



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

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Commissioner

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August 31, 2015

In Good Health, Inc.
Mr. David Noble, CEO
1200 West Chestnut St.
Brockton, MA 02301

Re: Request for a Waiver

Dear Mr. Noble:

In Good Health ("IGH") has submitted a written request for a waiver, pursuant to 105 CMR 725.700, from the requirements set forth in 105 CMR 725.105(C)(2)(a) as it applies to heavy metals and pesticides and 105 CMR 725.105(E)(2)(g). In that waiver request, you have represented that "no laboratory providing the required testing in Massachusetts is able to fully comply with the heavy metal and pesticide requirements of the Protocol at this time."

I find that compliance would cause undue hardship to IGH and patients, that IGH will institute compensating features acceptable to the Department of Public Health (the "Department") and that with those compensating features, non-compliance does not jeopardize the health or safety of any patient or the public. IGH's request for a waiver is granted only for finished plant material, and only from 105 CMR 725.105(C)(2)(a) as it applies to heavy metals and pesticides, and 105 CMR 725.105(E)(2)(g), and with the following conditions.

1. For three (3) months from the date of this letter (the "Waiver Term") or until such time that IGH has demonstrated to the Department's satisfaction that it can fully comply with the *Protocol for Sampling and Analysis of Environmental Media for Massachusetts Registered Marijuana Dispensaries* and *Protocol for Sampling and Analysis of Finished Medical Marijuana Products and Marijuana-Infused Products for Massachusetts Registered Medical Marijuana Dispensaries* (collectively, the "Protocols"), whichever occurs earlier, it may only dispense a maximum of 4.23 ounces of finished plant material to any qualifying patient or caregiver for their sixty-day supply and must supply each qualifying patient or caregiver with instructions that a maximum of 2 grams of finished plant material may be consumed per day;

2. During the Waiver Term, IGH shall continue to conduct testing in compliance with the Protocols for finished plant material for all substances listed in 105 CMR 725.105(C)(2)(a), including heavy metals and pesticides, and submit the results to the Department;
3. During the Waiver Term, IGH shall take all necessary steps to ensure that the presence of heavy metals in finished plant material is as minimal as possible, but shall not be required to meet the levels specified in Exhibit 4 of Section 7 of the *Protocol for Sampling and Analysis of Finished Medical Marijuana and Marijuana-Infused Product for Massachusetts Registered Marijuana Dispensaries*;
4. Consistent with IGH's representation in its request that it does not use the pesticides identified in the Protocol, IGH shall not use any of the plant-growth regulators and pesticides identified in the Protocol during the Waiver Term;
5. During the Waiver Term, IGH shall be subject to increased inspections to ensure compliance with the conditions of this Waiver, including requests for additional testing and information regarding the testing capabilities of any independent laboratory selected for testing by IGH;
6. IGH must maintain records available for inspection by the Department that it only dispenses a maximum of 4.23 ounces of finished plant material to any qualifying patient or caregiver for their sixty-day supply and that each qualifying patient has received the instructions that a maximum of 2 grams of finished plant material may be consumed per day;
7. Labels for all marijuana finished plant material produced during the Waiver Term shall disclose that product may not meet the established standards for heavy metals and pesticides:

"WARNING: This product may not meet the established standards for heavy metals and pesticides."
8. The Department reserves the right to revoke or modify this waiver at any time should it determine that IGH, or any of its dispensary agents, fail to comply with the terms and conditions of the waiver, or if the Department finds that the waiver no longer serves the interests of the public health or safety.

The Department anticipates that IGH will work expeditiously to resolve the issues that have led to the request for this Waiver. If, however, IGH determines it cannot do so within the Waiver Term, a request for any additional Waiver must be received by the Department 14 days prior to the expiration of the current Waiver.

Please contact RMDcompliance@state.ma.us with any questions regarding this Waiver.

Sincerely,

A handwritten signature in blue ink, appearing to read 'm Bharel', with a long horizontal flourish extending to the right.

Monica Bharel, MD, MPH
Commissioner
Massachusetts Department of Public Health