

CANNABIS CONTROL COMMISSION

**January 14, 2026
10:00 AM**

**In-Person at Cannabis Control Commission, Second Floor Public Meeting Room,
Worcester Union Station, 2 Washington Square, Worcester and with Remote Access via
[Microsoft Teams Live*](#)**

PUBLIC MEETING MINUTES

Documents:

- [Meeting Packet](#)
- January 8, 2026, 935 Code Mass. Regs. §§ 500.00 and 501.00 Draft Delivery Exclusivity and Secret Shopper Program Regulations.

In Attendance:

- Chair Shannon O'Brien
- Commissioner Carrie Benedon
- Commissioner Kimberly Roy
- Commissioner Bruce Stebbins

Minutes:

I. Call to Order

- The Chair recognized a quorum and called the meeting to order.
- The Chair gave notice that the meeting is being recorded.
- The Chair gave an overview of the agenda.

II. Commissioners' Comments & Updates – 00:00:57

- Commissioner Benedon thanked staff for their end-of-year push and mentioned meetings outside of the Commission to get to know the industry more. She thanked everyone from the Commission and the industry for helping her to be as informed as possible. Commissioner Roy stressed becoming a Cannabis research leader and that more emphasis needed to be put on inversion. Commissioner Stebbins and the Chair had no comments to make.

III. Commission Discussion and Votes – 00:06:03

1. Delivery Exclusivity Report and Recommendations



- Executive Director (ED) Travis Ahern introduced General Counsel Kajal Chattopadhyay (GC Chattopadhyay), who thanked Deputy General Counsel Michael Baker (DGC Baker) and began the discussion regarding the report done by the Donahue Institute. GC Chattopadhyay related the history surrounding delivery exclusivity and the 3-year rule, and the 12-month extension, reviewing 935 Code Mass. Regs. §§ 500.050(10)(b) and 500.050(11)(f). GC Chattopadhyay reviewed and referred to the factors for assessing meeting the goals and stated that the key to granting extensions was considering if equity considerations had been met or not. He also reviewed the work of the Commission's working group and turned the floor over to Research Analyst Graelyn Humiston (Analyst Humiston) who described what the Donahue Institute did for the report. Analyst Humiston referred to a slide regarding the research responsibility matrix, specifically the work that Commission staff conducted and what work the Donahue Institute conducted. She then turned the floor over to Dr. Mark Melnick from the Donahue Institute. Dr. Melnick thanked Commission staff and his own team for their work on the project and then explained the phases of the project. Dr. Melnick concluded that the delivery exclusivity program had not met its goals and stated that it could be caused by impediments to businesses. He explained that his team recommended a 5-to-7-year extension period and provided an example of delivery businesses having to wait a year for their Licenses to be granted. Dr. Melnick described the methodology for Phases 1 and 2, and how it was formed. He delineated the seven goals being evaluated, with two goals not met at all and the other five being only partially met.
- Dr. Melnick started with Goal A and explained how they concluded it as being partially met based on five main takeaways. He explained that Delivery Couriers and Operators were geographically well represented in DIAs relative to non-Cannabis businesses and that delivery License types were more likely to be in DIAs compared to other Cannabis License types. He added that delivery businesses in DIAs took longer to receive licensure and to commence operations and delivery Licensees in DIAs were more likely to remain in the pre-revenue stage of business formation. The Chair and Dr. Melnick commented upon how Social Equity Program (SEP) businesses might have conceivably lower barriers to entry but the time period for entry in the business still lagged too much. He concluded that the Social Equity Trust Fund (SETF) was proportionally more likely to fund delivery businesses in DIAs and retailers located in DIAs were no more likely to receive a SETF grant than Marijuana retailers located outside of DIAs. He presented a chart of participation rates and a graphic of the average number of days between approval steps by License types for DIAs. The Chair mentioned the need for possible regulatory changes. Commissioner Roy requested a description of the breakdown for the days for approval steps it takes businesses in DIAs. Dr. Melnick broke down how goals for people of color were either partially met and in one instance, not met at all.
- Dr. Melnick discussed Goal B being partially met, specifically the participation rates by people of color. He stated that there was a higher participation in the Cannabis industry among people of color for delivery License types compared with all other License types and compared to business ownership rates for people of color in the



state. He added that delivery businesses that were majority owned by people of color spent less time in the approval process and reached commence operations quicker. He stated that the benefits of the delivery exclusivity policy were not fully shared outside of the delivery License type and people of color seemed to face barriers when opening businesses in the Cannabis industry. He presented and explained two charts of participation rates by people of color broken down by the License types. He noted that there were barriers such as (1) obtaining financing, and (2) the actual obtaining a License was either difficult or extremely difficult.

- Dr. Melnick shifted to Goal C, the participation by Licenses with majority Economic Empowerment Priority Applicants (EEAs) and SEP ownership. He stated that 30% of Licenses were owned by EEAs and SEP participants, driven largely by delivery License types. He explained that nearly all the respondents to the survey reported that the process of getting a License to be difficult and reported facing barriers such as unaffordable start-up costs, followed by lack of financing options and too much paperwork. Commissioner Roy asked if any general applicants were interviewed and Dr. Melnick's team confirmed they did not. Dr. Melnick's team also confirmed that there were no Provisional Licensees included in the 30%. Commissioner Benedon asked why the goal was listed as only partially met and Commissioner Roy suggested that if folks were stuck before achieving commence operations, it could portend itself to seem as its not met.
- Dr. Melnick discussed Goal D being partially met, with people of color having slightly fewer active SEP Licenses. The Commissioners discussed taking research and converting it into positive action and in addition to changing deadlines, the Commission needed to ensure that the Commission fixes the issues, not simply provide extensions. Commissioner Roy asked how many registered agents were from the SEP and the Chair suggested that someone from the Research department look into the question. AGC Bruno provided clarity with respect to Goal C and Commissioner Benedon's question around the goal only being partially met. Commissioner Benedon noted the importance of their decisions being based on good data that would stand up to challenge and the Commissioners agreed. Commissioner Roy mentioned having a Public Hearing for general applicants and the ED noted the upcoming comment period. Dr. Melnick explained the limited number of interviews due to budgetary and time constraints.
- Dr. Melnick shifted to Goal E, which was not met, particularly with delivery and brick and mortar dispensaries being negatively impacted due to (1) macro considerations, (2) geographic restrictions on Cannabis business operations and (3) deteriorating economic conditions. He specifically addressed increase in costs with lower prices for Cannabis, having an adverse economic impact. He added that only 59% of municipalities allow for delivery of adult-use Cannabis and average sales for establishments had been declining since the onset of adult-use Cannabis sales. The Chair asked GC Chattopadhyay if the House or Senate addressed the issue on allowing delivery in no-towns and GC Chattopadhyay confirmed. The ED added that the language would basically switch from an opt-in for delivery to an opt-out. Commissioner Roy and The Chair mentioned oversaturation and competition. Dr.



Melnick explained how over-saturation in the market has driven down prices in the Cannabis industry, and delivery is also impacted in areas where there are relatively many Cannabis establishments. Dr. Melnick also discussed how Courier, Delivery Operator and Retail Licenses in the past four years had remained relatively stable, but it did not account for rising costs for these three types of Licenses. He utilized a slide to show how costs have increased and the price of products decreased.

- Dr. Melnick shifted to Goal F, where the goals were not met, with start-up costs being a significant problem. He noted that there were comparatively fewer inactive Courier and delivery Licenses, and the waiver of fees as positive. Commissioner Roy and the Chair requested an expanded breakdown of additional information concerning how the percentages of approval and disapproval in the processes were arrived at and what the total percentages were for these considerations of relative difficulty. The Chair stated as Commissioners they needed to do a better job of measuring what is it that people should be getting out of the program.
- Dr. Melnick shifted to Goal G, which was not partially met, with the revocation of the two-driver rule being a positive development along with positives in the SEP, while there were still difficulties in dealing with municipalities and a perception that barriers had not changed over time. The ED and Commissioner Stebbins discussed the relative positive in grants helping to meet expenses or previous bills and a countervailing confusion on restrictions on what can be paid with the funds. Dr. Melnick shifted to conclusions, noting initially while some advances had been made, but in aggregate goals had not been met, due to lingering delays caused in part by such factors, without limitation, costly start-up costs, lengthy negotiations with Host Communities (HCs), and too many delays, obstructions and restrictions in the application process in general. Commissioner Roy broke down areas where the Commission was responsible for oversight and action for market exclusivity and also noted that red tape could be removed in delivery and advertising. Dr. Melnick specifically recited the Donahue Institute's conclusion that the delivery exclusivity period be extended by 5-7 years and noted that extending the time needed to be accompanied by ensuring that necessary structural remediations occurred. The Chair advocated that success of the program be measured, in addition to volume of sales. Dr. Melnick advocated for oversight and course-corrections occurring in real time. The Chair remarked about past opposition caused by Licensees who did not want to see their potential share to receive equity funds exponentially reduced. Commissioner Stebbins questioned how data collection could assist the Commission in ensuring that the program improved and how progress be measured incrementally through data analysis. Dr. Melnick stated in essence that data collection focuses on specific areas, such as ensuring the reduction in red tape. The Chair noted Director of Training Armond Enos (Director Enos)'s recommendation that more field work and encounters be undertaken with Licensees to monitor the relative success of the program. Dr. Melnick concluded by directing the Commission's attention to recommendations to address structural issues.
- Commissioner Roy moved to take a recess returning at 1:00 PM.



- Commissioner Stebbins seconded the motion.
- The Chair took a roll call vote:
 - Commissioner Benedon – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - Chair O'Brien – Yes
- The Commission unanimously approved the motion.
- The Commission took a brief recess. (Returned at 02:56:04.)

- Commissioner Roy noted that they had nine Courier active Licenses and eighteen active Delivery Operators. AGC Bruno detailed the next required regulatory steps and the deadlines for each step. She added that in light of the Donahue Institute's presentation, red-lined proposed changes needed to be shaped around goals which had been met and unmet. The Chair expressed satisfaction with the report from the Donahue Institute and advocated for a three-year extension accompanied with supplying the Research department with adequate data to perform their jobs. She opined that the 5–7-year extension gave the Commission potentially too much time to hold the Commission accountable. Commissioner Stebbins agreed with the Chair on many points, particularly that the Donahue Institute's report effectively gauged the progress and lack of progress in achieving goals. He did not object to the Chair's advocacy of a three-year extension to keep the Commission engaged on a consistent basis and agreed with the extension period of three years. He also noted that the Commission could always re-evaluate potential future extensions. Commissioner Benedon pointed out that the Commission was always tasked with ensuring equity for communities disproportionately impacted by the war on drugs, both statutorily and by the Commission's own mission statement. She remarked that most goals had not been met and advocated for more than three years to ensure opportunities for future SEP participants, in addition to current participants. She proposed at least a four-year extension. The Chair shared the want to visit the other Donahue Institute study, which began four years ago, and mentioned considering additional persons who did not want to be Cannabis Licensees but did want to serve in some capacity. She also asked what the Commission could do to address potential Licensees between being provisionally approved and later receiving approval for their License. The Chair advocated for a yearly interim report, so that Chief of Research Julie Johnson (Chief Johnson) could send better and fuller reports to the legislature and consider other measures by which the Commission could address success in the future. AGC Bruno explained the authority the Commission possessed to extend beyond the three-year period and that the Commission did not have the capacity to measure progress on a minute-to-minute basis and suggested that language be specified covering if or when the state legislature or federal government made changes to the law. AGC Bruno then directed attention to proposed additions to 935 Code Mass. Regs. § 500.050(10)(b). Commissioner Benedon stated that if future extensions were deemed necessary, the extension should not be limited to one year. The Chair noted consensus. AGC Bruno



proposed that a vote be taken on the language on the first iteration and read language for a vote by the Commissioners.

- Commissioner Stebbins moved to find, informed by its review of available data and staff analysis, that the goals and objectives of the exclusivity periods for Marijuana Courier Licenses, Marijuana Delivery Operator Licenses, and Marijuana Microbusinesses with Delivery Endorsements have not yet been met, and, based on that finding, to extend the exclusivity period for Marijuana Courier Licenses by 3 years pursuant to 935 Code Mass. Regs. § 500.050(10)(b)3., extend the exclusivity period for Marijuana Delivery Operator Licenses by 3 years pursuant to 935 Code Mass. Regs. § 500.050(11)(f)3., and extend the exclusivity period for Marijuana Microbusinesses with Delivery Endorsements by 3 years pursuant to 935 Code Mass. Regs. §§ 500.050(5)(e) and 500.050(10)(b).
- Commissioner Roy seconded the motion.
- The Chair took a roll call vote:
 - Commissioner Benedon – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - Chair O’Brien – Yes
- The Commission unanimously approved the motion.

- Commissioner Roy moved to take a recess returning at 2:15 PM.
- Commissioner Stebbins seconded the motion.
- The Chair took a roll call vote:
 - Commissioner Benedon – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - Chair O’Brien – Yes
- The Commission unanimously approved the motion.
- The Commission took a brief recess. (Returned at 04:01:43.)

2. Other Regulatory Considerations, if needed

- Commissioner Roy read a statement into the record focused on better and more accurate testing, and the necessity and opportunity to properly operate the secret shopper program, with specific recommendations to protect Licensees and third-party participants. The Chair and AGC Bruno proposed a recess.

- Commissioner Benedon moved to take a recess returning at 3:00 PM.
- Commissioner Roy seconded the motion.
- The Chair took a roll call vote:
 - Commissioner Benedon – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes



- Chair O'Brien – Yes
- The Commission unanimously approved the motion.
- The Commission took a brief recess. (Returned at 05:11:00.)
- AGC Bruno restarted the discussion with proposed amendments to 935 Code Mass. Regs. §§ 500.303 and 501.303. Commissioner Roy related past discussions at the Public Meeting on July 28, 2025, with reference to enforcement issues for preventing usage to minors. She stated that DGC Baker advocated that rather than proceeding through a Commission delegee, that the Commission proceed through 935 Code Mass. Regs. § CMR 500.303 and 501.303 and it be in the scope for the next round of meetings. The Chair discussed inversion, distinguishing inversion versus diversion. She also mentioned super-charged influence of Cannabis on youth and the need to regulate it. The Chair shared she felt there was a need from the past to intertwine discussion of secret shopper with Social Consumption (SC). AGC Bruno clarified that the Legal department was interested in presenting options with secret shopper program, instead of simply taking verbiage out. The Chair asked GC Chattopadhyay about the previous conversation and recommended that he keep a running tally of what is discussed at the Public Meetings to ensure Commissioners' concerns were responded to. GC Chattopadhyay mentioned that the Legal department never attempted to hide information. The ED mentioned that providing options is key, and that delegation was not the correct avenue. The Chair mentioned that there was no secret shopper program when former ED Shawn Collins indicated that there was a program in the past. Commissioner Roy mentioned that as far back as January 2023, Commissioner Stebbins confirmed that there was no secret shopper program. The Chair mentioned alleged widespread fraud in testing, and with the presence of secret shopper program, no one would know when and if they would be checked upon. The ED stated that the Commission did not have a robust secret shopping program, and Commissioner Roy asked why nothing had been done. The Chair expressed the advisability of presenting optionality. Commissioner Stebbins inquired about other state's secret shopper programs and the want to add third party language for contractors who would be engaged in the secret shopper program. Commissioner Roy reiterated her concern that she expressed in July of 2025 regarding minors being present at SC events, for example. Commissioner Stebbins spoke of delegation in the secret shopper realm, cautioning that the Commissioners maintain control of the program. Commissioner Stebbins mentioned proposed an amendment to 935 Code Mass. Regs. § 500.303(2)(b)(3) to generally amend some "mays" to "shalls." Commissioner Benedon inquired about placing changes in the regulations, as opposed to relying on the Commission's inherent powers as a basis to oversee the programs discussed. Commissioner Roy expressed the need to vote on the package, while AGC Bruno stated the Legal department would work on assembling the appropriate language. Commissioner Benedon approved of the approaches of Commissioners Roy and Stebbins. The Chair assured that two Commissioners, in compliance with the Open Meeting Law (OML), would work on the working group. The Chair noted



consensus. AGC Bruno read into the record proposed motion language for the Commissioners to vote on.

- Commissioner Roy moved to approve the draft regulations at 935 Code Mass. Regs. § 500.00 and 935 Code Mass. Regs. § 501.00, including all amendments related to Delivery Exclusivity, Social Consumption Exclusivity, and the Secret Shopper Program resulting from Commission deliberations, for submission to the Secretary of the Commonwealth for public comment and hearing. Further, to authorize Commission staff and the Legal department to make any ministerial edits necessary consistent with Commission deliberations and votes, the Commission's governing laws, and the Secretary of the Commonwealth's requirements, and to take any additional steps necessary to file the draft regulations with the Secretary of the Commonwealth.
- Commissioner Stebbins seconded the motion.
- The Chair took a roll call vote:
 - Commissioner Benedon – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - Chair O'Brien – Yes
- The Commission unanimously approved the motion.

IV. New Business Not Anticipated at the Time of Posting – 05:55:07

- The Chair stated that there was no new business which was not anticipated at the time of posting.

V. Next Meeting Date – 05:55:11

- The Chair stated that the next meeting was scheduled for January 15, 2026.

VI. Adjournment – 05:55:18

- Commissioner Stebbins moved to adjourn.
- Commissioner Roy seconded the motion.
- The Chair took a roll call vote:
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - Commissioner Benedon – Yes
 - Chair O'Brien – Yes
- The Commission unanimously approved the motion.

