

CANNABIS CONTROL COMMISSION

June 26, 2023

10:00 AM

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

PUBLIC MEETING MINUTES

Documents:

- [Meeting Packet](#)
- E-mail from Eagle Eyes Transport
- Regulations Proposal from the Massachusetts Association of Cannabis Transporters

In Attendance:

- Chair Shannon O'Brien
- Commissioner Nurys Z. Camargo
- Commissioner Ava Callender Concepcion
- Commissioner Kimberly Roy
- Commissioner Bruce Stebbins

Minutes:

1) 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.

2) Chair's and Commissioners' Comments & Updates – 00:01:10

- The Chair noted that there will be no votes during this meeting. She gave an update on the forthcoming Municipal Equity Memo (MEM). She asked Commissioner Roy to provide additional details.
- Commissioner Roy noted that she and Commissioner Concepcion are part of the Host Community Agreement (HCA) working group. She added that the group's policy recommendations are currently under review by the Legal Department. She further noted that social consumption has been a recurring theme in her discussions with stakeholders and licensees. She added that policy recommendations on both matters would be available for public review in the coming weeks.
- The Chair asked for an estimate about when the recommendations would be available to the public.



- Commissioner Roy responded that they may be available as soon as the first or second July meeting. She thanked the respective working groups and the legal team for their efforts.
- The Chair likewise thanked the working groups and Legal Department for their efforts.
- The Chair asked for an update about the Social Consumption Working Group.
- Commissioner Stebbins noted attending a Massachusetts Cannabis Business Association (MassCBA) event where HCAs were a prominent topic of discussion. He stated that a survey about social consumption was circulated among licensees and applicants, cooperative growers, Social Equity Program (SEP) participants, et al., and that responses would be due by the end of the week. He added that a virtual session would be held on July 18th followed by a second in-person session on July 20th. He thanked those involved for facilitating the sessions.
- The Chair asked if the listening session taking place at Holyoke Community College would also be available remotely.
 - Commissioner Stebbins replied that the listening session would not be broadcast remotely.
- The Chair explained that the event is not a typical Commission meeting but rather a listening session. She further explained that there are certain restrictions on what Commissioners can and cannot do during such meetings.
- Commissioner Stebbins thanked the Board of the Massachusetts Chiefs of Police and the Massachusetts Office of Travel and Tourism for inviting him to take part in discussions about social consumption.
- Commissioner Camargo reflected on the future state of the cannabis industry. She expressed the importance of thoughtful and forward-thinking policies.
- The Chair noted that she hopes the Social Consumption Working Group can produce a first draft of regulations by September, and an update on their progress by the July 1st meeting. She asked if the group had a sense of when they can produce the first draft.
- Commissioner Stebbins noted that the working group is awaiting feedback from the listening sessions and survey to help guide their work.
- Commissioner Camargo noted that as leaders of the Social Consumption Working Group, she and Commissioner Stebbins will work together to establish a timeline. She added that she is working with the Communications Department on putting forth their findings on social consumption from recent visits to San Francisco and Oakland, California.
- The Chair underscored the importance of establishing a sound framework for the social consumption license, especially regarding the cost for licensees. She cited the absence of SEP licensees in cultivation due to the prohibitive financial requirements.
- Commissioner Stebbins echoed the Chair's sentiments. He noted that the working group aims to establish the social consumption model as innovative and lucrative.
- Commissioner Camargo urged the public to be in touch by e-mail with questions about social consumption.



- Commissioner Concepcion clarified for the public that the Social Consumption Working Group is working on a different regulatory timeline than the other working groups. She gave an overview on regulatory changes around suitability and their impact on the development of a social consumption model, and more broadly, she acknowledged the collateral consequences of the Commission's founding suitability standards around licensing and employment.
- The Chair asked when an overview of the updated suitability standards can be expected.
 - Commissioner Concepcion replied that it will likely be ready by August.

3) Commission Discussion – 00:29:20

1. Regulatory Review Update and Discussion on Next Topics

- The Chair asked Commissioner Concepcion if she had an opportunity to reflect on any “low hanging fruit” topics to present for deliberation.
 - Commissioner Concepcion responded that she would like to see agent registration cards administered to the individual card holder instead of the entity. She explained that it would be a cost-saving measure for entities and a way for individuals to establish and convey their suitability for employment.
 - Commissioner Stebbins noted that agent registration card standards were another popular topic of discussion at the CBA roundtable event. He echoed the value proposition of individualized badges for employees.
- Commissioner Camargo asked the Chair a clarifying question about the timeline for compiling “low hanging fruit” matters.
 - The Chair clarified that she seeks to establish a short list of action items around which there is a consensus, and therefore could likely be resolved efficiently. She expressed a desire for these matters to be acted upon in step with the Municipal Equity Memo. She added that the Commission would ideally be reassessing regulations on an ongoing basis and making quick-fixes where possible, especially with regard to SEP matters.
- The Chair asked for any objections to Commissioner Concepcion's agent registration card proposal. She noted no objections. She asked for input by the Executive Director (ED).
 - The ED stated that the matter has been contemplated intermittently over the years and is not generally opposed. He noted that currently, individual employers conduct background checks on card holders which would be a point of consideration. He outlined other points to consider regarding background checks, fees, and the safeguarding of personal information.
 - The Chair explained that once a list of quick-fix matters was compiled, it could then be reviewed by the related departments who would assess the viability of each matter.
- The Chair asked if Commissioner Camargo had any “low hanging fruit” measures to propose.



- Commissioner Camargo noted that visitors to retail establishments are asked to produce identification upon entry and again at the point-of-sale. She proposed eliminating the secondary identification check as a time and cost-saving measure for retailers.
- The Chair asked the ED to clarify why this policy is in place.
 - The ED expressed that the measure was put in place as both a data reconciliation and enhanced security feature. He added that it may have been modeled after the early identification check protocol of medical marijuana establishments. He further added that the initial identification check is to ensure that everyone on the sales floor is either over the age of 21, or a medical marijuana (MMJ) patient accompanied by a caregiver who is over 21.
- The Chair asked the ED to offer his stance on the matter.
 - The ED stated that the practice does not seem to present a major burden of cost or time but acknowledged the redundancy. He added that he does not anticipate it would pose a security risk to eliminate the point-of-sale check.
 - The Chair noted that she will forward the matter to the relevant departments for assessment.
- The Chair asked Commissioner Camargo if she has any additional “low hanging fruit” matters to propose.
 - Commissioner Camargo noted that Economic Empowerment applicants (EEA) who have become licensees are still formally referred to as “applicants”. She proposed a change of terminology to reflect their designation as licensees.
- The Chair asked if this is something that requires a regulatory change or is just a matter of normalizing new terminology.
 - Commissioner Camargo replied that she would consult with the Legal Department for a definitive answer.
 - The ED added that he would consult the regulations to confirm that it will not require a statutory change.
- The Chair discussed meeting with Representative Robert Consalvo, Vice Chair of the Joint Committee on Cannabis Policy, and encouraged the Commissioners to engage with government officials on potential statutory matters in the pipeline.
 - Commissioner Camargo noted that she and Commissioner Stebbins have been meeting with third-party transporters over the past year and familiarizing themselves with the business. She explained that operators under this license-type, as with microbusiness owners, are not permitted to hold another license-type concurrently. She proposed that this policy be revisited.
- The Chair asked the ED to expound on the rationale behind the current policies for third-party transporters and microbusinesses.
 - The ED noted that the matter has been topical for some time. He added that the policy for third-party transporters originates from that for microbusinesses. He elaborated on the allowed expansion pathways for microbusinesses. He explained the duality of the microbusiness license-type specifically, and the challenges it presents with regard to the license-type cap for owners.



- Commissioner Roy stated that this matter is her top priority. She noted meeting with microbusiness owners who expressed having difficulty scaling and securing financing. She further noted that she and Commissioner Stebbins have met with the ED and Director of Licensing Kyle Potvin (DOL Potvin) to discuss removing prohibitive language from 935 CMR 500.50(10)(b). She proposed revisiting the residency requirement for owners as well and noted that no other license-type carries this requirement.
- Commissioner Stebbins noted that this matter is also on his priority list. He acknowledged that the current regulations for microbusinesses are impeding their growth. He noted that some benefits of the microbusiness license-type may not extend to other types and added that there are nuances in the regulations that need to be fully understood to properly consider the matter. He expressed his full support of adding this matter to the list of “low hanging fruit” measures.
- The Chair noted a perceived consensus and that she will forward the matter to the relevant departments for assessment.
- Commissioner Camargo asked if the matter regarding third-party transporters will be included in that assessment.
 - The Chair asked Commissioner Camargo to expound on her concerns.
 - Commissioner Camargo further elaborated on her rationale for wanting to amend the policies around third-party transporters holding other license-types.
 - The Chair affirmed that the matter will be forwarded along for assessment.
- The Chair asked Commissioner Camargo if she had any other “low hanging fruit” measures to propose.
 - Commissioner Camargo raised a concern about the paper waste by third-party transporters in the course of their work. She noted it is estimated that a single transport truck generates one inch of paperwork each month. She suggested that the paper waste could be significantly reduced by the electronic storage and transfer of manifests and other necessary documents.
 - Commissioner Stebbins proposed consulting with third-party transporters about ways to securely transfer and maintain documents digitally.
- The Chair asked if any staff in attendance from related departments had input on the matter.
 - The ED explained that the rate of paper usage by third-party transporters may be due to a need for “wet signatures”. He noted that there is likely a secure digital alternative. He added that he would need to consult with the relevant authority for clarity.
- The Chair asked if this need for “wet signatures” is more likely regulatory or statutory.
 - The ED replied that the need is likely regulatory.
 - The Chair voiced her support of any paper-saving measure that does not compromise public health and public safety. She noted a perceived consensus on the matter and that it will likewise be forwarded to the relevant departments for assessment.



- Commissioner Camargo expressed a need to assess the state of the third-party transport model more broadly. She noted that the Massachusetts Association of Cannabis Transporters produced an operational report that will aid the Commission in their efforts to best serve them.
- Commissioner Camargo raised the issue of “lab shopping” and the potential need to create new regulations whereby the full panel of required testing is completed by one laboratory.
 - The Chair noted that she would like to form a working group around the issue of laboratory testing. She added that the subject is complex and could not be considered a “low hanging fruit” matter.
- The Chair noted a perceived consensus around the two-driver rule. She stated that she has lingering concerns about curbside delivery.
- The Chair shared that one of her “low hanging fruit” matters is telehealth consultations for new MMJ patients and invited feedback on the subject.
 - The ED noted that the telehealth standard of practice is not officially governed by the Commission, but rather by the governing bodies of the prescribing healthcare providers. He added that the COVID-19 pandemic has demonstrated the value of telehealth and that it has been a benefit to MMJ patients. He expressed the need to establish telehealth as a formal standard of practice.
- The Chair stated that another of her priority matters is to extend the ability for nurse practitioners to prescribe MMJ without the approval of a physician. She asked if anyone had any objections. She noted a perceived consensus and that she will forward the matter to the relevant departments for assessment.
- Commissioner Roy asked if patients had been surveyed regarding telehealth consultations.
 - The ED responded that the percentage was significant but that he did not have an exact figure on hand.
- Commissioner Roy noted that she too has further questions about curbside pickup and would like to revisit the topic at a later date. She further noted that she has questions about virtual community outreach meetings. She acknowledged the utility of virtual meetings but expressed the desire for a hybrid model, in consideration of those without Internet access or technological fluency.
 - The Chair suggested the formation of working groups around the subjects of telehealth consultations and virtual community outreach meetings.
 - Commissioner Camargo echoed Commissioner Roy’s sentiments about the importance of offering community outreach meetings in-person and online.
 - The Chair noted that the onus is on the license applicant to facilitate the meetings, which may present a burden if it must be in person.
- Commissioner Camargo asked if there was a path forward for establishing a hybrid model that did not require the formation of a working group.
 - The Chair responded that the issue could be revisited at a later date.
- Commissioner Roy noted implementing reciprocity as one of her “low hanging fruit” matters. She added that Massachusetts does not recognize MMJ patient certification



from other states. She further noted that, conversely, a growing number of states recognize Massachusetts MMJ patient certification.

- The Chair asked whether a regulatory change would be required or if it could be done internally.
 - The ED responded that he is unsure and will explore the matter further. He acknowledged the potential economic benefits of a reciprocity model.
- The Chair asked Commissioner Roy if she had any further “low hanging fruit” matters to propose.
 - Commissioner Roy noted that she would like to expand the definition of Responsible Vendor Trainer or otherwise recognize those vendors who are certified by the Supplier Diversity Office (SDO).
- The Chair asked a clarifying question about how this change would be implemented.
 - The ED responded that the change is underway and offered an update of the progress. He noted that the SDO will aid in implementing the change.
- Commissioner Roy noted that she would like to amend the “72-hour rule” whereby a marijuana establishment must wait a 72-hour period to commence operations upon being approved to open. She cited a loss of income and in particular if the time period would align with a weekend or retail holiday.
 - The ED noted that the rule was set in place at the beginning stages of the adult-use sales. He added that the first two adult-use locations were concurrently MMJ establishments which necessitated the rule to ensure patient access to inventory and also that the public had ample notice. He acknowledged that the rule may have outlived its intended purpose with regard to MMJ patients and certain types of operations, but that it still served to give communities notice of enhanced foot traffic. He clarified that the rule is not a regulatory matter and could be amended with relative efficiency.
 - The Chair added that the managing of enhanced foot traffic relating to the opening of new establishments could be overseen at the municipal level.
- Commissioner Roy echoed Commissioner Camargo’s earlier remarks about wanting to streamline laboratory testing. She added that she would also like to codify the definition of potency and establish uniform standards.
- The Chair asked Commissioner Stebbins for his priority list of “low hanging fruit” matters.
 - Commissioner Stebbins thanked the Chair for her efforts in leading the policy discussions. He echoed earlier sentiments regarding microbusinesses, He stated that a priority of his is to amend the language within 935 CMR 500.005. He noted that the Commission currently prioritizes the review of licensing applications from minority women and veteran-owned enterprises. He suggested changing the regulation to include all businesses certified by the SDO.
 - The Chair expressed her agreement and noted a specific interest in spotlighting Indigenous-owned enterprises. She noted a perceived consensus and that she will forward the matter to the relevant departments for assessment.



- The Chair asked Commissioner Stebbins if he had any further “low hanging fruit” priorities to discuss.
 - Commissioner Stebbins gave a brief overview of SDO certification and its benefits to qualifying licensees. He endorsed Commissioner Roy’s position on laboratory testing. He noted that he would like to reassess how access badges are administered and utilized at the retail level.
- The Chair noted that the issue of access badges and specifically how they function for entities with multiple licenses is on her priority list as well. She asked the ED for comment on the matter.
 - The ED noted that the issue has been topical among licensees since the inception of the program. He acknowledged that issuing multiple badges is cumbersome and wasteful. He expressed the desire to explore other options and discussed possible alternatives. He noted the need to explore how suitability would factor into a streamlined agent registration model given the varying standards across license-types.
- Commissioner Stebbins noted that the required warning language for billboard advertising is illegible from the road. He expressed the desire to identify what information is most important to convey. He noted that he is collaborating with the Communications Department to optimize the required specifications.
 - The Chair highlighted the public safety component around billboard design and motorists. She asked Commissioner Stebbins to look further into the matter and report back in August.
 - Commissioner Roy offered Commissioner Stebbins her assistance with this task.
 - Commissioner Stebbins noted that he solicited feedback from courier licensees about the two-driver rule and other topics of concern.
- The Chair noted that another of her “low hanging fruit” issues is making plastic identification cards for MMJ patients optional as a cost-saving and environmentally conscious measure. She asked if there is any opposition to this proposal.
 - Commissioner Roy asked to clarify that some form of physical identification would be available to those who want it.
 - The Chair replied affirmatively. She noted that an alternate means of identifying MMJ patients would need to be put in place.
- The Chair stated that she would also like to explore ways of reducing costs for licensees. She noted that one method might be to reduce the time they are required to store security footage in the “cloud” from 90 days to 60. She added that according to direct feedback from licensees, this measure would save them a meaningful sum in storage fees. She further noted that she would like to revisit the architectural review fee. She asked if there was any opposition to this measure.
 - Commissioner Concepcion noted that she had a tangential matter in mind. She cited a recent conversation with SEP participants who offered feedback on the prohibitive wait time for the architectural review, among others. She stated that they also noted the costliness of the reviews. She explained that expedited reviews are offered to select applicants at key points in the process. She



expressed a desire to broaden the expedited review offerings to other points in the application process.

- The ED noted that the wait times are largely dependent on the agency's available resources. He stated that the Commission is actively hiring and hoping to eventually mitigate these delays. He echoed the Chair's sentiments about undue financial burden to licensees. He indicated the importance of anticipating their needs throughout the application process and beyond.
- The Chair noted the importance of ensuring that the Commission allocates resources effectively in order to uphold its mission. She expressed the desire for a formal assessment at a later date.
- The Chair asked if there are any lingering questions or comments.
 - Commissioner Camargo asked a clarifying question about the next steps involved in addressing the aforementioned "low hanging fruit" matters.
 - The Chair replied that she has bookmarked the matters for research and review by the relevant departments. She added that regulatory writing is an ongoing process. She stated her hope is that all measures can be accomplished in short order now that a consensus has been established. She noted that the measures will be voted on, packaged for review by the Secretary of State's office and then presented for public comment.
- Commissioner Camargo asked for further clarification about the next steps in an operational context. She asked the ED for comment.
 - The ED summarized how the "low hanging fruit" measures will make it to the current regulatory draft, if and when the relevant staff determine them to be viable as quick fixes.
- Commissioner Roy raised the issue of "slotting fees" as a growing practice in Massachusetts between multi-state operators and prominent retailers. She defined it as vendors paying a premium for favorable shelf placement and visual merchandising. She outlined how the practice is detrimental to smaller cannabis manufacturers and noted that other states have regulations against it.
 - Commissioner Concepcion stated that she would like more information about the topic, including insight from retailers.
 - The Chair proposed that Commissioner Roy prepare a report for the group's review.
- Commissioner Stebbins stated that he would like to hear from some of the staff involved in the review and possible implementation of the compiled "low hanging fruit" measures. He noted that they likely have invaluable suggestions of their own.
 - The Chair stated that she will work on a way to solicit staff feedback in a manner that will not violate the Open Meeting Law. She thanked the Commissioners and staff at large for their tireless efforts.

4) Next Meeting Date– 02:11:36

- The Chair noted the next meeting would be on July 13, 2023.



5) Adjournment – 02:12:20

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

