

CANNABIS CONTROL COMMISSION

February 29, 2024
10:00 AM

Via Remote Participation via [Microsoft Teams Live*](#)

PUBLIC MEETING MINUTES

Documents:

- [Meeting Packet](#)
- Model Host Community Agreement Template (Final-PM-DID190)
- Guidance on Host Community Agreements (Final-PM-DID029) February 2024
- Guidance on Licensure (Final-PM-DID027) February 2024
- Memorandum-Sale of Lottery Products by Marijuana Establishments
- Enforcement Counsel Advisory-Non-Marijuana Product Sales
- Cannabis Control Commission's February 6, 2024, letter to Senator Michael O. Moore

In Attendance:

- Acting Chair Ava Callender Concepcion
- Commissioner Nurys Z. Camargo
- Commissioner Kimberly Roy
- Commissioner Bruce Stebbins

Minutes:

- 1) Call to Order
 - The Acting Chair recognized a quorum and called the meeting to order. She gave notice that the meeting was being recorded and provided an overview of the agenda.
- 2) Commissioners' Comments and Updates – 00:01:40
 - Commissioner Camargo discussed a visit to Tree House Craft Cannabis in Dracut where topics included market saturation, capital constraints, potential implementation of a Lottery system, renewals, Host Community Agreements (HCAs), hemp product



regulations and challenges faced by breastfeeding mothers in accessing dispensaries. Commissioner Roy discussed a meeting she attended along with Commissioner Stebbins with the Association of Cannabis Testing Laboratories during which concerns regarding lab shopping and potency inflation were addressed as well as a visit with the City of Gardner's Council on Aging to speak about the cannabis industry. Commissioner Stebbins noted a separate visit to Tree House Craft Cannabis to learn about the company's efforts to recycle cannabis packaging and their plans for an outdoor grow facility. He also noted a series of calls with the Cannabis Advisory Board along with the Social Consumption working group. The Acting Chair read a specific component of a letter to Senator Michael O. Moore noting that the intended purpose of the letter was to clarify the composition and function of the Commission and to address any potential questions. Acting Executive Director Debra Hilton-Creek (AED Hilton-Creek) announced the onboarding of two new members for the positions of Chief Financial and Accounting Officer and Budget Director. Furthermore, she announced that the Commission would be hosting a Social Equity Program application clinic in Lawrence on March 2, 2024.

3) Commission Discussion and Votes – 00:24:50

1. AED/CPO Evaluation Committees

- The Acting Chair introduced the topic and stated the intention to establish two evaluation committees: one for the AED role and another for the Chief People Officer (CPO). The Acting Chair emphasized that the committees aimed to provide additional support, clarify reporting structures, conduct evaluations and facilitate regular check-ins. Commissioner Stebbins expressed some reluctance toward forming an evaluation committee and suggested focusing on teamwork to support the AED. General Counsel Kristina Gasson (GC Gasson) proposed reframing the evaluation process as a delegation of authority rather than as a committee. GC Gasson's suggestion involved conducting reviews among less-than a quorum of Commissioners and sharing those results during a public meeting. Commissioner Stebbins emphasized the importance of considering evaluations in relation to the AED/CPO dual roles and suggested that any evaluation process would require agreement from all Commissioners. Commissioner Roy proposed aligning the evaluation timeline with the fiscal year, and revisiting the evaluation process with a new ED on board. Commissioner Stebbins agreed and stated that this should be a part of a long-term discussion.
- Commissioner Camargo moved to delegate authority to Acting Chair Concepcion and Commissioner Roy to conduct check-ins and performance reviews with Debra Hilton-Creek in her capacity as AED of the Commission.
- Commissioner Stebbins seconded the motion.
- The Acting Chair took a roll call vote:
 - Commissioner Camargo – Yes
 - Commission Roy – Yes



- Commissioner Stebbins – Yes
 - Acting Chair Concepcion – Yes
- The Commission unanimously approved to delegate authority to Acting Chair Concepcion and Commissioner Roy to conduct check-ins and performance reviews with Debra Hilton-Creek in her capacity as AED of the Commission.
- Commissioner Stebbins moved to delegate authority to Commissioner Camargo and Commissioner Stebbins to conduct check-ins and performance reviews with Debra Hilton-Creek in her capacity as CPO of the Commission.
- Commissioner Roy seconded the motion.
- The Acting Chair took a roll call vote:
 - Commissioner Camargo – Yes
 - Commission Roy – Yes
 - Commissioner Stebbins – Yes
 - Acting Chair Concepcion – Yes
- The Commission unanimously approved to delegate authority to Commissioner Camargo and Commissioner Stebbins to conduct check-ins and performance reviews with Debra Hilton-Creek in her capacity as CPO of the Commission.

2. Model HCA Template

- Director of Licensing Kyle Potvin (DOL Potvin) provided an overview of the Model HCA. He highlighted that a public comment period was held from January 17, 2024, to January 31, 2024, during which 20 submissions were received. He explained that comments were reviewed, categorized, and assessed to ensure compliance with relevant laws and regulations. He acknowledged that once finalized, the template would be posted on the Commission’s website for use by industry applicants and municipalities. Commissioner Roy raised questions about renewal timelines and the five-day notification period for licensees to inform municipalities about renewal dates. DOL Potvin clarified that the five-day notification period was based on consistent requirements outlined in the regulations. Commissioner Roy addressed concerns about nuisance complaints, terms clarification, disputed Community Impact Fees (CIFs) and fiscal year definition. DOL Potvin addressed Commissioner Roy’s questions and provided explanations. Commissioner Camargo expressed the need for education regarding the implementation of Chapter 180 to address confusion among operators and municipalities. She raised concerns about renewals which highlighted challenges faced by individuals in HCA negotiations. The Acting Chair clarified that the Model HCA served as a supportive tool, and legal requirements had been established months prior. Commissioner Roy proposed incorporating the term “upfront” preceding “payments” in relation to 935 Code Mass. Regs. 500.180(2)(1)2, and the Acting Chair voiced agreement with the proposed language.



- Commissioner Stebbins moved to approve and adopt the draft Model HCA as amended to be used as described in the Board’s regulations at 935 CMR 500.180, and 935 CMR 501.180, subject to non-substantive typographical and ministerial edits by staff and inclusion of the term “upfront monetary payments” as prescribed on page 7 of the model.
- Commissioner Roy seconded the motion.
- The Acting Chair took a roll call vote:
 - Commissioner Camargo – Yes
 - Commission Roy – Yes
 - Commissioner Stebbins – Yes
 - Acting Chair Concepcion – Yes
- The Commission unanimously approved the draft Model HCA.
- The Commission recessed for a ten-minute break, returning at 12:15 PM.

3. Guidance on Host Community Agreements (02:14:28)

- DOL Potvin presented an overview of the draft guidance on HCAs. The document outlined the usage of the Model HCA, HCA waiver and Equitable relief as interim solutions for municipalities and licensees without compliant HCAs. He explained the concept of “reasonably related” was defined in the guidance, but specific examples were not provided due to the need for a fact-specific analysis. Commissioner Roy suggested enhancing document accessibility by including links to relevant sections on the Commission's website. Commissioner Camargo expressed concerns about the negative impact of inappropriate CIFs on cannabis industry operators and emphasized the importance of training, ongoing dialogue and clear guidelines for fairness and integrity. DOL Potvin discussed how the Commission’s HCA review process would address this issue. Commissioner Roy proposed expanding the Municipal tracker to include information on HCAs and municipalities that no longer charge CIFs. Commissioner Stebbins suggested creating an application to collect data from municipalities regarding their bylaws and ordinances related to Municipal Equity provisions and CIFs.
- Commissioner Roy moved to approve the posting and distribution of the draft Guidance on HCAs, subject to non-substantive of typographical and ministerial edits by staff.
- Commissioner Stebbins seconded the motion.
 - Commissioner Camargo – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - Acting Chair Concepcion – Yes
- The Commission unanimously approved the motion.

4. Guidance on Licensure



- DOL Potvin presented an overview of the Guidance on Licensure, providing key details and explanations. He acknowledged that various changes were implemented, such as the removal of information about the Social Consumption Pilot Program, modification of the HCA Certification Form requirement, and the inclusion of details about the Cannabis Social Equity Trust Fund. He highlighted that the Guidance document covered the expansion of pre-certification eligibility for SE businesses, and the timeframe for municipal responses was adjusted from 60 to 30 days for certain applicants.
 - Commissioner Camargo moved to approve the draft Guidance on Licensure for posting and distribution, subject to non-substantive of typographical and ministerial edits by staff.
 - Commissioner Roy seconded the motion.
 - Commissioner Camargo – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - Acting Chair Concepcion – Yes
 - The Commission unanimously approved the motion.
 - DOL Potvin presented two additional slides focused on the development of updated forms such as the Equitable Relief Form, HCA Waiver Form, and General Complaint Form. He acknowledged changes to forms related to ownership, location and name updates due to Chapter 180. The presentation mentioned forthcoming guidance on Municipal Equity, the creation of a standard evaluation form for HCAs, and implementation of improved license application processes. Commissioner Roy proposed the publication of CIFs as public documents. DOL Potvin noted that while publishing CIFs is not currently mandated by policy, it could be considered an administrative decision in the future. He emphasized that the goal was to strike a balance between administrative processes, transparency and policy objectives. He concluded that specific details and implementation approaches for making CIFs public would be part of ongoing discussions and considerations.
 - The Commission agreed to a thirteen-minute recess, returning at 1:20 PM.
5. Massachusetts Lottery Sales at Licensed Marijuana Retailers Discussion (03:19:47)
- GC Gasson provided an overview on the sale of lottery products by a Marijuana Establishment and presented a memorandum on the topic. Commissioner Stebbins noted some that this was a substantive issue which would require further consideration in light of potential compliance issues and conflicts with the Massachusetts State Lottery Commission’s (MSLC’s) regulations. He suggested that a Memorandum of Understanding with the MSLC could alleviate some issues. Commissioner Roy brought up the issues of loitering and Cannabis and lottery money intermingling. Acting Chief of Investigations and Enforcement Nomxolisi Khumalo



spoke about compliance concerns and pointed out that an entity in Colorado which had previously engaged in lottery sales had discontinued due to profitability concerns. She confirmed that it was a single licensee who was seeking to sell lottery products and they had been approved by the MSLC. AED Hilton-Creek noted that Social Consumption could prompt licensees to request permission to sell many products besides Marijuana and that this required a broad conversation. The Acting Chair agreed and stated she would not be in favor of approving lottery sales at this meeting. Commissioner Roy emphasized the need for further information, a comprehensive review and deliberation before reaching a final decision. Commissioner Stebbins agreed to work with the Legal and Investigations and Enforcement teams to further research the topic. The vote on the matter remained pending and awaiting a policy discussion among the Commissioners.

4) New Business Not Anticipated at the Time of Posting – 03:57:10

- No new items were identified.
- Commissioner Roy announced her intention to include the Excel delegation list in the March 7, 2024, public meeting. She explained that the Commission would need to assess each item on the list to ascertain its jurisdiction and potential reallocation to other departments.

5) Next Meeting Date – 03:57:24

- The Acting Chair noted that the next meeting would take place on Thursday, March 7, 2024.

6) Adjournment – 04:04:37

- Commissioner Roy moved to adjourn.
- Commissioner Camargo seconded the motion.
- The Acting Chair took a roll call vote:
 - Commissioner Camargo – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - Acting Chair Concepcion – Yes
- The Commission unanimously approved the motion to adjourn.

