to the vehicle** at all times that the vehicle contains Marijuana or Marijuana Products; and b. Monitored by the Medical Marijuana Establishment at a fixed location during the transportation of Marijuana or Marijuana Products for the purpose of Patient delivery with **location checks occurring at least every 30 minutes**. The Medical Marijuana Establishment may delegate monitoring of the GPS to the Third-party Technology Platform Provider with which the Medical Marijuana Establishment has a contract, provided that the Medical Marijuana Establishment Licensee shall be responsible for ensuring that monitoring occurs as required 935 CMR 501.000 and the contract is made available for inspection and on request, submitted to the Commission.
6. A **video system that includes one or more video cameras in the storage area of the vehicle and one or more video cameras in the driver area** of the vehicle and which shall remain operational at all times during the entire transportation process and which shall have: a. The ability to produce a clear color still photo whether live or recorded; and b. A date and time stamp embedded in all recordings which shall be synchronized and set correctly at all times and shall not significantly obscure the picture.
7. All security equipment on vehicles 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.

(b) A Medical Marijuana Establishment transporting Marijuana and Marijuana Products for Patient delivery shall ensure that all vehicles used for deliveries are **staffed with a minimum of one** Medical Marijuana Establishment **Agent**. The Agent or Agents shall remain inside the vehicle at all times that the vehicle contains Marijuana or Marijuana Products, unless completing a Patient delivery.

(c) Medical Marijuana Establishment Agents shall take all necessary steps to **secure the vehicle** at all times when Marijuana or Marijuana Products are in the vehicle.

(d) The Commission may establish required training programs for Medical Marijuana Establishment Agents that must be completed within a reasonable period of time and at the expense of the Medical Marijuana Establishment. Trainings shall include, but may not be limited to, training on:

1. Safely conducting deliveries;
2. Safe cash handling practices;
3. Strategies for de-escalating potentially dangerous situations;
4. Collecting and communicating information to assist in investigations;
5. Procedures for checking identification;
6. Indications of impairment;
7. Notification to Qualifying Patients of use of mandatory recording devices; and
8. Such other areas of training determined by the Commission to be included in a training program.

(e) A Medical Marijuana Establishment agent shall **document and report any unusual discrepancy** in inventory to the Commission and local law enforcement **within 24 hours of the discovery** of such a discrepancy.

(f) A Medical Marijuana Establishment shall report to the Commission and local law enforcement any vehicle accidents, Diversions, Inversions, losses, or other reportable incidents that occur during transport immediately and, under no circumstances, more than 24 hours of becoming aware of any accidents, Diversions, Inversions, losses, or other reportable incidents and shall otherwise comply with the incident reporting requirements set forth under 935 CMR 501.110(9).

(g) The following individuals shall have access to Medical Marijuana Establishment operations and vehicles, including video recordings:

1. Representatives of the Commission in the course of responsibilities authorized by 935 CMR 501.000;
2. Representatives of other state agencies of the Commonwealth of Massachusetts acting within their jurisdiction; and
3. Law Enforcement Authorities and emergency medical services in the course of responding to an emergency.

(h) 935 CMR 501.000 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.

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(i) All vehicles used by the Medical Marijuana Establishment for Patient delivery are subject to inspection and approval by the Commission prior being put into use. It shall be the Medical Marijuana Establishment's responsibility to make the Commission aware of its intent to introduce a new vehicle into operation and ensure an inspection of the vehicle prior to commencing operation.

(j) **Firearms are strictly prohibited** from Medical Marijuana Establishment vehicles and from Medical Marijuana Establishment agents performing home deliveries.

501.145: Patient Delivery

(1) General Requirements.

(a) A Medical Marijuana Establishment, or a Marijuana Courier acting on behalf of an Medical Marijuana Establishment, shall obtain Commission approval prior to engaging in the delivery of Marijuana and Marijuana Products directly to a Registered Qualified Patient or Caregiver. A Medical Marijuana Establishment shall comply with 935 CMR 501.110(8) and 935 CMR 501.110(9) and adhere to its policies and procedures for Patient delivery approved pursuant to 935 CMR 501.101(1)(c)12.

(b) All individuals delivering Marijuana and Marijuana Products for a Medical Marijuana Establishment directly to Registered Qualifying Patients and Caregivers shall be employees of the Medical Marijuana Establishment Licensee and shall hold a valid Medical Marijuana Establishment agent registration; or, where a Marijuana Courier provides delivery services on behalf of a Medical Marijuana Establishment, employees duly registered as agents of the Marijuana Courier.

(c) All Marijuana and Marijuana Products delivered by or on behalf of a Medical Marijuana Establishment in fulfillment of an Individual Order shall be obtained from the Medical Marijuana Establishment with which the Individual Order was placed. A Medical Marijuana Establishment cannot pick up Marijuana or Marijuana Products from another Medical Marijuana Establishment to fulfill an Individual Order.

(d) A Medical Marijuana Establishment or Marijuana Courier may use a Third-party Technology Platform Provider to facilitate the ordering of Marijuana or Marijuana Products.

1. All agreements between a Medical Marijuana Establishment or Marijuana Courier and a Third-party Technology Platform Provider shall be available for inspection and subject to the control limitations under 935 CMR 501.050(1)(b).

2. The Commission shall be notified in writing within five days of any Substantial Modification to an agreement between a Medical Marijuana Establishment or Marijuana Courier and a Third-party Technology Platform Provider.

3. Any Third-party Technology Platform shall comply with privacy and patient protection standards established by the Commission.

4. The Commission shall be notified in writing on an ongoing basis of any new or additional or assigned agreements between a Medical Marijuana Establishment or Marijuana Courier and a Third-party Technology Platform Provider within five days.

(e) The maximum retail value of Marijuana or Marijuana Products allowed in a Medical Marijuana Establishment's vehicle at any one time shall not exceed \$5,000 when conducting deliveries to Patients with one Medical Marijuana Establishment Agent present; provided, however, that a vehicle with two Medical Marijuana Establishment Agents shall be allowed to deliver Marijuana and Marijuana Products with a maximum retail value of \$10,000. All Marijuana and Marijuana Products shall be associated with a specific Individual Order. For purposes of 935 CMR 501.145(1)(e), "maximum retail value" shall mean the aggregate value of Marijuana and Marijuana Products as priced on the day of the order for delivery.

(f) The maximum wholesale value of Marijuana or Marijuana Products allowed in a Medical Marijuana Establishment's vehicle at any one time shall not exceed \$5,000 when conducting Wholesale activities with one Medical Marijuana Establishment Agent present; provided, however, that a vehicle with two Agents shall be allowed to have a total Wholesale value in excess of \$5,000. All Marijuana or Marijuana Products shall be associated with a specific order. For purposes of this provision, "maximum wholesale value" shall mean the aggregate value of Marijuana and Marijuana Products as priced on the day of the order for wholesale.

(g) All Marijuana and Marijuana Product deliveries shall be tracked using the Seed-to-sale SOR as designated by the Commission.

(h) All deliveries shall be completed between 7:00 A.M. to 11:00 P.M. local time. A Host Community may set alternative delivery hours by municipal ordinance or by-law; provided, however, that a municipality shall not set an earlier time to begin deliveries nor set a later time to complete deliveries.

(i) Every effort shall be made to minimize the amount of cash carried in a Medical Marijuana Establishment or Marijuana Courier vehicle at any one time. Medical Marijuana Establishments and Marijuana Couriers shall use best efforts to implement platforms for the electronic payment of funds. Where cash is carried in a Medical Marijuana Establishment vehicle, the storage and transport of cash shall comply with the requirements of 935 CMR 501.110(7).

(2) Orders. All orders for deliveries made by a Medical Marijuana Establishment or Marijuana Courier shall comply with the following requirements:

(a) All Marijuana and Marijuana Products delivered by or on behalf of a Medical Marijuana Establishment shall comply with 935 CMR 501.145(1)(c).

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- (b) A Medical Marijuana Establishment shall only deliver Marijuana or Marijuana Products for which it has received a specific order from a Registered Qualifying Patient or Caregiver. Medical Marijuana Establishments are prohibited from delivering Marijuana or Marijuana Products without a specific order destined for an identified Qualifying Patient or Caregiver. An order may be generated directly through the Medical Marijuana Establishment or through a Third-party Technology Platform identified to the Commission under 935 CMR 501.145(1)(d).
- (c) Medical Marijuana Establishments shall deliver Marijuana or Marijuana Products only to the primary residence and be prohibited from delivering Marijuana or Marijuana Products to college or university designated dormitories or housing, federally-subsidized housing, shelters or residential programs. An Institutional Caregiver shall only receive delivery at their Caregiving Institution.
- (d) Orders for Patient delivery shall be received by the Medical Marijuana Establishment and completed after confirmation of the Registered Qualifying Patient's or Personal Caregiver's Residence.
- (e) Medical Marijuana Establishments shall only deliver one Individual Order, per Qualifying Patient or Caregiver, during each delivery.
- (f) Only Marijuana and Marijuana Products that are Shelf-stable may be delivered. Products that are perishable, or time and temperature controlled to prevent deterioration may not be allowed to be delivered by or on behalf of a Medical Marijuana Establishment.
- (g) For Patient delivery, each order shall be labeled and packaged in accordance with 935 CMR 501.105(5) and (6).
- (h) Any Marijuana or Marijuana Product that is undeliverable or is refused by the Qualifying Patient or Caregiver shall be transported back to the originating Medical Marijuana Establishment that provided the product once all other deliveries included on a delivery manifest have been made. It shall be the responsibility of the Medical Marijuana Establishment, or the Medical Marijuana Establishment in conjunction with the Marijuana Courier performing the delivery, to ensure that any undelivered product is returned to the Medical Marijuana Establishment's physical location and stored in accordance with 935 CMR 501.105(11). A process for ensuring that undelivered Marijuana and Marijuana Products can be returned to the Medical Marijuana Establishment by the Marijuana Courier shall be a term of the Delivery Agreement.

(3) Vehicle and Transport Requirements for Patient Delivery.

- (a) Vehicles used for Patient delivery by a Medical Marijuana Establishment or Marijuana Courier shall be owned or leased by the Medical Marijuana Establishment or Marijuana Courier and shall be properly registered as commercial vehicles, inspected and insured in the Commonwealth of Massachusetts.
- (b) Vehicles and transportation operations of a Medical Marijuana Establishment or Marijuana Courier shall comply with 935 CMR 501.105(13) and 501.110(7).
- (c) The Medical Marijuana Establishment or Marijuana Courier shall maintain a separate log for each vehicle in use for home deliveries. For each delivery, the Medical Marijuana Establishment or Marijuana Courier shall record:
 - 1. The location of the originating Medical Marijuana Establishment and date and time the vehicle leaves the location;
 - 2. The mileage of the transporting vehicle at departure from the Medical Marijuana Establishment, mileage on arrival at each Registered Qualifying Patient or Caregiver destination, and mileage on return to the Medical Marijuana Establishment;
 - 3. The date and time of departure from the Medical Marijuana Establishment and arrival at each patient destination for each delivery; and 4. An entry indicating the date and time of the last delivery in an order.
- (d) A Medical Marijuana Establishment or Marijuana Courier may not transport products other than Marijuana and Marijuana Products during times when and Medical Marijuana Establishment or Marijuana Courier is performing home deliveries.

(4) Manifests.

- (a) Every Patient delivery shall have a manifest produced by the Medical Marijuana Establishment. A manifest shall be completed in duplicate, with the original manifest remaining with the originating Medical Marijuana Establishment, and a copy to be kept with the Medical Marijuana Establishment or Marijuana Courier agent during the delivery. The manifest shall be signed by the Registered Qualifying Patient or Caregiver receiving the Marijuana or Marijuana Products and the Medical Marijuana Establishment or Marijuana Courier agent acting on behalf of the Medical Marijuana Establishment. A signed manifest shall serve as the written record of the completion of the delivery.
- (b) The manifest shall, at a minimum, include:
 - 1. The originating Medical Marijuana Establishment's name, address, and License number;
 - 2. The names and agent numbers of the Medical Marijuana Establishment or Marijuana Courier agents performing the delivery;
 - 3. The Patient or caregiver's name, address, and registration number;
 - 4. A description of the Marijuana or Marijuana Products being transported, including the weight, form or type of product, cost and transaction number entered in the patient sales system;
 - 5. Signature lines for the agents who transported the Marijuana or Marijuana Products;
 - 6. A signature line for the person who receives the Marijuana or Marijuana Products; and
 - 7. The Medical Marijuana Establishment or Marijuana Courier vehicle make, model, and license plate number.
- (c) The manifest shall be maintained within the vehicle during the entire transportation process, until all the deliveries are completed.

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(d) A Medical Marijuana Establishment shall retain all transportation manifests for no less than one year and make them available to the Commission on request.