

January 15, 2026

Notice of Public Hearing

Notice is hereby provided that in accordance with G. L. c. 30A § 2, the Massachusetts Cannabis Control Commission (“Commission”) will convene a public hearing for purposes of gathering comments, ideas, and information relative to the proposed adoption of regulations revising 935 CMR 500.000: *Adult Use of Marijuana* and 935 CMR 501.000: *Medical Use of Marijuana*. These regulations are promulgated pursuant to the Commission’s authority under St. 2016, c. 334, The Regulation and Taxation of Marijuana Act; St. 2017, c. 55, An Act to Ensure Safe Access to Marijuana; St. 2022, c. 180, An Act Relative to Equity in the Cannabis Industry; M.G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed; and M.G.L. c. 94I, Medical Use of Marijuana.

Revised regulations for 935 CMR 500.000: *Adult Use of Marijuana* and 935 CMR 501.000: *Medical Use of Marijuana*

The revisions address Marijuana Courier Licenses, Marijuana Delivery Operator Licenses, and Marijuana Microbusiness Licenses with Delivery Endorsements, and would provide for the exclusive availability of these license types to Economic Empowerment Applicants and Social Equity Program participants. The revisions extend the current exclusivity period for an additional 3 years. The revisions also include the Commission’s mandate to contemporaneously collect data measuring criteria throughout the exclusivity period, to be publicly reported every 6 months, and the Commission’s ability to affirmatively vote to extend the exclusivity period for an additional period at the Commission’s discretion. The revisions further address the exclusivity period for Social Consumption Licenses, mandating that the Commission contemporaneously collect data measuring the criteria throughout the exclusivity period. Additionally, the draft amendments address the Secret Shopper Program and would allow the Commission to utilize third-party secret shoppers as part of its enforcement operations. The draft amendments include requirements regarding the conduct of purchases and documentation, custody, preservation and transport of purchases, use of secret shopper investigative results, requirements and conditions for third-party shopper participation, prohibition on interference and retaliation, and a Licensee’s obligation to cooperate.

Scheduled hearing date, time and location:

Monday, February 23, 2026, at 10:00AM EST.

The Public Hearing will take place at the Commissions headquarters:
Cannabis Control Commission,
Union Station
2 Washington Square,
Worcester, MA 01604

A link to view the Public Hearing will be published at: <https://mass-cannabis-control.com/calendar/>.

In advance of the public hearing, the text of the proposed regulations may be viewed by visiting the Commission’s website at <https://mass-cannabis-control.com>, requested by emailing



Commission@cccmass.com, or by calling the Commission at (774) 415-0200.

Anyone wishing to offer testimony on these regulations can appear in person on the date above or email Commission@cccmass.com to request the virtual hearing link and participate remotely. Alternatively, written testimony may also be submitted to the same email address or address below, with 'Regulation Comment' in the subject line. All submissions should include the submitters' full name, and organization or affiliation, if any.

Comments must be received by 5:00PM EST on February 23, 2026. Written testimony is encouraged to be submitted as soon as possible. The Commission requests testifiers to identify the section of the regulations that applies to their comments. Any public comments received after that date may not be considered. Submissions may be subject to disclosure pursuant to the public records law, G. L. c. 66, § 10. Additionally, please find the accompanying Small Business Impact Statements in accordance with M.G.L. c. 30A, § 2 attached.



Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 935 CMR: 500.000

Estimate of the Number of Small Businesses Impacted by the Regulation: 1,022

- Will small businesses have to create, file, or issue additional reports?

No. The draft amendments do not require small businesses to create or submit new periodic reports beyond those already required under existing Commission regulations.

- Will small businesses have to implement additional recordkeeping procedures?

Yes. The draft amendments do not require small businesses to implement additional recordkeeping procedures. If a business wishes to pursue new business opportunities proposed in the draft amendments to act as a third-party secret shopper, the draft amendments include limited additional recordkeeping requirements related to secret shopper transactions, including documentation of custody, transport, and handling of products, which are consistent with existing compliance and inventory control practices.

- Will small businesses have to provide additional administrative oversight?

Yes. Some additional administrative oversight may be required to ensure compliance with secret shopper procedures and non-interference requirements; however, these obligations are integrated into existing compliance functions and are not expected to be significant.

- Will small businesses have to hire additional employees in order to comply with the proposed regulation?

No. The draft amendments do not require small businesses to hire additional employees. If a business wishes to pursue new business opportunities proposed in the draft amendments to act as a third-party secret shopper, additional employees may need to be hired.

- Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?

No. The draft amendments do not require small businesses to retain additional professional services.

- Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?

No. The draft amendments do not require the purchase a product or make any other capital investments. If a business wishes to pursue new business opportunities proposed in the draft amendments to act as a third-party secret shopper, the business may need to make capital investments inherent to the general formation of a new business or new business opportunity.

- Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?

No. Performance standards alone would not provide adequate protection and therefore the clarified secret shopper requirements are necessary to meet public health objectives.

- Do any other regulations duplicate or conflict with the proposed regulation?

No. The draft amendments do not duplicate or conflict with existing regulations and are intended to operate within the existing adult use and medical marijuana regulatory framework.

- Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?

Yes. The draft amendments clarify and reinforce existing obligations requiring licensees to cooperate with Commission investigations, inspections, and enforcement activities, including secret shopper programs.



- Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?

No. The draft amendments do not require small businesses to provide additional educational services, although licensees remain responsible for staying informed of applicable regulatory requirements.

- Is the regulation likely to *deter* the formation of small businesses in Massachusetts?

No. The draft amendments are not expected to deter small business formation as the draft regulations merely clarify and reinforce existing obligations.

- Is the regulation likely to *encourage* the formation of small businesses in Massachusetts?

Yes. By maintaining exclusivity for certain Marijuana Courier, Marijuana Delivery Operator, and Marijuana Microbusiness with Delivery Endorsement license types and reinforcing equity-focused participation, the draft amendments are likely to encourage the formation and sustainability of small businesses operated by Social Equity Program Participants and Economic Empowerment Applicants.

Additionally, by authorizing and establishing requirements for third-party shopper participation in Commission-directed secret shopper program, the draft amendments create new business opportunities for independent third-party entities to provide shopper, logistics, and compliance-related services. These amendments may encourage the formation of small businesses that support regulatory compliance and investigatory functions within the regulated marijuana industry.

- Does the regulation provide for less stringent compliance or reporting requirements for small businesses?

No. The Commission's regulations subject businesses to compliance or reporting requirements. The amendments proposed do not affect those requirements. If a business wishes to pursue new business opportunities proposed in the draft amendments to act as a third-party secret shopper, the draft amendments include compliance or reporting requirements related to secret shopper transactions, including documentation of custody, transport, and handling of products, which are consistent with existing compliance and inventory control practices.

- Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?

No. The Commission's regulations subject businesses to schedules or deadlines for compliance or reporting. The amendments proposed do not affect those requirements.

- Did the agency consolidate or simplify compliance or reporting requirements for small businesses?

No. The Commission's regulations subject businesses to schedules or deadlines for compliance or reporting. The amendments proposed do not affect those requirements.

- Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?

No. Performance standards alone would not provide adequate protection and therefore clarified secret shopper requirements are necessary to meet public health objectives.

- Are there alternative regulatory methods that would minimize the adverse impact on small businesses?

No. The Commission has determined that the draft amendments represent the least burdensome means of achieving the regulatory objectives necessary to meet public health objectives.



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