

**Board of Selectmen  
Town of Maynard, Massachusetts**



**Marijuana Cultivators, Manufacturers &  
Testing Facilities**

**TOWN OF MAYNARD**  
***RULES AND REGULATIONS***  
**MARIJUANA CULTIVATORS, MANUFACTURERS & TESTING FACILITIES**

**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 Cultivators, Marijuana Testing Facilities, Marijuana Product Manufacturers.

**1.0 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.

**2.0 Definitions**

The following words and phrases, whenever used in these Regulations, shall be construed as defined in this section:

Customer: a person who is legally on the Licensed Premises.

Dormant License: a license held by a "Licensee" that ceases to conduct the licensed business.

Employee: a person who has been hired by the Licensee and/or Manager of a licensed Premise to work under an express or implied contract for hire, under which the Licensee and/or Manager has the right to control the details of the work performed.

License: a revocable privilege granted by the Licensing 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 Licensee and 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 herein as “Premises”.

Licensing Officer: The individual appointed by the Board to perform inspections of licensed premises and to advise the LLA on licensing issues. The LLA shall appoint and name the Licensing Officer at the LLA’s first meeting of the calendar year.

Local Licensing Authority or 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.

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.

Marijuana: Also known as Marihuana, all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws, except as those excluded parts described in M.G.L. c. 94G, § 3.

Marijuana Accessories: Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

Marijuana Products: Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

Marijuana Retailer: An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers, as defined the M.G.L., Chapter 94G.

Marijuana Testing Facility: An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

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.

Rules and Regulations: the compilation of the M.G.L., these Regulations, the rules and regulations of the CCC established to regulate the manner in which businesses shall operate.

### **3.0 Applicability**

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

### **4.0 Availability to Regulations**

- 4.1 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 and/or at the main cash register on the premises.
- 4.2 The Licensee is responsible for ensuring that all employees who work in the public areas of the premises review and are familiar with these Regulations and are able to comply with them, as well all other applicable rules and laws pertaining to regulation of Marijuana, Marijuana Accessories and Marijuana Products.

### **5.0 Posting and Signs**

- 5.1 Licenses issued hereunder shall be posted in a conspicuous place easily seen by the public where they can be read without difficulty and without the assistance of employees at the premises.
- 5.2 All other licenses, permits, and certificates affecting the Licensed premises shall be posted conspicuously; provided, however, that no such document shall be posted in such a way as to cover over any part of the License issued by the LLA.
- 5.3 A Licensee may develop a logo to be used in labeling, signage, and other materials; provided, however, that use of medical symbols, images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana are prohibited from use in this logo.
- 5.4 All exterior signs shall conform to the requirements of the Town's Zoning Bylaws.

### **6.0 Admission to the Premises**

- 6.1 No Licensee shall permit any rule, policy, or action, express or implied, which makes any distinction, discrimination, or restriction on account of race, color, religious creed, national origin, sex, sexual orientation, or ancestry, physical or mental disability, relative to the admission or treatment of persons from the general public or employees at the Licensed Premises; provided, however, that Premises licensed pursuant to M.G.L. c. 94G, may make rules regulating the admission of minors to the Premises when such rules are not inconsistent with other rules and regulations stated herein.
- 6.2 A Licensee shall inspect proof of identification for all persons entering the Premises to determine the person's age. No Licensee shall permit a person under the age of 21 years on the Premises, unless said Licensee is also duly licensed as a Marijuana Retailer, then those rules shall apply.
- 6.3 Licensees shall not permit entrance to the Premises by more persons than the maximum occupancy limit established by the Building Commissioner.

## **7.0 Hours of Operation**

- 7.1 The hours of operation shall be restricted to those set by the LLA and stated on the face of the License.
- 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.
- 7.3 Interior and exterior lighting shall be left on as determined by the terms of the Special Permit and all approved lighting and security plans.
- 7.4 Unless otherwise set forth on the License, hours of operation shall be as follows:  
Monday through Saturday 8:00 AM – 11:00 PM; Sunday 12:00 noon 9:00 PM

## **8.0 Physical Premises**

- 8.1 The Licensed Premises shall conform to the floor plan approved by the LLA with regard to the structures and the walls at the Premises. Any changes to the floor plan or any renovations of any kind 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 Premises shall be lighted in all public areas in a manner sufficient for the agents of the LLA to make observations at the Premises without the need to identify them or the need to seek assistance.

- 8.4 The capacity set for the Premises by the Building Commissioner shall be the maximum potential capacity for the Premises.
- 8.5 No advertising matter, screen, curtain or other obstruction which in the opinion of the LLA or their Agents, prevents a clear view of the interior of the Premises shall be maintained in or on any window or door thereof after the LLA has ordered the removal of such obstruction.
- 8.6 The interior of the Premises shall be sufficiently lighted at all times 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.
- 8.7 The Premises shall be available for inspection by the LLA or any of its designees, with or without notice, to ensure compliance with these Rules and Regulations.

## **9.0 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 shall 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 and the terms of such agreements or contracts shall be made known to the LLA.
- 9.2 No Licensee shall hire any employee or contract for goods or services in any name other than that of the Licensee, nor shall the Licensee pay for any such employment, goods, or services by any means other than its own cash or bank accounts in its own name. Cash transactions shall be recorded in a manner suitable for review by the LLA. Such records shall be kept for a period of three years.
- 9.3 Any Licensee intending to close its place of business shall notify the LLA in writing before such closing and state the reason for such closing.
- 9.4 A License shall not be transferable or assignable. When the licensed company is sold or ownership or management is transferred, or the corporate legal organization status is substantially changed, the license of the company shall be voided and new license obtained. Application for a new license shall be made to the Town in accordance with the requirements of, and upon the same terms as proscribed by, this policy.

## **10.0 Environs of Licensed Premises**

- 10.1 It shall be the obligation of Licensees to 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 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 illegality of any kind to take place on the Licensed Premises.
- 10.3** When any noise, disturbance, misconduct, disorder, act or activity occurs in the Licensed Premises, or in the area in front of or adjacent to the Licensed Premises, or in any parking lot provided by the Licensee for the use of its Customers, which in the judgment of the LLA adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the Licensed Premises are located, or results in the Licensed Premises becoming the focal point for police attention, the Licensee shall be held in violation of the License and subject to proceedings for suspension, revocation or modification of the License.

### **11.0 Inspections and Investigations**

- 11.1** The Licensed Premises shall be subject to inspection, with or without notice, by the members of the LLA, the Licensing Officer, 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 License. It shall be the responsibility of the Licensee to ensure that procedures are in place to allow Police and 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 License.
- 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** No device or electronic equipment shall be utilized at a Licensed Premises for the purpose of signaling employees that agents of the LLA are present.
- 11.4** All complaints and reports shall continue in force until they have been reviewed and disposed of by the LLA.

### **12.0 Illegal Activity on the Licensed Premises**

- 12.1** Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the Licensed Premises. Such efforts shall include:
- 12.1.1** Calling for police assistance as necessary and providing police with requested information; and
- 12.2** In the event that the Licensee and/or employees have reason to believe that any illegal activity is taking place on the Premises, the Maynard Police must be notified.

### **13.0 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 Clerk 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:

- a. Parties involved, by name;
- b. Date and time of the incident;
- c. Action taken by the Licensee or Manager;
- d. Description of the incident including damages and any injuries; and
- e. Name of Manager responsible for the Premises at the time of the incident along with any other employees present at the time of the incident

#### **14.0 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:

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

#### **14.0 Revocation, Suspension, and Modification**

Any License issued hereunder may be modified, suspended, or revoked for any of the following causes:

- 14.1** Violation by the Licensee of any provision of the relevant General Laws of the Commonwealth, of the rules and regulations of the CCC or of these Regulations of the LLA.
- 14.2** 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.
- 14.3** 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.



- 14.4** Licensees shall not give or offer any money or any article of value or pay for or reimburse or forgive the debt for services provided to any employee or agent of the LLA either as a gratuity or for any service.
- 14.5** Licensees may not fail to comply with any condition, stipulation or agreement upon which any License was issued or renewed by the Licensing Authority or upon which any application or petition relating to the Premises was granted by the LLA. It shall be the duty of the Licensee to ensure that all appropriate personnel at the Licensed Premises are familiar with these Regulations of the LLA and with any conditions on the License.
- 14.6** A License may be suspended or modified or revoked for the 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 licensed business or bearing upon the character and fitness of such person to continue to hold a License.
- 14.7** Licensees shall properly serve suspension and modification orders.
- 14.8** A License may be suspended or modified or revoked for ceasing to conduct the licensed business, that is any License holder who closes or stops doing business, without prior approval (Dormant License). Licensees who suspend or cease operation must notify the LLA within ten (10) days with a schedule in writing for reopening to be approved by the LLA. The schedule submitted by the Licensee, must include a date certain for the reopening of the business.
- 14.9** Failure to notify the Police as required by these Regulations
- 14.10** Any other violation of these Regulations, Conditions of its Special Permit, Board of Health Regulations, Building Code Regulations, CCC Regulations or Massachusetts General Laws.

## **15.0 Disciplinary Guidelines**

- 15.1** 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.

## **16.0 Service of Suspension Orders**

- 16.1** 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.

- 16.2 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.
- 16.3 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.

### **17.0 Permission to Close Premises Required**

- 17.1 Any Licensee intending to close a place of business, whether on a temporary or permanent basis, must notify the LLA in writing before such closing stating the reason and length of such closing and obtain approval. Failure to provide such notice may result in the suspension or revocation of the License.
- 17.2 The restriction in Section 17.1 shall not apply to a closing due to an act of God, natural disaster, illness or some other business problem for which request had been made to the LLA and approval granted.

### **18.0 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.

### **19.0 Management**

- 19.1 Each corporate Licensee must appoint a Manager by a properly authorized and executed delegation.
- 19.2 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.
- 19.3 The responsibilities of every License holder and any Manager shall be as follows:
  - 19.3.1 To obey all statutes of the Commonwealth, rules and regulations of the CCC, and these Regulations;
  - 19.3.2 To promptly notify the police of any disturbances or illegal activity on the licenses Premises of which he becomes aware;
  - 19.3.3 As to corporate Licensees, to sign the annual application for renewal of License, unless unavailable; and

**22.3.4** To cooperate with authorized agents of the LLA, including but not necessarily limited to, any police officer, in their investigation or inspection of the licenses Premises.

**19.4** Any such 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.

**19.6** 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.

## **20.0 Training**

**20.1** An employee training program on the proper procedures for verifying that Customers are at least 21 years of age and not intoxicated 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.

**20.2** 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 and annual renewal, and available on the Premises to the LLA or any authorized agent thereof, upon demand.

**20.3** Each new employee who handles Marijuana, Marijuana Accessories, Marijuana Products shall obtain training within sixty (60) days of commencing employment.

**20.4** 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 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.

**20.5** The training and certification referenced in Section 23.0 shall be pursuant to a training program approved by the LLA or the CCC (e.g. Responsible Vendor Training).

## **21.0 Complaints**

- 21.1** The LLA shall investigate complaints received about any practices or acts that may violate any provision of these Regulations.
- 21.2** 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.
- 21.3** 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.
- 21.4** 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.

## **22.0 Fees**

- 22.1** Application and License Fees shall be established by the LLA.
- 22.2** Applicant must demonstrate that all outstanding municipal bills for taxes, fees, assessments, betterments or other municipal charges, including payments due and owing under its Host Community Agreement.
- 22.3** Applicant may be subject to any additional costs or fees associated with other permits and approvals.

## **23.0 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.