

## CANNABIS CONTROL COMMISSION

**October 16, 2023**

**10:00 AM**

**Remote via [Microsoft Teams Live\\*](#)**

### PUBLIC MEETING MINUTES

#### **Documents:**

- Letter from Massachusetts Association of Cannabis Transporters (MACT)
- [Meeting Packet](#)

#### **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 (AC) recognized a quorum, called the meeting to order, and gave notice that the meeting is recorded. The AC briefly reviewed the agenda.

##### 2) Commissioners' Comments & Updates – 00:00:37

- The Commissioners gave brief introductory comments that they were ready to work on the agenda items.

##### 3) Commission Discussion and Votes – 00:01:57

##### 1. Regulatory Review Discussion: Delivery License-Type *Vote Possible*

- Acting General Counsel Andrew Carter (AGC Carter) indicated that he was working with Legal Department staff on a full delivery policy memo for the Board as there would be questions regarding statutory interpretation and the analysis would require a reasonable timeframe to complete, likely in November or December. The Commissioners discussed the timeframe for regulatory review of the delivery regulations.



- Commissioner Camargo asked Director of Government Affairs and Policy Matt Giancola (DGAP Giancola) to discuss research regarding requiring two agents in a car in other jurisdictions.
  - DGAP Giancola discussed the Government Affairs and Policy team's engagement efforts, and that the response had been positive. DGAP Giancola noted that very few incidents had been reported in other jurisdictions and that a report would be ready by the November 9, 2023, public meeting. The Commissioners asked DGAP Giancola questions, including the content of requested information, the number of other states allowing delivery, and the number of incidents involving drivers. DGAP Giancola stated that eight states permitted adult use delivery and that other states required one agent in a delivery vehicle.

The AC and Commissioner Camargo requested more information about the two-agent requirement for further discussion around potentially eliminating the requirement. Commissioner Roy cited a letter from the Massachusetts Association of Cannabis Transporters (MACT). The AC noted that other delivery license-types needed to be discussed and that changes should be consistent with the Commission's regulations. Commissioner Stebbins asked how it would impact the third-party transporters and voiced the need to offer clarity on the two different licenses. Commissioner Camargo requested that AGC Carter discuss caps on increasing licenses on delivery. AGC Carter explained that according to the statute, there was a cap of three licenses for increasing the number of delivery licenses. However, he noted that in this particular situation, it was determined that the cap was two licenses, which meant there was no conflict with the statute. The Commissioners discussed potential issues regarding contamination and sanitary conditions, standard operating procedures, and training. Commissioner Camargo redirected the conversation to increasing the number of licenses for delivery operators and asked if anyone had any questions.

- Commissioner Roy asked why the previous cohort of Commissioners landed on a two-license maximum cap for historical context.
- Commissioner Camargo asked DGAP Giancola to discuss the license cap and the history of the first cohort of Commissioners. DGAP Giancola noted there was a concern that one entity could become a monopoly if they had multiple locations staged throughout the state preventing other operators from getting into the industry.
- Commissioner Roy and Commissioner Camargo discussed the inclusivity period and that the team is currently working on the data collection regarding the inclusivity period and the potential to expand it.
- Commissioner Camargo noted they are waiting on legal analysis regarding delivery to municipalities that do not currently permit marijuana establishments and the requirement for two agents in a delivery vehicle.
- The Commissioners discussed whether repackaging issues were ready for a vote or should be held until the full regulatory review.
- Commissioners Stebbins and Camargo discussed conversation with operators and doing more research regarding delivery to hotels.



- The Commissioners discussed the priority for review of regulations. Commissioner Camargo indicated that her top priority was addressing the delivery issues. The AC asked about delivery to hotels and if it would be addressed in the review of the Social Consumption regulations.
- Commissioner Camargo stated that the working group was gathering information and determining how Social Consumption affected tourism. She also added that if Massachusetts did not allow delivery to hotels, the Commission should discuss marijuana delivery to operators. Commissioner Stebbins discussed deliveries to hotels in Colorado and delivery to consumers in municipalities that have not approved marijuana establishments. He indicated he would reach out to hotel associations to obtain feedback.
- Commissioner Camargo asked for a short break to consult with AGC Carter.
- Commissioner Camargo moved to take a ten-minute recess.
- Commissioner Roy 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 taking a ten-minute recess, returning at 11:20AM (01:21:20).
- The conversation regarding delivery issues resumed after the recess.
  - Commissioner Camargo mentioned there appeared to be agreement on repackaging issues and suggested voting and reserve the rest of the delivery items for next meeting.
  - Commissioner Roy noted she was open to the repackaging conversation, but she was not casting a vote today. The AC thanked staff and voiced the importance of making deadlines feasible for everyone.
  - Commissioner Roy asked for confirmation on if there have been any issues with repackaging in the past. Commissioner Camargo noted she would prepare a presentation for a future meeting.
  - Commissioner Stebbins mentioned potentially reducing the amount of product the delivery operator could carry would be helpful for public safety and could be discussed at a future meeting.

## 2. Regulatory Review Update: Social Consumption

- Commissioner Stebbins noted that he, Commissioner Camargo, and the working group hosted three listening sessions with a large turnout as a proactive step, inviting comments before preparing redlined amendments of the regulations.



- Commissioner Stebbins noted in addition to the listening sessions they reached out directly to parties who have expressed interest in obtaining Social Consumption licenses and provided a survey.
  - The Commissioners discussed the survey responses and eventually put the comments received into a public presentation.
  - Commissioner Stebbins stated that the feedback received was predominantly from SEP participants, but they will break down numbers for everyone's review.
- Commissioner Stebbins noted the importance to acknowledge other jurisdictions that have legalized adult-use cannabis and expand the industry into Social Consumption. He added that it will be helpful to learn from counterparts in other jurisdictions, so the team conducted a visit to San Francisco this Summer and are continuing to reach out to public entities and businesses to connect virtually.
  - Commissioner Camargo recommended her other fellow Commissioners visit a Social Consumption lounge or event space in Massachusetts or another state to see how these establishments operated in person. She added that they met with stakeholders from the California Department of Public Health and other state regulators during the site visits in San Francisco. She also stated that many establishments they visited were connected to retail space. Commissioner Camargo noted that the group learned about infused food, different lounge spaces, research issues, and equity grants.
  - The AC asked if there were jurisdictions that are doing it outside of the retail lounge model of Social Consumption. Commissioner Camargo answered that the retail model works for retail locations that have foot traffic that are having events at their lounge. She voiced that she heard that they must constantly create engagements within their locations so people can use the lounges and that lounges in locations with a lot of tourist traffic work are often lucrative.
  - Commissioner Roy asked if Commissioner Camargo could share more information about a cool down room and asked if they would be looking at rural and suburban areas.
  - Commissioner Camargo discussed cannabis-infused food and legacy operators that have infused food dinners and a comprehensive dinner plan. She added the cool down rooms were designated spaces after consumption to lay down, drink water, have snacks, and they also provided cannabidiol (CBD) products. Commissioner Stebbins stated that they are having conversations with other jurisdictions regarding transportation issues and noted that California, Colorado, potentially Illinois have rolled out consumption lounges and others are in the process of approving these locations.
  - Commissioner Camargo indicated that there would be more information presented at later date and they have been focused on reviewing regulations from states that have Social Consumption,
  - Commissioner Roy asked if it is possible to find out the differences between urban versus rural and suburban locations specifically regarding public transit and noted this would be helpful information.



- Commissioner Stebbins noted they are looking into different business models, including that in Nevada, as they review license applicants in multiple jurisdictions.  
Commissioner Camargo discussed Colorado and other states' policies regarding indoor ventilation. She noted that in Oakland, consumption activities cannot be visible from a public place and ensuring that regulations are in place regarding driving while impaired. Commissioner Camargo noted that they would review state recommendations to look at the indoor ventilation, outdoor smoking, and driving regulations per state that has Social Consumption right now. She added when they go through the data fully, they will present the analysis and priorities they have after seeing what states are doing.
- Commissioner Stebbins noted the regulations to be promulgated on November 9, 2023, would eliminate the Pilot Program from the regulations and there is more partnership they can create with communities about outreach, education, and Social Equity (SE) and Economic Empowerment (EE). He suggested talking to micro business licensees to see what they are envisioning for a potential Social Consumption license and discussed how Social Consumption may enable communities to satisfy some of the components of their Equity plan. Commissioner Camargo added that this is about education for both the municipalities, operators, and consumers and that it was great to have conversations with municipalities on this topic. Commissioner Stebbins discussed informing stakeholders on the process as the Fiscal Year 2025 budget is being prepared. He suggested thinking of this as a multi-year program. He desired this to be component of their public awareness campaign request in subsequent years.
  - Commissioner Roy and the AC asked for clarification on anticipated timeline.
  - Commissioner Stebbins stated that he does not want to commit to a timeframe and set everyone's expectations then fail to meet those expectations, but they are working diligently on ensuring that the license is available to all.
  - Commissioner Camargo updated the Commission that they were required to put Social Consumption on hold while they were working on Chapter 180 implementation, but that meetings have reconvened.  
Commissioner Stebbins noted they focused on an advanced RVT program and training requirements for Social Consumption before operations commence. He indicated the standalone consumption facility business model may not be viable unless there are other amenities or other business components and that the Commission should attempt to align Social Consumption with some of the other business entities.
  - Commissioner Roy thanked them for the update and asked about potential Social Consumption applicants and if the Commission was able to start this pre-verification process with them.
  - Commissioner Camargo stated that potential operators need more information about the possible license-types and framework for Massachusetts.



AGC Carter added that a pre-verification process would be something that would be captured by regulation.

- Commissioner Stebbins moved to take a five-minute recess.
- Commissioner Roy 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 taking a five-minute recess, returning at 12:45PM (02:43:50).

### 3. Acting Executive Director Discussion

- The AC discussed the need to have an Acting Executive Director (AED) serve during the time that the Executive Director (ED) is on leave. She noted that the turnover has resulted in major changes to the delegations of responsibility that were originally outlined by the ED. The AC noted that there is a need for someone who understands the budget and human resources process. She noted that Chief People Officer Debra Hilton-Creek (CPO Hilton-Creek) is a military veteran and a human resources practitioner with over 25 years of management and organizational leadership experience. She recommended that CPO Hilton-Creek be appointed as AED as she was up to speed on policies and procedures at the Commission and would bring a fresh lens with a focus on people, culture, and best practices for organizational operations.
  - Commissioner Stebbins noted the key departures on the administration side of the house and the final steps of filling the General Counsel position. He voiced the need for someone to help them operate. He added the importance of designating an AED in this intervening period as well as manage the administrative and operational functions of the Commission. He noted that CPO Hilton-Creek would be a good choice and that she has experience in very large organizations.
  - Commissioner Roy agreed with both fellow Commissioners, and reminded everyone that this Body has the statutory authority to appoint an AED in case of an absence or vacancy.
  - Commissioner Camargo noted she respected the nomination but stressed there are many leaders in this organization with leadership abilities and would be remiss if she didn't mention the rest of the leadership team.
  - Commissioner Roy noted it was brought to her attention that a memo delegating the work of the ED during his absence was not signed and asked if it needs to be signed moving forward.

The AC suggested finishing the discussion regarding appointment of an AED conversation first because it might resolve that issue.



- CPO Hilton-Creek voiced that this is an incredible opportunity and that a collaborative effort will be required during the next few months. She thanked the Commissioners for having confidence in her in the short-term interim role and that she will do her best to meet agency goals.
- Commissioner Roy moved in accordance with M. G. L. c. 10, § 76 (j) to designate Debra Hilton-Creek as Acting Executive Director to serve until the return of the Executive Director and shall serve in addition to her current duties.
- Commissioner Stebbins 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 appoint Debra Hilton-Creek as Acting Executive Director to serve until the return of the Executive Director and shall serve in addition to her current duties.
- AGC Carter suggested the Board may contemplate a motion to direct the AC to conduct and execute salary negotiations on behalf of the Commission with the AED.
- Commissioner Camargo moved to direct the Acting Chair to conduct and execute salary negotiations on behalf of the Commission with the Acting Executive Director.
- Commissioner Roy 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 direct the Acting Chair to conduct and execute salary negotiations on behalf of the Commission with the Acting Executive Director.

#### 4) Next Meeting Date – 03:00:34

- The AC noted the next meeting would be on November 9, 2023, held remotely.
- Commissioner Roy voiced that she wanted to confirm with Commissioner Stebbins whether she would recommend microbusinesses be placed on the agenda.
- Commissioner Stebbins suggested for the next meeting they discuss the expiration of COVID-19 orders, and the AC confirmed it is on list for the next meeting.
- Commissioner Roy mentioned staff would obtain data points regarding the extensions and curbside pickup.

#### 5) Adjournment – 03:03:27

- Commissioner Stebbins moved to adjourn.



- Commissioner Roy 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.

