

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT

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PATIENT CENTRIC OF MARTHA’S )  
VINEYARD, LTD., AND ) C.A. No. \_\_\_\_\_  
THE GREEN LADY DISPENSARY, INC. )  
 )  
Plaintiffs, )  
 )  
v. )  
 ) kg  
CANNABIS CONTROL COMMISSION, )  
 )  
Defendant. )  
\_\_\_\_\_)

**VERIFIED COMPLAINT  
FOR DECLARATORY AND INJUNCTIVE RELIEF**

Patient Centric of Martha’s Vineyard, Ltd., d/b/a Island Times (“Patient Centric”), and The Green Lady Dispensary, Inc. (“Green Lady”) (together, “Plaintiffs”), bring this action against the Cannabis Control Commission (the “Commission”) for declaratory and injunctive relief in connection with the Commission’s unwritten, unauthorized, and arbitrary policy of prohibiting Plaintiffs and other island-based cannabis establishments from transferring cannabis and cannabis products to or from other licensed cannabis businesses in Massachusetts over state territorial waters.

**INTRODUCTION**

1. The Commission’s enabling statute, G.L. c. 94G *et seq.* (“Chapter 94G”), authorizes licensed Marijuana Establishments to transport marijuana and marijuana products over state territorial waters and expressly states that they “shall not be penalized, sanctioned or disqualified for . . . transferring or delivering marijuana or marijuana products to or from a

marijuana establishment.” Further, Chapter 94G expressly prohibits the Commission from promulgating regulations that “make operation of a marijuana establishment unreasonably impracticable.” G.L. c. 94G, §§ 4(c)(1), 9(a)(1). Yet the Commission’s arbitrary, unreasonable, and inconsistent policy against transport over state territorial waters and threats of enforcement impermissibly isolate island-based licensees from the Commonwealth’s cannabis industry without any rational basis and subject them to extreme financial burdens not endured by their mainland competitors.

2. The Commission defends its policy on the ground that transport of marijuana and marijuana products over state territorial waters violates federal law. The Commission regularly licenses and condones other violations of federal law yet fails to justify its unequal treatment of island-based licensees in that respect.

3. The Commission’s transport regulations do not expressly or implicitly prohibit transport of marijuana and marijuana products over state territorial waters. By their plain meaning, applicable transport regulations impose requirements on transport with which Plaintiffs and other island-based Marijuana Establishments can fully comply and, thus, pose no barrier to overwater transport.

4. By enforcing its unsupported policy, the Commission violated Chapter 94G and Plaintiffs’ equal protection rights, placed onerous burdens on island-based licensees and their medical and adult-use customers, and endangered the islands’ legal, regulated cannabis market. In fact, that policy has starved Patient Centric of saleable products, forcing it to close its doors indefinitely for lack of inventory. The island’s only other dispensary also announced that it will close permanently by the end of the summer, leaving the island’s medical marijuana patients and others with little option but to turn to the illicit market for relief.

5. For those and the other reasons set forth herein, the Court should find in favor of Plaintiffs on all counts, declare that the Commission lacks authority to prohibit and punish transport of marijuana and marijuana products across state territorial waters, enjoin the Commission from doing so, and grant such other and further relief as necessary to protect Plaintiffs, their customers, and the islands' legal cannabis market from extinction.

### **PARTIES**

6. Patient Centric is a Massachusetts corporation with its principal place of business located in Vineyard Haven, Massachusetts. Patient Centric is a licensed Marijuana Retailer,<sup>1</sup> authorized by the Commission to operate an adult use retail establishment at 15 Mechanics Street in Vineyard Haven, Massachusetts.

7. Green Lady is a Massachusetts corporation with its principal place of business located in Nantucket, Massachusetts. Green Lady is a licensed Marijuana Establishment,<sup>2</sup> authorized by the Commission to operate an adult use and medical Tier 1 Cultivation Facility, Product Manufacturing Facility, and retail establishment at 11 Amelia Drive, Nantucket, Massachusetts.

8. The Commission is a state commission with usual places of business in Worcester and Boston, Massachusetts. The Commission was created by G.L. c. 10, § 76, and empowered by G.L. c. 94G to administer the Commonwealth's laws governing adult use and medical marijuana.

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<sup>1</sup> The term "Marijuana Retailer" is defined as "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." G.L. c. 94G § 1.

<sup>2</sup> The term "Marijuana Establishment" is defined as "a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business." G.L. c. 94G § 1.

## JURISDICTION

9. This Court has jurisdiction over the Plaintiffs' claims against the Commission pursuant to G.L. c. 30A, § 7 and G.L. c. 231A, §§ 1 and 2.

## FACTUAL ALLEGATIONS

### **I. Territorial Boundaries of the Commonwealth**

10. The territorial boundaries of the Commonwealth inform all of the factual allegations set forth below.

11. Pursuant to G.L. c. 1, § 3, “[s]ubject to such lateral boundaries as have been or shall be established between the commonwealth and adjacent coastal states, the territorial limits of the commonwealth shall extend seaward to the outer limits of the territorial sea of the United States.”

12. Pursuant to 43 U.S.C. § 1312 and the Massachusetts Office of Coastal Zone Management, the Massachusetts seaward boundary extends three geographical miles from its coastline.

13. Attached hereto as **Exhibit 1** are true and correct copies of the Massachusetts Coastal Zone Map, published by the Massachusetts Office of Coastal Zone Management, and a map published by Northeast Ocean Data delineating state boundaries.

14. Per 43 U.S.C. § 1311(a), “(1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources *all in accordance with applicable State law be*, and they are hereby, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States.”



15. In United States v. Maine, 475 U.S. 89, 91 (1986), the body of water between the southwestern portion of Cape Code and Martha’s Vineyard, known as Vineyard Sound, is a “historic bay” and part of the inland waters of Massachusetts.

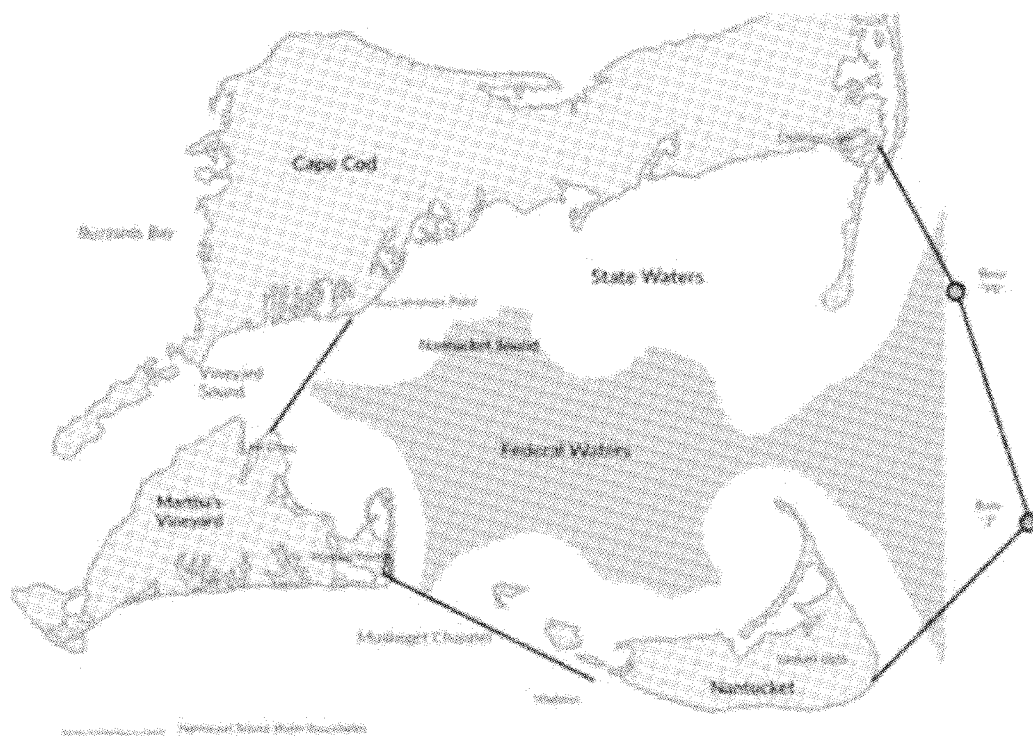
16. Further, pursuant to the National Oceanic and Atmospheric Administration (“NOAA”), each coastal State may claim a territorial sea that extends seaward up to 12 nautical miles from its baselines. Each coastal State exercises sovereignty over its respective territorial sea, the airspace above it, and the seabed and subsoil beneath it.<sup>3</sup>

17. The map shown below, published by the nonprofit organization Alliance to Protect Nantucket Sound,<sup>4</sup> depicts the delineation between State and Federal waters consistent with applicable law, and is offered as a visual aid in compliment to the facts set forth herein:

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<sup>3</sup> Maritime Zones and Boundaries, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, <https://www.noaa.gov/maritime-zones-and-boundaries#territorial>.

<sup>4</sup> Nantucket Sound, SAVE OUR SOUND, <https://saveoursound.org/nantucket-sound/>.



## II. History of Statutory Authority Governing the Commission and Marijuana Establishments

18. In 2012 and 2016, Massachusetts voters approved ballot initiatives legalizing the medical and adult use (i.e., recreational use) of marijuana, respectively.

19. Shortly after the medical and adult-use initiatives passed, the Legislature enacted “An Act for the Humanitarian Medical Use of Marijuana” (the “2012 Act”)—now codified at G.L. c. 94I—and the “Regulation and Taxation of Marijuana Act” (the “2016 Act”)—codified at G.L. c. 94G—respectively.

20. The 2016 Act amended Chapter 10 of the General Laws, adding Section 76, which authorized creation of the Commission and imbued it with regulatory authority over medical and adult-use Marijuana Establishments. G.L. c. 10, § 76.

21. Chapter 94G requires the Commission to “adopt regulations consistent with this chapter for the administration, clarification and enforcement of laws regulating and licensing marijuana establishments.” G.L. c. 94G, § 4(a1/2).

22. Chapter 94G also expressly states that such regulations “shall not prohibit the operation of a marijuana establishment either expressly or through regulations that make operation of a marijuana establishment unreasonably impracticable.” G.L. c. 94G, § 4(c)(1).

23. The term “unreasonably impracticable” is defined as “that the measures necessary to comply with the regulations, ordinances or by-laws adopted pursuant to this chapter subject licensees to unreasonable risk or require such a high investment of risk, money, time or any other resource or asset that a reasonably prudent businessperson would not operate a marijuana establishment.” G.L. 94G, § 1.

24. In addition, Chapter 94G provides that Marijuana Retailers, Marijuana Cultivators, and Marijuana Product Manufacturers “shall not be . . . penalized, sanctioned or disqualified . . . for . . . possessing or testing marijuana or marijuana products; purchasing, selling **or otherwise transferring or delivering marijuana or marijuana products to or from a marijuana establishment;** or selling or otherwise transferring or delivering marijuana or marijuana products to a consumer.” G.L. c. 94G, § 9(a)(1)–(3).

### **III. History of Regulatory Authority Governing the Commission and Marijuana Establishments**

25. As required by Chapter 94G, the Commission promulgated regulations governing medical and adult-use Marijuana Establishments in the Commonwealth.

26. The Commission’s Medical and Adult Use Regulations were published in the Massachusetts Register on March 28, 2018 (the “Regulations”). See 935 CMR 500.000 et seq. (adult use); 935 CMR 501.000 et seq. (medical).

27. The Regulations expressly allow Marijuana Retailers to “purchase and **transport marijuana products from Marijuana Establishments and to transport, sell or otherwise transfer marijuana products to Marijuana Establishments and to consumers.**” 935 C.M.R. 500.050(8)(a)(1). Similar authorizations for Cultivators and Product Manufacturers are set forth in 935 CMR 500.050(2)(a) and (4), respectively.<sup>5</sup>

28. Those Regulations that apply only to Marijuana Establishments operating in Dukes and Nantucket County state:

- a. “To the extent permitted by law, Marijuana Establishments operating from locations in the Counties of Dukes County and Nantucket (island counties) **may operate in full compliance with 935 CMR 500.000,**” 935 C.M.R. 500.200(1) (emphasis added);
- b. “**If** Marijuana Establishments operating from locations in the island counties are prevented from operating in full compliance with 935 CMR 500.000 by operation of law, they are not required to utilize Independent Testing Laboratories until such time as a laboratory is located on the island where the Marijuana Establishment is located or the establishment can transport marijuana product to the mainland of Massachusetts,” 935 C.M.R. 500.200(2) (emphasis added);

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<sup>5</sup> The Medical Use of Marijuana Regulations were promulgated and updated concurrently with the Adult Use Regulations. *See* 935 CMR 501.000 *et seq.*

- c. “**I**f Marijuana Establishments operating from locations in the island counties are prevented from utilizing Independent Testing Laboratories by operation of law, they are required to test marijuana products in a manner that is not unreasonable impracticable but also adequately protects the public health in the opinion of the Commission,” 935 C.M.R. 500.200(3) (emphasis added).

#### **IV. Factual Background of Plaintiffs’ Claims**

##### *a. Patient Centric’s Licensed Operations*

29. Patient Centric is owned and operated by Geoffrey Rose.

30. Patient Centric obtained its final license from the Commission to operate an Adult Use Marijuana Retailer located at 15 Mechanics Street in Tisbury, Massachusetts, on or about July 16, 2021, and commenced sales on August 6, 2021.

31. As a Marijuana Retailer, Patient Centric is permitted to obtain Marijuana and Marijuana Products from other licensed Marijuana Establishments. 935 CMR 500.002 and 935 CMR 500.050(8).

32. Over the first two years of operations, Patient Centric purchased wholesale marijuana and marijuana products exclusively from Fine Fettle – Martha’s Vineyard (“Fine Fettle”), the island’s only wholesaler of marijuana and marijuana products.

##### *b. Patient Centric’s Efforts to Obtain Commission Approval to Compliantly Transport Marijuana from the Mainland to Martha’s Vineyard*

33. In July of 2023, Fine Fettle notified Mr. Rose that it intended to sell or shutdown its cultivation, product manufacturing, and retail assets due to the onerous economic constraints under which island-based Marijuana Establishments operate.<sup>6</sup>

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<sup>6</sup> Fine Fettle recently confirmed in a *Vineyard Gazette* article that it will close its cultivation, manufacturing and retail operation by the end of this summer, leaving the island’s 234 medical

34. Recognizing that Patient Centric would soon lose its only on-island source of wholesale marijuana and marijuana products, Mr. Rose began to investigate the possibility of purchasing wholesale marijuana and marijuana products from wholesalers located in mainland Massachusetts and having those wholesalers transport those purchases to Patient Centric by ship.

35. On November 16, 2023, Patient Centric notified the Commission that it would face an existential crisis due to the pending closure of Fine Fettle, the only on-island source of wholesale marijuana and marijuana products.

36. Therein, Patient Centric formally requested that the Commission approve proposed procedures—submitted therewith—by which Patient Centric would be permitted to obtain wholesale marijuana and marijuana products from mainland wholesalers and transport it to Martha’s Vineyard for retail sale by Patient Centric.

37. On December 6, 2023, the Commission’s Investigations Manager rejected Patient Centric’s request, citing as grounds therefor the federal prohibition on marijuana under the Controlled Substance Act (the “December 6 Rejection”). See Rose Aff. Ex. A.

38. Specifically, the Commission’s Investigations Manager advised Mr. Rose that “marijuana is still a Schedule I controlled substance and is federally illegal in accordance with the Control Substances Act of 1970. The [proposal to transport marijuana from the mainland to Martha’s Vineyard] would violate federal law as it is proposing to transport Marijuana from the mainland state (MA) crossing into ‘territorial seas’ that are under federal jurisdiction. Transporting

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marijuana patients and other recreational cannabis consumers no choice but to turn to the illicit, unregulated marijuana market for relief. Vineyard Gazette, ISLAND’S ONLY COMMERCIAL MARIJUANA GROWER TO CLOSE, May 3, 2024:  
<https://vineyardgazette.com/news/2024/05/03/islands-only-marijuana-grower-close>

Marijuana across state lines is illegal and the below proposal would violate federal law and can result in federal criminal prosecution.” See id.

39. The December 6 Rejection was based on at least four false assumptions: first, that Patient Centric—like all Massachusetts Marijuana Establishments—routinely violated federal law (and, in particular, the Controlled Substances Act); second, that the Commission was empowered to enforce federal law; third, that it was impossible to transport marijuana and marijuana products between mainland Massachusetts and the islands without leaving the Commonwealth and leaving state territorial waters; and fourth, that the Commission was authorized to prohibit transport of marijuana and marijuana products across state territorial waters.

40. As described and depicted above, there are multiple routes available to transport marijuana to Martha’s Vineyard from mainland Massachusetts, including via Vineyard Sound, which is considered the inland waters of Massachusetts.

41. The Commission’s Investigation’s Manager did not address the fact that the transportation of marijuana throughout the mainland of Massachusetts constitutes a violation of Controlled Substances Act that can result in federal criminal prosecution. Federal prohibition has not stopped the Commission from promulgating regulations in compliance with M.G.L. c. 94G.

42. During this time, Patient Centric’s ability to source wholesale marijuana and marijuana products became increasingly dire.

43. Through its attorneys, Patient Centric again contacted the Commission on December 11, 2023, to request a meeting to further discuss the transportation of marijuana and marijuana products from the mainland to Martha’s Vineyard.

44. Patient Centric also provided proposed Standard Operating Procedures (“SOPs”) governing transportation from the mainland to Martha’s Vineyard in compliance with all applicable regulations to the Commission on December 29, 2023.

45. Attached hereto at **Exhibit 2** please find a true and accurate copy of correspondence sent by former Commissioner Flanagan, on behalf of Patient Centric, to the Commission enclosing the proposed SOPs.

c. *Patient Centric’s Wholesale Supply Agreement with a Mainland Supplier and Commission Response*

46. To avoid terminating all business operations due to the complete lack of a wholesale supplier in Dukes County, in early January 2024, Patient Centric began conversations with a licensed Marijuana Establishment (“Supplier”) regarding the acquisition and transport of marijuana and marijuana products from the mainland to Patient Centric in Martha’s Vineyard.

47. Pursuant to the discussion, Supplier agreed to transport marijuana and marijuana products to Patient Centric.

48. On March 5, 2024, following further attempts to discuss with the Commission compliant procedures by which Patient Centric could obtain wholesale marijuana and marijuana products from the mainland, Mr. Rose received correspondence from the Commission’s Acting Director of Investigations, stating that the Commission “does not condone violations of federal law and Commission regulations do not require the violation of federal law or give immunity for such violations.” Rose Aff. Ex. C.

49. The Commission’s Acting Director of Investigations also replied to former Commissioner Flanagan’s December 29, 2023 correspondence on March 5, 2024, which included the same language as the correspondence to Mr. Rose.



50. There was nothing in the March 5, 2024 correspondence to Mr. Rose or prior correspondence from the Commission directly prohibiting the transport of marijuana products to Patient Centric by either Patient Centric or mainland suppliers.

51. Moreover, as the violation of federal law is inherent in the activities that the Commission oversees on a daily basis, Mr. Rose interpreted the Commission's statement to mean that although the Commission would not outwardly condone violations of federal law, it would not seek to penalize Patient Centric for same.

52. Mr. Rose therefore reasonably concluded that conducting such wholesale purchases and seeking transport of marijuana and marijuana products to Patient Centric from the mainland carried the same risk of federal enforcement that licensed Marijuana Establishments within the Commonwealth face and accept every day.

53. On March 7, 2024, Patient Centric purchased marijuana and marijuana products from Supplier.

54. Upon information and belief, those marijuana products were transported and driven on to a ferry operated by the Steamship Authority in a vehicle. The vehicle had passed a Commission inspection for compliance with the Regulations, including those requiring cameras, GPS tracking systems and communications devices. The procedures used by the Supplier's agents overseeing the transport fully complied with applicable Regulations governing such transport.

55. The vehicle arrived at Patient Centric and was unloaded, and the event was tracked in the normal course via the Commission-approved METRC tracking system.

56. As Patient Centric's marijuana inventory was low, Patient Centric immediately began selling these products to consumers.

57. On March 15, 2024, Mr. Rose was informed by Supplier representatives that Supplier had received a Notice of Deficiency from the Commission. See Rose Aff. Ex. D.

58. Therein, the Commission identified the following Deficiencies:

**Regulation:**

935 CMR  
500.105(13)(a)2.  
935 CMR  
501.105(13)(a)2.

**Deficiency:**

2. *Marijuana Products may only be transported between licensed Marijuana Establishments by registered Marijuana Establishment Agents.*  
2. *Marijuana Products may only be transported between licensed MTCs by registered MTC Agents.*

**Deficiency #1:** On March 13, 2024, Cannabis Control Commission (“Commission”) Enforcement staff (“ES”) conducted an announced inspection (“the inspection”) of [Supplier] (“the Licensee”). During the inspection, ES discovered that on March 7, 2024, the Licensee utilized a Steamship Authority ferry to transport Marijuana and Marijuana Products to Patient Centric Martha’s Vineyard, Ltd. (“PATIENT CENTRIC”). Prior to the inspection, ES called Licensee agent [] who stated that he accompanied the transportation of Marijuana and Marijuana Products to Patient Centric on this date. This fact was confirmed by ES during the inspection by observing recorded video footage of the transportation, and reviewing the manifests in the seed-to-sale system of record (“SOR”), Metrc. During the water crossing from Woods Hole to Vineyard Haven, Steamship Authority agents were effectively in control of the transportation of Marijuana and Marijuana Products. The Licensee’s agents were not in control of the transportation during the timeframe that the Steamship Authority vessel navigated across the ocean from Woods Hole to Vineyard Haven.

935 CMR  
500.105(13)(a)12.  
935 CMR  
501.105(13)(a)12.

12. *A Marijuana Establishment or a Marijuana Transporter transporting Marijuana Products shall ensure that all transportation times and routes are randomized.*  
12. *An MTC transporting Marijuana Products shall ensure that all transportation times and routes are randomized.*

**Deficiency #2:** During the inspection, ES reviewed recorded GPS tracking data of the transportation of Marijuana and Marijuana Products between the Licensee and Patient Centric and discovered that on March 7, 2024, the Licensee utilized a fixed Steamship Authority navigation route and scheduled departure and arrival time. The usage of these transportation times and routes was not randomized and could not be randomized by the Licensee.

935 CMR  
500.105(13)(c)1.a.  
935 CMR  
501.105(13)(c)1.a.

1. *A vehicle used for transporting Marijuana Products shall be:*  
a. *Owned or leased by the Marijuana Establishment or the Marijuana Transporter;*  
1. *A vehicle used for transporting Marijuana Products shall be:*

*a. Exclusively owned or leased by the MTC or otherwise licensed by the Commission as a Third-party Transporter;*

**Deficiency #3:** During the inspection, ES discovered that on March 7, 2024, the License utilized a commercial ferry that was not owned or leased by the Licensee. The ferry used to transport Marijuana and Marijuana Products in this instance was owned by the Steamship Authority, a transportation service provider over which the Licensee has no control.

59. On March 20, 2024, shortly after Supplier received that Notice of Deficiency, Patient Centric received a Notice of Administrative Hold (the “Hold”) from the Commission. See Rose Aff. Ex. E.

60. The Hold required Patient Centric to cease selling the products that Supplier had delivered.

61. Pursuant to the Hold, the Commission advised Patient Centric that:

The Cannabis Control Commission (“Commission”) has reasonable cause to believe that the Marijuana and Marijuana Products (“products”) listed below are noncompliant under 935 CMR 500.000 or 501.000 or otherwise constitute a threat to the public health, safety, or welfare. See 935 CMR 500.321 and 501.321.

The Administrative Hold shall stay in effect pending results of an investigation to ensure compliance, prevent the destruction of evidence, prevent the diversion of marijuana, or as otherwise necessary to protect the public health, safety, or welfare. See 935 CMR 500.321(1) and 501.321(1).

62. As the basis for that determination, the Commission stated that “the ferry used to transport the products on March 7, 2024, is not a vehicle approved by the Commission for the transportation of Marijuana. Further, **transportation of Marijuana from the Commonwealth mainland to Dukes and Nantucket County has not been authorized.** The transportation of the products across the Vineyard Sound may also implicate the jurisdiction of other state and federal agencies.”

63. Both Patient Centric and Supplier provided timely responses to the Commission to address the concerns raised in the Notice of Deficiencies and the Hold.

64. On March 22, 2024, Supplier submitted a Plan of Correction in response to the March 13, 2024, Notice of Deficiency, which was ultimately rejected by the Commission.

65. In response to Deficiency #1, which alleged that Supplier violated 935 CMR 500.105(13)(a)2 because its agents were not in control of the marijuana and marijuana products during the water crossing from Woods Hole to Vineyard Haven, Supplier confirmed that two Supplier-registered agents transported marijuana products between Supplier's licensed Marijuana Establishment and Patient Centric using Supplier's secure transport van previously approved by the Commission for marijuana product transportation.

66. Supplier further stated that at no point during the transport did any individuals other than Supplier's registered agents have the ability to access Supplier's transport van or the marijuana products securely stored inside the van. Thus, only Supplier's registered agents had any meaningful control over the transportation of marijuana products during the transport, including during the water crossing, in compliance with 935 CMR 501.105(13)(a)2.

67. Supplier also confirmed that in the future, it will not utilize the Steamship Authority ferry as a means to convey Supplier's secure product transportation van to Martha's Vineyard, and that it will conduct a training for its registered Marijuana Establishment agents responsible for product transportation designed to ensure that the agents understand that: (1) the Steamship Authority ferry cannot be utilized as means to convey Supplier's secure transportation van to Martha's Vineyard; and (2) as required by the Commission's Regulations, marijuana and marijuana products may only be transported between licensed Marijuana Establishments by registered Marijuana Establishment agents.

68. In response to Deficiency #2, which alleged that Supplier violated 935 CMR 500.105(13)(a)12 by failing to use a randomized route and transportation time, Supplier confirmed that there are a variety of modes of transportation, routes, and times available to travel between the mainland of Massachusetts and Martha's Vineyard.

69. During the one and only marijuana product transport to Martha's Vineyard that Supplier conducted, Supplier elected to utilize the Steamship Authority ferry departing from Woods Hole on March 7, 2024, at one of the 14 different times each day that the ferry travels from Woods Hole to Martha's Vineyard, to convey Supplier's secure transport van across the water.

70. Supplier further assured the Commission that at no point during the transport were any individuals other than Supplier's registered agents aware of the transportation mode, time, and route selected by Supplier in compliance with 935 CMR 500.105(13)(a)12.

71. In response to Deficiency #3, which alleged that Supplier violated 935 CMR 500.105(13)(c)1.a by using a commercial ferry that was not owned or leased by the licensee, Supplier further confirmed that only its registered agents had any meaningful control over the transportation of marijuana products during the transport, including during the water crossing.

72. Despite Supplier's comprehensive response and demonstration of compliance throughout its responses to deficiencies, the Commission rejected the Plan of Correction on April 5, 2024 (the "Rejection Letter"). See Rose Aff. Ex. F.

73. In the Rejection Letter, the Commission stated that "Commission regulations require that a Licensee must utilize a vehicle that is owned/leased by the Licensee transporting Marijuana/Marijuana Product, be properly registered to the Registry of Motor Vehicles, inspected and approved by the Commission, subject to all security requirements, and that the transportation requires randomized routes."

74. It further stated that, “[a]t this time, the Commission does not permit transportation of Marijuana and Marijuana Products from the mainland to Dukes County and Nantucket.”

75. Like Supplier, Patient Centric made every effort to work collaboratively with the Commission to avoid shuttering its business and to comply with all applicable regulations in responding to the Hold issued on March 20, 2024.

76. On March 28, 2024, counsel for Patient Centric contacted the Commission and spoke with Enforcement Counsel seeking to finalize a compliant strategy for supplying Patient Centric with marijuana and marijuana products from mainland Marijuana Establishments.

77. During this discussion, Enforcement Counsel confirmed the Commission’s position that there was a policy against transport of marijuana between the mainland and the islands.

78. On April 5, 2024, Patient Centric was advised that the Hold placed on March 20, 2024, would be removed and that all products would be released for sale.

79. The Commission correspondence further stated that:

This removal does not constitute an approval of any proposals previously submitted to the Commission regarding the transportation of Marijuana from mainland Licensees to those located on Dukes County and Nantucket. Furthermore, this removal does not preclude the Commission from further corrective action or taking any other administrative action authorized under the Commission's regulations, which may include referrals to appropriate federal agencies.

As previously stated, in addition to violations of Commission regulations, our understanding is that transportation of Marijuana/Marijuana Products from the mainland to Dukes County and Nantucket may implicate or violate federal law. The Investigations and Enforcement department does not condone violations of federal law and Commission regulations do not require the violation of federal law or give immunity for such violations.

80. The following day, Patient Centric began selling the marijuana products transported by Supplier to its consumers.

81. On April 10, 2024, counsel for Patient Centric contacted the Commission to confirm that throughout its correspondence between November of 2023 and April of 2024, including communications between the Commission, Patient Centric, Supplier, and their respective attorneys, the Commission failed to identify any statutory basis for its decision—aside from a general concern with compliance with federal law—or any administrative process by which the Commission’s denial may be challenged under these circumstances. See Rose Aff. Ex. H.

82. The correspondence also confirmed that Patient Centric has exhausted all administrative remedies.

83. The Commission did not respond to Patient Centric’s April 10, 2024, letter.

84. The Commission was asked to provide statutory or regulatory support for its position, but the Commission was unable to do so.

85. Patient Centric exhausted saleable inventory of marijuana and marijuana products and could no longer remain open for business as of May 14, 2024.

86. Because Fine Fettle will no longer sell wholesale marijuana and marijuana products to Patient Centric and there are no other sources of wholesale marijuana or marijuana products on Martha’s Vineyard, Patient Centric has no ability to reopen and will go out of business absent relief from the Commission’s arbitrary, unreasonable, and inconsistent position on transport between the mainland and the islands.

87. Even if the Commission were to begin the process of promulgating regulations governing the transport of wholesale marijuana and marijuana products from the mainland to the islands (the “Promulgation Process”), that process would likely take at least one year.

88. Patient Centric cannot survive for anywhere near as long as a year. With nothing to sell and its door shuttered, Patient Centric's significant carrying expenses will quickly force Mr. Rose to wind-up the business to avoid crippling personal consequences.

89. The cessation of sales will not relieve Patient Centric of its obligations to pay significant expenses. Monthly rent for its premises totals \$3,643.48. Payment for security monitoring as required by the Commission totals \$850.00 per month. In addition, regardless of inventory status, Patient Centric will need to renew its license with the Commission in July at a cost of \$10,000.00. Patient Centric is also responsible for repayment of an outstanding loan in the amount of \$1,300,000.

90. Currently, Patient Centric has only \$68,000.00 in its bank account.

91. If Patient Centric remains closed for longer than two weeks, its employees will leave to seek other opportunities. Because the labor market on Martha's Vineyard is limited, it will be extremely difficult to locate any new employees at a later date, much less any with any experience in the marijuana industry.

92. Closure of the Company for longer than 30 days will severely jeopardize Patient Centric's chances for survival, as it lacks sufficient funding to pay its obligations. Moreover, 40% of the revenue needed to fund the Company's obligations for year-round operation is generated during the busy tourist seasons of June, July and August. Remaining closed during those months will similarly cause the Company to become insolvent.

93. In the event that Patient Centric is unable to reopen, access to medical and adult-use marijuana will be significantly impaired and, before long, eliminated due to the scheduled closure of Fine Fettle by the end of the summer. See Rizzo Aff.



94. Attached hereto as **Exhibit 3** is a true and correct copy of the Affidavit of Sally Rizzo, dated May 20, 2024.

*d. Factual Background for the Green Lady's Claims*

95. The Green Lady is a licensed Marijuana Establishment, authorized by the Commission to operate an adult use and medical Tier 1 Cultivation Facility, Product Manufacturing Facility, and retail establishment at 11 Amelia Drive, Nantucket, Massachusetts.

96. The owners of Green Lady also operate a Marijuana Retailer in Newton, Massachusetts.

97. While Green Lady cultivates marijuana in Nantucket, The Green Lady is not able to supply its affiliated location in Newton or wholesale its products to other retailers on the mainland, which results in a significant loss of potential revenue.

98. For the same reasons, Green Lady is required to maintain and conduct its own laboratory testing on Nantucket—rather than utilizing independent laboratories on the mainland—thereby increasing its testing costs significantly above those paid by similar businesses on the mainland.

99. As a result, it is effectively penalized for “transferring or delivering marijuana or marijuana products to or from a marijuana establishment” in violation of G.L. c. 94G.

**V. The Commission's Interpretation of Its Transport Regulations Violates G.L. c. 94G**

100. As detailed above, the Commission mistakenly relies on the following regulations (hereinafter referred to as “Transport Regulations”) to support its interpretation that transportation of marijuana and marijuana products between the mainland and the islands is prohibited:

- a. 935 CMR 500.105(13)(a)2 - Marijuana Products may only be transported between licensed Marijuana Establishments by registered Marijuana Establishment Agents.

- b. 935 CMR 500.105(13)(a)12 - A Marijuana Establishment or a Marijuana Transporter transporting Marijuana Products shall ensure that all transportation times and routes are randomized.
- c. 935 CMR 500.105(13)(c)1.a - A vehicle used for transporting Marijuana Products shall be: a) Owned or leased by the Marijuana Establishment or the Marijuana Transporter.

101. Pursuant to G.L. c. 94G, § 4(c)(1), the Commission is prohibited from promulgating regulations that prohibit the operation of a Marijuana Establishment either expressly or through regulations that make operation of a Marijuana Establishment unreasonably impracticable.

102. In addition, G.L. c. 94G, § 9(a), prohibits marijuana retailers from being “arrested, prosecuted, penalized, sanctioned or disqualified and shall not be subject to seizure or forfeiture of assets for activities specified for: . . . purchasing, selling or otherwise transferring or delivering marijuana or marijuana products to or from a marijuana establishment; or selling or otherwise transferring or delivering marijuana or marijuana products to a consumer.”

103. The Commission’s arbitrary, unreasonable, and inconsistent interpretation of its Transportation Regulations have effectively prohibited Patient Centric from operating a marijuana establishment on Martha’s Vineyard, or at a minimum, made it unreasonably impracticable for operations to continue, in violation of G.L. c. 94G § 4(c)(1), because there is currently no wholesale supplier located in Martha’s Vineyard.

104. Similarly, the Commission’s arbitrary, unreasonable, and inconsistent interpretation of its transportation regulations made it unreasonably impracticable for Green Lady to operate, in violation of G.L. c. 94G § 4(c)(1).

105. The Commission has also unlawfully penalized Patient Centric by issuing an administrative hold on lawfully transported products in violation of G.L. c. 94G § 9.

106. To date, all attempts to offer solutions for compliance, including the submission of proposed Standard Operating Procedures to ensure adherence to Commission regulations, the offer to use a private boat leased by the licensee and operated by a registered agent during randomized routes and times, have been rejected by the Commission.

107. Plaintiffs have been significantly harmed by the Commission's unlawful interference with their compliant business operations in contravention of G.L. c. 94G. Because of this, the Court should issue the declaratory judgment and injunctive relief as requested below.

### **COUNT I**

#### **Declaratory Judgment** **Violation of G.L. c. 94G**

108. Plaintiffs repeat and reincorporate by reference paragraphs 1–106 as if set forth herein.

109. Marijuana Retailers are statutorily entitled to transport marijuana from other Marijuana Establishments.

110. Marijuana Establishments are also statutorily required to be free from “unreasonably impracticable” regulations that subject licensees to unreasonable risk or require such a high investment of risk, money, time or any other resource or asset that a reasonably prudent businessperson would not operate a marijuana establishment.

111. Massachusetts law authorizes the judicial review of regulations through an action for declaratory relief.

112. There exists an actual or imminent controversy between Plaintiffs and the Commission concerning Plaintiffs ability to compliantly transport marijuana and marijuana products from the mainland to Martha's Vineyard and Nantucket.

113. Plaintiffs are entitled to a declaration that transportation between the mainland and Martha's Vineyard and Nantucket is not prohibited or punishable by the Commission pursuant to G.L. c. 94G and 935 CMR 500.000 et seq.

114. For the foregoing reasons, the Commission's interpretation of its Regulations are arbitrary, unreasonable, and inconsistent with the Commission's enabling statute, Chapter 94G, and are therefore unlawful and must be declared void.

## **COUNT II**

### **Declaratory Judgment**

#### **Violation of U.S. Constitution, Fourteenth Amendment**

115. Plaintiffs repeat and reincorporate by reference paragraphs 1–113 as if set forth herein.

116. The Equal Protection Clause of the Fourteenth Amendment of the United States Constitution provides that no State shall deprive any person of equal protection of the laws.

117. The Commission, under color of State law, has through informal policy prohibited the Marijuana Establishment Plaintiffs from purchasing or transferring cannabis products from other licensed Marijuana Establishments in mainland Massachusetts across state territorial waters to their respective licensed premises located in Martha's Vineyard and Nantucket.

118. That policy violates the Equal Protection Clause because, among other things, there is no legitimate or rational basis to distinguish between the transportation of marijuana on state roadways versus state waterways.

119. The Commission's failure to afford Marijuana Establishments on the islands the same protections granted to Marijuana Establishments on the mainland violates the equal protection rights of the Marijuana Establishment Plaintiffs.

120. An actual justiciable controversy has arisen between the Plaintiffs and the Commission as to whether the Commission's policy violates the United States Constitution's Fourteenth Amendment.

121. Accordingly, Plaintiffs are entitled to declaratory judgment and relief invalidating the Commission's policy prohibiting transportation of marijuana and marijuana products between Marijuana Establishments over state territorial waters.

### **COUNT III**

#### **Declaratory Judgment** **Violation of Massachusetts Declaration of Rights**

122. Plaintiffs repeat and reincorporate by reference paragraphs 1–120 as if set forth herein.

123. All persons in the Commonwealth are guaranteed the right to equal protection of the laws by the Massachusetts Declaration of Rights.

124. The Commission, though informal policy, has prohibited or otherwise penalized the Marijuana Establishment Plaintiffs from purchasing or transferring cannabis products from other licensed establishment in Massachusetts to their respective licensed establishments located in Martha's Vineyard and Nantucket.

125. The Commission's policy violates the right of the Marijuana Establishment Plaintiffs to equal protection of the laws under the Massachusetts Declaration of Rights because there is no legitimate or rational basis to distinguish between Marijuana Establishments located on the mainland and those located on the islands.

126. The Commission's failure to afford Marijuana Establishments on the islands the same protections granted to Marijuana Establishments on the mainland violates the equal protection rights of the Plaintiffs.

127. An actual justiciable controversy has arisen between Plaintiffs and the Commission as to whether the Commission's policy prohibiting transportation of marijuana and marijuana products over state territorial waters violates the Massachusetts Constitution's Declaration of Rights.

128. Accordingly, Plaintiffs are entitled to declaratory judgment and relief invalidating the Commission's policy prohibiting transportation of marijuana and marijuana products between Marijuana Establishments over state territorial waters.

#### **COUNT IV**

##### **Preliminary Injunction**

129. Plaintiffs repeat and reincorporate by reference paragraphs 1–127 as if set forth herein.

130. Patient Centric is entitled to preliminary injunctive relief to prevent the Commission from prohibiting Patient Centric and its supplier(s) from transporting marijuana or marijuana products between mainland Marijuana Establishments and Patient Centric across state territorial waters, whether on the basis of federal law, its Transport Regulations, or otherwise.

131. Without injunctive relief, Patient Centric will suffer irreparable harm, including the forced closure of Patient Centric's business due to its inability to acquire wholesale products from mainland Marijuana Establishments.

132. The benefits to Patient Centric and the public outweigh any public harm, as Patient Centric and Supplier have already offered multiple compliant solutions to permit transportation via Vineyard Sound.

133. Further, public interest would be served by granting the injunction as it will increase safe access to regulated and tested marijuana and marijuana products, as approved by Massachusetts voters in 2016, and ensure that marijuana patient maintain access to such products.

134. For the foregoing reasons, the Court should issue preliminary injunctive relief to prevent the Commission from enforcing federal law or its unlawful interpretation of its Transport Regulations, as applied to Patient Centric, Supplier, and other wholesale suppliers located on the mainland.

## COUNT V

### Permanent Injunction

135. Plaintiffs repeat and reincorporate by reference paragraphs 1–133 as if set forth herein.

136. Plaintiffs are entitled to permanent injunctive relief to prevent the Commission from prohibiting Plaintiffs and their supplier(s) from transporting marijuana or marijuana products between mainland Marijuana Establishments and those on the islands across state territorial waters, whether on the basis of federal law, its Transport Regulations, or otherwise.

137. Without injunctive relief, Plaintiffs will suffer irreparable harm, including the forced closure of Patient Centric’s business due to its inability to acquire wholesale products from mainland Marijuana Establishments.

138. The benefits to Plaintiffs and the public outweigh any public harm.

139. Further, public interest would be served by granting the injunction as it will increase safe access to regulated and tested marijuana and marijuana products, as approved by Massachusetts voters in 2016, and ensure that marijuana patient maintain access to such products.

140. For the foregoing reasons, the Court should issue permanent injunctive relief to prevent the Commission from enforcing federal law or its unlawful interpretation of its Transport

Regulations, as applied to Plaintiffs, Supplier, and other wholesale suppliers located on the mainland.

### **RELIEF REQUESTED**

WHEREFORE, Plaintiffs respectfully requests that this Court:

1. Enter a declaratory judgment for Plaintiffs declaring that:
  - a. The Commission's policy against transport of marijuana between licensed Marijuana Establishments over state territorial waters violates G.L. c. 94G et seq.;
  - b. The Commission's policy against transport of marijuana between licensed Marijuana Establishments over state territorial waters violates the Fourteenth Amendment to the U.S. Constitution;
  - c. The Commission's policy against transport of marijuana between licensed Marijuana Establishments over state territorial waters violates the Massachusetts Declaration of Rights;
  - d. The Commission is required to allow licensed Marijuana Establishments to transport marijuana and marijuana products over state territorial waters without penalty;
2. Enter preliminary and permanent injunctions enjoining the Commission from taking any action to prevent or punish Plaintiffs, and any duly licensed mainland cannabis distributors, from transporting marijuana over Massachusetts' territorial waters.
3. Grant Plaintiffs such other and further relief as this Court deems just and proper.



Respectfully submitted,

PATIENT CENTRIC OF MARTHA'S  
VINEYARD, LTD. and THE GREEN LADY  
DISPENSARY, INC.

DATE: May 21, 2024

By their attorneys,

By: /s/ Timothy D. Swain

Timothy D. Swain BBO#704722

Adam D. Fine BBO#671951

Margaret Nash BBO # 684372

VICENTE LLP

Prudential Tower

800 Boylston Street, 26th Floor

Boston, MA 02119

Telephone: 617-934-2121

a.fine@vicentellp.com

t.swain@vicentellp.com

m.nash@vicentellp.com

### VERIFICATION

I, Nicole Campbell, owner of The Green Lady Dispensary, Inc., verify that I have read the allegations contained in the Verified Complaint; that I have personal knowledge of the facts stated therein; that, other than the allegations made upon information and belief, the facts are true and accurate to the best of my knowledge; and that I believe that the allegations made upon information and belief are true.

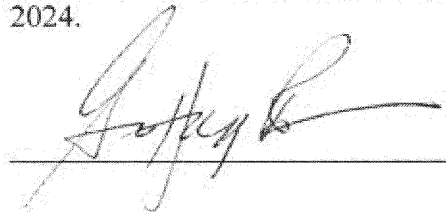
SIGNED UNDER THE PAIN AND PENALTIES OF PERJURY THIS 20TH DAY OF MAY  
2024.

A handwritten signature in black ink, appearing to read "Nicole Campbell", is written over a horizontal line. The signature is fluid and cursive.

## VERIFICATION

I, Geoffrey Rose, President and owner of Patient Centric of Martha's Vineyard, Ltd. d/b/a Island Times, verify that I have read the allegations contained in the Verified Complaint; that I have personal knowledge of the facts stated therein; that, other than the allegations made upon information and belief, the facts are true and accurate to the best of my knowledge; and that I believe that the allegations made upon information and belief are true.;

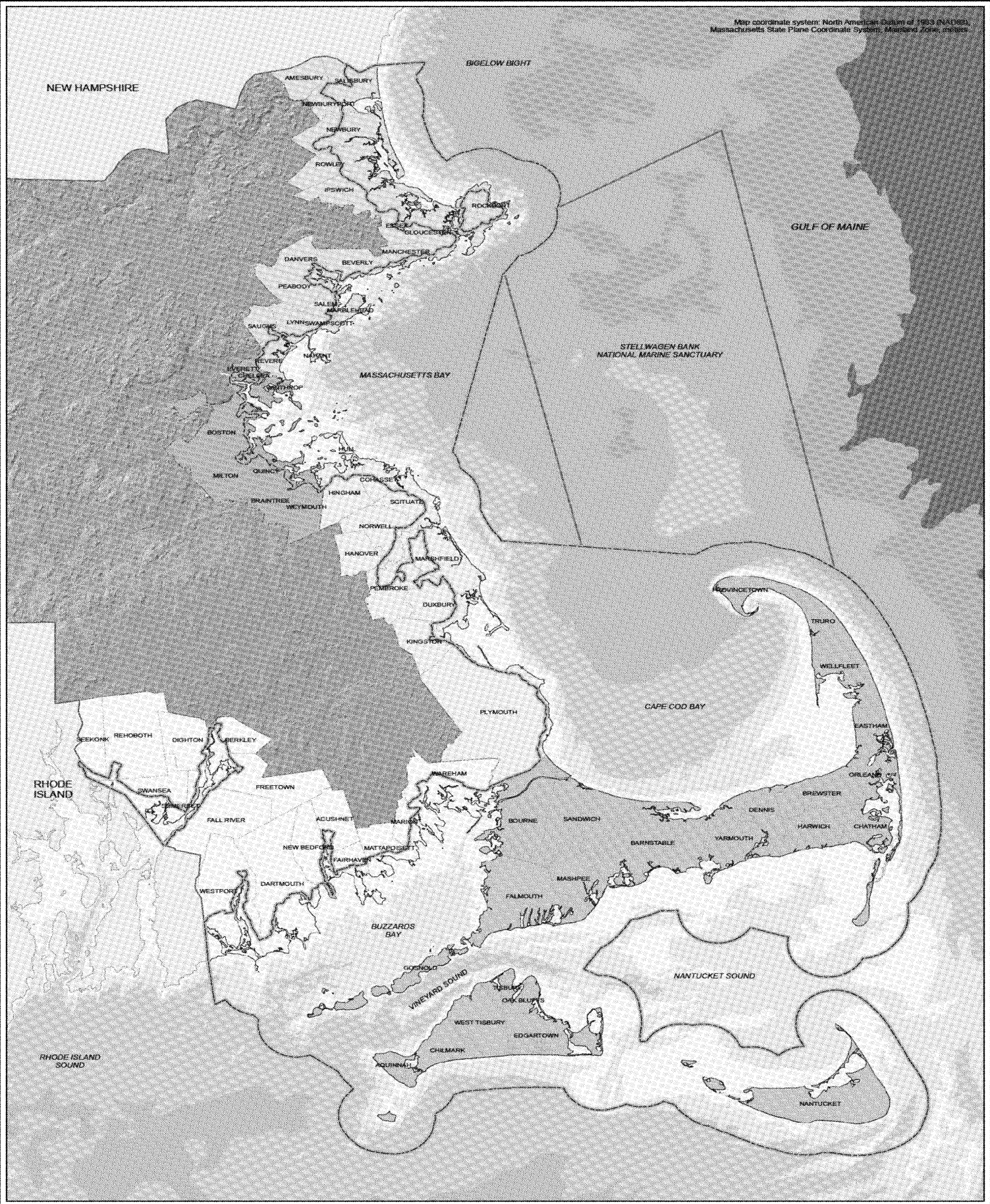
SIGNED UNDER THE PAIN AND PENALTIES OF PERJURY THIS 19TH DAY OF MAY 2024.



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# **EXHIBIT 1 TO VERIFIED COMPLAINT**

Map coordinate system: North American System of 1983 (NAD83),  
 Massachusetts State Plane Coordinate System, Mapland Zone, meters

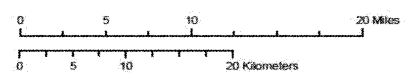


- Coastal Zone Boundary
- CZM Regions:**
  - North Shore
  - Boston Harbor
  - South Shore
  - Cape Cod and Islands
  - South Coastal
- Bathymetry:**
  - Above -15m
  - 15m to -25m
  - 25m to -40m
  - 40m to -90m
  - 90m to -200m
  - Below -200m



# The Massachusetts Coastal Zone

[www.mass.gov/czm/mapping/czboundary.htm](http://www.mass.gov/czm/mapping/czboundary.htm)



Revised January 2014



52

Zoom to Basemaps Add Layer On



## **EXHIBIT 2 TO VERIFIED COMPLAINT**

**From:** [Jen Flanagan](#)  
**To:** [Meg Nash](#)  
**Cc:** [Casey Leaver](#); [Timothy Swain](#)  
**Subject:** FW: SOP for Wholesaling from the Mainland  
**Date:** Monday, May 20, 2024 11:36:51 AM  
**Attachments:** [image001.png](#)  
[PCMV Boat Transportation Procedures FINAL.pdf](#)

---

**From:** Jen Flanagan  
**Sent:** Friday, December 29, 2023 10:03 AM  
**To:** [REDACTED]@cccmass.com>; [REDACTED]  
[REDACTED]@cccmass.com>  
**Cc:** [REDACTED]@cccmass.com>; [REDACTED]  
[REDACTED]@cccmass.com>; Philip Silverman <p.silverman@vicentellp.com>; Casey Leaver  
<c.leaver@vicentellp.com>  
**Subject:** SOP for Wholesaling from the Mainland

[REDACTED]

Congratulations on your last day at the CCC! I wanted to send over the SOP you suggested be drafted relative to wholesaling products from the mainland to the islands. I understand there are many more steps for this to be considered and we would welcome an opportunity to discuss this unique situation.

Best of luck in your new endeavor!

Regards,  
Jen

**Jennifer L. Flanagan**  
Director of Regulatory Policy  
Mobile: [REDACTED]  
[J.Flanagan@vicentellp.com](mailto:J.Flanagan@vicentellp.com)




800 Boylston St, 26<sup>th</sup> Floor  
Boston, MA 02199

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*Jennifer Flanagan is not a licensed attorney, nothing herein should be construed as legal advice.*



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1) Purpose:



2) Definitions:


Cannabis or Cannabis means all parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Cannabis(a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; Clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that Cannabis shall not include:

- (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (b) Hemp; or
- (c) the weight of any other ingredient combined with Cannabis or Cannabis to prepare topical or oral administrations, food, drink or other products.

Commission means the Massachusetts Cannabis Control Commission as established by M.G.L. c. 10, § 76, or its representatives. The Commission has authority to implement the state Cannabis laws which include, but are not limited to, St. 2016, c. 334, The Regulation and Taxation of Cannabis Act, as amended by St. 2017, c. 55, An Act to Ensure Safe Access to Cannabis; M.G.L. c. 10, § 76, M.G.L. c. 94G; M.G.L. c. 94I; 935 CMR 500.000 and 935 CMR 501.000: Medical Use of Cannabis.

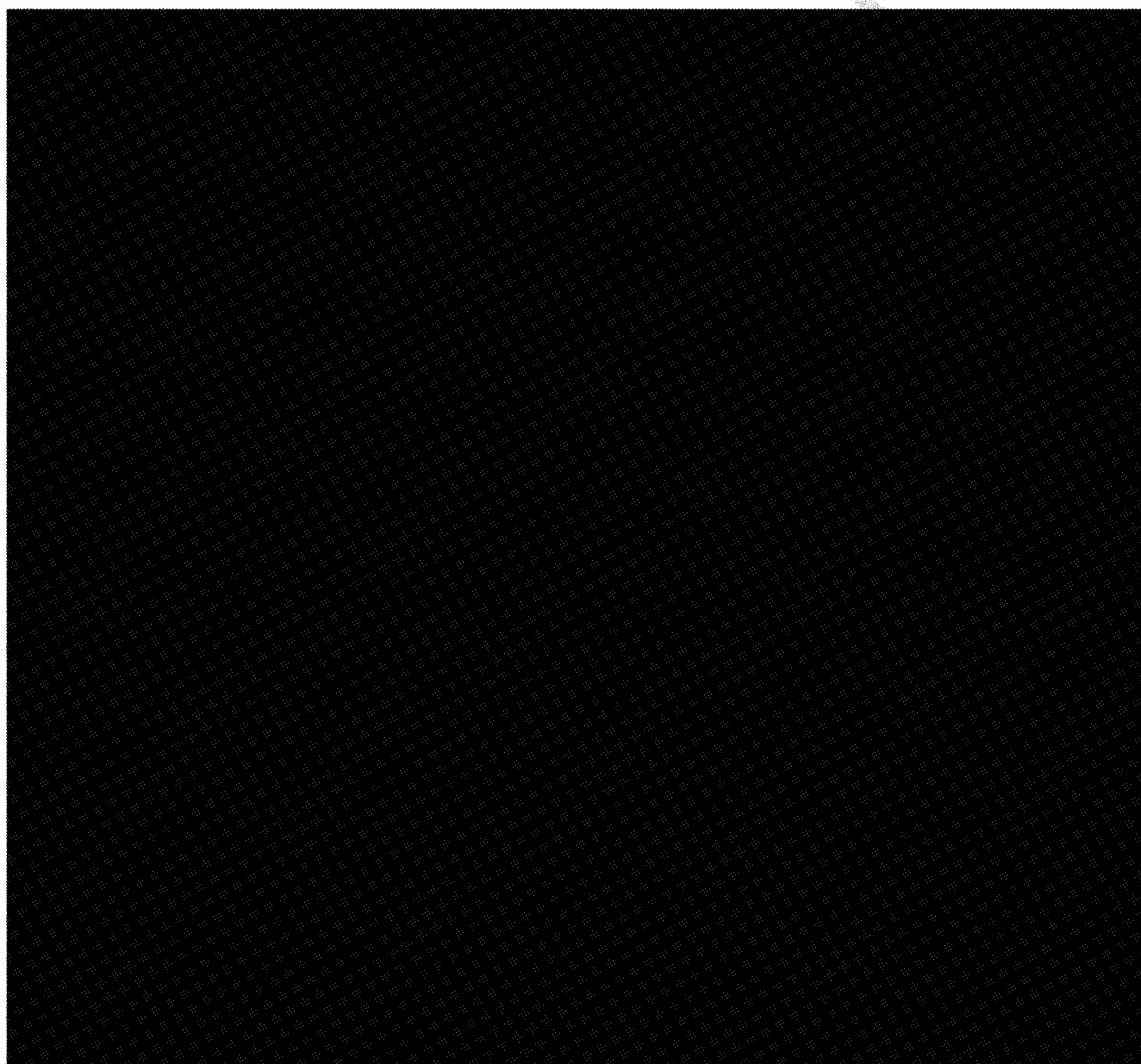
Marijuana Establishment means a Cannabis Cultivator (Indoor or Outdoor), Craft Cannabis Cooperative, Cannabis Product Manufacturer, Cannabis Microbusiness, Independent Testing Laboratory, Cannabis Retailer, Cannabis Transporter, Delivery-only Licensee, Cannabis Research Facility, Social Consumption Establishment or any other type of licensed Cannabis related business, except a Medical Cannabis Treatment Center (MTC).


Cannabis Products (or Cannabis Products) means Cannabis and its products, unless otherwise indicated. Cannabis Products includes products that have been Manufactured and contain Cannabis, Cannabis, or an extract from Cannabis or Cannabis, including concentrated forms of

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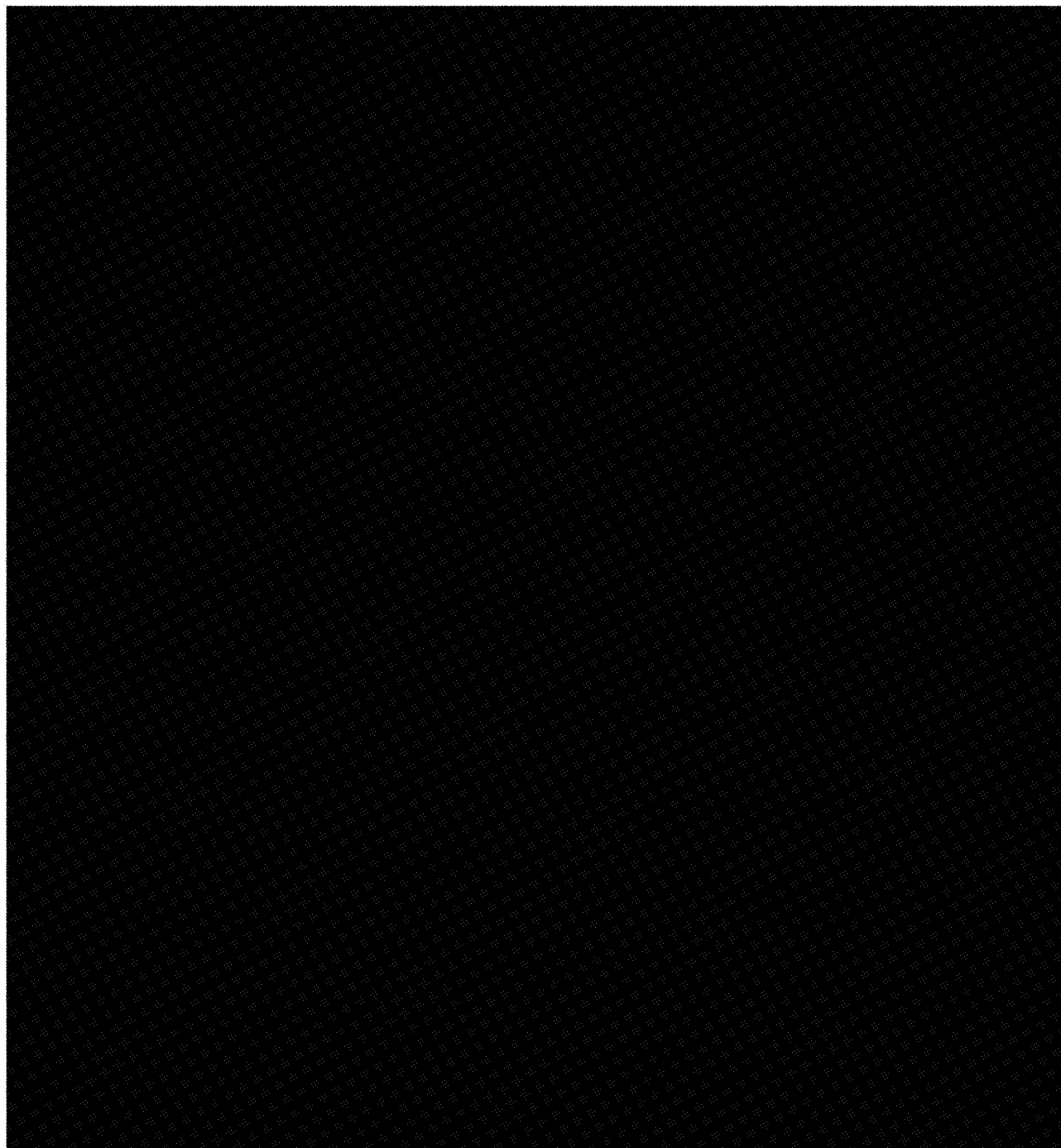
Cannabis and products composed of Cannabis and other ingredients that are intended for use or consumption, including Edibles, Beverages, topical products, ointments, oils and Tinctures. Cannabis Products include Cannabis-infused Products (MIPs) defined in 935 CMR 500.002.


3) Responsibilities:

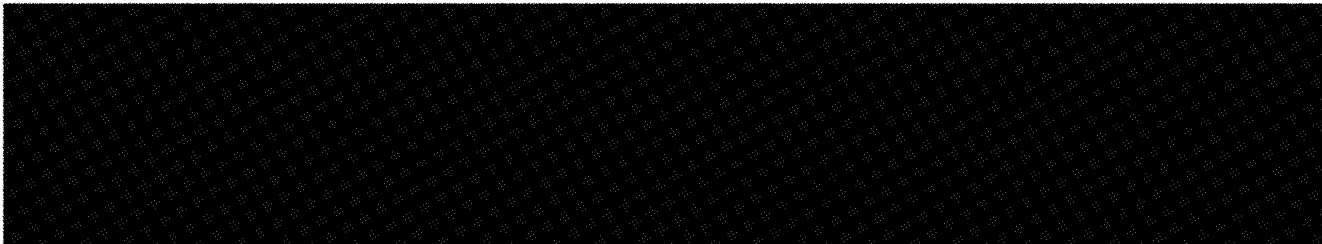


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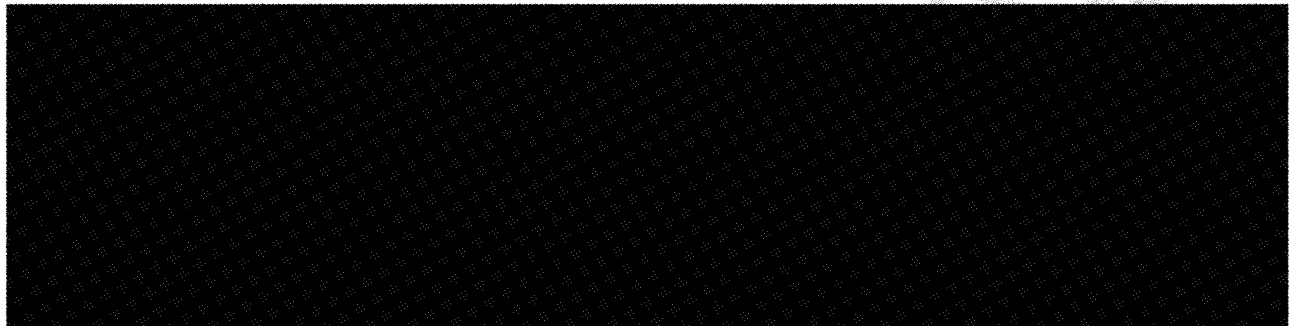
**4) Means of Transportation**



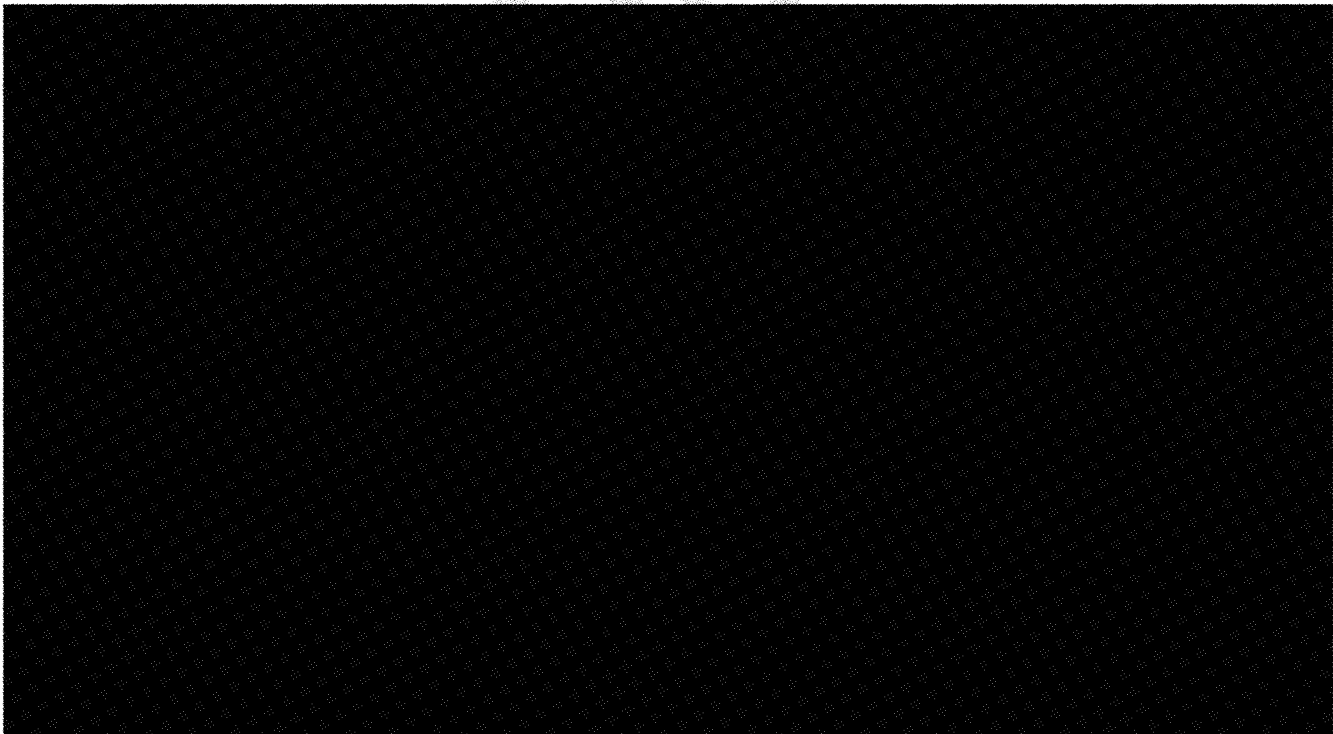
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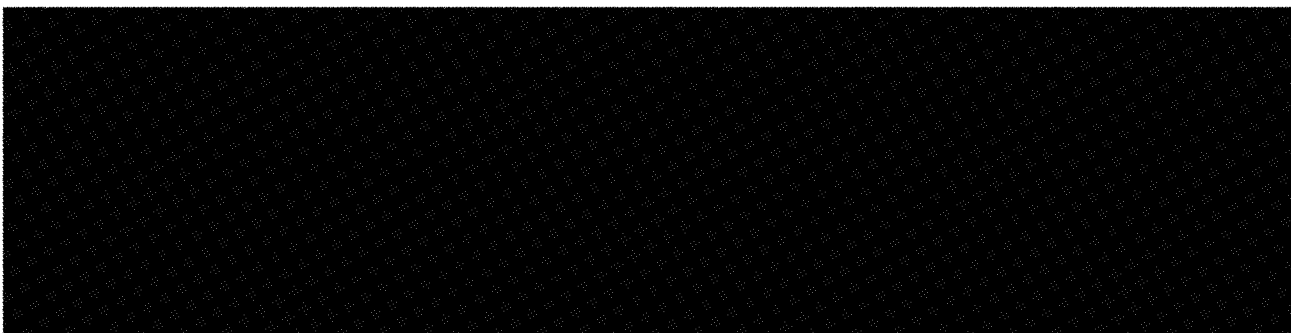
5) Storage During Transport



6) Communications

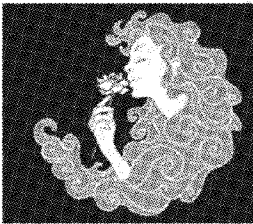


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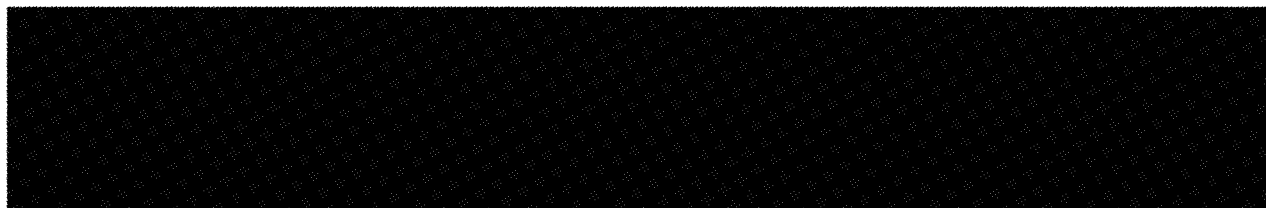
7) **Transportation Manifest**




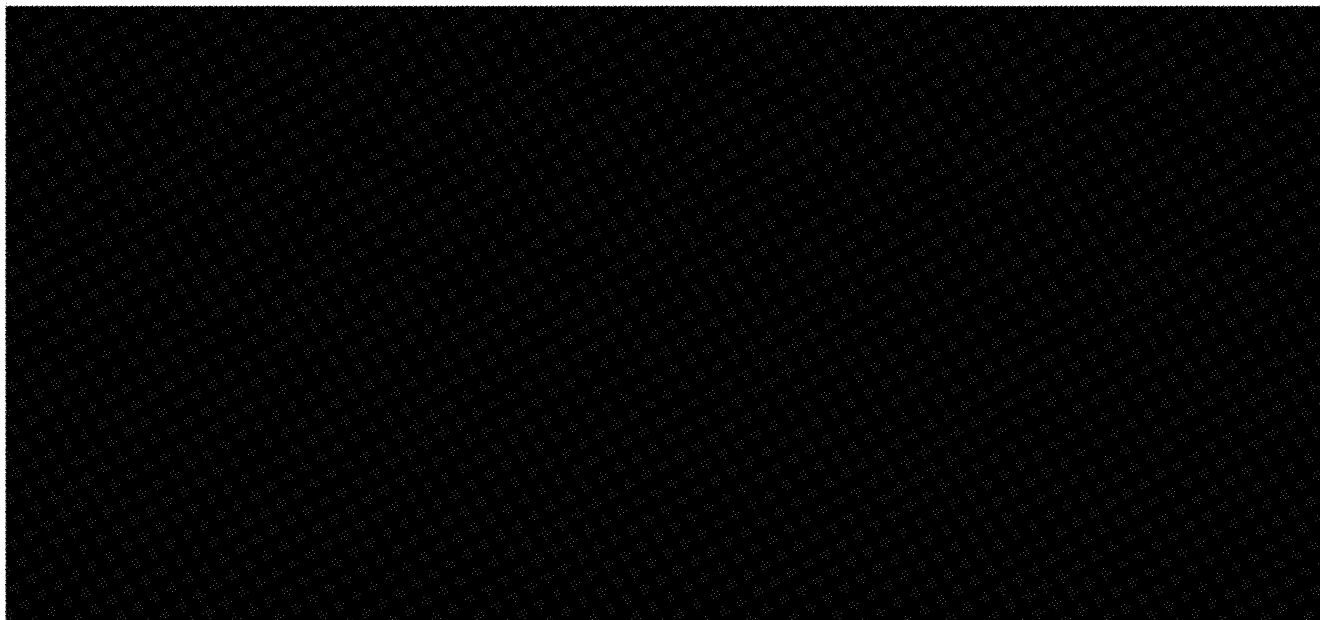
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8) Transportation Agents

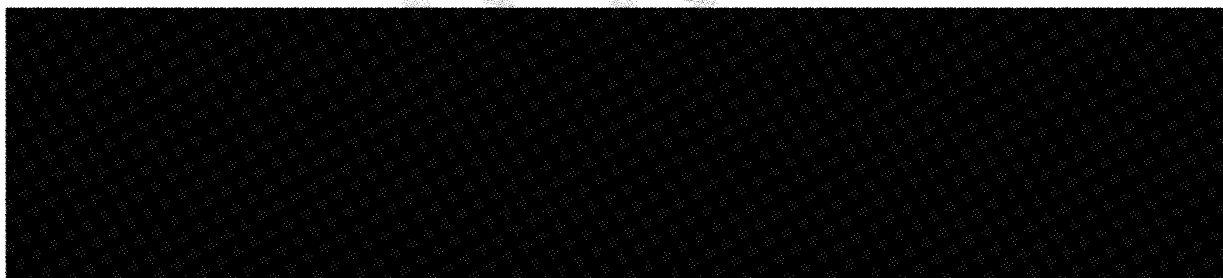


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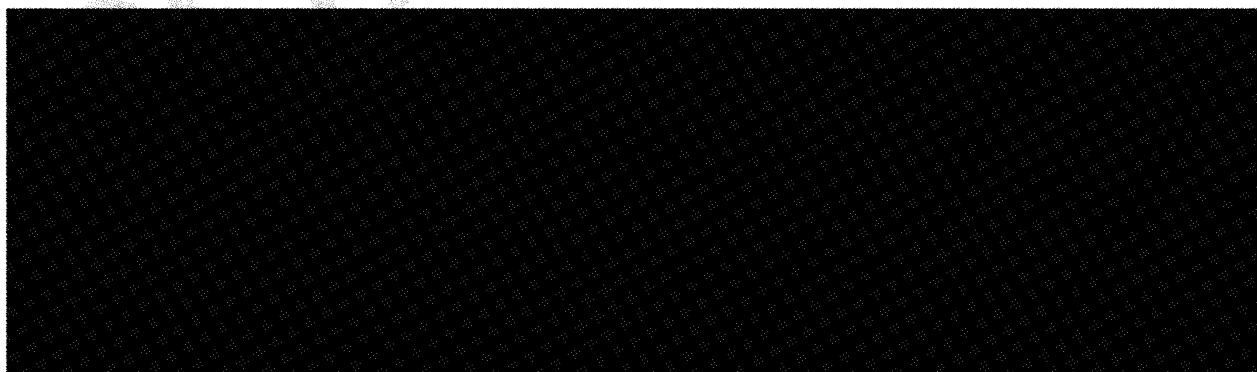



9) **Delivery Plan**

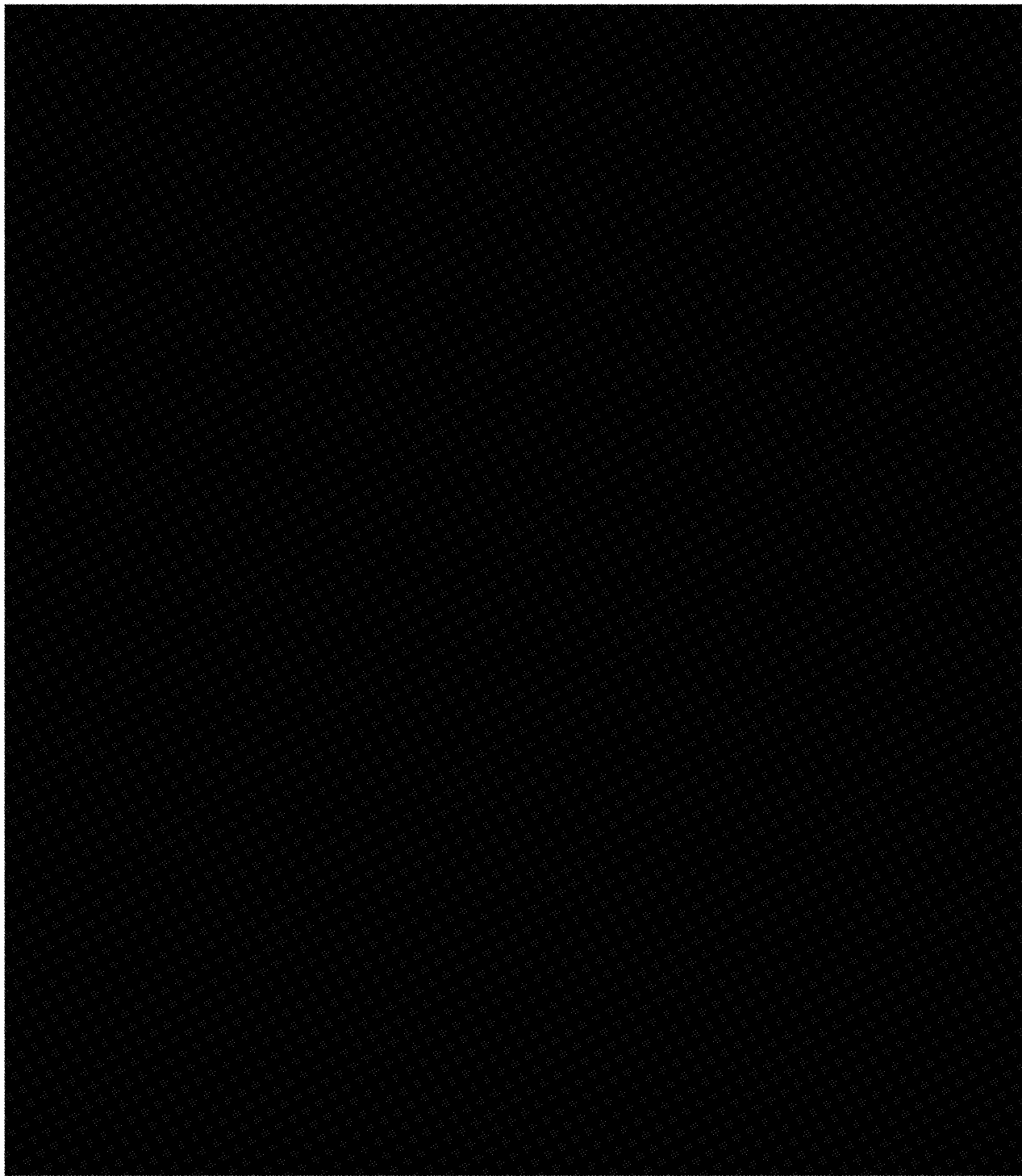
**8.1 Boat Inspection**




**8.2 Receiving Product**



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**10) References**

935 CMR 500.000: Adult Use of Cannabis

M.G.L. c. 94G: Regulation of the Use and Distribution of Cannabis Not Medically Prescribed

CONFIDENTIAL

## **EXHIBIT 3 TO VERIFIED COMPLAINT**

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT

_____	)	
PATIENT CENTRIC OF MARTHA’S	)	C.A. No. _____
VINEYARD, LTD. AND	)	
THE GREEN LADY DISPENSARY, INC.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
CANNABIS CONTROL COMMISSION,	)	
	)	
Defendant.	)	
_____	)	


**AFFIDAVIT OF SALLY RIZZO**

I, Sally Rizzo, hereby depose and state as follows:

1. I am a resident of Tisbury, Massachusetts on Martha’s Vineyard.
2. I have been a Registered Qualifying Patient under the Commonwealth’s Medical Use of Marijuana Program as set forth in 935 CMR 501.000 et seq. for four years.
3. During that time, I have purchased medical marijuana and marijuana products from Patient Centric of Martha’s Vineyard, Ltd. d/b/a Island Times (“Patient Centric”) and Fine Fettle – Martha’s Vineyard (“Fine Fettle”), the only two marijuana dispensaries located on Martha’s Vineyard.
4. I recently discovered that Patient Centric has closed indefinitely due to an inability to purchase wholesale marijuana and marijuana products for re-sale to customers.
5. I understand that Patient Centric will be unable to reopen if it is unable to obtain wholesale marijuana and marijuana products from mainland suppliers because there no longer is any island-based wholesaler from which Patient Centric can obtain products for re-sale.
6. With Patient Centric closed, I am aware that the only other retail outlet from which I can obtain prescribed medication on the island is Fine Fettle.

7. With the busy summer months nearly upon us, I have grave concerns that Fine Fettle will be unable to keep up with increased demand, which would make it even more difficult—if not impossible—to fill my prescriptions.
8. I also recently learned that Fine Fettle will close permanently by the end of this summer, leaving Martha's Vineyard without any licensed marijuana dispensary.
9. When Fine Fettle closes, medical marijuana patients (like me) will have no safe and legal retail source of medication on the island.
10. If I have no retail source of marijuana for my medical needs, my quality of life will suffer significantly.
11. I am unwilling—and should not be compelled—to risk purchasing untested marijuana from the illicit black market or purchasing marijuana from the Massachusetts mainland and transporting it to my home via the Steamship Authority to treat my documented medical condition.

Signed under the pains and penalties or perjury this 5/20/2024 day of May 2024.

DocuSigned by:  
  
655E722E61E34F5...

Sally Rizzo