

Cannabis Control Commission Public Meeting Minutes

September 12, 2019

10:00 A.M.

Massachusetts Dept. of Transportation

10 Park Plaza

Boston, MA 02116

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. Proposed Language for 935 CMR 500.000 – Adult Use of Marijuana
2. Proposed Language for 935 CMR 501.000 – Medical Use of Marijuana
3. Memorandum to Commissioners regarding 935 CMR 500.000 – Delivery and Social consumption proposed changes
4. Expediting Policy Proposal
5. Research Report: A Baseline Review and Assessment of Cannabis Use and Youth Literature Review and Preliminary Data
6. Minutes from CCC Public Meeting on July 17, 2019
7. Minutes from CCC Public Meeting on August 8, 2019
8. Executive Director Report
9. Investigations Manager Job Description
10. Licensing Manager Job Description
11. Marijuana Establishment License Renewals Executive Summary
12. Marijuana Treatment Center License Renewals Executive Summary
13. BeWell Organic Medicine MTC Final License Executive Summary
14. Green Gold Group, Inc. MTC Final License Executive Summary
15. Apothca, Inc. Final License Executive Summary
16. Curaleaf Massachusetts, Inc. Cultivation & Manufacturing Final Licenses Executive Summary
17. Curaleaf Massachusetts, Inc. Retail Final License Executive Summary
18. In Good Health, Inc. Cultivation, Manufacturing and Retail Final Licenses Executive Summary
19. M3 Ventures, Inc. Cultivation, Manufacturing and Retail Final Licenses Executive Summary
20. Curaleaf Massachusetts, Inc. Retail Provisional License (Provincetown) Executive Summary
21. Curaleaf Massachusetts, Inc. Retail Provisional License (Ware) Executive Summary

22. HVV Massachusetts, Inc. Cultivation, Manufacturing and Retail Provisional Licenses
Executive Summary

23. The Heirloom Collective, Inc. Cultivation and Manufacturing Provisional Licenses
Executive Summary

Chairman Hoffman called the meeting to order at 10:00 AM. Chairman Hoffman put the public on notice that the meeting is being recorded. Chairman Hoffman gave opening remarks about the work of the Commission in the two years since its founding. Executive Director Shawn Collins introduced two new members of Commission staff: Chief Operating Officer Alisa Stack and Laboratory/Testing Analyst Geneive Hall-Frison. Chairman Hoffman discussed the extensive agenda for the meeting.

Chairman Hoffman commenced the discussion for the Commission's new final regulations with an explanation of the regulatory review process. Chairman Hoffman said the next regulatory review process will start in January 2020. Commissioner McBride asked a question about the scope of the discussion for the meeting. Chairman Hoffman answered that discussion should include issues that were addressed in this round of regulatory review and that the Commission had received comments on from the public. Commissioner Flanagan said that this review process was extensive enough to cover all of the draft regulations and the public had multiple opportunities to comment. Chairman Hoffman replied that the meeting should focus on proposed changes to the draft regulations that were raised during the process and not on new ones brought up at the meeting.

In 935 CMR 500.002: Definitions, Commissioner Title discussed the newly added definition for 'Commission Delegee,' proposing that the wording "by delegation or agreement" be modified to just "by agreement." General Counsel Christine Baily said that the proposed change could limit the capacity of the Commission and its staff to work with other state or local officials.

Regarding 500.005: Fees, Commissioner McBride flagged the need to include a fee for the new 'Delivery Endorsement,' to be discussed later along with other delivery issues.

In 500.050: Marijuana Establishments, Commissioner Flanagan expressed concern that it was too soon after legalization to be moving to include delivery and social consumption establishments and that the Commission should wait and evaluate social and health costs. Ms. Baily introduced a proposal from Commission staff regarding a revised start date for and an extension of the exclusivity period for social consumption and delivery-only licensees. Commissioner Title expressed her support for the first option of start date (i.e. the date the first Social Consumption Establishment receives a notice to commence operations). Commissioner Title pointed out that the second option (the date the first Social Consumption Establishment receives a provisional license) occurs on average 5 to 7 months before the first option, which is about a quarter of the 24-month exclusivity period. Commissioner McBride said that the second option could provide the Commission and the marketplace with a more definite start date for the exclusivity period because the date would be in the Commission's control instead of dependent on the license fulfilling the criteria to move from provisional to final license. Commissioner Doyle expressed her support for option one because of the length

of time needed to secure local municipal approvals between provisional and final license. Chairman Hoffman asked for a motion on the issue of which date to use to start the exclusivity period. Commissioner Title made the motion to select option one from the staff memorandum to the Commission, seconded by Commissioner Doyle. The motion was approved by the Commission with a vote of four in favor (Doyle, Flanagan, Hoffman and Title) and one opposed (McBride). Chairman Hoffman and Commissioner Title noted that the change would be incorporated in the draft regulations for both social consumption and delivery license exclusivity period.

Commissioner Title asked for clarification on the proposed change in the memorandum which would allow for a 12-month extension of the exclusivity period upon an affirmative vote by the Commission at the end of the initial 24-month exclusivity period. Commissioner Title asked if there would be an evaluation of the exclusivity program at the end of the 12-month extension similar to the evaluation at the end of the initial 24-month period. Commissioner McBride said that there should be only one extension period for purposes of market certainty and future planning. Chairman Hoffman asked for a motion on the issue and Ms. Baily explained that the Commission could make a motion to adopt the language from the memorandum on the 12-month extension. Commissioner Doyle read the text from the memorandum. Commissioner Title said that, based on the text, it seemed as if the Commission could vote for more than one such extension. Chairman Hoffman agreed, and asked Commissioner McBride if she wanted to make a motion to limit it to one extension. Commissioner McBride suggested striking the words “and thereafter” from the language in the memorandum. Ms. Baily said that the language in the memo does not preclude multiple extensions, nor would it stop a future Commission from voting on a new exclusivity period. Chairman Hoffman said that the Commission should focus at this point to decide whether to allow or preclude votes for multiple extensions of the exclusivity period. Commissioner Doyle proposed that the Commission could vote for additional extensions of the exclusivity period with a finding that the objectives of exclusivity have not yet been met. Commissioner Title and Commissioner McBride agreed with the proposal. Ms. Baily said that staff could provide regulatory language consistent with Commissioner Doyle’s proposal. Chairman Hoffman requested that the changes be made to the draft regulations and that the Commission would consider them in the overall vote.

In 500.101: Application Requirements, Commissioner McBride said that the requirement for Craft Marijuana Cooperatives in 500.101(3)(b)(1)(c) (at least one member must have filed a Schedule F tax return within five years) may be too restrictive and proposed a modification to add “or have a lease agreement with an entity that has filed a Schedule F tax return within the preceding five years” to cover situations where a cooperative seeks to have a relationship with an existing farm. Chairman Hoffman said that the change may be beyond the scope of the changes that could be considered at the meeting, but that he would make a note and come back to it. Later in the meeting, Commissioner McBride said that further conversation about the issue was necessary and so she would defer discussion to the next round of regulatory review.

In 500.103: Licensure and Renewal, Commissioner Title requested the removal of “reasonable efforts to submit” from proposed change to 501.103(4)(f) and replace it with

“shall submit” documentation of the cost impact on the licensee’s municipality. Commissioner Title also proposed additional requirements for the documentation to submit: the date the licensee requested the cost estimate from the municipality and that the request clearly indicate that it is a public record. Chairman Hoffman responded that removing “reasonable effort” seemed to create a contradiction in the regulation. Commissioner Title said the proposal was requiring the renewal licensee to submit either the municipality’s cost estimate or documentation that they requested such an estimate but did not receive a response.

In 500.105: General Operational Procedures for Marijuana Establishments, Commissioner Flanagan brought up 500.105(4), about Marketing and Advertising Requirements for using establishments’ brands in marketing materials. Chairman Hoffman asked if this was within the scope of the meeting. Commissioner Flanagan said that there had been opportunity for public comments and that Commission enforcement staff regularly received questions from the public about what was a permissible and impermissible marketing practice, but that she was willing to postpone consideration to the next round of review. Commissioner Flanagan added that she hoped that the Commission and staff would examine health and social effects of marijuana marketing prior to the next round of review. Enforcement Counsel Paul Payer said that some current marketing regulations needed further clarity and that enforcement would work to create more effective guidance and potential changes. Commissioner Flanagan replied that guidance, while useful, did not provide enough clarity and the necessary changes ought to be included in the regulations. Chairman Hoffman said that the Commission might propose guidance in the interim before proposing changes in the next round of regulatory review. Mr. Collins proposed a change in 500.105(5)(c)(6): requiring product manufacturers to include a list of additives, including terpenes, and also possible excipients (inactive substances) contained in the product. Commissioner Flanagan agreed, especially considering the recent health and safety issues around vaping. Commissioner Title proposed adding the term “thickening agents or” before “terpenes” in the section. Chairman Hoffman asked for a motion to approve the addition of “thickening agents” and “excipients” to the section. The motion was made by Commissioner Flanagan, seconded by Commissioner McBride. The motion was unanimously approved by the Commission.

Chairman Hoffman asked Mr. Collins to speak further on the health and safety issue. Mr. Collins said that adding the language to the regulations was a first step, and that Commission staff would work with licensees to get further information about marijuana product ingredients out to the public. Mr. Collins said that staff is working on a bulletin for MTC and Retailer licensees to keep them informed of Commission activities, a survey of licensees concerning product ingredients, reviewing the capabilities of testing labs to identify specific ingredients and collaborating with other agencies, such as DPH, that are addressing this issue. Commissioner Flanagan expressed appreciation for staff’s work on this urgent issue. Commissioner McBride asked if DPH would share information about vaping-related illnesses with the Commission due to the potential overlap.

In 500.110: Security Requirements, Commissioner McBride requested more information about the two options for the revised school buffer zone regulation in 500.110(3). Ms. Bailly replied that the original drafting of the 500-foot buffer zone requirements made it difficult to

find parcels that complied, especially in urban areas. The changed requirement in one option would allow the buffer zone requirement to measure from the school building on the property, not the property line. The second option would keep the property line start but measure 500 feet not in a straight line but in odometric fashion, along roadways or sidewalks. Ms. Baily pointed out that in her view the “straight-line” option is more consistent with existing statute. Commissioner Title said that the proposing change to the buffer zone arose from a comment at public hearing that revising the interpretation would help economic empowerment applicants and providing clarity for how the 500 feet should be measured would provide clarity to applicants and municipalities. Commissioner McBride asked enforcement if this would change how they looked at license applications. Mr. Payer answered that enforcement typically looked at how the municipality made its measurements of the buffer zone. Mr. Payer added that whether odometric or straight-line distances were used was much more of a policy consideration. Commissioner Flanagan asked if there was a standard that municipalities used to determine buffer zones. Mr. Payer said it was generally the distance in a straight line from the school property line. Commissioner Flanagan asked why the marijuana industry should be different from other industries that use the “usual” buffer zone measurement procedure. Commissioner Doyle said that there is an existing method of measurement in regulations, and that it could be changed. Chairman Hoffman said that this was a complicated issue and proposed postponing it to the next round of regulatory review. Commissioner Title noted that a municipality could use an odometric buffer zone measurement.

In 500.120: Additional Operational Requirements for Indoor and Outdoor Marijuana Cultivators, Commissioner Doyle discussed new language regarding the deadline for energy compliance in subsection 11(g). Commissioner Doyle proposed allowing cultivators to apply for an additional six-month extension to comply with the section’s energy efficiency requirements if it agrees to install meters that monitor and energy and water usage and report data on that to the Commission. After Commissioner Title indicated her support, Chairman Hoffman asked for a motion to approve the proposed language. Commissioner Doyle made the motion to approve, seconded by Commissioner Flanagan. The Commission unanimously approved the motion.

In 500.141: Additional Operational Requirements for Social Consumption Establishments, Commissioner Flanagan asked about protection for nearby residents against possible second-hand smoke from outdoor SCEs. Commissioner Title responded that this was developed in conjunction with the Department of Public Health. Chairman Hoffman noted that outdoor marijuana smoking areas, as discussed in subsection (10), had to comply with local smoking regulations. Commissioner Flanagan said that traveling smoke might be a bigger problem in a mixed-use district with residences above a social consumption establishment. Commissioner Doyle referred to 500.141(9)(b), stating that outdoor smoking is allowed only if it is not a nuisance to the public, and that a nuisance determination is up to the local municipality and potentially the Commission. Chairman Hoffman said that the outdoor smoking waiver approval process address safeguards for public health and welfare. Commissioner McBride asked if the Commission would have to delegate authority by agreement to DPH or local boards of health to enforce this. Commissioner Doyle said that the waiver approval process would require Commission interaction with a local board of health

to determine if the proposed site is appropriate for outdoor smoking, and that local boards can enforce their own regulations and codes regarding odor, smoke, or noise. Commissioner Flanagan did not make a motion to change the draft language but expressed her concern that outdoor smoking would become an issue in the future. Commissioner Flanagan asked about the removal from the premises of unconsumed marijuana products pursuant to 500.141(3)(a) and whether that would be accomplished similarly to how alcohol can be taken away if not consumed in a restaurant. Mr. Collins agreed that in his opinion this was good practice and would be considered once SCEs were implemented.

In 500.145, Additional Operational Requirements for Delivery of Marijuana and Marijuana Products to Consumers, Commissioner McBride broached the topic of video obtained from body cameras on delivery personnel. Chairman Hoffman noted that the body camera provision was in 500.110(8)(b), Security Requirements, but discussion was deferred into the delivery section. Commissioner McBride proposed limiting the video retention requirement so that video footage would be saved longer than 90 days if it were needed by the Commission for the purpose of investigating a regulatory violation, or by law enforcement if there were a reasonable belief that a crime occurred during or as the result of a delivery. Commissioner McBride said the limiting and particular language was the result of her research into recent court decisions about the use of video in this way, as well as balancing the needs of enforcement staff to access the video with public comment concerns with marijuana consumer privacy. Commissioner Title requested a short recess to harmonize her proposed language with Commissioner McBride's. After the recess, Commissioner Title presented new proposed language on body camera footage and retention: footage shall be retained for the longer of 30 days or for the duration of an enforcement investigation into a possible violation by the Commission or law enforcement, about which the licensee has been notified. The footage would be confidential information and accessible to the Commission or law enforcement only with a demonstration that the footage is relevant and material to an ongoing investigation.

Commissioner Doyle asked about the new defined term 'Delivery Endorsement.' Commissioner McBride explained that it was a way to expand the number and type of establishments allowed to deliver marijuana products, in conjunction with renaming "Delivery-Only Retailer" licensee to just "Delivery-Only" because those licensees are not themselves retailers, but partner with other licensees to deliver their products. Commissioner McBride said also that allowing expanded legal delivery would help reduce the illicit market and provide opportunity for economic empowerment and social equity applicants. It would also give the Commission and marijuana establishments flexibility in the future to deal with market issues. Commissioner Doyle asked if the Delivery Endorsement would be limited at first to Microbusinesses in the economic empowerment/social equity program. Commissioner McBride said it would have the same exclusivity limitations. Commissioner Doyle said that when the program is being evaluated in the future part of the evaluation should consider whether to add Craft Marijuana Cooperatives as an endorsement-eligible license type. Commissioner Title expressed her opinion that the Delivery Endorsement should be opened to all Microbusinesses but understood the value of a phased approach. Chairman Hoffman

asked if the option of allowing Microbusinesses to partner with a Delivery Retailer, and not deliver themselves, was considered. Commissioner McBride said that she did not because she believed that the Delivery Endorsement approach would be most scalable for the Commission. Chairman Hoffman asked if the Delivery Endorsement would have the same security requirements as a Delivery-Only license. Commissioner McBride said it would, and the endorsement was drafted with that in mind. Commissioner Doyle asked which municipality would collect the tax on marijuana products under a delivery endorsement. Commissioner McBride said that the tax would be collected at the retail point; that is, at the Microbusiness' location.

Commissioner McBride next addressed the issue of whether the Commission allow broader delivery areas for Delivery-Only licensees and retailers with a Delivery Endorsement. The proposed change would be to either allow deliveries to municipalities that opt in to receiving deliveries or opt out of forbidding them. Chairman Hoffman asked if Commissioner McBride had a preferred option, and she indicated the opt-in approach similar to the one for SCEs. Commissioner Title said that she supports the opt-out alternative. Commissioner Doyle said that the Commission needs to determine how a municipality will choose to opt in or opt out. Commissioner McBride responded that she thought it would work similarly to the delivery hours limitation in 500.145(1)(i), that a Commission policy would apply unless changed by municipality action. Commissioner Doyle pointed out that most municipalities would not be able to implement this until next spring, to which Commissioner McBride agreed. Chairman Hoffman summarized the status of the delivery-related issues and called for a vote on the opt-in versus opt-out approaches to expanding delivery areas. Commissioner Doyle said that municipalities had been dealing with so many issues related to cannabis regulation that opt-out might be easier for them, but that the delivery expansion should not take place immediately in order to give municipalities an opportunity to opt out, should they choose to. Chairman Hoffman asked for a motion on the issue. Commissioner Doyle proposed language to allow delivery in municipalities that host an establishment licensed for delivery, that have allowed marijuana retailing, or, prior to June 30, 2020, that has enacted a bylaw, ordinance or regulation authorizing delivery within its community. Commissioner Doyle made motion to add a limitation on delivery as described, seconded by Commissioner Title. The motion was approved by the Commission by a vote of three in favor (Doyle, Hoffman, Title) to two against (Flanagan, McBride). Chairman Hoffman then asked for a motion to approve the overall changes to the delivery section, subject to the conditions proposed by Commissioners McBride and Title regarding body cameras, and Commissioner Doyle regarding delivery areas. Ms. Baily suggested an edit to the body camera proposal, removing 'confidential information' and inserting 'protected from disclosure to the extent allowed by law' to avoid possible conflict with public records law. Commissioner Title agreed with the change but wished it to say, "to the full extent allowed by law." Ms. Baily replied that "to the extent" is familiar to courts and "to the full extent" may be unnecessary. Commissioner McBride asked whether it made a difference to include "full" because courts would be interpreting the public records law. Ms. Baily responded that the provision applies not just to the Commission but also to licensees and there could be conflicts with public record law in the future.

Commissioner McBride supported Commissioner Title's request to include "full extent." Chairman Hoffman summarized the changes, included the deferral of including the new defined term "Delivery Endorsement." The motion was made by Commissioner McBride, seconded by Commissioner Title. The Commission approved the motion by a vote of four in favor (Doyle, Hoffman, McBride, Title) and one opposed (Flanagan). At this point the Commission took a recess.

After the recess, Commissioner Doyle brought up a potential issue with the opt-out proposal and a conflict with existing statutory language. According to MGL c. 94G, §3(a)(2)(i), after December 31, 2019, a town wishing to prohibit a type of marijuana establishment (such as delivery) must submit such a by-law or ordinance for ballot approval by voters.

Commissioner Doyle said that the opt-out procedure could be overly burdensome to municipalities and that the Commissioner might have to revert to the opt-in alternative. Commissioner Title said that prohibiting marijuana establishments and allowing delivery to residents were separate issues. Commissioner Doyle read the statute and explained that opting out of allowing delivery would be construed as prohibiting a type of establishment. Chairman Hoffman asked for a motion to reconsider the prior vote around opting out of delivery. The motion was made by Commissioner Doyle and seconded by Commissioner McBride. The Commission unanimously approved the motion to reconsider. Commissioner Doyle then made a motion that cities that do not currently permit delivery be allowed to opt in to deliver through bylaw, ordinance or regulation. The motion was seconded by Commissioner McBride. The motion was approved by the Commission by a vote of three in favor (Doyle, Hoffman, McBride) to one opposed (Flanagan), with Commissioner Title abstaining.

In 500.802: Suitability Standard for Registration as a Marijuana Establishment Agent
Commissioner Title commented on Table B's and Table D's presumptive negative suitability determination for a CWOFF for crimes of violence or fraud in the preceding seven years. Commissioner Title said this new exclusion took away a right from this group of people and that she could not determine the reason behind this new exclusion. Ms. Baily said that during the regulatory changes the suitability tables were reviewed to make them more consistent with the actual process of making suitability determinations, and it was found that CWOFFs were quite prevalent among suitability applicants. Enforcement Counsel Paul Payer explained that removing CWOFFs for violence or fraud would not compromise public safety because licensing and enforcement would still have the ability to make a negative determination based on an applicant's prior acts. Commissioner McBride asked if it would make the suitability determination process longer or more difficult if the CWOFF provision were removed. Mr. Payer said it likely would not. Commissioner McBride said that she would support the removal of the provision because it wouldn't have a negative impact. Commissioner Title made a motion to delete the CWOFF for crimes of violence or fraud provision from Tables B and D, seconded by Commissioner Doyle. The Commission unanimously approved the motion.

Returning to the issue of fees for the new ‘Delivery Endorsement’ license, Chairman Hoffman said that in his view the revised regulatory language would not be available by the next day’s meeting. Chairman Hoffman requested that the Executive Director and Commission staff develop a recommendation for those license fees to be voted on at a new meeting to be scheduled. Mr. Collins noted that because the license is limited to social equity and economic empowerment applicants, the application fee is waived, and license fees are reduced by 50%. Commissioner Title asked why an additional meeting was necessary. Chairman Hoffman said that the language changes in his view were substantive, not ministerial, and that legal staff needed time to revise language and Commissioners time to review and digest the changes.

Chairman Hoffman turned to changes in the medical use regulations, 935 CMR 501.000. He noted that some changes in the adult-use regulations would also result in corresponding changes to medical use and thus did not need further discussion. Ms. Baily said that the legal team would make those changes accordingly. In 501.105: *General Operational Requirements for Medical Marijuana Treatment Centers*, Commissioner Flanagan reiterated that the marketing and advertising changes from the adult-use section should be included in the medical use section as well. In 501.120: *Additional Operational Requirements for the Cultivation, Acquisition, and Distribution of Marijuana*, Commissioner Doyle proposed a change in the language regarding energy use requirements allowing an MTC that is not colocated with a marijuana establishment until January 1, 2021 to comply with the new energy use requirements, with the possibility of a six-month extension for compliance if the MTC installs energy monitoring and reporting equipment. Commissioner Title referred back to 501.002: Definitions and said that the term ‘Removal of Product’ should include the modifier “substantial” before “risk to the public health.” Ms. Baily said that the definition for ‘Removal of Product’ in adult-use contained the phrase “substantial risk,” but there had been discussion about the standard and the Commission should choose between “substantial risk” or “imminent risk.” Mr. Collins added that this was a policy issue for the Commission to give licensing and enforcement staff direction. Commissioner Title made a motion to revise the definition of ‘Removal of Product’ in 935 CMR 501.002 to be the same as its definition in 935 CMR 500.002 by inserting “substantial” before “risk.” The motion was seconded by Commissioner Doyle. The Commission unanimously approved the motion. Chairman Hoffman asked the General Counsel to make the changes to both medical use and adult use regulations and present the completed drafts for approval at a subsequent Commission meeting.

Commissioner Doyle said the Commission received feedback throughout the regulatory process requesting that groups not designated priority in the statute be given priority status. Commissioner Doyle said that the Commission could not do that but, within the remaining general pool of applicants, she requested that the Commission vote to adopt a policy of expediting review of applications for groups that the Legislature has directed us to promote: farmers, small businesses and communities affected by the War on Drugs. Specifically, she requested that the Commission expedite the pending applications of

social equity program participants, outdoor cultivators, craft cooperatives, microbusinesses, as well as independent testing laboratories, in the interest of public health. She proposed that the policy sunset on December 31, 2020 and during its effectiveness, that the Commission staff collect data regarding its impact on the licensing process and present a recommendation to the Commission in December 2020 as to whether the expedition policy should be extended.

Commissioner McBride agreed with the proposal and hoped it could be extended to other groups as well. Commissioner Title proposed a friendly amendment adding minority-owned, women-owned and veteran-owned enterprises as categories for priority review because they were also mentioned in Chapter 55. Commissioner McBride asked how businesses would qualify as one of those types. Commissioner Title said there is a regulatory process that involves getting certified as minority-owned, etc. by the state's Supplier Diversity Office. Chairman Hoffman asked for a motion to approve the proposal. Commissioner Doyle made the motion to increase the number of applicant categories eligible for priority review, including the amendment proposed by Commissioner Title. The motion was seconded by Commissioner Flanagan. The Commission unanimously approved the motion.

Commissioner Doyle made a motion to authorize Commission staff to review any proposed amendments to the state Fire Safety code, 527 CMR 1.00, regarding cannabis cultivation, processing and extraction, and any future regulations considered by the board of building regulations regarding the same, and provide comment thereon, if the Executive Director and Commission staff decide that there might be a conflict with Commission cannabis regulations to ensure consistency and to further the objectives of the Commission. Commissioner McBride agreed, saying consistency in state regulations is vital, and seconded the motion. The Commission unanimously approved the motion.

After a recess, Director of Research Julie Johnson began a presentation about the research team's report baseline youth cannabis use in Massachusetts, in fulfillment of the Chapter 55 statutory mandate. Dr. Johnson described how the report used data from the Massachusetts Youth Risk Behavior Survey (YRBS) from 2007 to 2017 to identify trends in youth cannabis use over that time and provide a baseline from which to identify subsequent changes after adult-use legalization. Research Analysts Samantha Doonan described how the report also used a literature review to compare youth cannabis use in other states that have legalized adult use. Ms. Doonan also discussed potential policy considerations that could be implemented regarding youth cannabis use prevention and further data collection. Commissioner Flanagan pointed out that data collection requires coordinated input from multiple state agencies. Commissioner Title asked for clarification about the data showing decreased perception of harm from cannabis use that was not accompanied by an increase in cannabis use among youth. Dr. Johnson said that a decline in other risk factors for cannabis use, especially a decline in cigarette use, is a likely explanation. Commissioner Doyle sought further explanation about the impact of cannabis policies on the risk factor of driving after alcohol use. Dr. Johnson explained the regression analysis procedure and said that driving after alcohol use was moderating over time as part of an overall decrease in substance use by youth.

Chairman Hoffman turned to the approval of minutes from previous Commission meetings. A motion to approve the minutes from the meeting on July 17th, 2019 was made by Commissioner Doyle, seconded by Commissioner Flanagan. The Commission unanimously approved the motion. A motion to approve the minutes from the meeting on August 8th, 2019 was made by Commissioner Doyle, seconded by Commissioner Flanagan. The Commission unanimously approved the motion.

Chairman Hoffman turned to the Executive Director's report. Prior to the report, Mr. Collins discussed a pair of job positions: Investigations Manager and Licensing Manager. Chairman Hoffman asked when the positions would be posted, and Mr. Collins replied that they would be position after current openings are filled. Commissioner Flanagan made a motion to approve the Licensing Manager description, seconded by Commissioner Doyle. The Commission unanimously approved the motion. Commissioner Flanagan made a motion to approve the Investigations Manager description, seconded by Commissioner Doyle. The Commission unanimously approved the motion. Mr. Collins then presented his report on license, agent and social equity program applications. Commissioner Title requested a graphical representation of the demographic changes in applicants and licensees in the end-of-year report.

Chairman Hoffman turned to the enforcement action against the independent testing laboratory MCR Laboratories, LLC, License No. IL281278. Mr. Payer said that enforcement staff had found MCR Laboratories in violation of Commission regulations regarding storage, disposal and documentation of marijuana waste in numerous instances. After a dispute resolution conference with MCR Laboratories, a tentative agreement was reached that included a \$225,000 fine. Enforcement recommended Commission approval of the final order and stipulated agreement. Commissioner McBride expressed appreciation for Enforcement's work in the matter and asked about a potential contradiction in the order's summary of proceedings. Mr. Payer explained that the facility had been under monitoring for its violations and Enforcement issued the show cause order to engage in dispute resolution to address Commission concerns. Chairman Hoffman asked for a motion to approve the final order and stipulated agreement with MCR Laboratories. The motion was made by Commissioner McBride, seconded by Commissioner Flanagan, and unanimously approved by the Commission.

Following the overnight recess, the Commission's meeting was recalled to order at 10 AM on Friday, September 13th. The Chairman turned to the matter of license renewals. Chairman Hoffman said that in future meetings, final licenses and license renewals would be voted on as a roster, with the opportunity for a Commissioner to remove a licensee from the roster for individual vote. The first license renewal was for Patriot Care Corp. (#MCR139826), Cultivation. Commissioner Title proposed a condition that the licensee report an update on progress to their diversity plan within 60 days because their submission did not meet requirements. Chairman Hoffman asked for a motion to approve the renewal of Patriot Care's Cultivation license #MCR139826, with the condition proposed by Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan, and unanimously approved by the Commission. The Commission next turned to the license renewal for Patriot Care Corp. (#MPR243483), Product Manufacturing. Commissioner Title proposed a condition that the licensee report an update on progress to their diversity plan within 60 days because their submission did not meet requirements. Chairman Hoffman asked for a motion to

approve the renewal of Patriot Care’s Product Manufacturing license #MPR243483, with the condition proposed by Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan, and unanimously approved by the Commission. The Commission next turned to the license renewal for Patriot Care Corp. (#MRR205532), Retail. Commissioner Title proposed a condition that the licensee report an update on progress to their diversity plan within 60 days because their submission did not meet requirements. Commissioner Flanagan proposed conditions regarding patient accommodations and product transfers at the licensee’s retail facilities: 1) within 60 days, submit policies and procedures for ensuring sufficient marijuana products for medical-use patients pursuant with requirements in 935 CMR 502.140 and 2) within 60 days, submit policies and procedures as a colocated facility for determining what qualifies as “reasonable substitution” for a product under 935 CMR 502.140. Chairman Hoffman asked for a motion to approve the renewal of Patriot Care’s Retail license #MRR205532, with the conditions proposed by Commissioner Title and Commissioner Flanagan. The motion was made by Commissioner McBride, seconded by Commissioner Doyle, and unanimously approved by the Commission. The Commission next turned to the license renewal for Patriot Care Corp. (#MRR205533), Retail. Commissioner Title proposed a condition that the licensee report an update on progress to their diversity plan within 60 days because their submission did not meet requirements. Commissioner Flanagan proposed conditions regarding patient accommodations and product transfers at the licensee’s retail facilities: 1) within 60 days, submit policies and procedures for ensuring sufficient marijuana products for medical-use patients pursuant with requirements in 935 CMR 502.140 and 2) within 60 days, submit policies and procedures as a colocated facility for determining what qualifies as “reasonable substitution” for a product under 935 CMR 502.140. Chairman Hoffman asked for a motion to approve the renewal of Patriot Care’s Retail license #MRR205533, with the conditions proposed by Commissioner Title and Commissioner Flanagan. The motion was made by Commissioner Doyle, seconded by Commissioner McBride, and unanimously approved by the Commission.

The Commission next turned to the license renewal for CDX Analytics, LLC. (#ILR267888), Independent Testing Lab. Commissioner Title proposed a condition that the licensee report an update on progress to their diversity plan and positive impact plan within 60 days. Chairman Hoffman asked for a motion to approve the renewal of CDX Analytics’ Independent Testing Lab license #ILR267888, subject to the condition proposed by Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan, and unanimously approved by the Commission.

The Commission next turned to the license renewal for MCR Labs, LLC. (#ILR267887), Independent Testing Lab. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of MCR Labs’ Independent Testing Lab license #ILR267887. The motion was made by Commissioner Flanagan, seconded by Commissioner McBride, and unanimously approved by the Commission.

The Commission next turned to the license renewal for Northeast Alternatives, Inc. (#MCR139828), Cultivation. Mr. Collins proposed a condition that Commission staff investigate and make a recommendation on the licensee’s suitability for continued licensure. Commissioner Doyle asked if staff would report back the results of the investigation to the Commission. Mr. Collins replied that if the investigation into the licensee’s suitability resulted in possible action

on the license, then that would be reported to the Commission. Chairman Hoffman said that the Commission had the right to undertake an investigation on suitability at any time and not necessarily as a condition of license renewal. Commissioner Flanagan pointed out that the condition also served to put others on notice that the Commission would take necessary action to ensure licensees' accountability. Chairman Hoffman asked for a motion to approve the renewal of Northeast Alternatives' Cultivation license #MCR139828, subject to the condition proposed by Executive Director Collins. The motion was made by Commissioner Doyle, seconded by Commissioner Title, and unanimously approved by the Commission. The Commission next considered the license renewal for Northeast Alternatives, Inc. (#MPR243486), Product Manufacturer. The condition previously proposed by Mr. Collins would also apply to this renewal. Chairman Hoffman asked for a motion to approve the renewal of Northeast Alternatives' Product Manufacturer license #MPR243486, subject to the condition proposed by Executive Director Collins. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle, and unanimously approved by the Commission.

The Commission next turned to the license renewal for Cultivate Holdings, LLC. (#MPR243485), Product Manufacturer. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of Cultivate Holdings' Product Manufacturer license #MPR243485. The motion was made by Commissioner McBride, seconded by Commissioner Doyle, and unanimously approved by the Commission.

The Commission next turned to the license renewal for Temescal Wellness of Massachusetts, LLC. (#MRR205531) Retail. Commissioner Title recused herself from discussion of the licensee. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of Temescal Wellness' Retail license #MRR205531. The motion was made by Commissioner McBride and seconded by Commissioner Doyle. The Commission approved the renewal with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title recused. The Commission next turned to another license renewal for Temescal Wellness of Massachusetts, LLC. (#MRR205529) Retail. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of Temescal Wellness' Retail license #MRR205529. The motion was made by Commissioner McBride and seconded by Commissioner Doyle. The Commission approved the renewal with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title recused.

The Commission next turned to the license renewal for Alternative Therapies Group (#MRR205530) Retail. Commissioner Title proposed a condition that the licensee report an update on progress to their diversity plan within 60 days. Chairman Hoffman asked for a motion to approve the renewal of Alternative Therapies Group's Retail license #MRR205530, subject to the condition proposed by Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner Title, and unanimously approved by the Commission.

The Commission next turned to the license renewal for Good Chemistry of Massachusetts, Inc. (#RMD725), Vertically Integrated Medical Marijuana Treatment Center. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of Good Chemistry's MTC license #RMD725. The motion was made by Commissioner Doyle, seconded by Commissioner McBride, and unanimously approved by the Commission.

The Commission next turned to the license renewal for Patient Centric of Martha's Vineyard, Ltd. (#RMD1165), Vertically Integrated Medical Marijuana Treatment Center. Commissioner Doyle proposed a condition requesting an update on the applicant's projected timeline to open within the next 60 days. Chairman Hoffman asked for a motion to approve the renewal of Patient Centric's MTC license #RMD1165 subject to the condition proposed by Commissioner Doyle. The motion was made by Commissioner Flanagan, seconded by Commissioner McBride, and unanimously approved by the Commission.

The Commission next turned to the license renewal for Tyca Green, Inc. (#N/A), Vertically Integrated Medical Marijuana Treatment Center. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of Tyca Green's MTC license. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle, and unanimously approved by the Commission.

The Commission next turned to the license renewal for The Green Harbor Dispensary, LLC (#RMD1305), Vertically Integrated Medical Marijuana Treatment Center. Commissioner Doyle proposed a condition requesting an update on the applicant's projected timeline to open within the next 60 days. Chairman Hoffman asked for a motion to approve the renewal of Green Harbor's MTC license #RMD1305, subject to the condition proposed by Commissioner Doyle. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle, and unanimously approved by the Commission. The Commission considered an additional license renewal for The Green Harbor Dispensary, LLC (#N/A), Vertically Integrated Medical Marijuana Treatment Center. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of Green Harbor's MTC license. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle, and unanimously approved by the Commission.

The Commission next turned to the license renewal for Heal, Inc. (#N/A), Vertically Integrated Medical Marijuana Treatment Center. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of Heal's MTC license. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle, and unanimously approved by the Commission.

The Commission next turned to the applications for final licenses. Director of Licensing Kyle Potvin discussed the application of BeWell Organic Medicine, Inc. (#RMD1245), Vertically Integrated Medical Marijuana Treatment Center, which staff has recommended for approval of a final license subject to the conditions set forth in the executive summary, including the condition that the licensee shall have completed all construction and buildout of its dispensary facility, obtain a certificate of occupancy for the dispensary facility, and complete all required inspections of the dispensary facility within 120 days of the issuance of this final license. Commissioner McBride noted that this situation is novel and asked for clarification on why it happened and if there were implications for other licensees going forward. Mr. Collins said that because this licensee has cultivation and manufacturing in one facility (Lowell) and the dispensary in a separate one (Merrimack), variation in local issues and construction led to the discrepancy. Mr. Collins said that the 120-day completion timeframe was arrived at in cooperation with the

licensee and that allowing the cultivation & production facility to commence operations would enable the licensee to have a supply of products to sell in its dispensary. Mr. Collins said that if the dispensary was not complete by the 120-day deadline, the license would be voided. Commissioner McBride replied that this was a way to serve medical-use patients and asked if this “splitting” process might be used in the future. Mr. Collins said that with Commission approval, this could be used with other applicants in similar situations. Chairman Hoffman asked for a motion to approve the staff recommendation for BeWell’s final MTC license #RMD1245. The motion was made by Commissioner McBride, seconded by Commissioner Flanagan. The Commission unanimously approved the motion.

Mr. Potvin discussed the application for Green Gold Group, Inc. (#RMD786), Vertically Integrated Medical Marijuana Treatment Center, which staff has recommended for approval of a final license subject to the conditions set forth in the executive summary. Chairman Hoffman asked for a motion to approve the staff recommendation for Green Gold’s final MTC license #RMB786. The motion was made by Commissioner Flanagan, seconded by Commissioner McBride. The Commission unanimously approved the motion.

Mr. Potvin discussed the application for Apothca, Inc. (#MR281447), Retail, which staff has recommended for approval of a final license subject to the conditions set forth in the executive summary. Commissioner McBride flagged the applicant’s on-site generator as having more limited battery life than the newly revised regulations require and proposed a condition that within 60 days the applicant provide a plan for increasing generation capacity. Mr. Collins suggested the condition be revised to say the applicant should provide such a plan prior to receiving notification to commence operations, with which Commissioner McBride agreed. Chairman Hoffman asked for a motion to approve the staff recommendation for Apothca’s final retail license #MR281447, subject to the condition proposed by Commissioner McBride. The motion was made by Commissioner McBride, seconded by Commissioner Doyle. The Commission unanimously approved the motion.

Mr. Potvin discussed the multiple applications for Curaleaf Massachusetts, Inc.: #MC281309, Cultivation - Tier 11/Indoor and #MP281318, Product Manufacturer, which staff have recommended for approval of a final license subject to the conditions set forth in the executive summary. Chairman Hoffman asked for a motion to approve the staff recommendation for Curaleaf’s final Cultivation license #MC281309. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining. Chairman Hoffman asked for a motion to approve the staff recommendation for Curaleaf’s final Product Manufacturing license #MP281318. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining.

Mr. Potvin discussed the application for Curaleaf Massachusetts, Inc. (#MR281263), Retail, which staff has recommended for approval of a final license subject to the conditions set forth in the executive summary. Commissioner McBride referred to the establishment’s signs apparently designating separate lines for adult use and medical use in the colocated facility. Commissioner McBride noted that regulations permit medical-use customers to be served in either line, and

requested a condition that the signs clarify that accordingly. Chairman Hoffman asked for a motion to approve the staff recommendation for Curaleaf's final Retail license #MR281263, subject to the condition proposed by Commissioner McBride. The motion was made by Commissioner McBride, seconded by Commissioner Doyle. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining.

Mr. Potvin discussed the applications for In Good Health, Inc.: #MC281273, Cultivation - Tier 4/Indoor; # MP281307, Product Manufacturer; and # MR282468, Retail, which staff have recommended for approval of a final license subject to the conditions set forth in the executive summary. Chairman Hoffman asked for a motion to approve the staff recommendation for In Good Health's final Cultivation license #MC281273. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining. Chairman Hoffman asked for a motion to approve the staff recommendation for In Good Health's final Product Manufacturer license #MP281307. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining. Regarding the Retail license, Commissioner Title noted that the licensee is using body cameras to record patient deliveries and asked if patients were notified of this. Mr. Payer said that enforcement would ask the licensee and find out. Commissioner Title proposed a condition that if the licensee's patients are not receiving notice of body cameras, that the licensee add a procedure to notify them. Chairman Hoffman asked for a motion to approve the staff recommendation for In Good Health's final Retail license #MR282468, subject to the additional condition proposed by Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining.

Mr. Potvin discussed the applications for M3 Ventures, Inc.: #MC281446, Cultivation - Tier 2/Indoor; # MP281346, Product Manufacturing; and # MR281290, Retail, which staff have recommended for approval of a final license subject to the conditions set forth in the executive summary. Commissioner McBride asked if the licensee had received a required permit from the local fire department to store ethanol on the premises, and Mr. Payer confirmed they had. Chairman Hoffman asked for a motion to approve the staff recommendation on M3 Ventures' final Cultivation license #MC281446. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining. Chairman Hoffman asked for a motion to approve the staff recommendation on M3 Ventures' final Product Manufacturing license #MP281346. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining. Chairman Hoffman asked for a motion to approve the staff recommendation M3 Ventures' final Retail license #MR281290. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining.

The Commission next turned to the staff recommendations on provisional licenses. Mr. Potvin discussed the application for Curaleaf Massachusetts, Inc. (#MRN282183), Retail, which staff has recommended for approval of a provisional license subject to the conditions set forth in the executive summary. Commissioner Flanagan requested a condition that the applicant report on whether the partnership program with Holyoke Community College, as discussed in the Positive Impact Plan, had been approved by the state, and if not, inform the Commission on their plan to receive such approval. Chairman Hoffman asked for a motion to approve the staff recommendation for Curaleaf's provisional Retail license #MRN282183, subject to the additional condition proposed by Commissioner Flanagan. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission approved the motion unanimously.

Mr. Potvin discussed the application for Curaleaf Massachusetts, Inc. (#MRN282052), Retail, which staff has recommended for approval of a provisional license subject to the conditions set forth in the executive summary. No additional conditions were proposed. Chairman Hoffman asked for a motion to approve the staff recommendation for Curaleaf's provisional Retail license #MRN282183. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission approved the motion unanimously.

Mr. Potvin discussed the applications for the colocated facility of HVV Massachusetts, Inc.: #MCN282121, Cultivation – Tier 3/Indoor; #MPN281657, Product Manufacturing; and #MRN282578, Retail, which staff have recommended for approval of a provisional license subject to the conditions set forth in the executive summary. Commissioner McBride commended the applicant for their detailed product supply list. Commissioner Doyle noted that the applicant received priority review status as an RMD licensee and proposed a condition that the applicant provide an update timeline on the status of its RMD facility. Commissioner Flanagan proposed a condition that the applicant submit a revised Positive Impact Plan with regard to membership on the Community Outreach Advisory Committee and letters from beneficiary organizations. Commissioner Title proposed that the applicant resubmit its Diversity Plan to include measurable goals. Chairman Hoffman asked for a motion to approve the staff recommendation for HVV's provisional Cultivation license #MCN282121, subject to the conditions proposed by Commissioners Doyle, Flanagan and Title. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission approved the motion unanimously. Chairman Hoffman asked for a motion to approve the staff recommendation for HVV's provisional Product Manufacturing license #MPN281657, subject to the conditions proposed by Commissioners Doyle, Flanagan and Title. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission approved the motion unanimously. Chairman Hoffman asked for a motion to approve the staff recommendation for HVV's provisional Retail license #MRN282578, subject to the conditions proposed by Commissioners Doyle, Flanagan and Title. The motion was made by Commissioner McBride, seconded by Commissioner Doyle. The Commission approved the motion unanimously.

Mr. Potvin discussed the applications for the colocated facility of The Heirloom Collective, Inc.: #MCN281438, Cultivation - Tier 2/Indoor and #MPN281407, Product Manufacturing, which staff have recommended for approval of a provisional license subject to the conditions set forth

in the executive summary. Commissioner Flanagan commended the applicant for using suppliers and contractors from a Disproportionately Impacted Area as part of its Positive Impact Plan. Commissioner Doyle noted that the applicant received priority review status as an RMD licensee and proposed a condition that the applicant provide an update timeline on the status of its RMD facility. Commissioner Title requested a condition that the applicant revise the Diversity Plan to fix the gender identity error. Commissioner McBride proposed a condition that the applicant revise the product description of ‘vaporizer cartridges’ to include a listing of flavors and any thickening agents or terpenes that may be used in manufacture. Commissioner McBride also suggested that this be part of all product listings going forward, to which Mr. Collins agreed. Chairman Hoffman asked for a motion to approve the staff recommendation for The Heirloom Collective’s provisional Cultivation license #MCN281438, subject to the conditions proposed by Commissioners Doyle, McBride and Title. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan. The Commission approved the motion unanimously. Chairman Hoffman asked for a motion to approve the staff recommendation for The Heirloom Collective’s provisional Product Manufacturer license # MPN281407, subject to the conditions proposed by Commissioners Doyle, McBride and Title. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission approved the motion unanimously.

Chairman Hoffman said that the next regular public meeting of the Commission will be at 10 AM on Thursday, October 10, 2019 at Western New England School of Law in Springfield. With no additional agenda items or new business before the Commission, Chairman Hoffman requested a motion to adjourn the meeting. The motion was made by Commissioner Doyle, seconded by Commissioner McBride and the meeting was adjourned at 11:13 AM.