

CANNABIS CONTROL COMMISSION

November 7, 2019
10:00AM

Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

PUBLIC MEETING MINUTES

Documents:

- Application materials for the following applications:
 - Alternative Therapies Group, Inc, Change of Ownership
 - 1620 LABS, LLC (#MCR139847), Cultivation Renewal
 - Atlantic Medicinal Partners, Inc. (#MCR139848), Cultivation Renewal
 - Atlantic Medicinal Partners, Inc. (#MPR243500), Product Manufacturer Renewal
 - Atlantic Medicinal Partners, Inc. (#MRR205546), Retail Renewal
 - Gibby's Garden, LLC (#MBR169263), Microbusiness Renewal
 - Good Chemistry of Mass, Inc. (#MPR243497), Product Manufacturer Renewal
 - Good Chemistry of Mass, Inc. (#MCR139840), Cultivation Renewal
 - Good Chemistry of Mass, Inc. (#MRR205543), Retail Renewal
 - Nova Farms, LLC F/K/A BCWC, LLC (#MPR243484), Product Manufacturer Renewal
 - Nova Farms, LLC F/K/A BCWC, LLC (#MCR139829), Cultivation Renewal
 - Revolutionary Clinics II, Inc. (#MCR139843), Cultivation Renewal
 - Revolutionary Clinics II, Inc. (#MPR243494), Product Manufacturer Renewal
 - Sanctuary Medicinals, LLC (#MRR205544), Retail Renewal
 - Temescal Wellness of Massachusetts, Inc. (#MCR139845), Cultivation Renewal
 - Temescal Wellness of Massachusetts, Inc. (#MPR243496), Product Manufacturer Renewal
 - Apothca, Inc., Vertically Integrated Medical Treatment Center Renewal
 - Apothca, Inc. (#RMD1065), Vertically Integrated Medical Treatment Center Renewal
 - Coastal Healing, Inc., Vertically Integrated Medical Treatment Center Renewal
 - Cultivate Holding, Inc. (#RMD485), Vertically Integrated Medical Treatment Center Renewal
 - Cypress Tree Management, Inc., Vertically Integrated Medical Treatment Center Renewal
 - Garden Remedies, Inc. (#RMD1265), Vertically Integrated Medical Treatment Center Renewal
 - Resinate, Inc., Vertically Integrated Medical Treatment Center Renewal



- Revolutionary Clinics II, Inc. (#RMD405), Vertically Integrated Medical Treatment Center Renewal
- Seven Point of Massachusetts, Inc., Vertically Integrated Medical Treatment Center Renewal
- Seven Point of Massachusetts, Inc., Vertically Integrated Medical Treatment Center Renewal
- 253 Organics, LLC (#MC281258), Cultivation, Tier 4/Indoor
- 253 Organics, LLC (#MP281302), Product Manufacturing
- MassGrow, LLC (#MC281488), Cultivation, Tier 11/Indoor
- Mayflower Medicinals, Inc. (#MC281343), Cultivation, Tier 2/Indoor
- Mayflower Medicinals, Inc. (#MP281480), Product Manufacturing
- Slang, Inc. (#MR281402), Retail
- Solar Therapeutics, Inc. (#MC281592), Cultivation, Tier 5/Indoor
- ARL Healthcare (#RMD1085)
- The Green Harbor Dispensary (#RMD1305)
- The Heirloom Collective (#RMD825)
- Apical, Inc. (#MCN281385), Cultivation, Tier 6/Indoor
- Apical, Inc. (#MPN281333), Product Manufacturing
- Apical, Inc. (#MRN281246), Retail
- Bask, Inc. (#MCN282211), Cultivation, Tier 3/Indoor
- Bask, Inc. (#MPN281702), Product Manufacturing
- Community Growth Partners Great Barrington Operations, LLC (#MRN282695), Retail
- Community Growth Partners Northampton Operations, LLC (#MCN282162), Cultivation, Tier 3/Indoor
- Community Growth Partners Northampton Operations, LLC (#MPN281677), Product Manufacturing
- Four Daughters Compassionate Care, Inc. (#MCN282243), Cultivation, Tier 4/Indoor
- Four Daughters Compassionate Care, Inc. (#MPN281715), Product Manufacturing
- Four Daughters Compassionate Care, Inc. (#MRN281552), Retail
- Greenstar Herbals, Inc. (#MRN282034), Retail
- Greenstar Herbals, Inc. (#MRN282048), Retail
- HVV Massachusetts, Inc. (#MPN281693), Product Manufacturing
- HVV Massachusetts, Inc. (#MCN282198), Cultivation, Tier 4/Indoor
- Just Healthy, LLC (#MCN281866), Cultivation, Tier 7/Indoor
- Just Healthy, LLC (#MPN281559), Product Manufacturing
- Just Healthy, LLC (#MRN281863), Retail
- Old Planters of Cape Ann, Inc. (#MRN282588), Retail
- Theory Farms, LLC (#MCN281657), Cultivation, Tier 2/Indoor
- Energy and Environment Guidances
 - General guidance
 - Cultivation Guidance
- Research Report: State of the Data



- Executive Director Goals
- 2019 Executive Compensation Market Survey

In Attendance:

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

Minutes:

1) Call to Order

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

2) Chairman's Comments & Updates

- The Chairman gave overview of agenda for the meeting.
- The Chairman also gave notice that there would be a new agenda items that the Chairman was not aware of at the time the agenda was released with respect Judge Wilkins ruling on vaping and any action that the Commission may take on that issue.
 - The Chairman opted to discuss this topic at the start of the meeting due to the members of the public and media who attended the meeting specifically to hear the vaping conversation and noted that the Commission will take a break after the vaping discussion to allow for questions from media and public, before reconvening for remainder of agenda.

3) Vaping Discussion

- The Chairman gave an overview of the discussion.
- General Counsel Christine Baily gave update on litigation.
 - As an initial matter, the General Counsel put the recent judicial order in context of entire litigation.
 - In a nutshell, Judge Wilkins determined that DPH lacked authority to tell CCC to enforce its emergency regulations order.
 - Commonwealth defendants appealed and the Supreme Judicial Court (SJC) took case.
 - The SJC allowed medical patient intervenors claim to be heard as part of the appeal.
 - The Commonwealth defendants asked for a stay of Judge Wilkins order. If granted, the DPH order (the Ban) would stay in effect.
 - In seeking the stay, the Commonwealth defendants reasonably argued that there would be confusion as to the extent and timing of the Ban among members of the public.



- The Chairman said that there needs to be a Commission plan whether or not the order is stayed. The Chairman then deferred to the Executive Director.
 - The Executive Director acknowledged that this is an evolving legal matter as well as, importantly, a policy and scientific matter. The Executive Director stated that the Commission needs to weigh these factors in its decisions.
 - As the Commission monitors these proceedings, of which it is not a party, Commission staff has thought through a variety of options available to the Commission if a stay of the order that struck down the Ban is not granted.
 - If the Ban is lifted with respect to medical patients and products, Commission staff has tools at its disposal under the Commission’s current regulations and administrative actions can be taken if there is a public health or safety concern with respect to vaping products.
 - These administrative tools include product holds and quarantines or a removal of product.
 - Regardless of the legal proceedings and how they unfold, these tools exist, and the related processes are ongoing irrespective of the current scenario. The Commission and public should know that with respect to the Ban and a variety of contexts in the future, these administrative actions are an option.
 - If the Ban is lifted, the Commission would have to consider relying on these administrative actions.
 - Things Commission staff would take into account if taking these administrative actions:
 - Scientific analysis;
 - Quality;
 - Time products are sitting on the shelves unused;
 - Lack of recent tests on the quality of these products;
 - Information provided by federal agencies, such as the FDA and CDC
 - In addition to the administrative actions mentioned, the Commission could also consider emergency regulations.
 - The Commission has already promulgated regulations with respect to product manufacturing, which includes vaporized products. If the commission decided to strengthen, bolster, or add to those regulations, emergency regulations would provide that opportunity. That does include the normal promulgation process of filing and public hearing.
 - If the Ban is lifted, the Executive Director said it would be his intention to consider and deploy these administrative tools as necessary, specifically quarantine of vape oil cartridges.
 - This is a different than what is covered by the Ban, which includes flower vaping and mini dose inhalers. Based on the science and national context, flower vaping and micro dose inhalers pose less of a concern. Therefore, Commission staff would be focusing on vape oils. The approach would be surgical and taken pursuant existing authority.



- The Chairman asked the Executive Director to be precise about using the word “consider” versus definite action and asked that he be precise, if the Commission were to take an administrative action with respect to quarantine, what would it cover and not cover.
- Commissioner McBride stated that given the context of what the Executive Director just said, there is still a lot we don’t know, The Commission may not want to get ahead of itself committing to one particular action. The Commission needs more specifics of what an action looks like.
- The Executive Director stated that there are a number of different options at the Commission Staff’s disposal as an agency, not just the five Commissioners as a body. This is a rapidly evolving situation. The precision of the action should be surgical, so for example, flower vaping is less of a concern. But the concern around the oil-based cartridges is larger, but Commission staff does not know enough to make a determination either way. A quarantine would allow the Commission to test products as necessary and allows licensees to assess their own products and share the additives used with consumers. What that would entail needs to be more fully vetted. The Executive Director expressed his intent to pursue and vet the options available to take actions quickly where necessary.
- Commissioner Title made the point, with respect to the previous discussion, echoing Commissioner McBride’s desire for context, that the Commission needs to look at the quarantine process, developed by the staff and promulgated by the Commission. That process reads: “quarantine order may be imposed by the Commission to immediately quarantine or otherwise restrict the sale of use of marijuana products... if based on complaints, inspections, affidavits, or other credible evidence.” Therefore, it is appropriate that if the Ban was lifted, a quarantine should be considered based on those considerations – i.e. “complaints, inspections, affidavits, or other credible evidence”. If those considerations are not at hand, it is premature to have a discussion with respect to a quarantine action .
- Commissioner McBride made a motion that the Commission begin the process to promulgate adult/use regulations relative to the vaporization of marijuana products, including but not limited to extracts, concentrates, and marijuana accessories or devices used for the consumption of vaporized marijuana products; moved further that the scope of any regulations considered by the commission shall be limited to (i) ingredients, (ii) labeling, (iii) testing, (iv) sourcing, and (v) storage of Marijuana Products intended for vaporization; and further that the Commission affirms the authority of the Executive Director granted by MGL 94G, 935 CMR 500, and 935 CMR 501, to take administrative action to ensure safe sale of marijuana products in the Commonwealth pursuant to those regulations.
 - So, following up on Commissioner Title’s comments, this motion is affirming the authority already granted to the Executive Director, but leaves flexibility to respond to the unfolding litigation, and puts us in a posture to be responsive but on track for where we are heading anyway.
- The Chairman asked for comments from other Commissioners before we consider the motion.
- Commissioner Flanagan expressed appreciation for the work by staff and the Executive Director and recognized that the Commission has a lot going on with respect to licensing entities let alone dealing with the vape ban and the fluidity of the court system. Commissioner Flanagan expressed that the Commission needs to recognize there is a lot of activity outside this body and such



activity could have an impact on the actions of the Commission. Commissioner Flanagan expressed her support for Commissioner McBride's so the Commission can do what it does best: take a thoughtful, deliberative approach, hearing from all sides. If the Commission promulgates new regulations, the public will have the opportunity to comment and there will be public hearings, which is not afforded in the legal process. As the legal process unfolds, it could undo any decision made today. But the fact of the matter is, there is a health crisis going on in the United States. Three people in Massachusetts have died. Many across the state are sick. The CDC is still trying to figure out what is going on. Commissioner Flanagan expressed her appreciation for Commissioner McBride's motion, because it shows that the Commission is being deliberate and thoughtful, and taking the public's comments into account.

- Commissioner Doyle thanked Commissioner McBride for her motion and said it is a step in the right direction. With respect to the second clause regarding the scope of our regulations, Commissioner Doyle stated that one item not covered is the chemical process of vaping. It may be discovered that application of heat may be affecting the chemical makeup of the products. Therefore, Commissioner Doyle offered a friendly amendment to add as an additional consideration in the list a number (vi) regarding the chemical process of vaping as something the Commission can investigate as part considering new regulations.
- Commissioner Title expressed her support for the motion asked whether the motion was meant to promulgate emergency regulations or regular regulatory process?
 - Commissioner McBride stated that the motion was drafted intentionally to leave flexibility to do what needs to be done as things develop, but it was envisioned as being a “normal” regulation promulgation, but is intended to start the policy discussions to consider this without knowing what will come out of legal process and it is intended to allow the Commission to be responsive to those outcomes in a real-time way.
 - Commissioner Title expressed her appreciation for that approach that and noted that if more information comes forward, the Commission always has the authority to pass emergency regulations.
 - Commissioner Title offered a friendly amendment to add “manufacturing process” to Commissioner Doyle's suggested addition.
 - Commissioner Doyle said she had no objection and the Commission may find out there are things at issue that Commissioners were not previously aware of.
 - The Chairman thanked Commissioner McBride for her leadership on putting together the motion. The Chairman expressed his sense of urgency and his preference to have a timeline for starting the regulatory process, regardless of what form it takes or what policy decisions are made.
 - Commissioner McBride deferred to General Counsel with the caveat being that the Commission is somewhat tied by the Rules of 30A.
 - The Chairman clarified that he was asking less about what decision the commission would make and more about when the Commission will make that decision.
 - Commissioner McBride noted the difficulty given the Commission does not know how this will evolve, there may be circumstances that require an emergency meeting, and the Commission does not understand the nature of the circumstances.



There is information that the Commission needs to collect and hear. Commissioner McBride her hesitancy to set such a date, thinking that the Commission should start to develop all the information needed with Staff and begin the process of putting language together, so that when the Commission needs to move on it, it can. If we want to set a time frame for all Commissioners to have their thoughts to staff, that's fine, but Commissioner McBride said she is not comfortable otherwise binding the Commission to certain actions or time frames.

- The Chairman noted that there is some ambiguity of what this regulatory process is going to look like and asked if the Commission is willing to make a decision about the regulatory process we will follow and when it will make such a decision. The chairman clarified that he is not looking to finalize the content of a policy decision, but the process for determining the content.
- Commissioner Flanagan asked the Chairman to suggest a time frame.
- The Chairman clarified that he was not asking for a decision on how to proceed, but when the Commission will decide how to proceed. The Chairman's suggested timeframe is that if the stay is not granted, then he would like the Executive Director and staff to schedule a public meeting after as quickly as possible after the court's ruling.
- Commissioner Doyle asked General Counsel what next steps would be at the SJC after the SJC rules on whether or not to stay the effect of Judge Wilkins order.
 - General Counsel said that Court anticipated that there would be a decision on the intervenors, which they will likely consider as part of the appeal and it is likely everything will be heard together on Dec 9.
 - The court will understand that there is an emergency situation, which will impact the timing of their decision. In terms of the motion for a stay, the court will likely understand that Judge Wilkins's most recent order was significant. Therefore, the General Counsel speculated that the SJC would take action to clarify the situation by the end of this week with respect to granting a stay. It is possible that a single justice will hold an evidentiary hearing with respect to the stay, which is completely in the court's discretion to determine whether that step is taken.
- Commissioner Doyle highlighted the significant legal uncertainty inherent in the ongoing litigation, so she cautioned the Commission against establishing too narrow a timeline or plan of action.
- The Chairman reiterated his desire to determine when the Commission will have a discussion about the regulatory process, not a timeline for when it will promulgate regulations.
- Commissioner Title said that there is additional information needed before the Commission can discuss a process or timeline:
 - Commissioner Title noted that in Judge Wilkins ruling, it is mentioned that 94I § 7 may prohibit a ban on medical marijuana vaping products. Given



that statement, Commissioner Title asked for a legal opinion on that concept and what a timeframe for such an opinion would be.

- Another sentence in the ruling reads that “One week is likely enough time to consider emergency regulations, since the CCC already has experience as the agency implementing their emergency regulations for the industry and has the benefit of all the information and work done by DPH to date.”
 - Commissioner Title said that there is an implication there that the Commission already has access to information from DPH and noted that if the Commission is going to consider a quarantine, as the Executive Director suggested it would, the relevant question is: are any of the products linked to any illnesses. Commissioner Title noted that such information surely exists, even if it is preliminary, therefore, making a formal request to obtain that information before the Commission discusses promulgating regulations pursuant to the motion on the table.
- General Counsel stated that in judge Wilkins order, he determined that DPH lacked the authority to order the Commission to enforce the Ban. In part he was relying on 94I § 7, whether the Commission has the authority to enact a regulation that is more restrictive than DPH had in place when it had the program. This will be a novel issue of law. There are good arguments on both sides of this interpretation. As the defendants contended that DPH, in promulgating the emergency regulations, was not bound by 94I § 7, and there were other sources of authority, and the initial order was valid. The SJC may only rule on certain aspects of the legal matters.
- Commissioner Title stated that, first, if the Commission requested information from DPH, then the Commission and Commission staff would need sufficient time to get the information. Then, if the information shows that certain products are a cause of illness, then the Commission should hold an emergency meeting. If not, the Commission should wait until next regularly scheduled meeting.
- The Chairman asked, with respect to information, whether Commissioner Title is saying the Commission should hold off on Commissioner McBride’s motion or starting of regulatory process.
 - Commissioner Title clarified she meant that the Commission should hold off on the regulatory process until it receives the necessary information.
- Commissioner Flanagan asked if the Commission would be voting on the time frame, and if so, then the Commission should hold off on such a vote as not to get boxed into that time frame. The Commission would also have to wait on the legal process happening outside the Commission. Commissioner Flanagan said that all of the Commissioners see this as important and are all taking whatever action each can in their purview to address this. Commissioner Flanagan went on to say that if Commissioner Title needs additional information, then The Commission needs to take the time for that information to come in. Commissioner Flanagan expressed

her view that the time frame is not as important as the activity that is going on and therefore, unless the Commission is taking a vote on a time frame, it should just keep pushing forward to address the ongoing crisis, and keep working on this alongside what is unfolding in the court process.

- Commissioner McBride expressed support for Commissioner Flanagan’s comments with respect to tying the Commission to the timeline and expressed her agreement with Commissioner Title regarding additional information from DPH, but that is not the only that information and the Executive Director should also rely on other evidence and information to make an informed decision, and the Commission should allow the time for that.
 - Commissioner Title agreed with Commissioner McBride’s comments with respect to the gathering of information other than information from DPH.
 - The Chairman said he is uncomfortable with not setting a timeline and if the Commission is not comfortable setting a specific date, perhaps setting specific triggers for action, such as conclusion of the legal action, receiving necessary information.
- The Chairman stated his concern that if the stay is not granted, the Commission is taking a “we’ll see” approach. If the stay is not granted, the Chairman wanted to state what action the Commission will take.
 - Commissioner Doyle said that she wants to rise in defense of the fact that we have all been concerned as these events unfold and this is a situation that requires a careful approach, which is why she gets nervous committing absolutely to something in this meeting when the Commission has not had full information. Commissioner Doyle expressed her comfort with the policies the Commission has established over the past two years and how those policies set the Commission up to address this issue and empower the Executive Director to take necessary action in response to the legal outcomes.
 - Commissioner Flanagan expressed agreement with Commissioner Doyle and expressed her comfort with the actions that may be taken by the Executive Director. Commissioner Flanagan said that it is hard to pinpoint what that action might be without all the information and therefore the Commission has to be flexible and use and embrace the tools it has and an “if this then that” approach is a little to dicey.
 - The Chairman asked what additional information the Commission will receive between Tuesday (when the SJC is presumed to issue a decision).
 - Commissioner Doyle stated that the answer as to what information is available is still unknown and that the CDC has been good about updating what’s been going on. Commissioner Doyle expressed her concern about putting into place some sort of process that confines the Executive Director actions.
 - Commissioner Title endorsed Commissioner Doyle’s comments and added that the Executive Director has had the power to quarantine this entire time. Commissioner Title expressed her full faith in the fact that when necessary, appropriate action will be taken.



- The Chairman also expressed his confidence in the Executive Director and his feeling that the Commission must use the greatest amount of caution given the lack of information. The Chairman said he was not comfortable saying “let’s see what happens” and that he feels it incumbent on him in his role to ensure the Commission is doing everything it possibly can, given people’s lives are at stake.
- Commissioner Title clarified that she and other Commissioners were not saying “let’s see what happens” and asked the Chairman to specify the action he thinks the Commission should take.
- The Chairman referred to the potential actions the Executive Director listed as the administrative actions he’d consider, with emphasis on “consider,” and deferred to the Executive Director to reiterate his previous remarks.
- The Executive Director clarified that imbedded in every action taken as the Executive Director, and the Commission has incorporated it into its policies and regulations, paramount is public health and safety. With that in mind, to other Commissioners’ point, this is a situation we have monitored closely and continue to monitor, but it is still developing. The Executive Director committed to reviewing all information, and will not hesitate to take action, as he has in the past, to protect public health and safety. The Executive Director stated that at this point Commission staff is working to develop the evidence, keeping in mind that if the stay were lifted, the Commission could deploy any tool it has to ensure that unsafe products do not reach the marketplace or any patient or consumer. The Executive Director clarified that when he said “consider” he meant to pursue with vigor and any resource available.
- Commissioner Flanagan stated that given this discussion and the multitude of opinions and acknowledging that the Chairman is correct that lives are at stake, it is an uncomfortable position to be in to make decisions in this sort of scenario. Commissioner Flanagan said the Commission has an opportunity to rise to the occasion, knowing that each Commissioner is committed to public health. Commissioner Flanagan expressed appreciation for the Executive Director’s comments and noted that there is data the Commission still needs in order to inform its decisions. Commissioner Flanagan also referenced the regulations and statutes, which continually repeat “scientifically based” and the Commission now has to get through the evidentiary portion of this situation to get through to the other side. Commissioner Flanagan said she appreciates the Chairman’s desire to pin some things down, but things are just moving too fast.
- Commissioner McBride moved that the Commission begins the process to promulgate adult-use and medical regulations relative to the vaporization of marijuana products, including, but not limited to, extracts, concentrates and any marijuana accessories or devices used for the consumption of vaporized marijuana products; and moved further that the scope of any regulations considered by the Commission shall be limited to 1) ingredients; 2) labeling; 3) testing; 4) sourcing; 5) storage of marijuana products intended for vaporization; and (6) manufacturing and consumption processes of marijuana products and marijuana accessories; and, further, that the Commission affirms the authority of the Executive Director granted by chapter 94G, 935 CMR 500 and 935 CMR 501 to take administrative action to ensure the safe sale of marijuana products in the Commonwealth pursuant to those regulations.



- Commissioner Doyle seconded the motion.
- The Commission unanimously approved the motion.

4) Approval of Minutes

- The Chairman called the meeting back to order.
- The Chairman opened discussion of minutes noting there were three sets of minutes to approve.
 - June 25, 2019
 - Commissioner Title asked that these minutes be approve subject to ministerial changes.
 - Commissioner Flanagan moved to approve the minutes subject to ministerial changes.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the minutes subject to ministerial changes.
 - June 27th
 - Commissioner Title asked that these minutes be approve subject to ministerial changes.
 - Commissioner Flanagan moved to approve the minutes subject to ministerial changes.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the minutes subject to ministerial changes.
 - October 10, 2019
 - Commissioner Title asked that these minutes be approve subject to ministerial changes.
 - Commissioner Flanagan moved to approve the minutes subject to ministerial changes.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the minutes subject to ministerial changes.

5) Executive Director's Report

- The Executive Director introduced new staff:
 - Yen Do – fiscal specialist.
 - Rebecca Lopez – Associate Enforcement Counsel
 - Andrew Carter – Associate Enforcement Counsel
- Licensing Update:
 - Typical data as extracted and presented from the Mass Cannabis industry portal.
 - There is a total of 395 applications that have submitted all four packets and are therefore considered pending review.
 - Next is a breakdown of the total portal as a whole,
 - 395 are pending
 - 389 have been withdrawn



- 3,510 are incomplete (that is they have not submitted all four packets)
 - 4 applications have been denied.
 - 207 applications considered and approved.
- Next is a breakdown of those applications that have been approved, broken out by category.
 - Total of 207 applications.
 - 80 retail licenses.
 - 64 cultivation licenses.
 - 53 product manufacturing licenses.
- Of those 207:
 - 8 provisionally approved (fees not paid).
 - 108 provisional licenses (paid license fee).
 - 14 final licenses
 - 77 commenced operations.
- Next slide covers status of applicants as General Applicant, RMD, economic empowerment priority, or expedited review:
 - 606 applications representing 319 separate entities.
 - The expedited review is a fluid number as applicants are continually for that status.
 - Related is notice that will be sent to all applicants to regarding the ability of applicants to identify as being eligible of expedited review.
- Next slide deals with disadvantaged business enterprise (DBE) statistics as supplied and submitted by the applicants
 - 606 total applications
 - 83% have not identified as a DBE.
 - Commissioner Title wanted to clarify that if a business would like to be certified as one of the categories, there is no need for them to wait to start the training.
 - The Executive Director confirmed this.
- Next slide peels back the curtain a bit on Commission staff review:
 - 156 completed (all four packets) and awaiting initial review.
 - 156 have been reopened and require additional information
 - 63 await third party responses, including background check and municipal certification
 - 20 are before the commission
 - 211 have been considered by the Commission.
- Next slide gives a geographic breakdown of all applicants across the Commonwealth.
- Next slide is specific to retail applications by county.
- Next slide is a by-license-type breakdown of where folks are in the application process.



- Informative of what is pending in the cue by license type.
- Next few slides relative agents
 - 9,621 total Agent applications.
 - 6,715 already active.
 - Of our workload 234 either pending as establishment agents or laboratory agents
 - 102 Not yet reviewed
 - 125 require additional information
 - 7 awaiting third-party response.
 - Demographics of Agents
 - 56% identify as male
 - 73.4% identify as white
- Next two slides look at Medical Use program
 - Total of 162 applications.
 - 96 provisional licenses.
 - 5 final licenses.
 - 54 have commenced operations.
 - 10 licenses have expired.
 - Looking at Medical Use program Agents
 - 4,775 active agents.
 - 259 Registered Certified Physicians.
 - 64 Registered Certified Nurse Practitioners
 - The Commission, under statute and regulation, has the ability to certify physician assistants, but has not received any such applications.
 - Commissioner Flanagan asked for a distinction between certified patients and certified active patients.
 - The Executive Director stated that active patients are actively making purchases during the previous 60 days.

- The Chairman then gave an overview of the process for the licensing portion of the meeting.

6) Staff Recommendations on Change of Ownership

a. Alternative Therapies Group, Inc.

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



- Commissioner McBride seconded the motion.
- Commission unanimously approved the change of ownership.

7) Staff Recommendations on Renewals

- The Chairman said the Commission generally consider renewals and final licenses as a roster unless a Commissioner specifically requested separate consideration to allow Commissioners to propose conditions. There are four rosters the Commission will consider with respect to renewals: (i) those for which Commissioner Doyle would like to request conditions, (ii) those for which Commissioner Title would like to request conditions, (iii) all those without conditions, and (iv) those for which Commissioner Title will recuse herself.
- Applications for which Commissioner Doyle requested a condition (highlighted in teal below).
 - Commissioner Doyle
 - Proposed condition: submit an updated timeline within 60 days.
 - The Chairman asked for additional comments then asked for a motion to approve the renewal applications for those licensees for which Commissioner Doyle requested a condition, subject to that condition.
 - Commissioner Doyle moved to approve the renewal applications for those licensees for which Commissioner Doyle requested a condition, subject to that condition.
 - Commissioner Flanagan seconded the motion.
 - The Commission unanimously approved the renewal applications for those licensees for which Commissioner Doyle requested a condition, subject to that condition.
- Applications for which Commissioner Title requested a condition (highlighted in magenta below).
 - Commissioner Title first commended the staff on the guidance they gave to applicants with respect to progress reports, as the improvement is noticeable.
 - Proposed condition: Within 60 days the applicant should submit information about an annual data review that was described in their submitted diversity plan, describing an audited report by the CEO with employment data, values of contractors and subcontractors, and additional information.
 - The Chairman asked for additional comments and then asked for a motion to approve the renewal subject to the condition requested by Commissioner Title.
 - Commissioner McBride moved to approve the renewal license subject to the condition requested by Commissioner Title.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the renewal application for license for which Commissioner Doyle requested a condition, subject to that condition
- Applications for which no Commissioner requested a condition.
 - The Chairman asked for questions then asked for a motion to approve the renewal licenses for which no Commissioner requested a condition.
 - Commissioner Doyle moved to approve the renewal licenses for which no Commissioner requested a condition.
 - Commissioner Flanagan seconded the motion.



- The Commission unanimously approved the renewal licenses for which no Commissioner requested a condition.
- Applications with respect to which Commissioner Title recused herself.
 - The Chairman asked for questions then asked for a motion to approve the renewal licenses with respect to which Commissioner Title recused herself.
 - Commissioner Flanagan moved to approve the renewal licenses with respect to which Commissioner Title recused herself.
 - Commissioner McBride Seconded the Motion.
 - The Commission approve the Renewal Licenses by a vote of four in favor (Doyle, Flanagan, Hoffman, and McBride) and one abstention (Title).

- a. 1620 LABS, LLC (#MCR139847), Cultivation Renewal
- b. Atlantic Medicinal Partners, Inc. (#MCR139848), Cultivation Renewal
- c. Atlantic Medicinal Partners, Inc. (#MPR243500), Product Manufacturer Renewal
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- o. Temescal Wellness of Massachusetts, Inc. (#MPR243496), Product Manufacturer Renewal
- p. Apothca, Inc., Vertically Integrated Medical Treatment Center Renewal
- q. Apothca, Inc. (#RMD1065), Vertically Integrated Medical Treatment Center Renewal
Commissioner Title thanked staff for
- r. Coastal Healing, Inc., Vertically Integrated Medical Treatment Center Renewal
- s. Cultivate Holding, Inc. (#RMD485), Vertically Integrated Medical Treatment Center Renewal
- t. Cypress Tree Management, Inc., Vertically Integrated Medical Treatment Center Renewal
- u. Garden Remedies, Inc. (#RMD1265), Vertically Integrated Medical Treatment Center Renewal
- v. Resinate, Inc., Vertically Integrated Medical Treatment Center Renewal
- w. Revolutionary Clinics II, Inc. (#RMD405), Vertically Integrated Medical Treatment Center Renewal
- x. Seven Point of Massachusetts, Inc., Vertically Integrated Medical Treatment Center Renewal
- y. Seven Point of Massachusetts, Inc., Vertically Integrated Medical Treatment Center Renewal

8) Staff Recommendations on Final Licenses

- The Chairman said that the Commission would consider the Final Licenses as a roster.



- Commissioner Title requested two rosters, letters a-g and then letters h-j, given she will be abstaining from several votes.
- Final Licenses to be considered without any recusal:
 - Commissioner Title asked, with respect to Mayflower Medicinals, whether that licensee will continue using “medicinal” in its business name for its adult operation.
 - Director Potvin stated that there is no change of name application being considered at this time.
 - Commissioner Title asked whether the Commission has guidance on whether licensees can use “medicinal” in the business name with respect to adult use establishments.
 - Director Potvin stated that this licensee has colocated establishments, so a name change may be problematic.
 - The Executive Director stated that this issue is a discussion among staff and something that should be addressed. There is no solution in mind yet, but colocated licensees create particular questions and Commission staff will have a recommendation to bring to the Commission with respect to the use of words like “medicinals” in colocated facilities.
 - Commissioner Flanagan asked if this topic is this part of 2020 regulatory review or if it is more administrative in nature.
 - The Executive Director said that Commission staff would likely bring a recommendation to the Commission on how to deal with this, but it is also likely to be a matter to be discussed as part of the regulatory review.
 - Commissioner Doyle similarly noted the use of the word “organics” in the business name of licensees and the problem that creates given the technical term “organic” and the USDA certification associated with the word “organics”.
 - The Executive Director stated that this is a similar issue to “medicinals” and would also likely have a labeling implication. Commission staff continues to explore this issue and will bring a proposal to the Commission.
 - The Chairman asked for additional questions and then a motion to approve the final license roster of companies listed as a-g on the Commission’s agenda.
 - Commissioner Doyle moved to approve the final license roster of companies listed as a-g on the Commission’s agenda.
 - Commissioner McBride seconded the motion.
 - The Commission approved the final license roster of companies listed as a-g in the Commission’s agenda by a vote of four in favor (Doyle, Flanagan, Hoffman, McBride) and one abstention (Title)
 - The Chairman asked for additional questions and then a motion to approve the final license roster of companies listed as h-j on the Commission’s agenda.
 - Commissioner Doyle moved to approve the renewal license.
 - Commissioner Flanagan seconded the motion.



- The Commission unanimously approved the Final license.

- a. 253 Organics, LLC (#MC281258), Cultivation, Tier 4/Indoor
 - b. 253 Organics, LLC (#MP281302), Product Manufacturing
 - c. MassGrow, LLC (#MC281488), Cultivation, Tier 11/Indoor
 - d. Mayflower Medicinals, Inc. (#MC281343), Cultivation, Tier 2/Indoor
 - e. Mayflower Medicinals, Inc. (#MP281480), Product Manufacturing
 - f. Slang, Inc. (#MR281402), Retail
 - g. Solar Therapeutics, Inc. (#MC281592), Cultivation, Tier 5/Indoor
-
- h. ARL Healthcare (#RMD1085)
 - i. The Green Harbor Dispensary (#RMD1305)
 - j. The Heirloom Collective (#RMD825)

9) Staff Recommendations on Provisional Licenses

- a. Apical, Inc. (#MCN281385), Cultivation, Tier 6/Indoor
 - Director Potvin presented the application and staff recommendation for both Apical, Inc. applications.
 - Commissioner McBride asked whether the old regulations or new regulations would be applied to final licensees if the Commission's regulations changed between those two phases of licensure.
 - The Executive Director said that this application was evaluated against the regulations that were in place at the time the application was submitted. Moving forward, investigations will be based on the regulations promulgated November 1. Final licenses pending today were inspected against the previously issued regulations.
 - Commissioner McBride noted that, with respect to requesting conditions, some conditions would be based on the new regulations as of November 1.
 - The Executive Director stated that when conditions are added on a provisional license, the licensee must demonstrate compliance with investigators prior to being eligible to commence operations.
 - The Chairman asked for questions and comments then asked for motion to approve the provisional license for Indoor Cultivation
 - Commissioner Doyle moved to approve the provisional license for indoor cultivation.
 - Commissioner Flanagan. seconded the motion.
 - The Commission approved the provisional license by a vote of four in favor (McBride, Doyle, Flanagan, and Hoffman) and one abstention (Title).
- b. Apical, Inc. (#MPN281333), Product Manufacturing
 - Commissioner McBride requested a condition.



- Proposed condition: Provide more information about the shapes and sizes of chocolates and other edibles.
 - The Chairman asked for additional questions and comments then asked for motion to approve the provisional license for product manufacturing application, subject to the condition requested by Commissioner McBride.
 - Commissioner Doyle moved to approve the provisional license subject to the condition requested by Commissioner McBride.
 - Commissioner Flanagan seconded the motion.
 - The Commission approved the provisional license by a vote of four in favor (Doyle, Flanagan, Hoffman, McBride) and one abstention (Title), subject to the condition requested by Commissioner McBride.
- c. Apical, Inc. (#MRN281246), Retail
- Director Potvin presented the application and staff recommendation.
 - The Chairman asked for questions and comments then asked for motion to approve the provisional license.
 - Commissioner Doyle moved to approve the provisional license.
 - Commissioner McBride seconded the motion.
 - The Commission approved the provisional license by a vote of four in favor (Doyle, Flanagan, Hoffman, and McBride) and one abstention (Title).
- d. Bask, Inc. (#MCN282211), Cultivation, Tier 3/Indoor
- Director Potvin presented the application and staff recommendation for both the cultivation, Tier 3/Indoor and Product Manufacturing Licenses for Bask, Inc.
 - Commissioner Title requested a condition.
 - Proposed Condition: With respect to the Diversity Plan, update the goal that at least 10% of the workforce and 5% of management will consist of women and minorities. It is objectively unreasonable for the threshold to be 10%/5% if that group is to include women, given women make up 50% of the population. There seems to be a copy and paste error naming the groups that will be included as part of this employment goal, which needs to be corrected.
 - Commissioner Title expressed her concern that this issue, and these types of mistakes, are continuing to occur given the Commission has been focusing on it for months. Some of these issues may be typos, but if those typos keep recurring, the concern is that not much thought is going into these.
 - Commissioner Title expressed her hope that when the new guidance is ready, it will help address these problems. When we look at the statistics, our industry is less diverse than other industries. The Commission created the diversity plan requirement to try to preempt a lack of diversity in the industry. Diversity plans associated with renewal applications appear to be a little better than the initial application, but implementation seems to be a last-minute thought.



- Commissioner Title, therefore, expressed her hope that at the next meeting of the Commission, there could be a discussion about how to address this continuing issue.
 - The Chairman asked for additional questions and then asked for motion to approve the provisional license subject to the condition requested by Commissioner Title.
 - Commissioner McBride moved to approve the provisional license, subject to the condition requested by Commissioner Title.
 - Commissioner Flanagan seconded the motion.
 - The Commission unanimously approved the provisional license subject to the conditions requested by Commissioner Title.
- e. Bask, Inc. (#MPN281702), Product Manufacturing
- Commissioner Title requested a condition.
 - Proposed Condition: With respect to the Diversity Plan, update the goal that at least 10% of the workforce and 5% of management will consist of women and minorities. It is objectively unreasonable for the threshold to be 10%/5% if that group is to include women, given women make up 50% of the population. There seems to be a copy and paste error naming the groups that will be included as part of this employment goal, which needs to be corrected.
 - Commissioner McBride stated that one of the products this applicant intends to produce is chocolate covered espresso beans.
 - Proposed condition: That the enforcement team make sure they are looking at what this product looks like an and out of the package, because it is going to be difficult to affix the required labels and warnings.
 - Commissioner McBride stated that there needs to be a clarification in the applicant's security plan with respect to incident reporting. In the security plan the applicant stated that it will immediately notify law enforcement and file a written report with the Commission within 10 days. Pursuant to 935 CMR 500.110(9)(A), both law enforcement and the Commission should be informed. It is clear in the applicant's diversion prevention plan that the applicant knows that notice to both law enforcement and the Commission are required.
 - Proposed condition: Update the security plan to properly reflect the requirement of 935 CMR 500.110(9)(A) to immediately notify the Commission in addition to law enforcement in the event of an incident.
 - The Chairman asked for additional questions and comments then asked for motion to approve the provisional license subject to the conditions requested by Commissioners Title and McBride.
 - Commissioner Flanagan moved to approve the provisional license, subject to the conditions requested by Commissioners Title and McBride.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the provisional license subject to the conditions requested by Commissioners Title and McBride.
- f. Community Growth Partners Great Barrington Operations, LLC (#MRN282695), Retail



- Director Potvin presented the application and staff recommendation.
 - Commissioner Flanagan asked a question with respect to the applicant’s positive impact plan. The plan reads in part, that it is a goal of the applicant to be a reliable source of cannabis education and awareness. The Commission’s regulations state what licensees can and cannot discuss, particularly with respect to the health benefits of cannabis. As part of achieving that goal, however, the applicant states that they will offer monthly seminars to allow local community to ask questions and learn about the many uses and health benefits of cannabis. Therefore, it is unclear whether they have substantial evidence or clinical data, as required by 935 CMR 500.105(4), to back up any claims they with respect to the health benefits of cannabis as they may make in fulfilling this goal.
 - Proposed condition: The applicant must have the substantial evidence or clinical data to support any information with respect to health benefits of Cannabis. If the applicant does not have such data, it must strike that portion of its positive impact plan and redraft the portion of the plan relating to education and outreach.
 - Commissioner Title expressed support Commissioner Flanagan’s condition, but otherwise thinks this is one of the best positive impact plans the Commission has seen.
 - The Chairman agreed.
 - The Chairman asked for questions and comments then asked for motion to approve the provisional license subject to the condition requested by Commissioner Flanagan.
 - Commissioner Doyle moved to approve the provisional license subject to the condition requested by Commissioner Flanagan.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the provisional license subject to the condition requested by Commissioner Flanagan.
- g. Community Growth Partners Northampton Operations, LLC (#MCN282162), Cultivation, Tier 3/Indoor
- Director Potvin presented the application and staff recommendation for both Cultivation, Tier 3/Indoor and Product Manufacturing with respect to Cultivation, Tier 3/Indoor and Product Manufacturing.
 - The Chairman asked for questions and comments then asked for motion to approve the provisional license.
 - Commissioner Doyle moved to approve the provisional license.
 - Commissioner Title seconded the motion.
 - Commission unanimously approved the provisional license.

After a vote on application (h) the Chairman asked for a vote to reconsider application (g) in order to ensure that Commissioner Flanagan’s requested condition was included.

- The Chairman asked for a motion to approve the provisional license subject to the condition requested by Commissioner Flanagan.



- Commissioner Doyle moved to approve the provisional license subject to the condition requested by Commissioner Flanagan.
 - Commissioner Title seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the condition requested by Commissioner Flanagan.
- h. Community Growth Partners Northampton Operations, LLC (#MPN281677), Product Manufacturing
- Commissioner Flanagan requested the same condition as requested with respect to Community Growth Partners Great Barrington - Retail.
 - The Chairman asked for a motion to approve the provisional license subject to the condition requested by Commissioner Flanagan.
 - Commissioner Doyle moved to approve the provisional license subject to the condition requested by Commissioner Flanagan.
 - Commissioner Title seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the condition requested by Commissioner Flanagan.
- i. Four Daughters Compassionate Care, Inc. (#MCN282243), Cultivation, Tier 4/Indoor
- Director Potvin presented the application and staff recommendation for both Cultivation, Tier 4/Indoor and Product Manufacturing.
 - Commissioner Flanagan expressed concerns with respect to the monetary donations to Equitable Opportunities Now and Elevate in order to benefit the municipalities of Brockton, Mansfield, Taunton, and Walpole. The concern is that these are large organizations and therefore the donated funds may not necessarily be going to the specified municipalities that they are intend the funds to serve.
 - Proposed Condition: Ensure that the funds will be directed toward the specific municipalities cited in the positive impact plan.
 - Commissioner Title offered a friendly amendment to Commissioner Flanagan’s condition that the money goes to Areas of Disproportionate Impact as defined in our regulations, rather than to specific municipalities
 - Commissioner Flanagan said she accepts that amendment provided the applicant remove reference to the four cities and towns named in its positive impact plan, but if the applicant continues to name those four cities and towns, then it must prove that the funds are going to those four communities.
 - This condition is to be applied across all applications by this entity.
 - Commissioner Doyle expressed that she believed this applicant relied on RMD priority status for their adult use license application.
 - Proposed Condition: update the timeline for the RMD within 60 days.
 - This condition is to be applied across all applications by this entity.



- Commissioner Title stated that with respect to the diversity plan, the applicant stated the goal to hire “five diverse candidates.”
 - Proposed Condition: Define the term “diverse candidate” in their diversity plan.
 - This condition is to be applied across all applications by this entity.
 - Commissioner Title stated that as a matter of transparency she wanted to state that she has worked closely with both of the organizations previously discussed (i.e. Equitable Opportunities Now and Elevate), but it does not rise to the level of a recusal.
 - The Chairman for asked for motion to approve the provisional license subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.
 - Commissioner Doyle moved to approve the provisional license subject to the Chairman asked for asked for motion to approve the provisional license subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.
 - Commissioner Flanagan seconded the motion.
 - The Commission unanimously approved the provisional license subject conditions requested by Commissioners Flanagan, Doyle, and Title.
- j. Four Daughters Compassionate Care, Inc. (#MPN281715), Product Manufacturing
- The Chairman asked for a motion to approve the provisional license subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.
 - Commissioner Flanagan moved to approve the provisional license subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.
- k. Four Daughters Compassionate Care, Inc. (#MRN281552), Retail
- The Chairman asked for asked for motion to approve the provisional license subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.
 - Commissioner Doyle moved to approve the provisional license subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.
- l. Greenstar Herbals, Inc. (#MRN282034), Retail
- Director Potvin presented the staff recommendation for provisional license.
 - Commissioner McBride said that she had a condition similar to previous conditions for other applicants with respect to the security plan and clarity with respect to when and how the Commission will be notified.
 - Proposed condition: Make it clear that law enforcement and the Commission will be immediately notified of any security breach and issue a written report within 10 days.



- This condition is to be applied to both applications by this entity.
 - Commissioner Title proposed conditions with respect to the diversity plan.
 - Proposed condition: Update 20% from Commission approved areas of diversity, both with respect to the “people of all gender identities” typo and that 20% is objectively unreasonable given women make up 50% of the population.
 - This condition is to be applied to both applications by this entity.
 - Commissioner Doyle moved to approve the provisional license subject to the conditions requested by Commissioners McBride and Title.
 - Commissioner Title seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioners McBride and Title.
- m. Greenstar Herbals, Inc. (#MRN282048), Retail
- Director Potvin presented the staff recommendation for provisional license.
 - The Chairman confirmed that the previous conditions from Commissioners McBride and Title applied to this application and asked for additional comments and questions.
 - The Chairman asked for a motion to approve the provisional license subject to the conditions requested by Commissioners McBride and Title.
 - Commissioner McBride moved to approve the provisional license subject to the conditions requested by Commissioners McBride and Title.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioners McBride and Title.
- n. HVV Massachusetts, Inc. (#MPN281693), Product Manufacturing
- Director Potvin presented the staff recommendation for provisional license.
 - Commissioner Doyle stated that she believes this applicant relied on priority RMD status and appears to be making progress on being operational on medical side.
 - Proposed Condition: provide an updated timeline to give a better sense of where the applicant is in progressing toward commencing operations.
 - Commissioner Flanagan asked whether there was a letter received from Girls Leap that they will accept the money.
 - Director Potvin stated that Staff did not receive that letter.
 - Proposed condition: Prior to final licensure, provide the Commission with that letter.
 - The Chairman then asked for a motion to approve the application subject to the conditions requested by Commissioner Doyle and Flanagan.
 - Commissioner Doyle moved to approve the provisional license subject to the conditions requested by Commissioner Doyle and Flanagan.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioner Doyle and Flanagan.



- o. HVV Massachusetts, Inc. (#MCN282198), Cultivation, Tier 4/Indoor
 - The Chairman asked for a motion to approve the application subject to the conditions requested by Commissioner Doyle and Flanagan.
 - Commissioner Flanagan moved to approve the provisional license subject to the conditions requested by Commissioner Doyle and Flanagan.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioner Doyle and Flanagan.

- p. Just Healthy, LLC (#MCN281866), Cultivation, Tier 7/Indoor
 - Director Potvin presented the staff recommendation for provisional license for both Cultivation, Tier 7/Indoor and Product Manufacturing.
 - Commissioner Flanagan noted that she had not seen a letter from the organization named in the applicant's positive impact plan stating they will accept the donations.
 - Proposed condition: Provide a copy of the letter from said organization that they will accept the donations and add it to the applicants file.
 - Commissioner Title requested a condition.
 - Proposed condition: revise the diversity plan to include quantified, measurable goals
 - Commissioner Doyle noted that this is an entity that relied on RMD priority status for its adult application.
 - Proposed Condition: provided an updated timeline to give a better sense of where they are in progress toward commencing operations.
 - The Chairman then asked for a motion to approve the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.
 - Commissioner Doyle moved to approve the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.
 - Commissioner Flanagan seconded the motion.
 - The Commission unanimously approved the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.

- q. Just Healthy, LLC (#MPN281559), Product Manufacturing
 - The Chairman then asked for a motion to approve the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.
 - Commissioner Flanagan moved to approve the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioners Doyle, Title, and Flanagan.

- r. Just Healthy, LLC (#MRN281863), Retail



- Director Potvin presented the staff recommendation for provisional license for retail.
 - The Chairman confirmed that the conditions previously requested by Commissioners Flanagan, Doyle, and Title apply to this application as well.
 - The Chairman then asked for a motion to approve the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.
 - Commissioner McBride moved to approve the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.
- s. Old Planters of Cape Ann, Inc. (#MRN282588), Retail
- Director Potvin presented the staff recommendation for provisional license.
 - Commissioner Doyle noted that this is a medical facility and should be similarly conditioned.
 - Proposed condition: update timeline as to medical operations.
 - Commissioner Title requested a minor condition.
 - Proposed condition: correct the “people of all gender identities” typo in the diversity plan.
 - The Chairmen asked for a motion to approve the provisional license subject to the conditions requested by Commissioners Doyle and Title.
 - Commissioner Doyle moved to approve the provisional license subject to the conditions requested by Commissioners Doyle and Title.
 - Commissioner Title seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioners Doyle and Title.
- t. Theory Farms, LLC (#MCN281657), Cultivation, Tier 2/Indoor
- Director Potvin presented the staff recommendation for provisional license.
 - Commissioner Flanagan noted that relative to the positive impact plans for this license type, there are some key dates for specific actions to be taken.
 - Proposed condition: update those key dates prior to final licensure for this facility.
 - The Chairman asked for a motion to approve the provisional license subject to the condition requested by Commissioner Flanagan.
 - Commissioner Flanagan moved to approve the provisional license subject to the condition requested by Commissioner Flanagan.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the condition requested by Commissioner Flanagan.

10) Commission Discussion and Votes

- a. Energy and Environment Guidance



- Commissioner Doyle recognized all the folks who have worked on this initiative, including those in other agencies.
- Commissioner Doyle highlighted how the update energy guidances are really going to make a difference.
 - With respect to the management profile, the Commission is going to want to hear more at the architectural review stage after a provisional license phase.
 - Ongoing engagement with energy monitoring and energy efficiency.
 - With respect to renewal, we're going to want to see some updates to the information given in earlier phases of the application process.
- Commissioner gave an overview of the process for preparing regulations and guidance.
 - Two guidances:
 - One “basic guidance” that applies to all license types.
 - This guidance hits on energy efficiency, renewables, energy demand and efficiency programs.
 - Applicants will be expected to give information with respect to engagement on these issues.
 - Guidance and checklists provide specific issues to be addressed at various points in the application process.
 - Transporters and delivery operators, however, have different requirements.
 - Considerations of alternative fuel vehicles.
 - Energy and environmental impact of their base location.
 - Second guidance specific to cultivation.
 - Cultivation will have to meet the requirements of basic guidance but will also have to follow a cultivations specific guidance, given it is the most energy intensive licensee class.
 - Maintain manuals with respect to energy use equipment.
 - Architectural review process
 - Must obtain one of two compliance letters:
 - Energy compliance letter or energy compliance exemption letter.
 - Must obtain third party safety certification for lighting.
 - Some bulbs have been discovered not to be safe.
 - These letters can be signed by either licensed engineers or architects.
 - Certified energy auditor or energy manager if they obtain a waiver from the commission (for a less expensive option. .
 - Regardless, HVAC and dehumidification will have to be done by a mechanical engineer.
 - Two paths forward for horticultural lighting:
 - Wattage requirement



- Set list on the Design Light Consortium.
 - Calculation of which products on the list are acceptable to the Commission.
 - If using renewable energy for 80% or more, then licensee would qualify for exemption and must document how the remaining 20% of energy is generated.
 - Upon license renewal licensees must:
 - Provide Cannabis PowerScore Report
 - Update energy compliance or exemption letter, as necessary.
- The Chairman expressed appreciation for work.
- The Chairman asked for additional questions or comments and then asked for a motion to adopt the guidance.
- The Commission unanimously approved the guidance.

b. Research Presentation: State of the Data

- The Chairman introduced Dr. Julie Johnson.
- Dr. Johnson provided an overview of research report and introduced Dr. Whitehill and Dr. Geissler.
 - Dr. Whitehill and Dr. Geissler presented the report.
- The Chairman opened the conversation for questions.
- Commissioner Flanagan asked how the Commission can get to where it wants to be with respect to Data. Due to the way we came to legalization, the laws didn't quite catch up. The report discusses the limitations of data being collected. As compared with national surveys, can it be ascertained how other states are doing with respect to collecting data and how does the Commission compare?
 - Research team said that it was not within the scope of the report to look at the differences with other states are collecting data. The research team did look at some outside expertise, such as adding questions onto public health surveys. Offered to follow up to figure out what some of the other states have done.
- Commissioner Flanagan then noted that based on recommendations in the report, there are some action items for the Commission to take. Also asked whether there were any conversations with legislators and other policy makers or is this the first chance you've had.
 - Research team said those conversations have not happened, but they would be crucial.
- Commissioner Flanagan then turned to trauma reports and emergency room reports and asked whether there is data with respect to 911 calls? Given that when an ambulance arrives, patients don't have to go to the hospital, so those would not show up in an emergency department reports.
 - Research team said that there is some ambulance data but would have to follow up.
 - Commissioner Flanagan: The reason for the question is because not everyone ends up in the emergency room. It would be helpful to know whether folks are calling ambulances, but not going to the hospital, from a use of public resource perspective.



- Commissioner Doyle thanked the researchers for the work and report and their help with individual questions with respect to the environmental guidance.
- Commissioner McBride thanked the research team for their work and commented on the lack of data with respect to driving under the influence and the importance of collecting that data. Similarly, there is a lack of data with respect to the scale of the illicit market.
- Commissioner Title thanked the research team for expertise and commitment. Commissioner Title said she had two questions with respect to ownership trends and one question with respect to emergency room data.
 - Commissioner Title noted that the research team indicated that monetary compensation would be helpful with respect to inducing participation in data collection and asked whether the research department could put together a budget to accomplish that and whether this issue could be part of barriers to entry?
 - The research team replied that, yes, this would be part of the research agenda and an ongoing conversation internally will continue.
 - Commissioner Title then asked if there was a feasible alternative to self-identification with respect to demographic information or whether self-identification was the best method.
 - Research team answered that with respect to industry participation, self-identification would be the best method of obtaining that information.
 - Commissioner Title expressed concern about accidental ingestion by children and increasing reports of such incidents, but there is not necessarily information with respect to the types of products involved. Commissioner Title asked that if one could wave a magic wand to get that data, what might that look like:
 - The Research team said that regional poison centers do specify the type of product. There is not, however, specificity as to brand. Something a partnership with hospitals or poison center could help ascertain.
 - Commissioner Title then drilled down that the idea of “edibles” is not specific enough for the Commission’s purposes. The Commission would want to know the shapes and flavors. It sounds like this information may be forthcoming.
 - Commissioner McBride expressed that a Commission database would help the Commission ascertain this type of information.
- The Chairman expressed the same interest and sense of urgency as Commissioner McBride with respect to the illicit market. The Chairman also wanted to understand better how the Commission can tackle the illicit market. Also curious about the international research study and economic modeling and whether such modeling would include information with respect to the illicit market.
 - Research team responded that there are some other states that could be looked to for examples as to how the data of the illicit market can be obtained.
 - Dr. Johnson stated that information with respect to the illicit market configures a triangulation of multiple data sources, so it is hard to empirically assess. The Commission is contracting with Doctor Hammond, well known researcher on the topic of tobacco use, now working in the cannabis space. The research department is specifically interested in this information and how they are measuring this data, which is important for the



assessment of both the illicit and legal market. The research team did a review of the peer reviewed literature to see how this data is used and analyzed.

- Commissioner Flanagan expressed her thanks to Samantha from the research department, in addition to the presenters. This is a great place to start and helps get the Commission answers to questions that Commissioners ask as they create policy.

c. Executive Director Goals

- The Chairman gave an overview of the three parts of the conversation with respect to the performance management process for the Executive Director. The Chairman explained that, after consultation with General Counsel, there will be a performance review that will not be handled in public. The Executive Director and Chairman, however, came up with a list of goals for the coming year, which is a draft since it needs to be voted on in public.
- Commissioner Flanagan stated that while the Commission talks about the goals and expressed thanks to the Executive Director for the great deal he has already accomplished. Commissioner Flanagan also expressed that many of these goals are ongoing, some will be better assessed once the Commission is in its new headquarters, and some require the addition of staff to accomplish.
- Commissioner McBride echoed Commissioner Flanagan, a lot of these goals are a matter of cooperation. Looking at these goals, they can no way all to be shouldered by the Executive Director, who has done the monumental task of getting the agency up and running. These are goals that are important to put in place, but they require a lot of people to come into the mix on this and the Commission needs to remember there are other pieces that have to come into play here, including additional staff and settling into the Commission's permanent headquarters.
- The Chairman said that he acknowledges that these obviously require staff and after the Commission agrees to these goals, they should cascade down through the Commission staff. He also expressed that there no question the Executive Director needs help to accomplish these goals, but he's the Executive Director so the Commission needs to set these goals. Finally, the Chairman stated that the goals can only work if the Executive Director buys into the goals before the Commission approves the goals.
- Commissioner Title asked a process question to clarify whether the Executive Director's input is already included in the draft before the Commission.
- The Executive Director acknowledged that this date marked 2 years for him at the Commission. It has been a long 2 years because everyone has been busy building something. The Executive expressed his agreement to these goals and said he is glad to be held account to them, because the team the Commission has built will make it possible. These goals are important to continue the diverse array of work before the Commission. The next step to move forward would be to meet with staff.
- The Chairman expressed that this is a living document and meant to be the basis of an ongoing discussion with respect to the circumstances for the Commission as it develops.
- Commissioner Title expressed that the goals are completely consistent with what she hopes to see and for what the public would hold Commission staff accountable. The goals also reflect the shift



away from building the agency toward improving on the foundations laid. Commissioner Title then complimented the process.

- Commissioner McBride expressed that the Commission should keep in mind as it sets out these goals, the Commissioners' responsibilities as policy makers, that it can impact these goals in a way that "moves the goal post." The Commission must keep that in mind as it attempts to operationalize these goals.
- Commissioner Flanagan expressed that the public is also going to hold the Executive Director to account to these goals. That serves as a daily reminder.
- Commissioner Doyle wanted echo the themes discussed already, including that these may be goals the Commission is expressing to the Executive Director, some more aspirational than others, but that the Commission must give him the support he needs to get these things done. Commissioner Doyle also acknowledged how much has been done in the past two years and how much more needs to be done.
- The Chairman reiterated that this is a living document and the Commissioners need to be able to listen and give the Executive Director the flexibility to react. This should be a two-way dialogue and the Commission either needs to give the Executive Director the support he asks for or let him off the hook.
- Commissioner Title expressed her appreciation of the public centricity of these goals, but there is a lot that is implicit in the goals, including, all the Executive Director will have to manage to accomplish them. Commissioner Title wanted to acknowledge that fact and acknowledge that the Executive Director has done a great job on thus far. Commissioner Title said it is incumbent upon the Executive Director to alert the Commissioners if there are things that are blocking progress and the Commissioners need to in turn be responsive.
- The Chairman asked for additional comments and then for a motion to approve the goals, respective of the comments made by Commissioners as part of this discussion.
- Commissioner Title moved to approve the goals.
- Commissioner Flanagan seconded the motion.
- The commission unanimously approved the goals.
- Commissioner Flanagan asked if we needed to vote every time one of these goals is changed?
 - General Counsel said that the Commission would have to vote to change the goals.

d. Executive Director Compensation

- The Chairman then gave an overview of the plan for discussing the Executive Director's compensation and asked for a motion to go into executive session for that purpose. Once five commissioners have come to agreement, invite the Executive Director into executive session to negotiate, then after that negotiation, the Commission will return to open meeting and hold a vote.
- General Counsel asked if Chief of Staff and Associate General Counsel could also be present for appropriate note taking.
- The Chairman authorized the presence of a legal assistant to take notes.
- Commissioner McBride moved to go into executive session.
- Commissioner Doyle seconded that motion.



- The Commission unanimously voted by roll call vote to enter executive session.

EXECUTIVE SESSION:

MINUTES FROM THE EXECUTIVE SESSION PORTION OF THE NOVEMBER 7, 2019 PUBLIC MEETING OF THE MASSACHUSETTS CANNABIS CONTROL COMMISSION.

- The Chairman distributed to the Commissioners, a 2019 Executive Compensation Market Survey (the Survey), compiled by Erika White, the Chief People Officer (CPO).
- At the request of the Chairman, Christine Baily, the General Counsel, provided a brief overview of the purpose and parameters of the executive session, essentially for the Commission to consider and vote on the Executive Director's compensation and benefits.
- The Chairman circulated data from the survey that compared the compensation of Executive Directors from other Commonwealth agencies but noted that the data may not be directly comparable to the Commission. The Chairman commented that previously he shared data with respect to the Lottery Commission's Executive Director, which is within the range of compensation to be considered.
- Commissioner Doyle asked if there is a parallel commission, such as the Gaming Commission and whether the Commission made a comparison of the Executive Director's current salary to the salary of the Gaming Commission's Executive Director.
- The Chairman replied in the affirmative, and stated that from his perspective, the Gaming Commission is the most direct comparison; its Executive Director receives a salary of \$185,000.
- At some point, a question was raised about whether the survey reflected actual salaries or an estimated range. The General Counsel offered to raise that question with the CPO.
- Commissioner McBride asked about the Executive Director's current compensation.
- The Chairman acknowledged that a salary comparable to the Gaming Commission's \$185,000 would be a significant raise and indicated that it would be deserved given the Executive Director's performance. He acknowledged that a significant raise now may constrain a compensation increase later.
- Commissioner Flanagan suggested starting at the high end of the Chairman's recommendation in the \$196,000 range. She indicated that she was not sure that the Gaming Commission would be a direct comparison. She indicated that the Executive Director has been with the Commission for the past two years and will be in the forefront for the next three to four years. In total, the Executive Director worked on this for four years, two years preparing for the Treasurer's office and then two years at the Commission. Since he started, he assumed responsibility for the medical program.
- Commissioner McBride said the comparison with the Gaming Commission is not a direct comparison because of the support that the Gaming Commission had when it was founded, compared with the obstacles the Executive Director has had establishing the Commission. She said his performance is commendable and we should be reflecting that talent and ability and the great potential that still exists if he is given adequate support and resources. She urged the Commission to think about retention, which requires a good salary.



- Commissioner Title suggested that it is best practice, when you have an employee like this, to bring them up to market and then raise it slightly. In addition, she believes that taking on the medical program justifies a salary increase at the top of the range.
- Commissioner Doyle asked what percentage of an increase a raise would be if the Executive Director's salary was raised to \$196,000.
- The Chairman replied it would be an increase of approximately 33%.
- Commissioner Title reiterated that bringing him into that pay range is justified by the Commission's circumstances, including bringing in medical program.
- General Counsel recommended a roll call vote for the proposal under discussion.
- At the Chairman's request, Commissioner Title suggested the number of \$196,000.
- The Chairman suggested making it retroactive to July 1, when there should have been a discussion regarding the Executive Director's compensation.
- Commissioner Title suggested that it was his two-year anniversary and suggested that it was the appropriate time for a salary increase.
- The Chairman suggested that ideally, compensation could be considered at the turn of the fiscal year, so that the Commission could establish an annual performance cycle.
- General Counsel noted that there is a question of whether the Commission can vote to retroactively increase the Executive Director's compensation and offered to check with the CPO and Chief Financial & Administrative Officer.
- The Chairman suggested there is a mathematical way calculate the rate Executive Director would have to paid to make it as though the increase in compensation started at the beginning of the fiscal year.
- Commissioner Title asked if it is usual to cycle compensation increases with the fiscal year.
- Commissioner Flanagan said compensation increases are not always done at that time.
- The Chairman said if we give the Executive Director this salary starting November 1, then we can forego the issue of retroactivity.
- Commissioner Doyle offered to draft a motion that considers the possibility that retroactivity is not permissible.
- When the CPO became available, the GC left the room to consult on the survey and on retroactivity.
- Commissioner Title clarified that she is not comfortable with retroactivity.
- Commissioner McBride agreed. She said that \$196,000 is a significant amount and offering the Executive Director a compensation increases on his two-year anniversary and on an annual review cycle on his anniversary date made the most sense. She indicated that given that it is a significant raise, not providing for retroactive application does not negate the appreciation and value the Commission has for the Executive Director's work.
- Commissioner Doyle made a motion to offer the Executive Director an increase in compensation to a total of \$196,000 per year effective immediately consistent with administrative procedures.
- Commissioner McBride seconded the motion.
- Commissioner Doyle left the room to recall the General Counsel, who returned to the room. The General Counsel answered the question about the survey and offered to discuss the option of



retroactivity. The Commissioners indicated that they had moved forward on voting on the Executive Director's compensation.

- The Commission unanimously approved the motion by roll call vote.
- The Commission directed the General Counsel to invite the Executive Director into the room. The General Counsel left to recall the Executive Director.
- Once the Executive Director was in the room, the Chairman indicated that the Commission appreciated the work the Executive Director put in and the effort he has made, but indicated that before the Commission discussed the offer and terms of employment, he wanted to give Commissioners opportunity to discuss their perspectives with the Executive Director.
- Commissioner Flanagan said no one could have done this job as well as the Executive Director. She indicated that he eats, sleeps, and breaths this place. She recognized that he has gone a long time without recognition. She complimented him for assuming responsibility for the medical program, moving the headquarters to Worcester, and hiring a staff. She indicated that there was no way for the Commission to show the Executive Director the Commission's appreciation other than through compensation.
- Commissioner Doyle said that she appreciated the seriousness with which the Executive Director approached his job and the effort he puts into it. She recognized that he has been doing this not just for two years, but longer. She acknowledged fact that the Executive Director is still able to still have lightness in his heart when problems arise, it is in that spirit the Commission had its discussion today.
- Commissioner McBride told the Executive Director: "You're impressive." She indicated that the Commission hired him because he is impressive and that two years later, the Commission continues to be impressed by him. She relayed that when she is hearing from the public, there is no one else who so consistently and reliably gets such high remarks from others. She recognized that there are few people if anybody who could pull off what the Executive Director pulled off in the last two years and we really appreciate it. She said that she hopes that this goes some of the way, but not sure we could ever really show appreciation for his work, but this is indicative of our appreciation.
- Commissioner Title indicated that no one appreciates the Executive Director more than the Commission and no one could be more confident in a person than the five of us are in him. She told the Executive Director that he as a valued employee and they are concerned about his retention and we took that into account.
- The Chairman relayed that the Commission reviewed the compensation of other Executive Directors throughout the Commonwealth. He indicated also that David Lakeman put together comparisons with other state agencies. He stated that there was not an algorithm, because there was nothing comparable to the Executive Director's role. The Commission used state data and agreed that we should go to the high end of that range. The Commission took a vote to offer the Executive Director this amount, \$196,000, and agreed that this review process will occur on an annual basis.
- The Executive Director accepted the offer. He indicated that he appreciated the gesture as well as the Commissioner's words, although he acknowledged that it was a somewhat awkward process.



He said that it has been a long two years, but it has been the most rewarding of his career. He recognized that he signed up for this knowing that this would be a task and challenge.

- The Chairman asked if there were additional terms of employment to discuss.
 - The Executive Director indicated that there were not any.
 - Commissioner Title: asked about concerns with respect to the goals.
 - Executive Director said that, as previously mentioned in the open meeting that he is confident in the staff to accomplish those goals.
 - Commissioner Doyle moved to adjourn the executive session and return to open session. Commissioner McBride seconded the motion. Commission unanimously approved the motion by roll call vote. The Commission and staff left the room to reconvene in open session.
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RETURN TO OPEN MEETING:

- The Commission returned to the open meeting and the Chairman asked the General Counsel to read the motion out:
 - A motion for the Commission to authorize the Chairman to execute the agreed terms, specifically compensation in the amount of \$196,000, resulting from the commission's negotiations, which will enable the continued and successful employment of the Executive Director Shawn Collins.
 - Commissioner Doyle made a motion for the Commission to authorize the Chairman to execute the agreed terms, specifically compensation in the amount of \$196,000, resulting from the commission's negotiations, which will enable the continued and successful employment of the Executive Director Shawn Collins.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the motion for the Commission to authorize the Chairman to execute the agreed terms, specifically compensation in the amount of \$196,000, resulting from the commission's negotiations, which will enable the continued and successful employment of the Executive Director Shawn Collins.

11) New Business that the Chairman did not anticipate at time of posting.

- None other than the vaping discussion discussed at the start of the meeting.

12) Next Meeting Date

- Next meeting December 19, Location in Worcester to be determined.
- The following meeting will be January 16, 2020 at Union Station.
- Commissioner Doyle made a motion to adjourn the meeting.
- Commissioner Title seconded the motion.

