



Licensing Board for the City of Boston

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THE LICENSING BOARD FOR THE CITY OF BOSTON'S (THE "BOARD") ADVISORY REGARDING CONSUMPTION OF MARIJUANA AT A LICENSED PREMISE

Issued: May 9, 2019

It has come to the attention of the Board that businesses in the City of Boston exercising a Common Victualler License or Alcoholic Beverages License (a "Licensed Premise") issued by the Board have been approached to host events at which food or beverages are infused with marijuana. The Board is aware that there are a number of companies organizing such events and providing misinformation regarding the legality of the same.

Any such event at a Licensed Premise, whether or not it is open to the public and whether or not alcoholic beverages are sold or consumed, is illegal and a violation of Massachusetts General Law and the Rules and Regulations of the Board. Any Licensed Premise found to be hosting such an event will be subject to disciplinary action by the Board including, but not limited to, the suspension or revocation of any license issued by the Board.

No Licensed Premise in the City of Boston is also licensed for the sale or distribution of marijuana. **The Board has confirmed that there is presently no regulatory framework allowing for the sale or distribution of marijuana for on-site consumption in Massachusetts.** Pursuant to Massachusetts General Law and guidance issued by the Cannabis Control Commission, while it is legal in limited circumstances to give marijuana or marijuana products as a gift, it is illegal to gift marijuana or marijuana products in conjunction with the sale of another item. Doing so is considered an attempt to evade the laws governing the sale of marijuana. As such, gifting a marijuana infused food item in conjunction with the sale of a ticket to a private dinner or a membership to obtain an invitation to a private dinner at a Licensed Premise is an attempt to evade the laws governing the sale of marijuana. It is also illegal to gift marijuana under any circumstance if such gift is advertised or open to the public including but not limited to the publicizing of such an event on social media. Further, it is illegal to manufacture and/or sell alcoholic beverages containing any cannabinoid extracts including those commonly referred to as "THC" and "CBD."

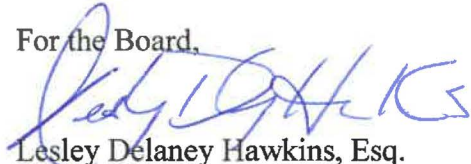


Additionally, after consultation with the Inspectional Services Department, the Health Department, and the Boston Police Department, the Board has confirmed that the Health Division of the Inspectional Services Department does not consider any cannabis derived food product an approved "food additive." As such, any food product containing a cannabis additive is considered "adulterated" in violation of 105 CMR 590.003-101.11 under the Annotated 2018 Merged Food Code. "Food additive" and "adulterated" are defined under 105 CMR 590.001-201. Any establishment licensed by Inspectional Services serving food with cannabis additives is in violation of said regulations and will be subject to disciplinary action by the Inspectional Services Department including a suspension of its permit or license issued by the Inspectional Services Department.

Again, any Licensed Premise hosting or permitting an event as described above is doing so in violation of Massachusetts General Law and the Rules and Regulations of the Board and will be subject to the suspension or revocation of any license issued by the Board and any license or permit issued by the Inspectional Services Department. **Given the foregoing, all holders of a Common Victualler or Alcoholic Beverages License issued by the Board are formally on notice by the Board of the illegality of such an event. Any business which hosts such an event at its Licensed Premise does so at the peril of any license issued by the Board.**

Any questions should be directed to the Board's Executive Secretary, Lesley Delaney Hawkins, Esq., who can be reached at (617) 635-4170 or Lesley.hawkins@boston.gov.

For the Board,



Lesley Delaney Hawkins, Esq.
Executive Secretary