### **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 distribute, § 12:17

#### APPEAL AND REVIEW

Marijuana (See Marijuana)

# APPLICANTS AND APPLICATIONS

Marijuana (See Marijuana)

#### APPOINTMENT

Marijuana, Cannabis Control Commissioner (CCC), § 5:4

#### **ATTORNEYS**

Marijuana (See Marijuana)

#### **AUDITS AND AUDITORS**

Marijuana, Cannabis Control Commission (CCC), § 5:23

#### **BANKS AND BANKING**

Marijuana (See Marijuana)

#### **BOGGS ACT OF 1951**

Marijuana, § 2:4

#### **BUFFER ZONES**

Marijuana, local zoning and municipal 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, § 5:13

### **CHEMICAL TESTING**

Marijuana (See Marijuana)

#### CITY OF CAMBRIDGE

Marijuana, example of marijuana zoning ordinance zoning ordinances, § Appendix 6B

#### **CLINICIANS**

Marijuana, medical use, § 4:8

#### **COLE MEMOS**

Marijuana, §§ 2:1882112:20

#### **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, §§ 2:1682112:21

#### **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, § 5:27

# FREEDOM OF INFORMATION ACT

Marijuana, Cannabis Control Commission, § 5:37

#### **GONZALES V. RAICH**

Marijuana, § 2:11

Index-2

#### **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, §§ 1:182111:6

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, §§ 7:382117:13

Craft Marijuana Cooperative, § 7:5

laboratories, § 7:10

legalization, § 3:4

legislation, statutes, and regula-

generally, §§ 4:2182114:27

colocated operations, § 4:25

licensing, § 4:26

marijuana establishment agents, § 4:24

MARIJUANA—Cont'd	MARIJUANA—Cont'd
Adult use marijuana—Cont'd	Attorneys. Lawyers' professional
legislation, statutes, and regula-	responsibility, below
tions—Cont'd	Audits, Cannabis Control Commis-
marijuana establishments,	sion (CCC), § 5:23
§ 4:23	Banking
oversight and enforcement,	generally, §§ 8:182118:13
§ 4:27	Controlled Substances Act,
personal use, § 4:22	§§ 2:24, 2:25, 8:3
local zoning and municipal issues	federal banking laws, § 8:4
bylaws and ordinances, § 6:4 conversion from medical use to	federal guidance for financial
adult use, § 6:4	institutions, § 8:5 lack of access to banking, § 8:2
delivery, § <b>6:25</b>	marijuana-related businesses and
home cultivation, § 6:26	financial institutions, § 8:7
marijuana courier and marijuana	proposed federal legislation, § 8:6
delivery operator, § 7:12	Banning or limiting marijuana treat-
marijuana cultivator, § 7:4	ment centers and marijuana
marijuana product manufacturer,	establishments, § 6:3
§ 7:6	Boggs Act of 1951, § 2:4
marijuana research facility, § 7:9	Buffer zones, local zoning and
marijuana retailer, § 7:7	municipal issues, § 6:5
marijuana transporter, § 7:8	Business in the marijuana industry
microbusiness, § 7:11	generally, §§ 7:182117:30
probation, use of marijuana while	adult use marijuana, above
on, § 12:30	agents, § 7:19
social consumption establishment,	application and licensing process
§ 7:13	generally, <b>§§ 7:1482117:18</b>
Advance contactless ordering, medi-	application process, § 7:18
cal use marijuana, § 4:17	Cannabis Control Commission,
Agents	§§ 7:14, 7:18
adult use marijuana, marijuana	community outreach meeting,
establishment agents, § 4:24	§ 7:15
business in the marijuana industry, § 7:19	host community agreements, § 7:16
Agreements. Contracts and agreements, below	zoning and bylaw compliance, § 7:17
Agricultural uses, zoning for	banking and taxation, § 7:25
marijuana facilities, § <b>6:9</b>	Cannabis Control Commission,
Americans with Disabilities Act,	§§ 7:14, 7:18
§ 10:8	community outreach meeting,
Appeal and review. Cannabis Control	§ 7:15
Commission, below	compliance, § 7:22
Application and licensing process.	contracts, § 7:27
Business in the marijuana	edibles, § 7:20
industry, below	enforcement, § 7:31
Appointment and role of Cannabis	flowers, § 7:20
Control Commissioner (CCC), § 5:4	host community agreements, § 7:16

MARIJUANA—Cont'd	MARIJUANA—Cont'd
Business in the marijuana industry	Cannabis Control Commission
—Cont'd	(CCC)—Cont'd
infusions, § 7:20	audits, § 5:23
insurance, § 7:26	Cannabis Advisory Board, § 5:7
intellectual property protections,	Cannabis Control Commission
§ 7:29	Municipal Zoning Tracker,
licensing. Application and licens-	§ Appendix 6A
ing process, above in this	complaint process, § 5:24
group	compliance, § 5:25
medical use, § 7:2	deficiency statements and plans of
oil, § 7:20	correction, § 5:30
operations, §§ 7:1982117:29	enabling legislation, § 5:2
products, § 7:20	enforcement
RICO, liability under, § 7:28	generally, § 5:29
seed-to-sale tracking, § 7:23 testing, § 7:21	deficiency statements and plans
•	of correction, § 5:30
tinctures, § 7:20 transport of marijuana and	mechanisms of enforcement, § 5:31
marijuana products, § 7:30	_
types, §§ 7:282117:13	Fourth Amendment and warrant- less inspections, § 5:27
wax, § 7:20	Freedom of Information Act,
zoning and bylaw compliance,	§ 5:37
§ 7:17	inspections, § 5:25
Bylaws and ordinances	licensing process, §§ 7:14, 7:18
local zoning and municipal issues,	licensure
below	limits on licensure, § 5:10
zoning and bylaw compliance,	role of CCC in, § 5:8
§ 7:17	types of license, overview, § 5:9
Cannabis Advisory Board, § 5:7	Massachusetts Public Records
Cannabis Control Commission	Law, § 5:37
(CCC)	mechanisms of enforcement,
generally, §§ 5:182115:38	§ 5:31
adjudicatory proceedings	Municipal Zoning Tracker,
generally, §§ 5:3282115:35 process for, § 5:34	§ Appendix 6A
review of final decision of CCC,	open meetings law, § 5:38
§ 5:35	oversight, §§ 5:2282115:28
right to hearing for adverse	public access, §§ 5:3682115:38
actions taken by CCC,	purpose of, § 5:3
§ 5:33	regulation. Rulemaking and
administrative functions, § 5:6	regulation, below in this
appeal and review	group
final decision of CCC, § 5:35	removal of Commissioner, § 5:5
regulations, § 5:20	review. Appeal and review, above
application and licensing process,	in this group
§§ 7:14, 7:18	rulemaking and regulation
appointment and role of Commis-	generally, §§ 5:1782115:21
sioner, § <b>5:4</b>	guidance documents, § 5:21

#### MARIJUANA—Cont'd MARIJUANA—Cont'd Cannabis Control Commission Clinicians and health care providers, medical use marijuana, § 4:8 (CCC)—Cont'd rulemaking and regulation Cole memos, §§ 2:1882112:20 Colocated operations, adult use —Cont'd judicial review of regulations, marijuana, § 4:25 § 5:20 Commercial landlord/tenant issues process of rulemaking, § 5:18 generally, §§ 9:282119:4 proposed regulations, sources, lease agreements and marijuana § 5:19 industry tenants, § 9:2 sources of proposed regulations, Racketeering Influenced Corrupt § 5:19 Organizations Act (RICO), secret shopper program, § 5:26 liability under, § 9:3 risk of asset forfeiture, § 9:4 social equity provisions generally, §§ 5:1182115:16 Community impact fee, host combenefits, § 5:14 munity agreements, § 6:20 Community outreach meetings, certified economic empowerment priority applicant, §§ 6:10, 7:15 § 5:13 Compliance, § 7:22 inclusion of underrepresented Contracts and agreements groups, § 5:16 business in the marijuana industry, social equity program, § 5:12 § 7:27 suitability for, § 5:15 host community agreements, statutory authority, § 5:2 below residential landlord/tenant issues, structure and function, lease agreements, § 9:6 §§ 5:482115:7 Controlled Substances Act subpoena power and compulsory 2018 Sessions memo, **§ 2:21** process, § 5:28 warrantless inspections, Fourth 2011 Cole memo, § 2:18 Amendment, § 5:27 2014 Cole memo, § 2:20 Cannabis Control Commission 2009 Ogden memo, § 2:17 Municipal Zoning Tracker, 2013 Cole memo, § 2:19 § Appendix 6A banking, §§ 2:24, 2:25, 8:3 Caregiving institutions and Department of Justice, institutional caregivers, medical §§ 2:1682112:21 use marijuana, § 4:10 enforcement under, CBD. Hemp and CBD regulation, §§ 2:1582112:21 below financial institutions, §§ 2:24, 8:3 CCC. Cannabis Control Commission Food and Drug Administration, (CCC), above § 2:23 Certified economic empowerment hemp and CBD regulation, § 2:14 priority applicant, social equity marijuana research and clinical provisions, § 5:13 studies under, § 2:22 Chemical testing for marijuana. provisions and penalties, § 2:12 Operating under the influence schedule I controlled substance, (OUI) of marijuana, below banking and taxation of City of Cambridge, example of marijuana as, §§ 2:24, 2:25 marijuana zoning ordinance zoning ordinances of, § Appendix schedule I drug, marijuana as, 6**B** § 2:13

MARIJUANA—Cont'd	MARIJUANA—Cont'd
Controlled Substances Act—Cont'd	Cultivation—Cont'd
Shafer Commission, § 2:5	unlawful cultivation
taxation, § 2:25	generally, § 12:22
Conversion from medical use to adult	medical marijuana, § 12:23
use, adult use marijuana, § 6:4	Decriminalization and legalization
Counsel. Lawyers' professional	generally, §§ 12:2821112:11
responsibility, below	adult use marijuana, § 3:4
Craft Marijuana Cooperative, adult use marijuana, § 7:5	federal preemption and state legalization of marijuana, § 2:30
Criminal marijuana statutes and	hemp and CBD regulation, below
penalties	history of, §§ 3:182113:7
generally, §§ 12:1821112:31	medical use marijuana, §§ 2:28,
criminal record sealing and expungement, § 12:31	3:3
decriminalization and legalization,	possession of marijuana, § 3:2
below	probable cause, § 12:7
distribution, below diversion pursuant to G.L. C. 111E	public opinion, §§ 1:3, 2:2682112:29
§ 10, <b>§ 12:26</b>	reasonable suspicion, below
drug court, § 12:27	recreational use states, § 2:29
model jury instruction regarding unlawful cultivation with	regulations in United States, generally, §§ 2:2682112:30
medical marijuana hardship	state decriminalization, legaliza-
cultivation registration	tion, and preemption, gener-
nonpersonal use, § Appendix	ally, <b>§§ 2:2682112:30</b>
12B	warrantless motor vehicle search,
sixty-day supply, § Appendix	below
12A	Delivery
open containers, § 12:25	adult use marijuana, § 6:25
possession, below	local zoning and municipal issues,
probation, use of marijuana while	below
on, below	marijuana delivery operator, § 7:12
Criminal record sealing and expungement, § 12:31	medical use marijuana, home delivery, <b>§ 4:16</b>
Cultivation	Department of Justice, Controlled
adult use marijuana, marijuana	Substances Act,
cultivator, § 7:4	§§ 2:1682112:21
medical use marijuana, hardship	Dependence on marijuana, § 15:13
cultivation registrations, \$ 4:15	Distribution
	absorption and, § 15:4
model jury instruction regarding unlawful cultivation with	evidence. Proof of intent to distrib-
medical marijuana hardship	ute, below in this group
cultivation registration	intent
nonpersonal use, § Appendix	possession with intent to distrib-
12B	ute, below in this group
sixty-day supply, § Appendix	proof of intent to distribute,
12Å	below in this group

MARIJUANA—Cont'd	MARIJUANA—Cont'd
Distribution—Cont'd	Employee rights—Cont'd
possession with intent to distribute	worker's compensation and medi-
generally, §§ 3:2,	cal marijuana, § 10:12
12:14821112:21	Employer rights
proof of intent to distribute,	generally, §§ 10:2821110:6
below in this group	policies prohibiting marijuana use,
unlawful cultivation, below in	§ 10:2
this group	workplace drug testing, below
proof of intent to distribute	Employment
generally, §§ 12:15821112:21	generally, §§ 10:1821110:14
expert testimony, § 12:21	employee rights, above
items associated with distribu-	employer rights, above
tion, § 12:19	worker's compensation and medi-
lack of smoking paraphernalia,	cal marijuana, § 10:12
§ 12:20	workplace drug testing, below
packaging, <b>§ 12:18</b>	Enforcement
quantity, § 12:17	adult use marijuana, § 4:27
social sharing, § 12:16	business in the marijuana industry,
quantity of marijuana, proof of	§ 7:31
intent to distribute, § 12:17	Cannabis Control Commission
smoking paraphernalia, lack of,	(CCC), above
proof of intent to distribute,	medical use marijuana, § 4:19
§ 12:20	Equity standards for host communi-
social sharing, proof of intent to	ties to positively impact com-
distribute, § 12:16	munities that were
Driver impairment, § 1:6	disproportionately harmed by
Drug court, § 12:27	marijuana prohibition and
Drug recognition experts (DRE).	enforcement, § 6:15
Operating under the influence	Evidence
(OUI) of marijuana, below	chemical testing for marijuana,
Duration of effects, pharmacodynam-	<b>§§ 13:9, 13:10</b>
ics, § 15:10	circumstantial evidence, chemical
Edibles, § 7:20	testing for marijuana, § 13:9
Employee rights	opinion evidence, § 13:10
generally, §§ 10:7821110:14	proof of intent to distribute. Distri-
Americans with Disabilities Act,	bution, above
§ 10:8	Exit order, reasonable suspicion,
handicap discrimination, protec-	§ 12:5
tions against, § 10:9	Experts
reasonable accommodation for	drug recognition experts. Operat-
medical use, §§ 10:8, 10:9	ing under the influence (OUI)
recreational use outside of	of marijuana, below
workplace, § 10:7	operating under the influence
termination	(OUI) of marijuana, below
unemployment, § 10:14	proof of intent to distribute,
wrongful, § 10:13	§ 12:21
union protections, § 10:10	Farm Bill
worker safety, § 10:11	2014, <b>§ 2:7</b>

MARIJUANA—Cont'd	MARIJUANA—Cont'd
Farm Bill—Cont'd	Inspections
2018, <b>§ 2:8</b>	Cannabis Control Commission,
Federal banking laws, § 8:4	§ 5:25
Federal guidance for financial institutions, § 8:5	Fourth Amendment, warrantless inspections, § 5:27
Federal preemption and state legalization of marijuana, § 2:30	Instructions to jury regarding unlawful cultivation with medical
Fines. Penalties, below Flowers, <b>§ 7:20</b>	marijuana hardship cultivation registration
Food and Drug Administration, Con-	nonpersonal use, § Appendix 12B
trolled Substances Act, § 2:23	sixty-day supply, <b>§ Appendix 12A</b>
Fourth Amendment and warrantless	Insurance, § 7:26
inspections, Cannabis Control Commission, § 5:27	Intellectual property protections, § 7:29
Freedom of Information Act, Can-	Intent. Distribution, above
nabis Control Commission, § 5:37	Interest on lawyer trust account issues, § 11:3
Gonzales v. Raich, 2005, § 2:11	Investment by attorney in marijuana
Governmental oversight and report-	related businesses, § 11:4
ing, medical use marijuana,	IOLTA issues, § 11:3
§ 4:18	Judicial review. Cannabis Control Commission (CCC), above
Handicap discrimination, protections	Jury instructions. Instructions to jury
against, <b>§ 10:9</b>	regarding unlawful cultivation
HCA negotiations with equity parties,	with medical marijuana hardship
§ 6:13	cultivation registration, below
Hemp and CBD regulation	Labor union protections, § 10:10
generally, §§ 3:582113:7	Laboratories, adult use marijuana,
CBD, § 3:7	§ 7:10
Controlled Substances Act, § 2:14	Landlord/tenant issues
hemp, § 3:6	generally, §§ 9:182119:8
History of legalization, §§ 3:182113:7	commercial landlord/tenant issues, above
Home cultivation	existing public housing residents,
adult use marijuana, § 6:26	§ 9:8
local zoning and municipal issues, § 6:27	medical marijuana and existing residents, § 9:8
medical use marijuana, §§ 4:15,	public housing admission, below
6:27	residential landlord/tenant issues,
residential landlord/tenant issues,	below
§ 9:6	Lawyers' professional responsibility
Home delivery, medical use	generally, §§ 11:1821111:5
marijuana, § 4:16	investment in marijuana related
Host community agreements	businesses, § 11:4
generally, § 7:16	IOLTA issues, § 11:3
local zoning and municipal issues, below	marijuana-related business, representing, §§ 11:2, 11:3
Infusions, § 7:20	personal use of marijuana, § 11:5

#### MARIJUANA—Cont'd MARIJUANA—Cont'd Local zoning and municipal issues Lawyers' professional responsibility —Cont'd —Cont'd state and federal law, conflicts bylaws and ordinances—Cont'd between, § 11:2 general vs. zoning bylaws and Leary v. United States, 1969, § 2:9 ordinances, § 6:6 Lease agreements, residential limits on local control. landlord/tenant issues, § 9:6 §§ 6:482116:6 Legalization. Decriminalization and signage, § 6:5 legalization, above transportation, § 6:5 Legislation, statutes, and regulations Cannabis Control Commission generally, §§ 4:182114:27 Municipal Zoning Tracker, § Appendix 6A adult use marijuana, above City of Cambridge, example of enabling legislation, § 4:2 marijuana zoning ordinance medical use marijuana, below zoning ordinances of, regulations, § 4:4 § Appendix 6B statutes, § 4:3 community impact fee, host com-Licenses and licensing munity agreements, § 6:20 adult use marijuana, § 4:26 community outreach meeting, business in the marijuana industry, § 6:10 above delivery Cannabis Control Commission generally, §§ 6:2382116:25 (CCC), above medical marijuana, § 6:24 local zoning and municipal issues, facilities. Zoning for marijuana below facilities, below in this group marijuana treatment centers, § 4:13 general vs. zoning bylaws and Limitations or restrictions ordinances, § 6:6 Cannabis Control Commission home cultivation, medical use, (CCC), limits on licensure, § 6:27 § 5:10 host community agreements local zoning and municipal issues. generally, §§ 6:1682116:21 limits on local control. basic terms and conditions, §§ 6:382116:6 § 6:18 marijuana treatment centers and marijuana establishments, community impact fee, § 6:20 § 6:3 licensing, generally, §§ 6:1682116:21 Local zoning and municipal issues generally, §§ 6:182116:27 local excise tax, § 6:19 adult use marijuana, above prohibited provisions, terms and agricultural uses, zoning for acts, § 6:21 marijuana facilities, § 6:9 licensing banning or limiting marijuana generally, §§ 6:1082116:21 treatment centers and community outreach meeting, marijuana establishments, § 6:10 § 6:3 host community agreements, buffer zones, § 6:5 above in this group bylaws and ordinances local permitting, § 6:11 generally, §§ 6:2, 6:482116:6 limits on local control. buffer zones. § 6:5 §§ 6:382116:6

#### MARIJUANA—Cont'd MARIJUANA—Cont'd Massachusetts Public Records Law, Local zoning and municipal issues § 5:37 —Cont'd local excise tax, host community Medical use, § 7:2 agreements, § 6:19 Medical use marijuana marijuana treatment centers and generally, § 1:5 marijuana establishments, advance contactless ordering, banning or limiting, § 6:3 § 4:17 medical use marijuana, below business in the marijuana industry, signage, § 6:5 § 7:2 social consumption pilot program, caregiving institutions and § 6:22 institutional caregivers, traditional zoning vs. overlay § 4:10 districts for marijuana faciliclinicians and health care providties, § **6:8** ers. § 4:8 transportation, § 6:5 conversion from medical use to zoning for marijuana facilities adult use, § 6:4 generally, §§ 6:782116:9 decriminalization and legalization, agricultural uses, § 6:9 §§ 2:28, 3:3 traditional zoning vs. overlay employee rights, reasonable districts, § 6:8 accommodation for medical Locations for use of medical use, §§ 10:8, 10:9 marijuana, § 4:11 enforcement, § 4:19 Marihuana Tax Act of 1937, § 2:3 governmental oversight and report-Marijuana courier and marijuana ing, § 4:18 delivery operator, adult use hardship cultivation registrations, marijuana, § 7:12 § 4:15 Marijuana cultivator, adult use home cultivation, §§ 4:15, 6:27 marijuana, § 7:4 home delivery, § 4:16 Marijuana establishment agents, adult legislation, statutes, and regulause marijuana, § 4:24 Marijuana establishments, adult use generally, §§ 4:582114:20 marijuana, § 4:23 advance contactless ordering, Marijuana facilities. Local zoning § 4:17 and municipal issues, above Marijuana product manufacturer, caregiving institutions and institutional caregivers, adult use marijuana, § 7:6 § 4:10 Marijuana research facility, adult use clinicians and health care marijuana, § 7:9 providers, § 4:8 Marijuana retailer, adult use enforcement, § 4:19 marijuana, § 7:7 Marijuana transporter, adult use governmental oversight and marijuana, § 7:8 reporting, § 4:18 Marijuana treatment centers home cultivation, hardship cultivation registrations, local zoning and municipal issues, banning or limiting, § 6:3 § 4:15 home delivery, § 4:16 medical use marijuana, below Marijuana-related businesses and licensing of marijuana treatment financial institutions, § 8:7 centers, § 4:13

#### MARIJUANA—Cont'd MARLIUANA—Cont'd Medical use marijuana—Cont'd Metabolism and elimination of legislation, statutes, and regulamarijuana, § 15:5 tions—Cont'd Methods of use, medical marijuana, locations for use of medical § 4:11 marijuana, § 4:11 Microbusiness, adult use marijuana, marijuana treatment centers § 7:11 Minimum acceptable equity stanlicensing, § 4:13 dards governing municipalities operational requirements, and host communities, § 6:12 § 4:14 Model jury instruction regarding medical use marijuana program unlawful cultivation with medionline system, § 4:20 cal marijuana hardship cultivamethods of use of medical tion registration marijuana, § 4:11 nonpersonal use, § Appendix 12B operational requirements for sixty-day supply, § Appendix 12A marijuana treatment Motor vehicles centers, § 4:14 driver impairment, § 1:6 penalties, § 4:19 operating under the influence personal caregivers, § 4:9 (OUI) of marijuana, below qualified patient registration, warrantless motor vehicle search, § 4:7 below qualifying patients and medical Municipal issues. Local zoning and conditions, § 4:6 municipal issues, above treatment centers. Marijuana Municipal Zoning Tracker, treatment centers, above in § Appendix 6A this subgroup Narcotics Control Act of 1956, § 2:4 local zoning and municipal issues Ogden memo, 2009, § 2:17 conversion from medical use to Oil, § 7:20 adult use, § 6:4 Open containers, § 12:25 delivery, § 6:24 Open meetings law, § 5:38 home cultivation for medical Operating under the influence (OUI) use, § 6:27 of marijuana locations for use of medical generally, §§ 13:1821113:22 marijuana, § 4:11 12-step DRE protocol medical use marijuana program generally, §§ 13:15, 13:16 online system, § 4:20 scientific reliability, § 13:16 methods of use of medical under the influence of marijuana, marijuana, § 4:11 § 13:5 penalties, § 4:19 chemical testing for marijuana personal caregivers, § 4:9 generally, §§ 13:8821113:18 pharmacology of marijuana, circumstantial evidence, § 13:9 §§ 15:11, 15:12 drug recognition experts (DRE), below in this group qualified patient registration, § 4:7 opinion evidence, § 13:10 qualifying patients and medical conditions, § 4:6 circumstantial evidence, chemical testing for marijuana, § 13:9 residential landlord/tenant issues. reasonable accommodations. diversion pursuant to G.L. c. 111E, § 10, § 13:19 § 9:6

IARIJUANA—Cont'd	MARIJUANA—Cont'd
Operating under the influence (OUI)	Operating under the influence (OUI)
of marijuana—Cont'd	of marijuana—Cont'd
drug recognition experts (DRE)	registry of motor vehicles—Cont'd
generally, §§ 13:11821113:18	immediate threat suspensions,
12-step DRE protocol, <b>§§ 13:15</b> ,	§ 13:21
13:16	marijuana suspensions, § 13:22
case law comparison, § 13:17	training and certification, drug rec-
case law in Massachusetts, § 13:18	ognition experts (DRE), § 13:13
development and validation of	Operations, §§ 7:1982117:29
DRE program, § 13:12	Ordinances. Bylaws and ordinances, above
drug classification, § 13:14	OUI. Operating under the influence
drug matrix, § 13:14 impairment, § 13:14	(OUI) of marijuana, above
scientific reliability of 12-step	Oversight and enforcement, adult use
DRE protocol, § 13:16	marijuana, § 4:27
training and certification,	Overview, §§ 1:182111:6
§ 13:13	Pat/frisk, reasonable suspicion,
elements	§ 12:6
generally, §§ 13:8821113:18	Penalties
chemical testing for marijuana,	Controlled Substances Act, § 2:12
above in this group	criminal marijuana statutes and
drug recognition experts (DRE),	penalties, above
above in this group	medical use marijuana, § 4:19
per se laws, § 13:6	Personal caregivers, medical use
proof of impairment, §§ 13:7,	marijuana, <b>§ 4:9</b>
13:8	Personal use
public way, § 13:4	adult use marijuana, § 4:22
registry of motor vehicles,	attorney use of marijuana, § 11:5
below in this group	Pharmacodynamics
experts. Drug recognition experts	generally, §§ 15:6821115:10
(DRE), above in this group	duration of effects, § 15:10
immediate threat suspensions, reg-	effects of marijuana,
istry of motor vehicles, § 13:21	§§ 15:8821115:10
model jury instruction regarding	mechanisms of action, § 15:6
roadside assessments for use	physiological and behavioral
in prosecutions for operating	effects, § 15:9
while under the influence of	receptor sites, § 15:6
marijuana, § Appendix 13A	Pharmacokinetics
motor vehicles. Registry of motor	generally, §§ 15:3821115:5
vehicles, below in this group	absorption and distribution, § 15:4
operation, § 13:3	metabolism and elimination,
opinion evidence, chemical testing	§ 15:5
for marijuana, § 13:10	Pharmacology of marijuana
proof of impairment, §§ 13:7, 13:8	generally, §§ 15:1821115:14
registry of motor vehicles	abuse, § 15:13
generally, §§ 13:20821113:22	dependence, § 15:13

#### MARIJUANA—Cont'd MARIJUANA—Cont'd Racketeering Influenced Corrupt Pharmacology of marijuana—Cont'd medical uses in Massachusetts, Organizations Act (RICO) §§ 15:11, 15:12 —Cont'd pharmacodynamics, above liability under, §§ 7:28, 9:3 pharmacokinetics, above Reasonable accommodation Physiological and behavioral effects, medical use, §§ 9:6, 10:8, 10:9 § 15:9 residential landlord/tenant issues, Possession § 9:6 distribution, above Reasonable suspicion intent to distribute. Distribution, generally, §§ 12:3821112:6 above exit order, § 12:5 simple possession pat/frisk. § 12:6 generally, §§ 12:12, 12:13 stop, § 12:4 identification of marijuana as a Receptor sites, § 15:6 substance, § 12:13 Records and recording Probable cause, § 12:7 criminal record sealing and Probation, use of marijuana while on expungement, § 12:31 generally, §§ 12:28821112:30 Massachusetts Public Records adult use of marijuana, § 12:30 Law, § 5:37 medical marijuana, use of, § 12:29 Recreational use Products, § 7:20 outside of workplace, § 10:7 Promoting full participation in the states, § 2:29 industry, § 6:13 Registry of motor vehicles. Operating Proof of intent to distribute. Distribuunder the influence (OUI) of tion, above marijuana, above Proposed federal legislation, banking, Regulation. Cannabis Control Com-§ 8:6 mission (CCC), above Psychoactive properties and effects Regulations in United States of, § 1:4 generally, §§ 2:182112:30 Public access, §§ 5:3682115:38 Public housing admission Boggs Act of 1951, § 2:4 Controlled Substances Act, above existing public housing residents, § 9:8 Farm Bill, above existing residents and medical, Gonzales v. Raich, 2005, § 2:11 § 9:7 history of federal legislative residential landlord/tenant issues, marijuana policy, § 9:8 §§ 2:382112:8 Public opinion, §§ 1:3, 2:2682112:29 Leary v. United States, 1969, § 2:9 Qualified patient registration, medical Marihuana Tax Act of 1937, § 2:3 use marijuana, § 4:7 Narcotics Control Act of 1956, Qualifying patients and medical § 2:4 conditions, medical use prohibition of marijuana, generally, marijuana, § 4:6 §§ 2:282112:11 Quantity of marijuana, proof of intent Rohrabacher-Farr Amendment of to distribute, § 12:17 2014, § **2:6** Racketeering Influenced Corrupt Shafer Commission, and Con-Organizations Act (RICO) trolled Substances Act of commercial landlord/tenant issues, 1970 and, § 2:5 § 9:3

#### MARIJUANA—Cont'd MARIJUANA—Cont'd Regulations in United States—Cont'd Source of marijuana and active cannabinoid compounds, § 15:2 state decriminalization, legalization, and preemption. State decriminalization, legalization, Decriminalization and legaland preemption, generally, ization, above §§ 2:2682112:30 Supreme Court of United States, Statutory authority of Cannabis §§ 2:982112:11 Control Commission, § 5:2 Research under Controlled Sub-Stop, reasonable suspicion, § 12:4 stances Act, § 2:22 Subpoena power and compulsory Residential landlord/tenant issues process, Cannabis Control Comgenerally, §§ 9:5, 9:6 mission, § 5:28 consumption, § 9:6 Supreme Court of United States, §§ 2:982112:11 home cultivation, § 9:6 Suspicion. Reasonable suspicion, lease agreements, § 9:6 above medical marijuana and reasonable **Taxation** accommodations, § 9:6 generally, §§ 8:882118:13 public housing admission, § 9:8 280E, denial of business expense RICO. Racketeering Influenced Cordeductions and credits, § 8:9 rupt Organizations Act (RICO), banking and, § 7:25 Rohrabacher-Farr Amendment of Controlled Substances Act, § 2:25 2014, § 2:6 cost of goods sold deductions, Rulemaking. Cannabis Control Com-§ 8:10 mission (CCC), above federal issues, §§ 8:882118:12 Safety of workers, § 10:11 host community agreements, local Schedule I controlled substance. excise tax, § 6:19 banking and taxation of local excise tax, host community marijuana as, §§ 2:24, 2:25 agreements, § 6:19 Schedule I drug, marijuana as, § 2:13 Marihuana Tax Act of 1937, § 2:3 Sealing and expungement of criminal proposed legislation, § 8:12 record, § 12:31 purchasers of marijuana, tax Secret shopper program, CCC, § 5:26 issues, § 8:11 Seed-to-sale tracking, § 7:23 schedule I controlled substance, Sessions memo, 2018, § 2:21 banking and taxation of Shafer Commission, § 2:5 marijuana as, §§ 2:24, 2:25 Signage, local zoning and municipal Tenants. Landlord/tenant issues, issues, § 6:5 above Simple possession. Possession, above Termination. Employee rights, above Social consumption Terminology, § 1:2 adult use marijuana, § 7:13 **Testing** pilot program, § 6:22 business in the marijuana industry, Social equity provisions operating under the influence Cannabis Control Commission (OUI) of marijuana, above (CCC), above workplace drug testing, below inclusion of underrepresented Therapeutic use of marijuana and groups, § 5:16 marijuana products, § 15:12 Social sharing, proof of intent to distribute, § 12:16 Tinctures, § 7:20

#### MARIJUANA—Cont'd

Trafficking, § 12:24

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

Treatment centers. Medical use marijuana, above

#### Types, §§ 7:282117:13

Underrepresented groups, inclusion, social equity provisions, § 5:16

Union protections, § 10:10

Unlawful cultivation. Cultivation, above

Warrantless inspections, Fourth Amendment, § 5:27

Warrantless motor vehicle search generally, §§ 12:8821112:11 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, §§ 10:3821110:5

difficulties of testing for marijuana, § 10:5

employee's reasonable expectations 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, § 5:37

#### 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

#### OII

Marijuana, § 7:20

#### **OPEN CONTAINERS**

Marijuana, § 12:25

#### **OPEN MEETINGS LAW**

Marijuana, § 5:38

# 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

### 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, §§ 5:3682115:38

**PUBLIC HOUSING** 

Marijuana (See Marijuana)

**PUBLIC OPINION** 

Marijuana, §§ 1:3, 2:2682112:29

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, § 15:6

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)

ROHRABACHER-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, § 5:26

SEED-TO-SALE TRACKING

Marijuana, § 7:23

**SESSIONS MEMO, 2018** 

Marijuana, § 2:21

SHAFER COMMISSION

Marijuana, § 2:5

**SIGNAGE** 

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

SIMPLE POSSESSION

Marijuana (See Marijuana)

SOCIAL CONSUMPTION

Marijuana (See Marijuana)

SOCIAL EQUITY PROVISIONS

Marijuana (See Marijuana)

SOCIAL SHARING

Marijuana, proof of intent to distribute, § 12:16

**STATUTES** 

Marijuana (See Marijuana)

STOP AND FRISK LAW

Marijuana, reasonable suspicion, § 12:4

#### **SUBPOENAS**

Marijuana, Cannabis Control Commission, § 5:28

#### SUBSTANCE ABUSE

Marijuana (See Marijuana)

# SUPREME COURT OF THE UNITED STATES

Marijuana, §§ 2:982112:11

#### 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 municipal issues, § 6:5

#### TREATMENT CENTERS

Marijuana (See Marijuana)

#### UNDER THE INFLUENCE

Marijuana (See Marijuana)

#### WARRANTLESS SEARCHES

Marijuana, Fourth Amendment, § 5:27

# 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)