

Commonwealth of Massachusetts



STEVEN J. HOFFMAN
CHAIRMAN

CANNABIS CONTROL COMMISSION

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CANNABIS CONTROL COMMISSION PUBLIC MEETING MINUTES

December 13, 2017 11:00 a.m.

Minihan Hall
19 Staniford Street
Boston MA

COMMISSION MEMBERS IN ATTENDANCE

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

COMMISSIONER MEMBERS ABSENT: None

LIST OF DOCUMENTS:

1. Presentation:
<https://www.mass.gov/files/documents/2017/12/13/121317%20Posted%20Commission%20Meeting.pdf>
2. Handout: "[Event Licenses](#)"

Chairman Hoffman called the meeting of the Cannabis Control Commission to order, as of 11:00AM on Wednesday, December 13, 2017 and put attendees on notice that it was being recorded. The Chairman discussed the agenda, framework and licensing, deferred issues and operations, notice list, and delivery service.

Commissioner Doyle explains the operational requirements for marijuana cultivation. Options include requiring security and screening, consistent with statutory requirements; requiring cultivation in compliance with generally accepted agricultural practices; requiring cultivators to comply with Massachusetts law, on plant nutrient and pesticide application; requiring cultivators to grow consistently with federal standards for organic growing only if they label products organic; and encouraging best management practices for energy efficiency, and incorporate standards from other states. Chairman Hoffman asked what best management practices would like and Commissioner Doyle responded that it would be developed by the Energy and Environmental Workgroup. The Commission agreed to convene the workgroup by January 31, 2018 with a goal of issuing recommendations by July 1, 2018. Commissioner Flanagan asked about Massachusetts laws on agriculture. Commissioner Doyle responded, highlighting requirements on plant nutrition standards.

Mr. Collins read the question before the Commission as to operational requirements for cultivation is to require security and screening, consistent with statutory requirements; require cultivation in compliance with generally accepted agricultural practices; require cultivators to comply with Massachusetts law, plant nutrient and pesticide application, and require cultivators to grow consistently with federal standards for organic products, only if they label products organic, and encourage best management practices for energy efficiency and that the Commission would convene the energy efficiency workgroup by January 31, 2018. Commissioner Doyle moved to approved, Commissioner Flanagan seconded. The Commissioner voted unanimously in favor of approval, 5-0.

Commissioner Doyle discussed the operational requirements for handling marijuana and recommended the adoption of the existing sanitary requirements for the handling of food, the requirements for food handlers to quarantine themselves. Commissioner Doyle explained other states create their own marijuana-specific handling requirements, but she recommended emulating the medical use of marijuana program's practice of adopting the existing sanitary requirements. Commissioner Doyle made the motion to approve, seconded by Commissioner Flanagan. The Commission voted to approve the recommendation, as written on the slide, unanimously, 5-0.

Commissioner Doyle discussed operating requirements for laboratories and testing. The subcommittees of the Cannabis Advisory Board recommended, adapting the DPH testing protocols. The other option is to create new testing protocols, but the Commission could not do so under the time constraints put on it. In response to questions from Commissioner Flanagan and Title, Commissioner Doyle explained the current DPH testing protocols worked and how they could work for adult use operators. The Commissioners discussed disclosing testing results to consumers. Mr. Collins commented that disclosure could be worked into the tracking software, so as to provide limited disclosure without exposing trade secrets, as well as chain of custody. The Commission also discussed enforcement options for violations, such as actions on licenses and fines.

Mr. Collins read the question to the Commission as for the operational requirements in terms of testing, the recommendation is to adopt department of public health's testing protocols, as well as a requirement for a method to provide consumers with product testing results, in an understandable and accessible manner, and then, to evaluate testing protocols on an ongoing basis. Commissioner Doyle made the motion to approve, seconded by Commissioner Title. The Commission voted unanimously in favor, 5-0.

Chairman Hoffman opened discussion on operational requirements for retail establishments. The Commission will discuss consumer access, delivery and transportation, separation of adult and medical products, and employee requirements. Commissioner McBride discussed access to adult only retail establishments and recommended that Commission adopt that as a requirement in the regulations, that the identification include name, photograph, and date of birth, with the Commission spelling out the types of identifications that would be acceptable. Commissioner Doyle made the motion to approve, seconded by Commissioner Flanagan. The Commission voted in favor of the motion unanimously, 5-0.

Commissioner McBride discussed when someone has a combined medical and recreational retail operation. Commissioner McBride recommended adopting the industry subcommittee recommendation, that for co-located establishments, prohibiting consumers under the age of 18, and providing for the showing of a valid registration card. Commissioner Title asked about pediatric patients. Commissioner McBride explained that their caregiver would be able to access the location. The Commission discussed limits on allowing pediatric patients in to co-located retail establishments with personal caregivers.

Mr. Collins reads the first recommendation as to adopt these industry subcommittee recommendations, allowing only those individuals 18 or older, with a valid registration card on the premises that offers both adult use and medical, and ensure separation at point of sale. Commissioner McBride made the motion to approve, seconded by Commissioner Doyle. The Commission voted unanimously in favor, 5-0.

Mr. Collins reads the second recommendation as that, in the event that a patient is a pediatric patient, they may be on premises only with a registered personal caregiver. Commissioner Doyle made the motion to approve, seconded by Commissioner Title. The recommendation was approved 4 to 1, Commissioners McBride, Title, Doyle and Hoffman voted to approve, Commissioner Flanagan voted against.

Chairman Hoffman opened the discussion on transportation. Licensees can transport their own product as part of the license, whether it's a cultivation license, or a manufacturing license. They can transport their own product, but Commission will create a category of third party transportation licenses, that can transport between one marijuana establishment to another. A marijuana establishment licensee that wishes to transport for a third party need a transportation license. Chairman Hoffman recommended the adoption of the Department of Public Health transportation protocol. Chairman Hoffman highlighted aspects of the protocol: vehicle must be owned by a licensed entity, rather using personal vehicles for transportation; the vehicle and the driver must be licensed by the Registry of Motor Vehicles, depending on what the class of vehicle is that's being used to transport; the vehicle and driver must be registered appropriately; and the vehicle must be equipped with three things: fixed GPS, constant, continuous two-way communication capability between the shipper and the driver of the vehicle, and an alarm system required in the vehicle. Regarding the outside, there can be no vehicle labelling identifying the content of the vehicle. The product must be kept in a locked box, secured to the vehicle. There must be a manifest kept on board, and transportation must be linked to the seed-to-sale system, so that Commission track product the same way that Commission would in any other cases. The Chairman questioned whether the two drivers required under the DPH protocol was necessary. The Commissioners discussed the two-driver issue, the integrated lockbox, no firearms in a vehicle, alternate safeguards and the availability of waivers. The Chairman stated that the motion would be the slide and two bullet points for a two-person per vehicle requirement, and a no firearm on the vehicle requirement. Commissioner Doyle made the motion to approve, Commissioner Flanagan seconded. The Commissioners voted unanimously in favor, 5-0.

Chairman Hoffman opened the discussion on a delivery protocol that is very similar to the transportation protocol. The Commission had voted to authorize delivery as part of a retail license and could deliver outside their own municipality. The Commission has yet to decide on a delivery-

only retail model and a third-party delivery model. Regardless of which categories get approved, the delivery operational requirements are similar to the transportation protocol, but add additional requirements, such as positive identification that the delivery recipient is the person that ordered it, positive proof of age, that whatever is delivered has the identical packaging and labeling requirements, that would be in place at the retail establishment, that the packaging cannot be tampered with, or opened, prior to delivery.

The Chairman opened discussion on a limit of \$3,000 retail value in a vehicle at any time and limiting delivery to specific hours. Commissioners discussed hours of operation as being controlled by the hours of operation for local liquor retail stores. Chairman Hoffman discussed limitations on delivery to hotels, dormitories, and campgrounds.

Commissioner Flanagan asked that home deliveries require a signature, to prevent diversion. Other Commissioners agreed. The Commissioners discussed the dollar limit per delivery and the operative hours of business, where they should be for the recipient municipality, local alcohol licenses or the time of the associated marijuana establishment. The Commissioner discussed the delivery-only model when the associated marijuana establishment would not have retail hours. The Chairman explained that if the delivery is not successfully made because the person wasn't there, there wasn't positive identification, it has to be returned within a fixed timeframe to the originating source, so it's another reason about hours of operation matching the source marijuana establishment's hours of operation. The Commission discussed the ownership of the vehicles and whether employees could take them home like company cars if there was no product left in the vehicle. The Commission discussed acceptable places that could receive deliveries. The Commission discussed mobile home parks versus playgrounds, motels and hotels, dormitories. The Commission discussed limiting home delivery to personal residences.

Chairman Hoffman stated that the recommendation is that for retail licensees, as part of their license, can deliver, but that the Commission will require them to follow the transportation protocol that was previously voted on, with the addition of positive identification of delivery recipient, proof of age, and a signature. That the packaging is identical, or the packaging requirements are identical to what is sold at the retail establishment, and that package cannot be tampered with, before it is delivered to the customer. The Commission will limit the total value of the product in the vehicle, at any time, to \$3,000 of retail value. There can be multiple orders to be contained in the vehicle at any point in time, as long as the sum of the retail value does not exceed \$3,000. The hours of operation will be set to the same hours of operation for the licensed entity. Delivery shall be limited to personal residences. Commissioner Title made the motion to approve, Commissioner Doyle seconded. The Commissioners voted unanimously in favor (5-0).

Commissioner Doyle began the discussion of the separation of adult use and medical marijuana. The marijuana industry subcommittee recommended virtual separation, through tracking systems. Commissioner Doyle added a recommendation that for delivery and retail, there should also be physical separation. The Commissioners discussed tax reasons for separating and where local taxes would be assessed, suggesting that it be location of the retail outlet or store. The Commissioners discussed the appearance of the physical separation. Commissioner Doyle suggested it need not be as permanent as a wall, but something like separate counters or a physical barrier to serve as a visual cue, and analogized it to different queues at an airport. Chairman

Hoffman clarified that there would be different points of sale, and Commissioner Doyle agreed. Commissioner Title asked for the rationale for providing the additional physical separation and Commissioner Doyle explained that it was additional safeguard to prevent the different types of products from being mixed up. The Commission will set criteria for physical separation to allow licensees flexibility to adapt to their particular space.

The Chairman discussed a voice. Commissioner Doyle clarified that the virtual separation applied to all marijuana establishments, not just retailers. Mr. Collins stated that the question was to authorize virtual and physical separation during cultivation, manufacturing, processing, providing virtual separation through a tracking system. At retail locations, licensees and maintain a physical separation of products and point of sale counters, to avoid the mixing of product?

Commissioner Flanagan made the motion to approve, seconded by Commissioner Doyle. The Commissioners voted unanimously, 5-0.

Chairman Hoffman asked for discussion on separation in delivery vehicles. Commissioner Doyle recommended that if one delivery vehicle was being used for delivery of both medical and adult products, there needs to be physical separation between medical and adult products, in two different lockboxes clearly labelled. Commissioner Doyle made the motion to approve, seconded by Commissioner Title. The Commissioners moved unanimously in favor, 5-0.

Commissioner McBride began discussion of registration of retail establishment employees being required to register as marijuana establishment agents. She recommended that the Commission adopt a DPH-like regulation, under which there would be a one-year registration paid for by the licensee. They would be required to carry the registration card. They could be allowed affiliation with multiple marijuana establishments. Upon separation from the marijuana establishment, that the registration would immediately be void. Chairman Hoffman clarified that agents had to have their registration card on them while in possession of marijuana. The Commissioners discussed that the affiliation with multiple marijuana establishments was allowed only for lower-level employees, not those with management or control. Chairman Hoffman asked to move to approve the slide as written. Commissioner Doyle made the motion to approve, seconded by Commissioner Flanagan. The Commissioners moved unanimously in favor, 5-0.

Commissioner Doyle began discussion of the training and responsible vendor program. The marijuana industry subcommittee recommended emulating the Colorado Responsible Vendor Program. At the time of initial licensure, an applicant has to demonstrate that personnel that handle or sell marijuana have successfully completed a responsible vendor program. Once they are designated by us as a responsible vendor, the marijuana establishment thereafter has all new employees complete the Responsible Vendor Program, within 90 days of hire. The certification of completion would last for two years and would be portable with the employee. Administrative personnel, that don't handle or sell marijuana may take the responsible vendor program on a voluntary basis, but Commission wouldn't require it, because they're not in contact with the actual product. Both the marijuana establishments and the training program itself would maintain records demonstrating compliance, that would have to be made available to us if Commission wanted to check, and make sure that someone representing they have completed it has actually completed it. No owner or employee of a responsible vendor program should have an interest in a licensed

marijuana establishment. They would be independent, similar to the independent testing laboratories. The program itself has to be at least two hours, in instruction time. It must be taught in a real-time, interactive classroom setting, and the instructor has to be able to verify that the individual attending is the individual that they're going to certify has completed the program. Attendees who cannot speak or write English may be given a verbal test, provided that the same questions are given as on the written test, and the results of the verbal test are documented with a passing score of 70 percent or better. The program does require a certain level of understanding of the curriculum that has just been taught. There is a required curriculum that includes marijuana's effect on the human body, diversion, prevention, and prevention of sales to minors, the acceptable forms of identification, how to do an accurate identification check, as well as other state laws and rules that affect owners, managers and employees of marijuana establishments, which is a long list.

Commissioner Doyle explained that the Responsible Vendor training program is the threshold requirement and she also recommended that staff receive a minimum of eight hours training, two hours of which can be that responsible vendor training program, or however much time it takes. Additional training, whether by their employer or somebody else, at their discretion, tailored to the roles and responsibilities of their job function. So, for example, a cultivator would attend a training class on the best way to do trimming or something, whatever the appropriate thing is, for that particular class. Such training would have to be documented. The objective is a minimal threshold for competency in the field, so that Commission start to get to that objective of not only having a world-class agency, but also building a world-class industry here of competent employees. The Commissioners discussed who would provide the training. Commissioner Doyle proposed it would be a third party, and independent from marijuana establishments. If no one is available to start the training immediately, the Program may be delayed until someone is. Commissioner McBride asked about making sure the training was being provided. Commissioner Doyle responded that classes could be audited and records keep regarding numbers of students passing. The Commission would certify courses that meet its curriculum requirements. The Commissioners talked about how to evaluate the service to make sure it met the curricular standards through issuing subregulatory guidance. Commissioner Title proposed that the CARE program for social consumption be integrated with the responsible vendor training program. The Commissioners discussed whether they training could be done online.

Commissioner Title asked if an employee could take the training on their own initiative. Commissioner Doyle agreed that they could, but Commissioner Doyle acknowledged that some could better afford that than others. Commissioner Title said that could be something the Commission addresses with the technical assistance program. The Commission deferred discussion of training recordkeeping.

Mr. Collins said the motion was to have the Responsible Vendors Program as outlined in the slide, clarifying that the Commission will certify vendors, incorporate the social use care program and require that it be offered online as well as in-person. Commissioner Flanagan made the motion to approve, seconded by Commissioner Doyle. The Commission voted unanimously in favor.

The Commission recessed at 1:00 PM. The Commission reconvened at 1:30 PM.

Chairman Hoffman called for discussion of operational requirements of licensees will be for social consumption.

Commissioner Title recommended that the Commission start with the other operational requirements for retail establishments. The products will need to be purchased from licensed producers. All edible products sold by the social consumption operation would need to be purchased from a licensed marijuana establishment, remain in its original packaging, may not be further processed. The exception will be enterprises that are attached to restaurants, or similar establishments, that are already licensed by the local board of health, or the Department of Public Health, to serve food directly to consumers on the premises. They may prepare edible marijuana products on the premises, using the infused materials that they have purchased.

The Commission will only allow individual servings, and so, if you have that physical separation, where other products are being sold, at that counter, you can only sell individual servings. Commissioner Title did not recommend a limit, but said she would be open to it if the rest of the commission thinks that's necessary. No marijuana may leave the premises. The Commission would develop a cannabis awareness and response education program that would be integrated with our Responsible Vendor Program, and operate the same way. The Commission would require a reasonable plan to assist with transportation, such as a taxi, rideshare, or other third party transportation services.

Any such plan must, at a minimum, provide an area with electrical ports and outlets for charging common types of cellphones, identify a designated pickup area near the premises for ridesharing or taxi services, and provide assistance in calling for taxi service for patrons and attendees who do not have access to ridesharing services. Alcohol may not be sold at the same time liquor as being sold. Commissioner Title recommended a way to apply for an exemption for security requirements. The Commissioners discussed the waiver process and alternate security safeguards. Commissioner Doyle asked how restaurants control dosage in cannabis-infused foods. Commissioner Title recommended deferring that until the discussion on edibles.

Commissioner Flanagan asked about event licenses. Chairman Hoffman recommended voting on the rest and then discussing event licenses. Mr. Collins stated that the question before the Commission was operational requirements for social consumption, the recommendation is to apply the operational requirements for retail establishments, in addition to the following. Products would have to be acquired from licensed cultivators or manufacturers, with an exception allowing restaurants to utilize, modify, or further process marijuana products. Social consumption establishments would only allow individual servings of marijuana, which may not leave the premises. They would develop a cannabis awareness and response education plan for employees, to be integrated with the Responsible Vendor Program. They are required to have responsible plans to assist with patron transportation and prohibit sales of alcohol at marijuana consumption establishments. Commissioner Title made the motion to approve, seconded by Commissioner Flanagan. Commissioners moved unanimously in favor of the motion, 5-0.

Commissioner Title began the discussion regarding on-site consumption, including smoking, is to allow municipalities to permit smoking in social consumption establishments, to allow establishments licensed by the Department of Revenue as smoking bars to permit smoking, and

then, by January 31, appoint a special working group to create recommendations for regulations on smoking, and other forms of social consumption, by July 1, including but not limited to, ventilation guidelines, odor control, and employee exposure to secondhand marijuana smoke. The working group would be appointed by the Executive Director and would make recommendations on smoking and other forms of social consumption. They would convene in January with the objective of making recommendations by July.

And, I think that seven months is a reasonable period. January through July. Social consumption may move forward in the meantime without smoking. The Commissioners discussed what would be before the Working Group. Mr. Collins said the question would authorize social consumption, without permitting smoking on the premises, and then, to allow municipalities to permit or ban smoking. It would allow establishments licensed by the Department of Revenue as smoking bars, to permit smoking. On January 31, 2018, the executive director shall appoint a special working group to create recommendations for regulations on smoking, and other forms of social consumption, by July 1, 2018. Commissioner Title made a motion to approve, seconded by Commissioner Doyle. Commissioner McBride asked for further clarification on the timeline. Chairman Hoffman clarified that the report would be due by July 1, 2018 and considered at the discretion of the Commission. With that clarification, Commissioner Title made the motion to approve, seconded by Commissioner Doyle. The motion was approved by a 4 to 1 vote of the commission, Commissioners McBride, Title, Doyle and Hoffman voted to approve, Commissioner Flanagan voted against.

Commissioner Title began discussion of how many social use licenses can be owned by one party. She recommended that Commission stay consistent with the statute, and have a licensee up to three primary use licenses, and up to three mixed use licenses. Commission can hold off on the event licenses question. To be clear, no social use licenses may operate in municipalities with bans or moratoria on marijuana establishments. She suggested that a mixed use license should not count towards the total number of marijuana establishments in a municipality. Commissioner Doyle questioned whether the Commission had the authority of what a municipality counted as a marijuana establishment. Commissioner Title agreed to remove that part. Commissioner McBride asked for clarification on the limit of licenses per party. After discussion, Commissioner Title agreed that a licensee may be granted up to three social consumption licenses.

Chairman Hoffman stated that the motion was that a licensee could be granted up to three social consumption licenses and no social use establishments may operate in municipalities with bans or moratoria on marijuana establishments. Commissioner Title made the motion to approve, seconded by Commissioner McBride. The Commissioners voted unanimously in favor, 5-0.

Commissioner McBride began the discussion regarding security and incident reporting. The public safety subcommittee recommended that the DPH security regulations should be used as a jumping off point and she agreed. Chairman Hoffman recommended the Commission approve the recommendations as written on the slide. The motion to approve was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commissioners approved it unanimously, 5-0.

Commissioner McBride discussed security requirements where modifications may be needed based on the type of facility, whether it's an indoor or outdoor, and the size of the operation to

decrease barriers to entry. She explained that the options were that Commission can adopt the public safety subcommittee recommendations, where their specific recommendation was that outdoor cannabis cultivation areas should be fortified with fencing, alarms and cameras, designating funds to help with security, and the acceptance of alternative security safeguards. Accepting alternate security safeguards are important for microbusinesses, as well as other licensees. Chairman Hoffman asked for clarification on the use of the funds—was it to provide guidance or help then buy the equipment. Commissioner McBride clarified that the option it was for technical advice on determining cost effective security, but she was not recommending it, just explaining that it was an option. Her recommendation was that the Commission adopt the public safety subcommittee recommendations, with regards to the alternative safeguards, and also, provide for some specific regulations, relative to outdoor cultivation. The public safety subcommittee recommended perimeter fencing, designed to prevent unauthorized access, video cameras, and a surveillance system are parts of their recommendations, and then, the surveillance system in a locked area with limited access.

There no specific recommendations about whether it should be an eight-foot fence or a six-foot fence. The Commissioner discussed fencing, alternative safeguards and anticipated that public feedback would help inform more specifics. Chairman Hoffman wanted to clarify that the requirements would not change, but the way licensees met those requirements might change under alternate safeguards. Commissioner McBride agreed. Commissioner Title suggested that municipalities may come up with their own equity programs to meet security requirements. Chairman Hoffman asked for a motion to approve the security requirements proposed by Commissioner McBride. Commissioner Doyle made a motion to approve, seconded by Commissioner Flanagan. The motion was approved unanimously, 5-0.

Commissioner McBride discussed requiring a marijuana establishment to share emergency plan and procedures with local law enforcement. The options here are to adopt the public safety subcommittee's recommendation, that the chief of police be notified about security protocols, and that a liaison be named, within the marijuana establishment, who will be a go-between. The other option is adopting Colorado-like regulation that requires some very specific information to be shared with local law enforcement. Commissioner McBride recommended a hybrid. The Commission heard directly from the fire marshal at the stakeholder session that one of the things that fire safety struggle with is the layout of an establishment, particularly if it's a larger, if it's a cultivation facility, or something like that. Law enforcement also needs to know what they are walking into. The emergency plans and procedures should be shared, it should include the security system, where the central control is for the security system, and a schematic of the security zones, as well as if there is a monitoring company, what that monitoring company is, so that there is communication between law enforcement and security. This could include a floorplan or layout. Commissioner Doyle clarifies that floorplans needs not be produced by municipalities in response to public records requests.

Mr. Collins stated that as it pertains to security plans, and security requirements, the recommendation is to adopt both the public safety subcommittee recommendations, and Colorado-like regulations, specifying details of a security system plan that includes the description of the location, a floorplan or layout of the establishment, in a manner required by the municipality, and operation of the security system, including the location of the central control on premises, and

schematic of security zones, and the name of the security of monitoring company, if any. Commissioner McBride made the motion to approve, seconded by Commissioner Title. The Commission voted unanimously in favor, 5-0.

Commissioner McBride began the discussion regarding incident reporting. The options are that the Commission can adopt the DPH regulations, which she recommended. The regulation would require that law enforcement to go within 24 hours of an incident, and Commission can specify what those incidents would be. Commissioner McBride suggested any diversion, theft or losses, discrepancies in inventory, criminal actions on the premises, alarm activations, requiring public safety personnel at private security response to failure of an alarm system that's expected to last more than eight hours, the event of a power outage, or something similar. A written report should be submitted to the commission within 10 days of the incident, and a requirement that documentation be retained for at least a year, and be made available to the commission or law enforcement acting within their lawful jurisdiction. Chairman Hoffman asked for a motion to approve as written on the slide. Commissioner Flanagan make the motion to approve, seconded by Commissioner Title. The Commissioners voted unanimously in favor, 5-0.

Commissioner Flanagan opened the discussion on edibles by thanking the public health subcommittee for their work. I know they deliberated on a lot of these issues, pertaining to public health. Commissioner Flanagan explained that her recommendations were about the appearance of edibles, access to edibles, and edibles not being marketed to children. She discussed restricting the products from being produced that bears resemblance to humans, animals, fruits, and sports equipment. Chairman Hoffman asked for a motion to approve as written on the slide. Commissioner Doyle made the motion to approve, seconded by Commissioner McBride. The commission unanimously voted to approve this recommendation, 5-0.

Commissioner Flanagan stated that of the other concerns is names of the edible products and similarity to mainstream products, such as KitKats, Hershey bars, Gummi Bears. There are two options. One is to not do anything, and have no restrictions. The other is to restrict products from being named anything similar to those of mainstream items consumed by minors. Commissioner McBride spoke in support of restrictions. Commissioner Title who would determine if something is named similar to a mainstream product. Commissioner Flanagan said it would be the judgment of the Commission. Chairman Hoffman asked for a motion on restrictions. The motion is made by Commissioner Doyle, seconded by Commissioner McBride. The Commission moved unanimously in favor, 5-0.

Commission Flanagan discussed the taste of the edible products. She recommended that products be restricted from tasting anything similar to those of mainstream items consumed by minors. Chairman Hoffman asked whether it was necessary and how it would be determined whether something tasted like another product. Commissioner Doyle recommended that the Commission wait for information and if it finds that there is an issue of attraction to minors that isn't addressed through packaging, and other restrictions put on edible, taste be examined as an option in the future. Commissioner Flanagan agreed to pass it on for the moment.

Commissioner Flanagan started discussion on the universal symbol and placing it on the edible products. She described her research, especially with Colorado, showing that the universal symbol

is helpful. She explained “per se practicable items,” that there are some things that can be stamped, but there are others that cannot, like popcorn or granola. She recommended placement of the universal symbol on at least one side of the edible products considered to be per se practicable. Products that are not practicable will have the universal symbol will be on the package. Commissioner Doyle made the motion to approve as written, seconded by Commissioner McBride. The motion was approved unanimously by the commission, 5-0.

Commissioner Flanagan discussed serving size. The legislation says up to 10 milligrams per serving. She described three different options. No restrictions, 5 milligrams per serving, or 10 milligrams per serving. She recommended 5 milligrams per individual serving in a product, allowing 20 servings per package to reach 100 milligrams. The Commissioners discussed the recommendation as a reasonable place to start. Commissioner Title expressed concern with the amount of food someone would have to eat to reach a higher dose and suggested different options. Commissioner Doyle spoke in support of Commissioner Flanagan’s recommendation and the industry could adjust the amount of food, so people did not have to eat large amounts of food to get the right dose. Commissioner Title asked clarifying questions. Commissioner McBride asked for more information regarding background. Commissioner Doyle asked about making serving sizes clear. Commissioner Flanagan responded to each question. Chairman Hoffman asked for a motion to approve the recommendation. Commissioner Doyle made the motion to approve, seconded by Commissioner McBride. The recommendation was approved unanimously, 5-0, as written on the slide.

Commissioner Flanagan started discussion of THC edible products that are going to be sold in Massachusetts. There are a couple different options, and again, talking to colleagues in other states, one suggestion is that there is no approval, and that anyone can make any THC edible product that they want on the market. The other is that requires the commission approval on any THC edible product. She recommended that the Commission approve the edible products themselves, whether it’s a seltzer water, or it’s a fruit juice, or it’s a candy bar, or it’s a cookie. Not every single person that wants to come to the Commission with their version of it, but that Commission have an overarching understanding of what is being sold in Massachusetts, and that Commission are part of that conversation. Commissioner Doyle recommended subregulatory guidance. Chairman Hoffman clarified that the Commission was talking about all new categories of THC edibles. Commissioner Flanagan agreed. Chairman Hoffman asked for a motion to require that all new categories of THC edibles must be approved by the commission prior to coming to market. Commissioner McBride made the motion to approve, seconded by Commissioner Title. It was approved unanimously approved by the commission, 5-0.

Chairman Hoffman called for a ten-minute recess at 2:54 p.m. The Commission reconvened at 3:04 p.m.

Commissioner McBride said the first question is whether to adopt the recommendations of the industry and public health subcommittees on packaging. She described options being the subcommittee recommendations, regulations like Oregon, or the recommendation by the Council on Responsible Cannabis Regulation recommendation, which is an industry group that put forward some proposed best practices, many best practices. She recommended a hybrid approach with the objective of child safety and consumer welfare. Commissioner McBride recommended that the

Commission adopt limits on packaging that are spelled out in the statute at G.L. c.94G §4(a ½). She recommended that the Commission require child-resistant packaging, packaging to be opaque or plain in design, requiring packaging to be resealable if it's more than one serving, and where compliance with those requirements is impracticable, that there should be exit packaging that's capable of being resealed with a child warning, printed right on the outside of the package. Doyle asked about exit packaging. Commissioner Title asked if there could be an exception for social consumption packaging, that would be used on the premises. The Commissioners talked about the proposed exception. Commissioner Flanagan pointed out that the marijuana industry subcommittee recommended that social consumption packaging not be disposable. Commissioner Title agreed that was part of the exception. Mr. Collins stated that the recommendation would be as written, with the final bullet reading where compliance with the public requirements be deemed impracticable, with child resistant packaging, marijuana product must be placed in exit packaging that can be resealed with a child warning. There shall be an exception for social consumption licensees. Chairman Hoffman requested a motion to approve as Mr. Collins had articulated. Commissioner McBride made the motion to approve, seconded by Commissioner Flanagan. It was approved unanimously by the Commission, 5-0.

Commissioner McBride discussed whether Commission should adopt specific regulations, relevant to packaging and multiple servings. She recommended that the Commission lead by adopting recommendations that would address underlying issues of potential overconsumption. The Commission should make regulations that allow the consumer to easily identify a single serving. The Commission should include a statement that a package contains multiple servings. Products should be scored into individual servings, and that if it's liquid, that it be packaged with a measuring device that measures individual servings. Commissioner Doyle raised concerns about products that are typically a single serving not being divisible so as to be misleading to consumers. Commissioner McBride explained that Oregon had good regulations on this: "An edible must be scored, unless it is not capable to be scored, in which case, it must be sold and packaged with a measuring device, that measures single servings." Commissioner Title expressed concerns about small children, who would not look for demarcations on a cookie, but would instead simply eat it. Chairman Hoffman added that he thought anything that could not be easily subdivided should be a single portion. Commissioner Doyle raised concerns about liquids. Commissioner McBride explained a possible liquid delivery measure system, similar to mouthwash and discussed warnings on packages regarding multiple servings. Commissioner Doyle asked if it would be cost-prohibitive to do liquids in single servings only. Commissioner Title asked for distinction between tinctures and liquids. Chairman Hoffman expressed concern regarding implementation beyond a warning of multiple servings in a package and scoring of products that can be scored. Commissioner Title expressed concern with 5 milligrams being too low per serving. Chairman Hoffman said the market would find a way to adjust, by making the food portions associated with the 5 milligrams smaller and easier to consume. Commissioner McBride summarized the Commissioners' discussion. Mr. Collins said the recommendation was to maintain the first two bullets, as written in the slide, and modify the third and fourth bullets to read as, where product is not easily and permanently scored into multiple servings, the product shall be packaged in a single serving size and liquids shall be packaged in single serving sizes. Mr. Collins added that in instances of mints in a multiple serving pack, each one would be wrapped individually. The Commissioners discussed how to determine when individual servings would need to be wrapped. After the discussion, the Commissioners decided not to address individual wrapping requirements

at this time. Commissioner Title asked that “liquid” be changed to “beverage” to exclude tinctures. The Commissioners discussed the purpose served by the amendment, whether to make the change now, whether to defer it and receive public comment and recommendations from the Cannabis Advisory Board on the issue. Mr. Collins read the motion as amended with the term “beverage” instead of “liquid.” Commissioner Flanagan made the motion to approve, seconded by Commissioner Doyle. The motion was carried by a 4 to 1 vote, the Commissioner McBride, Commissioner Flanagan, Commissioner Title and Commissioner Doyle voted to approve, Commissioner Hoffman voted against.

Commissioner McBride started the discussion on labeling. She recommended that the Commission adopt specific legal provisions included in the recommendations of both the industry subcommittee, and then in part by the public health committee, that were provided in the statute. She suggested that the Commission need not vote, because they are required by the statute.

Commissioner McBride discussed additional edible MIP requirements. These are taken from best practices in other states, specifically Oregon, and the CRCR recommendations. They are best practices, in terms of labeling requirements generally. They include net weight or volume in US customary metric units, the type of marijuana used to produce the product, processing techniques, and solvents, the amount, in grams, of sodium, sugar, carbs, and total fat, number of servings, directions for use, and a multi-serving option. Commissioner Flanagan asked if it was number of food servings, or is that number of cannabis servings, or both? Commissioner McBride said yes to both. Commissioner Flanagan asked that the label distinguish between the two. Commissioner McBride agreed. Chairman Hoffman asked for a motion to approve as written. Commissioner Doyle made the motion to approve, seconded by Commissioner Flanagan. The motion was unanimously approved by the commission, 5-0.

Commissioner McBride started the discussion on labelling of concentrates and extracts. The label would include weight or volume, the type of marijuana used to produce the product, including processing techniques and solvents, the product identity, the number of servings, and for topicals and tinctures, the provisions are the same. Commissioner Title recommended adding directions for use. Chairman Hoffman asked for a motion to approve? Commissioner McBride made the motion to approve, seconded by Commissioner Flanagan. It was unanimously approved by the commission, 5-0.

Commissioner Flanagan began a discussion on advertising. There are many provisions in Chapter 55 of the Acts of 2017 that Commission have to adopt, but Commissioner Flanagan said she added a couple of others. Her recommendation would be to adopt what is in the statute, as well as what is on the next slide. She took some of her recommendations from the ABCC regulations and talked to one of the legislators involved in the conference committee. Advertising of an improper or objectionable nature, including without limitation the use of recipe books or pamphlets for marijuana products, which contain obscene or suggestive statements, or other offensive matter. Signs or other printed matters, advertising any brand or kind of marijuana shall be displayed on the exterior or interior of any licensed premises where marijuana products are not regularly kept. No advertising that promotes excessive consumption. No transit advertising, public or private vehicles, bus stops, taxi stands, transportation waiting areas, train stations, because they are all all places where kids can be. Commissioner Flanagan recommended removing the last bullet on the

slide. Commissioner Title expressed concern with the restriction on advertising that promotes excessive consumption of marijuana products, because she did not know how the Commission would judge that. Commissioner Flanagan said it would be analogous to marketing show a person to be visibly drunk. The Commissioners discussed the issue. Chairman Hoffman commented that he was not sure how a person would be shown to be consuming excessively. Mr. Collins suggested a “Consume Responsibly” theme similar to alcohol advertising. Commissioner Flanagan agreed to that. Commissioner Title asked what “offensive matter” was. Commissioner Flanagan responded that it came from ABCC regulations. Commissioner Doyle suggested it may be “offensive” in the context of racism or something similar. Mr. Collins said he was not aware what was meant in the ABCC regulations. Commissioner Title asked about the second bullet point relating to advertising in places that do not sell marijuana. Commissioner Flanagan recommended that advertising not be permitted in stores that do not sell marijuana, similar to alcohol. Mr. Collins read the question as placing prohibitions on advertising that includes the various statutory prohibitions, in addition to the bullet points on the slide, removing “offensive matter” in the first bullet, changing “shall be” to “that are” in the second bullet, striking the third bullet in its entirety, maintaining the fourth bullet in its entirety, and striking the final bullet, in its entirety. Commissioner Doyle made the motion to approve, seconded by Commissioner Flanagan. The motion carried unanimously.

Commissioner Flanagan talked about the placement of warnings on advertising. There are two options: do nothing or place warning statements. She recommended that the advertising contain two of the following warnings, which were copied from other states that have warnings on their advertising. The Commission could add another one, such as “Consume Responsibly.” Chairman Hoffman asked if the Commission was to pick two. Commissioner Flanagan clarified the licensee would pick 2. Commissioner Doyle asked if these warnings would be in addition to whatever DPH decides on for the standard warning. Commissioner Flanagan said when the Commission sees what the DPH warning is, it could decide. Commissioner McBride suggests that “Consume Responsibly” be mandatory for all and then licensees could pick 2 of the others. Commissioner Title suggested that the word “intoxicating” be changed to “may cause impairment.”

Mr. Collins read the recommendation as that advertising require warnings, and that those warnings be that the advertising contain the phrase “please consume responsibly,” and two of the following warnings: This product may cause impairment, and may be habit forming. Marijuana can impair concentration, coordination and judgement. Do not operate a vehicle or machinery under the influence of this drug. There may be health risks associated with the consumption of this product. For use only by adults 21 and older. Keep out of the reach of children. Marijuana should not be used by women who are pregnant or breastfeeding.” Commissioner Flanagan made the motion to approve, seconded by Commissioner McBride. The motion was approved unanimously, 5-0.

Commissioner Doyle discussed adopting the insurance requirements that are set forth in the medical use of marijuana regulations, with one addition, that Commission would allow an alternate amount of insurance, determined adequate by the commission, in the event that Commission hear back from applicants that the \$1 million per incident, \$2 million per annual aggregate is unattainable for the smaller businesses. The other alternative is to, in the medical use of marijuana regulations, is to put, if they cannot get insurance, \$250,000, in escrow. Commissioner McBride made the motion to approve, seconded by Commissioner Flanagan. The Commission voted

unanimously to approve, 5-0.

Commissioner discussed waste disposal. She recommended starting with the regulations that are in place for medical use of marijuana, which essentially require compliance with Massachusetts law. One addition is allowing development of recycling options, because the statute does require that. She recommended that waste disposal be another topic to be taken up by the Energy and Environmental Workgroup. She added that, for the purposes of waste disposal, the processing that is done for the purposes of waste disposal would not require a separate marijuana product manufacturing license if processing was not otherwise allowed under the licensure of the particular licensee. The Chairman asked for a motion to approve as written with the clarification that processing for the purpose of waste disposal would not require a separate marijuana product manufacturer license. Commissioner Flanagan made the motion to approve, seconded by Commissioner Doyle. The motion was unanimously approved by the Commission, 5-0.

Commissioner Doyle discussed the notice list. The Commission is required to promulgate regulations that include the distribution of notice to interested parties who sign up. She recommended regulations that allow stakeholders and members of the public to sign up, to receive notification of our meetings, documents and other matters of interest, as determined by the commission, through electronic means, or otherwise, although the Commission could not, for costs purposes, mail repeatedly through first-class mail. The Chairman asked for a motion to approve as written. Commissioner McBride made the motion to approve, and it was seconded by Commissioner Flanagan. The motion was unanimously approved by the Commission, 5-0.

The Chairman announced that tomorrow's meeting, December 14, 2017, is in the Hurley Building and starts at 10:30AM. There being no further business for the commission, it is adjourned at 4:28PM.