



## CANNABIS CONTROL COMMISSION

### PUBLIC MEETING MINUTES

September 6, 2018 1 p.m.  
Health Policy Commission  
50 Milk Street 8<sup>th</sup> Floor  
Boston, MA

#### COMMISSION MEMBERS IN ATTENDANCE:

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

#### COMMISSION MEMBERS ABSENT: None

#### LIST OF DOCUMENTS

1. [Presentation](#)
2. [08-09-18 Meeting Minutes](#)
3. [DRAFT – 935 CMR 501.000: Medical Use of Marijuana](#)
4. [DRAFT – 935 CMR 502.000: Colocated Adult-Use and Medical-Use Marijuana Operations](#)
5. [Memo | Open Data RFR](#)
6. [Executive Summary – Northeast Alternatives – MCN281319](#)
7. [Executive Summary – Northeast Alternatives – MPN281319](#)
8. [Executive Summary – Patriot Care – MRN281283](#)
9. [Executive Summary – Patriot Care – MRN281282](#)
10. [Executive Summary – Patriot Care – MPN281308](#)
11. [Executive Summary – Patriot Care – MCN281265](#)

Chairman Hoffman called the Cannabis Control Commission to order at 1:01pm on September 6, 2018. Chairman Hoffman put the public on notice that the meeting is being recorded. Chairman Hoffman reviewed the meeting agenda.

Chairman Hoffman discussed the approval of meeting minutes from August 9, 2018. Commissioner Flanagan made a motion to approve, seconded by Commissioner Doyle. The motion is unanimously approved by the Commission.

Chairman Hoffman asked for the Executive Director's report. Executive Director Shawn Collins introduced four investigators, Rosa Pina, Chantelle Porter, Colin Soper, and Michael Yee and discussed their professional backgrounds.

Mr. Collins discussed licensing applications (slide 5); applications under review by category (slide 6); where in the process the applications are (slide 7); and discussed the map of applications (slide 8).

Mr. Collins discussed the Open Data RFR process (slide 9). Mr. Collins noted the recommendation is to begin contract negotiations with Socrata, of Seattle, WA. This company has experience with the Comptroller's office, as well as the Washington State's Liquor and Cannabis Board. Commissioner Doyle made the motion to approve the recommendation, seconded by the Commissioner Flanagan. The motion is unanimously approved by the Commissioner. Chairman Hoffman asked when to expect moving on this contract and finalizing it. Mr. Collins said the Commission will begin in earnest, hopefully within a month. Mr. Collins also noted the RFR is within budget. Mr. Collins discussed the RFP for the social equity program. Mr. Collins discussed the open comment period of the Environmental Working Group.

Commissioner McBride began her discussion of staff delegation. Commissioner McBride proposed the following motion:

MOTION 1 Delegation of authority to licensing and inspectional staff to interpret and apply regulations at 935 CMR 500.

MOTION to delegate the authority to interpret and apply the regulations, as they appear in 935 CMR 500, to the appropriate Commission staff, through the Executive Director and consistent with the appropriate supervisor's oversight as reflected on the Commission's organizational chart, for purposes of programming, licensing and enforcement.

This is intended to allow the licensing staff to move forward and answer questions in an efficient manner. Commissioner Doyle would like to add express disclaimer that this does not make the staff policy makers. Commissioner Title suggested adding language to include policy decisions the Commission has made. Commissioner McBride proposed the amended motion:

MOTION 1 as amended 09/06/18. Delegation of authority to licensing and inspectional staff to interpret and apply regulations at 935 CMR 500.

MOTION to delegate the authority to interpret and apply the regulations and policy decisions, as they appear in 935 CMR 500, to the appropriate Commission staff, through the Executive Director and consistent with the appropriate supervisor's oversight as reflected on the Commission's organizational chart, for purposes of programming, licensing and enforcement; provided, however, that this shall in no way be deemed to be a delegation of the Commission's policymaking authority.

Commissioner McBride made a motion to approve, seconded by Commissioner Doyle. The motion is unanimously approved by the Commission.

Commissioner McBride proposed her second motion:

MOTION 2 Delegation of authority to licensing staff to act on Marijuana Establishment Agent registration applications, including, but not limited to, authority to grant waivers.

MOTION to delegate the authority to act on applications for registration as a Marijuana Establishment Agent, pursuant to 935 CMR 500.030 (Registration of Marijuana Establishment Agents) and 500.031 (Denial of a Registration Card), or to take action against a registration pursuant to 935 CMR 500.032 (Revocation of a Marijuana Establishment Agent Registration Card), to the appropriate Commission licensing staff, through the Executive Director and consistent with the Director of Licensing's oversight, for purposes of granting, denying or revoking a registration, or allowing a waiver from the registration requirements consistent with 935 CMR 500.700.

Commissioner Title suggested adding consistent with the commission's internally documented policies. Chairman Hoffman requested periodic report to be presented to the Commission. Commissioner McBride agreed that it was very important. Commissioner McBride made the amended motion:

MOTION 2 as amended 09/06/18. Delegation of authority to licensing staff to act on Marijuana Establishment Agent registration applications, including, but not limited to, authority to grant waivers.

MOTION to delegate the authority to act on applications for registration as a Marijuana Establishment Agent, pursuant to 935 CMR 500.030 (Registration of Marijuana Establishment Agents) and 500.031 (Denial of a Registration Card), or to take action against a registration pursuant to 935 CMR 500.032 (Revocation of a Marijuana Establishment Agent Registration Card), to the appropriate Commission licensing staff, through the Executive Director and consistent with the Director of Licensing's oversight, for purposes of granting, denying or revoking a registration, or allowing a waiver from the registration requirements consistent with 935 CMR 500.700, consistent with the Commission's intent as documented in its policies.

Seconded by Commissioner Title. The Commission unanimously approved the motion.

Chairman Hoffman discussed the draft medical regulations 935 CMR 501. Chairman Hoffman thanked the legal staff for their hard work. Commissioner McBride asked if the Commission could forgo discussion of typos. Mr. Collins said this is part of the process of moving the

Medical Use of Marijuana Program from the Department of Public Health to the Commission. Mr. Collins discussed the proposed draft regulations (slide 10) and the public comment period. Mr. Collins thanked the Commission staff, as well as the Department of Public Health, the Executive Office of Administration and Finance, and the Department of Agricultural Resources.

Chairman Hoffman suggested going through the medical regulations section by section. Commissioner Doyle asked about the construction, renovation, modification fee. General Counsel Christine Baily stated that during research, the Commission staff discovered a fee might be necessary there. Commissioner Title suggested waiving the annual patient fee. Chairman Hoffman stated the Commission will look at all fees.

Commissioner Title suggested adding language to temporary certifications in several sections. Commissioner Title would like to note the differences between automatic exclusion in the adult and medical use regulations. Mr. Collins said that the cards issued by the Department of Public Health will be honored until they expire. Commissioner Doyle asked to put information on our website, so patients will not be concerned about this issue.

Under definitions, Health Care Provider, Commissioner Doyle suggested Physicians Assistants should be included, in accordance with G.L. c. 94I.

Commissioner Doyle made the motion to approve the draft regulations as amended by the discussion, seconded by Commissioner Flanagan. The motion is unanimously approved by the Commission.

Mr. Collins turned to the draft regulations 935 CMR 502 Colocated Marijuana Operations. Commissioner Title thanked the staff for their hard work. Chairman Hoffman began going through the draft regulations section by section. Commissioner Doyle noted marijuana establishment is missing a reference to microbusiness and recommended checking the license categories.

Commissioner Flanagan made a motion to approve the draft regulations as amended by the discussion, seconded by Commissioner McBride. The motion is unanimously approved by the Commission.

Mr. Collins stated the public comment will begin today and send out the required notice. Commissioner Title asked if the adult use regulations would be reopened. Mr. Collins said the medical marijuana program may necessitate changes to the adult use regulations. Chairman Hoffman noted the intent is to work with the program and make sure it is not disruptive, and then the Commission can decide when to make changes. Commissioner Title said eventually there should be consistency between the two programs. Commissioner Doyle noted changes can be made during the discussion period. Commissioner McBride said it is relevant to discuss where there are inconsistencies between the regulations.

Chairman Hoffman asked for the staff recommendations for provisional licensure.

Mr. Collins discussed the application of Patriot Care – MCN281265. Commission staff recommend issuing a provisional license with the following conditions: (1) Final license is

subject to certification that applicant remains in compliance with DPH regulations, 105 CMR 725.000; (2) Final license is subject to inspection and audit to ascertain compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable; (3) Final license is subject to inspection and audit to ascertain that its facilities are compliant with all applicable state and local codes, bylaws, ordinances, and regulations; (4) The applicant shall cooperate with and provide information to Commission investigators, agents, and employees upon request; and (5) Provisional license subject to the payment of the appropriate license fee pursuant to 935 CMR 500.005. This recommendation was based on the applicant's demonstrated compliance with the laws and regulations of the Commonwealth, suitability for licensure, and upon the evaluation of the thoroughness of the applicant's responses to the required criteria. Commission staff certify that a due diligence review of the application was performed. As of this date, the applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Accordingly, the applicant is recommended for provisional licensure with the previously mentioned conditions.

Commissioner Doyle made a motion to approve the staff recommendation for the issuance of a provisional licensure, seconded by Commissioner Flanagan. The motion is unanimously approved by the Commission.

Mr. Collins discussed the application of Patriot Care – MRN281283. Commission staff recommend issuing a provisional license with the following conditions: (1) Final license is subject to certification that applicant remains in compliance with DPH regulations, 105 CMR 725.000; (2) Final license is subject to inspection and audit to ascertain compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable; (3) Final license is subject to inspection and audit to ascertain that its facilities are compliant with all applicable state and local codes, bylaws, ordinances, and regulations; (4) The applicant shall cooperate with and provide information to Commission investigators, agents, and employees upon request; and (5) Provisional license subject to the payment of the appropriate license fee pursuant to 935 CMR 500.005. This recommendation was based on the applicant's demonstrated compliance with the laws and regulations of the Commonwealth, suitability for licensure, and upon the evaluation of the thoroughness of the applicant's responses to the required criteria. Commission staff certify that a due diligence review of the application was performed. As of this date, the applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Accordingly, the applicant is recommended for provisional licensure with the previously mentioned conditions.

Commissioner Doyle made a motion to approve the staff recommendation for the issuance of a provisional licensure, seconded by Commissioner McBride. The motion is unanimously approved by the Commission.

Mr. Collins discussed the application of Patriot Care – MRN281282. Commission staff recommend issuing a provisional license with the following conditions: (1) Final license is subject to certification that applicant remains in compliance with DPH regulations, 105 CMR 725.000; (2) Final license is subject to inspection and audit to ascertain compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable; (3) Final

license is subject to inspection and audit to ascertain that its facilities are compliant with all applicable state and local codes, bylaws, ordinances, and regulations; (4) The applicant shall cooperate with and provide information to Commission investigators, agents, and employees upon request; and (5) Provisional license subject to the payment of the appropriate license fee pursuant to 935 CMR 500.005. This recommendation was based on the applicant's demonstrated compliance with the laws and regulations of the Commonwealth, suitability for licensure, and upon the evaluation of the thoroughness of the applicant's responses to the required criteria. Commission staff certify that a due diligence review of the application was performed. As of this date, the applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Accordingly, the applicant is recommended for provisional licensure with the previously mentioned conditions.

Commissioner Doyle made a motion to approve the staff recommendation for the issuance of a provisional licensure, seconded by Commissioner McBride. The motion is unanimously approved by the Commission.

Mr. Collins discussed the application of Patriot Care – MPN281308. Commission staff recommend issuing a provisional license with the following conditions: (1) Final license is subject to certification that applicant remains in compliance with DPH regulations, 105 CMR 725.000; (2) Final license is subject to inspection and audit to ascertain compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable; (3) Final license is subject to inspection and audit to ascertain that its facilities are compliant with all applicable state and local codes, bylaws, ordinances, and regulations; (4) The applicant shall cooperate with and provide information to Commission investigators, agents, and employees upon request; and (5) Provisional license subject to the payment of the appropriate license fee pursuant to 935 CMR 500.005. This recommendation was based on the applicant's demonstrated compliance with the laws and regulations of the Commonwealth, suitability for licensure, and upon the evaluation of the thoroughness of the applicant's responses to the required criteria. Commission staff certify that a due diligence review of the application was performed. As of this date, the applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Accordingly, the applicant is recommended for provisional licensure with the previously mentioned conditions.

Commissioner Doyle made a motion to approve the staff recommendation for the issuance of a provisional licensure, seconded by Commissioner Flanagan. The motion is unanimously approved by the Commission.

Mr. Collins discussed the application of Northeast Alternatives– MPN281319. Commission staff recommend issuing a provisional license with the following conditions: (1) Final license is subject to certification that applicant remains in compliance with DPH regulations, 105 CMR 725.000; (2) Final license is subject to inspection and audit to ascertain compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable; (3) Final license is subject to inspection and audit to ascertain that its facilities are compliant with all applicable state and local codes, bylaws, ordinances, and regulations; (4) The applicant shall cooperate with and provide information to Commission investigators, agents, and employees

upon request; and (5) Provisional license subject to the payment of the appropriate license fee pursuant to 935 CMR 500.005. This recommendation was based on the applicant's demonstrated compliance with the laws and regulations of the Commonwealth, suitability for licensure, and upon the evaluation of the thoroughness of the applicant's responses to the required criteria. Commission staff certify that a due diligence review of the application was performed. As of this date, the applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Accordingly, the applicant is recommended for provisional licensure with the previously mentioned conditions.

Commissioner Flanagan made a motion to approve the staff recommendation for the issuance of a provisional licensure, seconded by Commissioner Doyle. The motion is unanimously approved by the Commission.

Mr. Collins discussed the application of Northeast Alternatives – MCN281319. Commission staff recommend issuing a provisional license with the following conditions: (1) Final license is subject to certification that applicant remains in compliance with DPH regulations, 105 CMR 725.000; (2) Final license is subject to inspection and audit to ascertain compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable; (3) Final license is subject to inspection and audit to ascertain that its facilities are compliant with all applicable state and local codes, bylaws, ordinances, and regulations; (4) The applicant shall cooperate with and provide information to Commission investigators, agents, and employees upon request; and (5) Provisional license subject to the payment of the appropriate license fee pursuant to 935 CMR 500.005. This recommendation was based on the applicant's demonstrated compliance with the laws and regulations of the Commonwealth, suitability for licensure, and upon the evaluation of the thoroughness of the applicant's responses to the required criteria. Commission staff certify that a due diligence review of the application was performed. As of this date, the applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Accordingly, the applicant is recommended for provisional licensure with the previously mentioned conditions.

Commissioner Doyle made a motion to approve the staff recommendation for the issuance of a provisional licensure, seconded by Commissioner Flanagan. The motion is unanimously approved by the Commission.

Commissioner Title recommended that the staff present information on the next steps of the inspection and licensing process, including a timeline, at the next meeting. With no unknown business before the Commission, Chairman Hoffman noted the next public meeting will be September 20, 2018 at 1pm. Chairman Hoffman asked for a motion to adjourn. Commissioner Flanagan made the motion to approve, seconded by Commissioner Doyle. The motion is unanimously approved by the Commission. The Commission is adjourned as of 2:31pm.