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 Executive Office of Health and Human Services
 Department of Public Health
 Bureau of Health Care Safety and Quality
Medical Use of Marijuana Program

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TO: Registered Marijuana Dispensaries

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SUBJECT: Guidance for Registered Marijuana Dispensaries Regarding Transportation of Marijuana

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Department of Public Health (Department) regulations, 105 CMR 725.000 et seq. (Regulations), regulate the transportation of marijuana for medical use, including marijuana-infused products (MIPs). This guidance will address the permissible transportation of marijuana and MIPs by Registered Marijuana Dispensaries (RMD) and Dispensary Agents from an RMD location to any other permitted location (i.e. patient or caregiver residence, another RMD location, testing laboratory, waste destruction or disposal site). The purpose of this guidance is to ensure that transportation of marijuana and/or MIPs is done in a manner that minimizes the risk of diversion and other types of loss, as well as to ensure safety for patients, the public and Dispensary Agents. RMDs should confer with their attorneys regarding the limitations of the protections conferred by the Humanitarian Medical Use of Marijuana Act, Chapter 369 of the Acts of 2012 (Act), and the Regulations regarding transportation within the Commonwealth of Massachusetts.

I. Requirements for Transportation

I.A. GENERAL REQUIREMENTS

Marijuana or MIPs may only be transported by Dispensary Agents on behalf of an RMD:

- Between separately-owned RMDs in compliance with 725.105(B)(2);
- Between RMD sites owned by the same non-profit entity;
- Between an RMD and a testing laboratory;

- From the RMD to the destruction or disposal site; or
- From an RMD to the primary residences of registered qualifying patients or caregivers.

An RMD shall staff all transport vehicles with a minimum of two Dispensary Agents. At least one Dispensary Agent shall remain with the vehicle at all times that the vehicle contains marijuana or MIPs.

Prior to leaving the origination location, an RMD must weigh, inventory, and account for, on video, all marijuana to be transported.

Marijuana or MIPs must be packaged in sealed, labeled, and tamper-proof packaging prior to and during transportation.

In the case of an emergency stop, a log must be maintained describing the reason for the stop, the duration, the location, and any activities of personnel exiting the vehicle.

An RMD shall ensure that all delivery times and routes are randomized.

Each Dispensary Agent shall carry his or her Department-issued Program ID Card at all times when transporting marijuana or MIPs and shall produce it to Department representatives or law enforcement officials upon request.

Where videotaping is required when weighing, inventorying, and accounting of marijuana before transportation or after receipt, the video must show each product being weighed, the weight, and the manifest.

An RMD must document and report any unusual discrepancy in weight or inventory to the Department and local law enforcement within 24 hours.

An RMD shall report to the Department and local law enforcement any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport, within 24 hours.

An RMD shall retain all transportation manifests for no less than one year and make them available to the Department upon request.

Any cash received from a qualifying patient or personal caregiver must be transported to an RMD immediately upon completion of the scheduled deliveries.

I.B. VEHICLES

A vehicle used for transporting marijuana or MIPs must:

- Be owned by, leased or rented to the RMD or a third party contracted by the RMD for transportation of marijuana or MIPs (no vehicles owned by an individual may be used in the transportation of marijuana or MIPs);
- Be properly registered, inspected and insured in the Commonwealth of Massachusetts and documentation of such maintained as records of the RMD to be made available to the Department upon request;
- Be equipped with functioning heating and air conditioning systems appropriate for maintaining correct temperatures for storage of marijuana and MIPs;
- Contain a global positioning system (GPS) monitoring device that is:
 - not a mobile device that is easily removable;
 - attached to the vehicle at all times that the vehicle contains marijuana or MIPs;
 - monitored by the RMD during transport of marijuana or MIPs; and
 - inspected by the Department prior to initial transportation of marijuana or MIPs, or after any alteration to the locked storage compartment.

I.C. COMMUNICATIONS/TRACKING

During transit, an RMD shall ensure that:

- Marijuana or MIPs are transported in a secure, locked storage compartment that is part of the vehicle transporting the marijuana or MIPs;
- The storage compartment cannot be easily removed (for example, bolts, fittings, straps or other types of fasteners may not be easily accessible and not capable of being manipulated with commonly available tools);
- Marijuana or MIPs are not visible from outside the vehicle; and
- All product is transported in a vehicle that bears no markings indicating that the vehicle is being used to transport marijuana or MIPs and does not indicate the name of the RMD.

Each Dispensary Agent transporting marijuana or MIPs shall have access to a secure form of communication with personnel at the origination location at all times that the vehicle contains marijuana or MIPs.

Secure types of communication include, but are not limited to;

- 2 way digital or analog radio (UHF or VHF)
- Cellular phone
- Satellite Phone

Many factors must be taken into consideration when choosing a type of secure communication. These factors include, but are not limited to:

- Cellular signal coverage
- Transportation area
- Base capabilities
- Antenna coverage
- Frequency of transportation

Prior to, and immediately after leaving the origination location, the Dispensary Agents shall use the secure form of communication to contact the origination location to test communications and GPS operability.

If communications fail while en route to a delivery, the Dispensary Agents transporting marijuana or MIPs must return to the origination location until the communication system is operational.

The Dispensary Agents transporting marijuana or MIPs shall contact the origination location when stopping at and leaving any scheduled location.

The Dispensary Agents transporting marijuana or MIPs shall communicate with the origination location regularly (at least every 30 minutes) throughout the trip.

A Dispensary Agent at the origination location must log all official communications with Dispensary Agents transporting marijuana or MIPs.

If the GPS system fails while en route to a delivery, the Dispensary Agents transporting marijuana or MIPs must return to the origination location until the GPS system is operational.

The origination location must have a Dispensary Agent assigned to monitoring the GPS unit and secure form of communication.

II. Requirements for Third-Party Transportation Contractors

If an RMD contracts with an outside third party to transport or deliver marijuana, including a laboratory, the third-party contractor and its employees must comply with the Act, the Regulations, this guidance, and rules, regulations, policies and procedures of the RMD consistent with state law.

Any employee of a third-party contractor who will transport, deliver or handle any marijuana product for an RMD must be registered as a Dispensary Agent of that RMD.

All employees of the third-party contractor who apply to become Dispensary Agents, and the third-party contractors corporate entity must be in compliance with “Guidance for Registered Marijuana Dispensaries Regarding Background Checks”.

When transporting marijuana or MIPs, no other products, other than products sold at the dispensary in compliance with 725.105(N)(7), may be transported or stored in that vehicle.

If the third-party contractor is transporting marijuana or MIPs for more than one RMD at a time, the marijuana or MIPs for each RMD shall be kept in a separate locked storage compartment during transportation and separate manifests shall be maintained for each RMD.

III. Requirements Between Locations

III.A. TRANSPORTATION BETWEEN RMDs

Transportation between RMDs includes transportation between the cultivation and dispensing sites of the same RMD, as well as, transportation from one RMD to a separately owned and operated RMD.

Any vehicle transporting marijuana shall travel directly to the destination RMD and shall not make any stops.

Within eight hours after arrival at the destination RMD, the destination RMD must re-weigh, re-inventory, and account for, on video, all marijuana and MIPs transported.

III.B. MANIFESTS FOR TRANSPORTATION BETWEEN RMDs

A manifest shall be filled out in duplicate with the original manifest remaining with the origination location and a copy kept with the Dispensary Agents during transportation, which shall be provided to the destination RMD upon arrival.

Prior to transport, the manifest shall be securely transmitted to the destination RMD by facsimile or email.

Upon arrival at the destination RMD, a Dispensary Agent at the destination RMD shall compare the manifest produced by the Dispensary Agents transporting marijuana or MIPs to the copy transmitted by facsimile or email. This manifest must, at a minimum, include:

- Origination RMD name, address, and registration number;
- Names and registration numbers of the Dispensary Agents transporting marijuana or MIPs;
- Name and registration number of Dispensary Agent preparing the manifest;
- Destination RMD name, address, and registration number;
- Description of the marijuana or MIPs being transported, including the weight and form or type of product;
- Mileage of transporting vehicle at departure from origination RMD and mileage upon arrival at destination RMD, as well as mileage upon return to origination RMD;
- Date and time of departure from origination RMD and arrival at destination RMD for each delivery;
- Signature lines for the Dispensary Agents transporting marijuana or MIPs;
- Signature line for the Dispensary Agent who receives the marijuana or MIPs;
- Weight and inventory before departure and upon receipt (Re-weighing and re-inventorying to be completed by Dispensary Agent at the destination RMD within eight hours of receipt);
- Date and time that the delivered products were re-weighed and re-inventoried; and
- Name of Dispensary Agent at the destination RMD that re-weighed and re-inventoried products.

III.C. Transportation for Home Delivery

For home delivery, each patient order must be packaged and labeled according to the Regulations at the origination location prior to transportation to the patient or caregiver's home.

To be eligible for home delivery of marijuana or MIPs, a qualifying patient or personal caregiver must first be verified by an RMD. If possible, the patient or caregiver shall go to an RMD and provide their Program ID Card and a valid form of identification. An RMD will then confirm the identity of the patient or personal caregiver and confirm that they have a valid certification, if a patient, and are registered with the Medical Use of Marijuana Program.

For home delivery, if a qualifying patient is unable to access an RMD, a Dispensary Agent may verify the identity of the patient, that they are registered with the Medical Use of Marijuana Program, and have a valid certification by meeting with the patient and viewing their Program ID Card and valid form of identification. The Dispensary Agent will then contact the RMD and confirm that the patient has a valid certification and is registered with the Medical Use of Marijuana Program. If home delivery is going to be made to a personal caregiver's primary address, the caregiver must first be verified at the RMD.

To purchase marijuana or MIPs through home delivery, a registered qualifying patient or personal caregiver must be able to produce a Program ID Card and the valid form of identification that they used to register with the Medical Use of Marijuana Program at the time of delivery. A patient must also have a valid certification at the time of delivery.

For home delivery, the qualifying patient or personal caregiver must sign a delivery receipt to confirm the receipt of marijuana or MIPs.

If there is any Marijuana or MIPs left in the vehicle upon the completion of the home deliveries, the Dispensary Agents delivering Marijuana or MIPs must immediately return to the origination location and re-weigh, re-inventory, and account for, on video, all marijuana or MIPs.

III.D. MANIFESTS FOR HOME DELIVERY

A home delivery manifest shall be filled out in duplicate with the original remaining with the RMD and a copy kept with the Dispensary Agents during transportation. This manifest must, at a minimum, include:

- RMD name, address, and registration number;
- Names and registration numbers of Dispensary Agents transporting marijuana or MIPs;
- Name and registration number of Dispensary Agent preparing the manifest;
- Patient or personal caregiver name, address and registration number;

- Description of marijuana or MIPs delivered to each address, including the weight, form or type of product, cost and the transaction number produced from the Medical Use of Marijuana Online System;
- Mileage of transporting vehicle at departure from origination location and mileage upon arrival at each home delivery destination, as well as mileage upon return to origination location; and
- Date and time of departure from origination location and arrival at receiving patient or caregiver's primary residence for each delivery.

III.E. MANIFEST FOR TRANSPORTATION TO DESTRUCTION OR DISPOSAL SITE

Manifests shall be filled out in duplicate form with the original remaining with an RMD and a copy sent with the Dispensary Agents transporting marijuana or MIPs to the destruction or disposal site, which shall be produced to a representative of the destruction or disposal site for signature acknowledging receipt.

Prior to transport, the manifest shall be securely transmitted to the destruction or disposal site by facsimile or email.

At the destruction or disposal site, the two Dispensary Agents transporting marijuana or MIPs must witness the destruction or disposal and sign the manifest. This manifest must, at a minimum, include:

- RMD name, address, and registration number;
- Names and registration numbers of Dispensary Agents transporting marijuana or MIPs;
- Name and registration number of Dispensary Agent preparing the manifest;
- Destruction or disposal site name and address;
- Description of marijuana or MIPs being transported, including the weight and form or type of product;
- Mileage of transporting vehicle at departure from origination location and mileage upon arrival at destruction or disposal site, as well as mileage upon return to origination location;
- Date and time of departure from RMD and arrival at destruction or disposal site;
- Date and time of destruction or disposal;
- Method of destruction or disposal; and
- Signature lines for the Dispensary Agents transporting marijuana or MIPs.

III.F. Manifest for Laboratory Testing

The laboratory site must be the laboratory that is identified to the Department as the laboratory that has contracted with the RMD to perform testing on marijuana or MIPs.

Manifests shall be filled out in duplicate with the original remaining with the RMD and a copy sent with the Dispensary Agents to the laboratory, which shall be produced to a laboratory employee, who must also be a registered Dispensary Agent of the RMD, for signature acknowledging receipt.

Prior to transport, the manifest shall be securely transmitted to the laboratory by facsimile or email.

This manifest must, at a minimum, include:

- RMD name, address, and registration number;
- Names and registration numbers of Dispensary Agents transporting marijuana or MIPs;
- Name and registration number of Dispensary Agent preparing the manifest;
- Laboratory name and address;
- Detailed description of marijuana or MIPs samples being transported, including the weight and form or type of product;
- Mileage of transporting vehicle at departure from origination location and mileage upon arrival at laboratory, as well as mileage upon return to origination location;
- Date and time of departure from RMD and arrival at laboratory for each delivery;
- Signature lines for the Dispensary Agents transporting marijuana or MIPs; and
- Signature line for the laboratory Dispensary Agent at the laboratory who receives the marijuana or MIPs samples.

Prior to returning any marijuana or MIPs samples to the RMD, a laboratory Dispensary Agent must weigh and inventory the marijuana or MIPs samples to be transported and complete a manifest.

The returning manifest must, at a minimum, include:

- RMD name, address, and registration number;
- Name and registration numbers of Dispensary Agents transporting marijuana or MIPs;
- Name and registration number of Dispensary Agent preparing the manifest;
- Laboratory name and address;

- Description of marijuana or MIPs samples being transported, including the weight and form or type of product;
- Mileage of transporting vehicle at departure from laboratory and mileage upon return to origination location;
- Date and time of departure from laboratory and arrival at RMD for each delivery;
- Signature lines for the Dispensary Agents transporting marijuana or MIPs; and
- Signature line for the Dispensary Agent who receives the marijuana or MIPs samples at the RMD.