

Frequently Asked Questions (FAQs) About Delivery

1. Who can apply for a Delivery-Only license?

Delivery-Only licenses and Delivery Endorsements are limited, on an exclusive basis, to businesses controlled by, and with majority ownership comprised of, Economic Empowerment Applicants or Social Equity Participants for a period of at least 24 months from the date the first Delivery-Only licensee receives a notice to commence operations.

Delivery Endorsements are currently limited to businesses that meet the same ownership and control requirements as above and are also licensed Marijuana Microbusinesses.

2. Can a Delivery-Only applicant or licensee have, or obtain, a Marijuana Retailer license?

Yes. A Delivery-Only applicant or licensee can have or obtain a Marijuana Retailer license.

Please note that for the purposes of license limitations, Delivery-Only licenses will be counted as a Marijuana Retailer. Therefore, no person or entity may be a Person or Entity Having Direct or Indirect Control, as defined by 935 CMR 500.002, over more than three (3) Marijuana Retailer and Delivery-Only licenses combined. For example, XYZ Corp. will reach its three (3) license limit for Marijuana Retailers once it obtains two (2) Marijuana Retailer licenses and one (1) Delivery-Only license.

3. What is the application process to apply for a Delivery-Only license?

For an applicant to receive a Delivery-Only License, they must complete two (2) applications that will occur in phases: (1) pre-certification application and (2) provisional license application. All applicants will be required to complete both applications in phases.

4. What is required to be submitted as part of the pre-certification application?

The Delivery-Only applicant will have to submit information about the business. Applicants are encouraged to review the Commission's Guidance on Licensure for further clarification on application requirements located here: https://mass-cannabis-control.com/wp-content/uploads/2020/02/02.25.2020_Guidance_Document_Licensure.pdf. The following is a



list of application requirements for the pre-certification application:

- a. Information about the business:
 - i. Legal business name;
 - ii. Tax identification number;
 - iii. Contact information;
 - iv. Disadvantaged business enterprise information, if applicable; and
 - v. Economic Empowerment Applicant and Social Equity Participant certification numbers (these numbers start with either “EE” or “SE”)
- b. Information pertaining to Persons and Entities Having Direct or Indirect Control as defined in 935 CMR 500.002;
- c. Business interests in other jurisdictions, and within Massachusetts, of any Persons and Entities Having Direct or Indirect Control;
- d. Background check and contact information for any Persons and Entities Having Direct or Indirect Control;
- e. Upload a business plan and a plan for obtaining limited liability insurance. All applicants are required to submit a plan for obtaining liability insurance that satisfies the regulatory requirements. Applicants do not have to obtain any insurance policies until licensed. However, each applicant is required demonstrate in their plan that they will obtain, once licensed, a policy that shall include general liability and product liability insurance coverage of no less than \$1 million per occurrence and \$2 million in aggregate annually. The deductible for each policy can be no higher than \$5,000 per occurrence; and
- f. Upload operating policies and procedures that comply with the Commission’s regulations including the following:
 - i. Security plan pertaining to delivery;
 - ii. Transportation plan;
 - iii. Inventory plan;
 - iv. Plan to prevent diversion;
 - v. Storage plan;
 - vi. Delivery plan;
 - vii. Quality control and testing;
 - viii. Record-keeping procedures;
 - ix. Maintenance of financial records;
 - x. Qualifications and intended trainings for personnel;
 - xi. Personnel policies; and
 - xii. Dispensing procedures

5. What is required to be submitted as part of the provisional license application?

- a. Amend or supplement any outdated information from what was submitted in the pre-certification application;
- b. Disclose the proposed location of the Delivery-Only license and submit property interest documentation;



- c. Disclose capital resources along with supporting documentation;
- d. Disclose, if known, all current agreements between the applicant and Third-Party Technology Platform Providers and Marijuana Retailers;
- e. Submit additional documentation which includes the following:
 - i. Certification of Host Community Agreement;
 - ii. Community Outreach Meeting attestations and documentation;
 - iii. Plan to remain compliant with local ordinances;
 - iv. Positive Impact Plan;
 - v. Diversity Plan;
 - vi. Bond or escrow account;
 - vii. Background authorization forms;
 - viii. Certificates of good standing from the Department of Revenue, Secretary of the Commonwealth, and Department of Unemployment Assistance; and
 - ix. A proposed timeline to become operational.

6. Will I have to reenter the information from the pre-certification application into the provisional license application?

No, you will not need to reenter this information. When you start your provisional license application, the previously submitted information will transfer from your approved pre-certification application.

However, you will need to amend any outdated information previously disclosed. Additionally, you will need to add to the previously submitted information if items have changed, i.e., if new individuals are associated with your application.

7. What is the application fee for a Delivery-Only license and when do I pay it?

The current application fee for a Delivery-Only license application is \$1,500, however, as the application is only available to Economic Empowerment Applicants and Social Equity Participants, the fee will be automatically waived.

8. What is the license fee for a Delivery-Only license and when do I pay it?

The annual license fee is \$10,000. If approved, the applicant will be required to pay the appropriate license fee. Economic Empowerment Applicants and Social Equity Participants receive a 50% reduction in annual license fees and will be required to pay \$5,000.

9. How long is my pre-certification valid for?

Pre-certified applications are valid for 12 months from the date of the approval notice. Applicants must start the provisional license application within 12 months from when they were pre-certified; otherwise, a new pre-certification application will need to be completed and approved.



10. What is the application process to apply for a Delivery Endorsement?

Licensed Marijuana Microbusinesses may electronically submit a Delivery Endorsement application in MassCIP. This application process contains one application instead of the two part application process for Delivery-Only licenses. Delivery Endorsements are subject to the exclusivity provisions established in 935 CMR 500.050(10)(b) and are therefore only available to certified Economic Empowerment Applicants and Social Equity Participants at this time.

11. What is required to be submitted as part of the Delivery Endorsement application?

The applicant will confirm certain business information. In addition to that confirmation, applicants for a Delivery Endorsement will have to submit the following information:

- i. Plan to remain compliant with local ordinances relating to delivery;
- ii. Delivery plan;
- iii. Security plan for delivery; and
- iv. Agreements with Third-Party Technology Platforms

12. What is the application fee for a Delivery Endorsement and when do I pay it?

The application fee for Delivery Endorsements is \$500. This fee is paid prior to submission of the application.

However, as Delivery Endorsements are only available to Marijuana Microbusinesses with a majority ownership comprised of Economic Empowerment Applicants and/or Social Equity Participants for an exclusive period, the application fee is waived.

13. What is the license (or endorsement) fee for a Delivery Endorsement and when do I pay it?

The annual license fee for Delivery Endorsements is \$5,000. However, as Delivery Endorsements are only available to Marijuana Microbusinesses with a majority ownership comprised of Economic Empowerment Applicants and/or Social Equity Participants for an exclusive period, the license fee is reduced by 50% and will be \$2,500.

Additionally, as the endorsement is tied to the license, the fee will be prorated based on the remaining time on the license. This fee is required to be paid upon approval by the Commission.

14. Where can I get more information about satisfying the application requirements?

Information about all license application requirements can be found in the Commission’s Guidance on Licensure located here: <https://mass-cannabis-control.com/wp->



[content/uploads/2020/02/02.25.2020_Guidance_Document_Licensure.pdf](https://mass-cannabis-control.com/wp-content/uploads/2020/02/02.25.2020_Guidance_Document_Licensure.pdf).

15. Where can I get more information about the licensing process?

Information about the licensing process can be found in the Commission’s Guidance on Licensure located here: https://mass-cannabis-control.com/wp-content/uploads/2020/02/02.25.2020_Guidance_Document_Licensure.pdf.

16. What is the difference between a Delivery-Only license and a Delivery Endorsement?

A Delivery-Only license is, in fact, a distinct license type. Businesses seeking to obtain a Delivery-Only license will need to provide the same information as all other license types but in phases.

A Delivery Endorsement is available to Marijuana Microbusiness licensees. It is an endorsement, or expanded permission to perform delivery operations, added to the existing license. It is similar to having a driver’s license for a car and then getting permission to operate a motorcycle and receiving a motorcycle endorsement.

17. What is a Third-Party Technology Platform Provider?

A Third-party Technology Platform Provider is an individual or entity that provides or hosts an internet-based application or group of applications developed for the facilitation of ordering and delivering marijuana and marijuana product through a Delivery-Only Licensee or a Microbusiness with a Delivery Endorsement to a consumer, patient, or caregiver.

18. Can a Delivery-Only licensee deliver adult and medical marijuana product?

Yes. A Delivery-Only licensee may contract with Marijuana Retailers and/or Medical Marijuana Treatment Centers to deliver product to consumers, patients, or caregivers. Product from a Medical Marijuana Treatment Center can be delivered to patients and caregivers. Product from a Delivery-Only licensee can be delivered to consumers, patients, and caregivers.

19. Where do I apply for a Delivery-Only license or Delivery Endorsement?

Applications will be available electronically in MassCIP. Businesses seeking a Delivery-Only license will be able to view the pre-certification application. Marijuana Microbusinesses seeking a Delivery Endorsement will be able to view the Delivery Endorsement application.

All applicants will be required to have a user account set up to access MassCIP. You can create a user account here: <https://www.massciportal.com/login-register>. Online tutorials are available regarding the navigation and use of MassCIP located here: <https://mass-cannabis-control.com/masscip-tutorials/>.



20. Which communities may receive deliveries?

Delivery-Only licensees and Marijuana Microbusinesses with Delivery Endorsements may deliver to the following locations:

- i. The municipality in which the licensee is located;
- ii. Any municipality which allows for retail operations whether or not a Marijuana Retailer is operational; and
- iii. Any municipality that has notified the Commission that delivery may operate within its borders.

Applicants, licensees, and consumers can view which municipalities have allowed delivery and retail operations by reviewing the Commission’s Municipal Zoning Tracker located here: <https://mass-cannabis-control.com/municipaltracker/>.

21. What defines the delivery-only business location – is it where you house your fleet of vehicles?

All applicants, including those applying for Delivery-Only licenses, shall disclose the location of their proposed Marijuana Establishment and provide property documentation. Delivery-Only license applicants will provide this information in their provisional license application after being pre-certified. The location identified shall be where you plan to operate your business which will include the address at which the vehicles used for delivery are registered as commercial vehicles. (See 935 CMR 500.145 (4)(a)).

22. Does the delivery business need to sign a Host Community Agreement (“HCA”) with every community in which their residents will receive a delivery?

No. All applicants, including those applying for Delivery-Only licenses, must submit certification of an executed HCA with the city or town in which their Marijuana Establishment will be located.

23. Will consumers pay the Delivery-Only licensee for the entire order or just for the delivery fee?

It is up to the Delivery-Only licensee and the Marijuana Retailers it contracts with to determine when and how the consumer pays.

24. Are there limits on the number of Marijuana Establishments with which a Delivery-Only licensee can do business?

A Delivery-Only licensee does not have a limit on the number of Marijuana Retailers or MTCs that it contracts with to perform deliveries. A Delivery-Only licensee shall have a delivery agreement executed between themselves and a Marijuana Retailer or MTC prior to



performing deliveries.

25. Can Delivery-Only licensees mix products from different Marijuana Retailers or MTCs into a consumer’s Individual Order?

An Individual Order, as defined in 935 CMR 500.002, may contain products from different Marijuana Retailers or MTCs as long as the order does not exceed the individual possession limits. A Delivery-Only licensee or a Marijuana Establishment with a Delivery Endorsement shall only deliver one Individual Order, per consumer, during each delivery. A Delivery-Only licensee or a Marijuana Establishment with a Delivery Endorsement shall not deliver to the same consumer at the same residence more than once each calendar day.

26. May a Delivery-Only licensee contract with a Marijuana Retailer to complete the pre- verification process for consumers who intend to place delivery orders?

Yes. Delivery-Only licensees may contract with a Marijuana Retailer for the Marijuana Retailer to complete the pre-verification process for the Delivery-Only licensees intended consumers.

A Delivery-only Licensee is prohibited from performing a delivery to any consumer who has not established an account for delivery through pre-verification of the consumer's identification by the Marijuana Retailer. A Marijuana Establishment with a Delivery Endorsement is prohibited from performing a delivery to any consumer who has not established an account for delivery through pre-verification of the consumer's identification through a Commission-approved electronic means.

27. Can delivery companies use third-party applications instead of cash payments for safety reasons?

Yes. Third-party Technology Platform Providers may assist in the facilitation of ordering and delivering marijuana and marijuana product. Any agreements with these providers must be disclosed in the application, or alternatively, when such agreements are made.

28. At what point can Economic Empowerment Applicants (“EEA”) or Social Equity Participants (“SEPs”) liquidate their ownership over the Delivery-Only license?

Delivery-Only licenses are available to EEAs and SEPs for an exclusive period of at least 24 months from the date the first Delivery-Only licensee receives notice to commence operations. EEAs and/or SEPs must have, and maintain, majority ownership over this license type during the entire exclusivity period. If data demonstrates that the goals of the exclusivity period have not been met, the Commission may extend the period past 24 months.



29. Does the licensee with which you contract to obtain product for delivery need to be a Marijuana Retailer?

Yes, Delivery-Only licensees can only contract with Marijuana Retailers and/or MTCs to deliver the Marijuana Retailers' and/or MTC's marijuana and marijuana products to consumers, patients, or caregivers.

30. Can Delivery-Only licensees wholesale product from Marijuana Product Manufacturers and Marijuana Cultivators?

No. Delivery-Only licensees can only contract with Marijuana Retailers and/or MTCs to deliver the Marijuana Retailer's and/or MTC's marijuana and marijuana products to consumers, patients, or caregivers.

31. When does a background check and fingerprinting occur with a Delivery-Only license application?

Applicants must disclose all background check history events in their pre-certification application. This information will be reviewed as part of the pre-certification process. Applicants will not undergo a Commission background check report or be fingerprinted at this stage of the application process.

When applicants complete the provisional license application, they will be required to submit background check authorization forms and update background check history events. Once the provisional license application is deemed complete, applicants will be notified to submit background check fees to Creative Services, Inc. and have all individuals fingerprinted. All entities and individuals will be background checked and reviewed for suitability for licensure.

32. Does the Commission accept waivers on the body camera requirement or the requirement to have two agents in the delivery vehicle?

An applicant or licensee can request a waiver from any regulatory requirement. The waiver request form is available on the Commission's website located here: <https://mass-cannabis-control.com/forms-and-templates/>. All waiver requests are reviewed and will either be approved or denied.

33. Who is eligible to apply for and invest in Delivery-Only licenses?

Delivery-Only licenses are limited, on an exclusive basis, to businesses controlled by, and with majority ownership comprised of, Economic Empowerment Applicants or Social Equity Participants for a period of at least 24 months from the date the first Delivery-Only licensee receives a notice to commence operations.



Other individuals and entities may contribute capital resources. However, majority ownership must be comprised of, and maintained, by Economic Empowerment Applicants or Social Equity Participants for a period of 24 months from the date the first Delivery-Only licensee receives a notice to commence operations. All individuals and entities are subject to the license limitations in 935 CMR 500.050.

34. Can a Marijuana Microbusiness with a Delivery Endorsement deliver other Marijuana Establishment’s marijuana products?

No. A Marijuana Microbusiness with a Delivery Endorsement is only allowed to deliver its own marijuana products to consumers.

35. May an agent of a Delivery-Only licensee enter a Marijuana Retailer, with whom they have a delivery-only agreement, from an employee-only entrance to make a pickup without a registered agent badge for that particular Marijuana Retailer?

Yes, however, the Marijuana Retailer must follow visitor procedures.

36. Will a Delivery-Only licensee have to undergo an inspection once provisionally licensed?

Yes. The licensee will receive a notice once provisionally licensed along with a request form for a Post-Provisional License Inspection (“PPLI”). This inspection will ensure your vehicle(s) and standard operating procedures, among other items, comply with the Commission’s regulations.

37. Can a Delivery-Only licensee perform other marijuana-related activities such as packaging, repackaging, and/or preparing orders for delivery?

No. Delivery-Only licensees can only pickup packaged marijuana and marijuana products identified in the Individual Order and deliver to consumers.

