

CANNABIS CONTROL COMMISSION

**December 19, 2019
10:00AM**

**UMass Medical School
Amphitheater II S4-102
Worcester, MA**

PUBLIC MEETING MINUTES

Documents:

- Application materials for the following applications:
 - Krypies, LLC
 - Mass Yield Cultivation, LLC
 - New England Treatment Access, LLC
 - T. Bear, Inc.
 - Apothca, Inc., Vertically Integrated Medical Treatment Center (Dispensing)
 - Berkshire Roots Inc (# MRR205548), Retail Renewal
 - Berkshire Roots Inc (# MPR243499), Product Manufacturer Renewal
 - Berkshire Roots Inc (# MXR126655), Transporter with other Existing License Renewal
 - Berkshire Roots Inc (# MCR139849), Cultivation Renewal
 - Berkshire Welco LLC (# MCR139852), Cultivation Renewal
 - Caregiver-Patient Connection (# MCR139851), Cultivation Renewal
 - Garden Remedies Inc (# MCR139846), Cultivation Renewal
 - Garden Remedies Inc (# MPR243502), Product Manufacturer Renewal
 - Green Biz LLC (# MRR205545), Retail Renewal
 - Herbology Group, Inc (# MRR205552), Retail Renewal
 - LDE Holdings, LLC. (# MCR139854), Cultivation Renewal
 - Silver Therapeutics, Inc (# MRR205549), Retail Renewal
 - Silver Therapeutics, Inc (# MCR139853), Cultivation Renewal
 - T. Bear Inc. (MPR243498), Product Manufacturer Renewal
 - The Green Lady Dispensary, Inc. (# MCR139850), Cultivation Renewal
 - The Green Lady Dispensary, Inc. (# MPR243501), Product Manufacturer Renewal
 - The Green Lady Dispensary, Inc. (# MRR205547), Retail Renewal
 - ARL Healthcare, Inc., Vertically Integrated Medical Treatment Center
 - ARL Healthcare, Inc. (#RMD1085)



- Healthy Pharms, Inc. (#RMD545)
- Holistic Industries (#RMD685)
- Hope Heal Health, Inc. (#RMD686)
- Massmedicum Corp., Vertically Integrated Medical Treatment Center
- MD Holistics, Inc., Vertically Integrated Medical Treatment Center
- Middlesex Integrative Medicine, Inc. (#RMD1025)
- Nature's Remedy of Massachusetts, Inc. (#1285)
- Olde World Remedies, Inc., Vertically Integrated Medical Treatment Center
- Sanctuary Medicinals, Inc. (#RMD1128)
- Sanctuary Medicinals, Inc. (#RMD605)
- The Haven Center, Vertically Integrated Medical Treatment Center
- The Haven Center, Vertically Integrated Medical Treatment Center
- The Haven Center, Vertically Integrated Medical Treatment Center
- Alternative Therapies Group (# MR281346), Retail
- Curaleaf Massachusetts, LLC (# MR282052), Retail
- Sira Naturals, Inc. (# MC281252), Cultivation, Tier 3/Indoor
- HVV Massachusetts, Inc. (#RMD1405), Vertically Integrated Medical Treatment Center
- Hope Heal Health, Inc. (#MC281478), Cultivation, Tier 4/Indoor
- Hope Heal Health, Inc. (#MP281361), Product Manufacturer
- Hope Heal Health, Inc. (#MR281337), Retail

In Attendance:

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

Minute:

1) Call to Order

- The Chairman recognized a quorum then called the meeting to order.
- The Chairman gave notice that the meeting was being recorded.

2) Chairman's Comments & Updates

- The Chairman thanked UMass Medical School and gave notice that the next meeting would be in the Commission's new Worcester office.
- The Chairman said that this would likely be a long meeting given the number of licenses up for consideration.
- The Chairman gave an overview of the Agenda.



3) Approval of Minutes

- Minutes from 11.7.19
 - The Chairman asked if the Commission had a chance to review the minutes and for edits.
 - The Chairman asked for a motion to approve the minutes subject to ministerial changes.
 - Commissioner Doyle moved to approve the minutes subject to ministerial changes.
 - Commissioner Flanagan seconded the motion.
 - The Commission unanimously approved the minutes for the November 7, 2019 meeting.

4) Executive Director's Report

- The Executive Director introduced the statistical overview of the licensing process extracted from the Online System.
 - The Executive Director stated that there are 436 completed applications, having submitted all four packets.
 - The most common application is Marijuana Retailer applications followed by Marijuana Cultivator applications.
 - The Executive Director next gave an over view of the 4,736 total applications including pending, withdrawn, incomplete, denied, and approved.
 - 436 are completed applications pending.
 - 3,655 applicants have not submitted all four packets, and therefore are incomplete applications.
 - 414 applications were withdrawn.
 - The Commission denied 4 applications.
 - 227 applications were approved by the Commission.
 - Of those approved, most common is Marijuana Retailer followed by Marijuana Cultivator.
 - These 227 applications are at varying points in the progress toward commencement of operations:
 - 14 applicants have been Provisionally Approved (have not paid fees).
 - 115 applications have obtained a Provisional License (fees paid).
 - 19 applicants have received a final license.
 - 79 applicants have commenced operations.
 - Next the Executive Director gave an overview of the priority status applications.
 - A total of 667 applications representing 354 separate entities.
 - 232 have secured RMD Priority status.
 - 22 have secured Economic Empowerment Priority status.
 - 46 have been identified for Expedited Review.



- 367 general applicants.
- The Chairman asked, with respect to the 46 identified for Expedited Review, which categories the applicants fall into.
 - The Executive Director said he could not answer that question off the top of his head, but that over the next few weeks and months, this number will be fluid, given that this is based on identifying folks in the portal, but various circumstances will impact that number, including applicants completing the required supplier diversity courses.
 - The Chairman asked for a breakdown of the folks identified for Expedited Review at the next meeting.
 - Commissioner Title acknowledged the logistical difficulty it took to define and identify Expedited Review applicants and wanted to thank staff for that work.
- The Executive Director next gave a breakdown of Disadvantaged Business Enterprise (DBE) statistics
 - This information is identified by the applicants on submission.
 - 82% have not identified themselves as a DBE.
- The Executive Director covered license applications and their status.
 - 667 total applications.
 - 156 applications have been submitted awaiting review.
 - 192 applications have been reviewed and more information was requested from the applicants.
 - 57 applications have been deemed complete and are awaiting third party responses.
 - 31 applications for which all information has been received and are therefore being considered by the Commission at this meeting.
 - 231 applications have been considered by the Commission to date.
- The Executive Director next gave a breakdown of the licenses by county with the largest number in Worcester County.
- The Executive Director next gave an overview of retail applications by county with the most being in Worcester County.
- The Executive Director gave an overview of the licenses by status and license type.
- The Executive Director gave an over view of Agent applications.
 - There are 6,955 active agents.
 - There are 1,535 surrendered agent licenses.
 - Workload of 250 pending applications:
 - 240 pending Marijuana Establishment Agents.
 - 10 pending Laboratory Agents.
 - 96 applications have not been reviewed.
 - 146 applications required additional information.
 - 8 applications are awaiting third party responses.



- 0 awaiting approval by the Commission.
- The Executive Director gave a breakdown of Agents by demographics.
 - 66.3% identify as male.
 - 73.8% identify as white.
- The Executive Director gave an overview of medical licenses.
 - There are 161 total applications.
 - 36 are Pending at the Application of Intent stage.
 - 16 are pending at the Management and Operations Profile stage.
 - 6 are pending at the Siting Profile Stage.
 - 100 applications have expired.
 - There are 165 total licenses.
 - 93 are Provisional Licenses.
 - 6 are Final Licenses.
 - 56 licensees have commenced operations.
 - 10 licenses have expired.
- The Executive Director stated that within the next few weeks, the plan is to move the medical applications into the Online System
- Commissioner Doyle asked, with respect to the two slides giving demographic breakdown of gender and race, that the Commission be presented at the next meeting with an overview of how those demographics have changed since the Commission began tracking that information.
- The Executive Director next dealt with Medical Treatment Center Agents and the overall Medical Marijuana Program
 - There are 8,450 total Agent applications
 - 5,302 are active Agent licenses.
 - There are 259 Certifying Physicians, 64 Registered Certifying Nurse Practitioners and 0 Certifying Physicians Assistants.
 - The Chairman asked when Physicians Assistants were authorized to certify patients for the Medical Marijuana Program.
 - The Executive Director stated that this was done by statute in 2016.
 - Commissioner Doyle clarified that the inclusion of Physicians Assistants was triggered by the transfer of the Medical Marijuana Program from DPH to the Commission, so it has been a little over a year since they were authorized to certify patients.
 - To date 39,607 ounces of Medical Marijuana have been sold.
- The Executive Director next explained that the Commission has moved to its new headquarters in Union station in Worcester and with a Boston satellite office at 50 Franklin Street.
 - The Commission was previously 7,000 square feet and is now in roughly 15,000 square feet.



- The Commission now has sufficient office space with capacity to grow, including collaboration space and public meeting space.
- The Commission is also moving virtually in addition to physically moving to a new server at CCCMass.com.
- Both the virtual and physical moves were herculean tasks but doing them together was all the more challenging, but the Commission did so successfully.
- 90% of the staff moved to Worcester.
- The Commission is trying to reduce disruptions to patient services and staff work throughout the process.
- The Chairman noted that calling the moves a “herculean task” is an understatement and wanted to thank the Executive Director, Chief Operating Officer, and Chief Technology Officer for their work to accomplish them.
- Based on the virtual move, the Executive Director would like to have a Commission discussion at a future meeting about how the move went and what the migration means in terms of advancing the Commission’s goal of being a world class, modern agency.
- Next the Executive Director commented on the Quarantine Order issued in November.
 - On November 12, the Commission used its administrative authority to issue a quarantine order quarantining all vape cartridges across both Adult-Use and Medical-Use programs.
 - On December 12, the order was modified to allow for the prospective manufacturing and sale of those cartridges provided that the product go through additional testing, including testing the product in the cartridge itself, rather than the oil prior to infusion including a screen for vitamin E acetate.
 - This enhances our previous testing protocols, modifying and honing to include the vitamin E acetate screen.
 - Both adult-use testing labs licensed for testing have a verifiable test for vitamin E acetate.
 - The decision to test for vitamin E acetate is based on the Commission’s research.
 - Of the tests done to date, all 91 have come back “non-detect” for vitamin E acetate.
 - In addition to testing, warnings will be issued to consumers and patients and Labeling requirements will require that the materials in the device be disclosed.
 - The warning must inform consumers that just because the product tested negative for Vitamin E acetate, that does not mean there aren’t other substances in the products that could be harmful.
 - Patients will have access to the certificates of analysis for products to see for themselves what was tested and the results.
 - The Executive Director stated that the Commission is still doing research on the topic and will continue to gather information and adjust as necessary.
 - The Executive Director stated that there can also be “leeching” of metals into the oils.



- The CDC has also identified other substances that could be contributing to the pulmonary illness issue, though not to the level of vitamin E acetate.
 - The Executive Director explained that products produced prior to the ban remain under quarantine.
- The first screens done under the quarantine were just for vitamin E acetate and the most recent screens tested for vitamin E acetate as well as heavy metals.
- This is an ongoing investigation.
 - Commissioner Title complimented the Executive Director for the thoroughness in this process and consistent focus on public health and safety.
 - Commissioner Title then asked what advice the Executive Director would give to consumers who have old products.
- The Executive Director stated that as products sit over time, it may be developing contaminates, which is why the new quarantine order requires disclosure of what the devices are made of, and why the second round of testing includes testing for heavy metals.
 - The Chairman agreed with Commissioner Title and wanted to thank all the staff in their effort on this matter, but in particular the Chairman wanted to thank Enforcement Counsel Paul Payer, Investigators Chantelle Porter, Katherine Binkoski, and Armond Enos, and Laboratory and Testing Analyst Geneive Hall-Frison.
 - The Executive Director followed up to say that products purchased or produced prior the ban have been previously tested for contaminants but could develop contaminates overtime. This also does not cover the illicit market, which is not being tested. Research is still developing. The Executive Director reiterated that this is an ongoing investigation and the Commission will share information as it develops.

5) Staff Recommendations on Change of Ownership

a. Krypies, LLC

- Director Potvin presented the staff recommendation for a change of ownership.
- The Chairman asked for questions and comments then asked for a motion to approve the change of ownership application.
- Commissioner Flanagan moved to approve the change of ownership application.
- Commissioner Doyle seconded the motion.
- The Commission unanimously approved the change of ownership application.

b. Mass Yield Cultivation, LLC

- Director Potvin presented the staff recommendation for a change of ownership.



- The Chairman asked for questions and comments then asked for motion to approve the change of ownership application.
- Commissioner McBride moved to approve the change of ownership application.
- Commissioner Flanagan seconded the motion.
- The Commission unanimously approved the change of ownership application.

c. New England Treatment Access, LLC

- Director Potvin presented the staff recommendation for a change of ownership.
- The Chairman asked for questions and comments then asked for motion to approve the change of ownership application.
- Commissioner Doyle moved to approve the change of ownership application.
- Commissioner McBride seconded the motion.
- The Commission unanimously approved the change of ownership application.

d. T. Bear, Inc.

- Director Potvin presented the staff recommendation for a change of ownership.
- The Chairman asked for questions and comments then asked for motion to approve the change of ownership.
- Commissioner Flanagan moved to approve the change of ownership application.
- Commissioner Doyle seconded the motion.
- The Commission unanimously approved the change of ownership application.

6) Staff Recommendations on Change of Location

a. Apothca, Inc., Vertically Integrated Medical Treatment Center (Dispensing)

- Director Potvin presented the staff recommendation for a change of location.
- The Chairman asked for questions then asked for a motion to approve the change of location application.
- Commissioner Doyle moved to approve the change of location application.
- Commissioner Flanagan seconded the motion.
- The Commission unanimously approved the change of location for which no Commissioner requested a condition.

7) Staff Recommendations on Renewals

- The Chairman explained that the Commission generally considers renewals as a roster, unless a Commissioner has asked to separate specific applications for consideration. Therefore, there are four rosters with respect to renewals: (i) those for which Commissioner Doyle is requesting a



condition, (ii) those for which Commissioner Title is requesting a condition (which will each be considered individually), (iii) those for which Commissioner Title will recuse herself, and (iv) all those without conditions or recusals.

- a. Berkshire Roots Inc (# MRR205548), Retail Renewal
- b. Berkshire Roots Inc (# MPR243499), Product Manufacturer Renewal
- c. Berkshire Roots Inc (# MXR126655), Transporter with other Existing License Renewal
- d. Berkshire Roots Inc (# MCR139849), Cultivation Renewal
- e. Berkshire Welco LLC (# MCR139852), Cultivation Renewal
 - Commissioner Title stated that this applicant appeared to paste its original positive impact plan and diversity plan into the “progress field” in lieu of providing an update.
 - Proposed condition: submit an update on each the positive impact plan and diversity plan within 60 days.
 - The Chairman asked for additional questions then a motion to approve the Renewal subject to the condition requested by commissioner Title.
 - Commissioner Title moved to approve the Renewal subject to the condition requested by Commissioner Title.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the Renewal subject to the condition requested by Commissioner Title.
- f. Caregiver-Patient Connection (# MCR139851), Cultivation Renewal
 - Commissioner Title noted that this applicant had a great diversity plan. It was very much in line with modern diversity plans and was very robust. The progress report did not address any of the items mentioned in the initial plan.
 - Proposed condition: Provide a progress report on the original plan within 60 days.
 - Commissioner Title moved to approve the Renewal subject to the condition requested by commissioner Title.
 - Commissioner Flanagan seconded the motion.
 - The Commission unanimously approved the Renewal subject to the condition requested by Commissioner Title.
- g. Garden Remedies Inc (# MCR139846), Cultivation Renewal
- h. Garden Remedies Inc (# MPR243502), Product Manufacturer Renewal
- i. Green Biz LLC (# MRR205545), Retail Renewal
 - Commissioner Title noted that, as with Berkshire Welco, the applicant did not have an update on its diversity plan.
 - Proposed Condition: Submit an update on progress of the diversity plan within 60 days.



- The Chairman asked for additional comments then for a motion to approve the Renewal subject to the condition requested by Commissioner Title.
- Commissioner Title moved to approve the Renewal subject to the condition requested by Commissioner Title.
- Commissioner Doyle seconded the motion.
- The Commission unanimously approved the Renewal subject to the condition requested by Commissioner Title.

j. Herbology Group, Inc (# MRR205552), Retail Renewal

k. LDE Holdings, LLC. (# MCR139854), Cultivation Renewal

- Commissioner Title noted that this licensee had excellent diversity and positive impact plans, but did not provide an update, stating that the licensee hasn't been able to get started given their location, but their plan had some great things they could have started on, such as putting together their committee or drafting the surveys they were going to use.
 - Proposed condition: Submit an update of the diversity plan progress within 60 days of stating any progress it has achieved.
- The Chairman asked for additional comments then for a motion to approve the Renewal subject to the condition requested by Commissioner Title.
- Commissioner Title moved to approve the Renewal subject to the condition requested by Commissioner Title.
- Commissioner Flanagan seconded the motion.
- The Commission unanimously approved the Renewal subject to the condition requested by Commissioner Title.

l. Silver Therapeutics, Inc (# MRR205549), Retail Renewal

m. Silver Therapeutics, Inc (# MCR139853), Cultivation Renewal

- Commissioner Title requested that the two Silver Therapeutics Renewals be considered together.
- Commissioner Title stated that the diversity and positive impact plan were very broad and vague, but nonetheless the updates appeared to be unrelated to those plans
 - Proposed Condition: Submit an update on both plans within 60 days.
- Chairman asked for additional comments then a motion to approve the Renewals for Silver Therapeutics subject to the condition requested by Commissioner Title.
- Commissioner Title moved to approve the Renewal subject to the condition requested by Commissioner Title.
- Commissioner Flanagan seconded the motion.
- The Commission unanimously approved the Renewal subject to the condition requested by Commissioner Title.

n. T. Bear Inc (MPR243498), Product Manufacturer Renewal



- Commissioner Title requested a condition.
 - Proposed Condition: Submit updated reports within 60 days with the statistics and metrics mentioned in initial diversity and positive impact plans.
- Commissioner Flanagan moved to approve the Renewal subject to the condition requested by Commissioner Title.
- Commissioner Doyle seconded the motion.
- The Commission unanimously approved the Renewal subject to the condition requested by Commissioner Title.

- o. The Green Lady Dispensary, Inc. (# MCR139850), Cultivation Renewal
- p. The Green Lady Dispensary, Inc. (# MPR243501), Product Manufacturer Renewal
- q. The Green Lady Dispensary, Inc. (# MRR205547), Retail Renewal
- r. ARL Healthcare, Inc., Vertically Integrated Medical Treatment Center
- s. ARL Healthcare, Inc. (#RMD1085)
- t. Healthy Pharms, Inc. (#RMD545)
- u. Holistic Industries (#RMD685)
- v. Hope Heal Health, Inc. (#RMD686)
- w. Massmedicum Corp., Vertically Integrated Medical Treatment Center
- x. MD Holistics, Inc., Vertically Integrated Medical Treatment Center
- y. Middlesex Integrative Medicine, Inc. (#RMD1025)
- z. Nature's Remedy of Massachusetts, Inc. (#1285)
- aa. Olde World Remedies, Inc., Vertically Integrated Medical Treatment Center
- bb. Sanctuary Medicinals, Inc. (#RMD1128)
- cc. Sanctuary Medicinals, Inc. (#RMD605)
- dd. The Haven Center, Vertically Integrated Medical Treatment Center
- ee. The Haven Center, Vertically Integrated Medical Treatment Center
- ff. The Haven Center, Vertically Integrated Medical Treatment Center

- Applications for which Commissioner Doyle requested a Condition.

- Proposed condition: submit an updated timeline within 60 days.
- Chairman asked for a motion to approve the Renewal subject to the condition requested by Commissioner Doyle.
- Commissioner Doyle moved to approve the Renewal subject to the condition requested by Commissioner Doyle.
- Commissioner Flanagan seconded the motion.
- The Commission unanimously approved the Renewal subject to the condition requested by Commissioner Doyle

- Applications for which Commissioner Title recused herself.



- The Chairman asked for comments then asked for a motion to approve the roster of Renewals for which Commissioner Title recused herself.
 - Commissioner Flanagan moved to approve the roster of Renewals for which Commissioner Title recused herself.
 - Commissioner Doyle seconded the motion.
 - The Commission approved the Renewals by a vote of four in favor (Doyle, Flanagan, Hoffman, McBride) and one recusal (Title).
- Applications for which no Commissioner requested a condition or recused themselves.
 - The Chairman asked for questions or comments then asked for a motion to approve the Renewal for the remainder of the roster for which no Commissioner requested a condition or recused themselves.
 - Commissioner Flanagan moved to approve the roster of licenses.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the roster of renewal licenses for which no Commissioner requested a condition or recused themselves.

8) Staff Recommendations on Final Licenses

- The Chairman stated that, as with Renewals, Final Licenses will be considered as a roster, unless specifically requested by a Commissioner to be considered separately.
- Commissioner Title asked that there be a separate vote for HVV Massachusetts, Inc.
 - a. Alternative Therapies Group (# MR281346), Retail
 - b. Curaleaf Massachusetts, LLC (# MR282052), Retail
 - c. Sira Naturals, Inc. (# MC281252), Cultivation, Tier 3/Indoor
 - d. HVV Massachusetts, Inc. (#RMD1405), Vertically Integrated Medical Treatment Center
 - The Chairman asked for questions then asked for a motion to approve the renewal licenses.
 - Commissioner Doyle moved to approve the Final License.
 - Commissioner Title seconded the motion.
 - The Commission unanimously approved the Final licenses.
 - e. Hope Heal Health, Inc. (#MC281478), Cultivation, Tier 4/Indoor
 - f. Hope Heal Health, Inc. (#MP281361), Product Manufacturer
 - g. Hope Heal Health, Inc. (#MR281337), Retail
 - The Chairman said that the remaining applications would be considered as a roster.
 - The Chairman asked for questions or comments.



- Commissioner McBride asked if there have been any suitability issues since initial licensure for any of the applicants.
 - The Executive Director said that suitability runs through the license process for every entity, so if the Commission were to receive additional information, staff would investigate it. For these Final License applications, suitability has been evaluated and at this point there has been nothing that has come to light to bring to the Commission's attention or to result in an adverse determination from the Commission.
 - Commissioner McBride confirmed that this is an ongoing evaluation, and licenses have an obligation to alert the Commission of changes in their suitability status.
 - The Executive Director added that the licensees have a burden to bring new information to light in addition to Commission staff's investigative work to discover suitability issues.
- The Chairman asked for additional questions and comments.
- Commissioner Title stated that she will abstain from voting on this roster due to concerns with respect to the host community agreements signed by each of the applicants.
- Commissioner McBride moved to approve the roster of Final Licenses.
- Commissioner Flanagan seconded the motion.
- The Commission voted by four in favor (Doyle, Flanagan, Hoffman, and McBride) and one abstention (Title).

The meeting was interrupted by a demonstrator expressing their frustration with the licensing process as pertains to their license application.

- The chairman asked for a motion to adjourn the meeting.
- Commissioner Doyle moved to adjourn the meeting.
- Commissioner Flanagan seconded the motion.

