

CANNABIS ADVISORY BOARD
SUBCOMMITTEE ON PUBLIC HEALTH
PUBLIC MEETING MINUTES

November 10, 2017

3:00 p.m.

250 Washington Street, 2nd Floor Public Health Council Room,
Boston, MA 02108

SUBCOMMITTEE MEMBERS IN ATTENDANCE:

Chair Jaime Lewis

Associate Commissioner Lindsey Tucker

Michael LaTulippe

Nichole Snow

Horace Small (represented by Designee Lum-bhi Tashi)

Dr. Sharon Levy (represented by Designee Dr. Diana Deister, arrived at 3:54 pm, not present at Roll)

SUBCOMMITTEE MEMBERS ABSENT:

Chief John Carmichael

Dr. Alan Balsam

SUBCOMMITTEE MEMBERS PARTICIPATING REMOTELY (by telephone conference call):

Michael Dundas

EXHIBITS/DOCUMENTS DISTRIBUTED

1. Meeting Agenda
2. Minutes Meeting 4 to be Approved
3. CAB Public Health Subcommittee Recommendations by Topic Powerpoint, DRAFT 1

Chair called the meeting to order at 3:19pm. Chair asked for roll call; Chair determined quorum present. There was recording. Chair advised subcommittee members to be aware they were being videotaped or otherwise recorded.

Chair moved to open discussion of the minutes from the meeting which occurred Friday, November 3. There was no discussion. Chair called for a motion to approve the minutes. Nichole Snow motioned, Michael LaTulippe seconded. Chair called for a roll call vote, unanimous vote in favor, minutes approved.

Chair moved to open for recommendation presentations by the working groups, subcommittee decided to discuss recommendations after each topic.

Michael Dundas presented recommendations on Marketing and Advertising.

Michael Dundas asked for questions.

There was a question and discussion on the 85% audience requirement, and how that would be determined, especially for products like industry geared magazines and materials where audience data may not be present, and how to approach this with reading of the statute and possibly regulatory recommendations.

Lindsey Tucker introduced potential additions to the recommendations for Marketing and Advertising, including language to prevent marijuana companies from advertising or marketing their products as 'safe', nor making claims about the medicinal values of their product.

The subcommittee discussed ensuring that any place where kids and adolescents spend their time would be covered under the 85% above 21 years old requirement.

Tucker also suggested a required analysis of marketing materials to ensure equity across communities, to ensure there is no unintended concentration of materials towards any certain community, with the goal of preventing and or eliminating micro-targeting.

The Designee for Dr. Sharon Levy, Dr. Diana Deister, arrived at 3:54pm.

Chair asked for a review of the Medical Marijuana regulation around the limiting of product to limited access areas. Dundas read the Department of Public Health regulation. The subcommittee reviewed the lighted signage requirement. The subcommittee asked for further clarification on the limited access area requirement, and discussed the impact on consumers and the consumer informed decision process prior to purchase.

The Chair moved to the presentation on potency.

Lindsey Tucker presented recommendations that more information would be needed to make a clear determination around potency. The potency recommendations should include that potency should not be limited to THC, but should consider other cannabinoid profiles as well. The subcommittee discussed cannabinoid profile requirements, and the potential addition of a process for reviewing what information should be included in that profile, based on new information as it becomes available.

The Chair moved to the presentation on Other Public Health Issues. Michael LaTulippe presented.

The 5 specific issues LaTulippe chose to cover under 'Other Public Health issues' were Poly Drug Use, Cooperatives, Onsite Consumption, Disposal Concerns, and Physician Education.

The subcommittee asked for clarification on how 'Cooperatives' would operate, and were directed to the licensing process and definition supplied in Chapter 55.

The subcommittee discussed issues around onsite consumption regarding tourists, Medical Marijuana patients, edibles, employee exposure to second-hand smoke and or vapor, the impact on minority neighborhoods, how intoxication check procedures could be created and special consideration for edibles procedures, as well as limits on amounts of product available to a consumer at an onsite consumption facility, consumer education, and concerns about diversion of medical supply to recreational consumers, with onsite consumption serving as a potentially mitigating factor.

The subcommittee discussed edits to the physician education recommendations regarding how it is developed and who should be required to have the education. The subcommittee decided amendments of recommending the CNB examine the development of a cannabis curriculum and that the education be required for 'active clinicians' better suited the recommendation.

The subcommittee discussed concerns around testing of cannabis (also being handled in the Industry subcommittee), to ensure that Public Health considerations are also met with the recommendations, such as a mirroring of what is required of labs and operators for medical testing, and a recommendation that testing results be available online to consumers.

The Chair moved to close the presentation and discussion of recommendations, with the intention of covering packaging, labeling, and product recommendations at the next meeting.

The Chair opened the meeting for public comment.

Will Luzier, from Yes on 4

Asked for clarifications on whether Chapter 55 statute requirements about submission of materials from Marijuana companies to the CNB would include advertising and marketing material; and if this was a voluntary submission, suggested that there be something stating on those marketing and or advertising materials that they were approved by the CNB.

Luzier also stated knowledge of people in the community who preferred to use marijuana with tobacco, and expressed concerns over a recommendation by the Public Health subcommittee against the use of tobacco with cannabis, with reference to the Poly Drug use recommendations draft.

Eric Dubé, Public Health Scientist

Expressed concerns regarding the 85% over 21 audience requirement in statute being largely untenable for the industry. He stated that the subcommittee should ask that guidance be developed for instruction in how to comply with this; and that the requirement in statute will probably have to be revised.

Brought up the idea of 'Unreasonably Impracticable' regulations.

Jeremiah MacKinnon

Suggested a limit on the milligrams to be eaten over a certain time period for edibles with regards to onsite consumption, the subcommittee discussed a 'last call' for edibles.

Thomas Bogacz

Expressed concerns over s subcommittee recommendation to adopt a regulation for product to be restricted to Limited Access Areas, and Medical Marijuana requirements for product display and availability to consumers. He stated that these requirements were too restrictive for a recreational store, since anyone admitted into a dispensary would have to be 21 or older, and that the only reason he could see to justify this would be theft prevention, which would not warrant this level of security as operators have incentive to prevent theft anyway.

He also wanted to bring up the current definition of 'organic' being used, and how it was not a true 'organic' definition.

He suggested that a recommendation for onsite consumption facilities would not be enough to mitigate a shortage for Medical Patients, and suggested that requirements be placed on operators who hold both Medical and Recreational licenses to devote certain amounts only medical sales and only to recreational sales.

The Chair announced that the next meeting date as Monday, November 13, 2017, at 1:00pm in the Second Floor Public Health Council Room at the Massachusetts Department of Health offices.

The Chair closed the meeting at 5:10pm.