

## **Social Consumption Establishments**

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### **Massachusetts**

Providing a legal place for consumers to **responsibly and safely consume cannabis** helps our community in many ways. For example, it allows patients who reside in federal housing to safely consume their medicine and invites customers to consume in **private places, not public spaces**.

Authorized Social Consumption Establishments **may sell and allow the consumption of cannabis in designated Consumption Areas**. Each business has the opportunity to positively impact the consumer's consumption experience while in Massachusetts. Extra care must be taken to accomplish this and to **maintain safety and security** while we operate.

On-site consumption may not take place unless a license is obtained from the CCC, the Host Community permits it, and there is an approved Event Plan in place, when applicable. For now, licenses will only be approved for **Economic Empowerment Priority Applicants and Social Equity Program Participants**

### **License Types**

CCC Rules have authorized three license types:

- 1) **Supplemental:** for existing Marijuana Establishments (MEs) to incorporate on-site consumption into their business location.  
Cultivators, Craft Marijuana Cooperatives, Marijuana Product Manufacturers, Marijuana Microbusinesses, Marijuana Retailers, Third Party Transporters, and Delivery Operators may operate a Supplemental On-Site Consumption license within its existing premises.  
  
Keep security in mind, as in many cases, these locations have been previously unknown to the public, potentially making them less secure if consumers are invited to your facility.
- 2) **Hospitality:** for new or non-cannabis businesses to host consumption activities in partnership with qualifying MEs. Eligible applicants may be located within a new or existing Non-Cannabis Entity.
- 3) **Event Organizer:** for qualifying applicants and MEs to organize and host temporary consumption events.

### **Age Restrictions and Verifications**

Only consumers 21+ may enter, purchase or consume cannabis on the licensed premises.

Agents must verify age upon entry using ID scanning software. Additional information regarding proper ID checking can be found in the document titled: "Proper Identification Protocols".

### **Point of Service Limits**

Social Consumption Establishments may not serve more than half of the Adult-use Daily Sales limit to any consumer at one time, resulting in the following limit and equivalencies:

- 1) **1 ounce of flower**
- 2) **5 grams of concentrate**
- 3) **500 milligrams of edibles**

Please note that the above limit **can** be exceeded if the remainder is compliantly packaged and the amount does not exceed 2 ounces of flower or its equivalent.

Agents may maintain an open bill for consumers as long as the total amount purchased does not exceed the limits outlined above.

Social Consumption Establishments **may repackage/portion** servings of Marijuana Infused Product as long as:

- 1) Each standard serving is 5mg
- 2) Edibles in solid form can be easily and permanently scored to identify individual servings
- 3) Beverages remain in single serving size

## **Social Consumption Establishments**

### **Massachusetts**

#### **Hours of Operations**

Service and sales may only take place between the hours of **7AM and 12AM** and must **cease at least 30 minutes** prior to the latest time the business is authorized to conduct sales. Host Communities may implement more restrictive hours.

Social Consumption Establishments may continue to operate or conduct other lawful business activities, including the sale of non-Marijuana items such as non-infused food or drink, or entertainment, after the sale and service of Marijuana and Marijuana Products cease.

#### **Consumption Areas**

- Restricted to consumers, agents, outside vendors or contractors, CCC agents and delegees, state and local personnel acting within their lawful jurisdictions, and police, fire departments, and emergency medical services acting in the course of their official capacity
- Must have signage and must have physical or visual markers to identify the boundaries
- Must only be in an area approved by the CCC
- May not be located within a Limited Access Area
- May not be within any restroom, janitorial, or storage areas

#### **Indoor Smoking Consumption Areas and Outdoor Smoking Consumption Areas:**

- 1) Must be separate from designated sales and service areas
- 2) Must be isolated from other non-smoking areas
- 3) May separate the designated sales and service areas from Consumption Areas.
- 4) Must be observed by agents via natural sight, through windows, or via CCTV or similar monitoring technology
- 5) Must be compliant with all fire codes
- 6) Agents must be provided with adequate PPE and options to view the area in a smoke and vapor-free area
- 7) The business must comply with all applicable OSHA requirements
- 8) Consumption must not be visible from a public place or outside of the property or event
- 9) If emergency response personnel enter the Consumption Area, the business must cease the combustion, heat, vaporization, or aerosolization of cannabis if requested by such officials, until they leave

#### **Indoor Smoking Consumption Areas:**

- 1) Must be an Enclosed Space
- 2) Must be separated from the sales and service areas with a secure door
- 3) May only be accessible from the sales area in Supplemental On-site Consumption and Hospitality On-site Consumption establishments
- 4) May only be accessible through a secure door for Marijuana Event Organizers operating a Temporary Consumption Event.
- 5) May not allow the consumption of tobacco
- 6) May not allow combustion, heat, vaporization, or aerosolization of cannabis unless authorized by the CCC
- 7) Must have a ventilation system that:
  - Maintains negative air pressure relative to adjacent spaces at all times of operation
  - Is capable of 20 complete air changes per hours at a minimum
  - Ensures that excess air is directly exhausted to the outdoors in compliance with all building and fire codes and environmental regulations
  - Include a separate system for the rest of the building outside of a Consumption Area, that is capable of six complete air changes per hour at a minimum
  - Is capable of handling the entire volume of air within the Indoor Smoking Consumption Area
  - Has odor control equipment sufficient to mitigate cannabis odor from being detected outside the property
- 8) If the ventilation system fails, all consumption must stop and consumers must leave the Consumption Area. Consumers may not access the area until the system is fixed. The area may be used as an Indoor Non-Smoking Consumption Area in the meantime.

## Social Consumption Establishments

### Massachusetts

#### Outdoor Smoking Consumption Areas:

- 1) Must be open to the air at all times with unobstructed circulation of outside air to all parts of the area
- 2) Must be clearly marked with signage
- 3) The area must be physically separated from non-smoking areas or areas accessible to minors
- 4) Must be regularly cleaned and maintained to minimize waste, odor, and the risk of Diversion or Inversion
- 5) Must be monitored to prevent the unlawful consumption or transfer of cannabis
- 6) Reasonable efforts must be made to mitigate smoke migration to indoor locations
- 7) If the area has removable elements, such as ceilings, walls, or other barriers or windows that impede the free flow of outside area, the area will be considered an Indoor Smoking Consumption Area when the removable elements are in place

#### Outdoor Smoking Consumption Areas in Supplemental On-site Consumption or Hospitality On-site Consumption Establishments must be:

- 1) Separated from the indoor portion by walls or other barriers and a secure door
- 2) Separated from sales and service areas
- 3) Accessible only from the sales area

#### Waste Disposal

Social Consumption Establishments must provide consumers at least one locked receptacle in a Consumption Area for the disposal of unwanted, unattended, abandoned, or discarded cannabis. Where combustion or heat is used for consumption, the locked receptacle must be fireproof. The Consumption Area must be regularly checked for such items and they must be promptly disposed of in the locked receptacle. The locked receptacle must be emptied no later than at the end of each day, or when the receptacle is at capacity, whichever occurs first.

All cannabis waste and items returned by consumers must be compliantly processed and disposed of in the same manner as other licensed businesses. Additional details can be found in the document titled, "Waste Disposal".

#### Incident Reporting

Social Consumption Establishments must be in compliance with all **Incident Reporting** requirements, as outlined in the document titled, "Incident Reporting". They must also notify the CCC **immediately or within 24 hours** of any of the following incidents:

- Consumption of tobacco or alcohol on the premises
- The consumption of cannabis that was not purchased from the business
- The consumption of cannabis outside of the designated Consumption Area
- Knowledge that a consumer was arrested for operating under the influence of cannabis
- Entry by or sales or service to an individual younger than 21
- Failure of the ventilation or filtration system for an Indoor Smoking Consumption Area

#### Food Service = Permitted

- Social Consumption Establishments may sell **non-infused food and drink** items that are pre-packaged and shelf-stable;
- Such businesses may also seek **permits** from local or state authorities to serve **non-shelf stable food** alongside shelf-stable items; and
- Food service options also include delivery services or partnerships with existing and possibly adjacent restaurants or food establishments.

#### Sales and Rentals of Accessories = Permitted

- Social Consumption Establishments may sell, rent, or provide accessories for use
- If renting or providing for use, accessories may not be disposable or for single use and they must be thoroughly cleansed and properly sterilized prior to rental or use, and after rental or use by each consumer

## **Social Consumption Establishments**

### **Massachusetts**

#### **Consumer Support Items = Permitted**

- Social Consumption Establishments may sell or provide access to Consumer Support Items intended to assist consumers in alleviating or mitigating the effects of impairment
- If this is the case, the business must maintain documentation demonstrating the basis for the product's intended use, including but not limited to manufacturer descriptions, product labeling, or other materials, which must be made available to the CCC or the municipality upon request
- Such items cannot be marketed or represented as medical treatment and must be offered only in compliance with all applicable laws
- Remember, while such items can be effective for some people, they are not for others. For example, CBD can help counteract THC for some, but for others, they become more impaired and/or sick than they were before

#### **Sales of Other Items = Permitted**

Social Consumption Establishments may sell other items as long as they received permission from the hosts community and such items are compliant with the prohibitions listed below:

#### **Prohibitions**

- The sale or consumption of tobacco or alcohol
- Consumption of products sold for retail sale on-site
- The sale or service of cannabis to or consumption by visibly intoxicated consumers
- Sales of unauthorized products
- The sale or consumption of cannabis that has not been tested
- Agents may not infuse food or drink with cannabis, but consumers may
- Agent consumption of cannabis while working
- The consumption of cannabis not purchased from the business
- Any organized game or contest involving the competitive or cooperative consumption of cannabis
- Awarding cannabis as a prize
- Non-compliant advertising, marketing, or branding
- Consumption outside of designated Consumption Areas

#### **Take Away = Permitted**

Social Consumption Establishments may offer an opaque child-resistant sealed exit bag to take unconsumed or partially consumed cannabis from the Premises as long as:

- 1) Any open beverage, drink, or other liquid that becomes infused by a consumer on the Premises must be consumed on-site and may not be removed from the Premises unless secured in an opaque child-resistant sealed exit container suitable for liquids

#### **Automatic Identification Technology (AIT) = Required**

- Social Consumption Establishments must use AIT such as barcodes or RFID tags to provide Certificates of Analysis (COA) to consumers.
- They may use AIT to provide consumers with access to menus, consumer education information, access to Marijuana or Marijuana Product labels, and any additional content or materials as may be determined by the CCC
- AIT cannot be used to collect, store, or use any consumer personal data
- AIT can be used to display the Consumer information card, or provide visible signage at the point of sale or service or in the Consumption Area. Consumer information cards:

- 1) Inform consumers about the impairment effects of different forms of consumption of cannabis including, but not limited to:
  - a. The length of time the product may take to feel the effect
  - b. Info to prevent impaired driving
- 2) Must be scientifically based on available and current public health research
- 3) For edibles and beverages, must include the following warning statement: *"The impairment effects of Marijuana-infused Products may be impacted or delayed up to two hours or more depending on several factors, including but not*

## Social Consumption Establishments

### Massachusetts

*limited to, potency, method of consumption, amount consumed, alcohol consumption, non-infused food and drink consumption prior to and during the use of Marijuana and Marijuana Products, and body-weight, previous use, prescription medication used and tolerance of the Consumer, and may cause psychosis."*

AIT, menus, labels, or supplementary inserts provided to consumers must include:

- The estimated amount of time for the onset effects
- The projected duration of the effects for each specific product offered
- Access to the COA for each batch available for sale or service

### Preventing Overconsumption and Impaired Driving

Social consumption businesses must adhere to the following rules in an effort to prevent overconsumption and impaired driving:

- The consumption and sales of alcohol and tobacco are prohibited within the licensed premises;
- Licensed businesses must implement a “last sale” policy, where service is cut off at least 30 minutes before the latest authorized sales time;
- Employees of licensed social consumption businesses must obtain Special Responsible Vendor Training (RVT) with a focus on drug and alcohol impairment recognition;
- Each licensed social consumption business must have a transportation strategy with local public safety partner input to assist impaired consumers;
- Consumers may take unused product home in an opaque, child-resistant, sealed exit bag to avoid overconsumption on-site; and
- Product menu information must include projected times for onset of intoxication.

### Local Control = Required

- Municipalities (Host Communities) must opt-in to allow social consumption and licensed business can only operate in Host Communities with approval
- Social consumption businesses are required to enter into host community agreements (HCAs), even if already operating a separate business under an existing HCA; and
- Host communities can add additional requirements for the local approval process. For example, host communities may prohibit the combustion of cannabis products.

### Standard Operating Procedures (SOPs) and Training Requirements

Social Consumption Establishments must have written SOPs that cover the following at a minimum:

- Sales
- Distribution
- Packaging
- Serving
- Methods for preventing, identifying, recording, and reporting Diversion, Inversion, theft, or loss and correcting all errors and inaccuracies in inventories
- Procedures:
  - 1) To ensure that products purchased for consumption on-site are distinguished from products purchased for retail sale;
  - 2) To ensure that all sales and service of cannabis under a Social Consumption Establishment license comply with 935 CMR 500.141(4)(a);
  - 3) That describe sales, service practices, and security;
  - 4) That describe infusion processes permitted by consumers, including procedures to prevent cross-contamination
  - 5) To ensure that only cannabis purchased on the Premises is consumed at the Social Consumption Establishment
  - 6) To ensure that only accessories provided or rented on the Premises are used at the Social Consumption Establishment
  - 7) To ensure that cannabis purchased on-site does not leave the Premises; except as otherwise authorized in an opaque child-resistant sealed exit bag or an opaque child-resistant sealed exit container
  - 8) For the storage of cannabis
  - 9) For the identification and Waste of unconsumed, abandoned, or unattended cannabis
  - 10) Regarding transportation between Marijuana Establishments

## Social Consumption Establishments

---

### Massachusetts

- 11) To describe the orderly preparation, execution, and clean-up of the Temporary Consumption Event from set-up to closing
- 12) Outlining how a Licensee will assist consumers who may be impaired
- 13) To prevent overserving consumers
- 14) To respond to medical emergencies
- 15) To ensure that no one younger than 21 years old may access the establishment
- 16) To ensure compliance with 935 CMR 500.141(10) if Indoor Smoking Consumption Area(s)
- 17) To ensure compliance with 935 CMR 500.141(11) if Outdoor Smoking Consumption Area(s)
- 18) To ensure that smoking or consuming tobacco is prohibited
- 19) Regarding sanitary practices and to ensure the cleaning and sanitation of all Consumption Areas
- 20) To ensure that all accessories provided by the Social Consumption Establishment used by consumers on-site are cleaned and sanitized after use
- 21) Describing intended training for agents
- 22) To ensure that agents do not consume cannabis while at work
- 23) To limit second-hand smoke or vapor if Indoor Smoking Consumption Area(s)

In addition to training regarding the above topics, all agents of Social Consumption Establishments must complete **Responsible Vendor Training (RVT)** as well as **Social Consumption Core Curriculum**, which must include the following topics:

1. Strategies for de-escalating potentially dangerous situations;
2. Procedures for addressing medical or public safety emergencies;
3. Collecting and communicating information to assist in investigations;
4. Procedures for checking identification;
5. Recognizing signs of impairment from alcohol or cannabis use;
6. Regulation requirements for licensed Social Consumption Establishment licensees; and
7. Such other areas of training determined by the CCC to be included in an RVT

### **Additional Social Consumption Establishment Requirements**

#### Social Consumption Establishments Must:

- a. Indicate which Social Consumption Establishment License class it has selected;
- b. Indicate whether it will allow Indoor Non-Smoking Consumption Areas, Indoor Smoking Consumption Areas, Outdoor Non-Smoking Consumption Areas or Outdoor Smoking Consumption Areas;
- c. Submit an attestation to the Commission that it is in compliance with all local laws;
- d. Provide plans of all policies and procedures set forth in 935 CMR 500.141(2);
- e. Submit a copy of the express written permission of the Host Community or municipality;
- f. If a Marijuana Retailer (Dispensary) has a Supplemental On-site Consumption license, sales records must distinguish between dispensary and social consumption sales;
- g. Limit the amount of cash held at any one time;
- h. Adopt separate accounting practices at the point of sale for Marijuana, Marijuana Products, and non-Marijuana sales;
- i. Maintain an accurate and up-to-date diagram of the Consumption Areas which shows the location of:
  - The licensed Premises of the Marijuana Establishment or Temporary Consumption Event;
  - Consumption Areas, sales areas, service areas, and food service areas, if applicable;
  - Ventilation exhaust points, if applicable;
  - The employee monitoring area;
  - Doors, windows, or other exits; and
  - Any other information required by the CCC;
- j. Provide consumers with adequate, readily accessible toilet facilities that are maintained in sanitary condition and in good repair; and
- k. If Indoor Smoking Consumption Area, submit a ventilation and filtration compliance letter, bearing the stamp and signature of an MA Licensed Mechanical Engineer at least annually. The business must also maintain records regarding all inspections, maintenance, and repairs to the system for the two most recent certification periods.

## **Social Consumption Establishments**

### **Massachusetts**

#### **Additional Supplemental On-site Consumption and Hospitality On-site Consumption Establishment Requirements:**

Such businesses must: Ensure Consumption Areas have clear, unobstructed camera coverage with:

- Quality sufficient to capture a clear, still image, whether live or recorded;
- Cover all entrances or reasonable areas of ingress to Consumption Areas;
- Cameras angled in designated entrances to allow clear and certain ID of anyone entering or exiting the Consumption Area; and
- Cameras placed in such a way as to monitor all locked receptacles for the disposal of abandoned, discarded, or unattended cannabis

#### **Additional Supplemental On-site Consumption Establishment Requirements:**

Such businesses must:

- 1) Ensure that Consumption Areas:
  - a. Are not located at or within any retail sales counter, retail point-of-sale station, retail queuing area, or other area designated for the retail sale of cannabis;
  - b. Do not intersect with ingress or egress areas for retail sales; and
  - c. Are not operated at the same time as the existing Marijuana Establishment if they operate in the same space and during the same operating hours
- 2) If a Marijuana Retailer (dispensary) that operates an Indoor Non-Smoking Consumption Area:
  - a. May continue retail operations and may allow retail sales and social consumption sales and service to occur at the same time as long as Consumption Areas are in compliance with all requirements listed above; and
  - b. Must ensure the area is separated from the existing Marijuana Establishment's operations by an Enclosed Space approved by the CCC.

#### **Additional Hospitality On-site Consumption Licensees and Marijuana Event Organizer Requirements:**

Such businesses must:

- 1) Ensure that Indoor Smoking Consumption Areas within a new or existing Non-Cannabis Entity are separate from the new or existing Non-Cannabis Entity's operation by having an Enclosed Space approved by the CCC.

#### **Additional Event Organizer Requirements**

Event Organizers must:

- 1) Have municipal approval;
- 2) Obtain all required local event permits;
- 3) Have a Host Community Agreement at its principal place of business;
- 4) Conduct a pre-event public safety briefing(s) with representatives from local law enforcement, fire services, and emergency medical services. This includes:
  - a. Maintaining a pre-event public safety report summarizing the topics discussed, the date and time of the briefing(s), the names, titles and affiliations of all participating representatives, and any recommendations, conditions, or operational requirements issued by such representatives;
  - b. Discussions regarding:
    1. Traffic control and parking management;
    2. Crowd management and ingress and egress procedures;
    3. Emergency egress routes and evacuation procedures;
    4. Access for emergency responders and staging areas;
    5. Communication protocols between on-site security, event staff, and first responders; and
    6. Procedures for managing public safety concerns, including but not limited to consumer intoxication or medical emergencies.
- 5) Have an approved Event Plan for Temporary Events, reporting changes to the CCC before the event as required. The Event Plan must include:

## **Social Consumption Establishments**

---

### **Massachusetts**

- a. An explanation and diagram where Indoor Smoking Consumption Areas or Outdoor Smoking Consumption Areas are located. Outdoor Smoking Consumption Areas must be:
  1. At least 30 feet away from sales or service areas
- 6) Display a legible sign at or near each public entrance or Consumption Area that:
  1. Is not less than 11 inches by 17 inches in size; and
  2. Reads "No Persons Under 21 Allowed"
- 7) Ensure that the sale and storage of cannabis is not visible from any public place or non-age restricted area;
- 8) Designate a Limited Access Area(s) that can only be accessed by the licensee, participating Marijuana Establishments, agents of each respective business, and the CCC;
- 9) Ensure that all remaining, non-sold cannabis is returned to the Marijuana Establishment of origin at the end of each day of the event;
- 10) Remit applicable Community Impact Fees and local taxes to the Host Community;
- 11) Remember that they are responsible for all licensed activities at a Temporary Consumption Event, including but not limited to security, age verification, waste, operation of consumption areas, and incident reporting;
- 12) Ensure that only Social Consumption Establishments, Marijuana Retailers, and Marijuana Delivery Operators sell Marijuana or Marijuana Products at a Temporary Consumption Event;
- 13) Immediately expel any person selling cannabis without a license at the Temporary Consumption Event;
- 14) Select whether it will Warehouse cannabis or will partner with other Marijuana Establishments to conduct sales for the Marijuana Event Organizer at a Temporary Consumption Event:
  - a) If not operating a Warehouse, the business must notify the CCC of all Marijuana Establishments that will conduct sales.
- 15) Create procedures for managing sales and the storage of cash. These procedures must include:
  - a) The use of locked compartments to secure cash and cannabis; and
  - b) Plans to transport cannabis to the Temporary Consumption Event and return unsold cannabis to its point of origin; and
- 16) At minimum, provide camera coverage for all sales areas.

#### Event Organizers may not:

- 1) Conduct more than 30 days of sales & consumption activity per municipality each year.
- 2) Have an active Enforcement Action, Summary Suspension Order, or Limitation of Sales Order
- 3) Allow the sale or consumption of alcohol or tobacco

#### Event Organizers may:

- 1) Operate a Warehouse for inventory storage and for the preparation of sale to consumers
  - a. Warehouses must comply with all applicable requirements for 935 CMR 500.105 and 935 CMR 500.110; and
  - b. Warehouses must incorporate a sally port or loading area immediately adjacent to the Warehouse that enables the Transfer of Finished Marijuana Products to and from Temporary Consumption Events.

## **Social Consumption Establishments**

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### **Massachusetts**

#### **Definitions**

***Social Consumption Establishment*** means an entity licensed to sell Marijuana or Marijuana Products to Consumers for consumption on its Premises and in a Consumption Area approved by the Commission. A Social Consumption Establishment may be either a Supplemental On-site Consumption, a Hospitality On-site Consumption, or a Marijuana Event Organizer Licensee. Social Consumption Establishments may allow Consumption Areas to be Indoor Non-Smoking, Indoor Smoking, Outdoor Non-Smoking or Outdoor Smoking.

***Hospitality On-site Consumption*** means a type of license within the Social Consumption Establishment license classes where an eligible applicant or licensee may establish a new business or operate within a Non-Cannabis Entity to sell Marijuana or Marijuana Products to Consumers for consumption within the Social Consumption Establishment's Premises and in designated Consumption Areas.

***Supplemental On-site Consumption*** means a type of license within the Social Consumption Establishment license classes where an eligible Retailer, Cultivator, Product Manufacturer, Microbusiness, Craft Marijuana Cooperative, Third-party Transporter, Delivery Operator or Courier may sell Marijuana or Marijuana Products to Consumers to consume in a designated Consumption Area within the Marijuana Establishment's Premises.

***Consumption Area*** means a designated space approved by the Commission within a Social Consumption Establishment's Premises where Consumers may purchase and consume Marijuana or Marijuana Products. Consumption Areas may be considered an Indoor Smoking Consumption Area, an Indoor Non-Smoking Consumption Area, an Outdoor Smoking Consumption Area or an Outdoor Non-Smoking Consumption Area; provided however, that sales and service shall not occur in Indoor Smoking Consumption Areas or Outdoor Smoking Consumption Areas.

***Enclosed Space*** means an area possessing walls, ceilings, or other barriers on all sides sufficient to prevent the free undirected flow of air, smoke, vapor, or particulate matter, except for that which occurs when entering or exiting the space. Such barriers may be removable, but the designated area shall not be considered an Enclosed Space when barriers are removed.

***Indoor Non-Smoking Consumption Area*** means an Enclosed Space on the Premises of a Social Consumption Establishment where Consumers may consume Marijuana or Marijuana Products in the form of Edibles, MIPs, and Beverages; provided however, Consumers may not consume Marijuana or Marijuana Products through combustion, heat, vaporization, or aerosolization. Tobacco shall not be sold or consumed in any Indoor Non-Smoking Consumption Area.

***Indoor Smoking Consumption Area*** means an Enclosed Space on the Premises of a Social Consumption Establishment where Consumers may consume Marijuana or Marijuana Products through combustion, heat, vaporization, or aerosolization, in addition to Edibles, MIPs, and Beverages. Tobacco shall not be sold or consumed in any Indoor Non-Smoking Consumption Area.

***Outdoor Non-Smoking Consumption Area*** means an outdoor space on the Premises of a Social Consumption Establishment where Consumers may consume Marijuana or Marijuana Products in the form of Edibles, MIPs, and Beverages; provided however, Consumers may not consume Marijuana or Marijuana Products through combustion, heat, vaporization, or aerosolization. Tobacco shall not be sold or consumed in any Outdoor Non-Smoking Consumption Area.

***Outdoor Smoking Consumption Area*** means an outdoor space on the Premises of a Social Consumption Establishment where Customers may consume Marijuana or Marijuana Products through combustion smoke, heat, vaporization, or aerosolization, in addition to Edibles, MIPs, and Beverages. Tobacco shall not be sold or consumed in any Outdoor Smoking Consumption Area.

## Social Consumption Establishments

---

### Massachusetts

***Marijuana Event Organizer*** means a type of license within the Social Consumption Establishment license classes where an eligible applicant or Licensee may coordinate Temporary Consumption Events by submitting an Event Plan for approval by the Commission.

***Non-Cannabis Entity*** means an entity not licensed by the Commission who may house a Hospitality On-site Consumption Licensee, or host a Temporary Consumption Event for a Marijuana Event Organizer Licensee.

***Person or Entity Having Indirect Control*** means any person or entity having indirect control over operations of a Marijuana Establishment. It specifically includes any Person or Entity Having Direct Control over a holding or parent company of the applicant, the chief executive officer and executive director of those companies, or any person or entity in a position to control the decision-making of a Marijuana Establishment indirectly. A Hospitality On-site Consumption Licensee may contract with a Non-Cannabis Entity to operate within the Non-Cannabis Entity and the Non-Cannabis Entity shall not be considered a Person or Entity Having Indirect Control by virtue of this relationship alone. A Marijuana Event Organizer Licensee may contract with a Non-Cannabis Entity to operate within the Non-Cannabis Entity's physical space and the Non-Cannabis Entity shall not be considered a Person or Entity Having Indirect Control by virtue of this relationship alone.

***Temporary Consumption Event*** means an event that a Marijuana Event Organizer facilitates after obtaining approval from the Commission and the municipality where the Temporary Consumption Event is to be located.

***Event Plan*** means a document, or series of documents, submitted by a Marijuana Event Organizer in accordance with 935 CMR 500.050(6)(f)3.g.

***Warehouse*** means an indoor structure or a portion of the structure on the Licensee's Premises used by a Marijuana Establishment for the on-site storage of Marijuana and Marijuana Products in compliance with the regulatory requirements of 935 CMR 500.000, including the requirements for security, storage and disposal. For Delivery Operators and Marijuana Event Organizers, the location of the Warehouse shall be the Licensee's Principal Place of Business in the Host Community.

***Warehousing*** means the on-site storage of Marijuana and Marijuana Products that have been purchased at wholesale for eventual resale.

## **Social Consumption Establishments**

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### **Massachusetts**

#### **CCC Regulations**

##### 935 CMR 500.050: Marijuana Establishments

##### (2) Marijuana Cultivator (Indoor or Outdoor).

(f) An eligible Marijuana Cultivator may operate a Supplemental On-site Consumption license within its existing Marijuana Establishment Premises.

##### (3) Craft Marijuana Cooperative.

(m) A Craft Marijuana Cooperative may operate a Supplemental On-site Consumption license within its existing Marijuana Establishment Premises.

(4) Marijuana Product Manufacturer. A Marijuana Product Manufacturer may obtain, Manufacture, Process and package Marijuana Products, to transport Marijuana Products to Marijuana Establishments and to Transfer Marijuana Products to other Marijuana Establishments, but not to Consumers. An eligible Marijuana Product Manufacturer may operate a Supplemental On-site Consumption license within its existing Marijuana Establishment Premises.

##### (5) Marijuana Microbusiness.

(f) A Marijuana Microbusiness may operate a Supplemental On-site Consumption license within its existing Marijuana Establishment Premises.

##### (6) Social Consumption Establishment.

(a) A municipality may authorize the sale and on-site consumption of Marijuana and Marijuana Products at a Social Consumption Establishment in accordance with M.G.L. c. 94G, § 3.

(b) A Social Consumption Establishment may sell Marijuana or Marijuana Products to Consumers and allow consumption of Marijuana or Marijuana Products by Consumers on a Premises approved by the Commission and in a designated Consumption Area.

(c) Social Consumption Establishments may portion servings of Marijuana and Marijuana Products to Consumers, and White Label, Repackage, Transfer, Waste, Wholesale and Warehouse Finished Marijuana or Marijuana Products acquired from a Marijuana Establishment.

(d) A Marijuana Establishment shall not allow the consumption of Marijuana or Marijuana Products on its Premises without obtaining a Social Consumption Establishment License from the Commission and approval of an Event Plan, if applicable.

(e) Social Consumption Establishments shall operate all Marijuana-related activities solely at the address identified in the license and at the address or location of the Temporary Consumption Event Premises, if applicable.

(f) Social Consumption Establishment Classes. A Social Consumption Establishment is permitted to select one of the following classes:

##### **1. Supplemental On-site Consumption.**

a. A Supplemental On-site Consumption license is not granted as of right to a Marijuana Establishment holding another license type. An eligible Marijuana Establishment must separately apply for and obtain a Supplemental On-site Consumption License in accordance with M.G.L. c. 94G, § 3, and 935 CMR 500.000.

b. Eligible Marijuana Retailers, Marijuana Cultivators, Marijuana Product Manufacturers, Marijuana Delivery Operators, Microbusinesses, Craft Marijuana Cooperatives, Third-party Transporters, or Marijuana Couriers may apply for a Supplemental On-site Consumption License.

c. A Supplemental On-site Consumption Licensee shall be located within an approved Marijuana Establishment's Premises that has the same Persons or Entities Having Direct or Indirect Control.

##### **2. Hospitality On-site Consumption.**

a. Eligible applicants and eligible Marijuana Establishments may apply for a Hospitality On-site Consumption License.

b. A Hospitality On-site Consumption Licensee or eligible applicant may be located within a new or existing Non-Cannabis Entity.

##### **3. Marijuana Event Organizer.**

a. Eligible applicants and eligible Marijuana Establishments may apply for a Marijuana Event Organizer License.

b. In accordance with 935 CMR 500.180, a Marijuana Event Organizer must obtain a Host Community Agreement at its Principal Place of Business.

c. A Marijuana Event Organizer shall obtain all the necessary local permitting required where the Temporary Consumption Event is proposed to be located prior to the Commission's approval of an Event Plan.

d. A Marijuana Event Organizer shall provide the Commission with all documentation and permitting that demonstrates the Licensee obtained municipal approval for the Temporary Consumption Event.

e. A Marijuana Event Organizer shall conduct a pre-event public safety briefing(s) with representatives from local law enforcement, fire services, and emergency medical services prior to any Temporary Consumption Event. The Marijuana Event Organizer shall maintain a pre-event public safety report summarizing the topics discussed, the date and time of the

## Social Consumption Establishments

### Massachusetts

briefing(s), the names, titles and affiliations of all participating representatives, and any recommendations, conditions, or operational requirements issued by such representatives. The public safety briefing shall include, at a minimum, discussion of:

1. Traffic control and parking management;
2. Crowd management and ingress and egress procedures;
3. Emergency egress routes and evacuation procedures;
4. Access for emergency responders and staging areas;
5. Communication protocols between on-site security, event staff, and first responders; and
6. Procedures for managing public safety concerns, including but not limited to Consumer intoxication or medical emergencies.

f. A Marijuana Event Organizer shall conduct no more than 30 single days of permitted sales and consumption activity per municipality each calendar year.

g. A Marijuana Event Organizer shall submit a single Event Plan for a single or multi-day Temporary Consumption Event no later than 90 days prior to the first scheduled date of the Temporary Consumption Event. No Temporary Consumption Event may be held without an Event Plan approved by the Commission. The Event Plan shall include, at a minimum, the following:

1. A diagram of sufficient detail to identify the Temporary Consumption Event's location and Premises, including designated areas for sales and service areas, Consumption Areas, and waste, locked receptacle(s), and storage of Marijuana and Marijuana Products, Limited Access Areas, points of entry and egress, identification checkpoints, and the planned use of each area;
2. The address of the Premises or location of the Temporary Consumption Event;
3. A list of Marijuana Establishments, including their license numbers, participating in the Temporary Consumption Event;
4. An attestation by the Marijuana Establishment(s) participating in the Temporary Consumption Event which states that the entity shall comply with all Commission regulations, and conditions, including but not limited to the requirements set forth in 935 CMR 500.105(2)(b)8. and 935 CMR 500.141;
5. A copy of the pre-event public safety report; and
6. Any other information requested by the Commission.

h. The Commission shall not approve a Licensee for participation in a Temporary Consumption Event if the proposed participant has an active Enforcement Action, Summary Suspension Order, or Limitation of Sales Order.

i. Marijuana Event Organizers are responsible for all licensed activities at a Temporary Consumption Event, including but not limited to security, age verification, waste, operation of consumption areas, and incident reporting.

j. Only Social Consumption Establishments, Marijuana Retailers, and Marijuana Delivery Operators may sell Marijuana or Marijuana Products at a Temporary Consumption Event.

k. If the list of participating Marijuana Establishments changes after the Event Plan is submitted, or after Commission approval is issued, the Marijuana Event Organizer shall provide notice to the Commission of the change, with an updated list of participating Marijuana Establishments for approval by the Commission no less than 14 days prior to the Temporary Consumption Event. Failure to provide timely notice as required shall result in the newly added Marijuana Establishment not participating in the Temporary Consumption Event and other potential enforcement actions.

l. A Marijuana Event Organizer shall inform the Commission within 24 hours if the Marijuana Event Organizer or a Marijuana Establishment should fail to appear at a Temporary Consumption Event as anticipated in the Event Plan for any reason.

m. Within seven days prior to the commencement of a Temporary Consumption Event, the Marijuana Event Organizer shall confirm with the representatives from local law enforcement, fire services, and emergency medical services identified in 935 CMR 500.050(6)(f)3.e., that all safety measures, operational plans, and event logistics remain accurate and effective. If any material changes occur to the Temporary Consumption Event, including but not limited to the layout, schedule, staffing, capacity, security plan, or emergency response procedures, after such confirmation, the Marijuana Event Organizer shall promptly notify the same representatives and the Commission, and provide updated information reflecting such changes.

n. An Event Plan shall not be approved by the Commission where there is the planned sale or consumption of alcohol or Tobacco during the same time, and within the same Premises.

o. A Marijuana Event Organizer Licensee shall maintain a clearly legible sign not less than 11 inches by 17 inches in size, reading "No Persons Under 21 Allowed" at or near each public entrance to any space or Consumption Area where the sale or consumption of Marijuana or Marijuana Products will occur.

p. A Marijuana Event Organizer Licensee shall ensure that the sale and storage of Marijuana or Marijuana Products is not visible from any public place or non-age-restricted area.

q. The Commission may require a Marijuana Event Organizer and participating Marijuana Establishments to cease operations and sales without delay if the Commission or other governmental authorities determine it is necessary to protect the public health and safety of Consumers or others.

r. Upon notification from the Commission or discovery by the Marijuana Event Organizer, the Marijuana Event Organizer shall immediately expel any person selling Marijuana or Marijuana Products without a license at the Temporary Consumption Event. The Marijuana Event Organizer shall ensure that security is adequate to escort the individual(s) off the Premises.

s. A Marijuana Event Organizer shall inform the Commission as soon as possible, but no later than 24 hours if law enforcement or the municipality orders the Temporary Consumption Event to alter operations before the planned closing of the event.

t. A Marijuana Event Organizer shall designate a Limited Access Area(s) that can only be accessed by the Licensee, the Licensee's Agents, participating Marijuana Establishments and its Agents, or the Commission.

u. A Marijuana Event Organizer or participating Marijuana Establishment may temporarily store Marijuana and Marijuana Products at a Temporary Consumption Event for the purposes of sale to Consumers. A Marijuana Event Organizer or participating Marijuana Establishment temporarily storing product at the Temporary Consumption Event shall keep the

## Social Consumption Establishments

### Massachusetts

Marijuana and Marijuana Products in a locked storage compartment or container approved by the Commission. All remaining unsold Marijuana or Marijuana Products shall be returned to its Marijuana Establishment of origin at the end of each day of the Temporary Consumption Event.

v. Notwithstanding 935 CMR 500.110(5) and 935 CMR 500.110(6), a Marijuana Event Organizer shall not be required to install a security alarm for a Temporary Consumption Event. Nothing in this subsection shall be construed to otherwise exempt a Marijuana Event Organizer from compliance with security requirements set forth in 935 CMR 500.110 and 935 CMR 500.050(6)(f)3.

w. Notwithstanding 935 CMR 500.110(2)(b) and 935 CMR 500.110(2)(c), if a Marijuana Event Organizer submits an Alternative Security Provision for an Event Plan, the Commission shall request that the chief municipal law enforcement officer review the request and alternative security provision requested within ten days and if no response is received from the chief law enforcement officer or a delegee within 10 days, the Commission shall proceed with a determination.

x. Violations of the requirements applicable to Temporary Consumption Events may result in disciplinary action against the Marijuana Event Organizer and any other Marijuana Establishment participating in the Temporary Consumption Event.

y. For sales conducted at a Temporary Consumption Event, Community Impact Fees authorized pursuant to M.G.L. c. 94G, § 3(d) and any applicable marijuana local tax option amount due on Marijuana or Marijuana Products pursuant to M.G.L. c. 64N, shall be allocated to the Host Community of the Marijuana Establishment that conducts the sale. Community Impact Fees shall be remitted consistent with the terms of that Host Community Agreement of the Marijuana Establishment that conducts the sale. The Massachusetts sales tax and marijuana excise tax shall remain payable to the Commonwealth in accordance with M.G.L. c. 64H and M.G.L. c. 64N, respectively.

(g) Social Consumption Establishment licenses shall be limited on an exclusive basis to businesses controlled by and with majority ownership comprised of Economic Empowerment Priority Applicants or Social Equity Program Participants; or Microbusinesses and Craft Marijuana Cooperatives, for a period of 36 months beginning on the date on which at least one licensee in each Social Consumption Establishment license class, Supplemental On-site Consumption, Hospitality On-site Consumption, and Marijuana Event Organizer, has received a notice to commence operations, provided, however, that the Commission may, by vote, decide to extend that period following a determination that the goal of the exclusivity period to promote and encourage full participation in the regulated Marijuana industry by people from communities that have previously been disproportionately harmed by Marijuana prohibition and enforcement of the law, by farmers, and by businesses of all sizes, has not been met.

1. The Commission shall develop criteria for evaluating whether the goals of the exclusivity period are met which shall include, but not be limited to:

- a. Overall rates of participation in the regulated Marijuana industry by people from communities that have previously been disproportionately harmed by Marijuana prohibition and enforcement of the law, by farmers, and by businesses of all sizes;
- b. Overall rates of participation in the regulated Marijuana industry by people of color;
- c. Licenses granted to businesses with majority ownership comprised of Economic Empowerment Priority Applicants and Social Equity Program Participants; Microbusinesses; and Craft Marijuana Cooperatives;
- d. Number of registered agents who are Social Equity Program Participants;
- e. Number of Social Consumption Establishments in operation and business performance relative to other Marijuana Establishments;
- f. Financial feasibility of continued participation in the regulated Marijuana industry by people from communities that have previously been disproportionately harmed by Marijuana prohibition and enforcement of the law, by farmers, and by businesses of all sizes if exclusivity period ends; and
- g. Any other information the Commission determines relevant.

2. The Commission shall, in real time, collect and publicly report on data measuring the criteria throughout the exclusivity period every 6 months. The Commission shall begin evaluating whether the goals of the exclusivity period have been met at least 12 months before the end of the 36-month period to provide adequate time to consider whether an extension of the 36-month period is necessary prior to the conclusion of that time period.

3. The licenses may be made available to any qualifying applicants after the 36-month period, unless the Commission affirmatively votes to extend the period of exclusivity by a period of 24 months after the first 36-month period. Any subsequent extension of the exclusivity period would require the Commission affirmatively to find that the goals and objectives of the exclusivity period as set forth in 935 CMR 500.050(6)(g)1., have not been met.

(h) No person or entity other than those disclosed in the application shall be a Person or Entity Having Direct or Indirect Control in a Social Consumption Establishment license.

(i) A Social Consumption Establishment is not considered to be a Marijuana Retailer as defined under 935 CMR 500.002, but is authorized to sell Finished Marijuana Products directly to Consumers.

(j) A Social Consumption Establishment shall register as a vendor with the Department of Revenue and collect and remit marijuana retail taxes in accordance with 830 CMR 64N.1.1: Marijuana Retail Taxes.

### (8) Marijuana Retailer.

#### (a) General Requirements.

- 1) A Marijuana Retailer may purchase, transport, sell, Repackage, or otherwise Transfer Marijuana or Marijuana Products to Marijuana Establishments and sell to Consumers. Marijuana Retailers may sell Marijuana Accessories and Branded Goods. A Marijuana Retailer can deliver Marijuana or Marijuana Products to Consumers in accordance with 935 CMR 500.000. A Marijuana Retailer may not allow consumption by Consumers on the Premises of the Marijuana Establishment unless the Marijuana Retailer obtained a Supplemental On-site Consumption License, and the Consumption Area is approved by the Commission.
- 2) A retailer shall operate all Marijuana-related activities solely at the address identified in the license.

## Social Consumption Establishments

### Massachusetts

- 3) No Person or Entity Having Direct or Indirect Control in a Marijuana Retailer license shall be granted or hold more than a combined total of three Marijuana Retailer Licenses and shall be subject to the limitations in 935 CMR 500.050(1)(b)6.

(b) A Marijuana Retailer shall provide a retail location accessible to Consumers 21 years of age or older, or, if co-located with a Medical Marijuana Establishment, Registered Qualifying Patients with the Medical Use of Marijuana Program in possession of a Medical Registration Card.

(c) An eligible Marijuana Retailer may operate a Supplemental On-site Consumption license within its existing Marijuana Establishment Premises.

(9) Marijuana Transporter.

(a) An entity may only transport Marijuana Products when such transportation is not already authorized under a Marijuana Establishment license if it is licensed as a Marijuana Transporter:

1. Third-party Transporter. A Third-party Transporter is permitted to transport Marijuana and Marijuana Products between Marijuana Establishments and between Medical Marijuana Establishments. An eligible Third-party Transporter may operate a Supplemental On-site Consumption license within its existing Marijuana Establishment Premises.

(10) Marijuana Courier.

(a) A Marijuana Courier may deliver Marijuana or Marijuana Products directly to Consumers from a Marijuana Retailer or to Patients or Caregivers from a Medical Marijuana Establishment with which the Marijuana Courier has a Delivery Agreement. A Marijuana Courier may be an Owner of or have a controlling interest in a Cultivation, Product Manufacturing, Social Consumption Establishment, Research, Retail or Transportation license. An eligible Marijuana Courier may operate a Supplemental On-site Consumption license within its existing Marijuana Establishment Premises.

(11) Marijuana Delivery Operator.

An eligible Delivery Operator may operate a Supplemental On-site Consumption License within its existing Marijuana Establishment Premises.

### 935 CMR 500.101: Application Requirements

(3) Additional Specific Requirements

(i) Additional Requirements for Social Consumption Establishment Applicants

1. Applicants for a Social Consumption Establishment License shall indicate in the Management and Operations Profile which Social Consumption Establishment License class it has selected. The applicant for a Social Consumption Establishment License may select either a Supplemental On-site Consumption License, a Hospitality On-site Consumption License, or a Marijuana Event Organizer License.
2. Applicants for a Social Consumption Establishment License, except for Marijuana Event Organizers, shall indicate in the Management and Operations Profile whether the Social Consumption Establishment will allow Indoor Non-Smoking Consumption Areas, Indoor Smoking Consumption Areas, Outdoor Non-Smoking Consumption Areas or Outdoor Smoking Consumption Areas. Applicants for a Marijuana Event Organizer License shall submit this information in an Event Plan no later than 90 days before the proposed Temporary Consumption Event. Marijuana Event Organizers shall select in the Management and Operations Profile whether it will Warehouse Marijuana and Marijuana Products or will partner with other Marijuana Establishments to conduct sales for the Marijuana Event Organizer at a Temporary Consumption Event.
3. Applicants for a Social Consumption Establishment License shall submit an attestation to the Commission that it is in compliance with all local laws.
4. Applicants for a Marijuana Event Organizer License shall create procedures for managing the sale of Marijuana and Marijuana Products and the storage of cash at a Temporary Consumption Event. These procedures shall include the use of locked compartments to secure cash and Marijuana and Marijuana Products during the Temporary Consumption Event and plans to transport Marijuana and Marijuana Products to the Temporary Consumption Event and return unsold Marijuana and Marijuana Products to its point of origin.
5. Marijuana Establishments applying for a Supplemental On-site Consumption License with the same Persons or Entities with Direct or Indirect Control shall not be required to submit financial information and background documentation of owners in its application.
6. Notwithstanding 935 CMR 500.005(1)(e); 935 CMR 500.103(1); 935 CMR 500.103(4)(d); and 935 CMR 500.120(11)(f), Marijuana Establishments applying for Supplemental On-site Consumption who are not altering any structural element of the Marijuana Establishment and do not allow Indoor Smoking Consumption Areas or Outdoor Smoking Consumption Areas shall not require an architectural review or structural change.
7. In addition to the requirements set forth in 935 CMR 500.101(1) and 935 CMR 500.101(2), applicants for a license to operate a Social Consumption Establishment shall also provide plans of all policies and procedures set forth in 935 CMR 500.141(2) as a part of their Pre-certification application.
8. Applicants for a Social Consumption Establishment license shall submit a copy of the express written permission of the Host Community or municipality for the sale of other items as authorized in 935 CMR 500.141(3)(d)6., if applicable.

## **Social Consumption Establishments**

---

### **Massachusetts**

#### 935 CMR 500.105: General Operational Requirements for Marijuana Establishments

##### (2) Marijuana Establishment Agent Training.

8. Social Consumption Core Curriculum. In addition to the Basic Core Curriculum, all Marijuana Establishment Agents acting as employees of a Social Consumption Establishment Licensee shall attend and successfully complete Social Consumption Core Curriculum prior to performing job functions in a Social Consumption Establishment, which shall, to the extent not covered in Basic Core Curriculum include, without limitation, training on:
- a. Strategies for de-escalating potentially dangerous situations;
  - b. Procedures for addressing medical or public safety emergencies;
  - c. Collecting and communicating information to assist in investigations;
  - d. Procedures for checking identification;
  - e. Recognizing signs of impairment from alcohol or cannabis use;
  - f. Regulation requirements for licensed Social Consumption Establishment licensees; and
  - g. Such other areas of training determined by the Commission to be included in a Responsible Vendor Training Program.

#### 935 CMR 500.140: Additional Operational Requirements for Retail Sale

##### (5) Recording Sales.

(i) A Marijuana Retailer who operates a Supplemental On-site Consumption License in the Premises shall distinguish sales for retail only and sales for consumption through the Seed-to-sale SOR. After the point of sale, there shall be a reconciliation of that inventory in the Seed-to-sale SOR.

#### 935 CMR 500.141: Additional Operational Requirements for Social Consumption Establishments

(1) In addition to the general operational requirements for Marijuana Establishments required under 935 CMR 500.105, and except as otherwise provided in 935 CMR 500.141, a Social Consumption Establishment shall comply with 935 CMR 500.110, and additional operational requirements under 935 CMR 500.140 and 935 CMR 500.141.

(2) Written Policies and Procedures. In addition to the written operating policies required under 935 CMR 500.105(1), prior to commencing operations, a Social Consumption Establishment shall maintain and adhere to written policies and procedures for the sale, distribution, packaging and serving of Marijuana and Marijuana Products and provide in-house training to employees to the extent not covered in Responsible Vendor Training Program courses or other required trainings on such policies and procedures. In-house training provided under 935 CMR 500.141(2) may be counted toward the eight-hour total training requirement required under 935 CMR 500.105(2)(a). Such written policies and procedures shall include, without limitation:

- (a) Methods for preventing, identifying, recording, and reporting Diversion, Inversion, theft, or loss, and for correcting all errors and inaccuracies in inventories. These policies shall, at minimum, include plans for compliance with 935 CMR 500.105(8), 935 CMR 500.110(9), and 935 CMR 500.141(8), if applicable;
- (b) Procedures to ensure that products purchased for consumption on-site are distinguished from products purchased for retail sale which are not to be consumed on-site, if applicable;
- (c) Procedures to ensure that all sales and service of Marijuana and Marijuana Products under a Social Consumption Establishment license comply with 935 CMR 500.141(4)(a);
- (d) Procedures that describe sales and service practices, including but not limited to procedures for order taking, product handling, portioning, delivery to Consumers, and ensuring that all sales and service activities are conducted in compliance with 935 CMR 500.140 and 935 CMR 500.141. Such procedures shall include a description of dose verification practices to ensure that any Marijuana Products offered for consumption on-site are sold or served in accordance with the limitations established in 935 CMR 500.141(3);
- (e) Procedures that describe infusion processes permitted by Consumers, including procedures to prevent cross-contamination and to ensure that no infusion activities occur by Marijuana Establishment Agents in violation of 935 CMR 500.141(9)(c);
- (f) Security procedures, including specific plans for securing entrances and that all Marijuana and Marijuana Products are kept, sold, stored, and, if applicable, consumed, out of plain sight and not visible from a public place;
- (g) Procedures to ensure that only Marijuana or Marijuana Products purchased on the Premises are consumed at the Social Consumption Establishment;
- (h) Procedures that ensure that only Marijuana Accessories provided or sold by the Social Consumption Establishment are used on the Premises;

## **Social Consumption Establishments**

---

### **Massachusetts**

- (i) Procedures to ensure that Marijuana or Marijuana Products purchased on-site do not leave the Premises; except as otherwise authorized in an opaque child-resistant sealed exit bag or an opaque child-resistant sealed exit container suitable for liquids under 935 CMR 500.141(3)(b)3. and 935 CMR 500.141(4)(k);
- (j) Procedures for the storage of Marijuana or Marijuana Products at a Social Consumption Establishment in accordance with Storage Requirements in 935 CMR 500.105(11). Marijuana Event Organizers shall create procedures for the temporary storage of Marijuana, Marijuana Products and Marijuana Accessories at Temporary Consumption Events;
- (k) Procedures for the identification and Waste of unconsumed, abandoned, or unattended Marijuana or Marijuana Products in accordance with 935 CMR 500.105(12);
- (l) Procedures for Social Consumption Establishments regarding transportation between Marijuana Establishments and, if applicable, to Temporary Consumption Events, in accordance with 935 CMR 500.105(13);
- (m) Procedures for Marijuana Event Organizers to describe the orderly preparation, execution, and clean-up of the Temporary Consumption Event from set-up to the closing;
- (n) Procedures outlining how a Licensee will assist Consumers who may be impaired due to consumption of Marijuana or Marijuana Products in the Social Consumption Establishment by assisting the Customer with means of transportation or other services. Such requirements shall be tailored to the Host Community or region in which the Social Consumption Establishment is located and reviewed for comments by the municipality's chief law enforcement officer. The Commission shall take the chief law enforcement officer's opinion into consideration in determining whether to approve the impaired Consumer transportation assistance SOP, provided that the chief law enforcement officer's opinion shall not be determinative. If no response is received from the chief law enforcement officer or delegee within 30 days of submitting the request to the chief law enforcement officer, the Commission shall proceed with its review;
- (o) Procedures to prevent overserving Consumers, including the development of standards, consistent with Responsible Vendor Training, for Marijuana Establishment Agents to use to evaluate impairment;
- (p) Emergency response procedures where Social Consumption Establishments shall contact emergency responders if a Consumer demonstrates signs of unresponsiveness or medical distress in accordance with 935 CMR 500.110(9)(a)10. These procedures shall require a Marijuana Establishment Agent(s) to remain with the Consumer until emergency responders arrive;
- (q) Procedures to ensure that no one younger than 21 years old may access the establishment;
- (r) If Indoor Smoking Consumption Areas are allowed by the Social Consumption Establishment, including the ability for Consumers to use the methods of combustion smoke, heat, vaporization or aerosolization indoors, procedures and building plans or schematics to ensure compliance with 935 CMR 500.141(10);
- (s) If Outdoor Smoking Consumption Areas are allowed by the Social Consumption Establishment, including the ability for Consumers to use the methods of combustion smoke, heat, vaporization or aerosolization outdoors, procedures and building plans or schematics to ensure compliance with 935 CMR 500.141(11);
- (t) Procedures to ensure that smoking or consuming Tobacco is prohibited;
- (u) Sanitary practices in compliance with 105 CMR 590.000 and 105 CMR 300.000, if applicable;
- (v) Procedures to ensure the cleaning and sanitation of all Consumption Areas;
- (w) Procedures to ensure that all Marijuana Accessories provided by the Social Consumption Establishment used by Consumers on-site are cleaned and sanitized after use;
- (x) A detailed description of intended training(s) for Marijuana Establishment Agents who will be employees;
- (y) Policies to ensure that Marijuana Establishment Agents do not consume Marijuana or Marijuana Products while at work;
- (z) A Social Consumption Establishment Licensee shall update its standard operating procedures when utilizing new consumption technologies or Marijuana Accessories in its Indoor Smoking Consumption Areas in order to limit second-hand smoke or vapor and in accordance with 935 CMR 500.104(5).

### **(3) Limitation on Sales.**

#### **(a) General Requirements.**

1. All Marijuana and Marijuana Products offered at a Social Consumption Establishment shall be sourced in compliance with 935 CMR 500.105, and shall have undergone testing in accordance with 935 CMR 500.160 prior to sale or service.
2. A Marijuana Establishment Agent shall not sell Marijuana or Marijuana Products to any individual in excess of the limitations set forth in M.G.L. c. 94G, § 7, 935 CMR 500.140(3)(a), 935 CMR 500.140(4)(c) and 935 CMR 500.150(4)(a) and (b).

#### **(b) Point-of-Service Limitations.**

## Social Consumption Establishments

### Massachusetts

1. At the Point-of-Service, a Social Consumption Establishment shall not serve to a Consumer at one time more than one-half of the limits established in M.G.L. c. 94G, § 7, 935 CMR 500.140(3)(a), and 935 CMR 500.140(4)(c).
2. A Social Consumption Establishment may maintain an Open Bill for a Consumer; provided however, that the sale or service of Marijuana or Marijuana Products complies with 935 CMR 500.141(3)(a)2. and 935 CMR 500.141(3)(b)1.
3. A Marijuana Establishment Agent may sell or serve Marijuana or Marijuana Products in excess of the Point-of-Service limits set forth in 935 CMR 500.141(3)(b)1.; provided however, all sales and service comply with 935 CMR 500.141(3)(a)2.; and provided further, that a Marijuana Establishment Agent shall place all Marijuana or Marijuana Products in excess of the Point-of-Service limits set forth in 935 CMR 500.141(3)(b)1. directly into an opaque child-resistant sealed exit bag prior to being provided to the Consumer.

(c) Repackaging and Portioning of Marijuana Products. A Social Consumption Establishment may Repackage or portion servings of Marijuana-infused Products, including Edibles, Beverages and tinctures, into single or multiple-serving sizes for sale or service to Consumers; provided however, that all individual serving sizes shall comply with the serving size limitations of 935 CMR 500.105(6) and all potency limitations established in 935 CMR 500.150(4).

(d) Other Sales.

1. Sale of Shelf-stable Products. A Social Consumption Establishment shall sell non-infused food, water, and drink items that are pre-packaged prior to arrival on the Premises and are Shelf-stable. Such sales of Shelf-stable Products shall be limited to products sold in a manner that does not cause the Social Consumption Establishment to be considered a Food Establishment under 105 CMR 590.001. A Social Consumption Establishment shall obtain all licenses and permits, as necessary, prior to the sale of Shelf-stable products. Such Shelf-stable Products shall be stored or refrigerated separately from all Marijuana and Marijuana Products. A Social Consumption Establishment shall not sell alcohol or Tobacco.
2. Sale of Food. The Department of Public Health and the applicable local Board of Health have jurisdiction over the sale of non-infused food and drink. A Social Consumption Establishment shall obtain necessary permits, or other authorizations from the Department of Public Health pursuant to 105 CMR 590.000, and any local ordinances or by-laws prior to sale of non-infused food and drink. All non-infused food and drinks shall be stored, refrigerated, and prepared separately from Marijuana and Marijuana Products. Nothing in 935 CMR 500.141, shall be construed to authorize the Commission to license or regulate Food Establishments.
3. Sale of Outside Food. A Social Consumption Establishment may allow sales or delivery of non-infused food or drinks for consumption on-site from a Food Establishment holding a valid permit issued pursuant to 105 CMR 590.000. The allowance of outside non-infused food or drinks from a Food Establishment shall not, by itself, cause a Social Consumption Establishment to be considered a Food Establishment under 105 CMR 590.001: Purpose and Definitions.
4. Sale and Use of Accessories. A Social Consumption Establishment may sell Marijuana Accessories. A Social Consumption Establishment may rent or provide Marijuana Accessories for use by Consumers in Consumption Areas; provided however, all Marijuana Accessories for rent or use by Consumers that are not disposable or for single-use, must be thoroughly cleansed and properly sterilized prior to rental or use, and after rental or use by each Consumer.
5. Access to Consumer Support Items. A Social Consumption Establishment may provide access to or sell products intended to assist Consumers in alleviating or mitigating the effects of intoxication from Marijuana or Marijuana Products; provided however, that the Social Consumption Establishment shall maintain documentation demonstrating the basis for the product's intended use, including but not limited to manufacturer descriptions, product labeling, or other materials, which shall be made available to the Commission or the municipality upon request. Consumer support items shall not be marketed or represented as medical treatment and shall be offered only in compliance with all applicable laws.
6. Sale of Other Items. A Social Consumption Establishment may sell items not expressly authorized herein only after receiving the express written permission of the Host Community of the Supplemental On-site Social Consumption Establishment or Hospitality On-site Social Consumption Establishment, or, for a Marijuana Event Organizer, the municipality where a Temporary Consumption Event is located; provided however, that the sale of any items not expressly authorized herein complies with 935 CMR 500.141(9). Such express written permission shall be submitted to the Commission pursuant to 935 CMR 500.101(3)(i)8. and updated upon any change in accordance with 935 CMR 500.104(5).

(4) Social Consumption Establishment Sales.

(a) Except as otherwise authorized in 935 CMR 500.141(3), the sale of Marijuana and Marijuana Products for consumption on-site shall take place in compliance with the following:

1. Marijuana and Marijuana Products may only be used by Consumers on the Premises who have demonstrated in compliance with 935 CMR 500.141(5) that they are 21 years of age or older.
2. A Social Consumption Establishment shall use Automatic Identification Technology to provide Consumers with access to Certificates of Analysis, and may use AIT to provide Consumers with access to menus, Consumer education information, access to Marijuana or Marijuana Product labels, and any additional content or materials as may be determined by the Commission; provided however, that a Social Consumption Establishment utilizing AIT is prohibited from collecting, storing, or using any Consumer personal data through such technology.
3. In addition to the requirements of 935 CMR 500.140(6), a Social Consumption Establishment shall readily display a Consumer information card to each Consumer at the point of sale or service or within the Consumption Area. A Social Consumption Establishment may use Automatic Identification Technology to display the Consumer information card, or provide visible signage at the point of sale or service or in the Consumption Area. Visible Signage shall contain the same information as the Consumer information card. The content shall include the following:
  - a. Content provided by the Commission that informs Consumers about the impairment effects of different forms of consumption of Marijuana or Marijuana Products including, but not limited to, the length of time that the Marijuana or Marijuana Products may take in order to take effect, and information to prevent impaired driving. The content of the information card or visible signage will be scientifically based on available and current public health research.

## Social Consumption Establishments

### Massachusetts

b. For Edibles, Marijuana-infused Products, or for Beverages, the warning, "The impairment effects of Marijuana-infused Products may be impacted or delayed up to two hours or more depending on several factors, including but not limited to, potency, method of consumption, amount consumed, alcohol consumption, non-infused food and drink consumption prior to and during the use of Marijuana and Marijuana Products, and body-weight, previous use, prescription medication used and tolerance of the Consumer, and may cause psychosis."

4. In addition to the requirements of 935 CMR 500.105(5), a Social Consumption Establishment shall ensure that all Marijuana and Marijuana Products sold or served on-site are accompanied by an Automatic Identification Technology, menu, label, or supplementary insert provided to the Consumer that includes:

- a. The estimated amount of time for the onset effects of Marijuana and Marijuana Products and the projected duration of the effects for each specific product offered for sale by the Licensee; and
- b. Access to the Certificate of Analysis for each batch of Marijuana and Marijuana Products available for sale or service. A Social Consumption Establishment shall make individual package Certificates available to Consumers upon request.

(b) A Social Consumption Establishment shall not allow the consumption of alcohol or Tobacco, or the sale of alcohol or Tobacco on its Premises.

(c) Hospitality On-Site Consumption Licensee or Marijuana Event Organizer Licensee shall not allow consumption by Consumers in a space that is shared with another entity serving alcohol unless there is a physical barrier to the Consumption Areas and Premises or alcohol sales are not offered at the same time as consumption of Marijuana or Marijuana Products by Consumers.

(d) A Supplemental On-Site Consumption Licensee that also has a valid Marijuana Retailer license may conduct both social consumption sales in compliance with 935 CMR 500.141 and retail sales in compliance with 935 CMR 500.140. A Social Consumption Establishment shall ensure that Marijuana and Marijuana Products purchased for consumption on-site are distinguished from Marijuana and Marijuana Products purchased for retail sale through the Seed-to-sale SOR. Marijuana and Marijuana Products purchased for retail sale shall not be consumed on-site.

(e) All Marijuana and Marijuana Product sales shall be tracked by Social Consumption Establishments using the Seed-to-sale SOR. Marijuana Establishments licensed to operate Supplemental On-site Consumption Establishments in its existing Marijuana Establishment Premises shall ensure separation of sales under the Marijuana Establishment license and sales under the Social Consumption Establishment License. Marijuana Establishments selling Marijuana and Marijuana Products through a Marijuana Event Organizer Licensee at Temporary Consumption Events shall track such sales in the Seed-to-sale SOR and shall provide this information to the Social Consumption Establishment.

(f) Limitations on the time for sales of Marijuana or Marijuana Products shall comply with all municipal bylaws and ordinances. Unless otherwise explicitly authorized by the municipality, sales and service shall only occur between the hours of 7:00 A.M. and 12:00 A.M., and shall cease no later than 30 minutes prior to the latest time the licensee is authorized to conduct sales under 935 CMR 500.000. Nothing in this subsection shall prohibit a licensee from continuing to operate or conduct other lawful business activities, including the sale of non-Marijuana items such as non-infused food or drink, or entertainment, after the sale and service of Marijuana and Marijuana Products cease.

(g) Every effort shall be made to minimize the amount of cash held by a Social Consumption Licensee at any one time. Licensees shall use reasonable efforts to implement platforms for the electronic payment of funds.

(h) A Social Consumption Establishment shall prohibit the sale and consumption of Marijuana or Marijuana Products by a visibly intoxicated Consumer.

(i) A Social Consumption Establishment shall adopt separate accounting practices at the point of sale for Marijuana, Marijuana Products, and non-Marijuana sales.

(j) A Consumer's presence at a licensed Social Consumption Establishment during permitted hours of operation shall be presumed lawful and shall not constitute loitering.

(k) The Social Consumption Establishment shall offer Consumers an opaque child-resistant sealed exit bag to take unconsumed or partially consumed Marijuana or Marijuana Products from the Premises; provided however, that any open Beverage, or any drink or other liquid that becomes infused by a Consumer on the Premises shall be consumed on-site and may not be removed from the Premises, unless secured in an opaque child-resistant sealed exit container suitable for liquids provided by the Social Consumption Establishment.

#### (5) Age Verification.

(a) Entry into the Premises of a Social Consumption Establishment by Persons younger than 21 years old is prohibited.

(b) A Social Consumption Establishment shall conduct age verification upon entry using ID scanning software.

## Social Consumption Establishments

### Massachusetts

(c) On entry into the Premises of a Social Consumption Establishment by an individual, a Marijuana Establishment Agent shall immediately inspect, using ID scanning software, the individual's proof of identification and determine the individual's age. An individual may not be admitted to the Premises, unless the Marijuana Establishment Agent has verified, using ID scanning software, that the individual is 21 years of age or older by an individual's proof of identification.

#### (6) Consumption Areas.

##### (a) Access to Consumption Areas.

1. Access to Consumption Areas is restricted to Consumers, Marijuana Establishment Agents, outside vendors and contractors, agents of the Commission, Commission Delegees, state and local personnel acting within their lawful jurisdictions, and police, fire departments, and emergency medical services acting in the course of their official capacity.
2. 935 CMR 500.000 shall not be construed to prohibit access to authorized state or local Law enforcement Authorities or public health, inspectional services, or other permit-granting agents acting within their lawful jurisdiction.

##### (b) Separation of Consumption Areas from Sales and Service.

1. A Social Consumption Establishment that allows an Indoor Smoking Consumption Area or an Outdoor Smoking Consumption Area shall separate the designated sales and service areas from Consumption Areas. Each Indoor Smoking Consumption Area and Outdoor Smoking Consumption Area shall be isolated from other non-smoking areas of the establishment.
2. Indoor Non-Smoking Consumption Areas and Outdoor Non-Smoking Consumption Areas may separate the designated sales and service areas from Consumption Areas.
3. The Indoor Smoking Consumption Area shall be an Enclosed Space separated from the sales and service areas with a secure door and shall only be accessible from the sales area in Supplemental On-site Consumption and Hospitality On-site Consumption establishments. For Marijuana Event Organizers operating a Temporary Consumption Event, the Indoor Smoking Consumption Area shall be an Enclosed Space accessible only through a secure door.
4. The Outdoor Smoking Consumption Areas in a Supplemental On-site Consumption or Hospitality On-site Consumption establishment shall be separated from the indoor portion of the Social Consumption Establishment's Premises by walls or other barriers and a secure door, and shall be separated from sales and service areas. Outdoor Smoking Consumption Areas shall be accessible only from the sales area in a Supplemental On-site Consumption or Hospitality On-site Consumption establishment.
5. Marijuana Event Organizers shall submit as part of its Event Plan an explanation and diagram where Indoor Smoking Consumption Areas or Outdoor Smoking Consumption Areas are located. An Outdoor Smoking Consumption Area shall be at least 30 feet away from the sales areas. The Marijuana Event Organizer shall separate sales and service areas taking place in temporary or mobile structures, including but not limited to tents, trailers, trucks, or other enclosures, from Outdoor Smoking Consumption Areas.

##### (c) Monitoring of Consumption Areas.

1. Visibility of the Indoor Smoking Consumption Areas and Outdoor Smoking Consumption Areas shall be observed by Marijuana Establishment Agents via natural sight, through windows, or via CCTV or a similar monitoring technology.
2. A Supplemental On-site Consumption establishment and a Hospitality On-site Consumption establishment's Consumption Areas shall have clear, unobstructed camera coverage as follows:
  - a. Cameras shall be of quality sufficient to capture a clear, still image, whether live or recorded;
  - b. Cameras shall cover all entrances or reasonable areas of ingress to the Consumption Areas;
  - c. Cameras shall be angled in at designated entrances to allow clear and certain identification of any person entering or exiting the Consumption Area;
  - d. Cameras shall be placed in such a way as to monitor all locked receptacles for the disposal of abandoned, discarded, or unattended Marijuana or Marijuana Products.
  - e. If a licensee cannot comply with 935 CMR 500.110(2) due to conflicting laws or regulations, it shall submit a request for an Alternative Security Provision under 935 CMR 500.110(2).
3. Marijuana Event Organizers shall at minimum provide camera coverage for all sales areas.

##### (d) Location of Consumption Areas.

1. A Social Consumption Establishment shall provide signage to designate the approved Consumption Area(s), and shall employ additional physical or visual markers to inform Consumers and Marijuana Establishment Agents of the boundaries of the Consumption Area(s).
2. A Consumption Area shall be located only within areas of the Premises approved by the Commission for on-site consumption and shall comply with the following:
  - a. A Consumption Area shall not be located at or within any Limited Access Areas.
  - b. A Consumption Area shall not be located within any restroom, janitorial, or storage areas.
3. For a Supplemental On-site Social Consumption Establishment, a Consumption Area shall not be located at or within any retail sales counter, retail point-of-sale station, retail queuing area, or other area designated for the retail sale or payment of Marijuana or Marijuana Products, and shall not intersect with ingress or egress areas for retail sales.
4. The Marijuana Establishment shall maintain an accurate and up-to-date diagram of the Consumption Areas which shall show the location of:
  - a. The licensed Premises of the Marijuana Establishment or Temporary Consumption Event;
  - b. Consumption Areas, sales areas, service areas, and food service areas, if applicable;
  - c. Ventilation exhaust points, if applicable;
  - d. The employee monitoring area;
  - e. Doors, windows, or other exits; and

## Social Consumption Establishments

### Massachusetts

f. Any other information required by the Commission.

**(e) Indoor Consumption Areas.**

1. A Supplemental On-site Consumption licensee that operates in a Marijuana Retailer, and operates an Indoor Non-Smoking Consumption Area, may continue retail operations, and may allow retail sales and social consumption sales and service to occur at the same time; provided however that all Consumption Areas comply with 935 CMR 500.141(6).
2. Consumption of Marijuana or Marijuana Products in an Indoor Smoking Consumption Area shall comply with 935 CMR 500.141(10). Further:
  - a. A Supplemental On-site Consumption Licensee shall not operate an Indoor Smoking Consumption Area at the same time as the existing Marijuana Establishment if they operate in the same space and during the same operating hours.
  - b. A Supplemental On-site Consumption Licensee shall ensure that the Indoor Smoking Consumption Areas are separated from the existing Marijuana Establishment's operations by an Enclosed Space approved by the Commission.
  - c. A Hospitality On-site Consumption Licensee and a Marijuana Event Organizer shall ensure that Indoor Smoking Consumption Areas within a new or existing Non-Cannabis Entity are separate from the new or existing Non-Cannabis Entity's operations by having an Enclosed Space approved by the Commission.

(f) A Social Consumption Establishment shall provide Consumers with adequate, readily accessible toilet facilities that are maintained in a sanitary condition and in good repair.

(g) If an emergency requires law enforcement personnel, firefighters, emergency medical services providers, or other public safety workers to enter an Indoor Smoking Consumption Area or an Outdoor Smoking Consumption Area, the Social Consumption Establishment shall cease the combustion, heat, vaporization, or aerosolization of Marijuana and Marijuana Products if requested by such officials until such public safety workers have completed their investigation or services and have left the Premises.

**(7) Waste Disposal.**

- (a) The Social Consumption Establishment shall provide Consumers at least one locked receptacle in a Consumption Area for the disposal of unwanted, unattended, abandoned, or discarded Marijuana or Marijuana Products. Where combustion or heat is used to consume Marijuana or Marijuana Products, the locked receptacles shall be fireproof.
- (b) The Social Consumption Establishment shall ensure the Consumption Area is regularly checked for abandoned, discarded, or unattended Marijuana or Marijuana Products and shall promptly dispose of the same in the locked receptacle.
- (c) Social Consumption Establishments shall ensure that all Marijuana and Marijuana Products are properly wasted in accordance with 935 CMR 500.105(12). The locked receptacle shall be emptied, and the Marijuana and Marijuana Products shall be properly wasted no later than at the end of each day, or when the receptacle is at capacity, whichever occurs first.
- (d) Marijuana or Marijuana Products returned by a Consumer shall be disposed of in accordance with 935 CMR 500.105(12).

**(8) Incident Reporting.**

- (a) The Social Consumption Establishment shall provide notice to appropriate Law Enforcement Authorities and the Commission in accordance with 935 CMR 500.110(9).
- (b) In addition to the incidents identified in 935 CMR 500.110(9)(a), a Social Consumption Establishment shall notify the Commission of any of the following incidents immediately, or if circumstances prevent immediate reporting, no more than 24 hours after the following:
  1. Any consumption of Tobacco or alcohol on the Premises;
  2. Any instance involving the consumption of any Marijuana or Marijuana Product at the Social Consumption Establishment by a Consumer that was not purchased from the Social Consumption Establishment;
  3. Any instance involving the consumption of any Marijuana or Marijuana Product from the Social Consumption Establishment being consumed in any area outside the designated Consumption Area and on the Premises;
  4. Any instance in which the Social Consumption Establishment has actual knowledge, through formal notice or by direct communication, from federal, state or local officials, Marijuana Establishment Agents, or insurance companies, that a Consumer who patronized the Social Consumption Establishment was arrested for operating under the influence of marijuana as prohibited by M.G.L. c. 90, § 24.
  5. Any instance involving the entry onto the Premises by, or sales or service to, an individual younger than 21 years old; or
  6. Any instance in which the ventilation or filtration system in an Indoor Smoking Consumption Area fails or stops functioning properly.

**(9) Prohibitions. A Social Consumption Establishment shall not:**

- (a) Sell Marijuana or Marijuana Products other than those authorized pursuant to 935 CMR 500.141.
- (b) Permit the sale or consumption of Marijuana or Marijuana Products in violation of 935 CMR 500.160.
- (c) Infuse or combine Marijuana or Marijuana Products with food or drink by a Marijuana Establishment Agent at the Social Consumption Establishment. Nothing in 935 CMR 500.141(9) shall prohibit a Consumer from infusing their own food or drink with Marijuana or Marijuana Products that have been lawfully purchased at the Social Consumption Establishment.
- (d) Allow any Marijuana Establishment Agent to consume Marijuana or Marijuana Products during the course of a work shift;
- (e) Allow the sale or consumption of Tobacco or alcohol on the Premises;

## Social Consumption Establishments

### Massachusetts

- (f) Allow the consumption of any Marijuana or Marijuana Product that was not purchased from the Social Consumption Establishment;
- (g) Allow, encourage or permit any organized game or contest involving the competitive or cooperative consumption of Marijuana or Marijuana Product or awarding of Marijuana or Marijuana Products as a prize;
- (h) Advertise, market or brand any practice prohibited under 935 CMR 500.141(9) or 935 CMR 500.105(4)(b);
- (i) Allow consumption outside of designated Consumption Areas; and
- (j) Permit Marijuana or Marijuana Products to be sold or served to an intoxicated Consumer.

**(10) Indoor Smoking Consumption Area Requirements.**

- (a) The prohibition on smoking of Tobacco indoors cannot be waived.
- (b) Social Consumption Establishments shall not allow combustion, heat, vaporization, or aerosolization of Marijuana or Marijuana Products indoors unless expressly permitted by the Commission in an authorized Indoor Smoking Consumption Area.
- (c) The Indoor Smoking Consumption Area is compliant with all fire codes.
- (d) Social Consumption Establishments with an Indoor Smoking Consumption Area shall provide Marijuana Establishment Agents with adequate Personal Protective Equipment and shall provide options to Marijuana Establishment Agents to view the Indoor Smoking Consumption Areas in a smoke-free, and vapor-free area.
  - 1. A Social Consumption Establishment shall not prohibit or restrict a Marijuana Establishment Agent from wearing or using Personal Protective Equipment while working in or around an Indoor Smoking Consumption Area.
  - 2. A Social Consumption Establishment shall comply with all applicable OSHA requirements.
- (e) Social Consumption Establishments with an Indoor Smoking Consumption Area shall include:
  - 1. A ventilation system within the Indoor Smoking Consumption Area that shall maintain negative air pressure relative to adjacent spaces at all times of operation.
  - 2. A separate ventilation system within the Indoor Smoking Consumption Area shall be capable of 20 complete air changes per hour at a minimum. Excess air required to create negative air pressure volume must be directly exhausted to the outdoors in compliance with all applicable building and fire codes and environmental regulations.
  - 3. A separate system within the rest of the Social Consumption Establishment that shall be capable of six complete air changes per hour at a minimum. Excess air required to create negative pressure volume must be directly exhausted to the outdoors in compliance with all applicable building and fire codes and environmental regulations.
  - 4. A Minimum Efficiency Reporting Value (MERV) 14 or higher filtration system shall be capable of handling the entire volume of air within the Indoor Smoking Consumption Area, or an equivalent system pursuant to 935 CMR 500.141(10)(g);
  - 5. Odor control equipment sufficient to mitigate cannabis odor from being detected outside the limits of the Premises.
- (f) Prior to final licensure, a Social Consumption Establishment with an Indoor Smoking Consumption Area shall demonstrate compliance with 935CMR 500.141(10) by submitting a ventilation and filtration compliance letter, bearing the stamp and signature of a Massachusetts Licensed Mechanical Engineer in accordance with M.G.L. c. 112, § 81M, together with supporting documentation, including but not limited to plans, computations, and specifications demonstrating system design and performance.
- (g) Notwithstanding 935 CMR 500.141(10)(e), a Social Consumption Establishment may submit an alternative ventilation and filtration plan, bearing the stamp and signature of a Massachusetts Licensed Mechanical Engineer in accordance with M.G.L. c. 112, § 81M, together with supporting documentation, including but not limited to plans, computations, and specifications demonstrating system design, performance, and demonstrating protection of Consumers and Marijuana Establishment Agents at least equivalent to the requirements of 935 CMR 500.141(10)(e). The plan shall set forth performance criteria and proposed monitoring methods to demonstrate ongoing compliance with 935 CMR 500.141(10).
- (h) A Social Consumption Establishment with an Indoor Smoking Consumption Area shall maintain and demonstrate ongoing compliance with 935 CMR 500.141(10). At a minimum, the Social Consumption Establishment shall:
  - 1. Obtain certification, bearing the stamp and signature of a Massachusetts Licensed Mechanical Engineer in accordance with M.G.L. c. 112, § 81M, demonstrating continued compliance with 935 CMR 500.141(10)(e), or with the performance criteria set forth in an alternative ventilation and filtration plan pursuant to 935 CMR 500.141(10)(g), if applicable, not less than once every 12 months;
  - 2. Maintain records of all ventilation and filtration system inspections, maintenance, and repairs for the two most recent certification periods. Such records shall be retained from the date of each certification of compliance until the next certification is obtained. Upon issuance of a new annual certification pursuant to 935 CMR 500.141(10)(h), the Social Consumption Establishment may archive or dispose of records predating the two most recent certification periods;
  - 3. For Social Consumption Establishments operating under an alternative ventilation and filtration plan pursuant to 935 CMR 500.141(10)(g), maintain records of all inspections, maintenance, repairs, and monitoring data demonstrating compliance with the performance criteria set forth in the alternative ventilation and filtration plan for the two most recent certification periods. Such records shall be retained from the date of each

## Social Consumption Establishments

### Massachusetts

certification of compliance until the next certification is obtained. Upon issuance of a new annual certification pursuant to 935 CMR 500.141(10)(h), the Social Consumption Establishment may archive or dispose of records predating the two most recent certification periods; and

4. Make all such records, including inspections, maintenance, repair logs, certifications, and monitoring data, for the two most recent certification periods available to the Commission or municipality upon request.

(i) Upon any failure or improper functioning of the ventilation or filtration system or any alternative ventilation and filtration plan in an Indoor Smoking Consumption Area, a Social Consumption Establishment shall immediately require all Consumers to cease the consumption of all Marijuana or Marijuana Products in the Indoor Smoking Consumption Area and shall ensure that the Indoor Smoking Consumption Area is promptly vacated by Consumers.

1. The Indoor Smoking Consumption Area shall remain closed to consumption unless and until the ventilation and filtration system, or any alternative ventilation and filtration plan, is repaired and functioning appropriately and the Social Consumption Establishment has complied with 935 CMR 500.141(10)(j).
2. During the period of closure in accordance with 935 CMR 500.141(10)(i)1., the Indoor Smoking Consumption Area may be entered only by Marijuana Establishment Agents, outside vendors and contractors, agents of the Commission, Commission Delegees, state and local personnel acting within their lawful jurisdictions, and police, fire department, and emergency medical services personnel acting in the course of their official duties.
3. No consumption of Marijuana or Marijuana Products shall occur in the Indoor Smoking Consumption Area for a minimum of 48 hours following the detection of the ventilation or filtration system failure or improper functioning, or the failure or improper functioning of any alternative ventilation and filtration plan; provided however, that beginning 48 hours after the Social Consumption Establishment notifies the Commission of such failure or improper functioning pursuant to 935 CMR 500.141(8)(b)6., and continuing until the Social Consumption Establishment has complied with 935 CMR 500.141(10)(j), the Indoor Smoking Consumption Area may be utilized as an Indoor Non-Smoking Consumption Area.
4. Notwithstanding 935 CMR 500.141(10)(i), operation of the Indoor Smoking Consumption Area may resume at any time if the Social Consumption Establishment has complied with 935 CMR 500.141(10)(j).

(j) A Social Consumption Establishment shall report any instance in which the ventilation or filtration system in the Indoor Smoking Consumption Area fails or stops functioning properly to the Commission in accordance with 935 CMR 500.141(8)(b)6., as well as the actions that will be taken to fix the system. Combustion, heat, vaporization, and aerosolization of Marijuana or Marijuana Products in an Indoor Smoking Consumption Area shall not resume until the Social Consumption Establishment provides written notice to the Commission, bearing the stamp and signature of a Massachusetts Licensed Mechanical Engineer in accordance with M.G.L c. 112, § 81M, together with supporting documentation, including but not limited to plans, computations, and specifications demonstrating that the ventilation or filtration system has been repaired, is functioning properly, and complies with 935 CMR 500.141(10)(e) or, if applicable, the performance criteria in an approved alternative ventilation and filtration plan under 935 CMR 500.141(10)(g).

(k) All combustion, heat, vaporization, or aerosolization of Marijuana or Marijuana Products within an Indoor Smoking Consumption Area shall occur out of plain sight and shall not be visible from a public place, outside of the Marijuana Establishment, or in the case of a Temporary Consumption Event, the Event Premises, without the use of binoculars, optical aids, or aircraft.

#### (11) Outdoor Smoking Consumption Area Requirements.

(a) An Outdoor Smoking Consumption Area shall be open to the air at all times. The Outdoor Smoking Consumption Area shall be required to have unobstructed circulation of outside air to all parts of the Outdoor Smoking Consumption Area. This requirement shall be met if:

1. The Outdoor Smoking Consumption Area has a ceiling and at least ½ of the total surface area of the walls and other vertical boundaries of the space permit unobstructed flow of outside air into the space; or
2. The Outdoor Smoking Consumption Area has no ceiling and no more than two walls or other barriers or other vertical boundaries of the space that obstruct the flow of air into the area exceeding 8 feet in height.

(b) The Outdoor Smoking Consumption Area is compliant with all fire codes.

(c) Social Consumption Establishments with an Outdoor Smoking Consumption Area shall provide Marijuana Establishment Agents with adequate Personal Protective Equipment and shall provide options to Marijuana Establishment Agents to view the Outdoor Smoking Consumption Areas in a smoke-free, and vapor-free area.

1. No Social Consumption Establishment shall prohibit or restrict a Marijuana Establishment Agent from wearing or using Personal Protective Equipment while working in or around an Outdoor Smoking Consumption Area.
2. A Social Consumption Establishment shall comply with all applicable OSHA requirements.

(d) Outdoor Smoking Consumption Areas shall:

1. Be clearly marked with appropriate signage;
2. Be physically separated from non-smoking areas and areas accessible to minors;
3. Be regularly cleaned and maintained to minimize waste, odor, and the risk of Diversion or Inversion of Marijuana and Marijuana Products; and

## **Social Consumption Establishments**

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### **Massachusetts**

4. Be monitored to prevent the unlawful consumption or unlawful transfer of Marijuana or Marijuana Products.

- (e) Reasonable efforts are made to mitigate smoke migration to indoor locations.
- (f) If an Outdoor Smoking Consumption Area has removable elements, such as ceilings, walls, other barriers or windows that impede the free flow of outside air, the Consumption Area shall be considered an Indoor Smoking Consumption Area for the purposes of compliance with 935 CMR 500.141(10), when the removable elements are in place.
- (g) All combustion, heat, vaporization, or aerosolization of Marijuana or Marijuana Products within an Outdoor Smoking Consumption Area shall occur out of plain sight and shall not be visible from a public place, outside of the Marijuana Establishment or, in the case of a Temporary Consumption Event, the Event Premises, without the use of binoculars, optical aids, or aircraft.

(12) Marijuana Event Organizer Warehousing.

- (a) Notwithstanding the Vault requirements in 935 CMR 500.110, a Marijuana Event Organizer may operate a Warehouse for the storage of Finished Marijuana, Marijuana Products, and Marijuana Accessories and for the preparation of sale to consumers at Temporary Consumption Events. A Marijuana Event Organizer who does not operate a Warehouse shall indicate to the Commission all Marijuana Establishments who will conduct sales of Marijuana, Marijuana Products, and Marijuana Accessories, at each Temporary Consumption Event.
- (b) Warehouses shall comply with all applicable requirements for 935 CMR 500.105 and 935 CMR 500.110.
- (c) Warehouses shall incorporate a sally port or loading area immediately adjacent to the Warehouse that enables the Transfer of Finished Marijuana Products to and from Temporary Consumption Events.