

Our commitment to protecting public health while providing safe access to cannabis for Massachusetts residents

March 30, 2020

On March 23, 2020, Gov. Charles D. Baker issued COVID-19 Order No. 13, requiring all businesses that do not provide "essential services" to close their facilities to workers, customers and the public until April 7, 2020. The order included "licensed medical marijuana retailers" in a list of essential services that would be allowed to remain operational, but it did not include adult-use cannabis retailers. As a result, licensed sales of cannabis for adult use have been halted since March 24.

The governor explained the decision at a news conference, noting medical cannabis retailers would be "treated for all intents and purposes the same way we treat healthcare operations." He also said the "main reason" for shutting down adult cannabis sales was to avoid attracting visitors from other states, which could hinder efforts to contain the spread of the virus.

We fully share the governor's concern for the health and safety of Commonwealth residents. At the same time, we know from experience that tens (if not hundreds) of thousands of residents do, in fact, consider cannabis essential, which in turn makes our services essential. Individuals who purchase cannabis in the adult-use market range from veterans who are unable to obtain medical marijuana cards to hard-working citizens who rely on cannabis for a good night's sleep. This is why other states, such as California, Colorado, Illinois, Michigan, Nevada, Oregon, and even the highly impacted state of Washington, have declared adult-use sales essential or otherwise allowed adult-use sales to continue in their COVID-19 declarations.

Public policy must take into account the unique status and history of cannabis in our society. If there is no pasta at the Stop & Shop, people don't turn to the underground pasta market. The same is not true of cannabis. Absent our services, consumers are likely to seek cannabis through unregulated, hand-to-hand transactions with friends, family members, or other individuals who are not subject to the type of strict controls that can be enforced in a licensed business. We do not believe that is in the public interest.

To prevent an increase in underground transactions, we want to work with state officials, including members of the Cannabis Control Commission, to ensure that Massachusetts residents continue to have safe and reliable access to cannabis. To that end, we are 100% committed, as we have been since the launch of the regulated cannabis market, to complying with whatever regulations are deemed necessary to protect the health and safety of our fellow citizens.

Limiting transactions to Massachusetts residents

We will start with Gov. Baker's primary concern about the adult-use market: that individuals from other states will travel to Massachusetts to purchase cannabis from our regulated market. We are fully supportive of limiting sales to Massachusetts residents during this health crisis and will not only enforce that policy, but will do our part to educate the public about that restriction once it is enacted.

Employing a broad range of protective measures

As noted, the cannabis industry is already highly regulated. From our cultivation and production facilities to our retail stores, our employees are trained to follow standard operating procedures and treat regulatory compliance as a primary responsibility. They can be trusted to take on the additional responsibility of employing stringent protective measures in the coming months. In fact, we have already initiated new practices in our medical marijuana dispensaries in Massachusetts and, for some of us, in adult-use retail stores in other states. These protective measures, which are similar to those being employed in other industries, include:

- Moving all adult-use sales to pre-order and pick-up only;
- Requiring customers to show an order confirmation prior to entering a dispensary;
- Adopting and enforcing social distancing requirements, as well as anti-congregating measures to eliminate lines;
- Where permitted by regulation, implementing curbside pick-up; and
- Ensuring employees follow all practices necessary to protect the health of customers and fellow employees, including mandated handwashing, regular cleaning of surfaces, and requiring employees to stay home if they feel sick.

Providing security for cannabis industry workers

While public health and safety is our primary goal, we would be remiss if we did not note that there are thousands of good-paying jobs potentially threatened by the continued shuttering of these adult-use cannabis stores. Of course, this is unfortunately true for so many other industries in the Commonwealth and our hearts go out to all employees who are currently out of work and to business owners who are struggling to keep their companies afloat. What does make us unique, however, is that cannabis businesses are not eligible for any share of the hundreds of billions of dollars in federal Small Business Administration loans being made available to businesses across the country. Because cannabis remains illegal under federal law,

the Paycheck Protection Program enacted by Congress last week does nothing to protect the paychecks of our workers. Therefore, we can use all the support we can get from our state.

Thank you for considering our input as we all try to navigate these challenging times. We look forward to working with you to resolve this situation in a manner that addresses the needs and interests of all stakeholders.

Licensed Massachusetts cannabis operators and pending applicants

1906	Garden Remedies, Inc.
Altitude Organic of Massachusetts	Green Line Dispensaries
Apothca, Inc.	Green Railroad
Apotho Therapeutics	Herban Legends of Boston, LLC
ARL Healthcare	MassGrow, LLC
Ascend Mass, LLC	Mayflower Medicinals, Inc.
Bask, Inc.	Munro Associates, LLC
The Botanist	Northeast Alternatives, Inc.
Bud's Goods & Provisions Corp.	OBCC, LLC
Cannatech Medicinals Inc.	Patient Centric of Martha's Vineyard, Ltd.
Caregiver Patient Connection, LLC	Pleasantrees
CommCan, Inc.	Pure Industries, Inc.
Commonwealth Farm 1761, Inc.	Sanctuary Medicinals, Inc.
Evokanna, LLC	Treemit, LLC
Evoke	Western Front, LLC
Full Harvest Moonz	

Members of the broader Massachusetts cannabis business community

101 Bedford Investments LLC	HR Adaptive
Burns & Levinson LLP	RiverForce Partners
CohnReznick LLP	Vicente Sederberg LLP
GFA Federal Credit Union	