



BULLETIN: 2022 – 002
Effective Date: February 14, 2022

Deli-Style Approval Procedure for Licensed Dispensaries

Linthicum, MD (February 14, 2022) - This Bulletin supersedes “Commission Guidance to Dispensaries Offering ‘Deli-Style’ Sales” issued by the Maryland Medical Cannabis Commission (“MMCC”) on January 29, 2018.

Recent revisions to Code of Maryland Regulations (“COMAR”) 10.62.30.09 require all licensed dispensaries to implement written standard operating procedures, approved by MMCC, addressing all aspects of deli-style sales. A “deli-style sale” is a purchase of medical cannabis by a qualifying patient or caregiver on the premises of a licensed dispensary, during which a dispensary agent weighs and packages the medical cannabis in the dispensing service area while in the presence of the qualifying patient or caregiver.

To streamline MMCC’s implementation of COMAR 10.62.30.09 and provide clarity to licensed dispensaries on how to comply with the same, MMCC collaborated with the Maryland Department of Agriculture (MDA) to develop the “Deli-Style Approval Procedure,” which is attached to this Bulletin.

Effective February 14, 2022, MMCC will require that all licensed dispensaries conducting Deli Style Sales shall come into compliance with the Deli-Style Approval Procedure and adopt the written standard operating procedures mandated therein. MMCC will consider a licensed dispensary’s failure to come into compliance with the Deli-Style Approval Procedure and adopt the written standard operating procedures mandated therein by March 1, 2022 to constitute a violation of COMAR 10.62.30.09.

IMPORTANT: Before initiating deli-style sales, a licensed dispensary **must** (1) pass a pre-operation inspection by MMCC’s Bureau of Enforcement and Compliance and (2) obtain written approval from MMCC to engage in deli-style sales. This includes any dispensary who may have received approval prior to the revisions to COMAR 10.62.30.09 taking effect on November 15, 2021. MMCC will only schedule and conduct a pre-operation inspection for facilities that have a valid MDA certification for any scale intended for use in deli-style sales.

This Bulletin does not change, remove or replace any existing regulations under COMAR 10.62.

Direct any questions regarding this bulletin to enforcement.mmcc@maryland.gov.

Deli-Style Approval Procedure for Licensed Dispensaries

Effective February 14, 2022, the Maryland Medical Cannabis Commission (MMCC) will require that all licensed dispensaries come into compliance with this Deli-Style Approval Procedure and adopt the written standard operating procedures mandated therein. MMCC will consider a licensed dispensary's failure to come into compliance with this Deli-Style Approval Procedure and adopt the written standard operating procedures mandated herein by March 1, 2022, to constitute a violation of COMAR 10.62.30.09.

Purpose:

This procedure establishes a standardized process for licensed dispensaries to engage in deli-style sales.

Definitions:

The term “deli-style sale,” as it is used in this Procedure, means a purchase of medical cannabis by a qualifying patient or caregiver on the premises of a licensed dispensary during which a dispensary agent weighs and packages the medical cannabis flower in the dispensing service area while in the presence of the qualifying patient or caregiver.

The term “dispensary agent,” as it is used in this Procedure, means an owner or employee of a licensed dispensary who engages in the dispensing of medical cannabis to qualifying patients and caregivers in accordance with COMAR 10.62.

Procedure:

A. Requirements for scale to be used in deli-style sales

1. A scale purchased by a licensed dispensary to be used in deli-style sales must be a National Type Evaluation Program (“NTEP”) approved device. A searchable database of NTEP approved devices is available on the National Conference on Weights and Measures’ website (<https://www.ncwm.com/>).
2. Prior to being used in deli-style sales, a scale must be certified by the Maryland Department of Agriculture (MDA). To obtain MDA certification of a scale: (1) submit the Device Registration Application (available at <https://mda.maryland.gov>) and application fee to MDA; and (2) arrange for MDA to physically inspect the scale. MDA will certify a scale after verifying during a physical inspection that it comports with MDA’s “Guidelines for Purchasing a Scale to be used in Direct Sale Applications” (available at https://mda.maryland.gov/weights_measures/Pages/mea_dev_reg.aspx) and applicable requirements under COMAR Title 15, Subtitle 3. A licensed dispensary must have a copy of MDA’s certification for a scale it uses in deli-style sales on file and available for inspection by MMCC.

3. MDA requires that a scale used in direct sales applications be calibrated and recertified annually. A licensed dispensary must have a copy of annual calibration documentation and annual MDA recertification for a scale it uses in deli-style sales on file and available for inspection by MMCC.

B. MMCC pre-operation inspection

1. Before initiating deli-style sales, a licensed dispensary must pass a pre-operation inspection by MMCC's Bureau of Enforcement and Compliance and obtain written approval from MMCC to engage in deli-style sales. Previously approved dispensaries must be re-approved under the following guidelines. Dispensaries are instructed to contact the MMCC Regional Supervisor for county where their business is located to schedule an inspection. The list of Regional Supervisors may be found [here](#).
2. During the pre-operation inspection, MMCC will review the MDA certification for any scale intended for use in deli-style sales, as well as the other documentation described in Part A of this Procedure.
3. During the pre-operation inspection, MMCC will review the licensed dispensary's written standard operating procedures to ensure that they incorporate the requirements described in Part C of this Procedure.
4. During the pre-operation inspection, MMCC will examine the work space and equipment intended for use in deli-style sales to assess compliance with COMAR 10.62.30.09 and written standard operating procedures.
5. During the pre-operation inspection, MMCC will observe a dispensary agent complete a deli-style sale transaction to assess compliance with COMAR 10.62.30.09 and written standard operating procedures.
6. If MMCC concludes that the licensed dispensary is in compliance with COMAR 10.62.30.09 and written standard operating procedures following the pre-operation inspection, MMCC will issue written approval for the licensed dispensary to engage in deli-style sales.

C. Required written standard operating procedures addressing deli-style sales

1. A licensed dispensary must include the following provisions regarding the sanitary handling of medical cannabis being prepared for deli-style sale in its written standard operating procedures:
 - a. A dispensary agent engaging in a deli-style sale must wear clean clothing appropriate to the tasks assigned to him/her.
 - b. A dispensary agent engaging in a deli-style sale must wear previously unused single-use gloves and avoid bare hand/arm contact with exposed and finished medical cannabis.

- c. A dispensary agent engaging in a deli-style sale must use sanitized utensils (i.e., spatulas, tongs, or other dispensing equipment) when handling exposed, finished or unused medical cannabis.
 - d. A dispensary agent engaging in a deli-style sale must clean their hands and exposed portions of their arms (or surrogate prosthetic devices for hands and arms):
 - i. Immediately before working with usable or unpackaged medical cannabis;
 - ii. Immediately after touching bare human body parts, other than their own recently cleaned hands or recently cleaned exposed portions of their own arms;
 - iii. Immediately after using the toilet;
 - iv. Immediately after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
 - v. Immediately after handling soiled equipment; and
 - vi. Whenever necessary to remove soil contamination and to prevent cross-contamination when changing tasks.
 - e. Immediately before engaging in a deli-style sale, a dispensary agent will:
 - i. Carry the medical cannabis to be sold to the deli-style operation area within the dispensing area; and
 - ii. Place the medical cannabis to be sold on the counter designated for preparing medical cannabis for deli-style sale.
2. A licensed dispensary must include the following provisions regarding patient selection of medical cannabis for deli-style sale in its written standard operating procedures:
- a. A dispensary agent will allow a qualifying patient or caregiver to visually examine medical cannabis offered for deli-style sale and respond to any relevant inquiry.
 - b. When examining medical cannabis offered for deli-style sale, a qualifying patient or caregiver may not touch or handle the medical cannabis or the container it is stored or displayed in COMAR 10.62.27.08H
 - c. A qualifying patient or caregiver may not sniff medical cannabis that is stored in a container that the medical cannabis may be dispensed from.
 - d. Sniff jars are strictly prohibited.
 - e. Medical Cannabis Flower stored in a sealed display jar, not used for dispensing purposes, may not be sold or distributed. Medical Cannabis Flower in sealed display jar shall be labeled with full METRC number, expiration date and product name.
 - f. If Medical Cannabis Flower stored in a sealed display jar expires or becomes contaminated, it must be immediately disposed of in accordance with the MMCC approved Green Waste Disposal Procedure SOP per Bulletin 2022-001.

3. A licensed dispensary must include the following provisions regarding the weighing of medical cannabis during a deli-style sale in its written standard operating procedures:
 - a. A dispensary agent engaging in a deli-style sale must ensure that the scale is tared/zeroed before weighing the medical cannabis to be sold.
 - b. A dispensary agent engaging in a deli-style sale must ensure that packaging and items of any kind are removed from the scale before weighing the medical cannabis to be sold.
 - c. A dispensary agent engaging in a deli-style sale must weigh the medical cannabis to be sold on the tared/zeroed scale before preparing it for dispensing.
 - d. A dispensary agent engaging in a deli-style sale must place any medical cannabis that was removed from its storage container during the weighing process and will not be dispensed back into its proper container.
4. A licensed dispensary must include the following provisions regarding the dispensing of medical cannabis to a qualifying patient or caregiver during a deli-style sale in its written standard operating procedures:
 - a. A dispensary agent engaging in a deli-style sale must place the medical cannabis to be sold in packaging that complies with the requirements and restriction of §§B-F of Regulation 10.62.29.01 and apply a label to the packaging, in accordance with COMAR 10.62.29.02.
 - b. A dispensary agent engaging in a deli-style sale must process the sale through the licensed dispensary's point of sale system and enter the appropriate deduction to the qualifying patient's or caregiver's allotment in METRC.
5. A licensed dispensary must include a provision in its standard operating procedures mandating that any medical cannabis that is contaminated during a deli-style sale (due to being dropped onto the floor, touched with bare skin, sneezed or coughed on, etc.) be disposed of in accordance with the Green Waste Disposal Procedure approved by MMCC.
6. A licensed dispensary must include the following provisions regarding the stocking/restocking of medical cannabis offered for deli-style sale in its written standard operating procedures:
 - a. After completing in a deli-style sale, a dispensary agent must ensure that any container containing medical cannabis offered for deli-style sale is returned to its designated location and is out the reach of any qualifying patient or caregiver in the dispensing area.
 - b. Before filling a container with medical cannabis that will be offered for deli-style sale, a dispensary agent must:

- i. Ensure that the container has been sanitized in accordance with the Equipment Sanitation Procedure approved by MMCC; and
 - ii. Ensure that sanitizing of the container has been properly logged, in accordance with COMAR 10.62.28.05.
- c. When filling a container with medical cannabis that will be offered for deli-style sale, a dispensary agent must ensure that only one strain of medical cannabis is placed into the container.