

Transportation Between Marijuana Establishments Massachusetts

Moving cannabis material and products **between licensed establishments** (i.e., from cultivator to dispensary or cultivator to manufacturer to dispensary) must be done safely and compliantly.

To ensure safety and compliance, there will always be **two badged agents** involved with **transportation**. One agent will always **stay with the vehicle** if there is cannabis on board while the other goes **into the limited access** area to deliver the products. The only **exception** to this is if inventory is being transported for the **purpose of testing** and there is a wholesale **value of less than \$5,000** in the vehicle. In that case, only one agent is required to transport.

The transport of inventory can only take place once it has been reported in Metrc and a manifest has been generated. Licensees are allowed to utilize digital manifests when transporting as long as they are accessible at any time by agents.

Agents must be aware of their environment and check in with their home base when leaving any scheduled location, or making an unscheduled stop.

Agents transporting cannabis may never cross state lines or leave the state of Massachusetts.

Be sure to remember that unusual **discrepancies** in weight, count, or inventory and incidents such as **vehicle accidents, Diversion, Inversion, losses**, and other reportable incidents that occur during transport must be **reported to the CCC and law enforcement within 24 hours**.

935CMR 501.105 (13) Transportation Between Medical Marijuana Establishment

(a) General Requirements

1. A licensed Marijuana Establishment shall, as an element of its License, be licensed to transport its Marijuana Products to other licensed establishments, except as otherwise provided herein.
2. Marijuana Products may only be transported between licensed Marijuana Establishments by registered Marijuana Establishment Agents.
3. A licensed Marijuana Transporter may contract with a licensed Marijuana Establishment to transport that Licensee's Marijuana Products to other licensed Marijuana Establishments.
4. The originating and receiving licensed Marijuana Establishments shall ensure that all transported Marijuana Products are linked to the Seed-to-sale tracking program. For the purposes of tracking, seeds and Clones shall be properly tracked and labeled in a form and manner determined by the Commission.
5. Any Marijuana Product that is undeliverable or is refused by the destination Marijuana Establishment shall be transported back to the originating establishment.
6. All vehicle transporting Marijuana Products shall be staffed with a minimum of two Marijuana Establishment Agents. At least one agent shall always remain with the vehicle when the vehicle contains Marijuana or Marijuana Products.
7. Prior to leaving a Marijuana Establishment for the purpose of transporting Marijuana Products, the originating Marijuana Establishment must weigh, inventory, and account for, on video, all Marijuana Products to be transported.
8. Within eight hours after arrival at the destination Marijuana Establishment, the destination establishment must reweigh, re-inventory, and account for, on video, all Marijuana Products transported.
9. When videotaping the weighing, inventorying, and accounting of Marijuana Products before transportation or after receipt, the video must show each product being weighed, the weight, and the manifest.
10. Marijuana Products must be packaged in sealed, labeled, and tamper or child-resistant packaging prior to and during transportation.
11. In the case of an emergency stop during the transportation of Marijuana Products, a log must be maintained describing the reason for the stop, the duration, the location, and any activities of personnel exiting the vehicle.
12. A Marijuana Establishment or a Marijuana Transporter transporting Marijuana Products shall ensure that all transportation times and routes are randomized.
13. A Marijuana Establishment or a Marijuana Transporter transporting Marijuana Products shall ensure that all transport routes remain within the Commonwealth.

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

15. All vehicles shall be equipped with a video system that includes one or more video cameras in the storage area of the vehicle and one or more video cameras in the driver area of the vehicle and which shall remain operational at all times during the entire transportation process and which shall have:

- a. The ability to produce a clear color still photo whether live or recorded; and
- b. A date and time stamp embedded in all recordings which shall always be synchronized and set correctly and shall not significantly obscure the picture.

(b) Reporting Requirements.

1. Marijuana Establishment Agents must document and report any unusual discrepancy in weight or inventory to the Commission and Law Enforcement Authorities not more than 24 hours of the discovery of such a discrepancy.
2. Marijuana Establishment Agents shall report to the Commission and Law Enforcement Authorities any vehicle accidents, Diversion, Inversion, losses, or other reportable incidents that occur during transport, not more than 24 hours of such accidents, Diversion, Inversion, losses, or other reportable incidents.

(c) Vehicles.

1. A vehicle used for transporting Marijuana Products must be: a. Owned or leased by the Marijuana Establishment or the Marijuana Transporter; b. Properly registered, inspected, and insured in the Commonwealth (documentation of such status shall be maintained as records of the Marijuana Establishment or the Marijuana Transporter, and shall be made available to the Commission on request); c. Equipped with an alarm system approved by the Commission; and d. Equipped with functioning heating and air conditioning systems appropriate for maintaining correct temperatures for storage of Marijuana Products.
2. Marijuana Products must not be visible from outside the vehicle.
3. Any vehicle used to transport Marijuana Products shall not bear any markings indicating that the vehicle is being used to transport Marijuana Products, and any such vehicle shall not indicate the name of the Marijuana Establishment or the Marijuana Transporter.
4. When transporting Marijuana Products, no other products may be transported or stored in the same vehicle.
5. No firearms may be located within the vehicle or on a Marijuana Establishment Agent.

(d) Storage Requirements.

1. Marijuana Products must be transported in a secure, locked storage compartment that is a part of the vehicle transporting the Marijuana Products.
2. The storage compartment must be sufficiently secure that it cannot be easily removed.
3. If a Marijuana Establishment, pursuant to a Marijuana Transporter License, or a Marijuana Transporter is transporting Marijuana Products for more than one Marijuana Establishment at a time, the Marijuana Products for each Marijuana Establishment shall be kept in a separate locked storage compartment during transportation and separate manifests shall be maintained for each Marijuana Establishment.
4. If a Marijuana Establishment is transporting Marijuana Products to multiple other establishments, it may seek the Commission's permission to adopt reasonable alternative safeguards.

(e) Communications.

1. Any vehicle used to transport Marijuana Products shall contain a global positioning system (GPS) monitoring device that is: a. Not a mobile device that is easily removable; b. Attached to the vehicle at all times that the vehicle contains marijuana products; c. Monitored by the marijuana establishment or marijuana transporter during transport of marijuana products; and d. Inspected by the commission prior to initial transportation of marijuana products, and after any alteration to the locked storage compartment.
2. Each Marijuana Establishment Agent transporting Marijuana Products shall always have access to a secure form of communication with personnel at the originating location when the vehicle contains Marijuana and Marijuana Products.
3. Secure types of communication include, but are not limited to: a. Two-way digital or analog radio (UHF or VHF); b. Cellular phone; or c. Satellite phone.
4. When choosing a type of secure communications, the following shall be taken into consideration: a. Cellular signal coverage; b. Transportation area; c. Base capabilities; d. Antenna coverage; and e. Frequency of transportation.

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5. Prior to, and immediately after leaving the originating location, the Marijuana Establishment Agents shall use the secure form of communication to contact the originating location to test communications and GPS operability.
6. If communications or the GPS system fail while on route, the Marijuana Establishment Agents transporting Marijuana Products must return to the originating location until the communication system or GPS system is operational.
7. The Marijuana Establishment Agent or Agents transporting Marijuana Products shall contact the originating location when leaving any scheduled location, or making any unscheduled stops.
8. The originating location must have a Marijuana Establishment Agent assigned to monitoring the GPS unit and secure form of communication, who must log all official communications with Marijuana Establishment Agents transporting Marijuana Products.

(f) Manifests.

1. A Medical Marijuana Establishment shall complete a manifest prior to transporting Marijuana or Marijuana Products between Marijuana Establishments or a Medical Marijuana Establishment. A Medical Marijuana Establishment may utilize a physical or electronic manifest during the transportation of Marijuana or Marijuana Products.
2. Prior to transport, the manifest shall be securely transmitted to the destination Marijuana Establishment by facsimile or email.
3. On arrival at the destination Marijuana Establishment, a Marijuana Establishment Agent at the destination Marijuana Establishment shall compare the manifest produced by the agents who transported the Marijuana Products to the copy transmitted by facsimile or email. This manifest must, at a minimum, include:
 - a. The originating Marijuana Establishment name, address, and registration number;
 - b. The names and registration numbers of the agents who transported the Marijuana Products;
 - c. The name and registration number of the Marijuana Establishment Agent who prepared the manifest;
 - d. The destination Marijuana Establishment name, address, and registration number;
 - e. A description of the Marijuana Products being transported, including the weight and form or type of product;
 - f. The mileage of the transporting vehicle at departure from originating Marijuana Establishment and mileage on arrival at destination Marijuana Establishment, as well as mileage on return to originating Marijuana Establishment;
 - g. The date and time of departure from originating Marijuana Establishment and arrival at destination Marijuana Establishment for each transportation;
 - h. A signature line for the Marijuana Establishment Agent who receives the Marijuana Products;
 - i. The weight and inventory before departure and on receipt;
 - j. The date and time that the transported products were reweighed and re-inventoried;
 - k. The name of the Marijuana Establishment Agent at the destination Marijuana Establishment who reweighed and re-inventoried products; and
 - l. The vehicle make, model, and license plate number.
4. The manifest shall be maintained within the vehicle during the entire transportation process, until the delivery is completed.
 - a. If utilizing a physical copy of the manifest, the licensed Medical Marijuana Establishment Agent must be able to access the physical copy at any time during transportation.
 - b. If utilizing an electronic manifest, the licensed Medical Marijuana Establishment Agent must be able to access the electronic manifest at any time during transportation.
5. A Marijuana Establishment shall retain all transportation manifests for no less than one year and make them available to the Commission on request.

(g) Requirements for Agents.

1. Each employee or agent transporting or otherwise handling Marijuana Products for a Marijuana Transporter must be registered as a Marijuana Establishment Agent and have a driver's license in good standing issued by the Massachusetts Registry of Motor Vehicles for all classes of vehicle the Marijuana Establishment Agent will operate for the Marijuana Transporter prior to transporting or otherwise handling Marijuana Products.
2. A Marijuana Establishment Agent shall carry his or her Agent Registration Card at all times when transporting Marijuana Products and shall produce his or her Agent Registration Card to the Commission or Law Enforcement Authorities on request.

(h) Medical Marijuana Establishments engaged in transportation operations **shall use best management practices to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts.**

(i) A CMO can transport adult use and medical use Marijuana and Marijuana Products if it is appropriately licensed to do so. Where a CMO is transporting both adult use and medical use Marijuana, MIPs and Marijuana Products, the CMO shall comply with the more restrictive security provisions.

Transportation Between Marijuana Establishments Massachusetts

935CMR 500.105: (13) Transportation Between Marijuana Establishments. (Adult-Use)

(a) General Requirements.

1. A licensed Marijuana Establishment shall be licensed to transport its Marijuana and Marijuana Products to other licensed establishments, including Medical Marijuana Establishment's, except as otherwise provided herein.
2. Marijuana Products may only be transported between licensed Marijuana Establishments by registered Marijuana Establishment Agents.
3. A licensed Marijuana Transporter may contract with a licensed Marijuana Establishment to transport that Licensee's Marijuana Products to other licensed Marijuana Establishments.
4. The originating and receiving licensed Marijuana Establishments shall ensure that all transported Marijuana Products are linked to the Seed-to-sale SOR. For the purposes of tracking, seeds and Clones shall be properly tracked and labeled in a form and manner determined by the Commission.
5. Any Marijuana Product that is undeliverable or is refused by the destination Marijuana Establishment shall be transported back to the originating establishment.
6. All vehicles transporting Marijuana Products shall be staffed with a minimum of two Marijuana Establishment Agents. At least one agent shall always remain with the vehicle when the vehicle contains Marijuana or Marijuana Products.
 - a. Notwithstanding 935 CMR 500.105(13)(a)6., an Independent Testing Laboratory shall ensure that all vehicles operated by the Independent Testing Laboratory or a Marijuana Transporter used solely for transporting Marijuana or Marijuana Products for testing purposes in accordance with 935 CMR 500.160 that contain Marijuana and Marijuana Products with a total Wholesale value in excess of \$5,000 in the vehicle are staffed with a minimum of two Marijuana Establishment Agents.
 - b. Notwithstanding 935 CMR 500.105(13)(a)6., for all vehicles transporting Marijuana or Marijuana Products solely for testing purposes in accordance with 935 CMR 500.160 that contain Marijuana and Marijuana Products with a total Wholesale value of \$5,000 or less in the vehicle, an Independent Testing Laboratory or Marijuana Transporter may use one Marijuana Establishment Agent.
7. Prior to leaving a Marijuana Establishment for the purpose of transporting Marijuana Products, the originating Marijuana Establishment shall weigh, inventory, and account for, on video, all Marijuana Products to be transported.
8. Within eight hours after arrival at the destination Marijuana Establishment, the destination establishment shall reweigh, re-inventory, and account for, on video, all Marijuana Products transported.
9. When videotaping the weighing, counting, inventorying and accounting of Marijuana Products before transportation or after receipt the video shall show the product being weighed or counted, the actual final weight or count, and the manifest.
10. Marijuana Products shall be packaged in sealed, labeled, and tamper or child-resistant packaging prior to and during transportation.
11. In the case of an emergency stop during the transportation of Marijuana Products, a log shall be maintained describing the reason for the stop, the duration, the location, and any activities of personnel exiting the vehicle. Licensees shall comply with applicable requirements of 935 CMR 500.110(9).
12. A Marijuana Establishment or a Marijuana Transporter transporting Marijuana Products shall ensure that all transportation times and routes are randomized.
13. A Marijuana Establishment or a Marijuana Transporter transporting Marijuana Products shall ensure that all transport routes remain within the Commonwealth.
14. All vehicles and transportation equipment used in the transportation of Marijuana Products or Edibles requiring temperature control for safety shall be designed, maintained, and equipped as necessary to provide adequate temperature control to prevent the Marijuana Products or Edibles from becoming unsafe during transportation, consistent with applicable requirements pursuant to 21 CFR 1.908(c).
15. All vehicles shall be equipped with a video system that includes one or more video cameras in the storage area of the vehicle and one or more video cameras in the driver area of the vehicle and which shall remain operational at all times during the entire transportation process and which shall have:
 - a. The ability to produce a clear color still photo whether live or recorded; and
 - b. A date and time stamp embedded in all recordings which shall always be synchronized and set correctly and may not significantly obscure the picture.

(b) Reporting Requirements.

1. Marijuana Establishment Agents shall document and report any unusual discrepancy in weight or inventory to the Commission and Law Enforcement Authorities not more than 24 hours of the discovery of such a discrepancy.

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2. Marijuana Establishment Agents shall report to the Commission and Law Enforcement Authorities any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport, not more than 24 hours of such accidents, diversions, losses, or other reportable incidents.

(c) Vehicles.

1. A vehicle used for transporting Marijuana Products shall be:
 - a. Owned or leased by the Marijuana Establishment or the Marijuana Transporter;
 - b. Properly registered, inspected, and insured in the Commonwealth (documentation of such status shall be maintained as records of the Marijuana Establishment or the Marijuana Transporter, and shall be made available to the Commission on request);
 - c. Equipped with an alarm system approved by the Commission; and
 - d. Equipped with functioning heating and air conditioning systems appropriate for maintaining correct temperatures for storage of Marijuana Products.
2. Marijuana Products may not be visible from outside the vehicle.
3. Any vehicle used to transport or deliver Marijuana or Marijuana Products shall comply with applicable Massachusetts Registry of Motor Vehicles (RMV) requirements, but may not include any additional external marking that indicate the vehicle is being used to transport or deliver Marijuana or Marijuana Products.
4. When transporting Marijuana Products, no other products may be transported or stored in the same vehicle.
5. No firearms may be located within the vehicle or on a Marijuana Establishment Agent.

(d) Storage Requirements.

1. Marijuana Products shall be transported in a secure, locked storage compartment that is a part of the vehicle transporting the Marijuana Products.
2. The storage compartment shall be sufficiently secure that it cannot be easily removed.
3. If a Marijuana Establishment, pursuant to a Marijuana Transporter License, or a Marijuana Transporter is transporting Marijuana Products for more than one Marijuana Establishment at a time, the Marijuana Products for each Marijuana Establishment shall be kept in a separate locked storage compartment during transportation and separate manifests shall be maintained for each Marijuana Establishment.
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 - a. Not a mobile device that is easily removable;
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3. Secure types of communication include, but are not limited to:
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 - b. Cellular phone; or
 - c. Satellite phone.
4. When choosing a type of secure communications, the following shall be taken into consideration:
 - a. Cellular signal coverage;
 - b. Transportation area;
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 - d. Antenna coverage; and
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5. Prior to, and immediately after leaving the originating location, the Marijuana Establishment Agents shall use the secure form of communication to contact the originating location to test communications and GPS operability.
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 - b. The names and registration numbers of the agents who transported the Marijuana Products;
 - c. The name and registration number of the Marijuana Establishment Agent who prepared the manifest;
 - d. The destination Marijuana Establishment name, address, and registration number;
 - e. A description of the Marijuana Products being transported, including the weight and form or type of product;
 - f. The mileage of the transporting vehicle at departure from originating Marijuana Establishment and mileage on arrival at destination Marijuana Establishment, as well as mileage on return to originating Marijuana Establishment;
 - g. The date and time of departure from originating Marijuana Establishment and arrival at destination Marijuana Establishment for each transportation;
 - h. A signature line for the Marijuana Establishment Agent who receives the Marijuana Products;
 - i. The weight and inventory before departure and on receipt;
 - j. The date and time that the transported products were reweighed and re-inventoried;
 - k. The name of the Marijuana Establishment Agent at the destination Marijuana Establishment who reweighed and re-inventoried products; and
 - l. The vehicle make, model, and license plate number.
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(h) Marijuana Transporters shall use best management practices to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts.

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