



CANNABIS CONTROL COMMISSION PUBLIC MEETING MINUTES

March 15, 2018 11:30 a.m.

Health Policy Commission Conference Room

50 Milk Street, 8th Floor

Boston, MA

COMMISSION MEMBERS IN ATTENDANCE

Chairman Steven Hoffman
Commissioner Kay Doyle
Commissioner Jen Flanagan
Commissioner Britte McBride
Commissioner Shaleen Title

COMMISSIONER MEMBERS ABSENT: None

LIST OF DOCUMENTS

1. Presentation: <https://mass-cannabis-control.com/document/presentation-3-15-2018-commission-meeting/>
2. Meeting Minutes from December 21, 2017: <https://mass-cannabis-control.com/document/meeting-minutes-12-21-2017-cannabis-control-commission/>
3. Job Posting: Fiscal Specialist: <https://mass-cannabis-control.com/document/job-description-fiscal-specialist-2/>
4. Guidance for Municipalities: <https://mass-cannabis-control.com/document/updated-municipal-guidance/>

Chairman Hoffman called the meeting to order at 11:32 a.m. The Chairman explained that the meeting was being held on Thursday due to Tuesday's storm. The Commission would return to the Tuesday schedule starting next week.

Chairman Hoffman introduced the Commission's new Chief Technology Officer Dave McKenna. Executive Director Shawn Collins described Dave McKenna's professional background.

Chairman Hoffman thanked the Massachusetts Health Policy Commission and in particular Executive Director David Seltz for hosting the Commission.

Chairman Hoffman opened discussion on minutes from December 21, 2017 that were circulated to the Commission ahead of time. He asked for questions or comments. There were none. Chairman Hoffman asked for a motion to approve them. Commissioner Flanagan made the motion, seconded by Commissioner Doyle. The Commission unanimously approved the minutes.

Chairman Hoffman asked Mr. Collins to describe the job description for fiscal specialist. Executive Director Collins said the position would work with recently hired Chief Financial and Administrative Officer Adriana Campos. It is intended to be the general accounts, processing, specialist internally. It will support Adriana as builds out her team and begins to look at revenue forecasting and budgeting for future fiscal years. The Comptroller's Office will continue to support our payment processing efforts. He asked for any questions.

Seeing no questions, Chairman Hoffman asked for a motion to approve the job description. Commisisoner Doyle made the motion to approve, seconded by Commissioner Flanagan. The position was unanimously approved by the Commission.

Executive Director Collins stated that there are two postings currently available on the Commission website and the Mass Careers webpage. They are the Director of Community Outreach and Constituent Services Director. The Commission also expects to post positions for Fiscal Specialist and Digital Director this week.

Chairman Hoffman asked when the open positions close. Mr. Collins said March 21.

Chairman Hoffman asked Commissioner Doyle to discuss the updated municipal guidance. Commissioner Doyle said the Commission issued municipal guidance in January and promised once the regulations were finalized, that they would update it promptly. The regulations have been finalized, so they are updating the guidance promptly. The Commission is adding things that are new, such as different issues with license types, including the cultivation type, tier management, making small changes to different license types such as microbusiness which changed its tiers and is not vertically integrated anymore, and announcing the delay with social consumption and delivery. They also answered frequently asked questions they have received from municipalities over the last few months, with regard to conversions of medical marijuana treatment facilities (or Registered Marijuana Dispensaries) to adult use, to how the Commission views moratoria and bans and additional permits that may be required by municipalities for adult use businesses. Commissioner Doyle hopes this will give municipalities some answers they have been requesting and some guidance in terms of moving forward at the spring Town Meeting season and getting zoning in place for adult use of marijuana.

Chairman Hoffman asked other than getting this onto the website, what is the distribution timeframe. Commissioner Doyle said this weekend she will be addressing the annual conference of the Citizen Planner Training Collaborative, known as CPTC, a meeting of planners around the Commonwealth to discuss adult use marijuana and making sure people feel prepared for the spring Town Meeting season. She is also planning to attend meetings with various regional planning commissions upcoming in the spring to discuss the municipal guidance and issues it contains.

Commissioner Doyle said the next thing related to municipal guidance is a municipal survey. It will take a snapshot of where the municipalities around the Commonwealth are at in terms of adult use marijuana, ask them to fill out a survey that asks questions about where they are in terms of planning for adult use marijuana and ask if they have bylaws or host community agreements already executed to attach a copy, send it to the Commission, and then if the website has enough space, they would be able to post it and make it available for people so the public has information about municipalities developing adult use marijuana, and the various people who might be interested in applying will have information about how municipalities are doing with adult use marijuana. Commissioner Doyle said the survey will hopefully go out in about a week or so and she recommends doing this again at the end of fall Town Meeting season. That way, they can see how the municipalities have done over the course of 2018. The law, in one form or another, has been around since 2016, so she hopes municipalities will act within the calendar year of 2018 to make a decision regarding adult use marijuana.

Commissioner McBride thanked Commissioner Doyle for her work on this and for expeditiously getting this out to municipalities. With regard to the issue of planning, she thinks it's important as municipalities are talking about moratoria, that they keep in mind the purpose of moratoria is really for planning purposes. Municipalities need to be aware as they are thinking about that, that it isn't intended to be another way of getting at a ban. A ban requires following what is required under the law to do that. Moratoria should be used as a planning tool, and going back out with a survey at the end of the calendar year and making that assessment is really important to get a sense of where communities are and seeing some progress in terms of what they're doing in terms of planning. Commissioner Title thanked Commissioner Doyle for her hard work on this. She has a comment on the section on the moratoria, following up on Commissioner McBride's comment on that they are meant to be temporary if they could link to the Attorney's General's opinion on moratoria. Commissioner Doyle clarified that there were multiple opinions, that have mostly approved moratoria through December 31, 2018. The Commission could identify that date and change if necessary. Commissioner Title said she thinks that would be helpful. Commissioner McBride said while they might not be able to put a specific date in there, her understanding is the Attorney General's opinions are online. They might not have to link to every opinion, but it is searchable on the website. They could link the municipal law unit webpage and then applicants or attorneys helping if they want to be able to see what the opinions are, they could readily find them. Commissioner Doyle agreed. Commissioner Title said she went to that page when she was reading it, and it took her several minutes, so if it takes her several minutes, for the person reading it, it might be better if the Commission put the date there, but they could further discuss it. Commissioner McBride agreed. Chairman Hoffman asked what they want to agree on in terms of changing the language. Commissioner Doyle said they could approve subject to working the language on page 16 to reflect the Attorney General's current opinion regarding moratoria. Chairman Hoffman asked the General Counsel for her opinion. General Counsel Christine Baily said it sounds fine. Chairman Hoffman asked for a motion to approve the municipal guidance and survey. Commissioner McBride made the motion, seconded by Commissioner Title. The Commission unanimously approved the guidance and the survey. He thanked Commissioner Doyle for her leadership.

Chairman Hoffman said the Commission has turned to their next legislative mandate which is start accepting licensing applications on April 1. They asked Executive Director Collins to lay out a plan and a flow for that process. Executive Director Collins said the Commission is on track to begin accepting applications April 1. The technology will be there to support that endeavor. The first step in the process is to certify those priority applicants which are existing medical operators and Economic Empowerment Applicants. That will begin on April 1. One discussion point is April 1 is Easter Sunday, so it will begin in earnest on April 2, that Monday. That is phase or the first step. By April 15, the Commission will begin accepting license applications for all license types, from priority applicants, of course being now-certified existing medical operators or Economic Empowerment applicants.

Executive Director Collins said the next wave of applicants would be accepting applications for cultivation related licenses by May 1 from general applicants, not priority applicants or not pre-certified priority applicants. Those license types would be Cultivation, Microbusiness, Craft Cooperatives and Testing Labs and lab agents. And then May 1, accepting license types for Retail, Product Manufacturing, and Transport. The rationale for this is essentially sequencing license types in the way or timeframe we would realistically review them, and sequence them so they are coordinated in an efficient and responsible way.

Mr. Collins said what this means is the Commission is on track to accept applications April 1, and as a result, would be on track to issue licenses by the other legislatively mandated timeline of June 1. This allows the Commission as a staff to learn through the process. April 2 is going to be a very busy day and there will be a lot of workflow internally and managing themselves and continuing to learn a lot more about themselves and their process. He stated that he was proud that the reason the Commission is at this juncture of accepting applications is because of the tremendous work that has gone on at the Commission staff level as well as at the Commission level. Chairman Hoffman thanked Mr. Collins and the staff for their hard work on this. He appreciates the recommendation. He asked for questions or comments. Commissioner McBride thanked the Executive Director and all the staff who have done a huge amount of work, particularly on the technology piece. It has been an outstanding effort. She asked the Executive Director to walk through what the certification process and the types of information required.

Executive Director Collins said the medical operators are known to the Commonwealth. They are registered the Department of Public Health. He discussed the issue of converting from not-for-profit to potentially a for-profit entity and matching up and confirming that information with the Department of Public Health, as a crucial step for the Commission. The Economic Empowerment Applicants have six criteria laid out in the final regulations and they will need to evaluate that information to confirm, something the Commission will continue to have to work through from an evaluation standpoint. He anticipates bringing to the Commission, essentially a batch that says "these applicants have applied for priority status," and staff recommended approval of this batch. That will occur between April 1 and April 15, and successful priority applicants will receive an access code. The code will tell the Commission when someone comes in for an application as for instance, as a Microbusiness as an Economic Empowerment Applicant, that they are in fact certified by the Commission. The workflow of managing RMD applicants and Economic Empower applicants, with a small team, but very productive and

efficient team, is a priority the Commission needs to manage as well. Chairman Hoffman asked for other questions.

Commissioner Title said she had a comment. She thanked the Executive Director and the staff. None of them were given a choice on these dates, and they've really gone above and beyond. The Commission gets credit and criticism but to the extent that we get credit, sometimes it's the Commissioners but it is because of all the hard work and long hours the staff are working, which is very much noticed and appreciated. Chairman Hoffman asked if there is any issue with starting on April 2. That seems pretty straightforward given April 1 is Easter Sunday. Any comments on that? Commissioner Doyle said it's in a statute that if a date falls on a Sunday, it goes to the next business day. Chairman Hoffman asked for other comments. Executive Director Collins said similarly April 15 is also a Sunday, so they are using April 16, it's more identifying the two-week priority issue, so it's consistent with that. Practically speaking, they are using April 15.

Chairman Hoffman asked for a motion to approve the application processing timeline and sequencing. Commissioner Doyle made the motion, seconded by Commissioner Title. The Commission unanimously approve the motion.

Chairman Hoffman thanked the Executive Director and staff for preparing this and all the work implied starting on April 2. He is not aware of any other business. The next meeting date will be Tuesday, March 20 at the Gaming Commission starting at 10:30 a.m.

He adjourned the meeting at 11:55 a.m.