



<b>Issue</b> .....	<b>Possible Points</b>		
<b>PATIENT RIGHTS &amp; CIVIL PROTECTION (total)</b> .....	<b>100</b>	<b>65</b>	
Arrest protection .....	40	40	
Affirmative defense .....	15	13	
Child custody .....	10	0	
DUID protections .....	5	0	
Employment .....	5	0	
Explicit privacy standards.....	7	7	
Housing protections .....	5	0	
Does not create new criminal penalties for patients .....	5	5	
Organ transplants .....	5	0	
Reciprocity .....	3	0	
<b>EASE OF NAVIGATION (total)</b> .....	<b>100</b>	<b>90</b>	
Comprehensive qualifying conditions.....	50	50	
<b>Adding new conditions (total)</b> .....	<b>10</b>	<b>10</b>	
Law/Regs allow for new conditions .....	5	5	
System works for adding new conditions.....	5	5	
Reasonable access for minors.....	10	8	
Reasonable caregiver background check requirements..	4	3	
Number of caregivers .....	2	2	
Patient/Practitioner focused task force/advisory Board ..	2	0	
Reasonable fees (patients & caregivers).....	10	8	
Allows multiple-year registrations .....	2	0	
Reasonable physician requirements.....	5	4	
Does not classify cannabis as medicine of last resort.....	5	5	
<b>ACCESS TO MEDICINE (total)</b> .....	<b>100</b>	<b>86</b>	
<b>Allows distribution programs (total)</b> .....	<b>40</b>	<b>36</b>	
Allows access to dried flowers.....	15	15	
Allows delivery .....	5	5	
No sales tax or reasonable sales tax.....	5	5	
Reasonable number of dispensing facilities .....	5	5	
Does not require vertical integration .....	2	1	
Ownership/Employment restrictions .....	2	1	
Provisions for labor standards .....	2	0	
Environmental impact regulations .....	2	2	
Unrestricted choice of dispensary .....	2	2	
<b>Non-commercial cultivation (total)</b> .....	<b>20</b>	<b>10</b>	
Personal cultivation.....	15	10	
Collective gardens .....	5	0	
Explicit right to edibles/concentrates/other forms .....	10	10	
Does not impose limits or bans on THC .....	10	10	
Does not impose minimum CBD requirements.....	10	10	
Municipal bans/zoning .....	10	10	
<b>FUNCTIONALITY (total)</b> .....	<b>100</b>	<b>80</b>	
Patients are able to obtain medicine .....	50	40	
Free of significant administrative or supply problems..	15	12	
Legal protections within reasonable time frame .....	10	8	
Reasonable possession limit (ounces) .....	5	5	
Reasonable purchase limits.....	5	5	
Allows patients to medicate where they chose .....	5	4	
Covered by insurance/state health aide .....	3	0	
Financial hardship (fee waivers/discount medicine).....	7	6	
<b>PRODUCT SAFETY (total - see back for details).....</b>	<b>100</b>	<b>81</b>	
Dispensing .....	25	25	
Cultivation .....	25	23	
Manufacturing .....	25	24	
Lab .....	25	9	
<b>Improvement Bonus</b> .....		<b>25</b>	
<b>Total out of 500</b> .....		<b>427</b>	
<b>Score percentage</b> .....		<b>85</b>	

**Final Grade = B**

**Areas for improvement:** Massachusetts fares well in most categories, but falls short in the area of patient rights. While the state is one of just three medical cannabis jurisdictions to allow physicians the right to recommend to any patient for whom the benefits outweigh the risks, the law fails to protect patients in the areas of employment, housing, child custody, and organ transplant discrimination. In addition to adopting these protections, the state's limitations on home cultivation coupled with the relatively slow licensure of dispensaries has also harmed patient access. With these fixes, Massachusetts could have one of the nation's premier medical cannabis programs.

**Background:** In 2012, 63 percent of Massachusetts voters approved Question 3, "An Initiative Petition for a Law for the Humanitarian Medical Use of Marijuana," establishing legal protection for medical cannabis patients, caregivers, physicians and medical professionals, cultivators, and providers. Some provisions went into effect as of January 1, 2013; other details are under development by the state Department of Public Health (DPH). Registered patients and their designated caregivers may possess up to a 60-day supply of usable cannabis, defined as 10 ounces. "Registered marijuana dispensaries" will be licensed to both grow and sell medical cannabis and will be required to provide medicine at discounted rates for low-income residents. Homebound patients will be allowed secure home delivery, and personal caregivers can pick up medicine at dispensaries on behalf of patients under their care. Personal cultivation may be permitted in rare hardship cases and must be approved DPH on a case by case basis.

## PRODUCT SAFETY point breakdown

(Point totals by section included in grade calculation on reverse)

Issue .....	Possible Points		
<b>DISPENSING (total) .....</b>	<b>25</b>	<b>25</b>	
Dispensary training .....	5	5	
<b>Operating Procedures and Protocols.....</b>	<b>5</b>	<b>5</b>	
Facility sanitary conditions .....	Y or N	Y	
Storage protocols .....	Y or N	Y	
Reasonable security protocols .....	Y or N	Y	
Inventory control .....	Y or N	Y	
Recall protocol and adverse event reporting .....	5	5	
<b>Product Labeling .....</b>	<b>5</b>	<b>5</b>	
Product contents including source material ID .....	Y or N	Y	
Allergens .....	Y or N	Y	
Potency/compound identification .....	Y or N	Y	
<b>Required Testing .....</b>	<b>5</b>	<b>5</b>	
Active ingredient identification .....	Y or N	Y	
Contaminants .....	Y or N	Y	
Potency .....	Y or N	Y	
Shelf life testing .....	Y or N	N	
Sample retention .....	Y or N	Y	
Recall protocol and adverse event reporting: .....	5	5	
<b>CULTIVATION (total).....</b>	<b>25</b>	<b>23</b>	
Cultivation training.....	5	5	
<b>Standard Operating Procedures and Protocols .....</b>	<b>5</b>	<b>5</b>	
Facility and equipment sanitary conditions ..	Y or N	Y	
Workforce safety protocols .....	Y or N	Y	
Storage protocols (short and long term) .....	Y or N	Y	
Reasonable security protocols .....	Y or N	Y	
Batch and lot tracking .....	Y or N	Y	
Disposal/waste .....	Y or N	Y	
Water management .....	Y or N	Y	
<b>Pesticide Guidance and Protocols .....</b>	<b>5</b>	<b>3</b>	
Pesticide guidance.....	Y or N	Y	
Product labeling .....	Y or N	N	
Required testing .....	5	5	
Active ingredient identification .....	Y or N	Y	
Contaminants .....	Y or N	Y	
Potency .....	Y or N	Y	
Sample retention .....	Y or N	Y	
Recall protocol and adverse event reporting.....	5	5	
<b>MANUFACTURING (total).....</b>	<b>25</b>	<b>24</b>	
Manufacturing training .....	5	5	
<b>Standard Operating Procedures and Protocols.....</b>	<b>5</b>	<b>5</b>	
Facility and equipment sanitary conditions ..	Y or N	Y	
Workforce safety protocols .....	Y or N	Y	
Storage protocols .....	Y or N	Y	
Reasonable security protocols .....	Y or N	Y	
Batch and lot tracking .....	Y or N	Y	
<b>Product Labeling .....</b>	<b>5</b>	<b>5</b>	
Product contents with source material ID .....	Y or N	Y	
Allergens .....	Y or N	Y	
Potency/compound identification .....	Y or N	Y	
<b>Required Testing .....</b>	<b>5</b>	<b>4</b>	
Active ingredient identification .....	Y or N	Y	
Contaminants .....	Y or N	Y	
Potency .....	Y or N	Y	
Shelf life testing .....	Y or N	N	
Sample retention .....	Y or N	Y	
Recall protocol and adverse event reporting: .....	5	5	
<b>LABORATORY (total).....</b>	<b>25</b>	<b>9</b>	
Lab operations training.....	5	5	
Method validation in accordance with AHP guidelines ..	5	0	
Result reporting - disclose the type of testing used.....	5	0	
Independent or third party certification.....	5	0	
<b>Standard Operating Procedures and Protocols .....</b>	<b>5</b>	<b>4</b>	
Equipment and instrument calibration .....	Y or N	N	
Sample tracking .....	Y or N	Y	
Facility and equipment sanitary conditions ..	Y or N	Y	
Disposal/waste protocols .....	Y or N	Y	
Storage protocols .....	Y or N	Y	
Workforce safety protocols .....	Y or N	Y	
<b>Total out of 100.....</b>		<b>81</b>	

### Tools for Success:

Improving your state law has never been easier. In the appendix of this report you will find model legislation and regulators guides for product safety protocols. ASA staff are all also available to draft and/or review legislative and regulatory language. Our website has many resources online including access to our policy shop at [http://www.safeaccessnow.org/policy\\_shop](http://www.safeaccessnow.org/policy_shop), information for regulators available at <http://patientfocusedcertification.org/about/information-for-regulators/> and a breakdown of all the state laws at [http://www.safeaccessnow.org/state\\_and\\_federal\\_law](http://www.safeaccessnow.org/state_and_federal_law).