

Cannabis Advisory Board Public Safety and Community Mitigation Subcommittee Meeting

Minutes for Friday, November 3, 2017 10:00 am – 12:00 noon Hurley Building Minihan Hall
19 Staniford Street
Meeting called to order at 10:08 am

Present:

1. Ken Halloran
2. Andrea Cabral (by phone)
3. Chief Carmichael
4. Matt Allen
5. Michael Latulippe
6. Kim Napoli
7. Julie Jacobson (by phone)

A quorum is in attendance.

1. Matt Allen explained the agenda, mentioned that minutes from last meeting must be approved and included in this meeting. Matt Allen described approach for moving forward. In the long term- develop best practice to provide to the commission. For today, each point person will review what information they have collected and point out what is of interest in developing best practices. Our final meeting will be on Dec. 1.

Introductions

Matt Allen- ACLU

Ken Halloran – Mass State Police

Carmichael – Walpole Police and police chief’s association

Julie Jacobson- Mass Municipal Association.

Michael – Mass Patient Advocacy Alliance and Representative Patient

Andrea Cabral –

Kim Napoli – Attorney, NETA, and Minority Business Development

Minutes from previous meeting were approved unanimously.

2. Reactions to previous meeting:

- Carmichael had reactions to Matt’s memo from last meeting. Carmichael mentioned that crime rates in studies are only based on *reported* crime, and crimes may be under reported at dispensaries. Current regulations in place are strong, include GPS, randomized routes, radio communication, etc.
- Kim explained that dispensaries are not all cash; debit cards are used extensively.

3. Discussion of materials, research, reports collected:

3a. Consumer Issues

- Matt commented on materials he collected and shared with the group including information on modalities of consumption, advisories on edibles, resources for consumers on how to adhere to the law.
- Discussion of need to educate people from outside of the state on the law, especially because there is a lot of interstate travel in New England.

4a. Law Enforcement

- Discussion of the need to strike balance between adequate security measures and excess security measures that would require significant investment and become a barrier to entry into the market by smaller entrepreneurs.
- Discussion of need for inventory measuring from seed to sale.
- Julie described an event where tickets were being sold and cannabis would be available. This raised question about requirements with respect to sale of edibles to the public; regulations may be developed that reflect how a private vendor gets permission to sell liquor when holding a concert, etc.
- Discussion of seed to sale tracking, and that under current regulations, DPH can revoke registration if they find that there has been negligence.
- Preventing diversion aids in compliance with federal Cole memo. Diversion could be robberies, burglaries, or also employees during trimming process.
- Concerns about dispensaries ensuring that clients don't exceed possession limit under the law; difference in weights for edibles, concentrates, and plant. Difficulty in preventing consumers from purchasing less than an ounce multiple times or from multiple retailers.

5a. Business

- Materials collected include security requirements for existing medical marijuana RMDs, and that specifications should be uniform across industry. Recommend moving to adopt medical cannabis regulations.
- Note that in CO, cannabis and liquor agencies are the same; they offer bulletins on website when law or regulations are updated.
- Discussion that new security measures should not be cost prohibitive. Registering all agents can be expensive. Example of a variety of techniques, from padlock to biometric lock, to fulfill requirement of limited access.

- Need to establish baseline data.
- Mention CO having a marijuana enforcement division that deals with progressive enforcement.

6a. COMMUNITY MITIGATION

- Michael presented a power point.
- Question being asked: ongoing evaluation of medical marijuana impact on communities. What tangible and intangible costs are there?
- Tangible: Traffic, infrastructure, etc.
- Intangible: awareness campaigns, youth prevention etc.
- Looked at tobacco industry, FEMA, alcohol industry. Best practices include limiting water use, compliance with local laws, agricultural regulations.
- Statute does define that commission could have a role in reviewing business mitigation payments being made. Problem of existing RMDs making payments that are not directly tied to tangible or intangible issues.
- Alcohol industry may have best practices in terms of preventing access by underage, including partnering with youth prevention entities, cameras at POS.
- Smoking bar permit may be good, smoking and membership associations could be model for event licensing.
- Towns may not be aware that if they ban marijuana retailers, that also bans ancillary businesses, such as edibles producers and others that do not include storefront.
- Recommendation that municipalities form a cannabis advisory committee including representation for all stake holders.
- Further discussion on municipal issues.

4. NEXT MEETING

November 15th from 12-2pm, final meeting is Friday Dec. 1 from 10-12.

5. PUBLIC COMMENT

- Tamper evidence bags that are re-sealable may be a solution for transport and collecting cash.
- Current cannabis advisory boards at the local level may be an example to follow.

- Need to be aware of safety requirements and non-discrimination laws especially as related to disabilities.
- To promote innovative substance abuse prevention and education programs, could consider education programs as part of licensing process.
- The law requires that retailers keep no more information on a customer than is required for them to affirm age; tracking sales may be in violation of statute.
- Must strike balance between security standards and access to the market by people from communities disproportionately affected by the drug war.
- Standardized training across all dispensaries.

**Cannabis Advisory Board Public Safety and Community Mitigation Subcommittee
Minutes for Friday, October 20th, 2017, 12pm-2pm**

Present: Matt Allen (Chair), Andrea Cabral, John Carmichael, Michael Latulippe, Kim Napoli, with attendance by Commissioner Britte McBride (not a subcommittee member)

Introduction

- Matt Allen: Reiterates the notion that the intent is not to campaign for or against-job is to inform the commission and support evidence based policies.

1. Reviewing the charge of the subcommittee/ Open Meeting law

Commissioner Britte McBride gave an overview of the requirements of the open meeting law including:

- Meetings should start with an announcement about whether or not the meeting is being recorded
- Documents shared with the group must be made available to the public
- Any discussion involving a quorum must be made available to the public, therefore no email discussions should include a quorum, although scheduling and sharing documents for later review at a public meeting is fine.
- Therefore, it is best to BCC all email addresses when emailing the group. This will prevent people from accidentally beginning a discussion that includes a quorum and would then be subject to the open meeting law.

2. Business Issues

- Kim: Mentioned concerns in regard to public education, suggests comparing MA to other states to see what other states have done. Defines public education as developing a public information campaign, whether medical or recreational, find out what other states have done to inform the public in that way.

- May overlap with the public health component, however Kim is not necessarily concerned because her concern is educating the public in general.
- Michael: Raises a point about what education may look like in regard to youth; how do we get uniform education/materials
- Andrea: Raises concern about regional and local limitations, influence, and regulations.
- Matt Allen: Points out efforts already in place that demonstrate positive regulations regarding marijuana dispensaries and the relationship the community has with the commission in terms of reporting local issues.
- Michael: Review the “Cole Memorandum”, which is technically still active.
- John: Not sure how Attorney Sessions will address the “Cole Memo.” Praises MA approach/efforts in toward regulating marijuana.
- Expresses that from a law enforcement perspective, the intent is to reduce pressures on the CJS and the way to do that is to educate the public. Educate the public on OUI, sharing, how much you can have (the amount), people need to know the limit to home grow, etc. Expresses that this will reduce the burden on the CJS. Stresses holistic education across the state.
- Michael: Compares to the legalization of medical usage and the conflict that arouse as a result of lack of education in law enforcement and consumer/patient punishment.
- Andrea: Advocates for bigger departments having uniform dissemination. Doing outreach/training. Claims this issue touches on: school police, university police, BPD.
- Mentions concern that there is no test and poor blood testing.
- Kim, Chief, and Andrea: Dissatisfaction with lack of science. Lack of science = no test.
- Kim: Stresses big area of research for discussion is lack of science

3. Law Enforcement

- Chief: Any time something is being implemented into the community (pharmacy, bank, etc.) it is a major concern that there is a lot of security from the staff to the facility. Stresses the notion that we need to consider, “what is necessary” in terms of the physical security of the building. Ex: card swipe, keys, bulletproof glass. / Cameras, alarm system (are of issues may be point of sale).
- Look at places up and running now. – mentions dispensary in Brookline—there should be a specific place to call if there is a conflict that should arise.
- Kim: Law enforcement can be instrumental in the illicit market, home delivery service, which defeats the purpose of regulating marijuana (public safety concern.)
- John: in cases of 50lbs its considered trafficking, anything lower is MA law enforcements problem.
- Michael: “can the commission help with this”, the commission should warn the educate and inform the public about what is legal and what is not so. That way they can discontinue services before enforcement takes place.
- Andrea: The AG could be the enforcement for the commission.

- Chief: Law enforcement is regulating the Internet, not as heavily, but law enforcement does address the issues of the black market now. Difficulty is online resources continue to pop up as one gets shut down.

4. Community Mitigation

- Matt Allen: states that there are disparities in economic development opportunities, excessive community mitigation fees can be a barrier to entry into the market.
- Andrea: Makes the appointment of whole foods in JP and how we need to look at the needs of the community to make sure the money is directly going to the economy of that community.
- Michael: wants to see an evaluation process happening on the commission to address economic community impact. And consider having some oversight from the commission for percentage of money to toward certain things like prevention, the school system, etc.
- Andrea: There are a wide variety of resources that could be used to help community mitigation rather than just, “here is your X% of profits”

5. Consumer Issues:

- Kim: Makes a point of onsite consumption and considering this notion under broader circumstances.
- Michael: Regulate social consumption in a way that we haven’t seen in other states./ Adult consumption facilities—the goal is to use it all on site. Ex: taking a beer mug out of a bar and onto the street is not really accepted.
- Michael: Should have a unique set of regulations for onsite consumptions facilities rather than if there are loose laws and people are able to leave/take marijuana out into the streets.
- Chief: People are investing a lot of money into these facilities and want to make sure things are done right and that there is security, etc. Want to protect their business. This is one reason why there should be stress on background checks for you hire and physical security of dispensaries.
- Lab testing standards should also apply to consumption- Question 4 during campaign.

6. Review:

Public Comment

- Will: 1. Does this diminish the black market? 2. Question 3. Is this more restrictive than most states?
 - If there is background check on employees, there needs to be a sound public policy reason.
 - Is there sound reason for it to be more secure than a liquor store or pharmacy? It makes sense that those who are younger than 21 years that they may not enter.
 - The city of town has to prove that there is the actual cost
- Health Wise (James): urges commission to consider the design guide used in medical and design standards and really important. Has had help in working with law

enforcement and he has also worked with messaging to youth. Offers his help.
Healthwisefoundation.com (does not work yet.)

- Sonia: Urges to discontinue the use of the term “black market”, create some type of campaign for people who are current participants of the illicit market in understanding how to become apart of the legal market. Consumerresponsiblymassachusettes.com.
Testing—have the same standards for medical and recreational, but make sure that the testing labs are consistent. Create a system of checks and balances.
- Robert: 45% voted against this.
- Someone: urges a concern of control- newenglandgrassrootsinstitute.com- wants to know how you can prevent your children from smoking when you’re growing in the house.

Volunteer Point Person: Kim
Law Enforcement: Chief John.
Committee Mitigation: Matt A.
Consumer Issues: Matt Allen
Andrea: will email information on all.

Meeting Adjourned: 2:05pm