

Index

ACCESS

Marijuana, lack of access to banking,
§ 8:2

ADMINISTRATIVE LAW

Adjudicatory proceedings (See
Marijuana)

ADULTS

Marijuana (See Marijuana)

AGENTS OR AGENCY

Marijuana (See Marijuana)

AGRICULTURE

Marijuana facilities, zoning for, § 6:9

AMERICANS WITH DISABILITIES ACT

Marijuana, § 10:8

AMOUNT, NUMBER OR QUANTITY

Marijuana, proof of intent to distrib-
ute, § 12:17

APPEAL AND REVIEW

Marijuana (See Marijuana)

APPLICANTS AND APPLICATIONS

Marijuana (See Marijuana)

APPOINTMENT

Marijuana, Cannabis Control Com-
missioner (CCC), § 5:4

ATTORNEYS

Marijuana (See Marijuana)

AUDITS AND AUDITORS

Marijuana, Cannabis Control Com-
mission (CCC), § 5:24

BANKS AND BANKING

Marijuana (See Marijuana)

BOGGS ACT OF 1951

Marijuana, § 2:4

BUFFER ZONES

Marijuana, local zoning and munici-
pal issues, § 6:5

CANNABIDIOL

Marijuana (See Marijuana)

CANNABIS ADVISORY BOARD

Marijuana, § 5:7

CANNABIS CONTROL COMMISSION (CCC). See Marijuana

CANNABIS CONTROL COMMISSION MUNICIPAL ZONING TRACKER Generally, § Appendix 6A

CBD

Marijuana (See Marijuana)

CERTIFIED ECONOMIC EMPOWERMENT PRIORITY APPLICANT

Marijuana, social equity provisions,
§ 5:14

CHEMICAL TESTING

Marijuana (See Marijuana)

CITY OF CAMBRIDGE

Marijuana, example of marijuana
zoning ordinance zoning ordi-
nances, § Appendix 6B

CLINICIANS

Marijuana, medical use, § 4:8

COLE MEMOS

Marijuana, §§ 2:18-2:20

COLOCATED OPERATIONS

Adult use marijuana, § 4:25

COMMERCIAL LANDLORDS

Marijuana (See Marijuana)

COMMUNITY IMPACT FEE

Marijuana, host community agreements, § 6:20

COMMUNITY OUTREACH MEETINGS

Marijuana, §§ 6:10, 7:15

CONTRACTS AND AGREEMENTS

Marijuana (See Marijuana)

CONTROLLED SUBSTANCES ACT

Marijuana (See Marijuana)

CRAFT MARIJUANA COOPERATIVE

Adult use marijuana, § 7:5

CRIMINAL LAW AND PROCEDURE

Marijuana (See Marijuana)

CULTIVATION

Marijuana (See Marijuana)

DECRIMINALIZATION

Marijuana (See Marijuana)

DELIVERY

Marijuana (See Marijuana)

DEPARTMENT OF JUSTICE

Marijuana, Controlled Substances Act, §§ 2:16-2:21

DISABLED PERSONS

Marijuana, protections against handicap discrimination, § 10:9

DISTRIBUTION

Marijuana (See Marijuana)

DRIVING UNDER THE INFLUENCE

Marijuana (See Marijuana)

DRUG COURT

Marijuana, § 12:27

DRUG RECOGNITION EXPERTS (DRE)

Marijuana (See Marijuana)

EDIBLES

Marijuana, § 7:20

EMPLOYEES

Marijuana (See Marijuana)

EMPLOYERS

Marijuana (See Marijuana)

EMPLOYMENT

Marijuana (See Marijuana)

ENFORCEMENT

Marijuana (See Marijuana)

EVIDENCE

Marijuana (See Marijuana)

EXIT ORDER

Marijuana, reasonable suspicion, § 12:5

EXPERTS

Drug recognition experts (DRE) (See Marijuana)

Marijuana (See Marijuana)

EXPUNGEMENT

Marijuana, sealing of criminal record, § 12:31

FARM BILL

Marijuana (See Marijuana)

FINES AND PENALTIES

Marijuana (See Marijuana)

FLOWERS

Marijuana, § 7:20

FOOD AND DRUG ADMINISTRATION

Marijuana, Controlled Substances Act, § 2:23

FOURTH AMENDMENT

Marijuana, warrantless inspections, Cannabis Control Commission, § 5:28

FREEDOM OF INFORMATION ACT

Marijuana, Cannabis Control Commission, § 5:38

GONZALES V. RAICH

Marijuana, § 2:11

INDEX

HEALTH CARE PROVIDERS

Marijuana, medical use, § 4:8

HEMP

Marijuana (See Marijuana)

HOME DELIVERY

Medical use marijuana, § 4:16

HOST COMMUNITY AGREEMENTS

Marijuana (See Marijuana)

INFUSIONS

Marijuana, § 7:20

INSPECTIONS

Marijuana (See Marijuana)

INSURANCE

Marijuana, § 7:26

INTELLECTUAL PROPERTY

Marijuana, § 7:29

INTENT

Marijuana (See Marijuana)

INTEREST ON LAWYER TRUST ACCOUNTS

Marijuana, § 11:3

INVESTMENTS

Marijuana, investment by attorney in
marijuana related businesses,
§ 11:4

IOLTA

Marijuana, § 11:3

JURY INSTRUCTIONS

Marijuana (See Marijuana)

LABOR ORGANIZATIONS

Marijuana, § 10:10

LABORATORIES

Adult use marijuana, § 7:10

LANDLORD AND TENANT

Marijuana (See Marijuana)

LEARY V. UNITED STATES

Marijuana, § 2:9

LEASES

Marijuana, residential landlord/tenant
issues, § 9:6

LEGALIZATION

Marijuana (See Marijuana)

LEGISLATION. See Statutes

LICENSES AND PERMITS

Marijuana (See Marijuana)

LIMITATIONS OR RESTRICTIONS

Marijuana (See Marijuana)

LOCAL ZONING

Marijuana (See Marijuana)

MARIHUANA TAX ACT OF 1937

Generally, § 2:3

MARIJUANA

Generally, §§ 1:1-1:6

2009 Ogden memo, § 2:17

2011 Cole memo, § 2:18

2013 Cole memo, § 2:19

2014 Cole memo, § 2:20

2018 Sessions memo, § 2:21

Absorption and distribution of
marijuana, § 15:4

Abuse of marijuana, § 15:13

Access to banking, lack of, § 8:2

Adjudicatory proceedings. Cannabis
Control Commission (CCC),
below

Administrative functions of Cannabis
Control Commission (CCC),
§ 5:6

Adult use marijuana

business in the marijuana industry,
generally, §§ 7:3-7:13

Craft Marijuana Cooperative, § 7:5

laboratories, § 7:10

legalization, § 3:4

legislation, statutes, and regula-
tions

generally, §§ 4:21-4:27

colocated operations, § 4:25

licensing, § 4:26

marijuana establishment agents,
§ 4:24

MARIJUANA—Cont’d

Adult use marijuana—Cont’d
 legislation, statutes, and regulations—Cont’d
 marijuana establishments, § 4:23
 oversight and enforcement, § 4:27
 personal use, § 4:22
 local zoning and municipal issues
 bylaws and ordinances, § 6:4
 conversion from medical use to adult use, § 6:4
 delivery, § 6:25
 home cultivation, § 6:26
 marijuana courier and marijuana delivery operator, § 7:12
 marijuana cultivator, § 7:4
 marijuana product manufacturer, § 7:6
 marijuana research facility, § 7:9
 marijuana retailer, § 7:7
 marijuana transporter, § 7:8
 microbusiness, § 7:11
 probation, use of marijuana while on, § 12:30
 social consumption establishment, § 7:13
 Advance contactless ordering, medical use marijuana, § 4:17
 Agents
 adult use marijuana, marijuana establishment agents, § 4:24
 business in the marijuana industry, § 7:19
 Agreements. Contracts and agreements, below
 Agricultural uses, zoning for marijuana facilities, § 6:9
 Americans with Disabilities Act, § 10:8
 Appeal and review. Cannabis Control Commission, below
 Application and licensing process. Business in the marijuana industry, below
 Appointment and role of Cannabis Control Commissioner (CCC), § 5:4

MARIJUANA—Cont’d

Attorneys. Lawyers’ professional responsibility, below
 Audits, Cannabis Control Commission (CCC), § 5:24
 Banking
 generally, §§ 8:1-8:13
 Controlled Substances Act, §§ 2:24, 2:25, 8:3
 federal banking laws, § 8:4
 federal guidance for financial institutions, § 8:5
 lack of access to banking, § 8:2
 marijuana-related businesses and financial institutions, § 8:7
 proposed federal legislation, § 8:6
 Banning or limiting marijuana treatment centers and marijuana establishments, § 6:3
 Boggs Act of 1951, § 2:4
 Buffer zones, local zoning and municipal issues, § 6:5
 Business in the marijuana industry
 generally, §§ 7:1-7:30
 adult use marijuana, above
 agents, § 7:19
 application and licensing process
 generally, §§ 7:14-7:18
 application process, § 7:18
 Cannabis Control Commission, §§ 7:14, 7:18
 community outreach meeting, § 7:15
 host community agreements, § 7:16
 zoning and bylaw compliance, § 7:17
 banking and taxation, § 7:25
 Cannabis Control Commission, §§ 7:14, 7:18
 community outreach meeting, § 7:15
 compliance, § 7:22
 contracts, § 7:27
 edibles, § 7:20
 enforcement, § 7:31
 flowers, § 7:20
 host community agreements, § 7:16

INDEX

MARIJUANA—Cont'd

- Business in the marijuana industry
 - Cont'd
 - infusions, § 7:20
 - insurance, § 7:26
 - intellectual property protections, § 7:29
 - licensing. Application and licensing process, above in this group
 - medical use, § 7:2
 - oil, § 7:20
 - operations, §§ 7:19-7:29
 - products, § 7:20
 - RICO, liability under, § 7:28
 - seed-to-sale tracking, § 7:23
 - testing, § 7:21
 - tinctures, § 7:20
 - transport of marijuana and marijuana products, § 7:30
 - types, §§ 7:2-7:13
 - wax, § 7:20
 - zoning and bylaw compliance, § 7:17
- Bylaws and ordinances
 - local zoning and municipal issues, below
 - zoning and bylaw compliance, § 7:17
- Cannabis Advisory Board, § 5:7
- Cannabis Control Commission (CCC)
 - generally, §§ 5:1-5:39
 - adjudicatory proceedings
 - generally, §§ 5:33-5:36
 - process for, § 5:35
 - review of final decision of CCC, § 5:36
 - right to hearing for adverse actions taken by CCC, § 5:34
 - administrative functions, § 5:6
 - appeal and review
 - final decision of CCC, § 5:36
 - regulations, § 5:21
 - application and licensing process, §§ 7:14, 7:18
 - appointment and role of Commissioner, § 5:4

MARIJUANA—Cont'd

- Cannabis Control Commission (CCC)—Cont'd
- audits, § 5:24
- Cannabis Advisory Board, § 5:7
- Cannabis Control Commission
 - Municipal Zoning Tracker, § Appendix 6A
- complaint process, § 5:25
- compliance, § 5:26
- deficiency statements and plans of correction, § 5:31
- enabling legislation, § 5:2
- enforcement
 - generally, § 5:30
 - deficiency statements and plans of correction, § 5:31
 - mechanisms of enforcement, § 5:32
- Fourth Amendment and warrantless inspections, § 5:28
- Freedom of Information Act, § 5:38
- inspections, § 5:26
- licensing process, §§ 7:14, 7:18
- licensure
 - limits on licensure, § 5:11
 - role of CCC in, § 5:9
 - types of license, overview, § 5:10
- Massachusetts Public Records Law, § 5:38
- mechanisms of enforcement, § 5:32
- Municipal Zoning Tracker, § Appendix 6A
- open meetings law, § 5:39
- oversight, §§ 5:23-5:29
- public access, §§ 5:37-5:39
- purpose of, § 5:3
- regulation. Rulemaking and regulation, below in this group
- removal of Commissioner, § 5:5
- review. Appeal and review, above in this group
- rulemaking and regulation
 - generally, §§ 5:18-5:22
 - guidance documents, § 5:22

MARIJUANA—Cont’d

- Cannabis Control Commission (CCC)—Cont’d
 - rulemaking and regulation
 - Cont’d
 - judicial review of regulations, § 5:21
 - process of rulemaking, § 5:19
 - proposed regulations, sources, § 5:20
 - sources of proposed regulations, § 5:20
 - secret shopper program, § 5:27
 - social equity provisions
 - generally, §§ 5:12-5:17
 - benefits, § 5:15
 - certified economic empowerment priority applicant, § 5:14
 - inclusion of underrepresented groups, § 5:17
 - social equity program, § 5:13
 - suitability for, § 5:16
 - Social Equity Trust Fund, § 5:8
 - statutory authority, § 5:2
 - structure and function, §§ 5:4-5:7
 - subpoena power and compulsory process, § 5:29
 - warrantless inspections, Fourth Amendment, § 5:28
- Cannabis Control Commission Municipal Zoning Tracker, § Appendix 6A
- Caregiving institutions and institutional caregivers, medical use marijuana, § 4:10
- CBD. Hemp and CBD regulation, below
- CCC. Cannabis Control Commission (CCC), above
- Certified economic empowerment priority applicant, social equity provisions, § 5:14
- Chemical testing for marijuana.
 - Operating under the influence (OUI) of marijuana, below
- City of Cambridge, example of marijuana zoning ordinance zon-

MARIJUANA—Cont’d

- ing ordinances of, § Appendix 6B
- Clinicians and health care providers, medical use marijuana, § 4:8
- Cole memos, §§ 2:18-2:20
- Colocated operations, adult use marijuana, § 4:25
- Commercial landlord/tenant issues
 - generally, §§ 9:2-9:4
 - lease agreements and marijuana industry tenants, § 9:2
- Racketeering Influenced Corrupt Organizations Act (RICO),
 - liability under, § 9:3
 - risk of asset forfeiture, § 9:4
- Community impact fee, host community agreements, § 6:20
- Community outreach meetings, §§ 6:10, 7:15
- Compliance, § 7:22
- Contracts and agreements
 - business in the marijuana industry, § 7:27
 - host community agreements, below
 - residential landlord/tenant issues, lease agreements, § 9:6
- Controlled Substances Act
 - 2018 Sessions memo, § 2:21
 - 2011 Cole memo, § 2:18
 - 2014 Cole memo, § 2:20
 - 2009 Ogden memo, § 2:17
 - 2013 Cole memo, § 2:19
 - banking, §§ 2:24, 2:25, 8:3
 - Department of Justice, §§ 2:16-2:21
 - enforcement under, §§ 2:15-2:21
 - financial institutions, §§ 2:24, 8:3
 - Food and Drug Administration, § 2:23
 - hemp and CBD regulation, § 2:14
 - marijuana research and clinical studies under, § 2:22
 - provisions and penalties, § 2:12
 - schedule I controlled substance,
 - banking and taxation of marijuana as, §§ 2:24, 2:25

INDEX

MARIJUANA—Cont'd

- Controlled Substances Act—Cont'd
 - schedule I drug, marijuana as, § **2:13**
 - Shafer Commission, § **2:5**
 - taxation, § **2:25**
- Conversion from medical use to adult use, adult use marijuana, § **6:4**
- Counsel. Lawyers' professional responsibility, below
- Craft Marijuana Cooperative, adult use marijuana, § **7:5**
- Criminal marijuana statutes and penalties
 - generally, §§ **12:1-12:31**
 - criminal record sealing and expungement, § **12:31**
 - decriminalization and legalization, below
 - distribution, below
 - diversion pursuant to G.L. C. 111E § 10, § **12:26**
 - drug court, § **12:27**
 - model jury instruction regarding unlawful cultivation with medical marijuana hardship cultivation registration nonpersonal use, § **Appendix 12B**
 - sixty-day supply, § **Appendix 12A**
 - open containers, § **12:25**
 - possession, below
 - probation, use of marijuana while on, below
- Criminal record sealing and expungement, § **12:31**
- Cultivation
 - adult use marijuana, marijuana cultivator, § **7:4**
 - medical use marijuana, hardship cultivation registrations, § **4:15**
 - model jury instruction regarding unlawful cultivation with medical marijuana hardship cultivation registration nonpersonal use, § **Appendix 12B**

MARIJUANA—Cont'd

- Cultivation—Cont'd
 - model jury instruction regarding unlawful cultivation with medical marijuana hardship cultivation registration—Cont'd
 - sixty-day supply, § **Appendix 12A**
 - unlawful cultivation
 - generally, § **12:22**
 - medical marijuana, § **12:23**
- Decriminalization and legalization
 - generally, §§ **12:2-12:11**
 - adult use marijuana, § **3:4**
 - federal preemption and state legalization of marijuana, § **2:30**
 - hemp and CBD regulation, below
 - history of, §§ **3:1-3:7**
 - medical use marijuana, §§ **2:28, 3:3**
 - possession of marijuana, § **3:2**
 - probable cause, § **12:7**
 - public opinion, §§ **1:3, 2:26-2:29**
 - reasonable suspicion, below
 - recreational use states, § **2:29**
 - regulations in United States, generally, §§ **2:26-2:30**
 - state decriminalization, legalization, and preemption, generally, §§ **2:26-2:30**
 - warrantless motor vehicle search, below
- Delivery
 - adult use marijuana, § **6:25**
 - local zoning and municipal issues, below
 - marijuana delivery operator, § **7:12**
 - medical use marijuana, home delivery, § **4:16**
- Department of Justice, Controlled Substances Act, §§ **2:16-2:21**
- Dependence on marijuana, § **15:13**
- Distribution
 - absorption and, § **15:4**
 - evidence. Proof of intent to distribute, below in this group

MARIJUANA—Cont'd

Distribution—Cont'd

intent

possession with intent to distribute, below in this group

proof of intent to distribute, below in this group

possession with intent to distribute generally, §§ 3:2, 12:14-12:21

proof of intent to distribute, below in this group

unlawful cultivation, below in this group

proof of intent to distribute generally, §§ 12:15-12:21

expert testimony, § 12:21

items associated with distribution, § 12:19

lack of smoking paraphernalia, § 12:20

packaging, § 12:18

quantity, § 12:17

social sharing, § 12:16

quantity of marijuana, proof of intent to distribute, § 12:17

smoking paraphernalia, lack of, proof of intent to distribute, § 12:20

social sharing, proof of intent to distribute, § 12:16

Driver impairment, § 1:6

Drug court, § 12:27

Drug recognition experts (DRE). Operating under the influence (OUI) of marijuana, below

Duration of effects, pharmacodynamics, § 15:10

Edibles, § 7:20

Employee rights

generally, §§ 10:7-10:14

Americans with Disabilities Act, § 10:8

handicap discrimination, protections against, § 10:9

reasonable accommodation for medical use, §§ 10:8, 10:9

recreational use outside of workplace, § 10:7

MARIJUANA—Cont'd

Employee rights—Cont'd

termination

unemployment, § 10:14

wrongful, § 10:13

union protections, § 10:10

worker safety, § 10:11

worker's compensation and medical marijuana, § 10:12

Employer rights

generally, §§ 10:2-10:6

policies prohibiting marijuana use, § 10:2

workplace drug testing, below

Employment

generally, §§ 10:1-10:14

employee rights, above

employer rights, above

worker's compensation and medical marijuana, § 10:12

workplace drug testing, below

Enforcement

adult use marijuana, § 4:27

business in the marijuana industry, § 7:31

Cannabis Control Commission (CCC), above

medical use marijuana, § 4:19

Equity standards for host communities to positively impact communities that were disproportionately harmed by marijuana prohibition and enforcement, § 6:15

Evidence

chemical testing for marijuana, §§ 13:9, 13:10

circumstantial evidence, chemical testing for marijuana, § 13:9

opinion evidence, § 13:10

proof of intent to distribute. Distribution, above

Exit order, reasonable suspicion, § 12:5

Experts

drug recognition experts. Operating under the influence (OUI) of marijuana, below

INDEX

MARIJUANA—Cont'd

- Experts—Cont'd
 - operating under the influence (OUI) of marijuana, below
 - proof of intent to distribute, § 12:21
- Farm Bill
 - 2014, § 2:7
 - 2018, § 2:8
- Federal banking laws, § 8:4
- Federal guidance for financial institutions, § 8:5
- Federal preemption and state legalization of marijuana, § 2:30
- Fines. Penalties, below
- Flowers, § 7:20
- Food and Drug Administration, Controlled Substances Act, § 2:23
- Fourth Amendment and warrantless inspections, Cannabis Control Commission, § 5:28
- Freedom of Information Act, Cannabis Control Commission, § 5:38
- Gonzales v. Raich, 2005, § 2:11
- Governmental oversight and reporting, medical use marijuana, § 4:18
- Handicap discrimination, protections against, § 10:9
- HCA negotiations with equity parties, § 6:13
- Hemp and CBD regulation
 - generally, §§ 3:5-3:7
 - CBD, § 3:7
 - Controlled Substances Act, § 2:14
 - hemp, § 3:6
- History of legalization, §§ 3:1-3:7
- Home cultivation
 - adult use marijuana, § 6:26
 - local zoning and municipal issues, § 6:27
 - medical use marijuana, §§ 4:15, 6:27
 - residential landlord/tenant issues, § 9:6
- Home delivery, medical use marijuana, § 4:16

MARIJUANA—Cont'd

- Host community agreements
 - generally, § 7:16
 - local zoning and municipal issues, below
- Infusions, § 7:20
- Inspections
 - Cannabis Control Commission, § 5:26
 - Fourth Amendment, warrantless inspections, § 5:28
- Instructions to jury regarding unlawful cultivation with medical marijuana hardship cultivation registration
 - nonpersonal use, § Appendix 12B
 - sixty-day supply, § Appendix 12A
- Insurance, § 7:26
- Intellectual property protections, § 7:29
- Intent. Distribution, above
- Interest on lawyer trust account issues, § 11:3
- Investment by attorney in marijuana related businesses, § 11:4
- IOLTA issues, § 11:3
- Judicial review. Cannabis Control Commission (CCC), above
- Jury instructions. Instructions to jury regarding unlawful cultivation with medical marijuana hardship cultivation registration, below
- Labor union protections, § 10:10
- Laboratories, adult use marijuana, § 7:10
- Landlord/tenant issues
 - generally, §§ 9:1-9:8
 - commercial landlord/tenant issues, above
 - existing public housing residents, § 9:8
 - medical marijuana and existing residents, § 9:8
 - public housing admission, below
 - residential landlord/tenant issues, below
- Lawyers' professional responsibility
 - generally, §§ 11:1-11:5

MARIJUANA—Cont’d

- Lawyers’ professional responsibility
 - Cont’d
 - investment in marijuana related businesses, § 11:4
 - IOLTA issues, § 11:3
 - marijuana-related business, representing, §§ 11:2, 11:3
 - personal use of marijuana, § 11:5
 - state and federal law, conflicts between, § 11:2
- Leary v. United States, 1969, § 2:9
- Lease agreements, residential landlord/tenant issues, § 9:6
- Legalization. Decriminalization and legalization, above
- Legislation, statutes, and regulations
 - generally, §§ 4:1-4:27
 - adult use marijuana, above
 - enabling legislation, § 4:2
 - medical use marijuana, below
 - regulations, § 4:4
 - statutes, § 4:3
- Licenses and licensing
 - adult use marijuana, § 4:26
 - business in the marijuana industry, above
 - Cannabis Control Commission (CCC), above
 - local zoning and municipal issues, below
 - marijuana treatment centers, § 4:13
- Limitations or restrictions
 - Cannabis Control Commission (CCC), limits on licensure, § 5:11
 - local zoning and municipal issues, limits on local control, §§ 6:3-6:6
 - marijuana treatment centers and marijuana establishments, § 6:3
- Local zoning and municipal issues
 - generally, §§ 6:1-6:27
 - adult use marijuana, above
 - agricultural uses, zoning for marijuana facilities, § 6:9
 - banning or limiting marijuana treatment centers and

MARIJUANA—Cont’d

- Local zoning and municipal issues
 - Cont’d
 - marijuana establishments, § 6:3
 - buffer zones, § 6:5
 - bylaws and ordinances
 - generally, §§ 6:2, 6:4-6:6
 - buffer zones, § 6:5
 - general vs. zoning bylaws and ordinances, § 6:6
 - limits on local control, §§ 6:4-6:6
 - signage, § 6:5
 - transportation, § 6:5
- Cannabis Control Commission
 - Municipal Zoning Tracker, § Appendix 6A
- City of Cambridge, example of marijuana zoning ordinance
 - zoning ordinances of, § Appendix 6B
- community impact fee, host community agreements, § 6:20
- community outreach meeting, § 6:10
- delivery
 - generally, §§ 6:23-6:25
 - medical marijuana, § 6:24
- facilities. Zoning for marijuana facilities, below in this group
- general vs. zoning bylaws and ordinances, § 6:6
- home cultivation, medical use, § 6:27
- host community agreements
 - generally, §§ 6:16-6:21
 - basic terms and conditions, § 6:18
 - community impact fee, § 6:20
 - licensing, generally, §§ 6:16-6:21
 - local excise tax, § 6:19
 - prohibited provisions, terms and acts, § 6:21
- licensing
 - generally, §§ 6:10-6:21
 - community outreach meeting, § 6:10

INDEX

MARIJUANA—Cont'd

- Local zoning and municipal issues
 - Cont'd
 - licensing—Cont'd
 - host community agreements,
 - above in this group
 - local permitting, § 6:11
 - limits on local control, §§ 6:3-6:6
 - local excise tax, host community agreements, § 6:19
 - marijuana treatment centers and marijuana establishments,
 - banning or limiting, § 6:3
 - medical use marijuana, below signage, § 6:5
 - social consumption pilot program, § 6:22
 - traditional zoning vs. overlay districts for marijuana facilities, § 6:8
 - transportation, § 6:5
 - zoning for marijuana facilities
 - generally, §§ 6:7-6:9
 - agricultural uses, § 6:9
 - traditional zoning vs. overlay districts, § 6:8
- Locations for use of medical marijuana, § 4:11
- Marihuana Tax Act of 1937, § 2:3
- Marijuana courier and marijuana delivery operator, adult use marijuana, § 7:12
- Marijuana cultivator, adult use marijuana, § 7:4
- Marijuana establishment agents, adult use marijuana, § 4:24
- Marijuana establishments, adult use marijuana, § 4:23
- Marijuana facilities. Local zoning and municipal issues, above
- Marijuana product manufacturer, adult use marijuana, § 7:6
- Marijuana research facility, adult use marijuana, § 7:9
- Marijuana retailer, adult use marijuana, § 7:7
- Marijuana transporter, adult use marijuana, § 7:8

MARIJUANA—Cont'd

- Marijuana treatment centers
 - local zoning and municipal issues,
 - banning or limiting, § 6:3
 - medical use marijuana, below
- Marijuana-related businesses and financial institutions, § 8:7
- Massachusetts Public Records Law, § 5:38
- Medical & therapeutic use in Massachusetts
 - pharmacology of marijuana, § 15:11
- Medical use, § 7:2
- Medical use marijuana
 - generally, § 1:5
 - advance contactless ordering, § 4:17
 - business in the marijuana industry, § 7:2
 - caregiving institutions and institutional caregivers, § 4:10
 - clinicians and health care providers, § 4:8
 - conversion from medical use to adult use, § 6:4
 - decriminalization and legalization, §§ 2:28, 3:3
 - employee rights, reasonable accommodation for medical use, §§ 10:8, 10:9
 - enforcement, § 4:19
 - governmental oversight and reporting, § 4:18
 - hardship cultivation registrations, § 4:15
 - home cultivation, §§ 4:15, 6:27
 - home delivery, § 4:16
 - legislation, statutes, and regulations
 - generally, §§ 4:5-4:20
 - advance contactless ordering, § 4:17
 - caregiving institutions and institutional caregivers, § 4:10
 - clinicians and health care providers, § 4:8

MARIJUANA—Cont’d

Medical use marijuana—Cont’d
 legislation, statutes, and regulations—Cont’d
 enforcement, § 4:19
 governmental oversight and reporting, § 4:18
 home cultivation, hardship cultivation registrations, § 4:15
 home delivery, § 4:16
 licensing of marijuana treatment centers, § 4:13
 locations for use of medical marijuana, § 4:11
 marijuana treatment centers licensing, § 4:13
 operational requirements, § 4:14
 medical use marijuana program online system, § 4:20
 methods of use of medical marijuana, § 4:11
 operational requirements for marijuana treatment centers, § 4:14
 penalties, § 4:19
 personal caregivers, § 4:9
 qualified patient registration, § 4:7
 qualifying patients and medical conditions, § 4:6
 treatment centers. Marijuana treatment centers, above in this subgroup
 local zoning and municipal issues
 conversion from medical use to adult use, § 6:4
 delivery, § 6:24
 home cultivation for medical use, § 6:27
 locations for use of medical marijuana, § 4:11
 medical use marijuana program online system, § 4:20
 methods of use of medical marijuana, § 4:11
 penalties, § 4:19
 personal caregivers, § 4:9

MARIJUANA—Cont’d

Medical use marijuana—Cont’d
 qualified patient registration, § 4:7
 qualifying patients and medical conditions, § 4:6
 residential landlord/tenant issues, reasonable accommodations, § 9:6
 Metabolism and elimination of marijuana, § 15:5
 Methods of use, medical marijuana, § 4:11
 Microbusiness, adult use marijuana, § 7:11
 Minimum acceptable equity standards governing municipalities and host communities, § 6:12
 Model jury instruction regarding unlawful cultivation with medical marijuana hardship cultivation registration
 nonpersonal use, § Appendix 12B
 sixty-day supply, § Appendix 12A
 Motor vehicles
 driver impairment, § 1:6
 operating under the influence (OUI) of marijuana, below
 warrantless motor vehicle search, below
 Municipal issues. Local zoning and municipal issues, above
 Municipal Zoning Tracker, § Appendix 6A
 Narcotics Control Act of 1956, § 2:4
 Ogden memo, 2009, § 2:17
 Oil, § 7:20
 Open containers, § 12:25
 Open meetings law, § 5:39
 Operating under the influence (OUI) of marijuana
 generally, §§ 13:1-13:22
 12-step DRE protocol
 generally, §§ 13:15, 13:16
 scientific reliability, § 13:16
 under the influence of marijuana, § 13:5
 chemical testing for marijuana
 generally, §§ 13:8-13:18
 circumstantial evidence, § 13:9

INDEX

MARIJUANA—Cont'd

- Operating under the influence (OUI) of marijuana—Cont'd
 - chemical testing for marijuana—Cont'd
 - drug recognition experts (DRE), below in this group
 - opinion evidence, § 13:10
 - circumstantial evidence, chemical testing for marijuana, § 13:9
 - diversion pursuant to G.L. c. 111E, § 10, § 13:19
 - drug recognition experts (DRE)
 - generally, §§ 13:11-13:18
 - 12-step DRE protocol, §§ 13:15, 13:16
 - case law comparison, § 13:17
 - case law in Massachusetts, § 13:18
 - development and validation of DRE program, § 13:12
 - drug classification, § 13:14
 - drug matrix, § 13:14
 - impairment, § 13:14
 - scientific reliability of 12-step DRE protocol, § 13:16
 - training and certification, § 13:13
- elements
 - generally, §§ 13:8-13:18
 - chemical testing for marijuana, above in this group
 - drug recognition experts (DRE), above in this group
 - per se laws, § 13:6
 - proof of impairment, §§ 13:7, 13:8
 - public way, § 13:4
 - registry of motor vehicles, below in this group
- experts. Drug recognition experts (DRE), above in this group
- immediate threat suspensions, registry of motor vehicles, § 13:21
- model jury instruction regarding roadside assessments for use in prosecutions for operating while under the influence of

MARIJUANA—Cont'd

- Operating under the influence (OUI) of marijuana—Cont'd
 - marijuana, § **Appendix 13A**
 - motor vehicles. Registry of motor vehicles, below in this group
 - operation, § 13:3
 - opinion evidence, chemical testing for marijuana, § 13:10
 - proof of impairment, §§ 13:7, 13:8
 - registry of motor vehicles
 - generally, §§ 13:20-13:22
 - immediate threat suspensions, § 13:21
 - marijuana suspensions, § 13:22
 - training and certification, drug recognition experts (DRE), § 13:13
- Operations, §§ 7:19-7:29
- Ordinances. Bylaws and ordinances, above
- OUI. Operating under the influence (OUI) of marijuana, above
- Oversight and enforcement, adult use marijuana, § 4:27
- Overview, §§ 1:1-1:6
- Pat/frisk, reasonable suspicion, § 12:6
- Penalties
 - Controlled Substances Act, § 2:12
 - criminal marijuana statutes and penalties, above
 - medical use marijuana, § 4:19
- Personal caregivers, medical use marijuana, § 4:9
- Personal use
 - adult use marijuana, § 4:22
 - attorney use of marijuana, § 11:5
- Pharmacodynamics
 - generally, §§ 15:6-15:10
 - duration of effects, § 15:10
 - effects of marijuana, §§ 15:8-15:10
 - mechanisms of action, § 15:7
 - physiological and behavioral effects, § 15:9
 - receptor sites, § 15:7
- Pharmacokinetics
 - generally, §§ 15:3-15:5

MARIJUANA—Cont'd

Pharmacokinetics—Cont'd
 absorption and distribution, § 15:4
 metabolism and elimination,
 § 15:5
 Pharmacology of marijuana
 generally, §§ 15:1-15:14
 abuse, § 15:13
 dependence, § 15:13
 medical & therapeutic uses in Mas-
 sachusetts, § 15:11
 pharmacodynamics, above
 pharmacokinetics, above
 Physiological and behavioral effects,
 § 15:9
 Possession
 distribution, above
 intent to distribute. Distribution,
 above
 simple possession
 generally, §§ 12:12, 12:13
 identification of marijuana as a
 substance, § 12:13
 Probable cause, § 12:7
 Probation, use of marijuana while on
 generally, §§ 12:28-12:30
 adult use of marijuana, § 12:30
 medical marijuana, use of, § 12:29
 Products, § 7:20
 Promoting full participation in the
 industry, § 6:13
 Proof of intent to distribute. Distribu-
 tion, above
 Proposed federal legislation, banking,
 § 8:6
 Psychoactive properties and effects
 of, § 1:4
 Public access, §§ 5:37-5:39
 Public housing admission
 existing public housing residents,
 § 9:8
 existing residents and medical,
 § 9:7
 residential landlord/tenant issues,
 § 9:8
 Public opinion, §§ 1:3, 2:26-2:29
 Qualified patient registration, medical
 use marijuana, § 4:7

MARIJUANA—Cont'd

Qualifying patients and medical
 conditions, medical use
 marijuana, § 4:6
 Quantity of marijuana, proof of intent
 to distribute, § 12:17
 Racketeering Influenced Corrupt
 Organizations Act (RICO)
 commercial landlord/tenant issues,
 § 9:3
 liability under, §§ 7:28, 9:3
 Reasonable accommodation
 medical use, §§ 9:6, 10:8, 10:9
 residential landlord/tenant issues,
 § 9:6
 Reasonable suspicion
 generally, §§ 12:3-12:6
 exit order, § 12:5
 pat/frisk, § 12:6
 stop, § 12:4
 Receptor sites, § 15:7
 Records and recording
 criminal record sealing and
 expungement, § 12:31
 Massachusetts Public Records
 Law, § 5:38
 Recreational use
 outside of workplace, § 10:7
 states, § 2:29
 Registry of motor vehicles. Operating
 under the influence (OUI) of
 marijuana, above
 Regulation. Cannabis Control Com-
 mission (CCC), above
 Regulations in United States
 generally, §§ 2:1-2:30
 Boggs Act of 1951, § 2:4
 Controlled Substances Act, above
 Farm Bill, above
 Gonzales v. Raich, 2005, § 2:11
 history of federal legislative
 marijuana policy, §§ 2:3-2:8
 Leary v. United States, 1969, § 2:9
 Marihuana Tax Act of 1937, § 2:3
 Narcotics Control Act of 1956,
 § 2:4
 prohibition of marijuana, generally,
 §§ 2:2-2:11

INDEX

MARIJUANA—Cont'd

- Regulations in United States—Cont'd
 - Rohrabacher-Farr Amendment of 2014, § 2:6
 - Shafer Commission, and Controlled Substances Act of 1970 and, § 2:5
 - state decriminalization, legalization, and preemption.
 - Decriminalization and legalization, above
 - Supreme Court of United States, §§ 2:9-2:11
- Research under Controlled Substances Act, § 2:22
- Residential landlord/tenant issues
 - generally, §§ 9:5, 9:6
 - consumption, § 9:6
 - home cultivation, § 9:6
 - lease agreements, § 9:6
 - medical marijuana and reasonable accommodations, § 9:6
 - public housing admission, § 9:8
- RICO. Racketeering Influenced Corrupt Organizations Act (RICO), above
- Rohrabacher-Farr Amendment of 2014, § 2:6
- Rulemaking. Cannabis Control Commission (CCC), above
- Safety of workers, § 10:11
- Schedule I controlled substance,
 - banking and taxation of marijuana as, §§ 2:24, 2:25
- Schedule I drug, marijuana as, § 2:13
- Sealing and expungement of criminal record, § 12:31
- Secret shopper program, CCC, § 5:27
- Seed-to-sale tracking, § 7:23
- Sessions memo, 2018, § 2:21
- Shafer Commission, § 2:5
- Signage, local zoning and municipal issues, § 6:5
- Simple possession. Possession, above
- Social consumption
 - adult use marijuana, § 7:13
 - pilot program, § 6:22
- Social equity provisions
 - Cannabis Control Commission (CCC), above

MARIJUANA—Cont'd

- Social equity provisions—Cont'd
 - inclusion of underrepresented groups, § 5:17
- Social sharing, proof of intent to distribute, § 12:16
- Source of marijuana and active cannabinoid compounds, § 15:2
- State decriminalization, legalization, and preemption, generally, §§ 2:26-2:30
- Statutory authority of Cannabis Control Commission, § 5:2
- Stop, reasonable suspicion, § 12:4
- Subpoena power and compulsory process, Cannabis Control Commission, § 5:29
- Supreme Court of United States, §§ 2:9-2:11
- Suspicion. Reasonable suspicion, above
- Taxation
 - generally, §§ 8:8-8:13
 - 280E, denial of business expense deductions and credits, § 8:9
 - banking and, § 7:25
 - Controlled Substances Act, § 2:25
 - cost of goods sold deductions, § 8:10
 - federal issues, §§ 8:8-8:12
 - host community agreements, local excise tax, § 6:19
 - local excise tax, host community agreements, § 6:19
 - Marihuana Tax Act of 1937, § 2:3
 - proposed legislation, § 8:12
 - purchasers of marijuana, tax issues, § 8:11
 - schedule I controlled substance,
 - banking and taxation of marijuana as, §§ 2:24, 2:25
- Tenants. Landlord/tenant issues, above
- Termination. Employee rights, above
- Terminology, § 1:2
- Testing
 - business in the marijuana industry, § 7:21

MARIJUANA—Cont'd

Testing—Cont'd

operating under the influence
(OUI) of marijuana, above
workplace drug testing, below
Therapeutic use of marijuana and
marijuana products, § 15:12

Tinctures, § 7:20

Trafficking, § 12:24

Transportation, local zoning and
municipal issues, § 6:5

Treatment centers. Medical use
marijuana, above

Types, §§ 7:2-7:13

Underrepresented groups, inclusion,
social equity provisions, § 5:17

Union protections, § 10:10

Unlawful cultivation. Cultivation,
above

Warrantless inspections, Fourth
Amendment, § 5:28

Warrantless motor vehicle search
generally, §§ 12:8-12:11

criminal complaint, § 12:11

search based upon warrant,
§ 12:10

search incident to arrest, § 12:9

Wax, § 7:20

Withdrawal, § 15:14

Worker safety, § 10:11

Worker's compensation and medical
marijuana, § 10:12

Workplace drug testing
generally, §§ 10:3-10:5
difficulties of testing for marijuana,
§ 10:5

employee's reasonable expecta-
tions of privacy and public
employers, § 10:4

employer's interest in drug testing
for marijuana use, § 10:3

pre-employment inquiries, § 10:6

Zoning
bylaw compliance and, § 7:17
local zoning and municipal issues,
above

**MARIJUANA ESTABLISHMENT
AGENTS**

Adult use marijuana, § 4:24

**MARIJUANA PRODUCT
MANUFACTURER**

Adult use marijuana, § 7:6

**MASSACHUSETTS PUBLIC
RECORDS LAW**

Marijuana, § 5:38

MEDICAL USE MARIJUANA

Marijuana (See Marijuana)

METABOLISM

Marijuana, elimination of marijuana
and, § 15:5

MICROBUSINESS

Adult use marijuana, § 7:11

MOTOR VEHICLES

Marijuana (See Marijuana)

MUNICIPAL ZONING TRACKER

Marijuana, § Appendix 6A

MUNICIPALITIES

Marijuana (See Marijuana)

**NARCOTICS CONTROL ACT OF
1956**

Marijuana, § 2:4

OGDEN MEMO

Marijuana, § 2:17

OIL

Marijuana, § 7:20

OPEN CONTAINERS

Marijuana, § 12:25

OPEN MEETINGS LAW

Marijuana, § 5:39

**OPERATING UNDER THE
INFLUENCE**

Marijuana (See Marijuana)

ORDINANCES AND BYLAWS

Marijuana (See Marijuana)

PAT-FRISK SEARCH

Marijuana, reasonable suspicion,
§ 12:6

PERSONAL CAREGIVERS

Medical use marijuana, § 4:9

INDEX

PERSONAL USE

Marijuana (See Marijuana)

PHARMACODYNAMICS

Marijuana (See Marijuana)

PHARMACOKINETICS

Marijuana (See Marijuana)

PHARMACOLOGY

Marijuana (See Marijuana)

PLACE OR LOCATION

Marijuana, use of medical marijuana,
§ 4:11

POSSESSION

Marijuana (See Marijuana)

PROBABLE CAUSE

Marijuana, § 12:7

PROBATION

Marijuana (See Marijuana)

PUBLIC ACCESS

Marijuana, §§ 5:37-5:39

PUBLIC HOUSING

Marijuana (See Marijuana)

PUBLIC OPINION

Marijuana, §§ 1:3, 2:26-2:29

QUALIFIED PATIENT REGISTRATION

Medical use marijuana, § 4:7

RACKETEERING INFLUENCED CORRUPT ORGANIZATIONS ACT (RICO)

Marijuana (See Marijuana)

REASONABLE ACCOMMODATION

Marijuana (See Marijuana)

RECEPTOR SITES

Marijuana, § 15:7

RECORDS AND RECORDING

Marijuana (See Marijuana)

RECREATIONAL USE

Marijuana (See Marijuana)

REGISTRY OF MOTOR VEHICLES

Marijuana (See Marijuana)

RESEARCH

Marijuana, research under Controlled
Substances Act, § 2:22

RESIDENTIAL LANDLORDS

Marijuana (See Marijuana)

ROHRBACHER-FARR AMENDMENT OF 2014

Marijuana, § 2:6

SAFETY

Marijuana, worker safety, § 10:11

SEALED INSTRUMENTS

Marijuana, sealing of criminal record,
§ 12:31

SECRET SHOPPER PROGRAM

Marijuana, § 5:27

SEED-TO-SALE TRACKING

Marijuana, § 7:23

SESSIONS MEMO, 2018

Marijuana, § 2:21

SHAHER COMMISSION

Marijuana, § 2:5

SIGNAGE

Marijuana, local zoning and munici-
pal issues, § 6:5

SIMPLE POSSESSION

Marijuana (See Marijuana)

SOCIAL CONSUMPTION

Marijuana (See Marijuana)

SOCIAL EQUITY PROVISIONS

Marijuana (See Marijuana)

SOCIAL EQUITY TRUST FUND

Cannabis Control Commission
(CCC), § 5:8

SOCIAL SHARING

Marijuana, proof of intent to distrib-
ute, § 12:16

STATUTES

Marijuana (See Marijuana)

STOP AND FRISK LAW

Marijuana, reasonable suspicion,
§ 12:4

SUBPOENAS

Marijuana, Cannabis Control Com-
mission, § 5:29

SUBSTANCE ABUSE

Marijuana (See Marijuana)

**SUPREME COURT OF THE
UNITED STATES**

Marijuana, §§ 2:9-2:11

TAXES AND TAXATION

Marijuana (See Marijuana)

TERMINATION

Marijuana (See Marijuana)

TESTS AND TESTING

Marijuana (See Marijuana)

TINCTURES

Marijuana, § 7:20

TRAFFICKING

Marijuana, § 12:24

TRANSPORTATION

Marijuana, local zoning and munici-
pal issues, § 6:5

TREATMENT CENTERS

Marijuana (See Marijuana)

UNDER THE INFLUENCE

Marijuana (See Marijuana)

WARRANTLESS SEARCHES

Marijuana, Fourth Amendment,
§ 5:28

**WARRANTS AND WARRANT
PRACTICE**

Marijuana (See Marijuana)

WAX

Marijuana, § 7:20

WITHDRAWAL

Marijuana, § 15:14

WORKERS' COMPENSATION

Medical marijuana, § 10:12

WORKPLACE DRUG TESTING

Marijuana (See Marijuana)

ZONING AND PLANNING

Marijuana (See Marijuana)