

CANNABIS CONTROL COMMISSION

April 3, 2020
9:00am-11am

Cannabis Control Commission
Remote Participation via Microsoft Teams Live
PUBLIC MEETING MINUTES

Documents:

- Administrative Order – Curbside Operations
- Bulletin – Applicant Fingerprinting
- Bulletin – Telehealth Consultations for New Patients
- Cease and Desist Order – Medical-Use Operations
- Bulletin – Essential Services
- Bulletin – Stay at Home Advisory
- Bulletin – Hand Sanitizer
- Bulletin – Licensees preparation for Covid-19

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
 - The Chairman gave notice to the public that the meeting is being recorded.
2. Chairman's Comments & Updates
 - The Chairman expressed his thanks and appreciation to first responders, essential workers, and medical workers.
 - The Chairman also thanked the Governor, Legislature, and Attorney General for temporarily relaxing some open meeting law requirements to facilitate meetings during this time of social distancing.
 - The Chairman recognized the Chief of Staff and the Chief Technology Officer for organizing the emergency meeting.



- The Chairman gave an overview of the steps the Commission has taken to date thanking staff for their hard work even under remote circumstances.
 - The Chairman gave an overview of the Agenda.
3. Executive Director's Report
- Actions Taken to Date
- The Executive Director gave an overview of the Commissions steps to address the current pandemic
 - The Commission has been working from home since March 16.
 - The commission has released the following:
 - Bulletin to provide information to help keep employees, regulators and consumers safe.
 - Bulletin to allow telehealth for certification of certifying patients.
 - The telehealth waiver will expire when the state of emergency ends and requires an in person visit upon renewal.
 - A cease and desist order for adult-use operations
 - A Bulletin to give information on steps the Commission is taking.
 - FAQ to fill in the blanks on any information in orders and bulletins.
 - Administrative Order authorizing the use of curbside orders at medical facilities, in order to reduce physical contact between patients and medical use dispensary employees.
 - No cash transactions
 - Actual transaction must still be conducted in a secure manner.
 - Notice must be given to municipality of doing curbside orders.
 - Provide Commission with updated written Standard Operating Procedures for this practice.
 - Bulletin with respect to licensees manufacturing hand sanitizer.
 - Bulletin with respect to fingerprinting
 - Some fingerprinting locations are closed, and applicants are unable to fulfill that requirement.
 - Directs applicants to use a website to find availability for fingerprinting appointments.
 - Locations are still available.
 - At this time, the Executive Director is not comfortable waiving that requirement, but at upcoming meetings, license applications may be recommended for approval with the condition that they get fingerprinting done prior to the next phase of licensure.
 - The Executive Director gave an overview of the work of the staff:
 - Processing 30 telehealth waiver.
 - Patient applications have exponentially increased and have all been processed.
 - Over the course of the time working from home, 29 applications have received initial review 25 have been given supplemental review with additional information requested and 35 have been reviewed and deemed complete.
4. Commission Discussion



- Commissioner Title acknowledged the gravity of the situation and wants to make it clear that the Commission is aware of that gravity.
 - Commissioner Title said that the Commission has heard folks in the industry and that the Commission is aware of the literal life and death nature of this, but also the life or death nature for businesses, especially the small businesses that have already overcome so many obstacles.
 - Commissioner Title thanked the Executive Director for the work done to date in response to the state of emergency and for how the Commission was set up to remain effective during this time.
 - Commissioner Title wanted to affirm the work of Executive Director and staff to issue bulletins for the whole industry as well as responding individual requests.
 - Commissioner Title asked, with respect to fingerprinting, in the instance that the state of emergency continues such that a final license applicant can request an individual waiver if circumstances require.
 - The Executive Director confirmed that this would be the case. All other aspects of suitability review, including background checks and applicant disclosures are still in effect, so if a situation arose where final licensure was before the Commission without finger printing, those would be reviewed on a case-by-case basis with respect to the circumstances at that time.
 - The Chairman asked whether the Executive Director has all the requisite statutory and regulatory authority to take action.
 - The executive Director said yes. If there were a situation that called for additional authority, this meeting is an example of how quickly the Commission could come together to consider anything that needs to be elevated with respect to policy.
- Potential Relief for Businesses
- The Chairman indicated that many industries are facing severe economic consequences in the current state of emergency, beyond the adult use marijuana industry. Due to the conflict of state and federal law, adult use companies are in a particularly difficult position because they do receive some of the relief available. The Chairman wants the Commission to help, but it cannot abandon its mission or violate its fiduciary duties.
 - The Commission has compiled a list of ideas to help the industry in the following categories:
 - Those already taken.
 - Those that are immediately actionable.
 - Those that are infeasible either because of the Commission's mandate or statutory limitations.
 - Those that may require additional study to determine feasibility.
 - The Executive Director gave an overview of some ideas that might be helpful:
 - Agent registration, allowing agents to flow between various facilities under common ownership and relief for furloughed or laid off workers.
 - The Executive Director said that this would be considered on a case by case basis. A universal agent registration is something that can be considered as part of the regulatory process.



- Commissioner Title said that it might be confusing for people who have been furloughed or laid off with respect to what benefits might be available. Commissioner Title volunteered to coordinate putting together a resource for those folks to understand what resources may be available.
- Commissioner Flanagan noted that there is information for those who have been laid off or need health care resources, there is a state covid-19 website. Commissioner Flanagan offered to work with Commissioner Title on ensuring adequate information.
- Fee waivers or deferrals and pushing out the date of renewals for expiring licenses
 - This is best done in a case by case basis but depends on how long this state of emergency proceeds.
 - The Executive Director noted that in some cases the Commission has already waived and reduced fees.
 - A lot of fees are annual, and so not due until renewal.
 - If there was a change of ownership or change of location, there is fee, so that is going to be based on the circumstances of the licensee at that time of the application.
 - It is unclear what the potential impact or need for these such fee waivers because it is unclear how long this state of emergency will last.
 - The Commission is currently in a situation where the circumstances are too unknown to come up with a finite plan.
 - Commissioner McBride asked whether the Commission could look at pro-rating license fees if renewal dates are pushed out, understanding that for a lot of businesses, they may be budgeting that line item over the course of a year.
 - The Chairman volunteered to work on this issue.
- Consider expediting license applications of impacted entities that may be before the commission.
 - We know the universe of licensees impacted and the staff could easily pinpoint any applications that may be expedited.
 - The Executive Director noted that the impact would be minor and would ultimately be a decision of policy for the Commission.
 - Commissioner Title noted her support for this idea stating the businesses that are impacted the most are smaller businesses. Given the Commission does not have the authority to reopen adult-use operations or offer financial relief, any small step the Commission can take could be critical to helping those businesses.
 - Commissioner Title volunteered to lead this initiative.
- Considering essential aspects of the medical supply chain.



- The Executive Director referred to the previously noted surge in patient applications. While the Commission has been able to process those applications, that number of new patients does create questions with respect to supply chain.
- This would involve seeing how cultivator and product manufacturers can conduct wholesale sales to medical operations to help maintain supply and may also mitigate the impact on the adult-use sector.
- Commissioner Doyle volunteered to work on the supply chain issue.
- Commissioner Flanagan also volunteered to assist on this.
- Commissioner Title noted that out of the list of things, this is possibly the most important and impactful. Commissioner Title also noted her relief that Commissioner Doyle volunteered for this because of her ability to work through complex issues.
- Commissioner Title said that she also feels she lacks sufficient information to foresee what may be happening with respect to supply chain and wondered whether there is a way for businesses to submit information about how they're managing their supply chain or if the Commission can track supply chain information through Metrc, which would be incredibly helpful in informing the Commission and assisting other businesses facing the same issues.
- Adjusting the routine pace of inspections, including rescheduling and postponing inspections until we can conduct those inspections safely
 - The Executive Director commented that many state cannabis regulators are dealing with this as well. The Commission wants to balance keeping people safe with keeping business going.
 - The Executive Director noted that outside the cease and desist order, there is still a pipeline of applicants. There are several final licensees that have been granted commence operations status, which allows them to start selling upon the lift of the governor's order.
 - The Executive Director said that when the state of emergency is over, the inspections will resume and will be approached in the same manner as license application review, starting with priority and expedited applicants and then based on time of the request for inspection, with the caveat that logistical efficiencies may cause variation from this plan.
 - In the meantime, investigators are trying to do remote work such as video inspections, vehicle inspections, and document review. Essentially, staff is continuing its work without putting staff in harm's way.
 - Commissioner McBride asked whether the Commission has adequate personal protective equipment for staff.



- The Executive Director not at this time. The usual suits, gloves, and masks normally used to do inspections are not available at this time. The Executive Director stated that Commission should not be utilizing those resources given the health crisis.
- Commissioner Flanagan is concerned that this state of emergency is going to extend into the future, how certain positive impact plans are now not practical, and the Commission should consider allowing licensees to modify their plans and keep that in mind at renewal time. Commissioner Flanagan volunteered to work with staff to accomplish this.
- Commissioner Doyle sked that the Commission work to clarify existing ambiguities regarding the marijuana industry in particular and any guidance's and directives relating to the governor's order, for example outdoor cultivating has a time restraint on getting seeds into the ground or they will miss the entire growing season. Commissioner Doyle volunteered to work on this initiative. Commissioner Flanagan volunteered to work with Commissioner Doyle on this.
- Commission Title supported both the ideas presented and added to Commissioner Flanagan's request asking that licensees post changes to their positive impact plans to their website, so they are accessible by Areas of Disproportionate Impact communities and to scrutinize the plans to ensure they are positively impacting the intended communities.
- Commissioner Title asked that any MTCs offering free or discounted medicine for those with a verified financial hardship post information about those programs on their websites so that patients can know what is available.
 - The Executive Director said this may be a subject for an updated bulletin.
- Commissioner Title said she is concerned about the safety of workers and patients and there is a delicate complex balance to be struck. She said that employees and patients need to consider themselves as secret shoppers and should report any issues their seeing. Commissioner Title gave her personal cell phone number as an additional channel of reporting. Commissioner Title noted that in recent comments calling for reopening of the Massachusetts adult-use industry, she had said that the industry is compliant and safe, but that she will not continue to state that if it is not true. It is as important as ever to keep workers and patients safe.
- Commissioner Title noted that she has been asked two questions from industry folks that she'd like to relay to the Executive Director.
 - A lot of people are asking about delivery and whether the Commission is on track to release the application in May.
 - The Executive Director confirmed this.
 - People are asking why the Commission can't just deem all adult use licensees' medical dispensaries.



- The Executive Director said that that is a complex question, but it hinges on statutory restrictions and would require Commission action after in-depth legal analysis that would require the reallocation of staff resources.
- The Chairman asked simply that the Executive Director evaluate what it would take to analyze this question.
- Commissioner McBride volunteered to assist with this initiative.

5. Next Meeting Date

- Next meeting will be April 9, 2020 at 10a.

6. Adjournment

- Commissioner Flanagan moved to adjourn the meeting
- Commissioner Doyle seconded the motion
- The Commission unanimously voted to adjourn.



