

TOWN OF MAYNARD
BOARD OF SELECTMEN
RULES & REGULATIONS
MARIJUANA CULTIVATORS, MANUFACTURERS & TESTING FACILITIES

1. Purpose

The purpose of these Regulations is to set forth the expectations of the citizens of Maynard as to the conduct of the Town's Marijuana Retailers.

2. Authority

These Regulations are promulgated under the authority granted to the Board of Selectmen of the Town of Maynard, acting as the Local Licensing Authority ("LLA"), by Massachusetts General Laws ("M.G.L.") c. 94G and all amendments thereto, and the Cannabis Control Commission ("CCC") regulations, 935 CMR 500.000. Such Regulations shall supplement any statutory requirements and the rules and regulations of the CCC.

3. Definitions

Unless otherwise indicated, terms used throughout this regulation shall be defined as they are in 105 CMR 725.000, 935 CMR 500.000 and in General Law, Chapters 94G and 94I.

In addition, for the purposes of this regulation, the following words shall have the following meanings:

Employee: means a board member, director, employee, executive, manager, or volunteer of a Marijuana Establishment, who is 21 years of age or older. Employee includes a consultant or contractor who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

License: a revocable privilege granted by the License Authority.

- A. Marijuana Cultivator Licenses under G.L. c. 94G: The Local Licensing Authority may grant a Marijuana Cultivator License to those persons qualify under these policies.
- B. Marijuana Testing Facility Licenses under G.L. c. 94G: The Local Licensing Authority may grant a Marijuana Testing Facility License to those persons qualify under these policies.
- C. Marijuana Product Manufacturer Licenses under G.L. c. 94G: The Local Licensing Authority may grant a Marijuana Product Manufacturer License to those persons qualify under these policies.

Licensee: an individual Licensee and each member of a partnership, or each officer, director, manager, and stockholder of a corporate Licensee and any agent of a Licensee including those employees who work in the public areas of the premises.

Licensed Premises: all land and buildings associated with the operation of the license, also referred to as the “Premises”.

Local Licensing Authority: The Board of Selectmen of the Town of Maynard which has the legal authority to grant licenses and/or regulate the operation of the Licensed Premises, referred to herein as “LLA”.

Manager: The person designated as a Manager of the Licensed Premises in any License granted pursuant to the provisions of M.G.L. Chapter 94G.

Minor: Any person less than twenty-one (21) years of age, or such other applicable age for minors as may be set by the Legislature of the Commonwealth of Massachusetts from time to time.

4. Applicability

These Regulations shall apply to all Town Licensees issued for Marijuana Retailers established under the provisions of G.L. c. 94G and all amendments thereto, unless specifically provided otherwise.

5. Availability to Regulations

- 5.1. All Licensees shall ensure that a copy of these Regulations is kept on the premises at all times and is available for inspection upon request by a member of the public or an agent of the LLA. A copy of these Regulations must be kept in the office of the Manager.
- 5.2. The Licensee is responsible for ensuring that all employees review and are familiar with these Regulations and are able to comply with them. All employees must sign a written affirmation indicating that they have received, read, understand, and agree to comply with said Regulations. Copies of said statements shall be submitted to the Town.

6. Admission to the Premises

- 6.1. Access to Limited Access Areas as defined in 935 CMR 500.002 shall comply with 935 CMR 500.110 Security Requirements for Marijuana Establishments.
- 6.2. Licensees shall not permit entrance to the Premises by more persons than the maximum occupancy limit established by the Building Commissioner.
- 6.3. Licensees shall not allow any Customer or any guest or any employee who is not working that shift to enter the Premises after the closing hour posted on the License or prior to the opening hour posted on the License.

7. Hours of Operation

- 7.1. The hours of operation shall be restricted to those set by the Host Community Agreement, and if not set in said Agreement, by the LLA, and stated on the face of the License. The hours of operation may not be less restrictive than as established by another local body, but may be more restrictive.
- 7.2. The rules for employees of a Marijuana Cultivators, Marijuana Testing Facilities, Marijuana Product Manufacturers after closing hours are as follows: employees must be off the Premises after the “Official Closing Hour,” provided however, that such employees or other hired personnel may be on the Premises at any time for the purpose of cleaning, making emergency repairs, providing security for the Premises, or opening or closing the business in an orderly manner.

8. Physical Premises

- 8.1. The Licensed Premises shall conform to the floor plan approved by the LLA with regard to the structures and the placement of the related to Limited Access Area as defined by 935 CMR 500.002 Any changes to the floor plan with regard to structures and the movement of walls related to Limited Access Area as defined by 935 CMR 500.002 or any renovations that affect the overall security plan, entrance or exit of a Limited Access Area as defined by 935 CMR 500.002 shall not be made without notification to and the approval of the LLA.
- 8.2. All Premises covered by the License shall be kept in a clean and sanitary condition.
- 8.3. The capacity set for the Premises by the Building Commissioner shall be the maximum potential capacity for the Premises.
- 8.4. The interior of the Premises shall be sufficiently illuminated in accordance with all CCC approved lighting plans and all exits shall be properly designated by lighted signs, “Exit” as same may be mandated by the Building Commissioner or by the Fire Department. The lighting plan shall be on file with the Town.
- 8.5. The exterior of the Premises shall be sufficiently illuminated in accordance with the conditions required under the Special Permit and consistent with the CCC approved security plan.

9. Business Arrangements of Licensees

- 9.1. No person or entity shall obtain or renew a License unless the applicant for such License or for renewal of such License can demonstrate proof of a legal right to the Licensed Premises for the term of the License. Such proof may include ownership papers or a tenancy document or a management contract; provided, however, that all parties to such ownership or leasehold interest or management contract shall be known to the LLA.
- 9.2. Any assignment of a License issued pursuant to these Regulations must be approved by the LLA

10. Standards of Conduct Licensed Premises

- 10.1. The Licensee shall ensure that a high degree of supervision is exercised over the conduct of the Licensed Premises at all times. Each Licensee shall be accountable for all violations of 105 CMR 725.000, 935 CMR 500.000, General Law, Chapters 94G and 94I or Town of Maynard Bylaws, Rules and Regulations related specifically to Marijuana, that are related to the Licensed Premises to determine whether or not the Licensee acted properly in the given circumstances.
- 10.2. The Licensee shall not permit any disorder, disturbance or violation of State and Local Laws of any kind to take place on the Licensed Premises.
- 10.3. No Marijuana or Marijuana Products shall be consumed on the premises.

11. Inspections and Investigations

- 11.1. The Licensed Premises shall be subject to inspection, with or without notice, by the members of the LLA and their duly authorized agents. Any hindrance or delay of such inspection caused by an employee of the Licensee shall be cause for action against the Licensee. It shall be the responsibility of the Licensee to ensure that procedures are in place to allow Police and duly authorized agents of the LLA immediate entrance into the premises at any time employees are on the Premises. Any delay in providing such access shall be cause for action against the Licensee. Compliance with 935 CMR 500.110 (4), as well as, compliance with the Licensees procedures necessary to prevent contamination of marijuana products or enforcement of the Licensee's security protocols shall not be considered a hindrance or delay, and compliance with such procedures and protocols will be considered to be providing immediate access.
- 11.2. Licensees shall maintain a current list of all of their employees and shall have it available at all times for inspection upon the request of an authorized agent of the LLA.
- 11.3. All complaints and reports submitted to the Town shall be reviewed by the LLA and subject to further and subsequent enforcement if required.
- 11.4. Any and call complaints and reports regarding other Marijuana Established operated by the Licensee and not located in the Town of Maynard, shall also be considered by the LLA in determining continued licensure in the Town of Maynard.

12. Conditions of Approval

The Board of Selectmen may impose reasonable conditions of approval on any License issued hereunder including, but not limited to the following:

- 13.1 The requirement of a police detail for the premises, the cost of which shall be borne by the Applicant.
- 13.2 The requirement of additional security measures above that required by the Special Permit Granting Authority.
- 13.3 Other conditions that the Board may reasonably require.

13. Notice Requirements

- 13.1. All applicants for a Marijuana License must appear before the Board of Selectmen at a public hearing. Said license may be renewable annually and shall be subject to receipt of a license from the Cannabis Control Commission.
- 13.2. At least 14 days prior to the hearing, but not more than 21 days before the hearing, the Applicant shall send a notice of the public hearing to all abutters within 500' of the Licensed Premises, by certified mail for the initial application for a license.
- 13.3. At least 14 days prior to the hearing, but not more than 21 days before the hearing, the Applicant shall publish said notice in a newspaper of general circulation.
- 13.4. Annual License renewals do not require notice to abutters or advertisement.

14. Illegal Activity on the Licensed Premises

- 14.1. Licensees shall make all reasonable and diligent efforts to ensure that activities in violation of State and Local Laws do not occur at the Licensed Premises. Such efforts shall include:
 - 14.1.1. Calling for police assistance as necessary; and
 - 14.1.2. providing police with requested information.
- 14.2. In the event that the Licensee and/or employees have reason to believe that any activity in violation of State and Local Laws is taking place on the Premises, the Maynard Police must be notified.

15. Duty to File Report

In all instances where the Police are called to the Licensed Premises, regardless of the extent or severity of any incident involving people in or on the Premises, the Licensee or Manager must submit to the Police and the Town Administrator of the LLA within twenty-four (24) hours of such occurrence, a complete and accurate written report of the incident. Such report must be on a form provided by the LLA and will advise them of all pertinent facts including, but not limited to:

- 15.1. Parties involved, by name;
- 15.2. Date and time of the incident;
- 15.3. Action taken by the Licensee or Manager;
- 15.4. Description of the incident including damages and any injuries; and
- 15.5. Name of Manager responsible for the Premises at the time of the incident along with any other employees who were present and witnessed the incident.

16. Permission to Close Premises Required

- 16.1. Any Licensee intending to close a place of business, whether on a temporary or permanent basis for greater than 7 days, must notify the LLA in writing before such closing stating the reason and length of such closing and obtain approval.
- 16.2. The restriction in Section 16.1 shall not apply to a closing due to an act of God, natural disaster, illness or some other business matter for which request had been made to the LLA and approval granted.

17. Bankruptcy and Court Proceeding

The Licensee shall immediately notify, in writing, the LLA of any proceedings brought by or against the Licensee under the bankruptcy laws or of any other court proceedings, which may affect the status of the License.

18. Management

- 18.1. Each corporate Licensee must appoint a Manager by a properly authorized and executed delegation.
- 18.2. The contact information for such Manager must be provided to the LLA.
- 18.3. The Manager of the Licensed Premises must engage in the actual management of the Licensed Premises as his/her main occupation and must be present on the Licensed Premises for not less than 30 hours per week, temporary absences of 2 week duration or less, excepted.
- 18.4. Any notice sent to the Manager as named in the records of the LLA or the owner at the address of the Licensed Premises shall constitute valid legal notice to the Licensee.
- 18.5. The Licensee shall not change Managers, without first notifying the LLA.
- 18.6. The Licensed Premises may not be under the temporary management or control of any person who, in the judgment and discretion of the LLA, is unable or unwilling to exert the control necessary to maintain the Licensed Premises in a safe, sanitary and orderly manner.

19. Training

- 19.1. An employee training program on the proper procedures for verifying that Customers are at least 21 years of age shall be provided by the Licensee. A written description of such program, along with a written policy outlining the employees' responsibilities and the disciplinary measures which will be taken against any employee for violating said policy, shall be provided to the LLA as part of the original or renewal application materials and maintained on the Premises at all times.

- 19.2. A signed certification of each employee who handles Marijuana, Marijuana Accessories, Marijuana Products, indicating that the employee has received the described training and has reviewed and understands the written policy describing his or her responsibilities and the disciplinary action which will be taken for violations, shall be maintained on the Premises at all times. Copies of all such documents and certifications shall be provided to the LLA at application or an annual renewal, and available on the Premises to the LLA or any authorized agent thereof, upon demand.
- 19.3. Upon a finding by the LLA of a violation of the laws or regulations concerning sale of Marijuana, Marijuana Accessories, Marijuana Products to a minor, or intoxicated or otherwise impaired person, the employees involved in the violation who continues to be employed by the Licensee shall be retrained forthwith and receive a new training certification.
- 19.4. The training and certification referenced in Section 19 shall be pursuant to a training program approved by the LLA or the CCC (e.g. Responsible Vendor Training).

20. Complaints

- 20.1. The LLA shall investigate complaints received about any practices or acts that may violate any provision of these Regulations.
- 20.2. If the LLA finds that an investigation is not required because the alleged act or practice is not in violation of these Regulations, the LLA shall notify the complainant of such finding and the reasons upon which it is based.
- 20.3. If the LLA finds that an investigation is warranted, the LLA shall investigate and if the LLA finds that there has been a violation of these Regulations, then the LLA shall be authorized to take such action and institute such proceedings as are provided by law and these Regulations.
- 20.4. The Licensee shall cooperate with any investigation conducted by the LLA including, but not limited to, providing the LLA with any written or other materials that it requests, ensuring employees are available for interviews, and responding to any other requests for information from the LLA in a timely manner. This requirement does not serve to remove any legal rights of the organization or individuals' rights, including but not limited to; disclosure of legally privileged documents or individuals' rights to seek Counsel.

21. Fees

Application and License Fees shall be established by the LLA.

22. Revocation, Suspension, and Modification

Any License issued hereunder may be modified, suspended, or revoked for any of the following causes only after a Notice of Violation is sent by certified mail return receipt requested per Section 17.4 detailing the alleged violation(s) and a hearing before the LLA.:

- 22.1. Violation by the Licensee of any provision of the relevant
 - 22.1.1. General Laws of the Commonwealth,
 - 22.1.2. the rules and regulations of the CCC,
 - 22.1.3. these Regulations of the LLA, or
 - 22.1.4. any other local bylaws, rules, regulations, conditions, orders, or
 - 22.1.5. terms and conditions of the Host Community Agreement with the Town.
- 22.2. Fraud, misrepresentation, false material statement, concealment or suppression of facts by the Licensee in connection with an application for a License or permit or for renewal thereof or in connection with an application for the removal of the Licensed Premises or the alteration of the Premises or in connection with any other petition affecting the rights of the Licensee or in any interview or hearing held by the LLA in connection with such petition, request, or application affecting the rights of the Licensee.
- 22.3. Failure or refusal of the Licensee to furnish or disclose any information required by any provision of the MGL or by any rule or regulation of the CCC or these Regulations of the LLA. This violation does not include information withheld under the legal rights of the organization or individuals' rights, including but not limited to, disclosure of legally privileged documents or individuals' rights to seek Counsel.
- 22.4. Failure or refusal by any Licensee and, if a corporation, by a Manager, officer, or director thereof to appear at an inquiry or hearing held by the LLA with respect to any application or matter bearing upon the conduct of the Licensee.
- 22.5. Ceasing to conduct the licensed business, that is any License holder who closes or stops doing business, without prior approval.
- 22.6. Failure to notify the Police as required by these Regulations
- 22.7. Any other violation of these Regulations, Conditions of its Special Permit, Board of Health Regulations, Building Code Regulations, CCC Regulations or Massachusetts General Laws.

23. Disciplinary Guidelines

Licensees in violation of the applicable laws of the Commonwealth, rules and regulations of the CCC and/or these Regulations may be subject to discipline. The nature and extent of the discipline shall be based on the severity of the violation but may vary from a verbal or written warning to revocation of the license.

24. Service of Suspension Orders

- 24.1. When the LLA suspends the License or Licenses of any Licensee, it shall provide the Licensee with an order of suspension for public display that must contain the words, "Temporarily closed per order of the Maynard Board of Selectmen." Such order shall be publicly displayed by the Licensee in the following manner. If there is a door opening from the street into the Licensed Premises and a window facing the street upon which such door opens, such order shall be displayed in such window so that it may readily be seen from the street. If the Licensed Premises are otherwise located, such order shall be affixed to the door of the entrance to the Premises and displayed in such a way that it may be readily seen from the street.
- 24.2. Suspension orders of the LLA, as above, shall remain affixed throughout the entire period of suspension. The removal, covering, defacement, or obliteration of the order of suspension or the failure to maintain the order of suspension in the manner and place required prior to the expiration of the suspension period shall be deemed the act of the Licensee and shall be cause for further suspension, modification or revocation of the license.
- 24.3. Suspension periods shall not be used as a time to do renovations at the Licensed Premises unless such renovations have previously been approved by the LLA.

25. Severability

If any provision, clause, sentence or paragraph of these Regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions of these Regulations that can be given effect without the invalid provision, clause, sentence, or paragraph, and to this end the provisions are declared to be severable.