

CANNABIS CONTROL COMMISSION  
**Public Meeting**

May 16, 2019

10:00AM

Health Policy Commission  
50 Milk Street  
Boston, MA 02110

## Agenda

- 1) Call to Order
- 2) Chairman's Comments and Updates
- 3) Staff Recommendations on Final Licenses
  - a) Garden Remedies, Inc., Vertically Integrated Medical Marijuana Treatment Center/RMD
- 4) Staff Recommendations on Provisional License Applications
  - a) Caregiver-Patient Connection (# MRN282131), Retail
  - b) Eagle Eyes Transport, Inc., (# MTN281320), Third Party Marijuana Transporter
  - c) In Good Health, Inc., (# MRN282468), Retail
  - d) Mayflower Medicinals, Inc. (# MCN281343), Cultivation – Tier 2 / Indoor
  - e) Mayflower Medicinals, Inc. (# MPN281480), Product Manufacturing
  - f) Mission MA, Inc. (# MCN281288), Cultivation – Tier 1 / Indoor
  - g) Mission MA, Inc. (# MPN281312), Product Manufacturing

## Agenda Continued

- 4) Staff Recommendations on Provisional License Applications (continued from above)
  - h) Mission MA, Inc. (# MRN281259), Retail
  - i) Mission MA, Inc. (# MRN282028), Retail
  - j) Trichome Health Corp., (# MCN281738), Cultivation, Tier 3/Indoor
  - k) Trichome Health Corp., (# MPN281507), Product Manufacturing
  - l) Trichome Health Corp., (# MRN281774), Retail
  - m) Trichome Health Corp., (# MRN282319), Retail
- 5) Staff Recommendations on Change of Ownership Applications
  - a) SIRA Naturals, Inc.
- 6) Commission Discussion and Votes
  - a) Regulatory Policy Discussion
    - i. Social Consumption
- 7) New Business that the Chairman did not anticipate at time of posting
- 8) Next Meeting Date

# Anticipated Regulatory Timeline

May 30

- Commission debates draft regulations and votes
- Public comment period opens

June 25

- Public hearing in Springfield, MA

June 26

- Public hearing in Boston, MA
- Public comment period closes

July 18

- Final regulations presented
- Commission votes on final regulations

## **Staff Recommendations on Final Licenses**

- a) Garden Remedies, Inc., Vertically Integrated Medical Marijuana Treatment Center/RMD

## **Staff Recommendations on Provisional Licenses**

- a) Caregiver-Patient Connection (# MRN282131), Retail
- b) Eagle Eyes Transport, Inc., (# MTN281320), Third Party Marijuana Transporter
- c) In Good Health, Inc., (# MRN282468), Retail
- d) Mayflower Medicinals, Inc. (# MCN281343), Cultivation – Tier 2 / Indoor
- e) Mayflower Medicinals, Inc. (# MPN281480), Product Manufacturing
- f) Mission MA, Inc. (# MCN281288), Cultivation – Tier 1 / Indoor
- g) Mission MA, Inc. (# MPN281312), Product Manufacturing
- h) Mission MA, Inc. (# MRN281259), Retail
- i) Mission MA, Inc. (# MRN282028), Retail
- j) Trichome Health Corp., (# MCN281738), Cultivation, Tier 3/Indoor
- k) Trichome Health Corp., (# MPN281507), Product Manufacturing
- l) Trichome Health Corp., (# MRN281774), Retail
- m) Trichome Health Corp., (# MRN282319), Retail

## **Staff Recommendations on Change of Ownership Applications**

- a) SIRA Naturals, Inc.

## **Commission Discussion and Votes**

- a) Regulatory Policy Discussion
  - i. Social Consumption

# **Cannabis Advisory Board Recommendation**

(passed unanimously February 26, 2019)

In light of the need for cannabis consumers who live in public housing to have a legal place to exercise their right to [consume] cannabis, and in light of the historic racial disparity in cannabis law enforcement in Massachusetts, social use establishments should be permitted so that consumers have a legal place to consume cannabis outside of their own homes. This is also an important part of realizing the promise of economic development opportunities in the cannabis industry being made available to communities disproportionately affected drug war.

## Pilot Program Recommendation

- Two Types of Licenses
  - Primary Use Social Consumption Establishments (Cannabis cafes)
  - Event Host Licenses (Events open to the public)
- Up to 12 participating municipalities
  - Participating municipalities can choose types of businesses to allow and set their own caps
- The pilot program can only move forward if a bill (e.g. H3541 or S1125) corrects the issue of allowing cities and towns to permit on-site consumption.

## Preventing Underage Access

- No one under 21 may access the premises of an on-site consumption establishment.
- Working group recommendation: If permitted by local regulation, municipalities may allow outdoor event hosts to designate an area for on-site consumption.
- All licensees must have an adequate plan to ensure that no one under 21 will be allowed into an on-site consumption area.

## Impairment Detection by Server

- The pilot program requires each employee of a social consumption establishment to complete the Responsible Server Training Program in addition to general required agent training.
- The mandatory training includes impairment-related topics such as potency, effects, absorption time, and procedures to ensure that customers are not overserved.
- Cannabis Advisory Board Recommendation: As part of a plea colloquy a motorist charged with OUI should be asked where they last consumed cannabis and/or alcohol, similar to the place of last consumption law in Chapter 90 24J. The state should collect and monitor this data to identify problem establishments that may be repeatedly overserving customers.

## Serving Sizes

- Generally, retail purchase limits apply, but customers who are purchasing edibles may not purchase more than a reasonable portion intended for a single use (defined as 2.5 mg – 20 mg of THC) at each point of sale.
  - Cannabis Advisory Board Recommendation: Low THC products should be available at all social use establishments to reduce accidental over-intoxication.
- Consistent with existing retail packaging, edible marijuana products in a solid form must be easily and permanently scored to identify 5-mg individual servings.
- To ensure customers purchasing edibles are informed, they must receive and verbally acknowledge an understanding of a consumer information card educating customers about the potential length of impairment from edibles. Consumer education will also be made available through signage.

## **Decision Point: Take-Out/Leftovers**

- Cannabis Advisory Board Recommendation: Consider take-out regarding to unfinished or partially consumed product or waste disposal in the context of Social Consumption outlets (passed 8-4-3 February 26, 2019)
- Working Group Recommendation: Consumption of marijuana products not purchased on site will not be permitted, and no “take-out” options will be available. Staff will monitor consumers for compliance.

## Impaired Driving

- Every pilot program participant will need to submit procedural and operational plans demonstrating a diligent effort to assist customers who may be impaired in finding means of transportation.
- To ensure such requirements are tailored to the region in which the establishment is located, our recommendation is that the plans be reviewed by both the Commission and the municipality in which the on-site consumption will take place.
- Working group supports additional legislative efforts to address detection of impaired drivers.
- Cannabis Advisory Board recommends that motorists charged with OUI should be asked about cannabis similar to place of last consumption law, and data should be tracked.

## Smoking and Vaping

- Prohibit the smoking of cannabis indoors.
  - This is more prohibitive than California and Alaska, which allow smoking indoors with adequate ventilation.
- Smoking may be permitted outdoors, away from open doors, windows or ventilation systems, if an examination by local authorities demonstrates that smoking is compatible with uses in the surrounding community.
- For non-smoking forms of consumption involving heat, such as vaping, require licensees to have a ventilation system that directs air from the consumption area to the outside of the building through a filtration system sufficient to remove visible vapor, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line.
- Separate smoke-free, vapor-free area for employees to monitor the consumption area

## **Decision Point: Licensing Exclusivity**

- Working Group Recommendation: In accordance with the Commission vote passed February 2018 and the Cannabis Advisory Board recommendation passed February 2019, and parallel to the Commission vote on delivery April 26, initially limit social consumption licenses to equity program participants and economic empowerment applicants for 24 months and then re-evaluate.
- Cannabis Advisory Board Recommendation: Begin a social consumption and delivery as a pilot program for equity program participants, economic empowerment applicants and microbusinesses.

## Six-Step Licensing Process

1. Commission Precertification
  - Application of Intent, Background Check, Management and Operations Profile
2. Local Approval
  - Noise Mitigation Plan, Odor Mitigation Plan, Outdoor Smoking Provisions
3. Commission Review (Goal: Precertification lowers barriers associated with these steps)
  - Location, legal interest in property, documentation of capital, confirmation of Host Community Agreement and compliance with local laws
4. Commission Final Inspections
5. Commission Final License
6. Commence Operations

# Data Collection

- Robust data collection and analysis designed and overseen by Commission's Research Department
  - Product Sales
  - Serving Sizes
  - Staff Turnover
  - Municipal data including costs, crime, complaints, incidents

# Cannabis Advisory Board Recommendations

- Review green options for portioning at the Social Consumption outlets in order to protect consumers and minimize product shrinkage at these outlets. Cannabinoid profile of tested products at social use establishments must be listed on a menu.
- Review partnership and management agreements to ensure that [exclusive] applicants maintain ownership and control of their businesses. Review partnership and management agreements to ensure that the 3-license maximum is not violated.
- Request that the legislature enact legislation or approve budget appropriations to create a fund that will be available to support equity applicants who lack the necessary capital to start a cannabis business.
  - See FY20 Senate Budget Amendments 867 and 868, filed by Chairwoman Chang-Diaz of the Joint Committee on Cannabis Policy, which would establish Chairman Hoffman's proposal for a Cannabis Social Equity Loan Trust Fund

## Upcoming Public Meetings

### **Cannabis Control Commission Public Meeting**

May 30, 2019  
Time and Location TBD