

CANNABIS CONTROL COMMISSION

September 20, 2023

9:00 AM

In-Person and Remote via [Microsoft Teams Live*](#)

PUBLIC MEETING MINUTES

Documents:

- Letter from Charlotte Hanna of Community Growth Partners
- [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 recognized a quorum and called the meeting to order.
- The Acting Chair gave notice that the meeting is being recorded.
- The Acting Chair gave an overview of the agenda.

2) Commissioners' Comments & Updates – 00:01:09

- Commissioner Camargo noted her general excitement for the day's proceedings.
- Commissioner Roy likewise noted her excitement to continue with the regulatory work at hand.
- The Acting Chair (AC) echoed Commissioners Camargo and Roy's sentiments.

3) Commission Discussion and Votes – 00:01:55

1. Draft Adult Use and Medical Use of Marijuana Regulations

- Acting General Counsel Andrew Carter (AGC Carter) identified edits to the language of 501.180(4)(b)(1-2).
- Commissioner Stebbins asked a clarifying question about a perceived timeline discrepancy in the regulatory language versus Chapter 180 about when Community Impact Fees (CIF) are no longer assessed.



- The AC clarified that subsection (2) speaks to the collection of CIFs, which is different than the assessment of CIFs.
 - Commissioner Roy added that the CIF is assessed for the preceding year.
- Commissioner Camargo expressed that the protocol may lead to confusion among municipalities. She cited an inquiry on the matter by the Massachusetts Municipality Association. She asked if guidance would be provided.
 - The AC confirmed that there will be a guidance document created to offer more context around the regulations more broadly. She added that the word choice is intentional and should be interpreted according to its plain meaning.
 - Director of Licensing Kyle Potvin (DOL Potvin) concurred.
- Commissioner Camargo asked if the provision applies to Marijuana Establishments (ME) and Marijuana Treatment Centers (MTC) alike.
 - Enforcement Counsel Rebecca Lopez (EC Lopez) responded affirmatively.
- Commissioner Camargo asked how long the oldest MTC in the state has been in operation.
 - DOL Potvin responded that the first MTC received their final license in 2014 issued by the Department of Public Health (DPH).
 - EC Lopez noted the statute states two things: that the CIF is no longer effective after eight years of operations and that it cannot begin to be assessed any sooner than the ME/MTC is granted final licensure. CIF commences on the date the ME or MTC is granted a final license.
- AGC Carter identified edits to the language of 501.180(4)(b)(3-4).
- Commissioner Roy raised the question of addressing the assessment of CIFs in contractual vehicles such as Memorandums of Agreement (MOA) and Memorandums of Understanding (MOU).
- Commissioner Camargo stated that she would like to consult with the Legal department on her questions for this section. She requested to raise a motion to recess.
 - The AC obliged.

Commissioner Camargo moved to take a twenty-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 Callender Concepcion – Yes
- The Commission unanimously approved taking a twenty-minute recess, returning at 9:40 AM (00:47:25)
- The AC asked Commissioner Roy for proposed language.
 - Commissioner Roy proposed language.
 - The AC asked for questions or comments.
 - The AC asked EC Lopez to assist with incorporating Commissioner Roy's proposed language.



- EC Lopez proposed inserting the language as the first section of subsection (4).
 - The AC noted a consensus on the amended language.
- AGC Carter identified edits to the language of 501.180(4)(b)(5-6).
- AGC Carter identified edits to the language of 501.180(4)(c).
- Commissioner Stebbins proposed additional language for subsection (c).
 - The AC asked Commissioner Stebbins to expound on his rationale.
 - Commissioner Stebbins expressed a desire to lessen regulatory hurdles for certain municipalities as a means of positively reinforcing good faith efforts around HCAs and CIFs. He proposed allowing MEs and municipalities to submit a joint attestation of agreement to the amount due in lieu of the Invoice of Impact. He further noted the added positive impact to the Commission's resources.
 - Commissioner Roy noted statute dictates that any cost imposed on a Host Community shall be documented, transmitted to the ME and made part of the public record.
 - Commissioner Stebbins clarified that the normal invoicing process would proceed in the typical fashion, but that if both parties are in agreement, they could compel the Commission to waive the review process.
 - Commissioner Roy asked Commissioner Stebbins to confirm that either the Invoice or an attestation would be submitted to the Commission.
 - Commissioner Stebbins responded affirmatively.
 - The AC acknowledged the benefit of Commissioner Stebbins' proposal. She expressed concerns of added pressure on MEs to sign an attestation.
 - Commissioner Stebbins noted the number of safeguards in place to protect MEs.
 - DOL Potvin echoed Commissioner Roy's remarks that statute dictates invoices be submitted to the Commission. He stated that if the proposal is accepted, the statutory language around the Invoice of Impact would need amending. He added that the policy objective behind the regulation is to verify the information but also collect and publicize it through the open data platform and elsewhere. He further added that even if municipalities attest, the statutory requirement around CIFs needs to be fulfilled.
 - Commissioner Roy urged the body to contemplate how the proposed action may offer an unfair advantage to Multi-State Operators (MSO).
 - Commissioner Stebbins thanked Commissioner Roy and DOL Potvin for their perspectives. He reiterated his earlier statement about reinforcing good behavior on the part of municipalities and reducing the administrative burden on Commission staff.
 - The AC noted that a major crux of Chapter 180 was about the documentation component of previous laws. She quoted a former law about CIFs. She added that it has been made clear that the required documentation was never provided to a number of licensees. She further added that Chapter 180 not only requires documentation, but also grants the Commission the authority to



review CIFs. She opined that Commissioner Stebbins' proposal is therefore not in alignment with the statute. She reflected on the Commission's duty to create a level playing field for all parties.

- Commissioner Stebbins asserted that his proposal does not absolve municipalities of their responsibility to document costs and transmit invoices.
- The AC stated that she could envision the measure having an unintended effect among MEs who may fear being seen as combative if they do not sign the attestation.
- Commissioner Stebbins countered that MEs have the ability to challenge elements of a CIF that they may not agree with and are therefore already faced with that predicament.
- Commissioner Roy reiterated her concerns about MSOs being given an unfair advantage because they have the capital to agree to potentially unfavorable terms to appease municipality. She opined that the proposal represents a step backward.
- Commissioner Camargo appreciated Commissioner Stebbins' proposed option. Perhaps for CIFs but not for HCAs.
- EC Lopez noted that under the proposed approach, a different standard of what constitutes a reasonably related expense may emerge that is inconsistent with the Commission's definition. She raised the question of what to do if an attestation is submitted but the Commission later determines that a CIF was improperly assessed.
- Commissioner Stebbins expressed the attestation tool might benefit the ME.
- AC asked Commissioner Stebbins a qualifying question regarding the attestation proposal; if the Commission receives the invoice, are we able to question the invoice if we deem something unreasonably related.
- Commissioner Roy applauded Commissioner Stebbins for wanting to recognize good behavior. She suggested that there is an alternate means of doing so by spotlighting those municipalities in good compliance standing via the open data platform.
- Commissioner Stebbins requested to revisit the topic at a later time in the meeting, pending consultation with the Legal department.
- AGC Carter identified edits to the language of 501.180(4)(c)(1-3).
- EC Lopez suggested switching subsections (2) and (3). She noted that doing so introduces the scope of circumstances under which the agency would make a final determination on gross annual sales. She added that it would help clarify for the public that the Commission making a determination on gross annual sales would only transpire under select circumstances.
 - The AC noted a consensus on the amendment.
- AGC Carter identified edits to the language of 501.180(4)(c)(4-6).
- Commissioner Camargo asked to clarify the legalities around when the law went into effect and how that informs the collection of improper CIFs.
 - AGC Carter responded that the new standards around CIFs and HCAs went into effect with the passing of Chapter 180 on November 9, 2022. He added



- that the new law authorized the Commission to promulgate regulations for the purposes of clarifying, administering, and enforcing the provisions.
- Commissioner Camargo raised the question of how the Commission is signaling that the new laws are in effect and enforcing them accordingly.
 - EC Lopez acknowledged that they are operating in a unique legal landscape. She noted that the preexisting laws set limitations on Host Communities with regard to assessing CIFs, which Chapter 180 added to in granting the Commission oversight. She further noted that the legislature put stakeholders on notice that the Commission would hold enforcement authority over HCAs and CIFs, and in turn gave the Commission a year to develop the framework for exercising that authority. She added that in November 2023, stakeholders will be put on notice again as to how enforcement will be carried out. She acknowledged that the agency's enforcement authority over violations that occurred during that one-year window is presently unclear.
 - The AC thanked EC Lopez for her insight and expressed a need to revisit the matter.
- Commissioner Roy expressed concern over the language of subsection (6). She asked when the ME is expected to provide proof of payment to the Commission, whether or not it is being contested.
 - DOL Potvin responded that it would be due at the next point in the renewal application cycle, per the draft regulations.
 - Commissioner Roy suggested the need to reconsider. She detailed her concern that an unreasonable amount of time may elapse before the Commission receives proof of payment.
 - DOL Potvin advocated for keeping the policy as-is so that the Commission does not inadvertently introduce another administrative hurdle for MEs. He added that by the time the Commission receives the renewal application they have already received and certified the CIF.
 - EC Lopez noted that subsection (6) refers to CIFs that are the subject of a dispute. She asked Commissioner Roy to clarify her concern.
 - Commissioner Roy responded that in some instances it could take over a year to receive proof of payment and she wanted to be sure the body was okay with that.
 - DOL Potvin acknowledged Commissioner Roy's concerns. He added that the compliance element will be fulfilled at the renewal stage when the CIF is certified. He opined that administrative efficiency is a suitable tradeoff for the delay in receiving proof of payment. He deferred to the body.
 - Commissioner Stebbins proposed the addition of a subsection (7) to encompass instances where there is a dispute or resolution of a dispute, and the ME is found not to be liable for the CIF. He offered suggested language.
 - The AC raised the possibility of inserting the language into subsection (6). She noted a consensus on the intent and suggested revisiting the language at a later time.



- Commissioner Roy asked if the Commission has the authority to designate a CIF as a business expense for tax purposes.
 - AGC Carter remarked that the idea is novel and worthy of exploring, but that he was unsure if a regulatory discussion was the right context in which to do so as it seems to implicate the tax code. He raised the idea of potentially issuing a notice to make licensees aware of it.
 - The body concurred.
- AGC Carter identified edits to the language of 501.180(5)(a-f).
- Commissioner Roy asked if subsection (f) suggests that HCA Waivers are in effect in perpetuity once signed.
 - AGC Carter responded affirmatively.
 - EC Lopez noted that subsection (i) dictates that an HCA Waiver may be rescinded with Commission approval.
- AGC Carter identified edits to the language of 501.180(5)(g-i).
- Commissioner Roy asked if language should be incorporated to encompass electronic signatures.
 - AGC Carter responded that he would interpret the language to encompass both “wet” and electronic signatures.
 - EC Lopez concurred with AGC Carter’s interpretation.
 - DOL Potvin concurred with AGC Carter and EC Lopez. He added that, as a matter of contract law, any representation of a signature by a party in any form and manner can generally be considered their signature.
- AGC Carter identified edits to the language of 501.180(5)(j).

Commissioner Roy moved to take a five-minute recess.

- Commissioner Stebbins seconded the motion.
- The Acting Chair took a roll call vote:
 - Commissioner Camargo – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - Acting Chair Callender Concepcion – Yes
- The Commission unanimously approved taking a 5-minute recess, returning at 11:30 AM. (02:23:41)
- The AC stated that the body will now contemplate any matters they previously agreed to revisit at a later time.
- EC Lopez asked the AC to affirm the body’s consensus on the amendment to 501.180(4)(c)(6) before proceeding.
 - The AC concurred and asked EC Lopez to restate the proposed language.
 - The AC asked Commissioner Stebbins if the proposed language sufficiently captures his intention.
 - Commissioner Stebbins responded affirmatively.
 - The AC noted a consensus on the amended language.



- AGC Carter suggested that it would be timely to revisit any tabled matters from earlier in the regulatory discussion throughout the week. He offered a brief overview of the talking points. He deferred to the AC as to how to proceed with the discussion.
- Commissioner Camargo directed the body to 500.180(2)(c)(2)(b-c). She stated that she would like to move to strike subsections (b) and (c). She reiterated her concerns.
 - Commissioner Roy stated that she interpreted the language of the subsections differently and believes it provides a system of checks and balances against unilateral decision making.
 - The AC offered additional context and perspective in support of retaining the subsections. She added that the language speaks to the fact that public health concerns vary from municipality to municipality.
 - DOL Potvin acknowledged Commissioner Camargo's concerns. He likewise offered additional context and perspective.
 - Commissioner Stebbins proposed alternative language for the subsections to communicate in more definitive terms that the costs must be directly related to the operation of an ME.
 - Commissioner Camargo indicated that she would like to maintain her motion. She raised the possibility of adding conditions to the language.
 - The AC asked Commissioner Camargo to restate her proposed conditions.
 - Commissioner Camargo reviewed her proposed conditions. She maintained that if there is not a consensus to strike the subsections that the language should emphasize and make clear that the costs must be documented and reasonably related.
- Commissioner Roy raised the question of whether subsection (g) addresses the aforementioned concerns around checks and balances. She invited the ADGC Carter to comment.
 - AGC Carter noted that the matter is ultimately a policy decision for the board. He discussed his impression of how certain word choices impact the overall intent of the language. He ultimately recommended that the board arrive at a consensus or proceed with the language intact.
- The AC raised the possibility of combining the amendments proposed by Commissioners Camargo and Stebbins.
- Commissioner Roy invited DOL Potvin to remark on the potential administrative impact of the condition.
 - DOL Potvin opined that an addendum would conflict with the body's determination to prohibit supplemental contractual vehicles. He recommended that any language needed to offer peace of mind around provisions involving a chief of police or public health official be stated and attested to within the HCA.
- Commissioner Roy asked DOL Potvin if the language proposed by Commissioner Stebbins would have the desired effect.
 - DOL Potvin responded affirmatively. He offered a reminder that every municipality has a contracting authority who will ultimately be responsible for signing off on the validity of the contract. He added that if the contracting



authority attests that a provision of an HCA is necessary to ensure public safety, it could be presumed that the condition is reasonable.

- Commissioner Camargo underscored the need for information and data to justify the condition.
- Commissioner Stebbins expressed the desire to see the proposed language as part of an HCA versus as a standalone document. He likewise expressed the desire to incorporate a mention of chief fire officers alongside references to chief law enforcement authorities with regard to public safety. He noted there are situations in which Fire and Rescue may respond to an emergent situation at an ME and not just law enforcement.
 - EC Lopez remarked that from an Enforcement standpoint, the Commission need not concern itself with the language proposed by Commissioner Camargo being inconsistent with the expectation that an HCA cover all stipulation of responsibilities. She added that the separate document would not constitute a term or condition of the HCA, but rather a supporting document. She ultimately deferred to the board.
 - The AC raised a concern about the undue administrative burden on the Commission if both a provision embedded in an HCA and an attestation by a chief public health authority have to be reviewed.
 - EC Lopez clarified that the Enforcement department would be required to contemplate the chief law enforcement's input, with or without the determination being in writing.
 - Commissioner Stebbins reiterated that he would like to find a path forward to include the information within an HCA.
 - Commissioner Roy echoed prior sentiments about the administrative burden to the agency.
 - DOL Potvin acknowledged that, per statute, the HCA is the only document that can contain the stipulations and responsibilities between parties. He explained that if the agency received a letter (i) from a chief of police or public health authority; (ii) that established a requirement of an ME not in the HCA; and (iii) was signed off by the contracting authority, the Commission would not be under any obligation to follow it.
 - EC Lopez allowed that if a letter were to establish a requirement, it would not be something that the Commission would have to take into consideration. She clarified that the type of letter in question would seek an opinion provided voluntarily by the Host Community or licensee. She further clarified that the language on the table allows for the official in question to offer an opinion and does not call for the introduction of a new requirement.
 - Commissioner Camargo further emphasized her position.
 - The AC maintained that the Commission would still retain the authority to evaluate the conditions.
 - Commissioner Camargo raised the question of whether an authority would feel compelled to provide evidence to support their condition based on the language as it is written.



- DOL Potvin proposed striking subsection (b) and (c) and amending the language of (a) to require that the condition be based on established public health and safety protocol. He suggested language.
- Commissioner Roy raised a concern about imposing the requirement of a written document for one condition over the rest.
 - DOL Potvin clarified that a written component would not be required - just that the condition be based on established procedure.
- Commissioner Stebbins objected to the language on the basis that he perceived it to be consistent with the same treatment a municipality would give any other business. He asked to clarify if the language would encompass standard bylaws, ordinances, or regulations, or also any that a municipality has introduced to accommodate MEs in their community.
 - The AC noted that subsection (d) speaks to provisions that apply to non-marijuana businesses.
 - DOL Potvin clarified that all applicable rules would apply.
- Commissioner Camargo noted that EC Lopez provided alternative language. She quoted the language.
- Commissioner Roy shared that MEs are increasingly hosting in-person community events that sometimes draw hundreds to thousands of attendees. She added that part of the HCA is that the ME must have first responders onsite. She further added that the proposed language would preclude any discretion on the part of the municipality to require first responders because it would not already be in the bylaws.
 - AGC Carter responded that such discretion would typically be captured in the standard ordinances for a large event of any nature.
 - Commissioner Roy maintained that the language would preclude any ability to ensure public health and safety outside of the scope of established regulations. She added that the body cannot anticipate every single possible circumstance.
 - AGC Carter allowed that ultimately it would be a policy decision for the board.
 - Commissioner Camargo echoed AGC Carter's comments about Commissioner Roy's choice of example. She expounded on her concerns that the language as written provided the opportunity for authorities to demand arbitrary conditions and CIFs.
 - DOL Potvin opined that the language he proposed covers the hypothetical raised by Commissioner Roy with regard to local public health and safety rules and Standard Operating Procedures (SOP).
 - The AC asked DOL Potvin to read his proposed language aloud.
 - Commissioner Roy maintained that there will be scenarios that fall outside of the normal scope of oversight, such as odor mitigation, and that the proposed language precludes those unknown scenarios.
 - The AC noted that in his proposed language, DOL Potvin referenced the use of SOPs to cover things outside of the bylaws. She invited DOL Potvin to expound.



- DOL Potvin offered an overview on how SOPs are developed and can be adapted acutely.
- Commissioner Roy maintained that the language is limiting and could jeopardize public health and safety officials.
- The AC asked Commissioner Roy if she is then in favor of maintaining the original language.
- Commissioner Roy responded that she is in favor of maintaining the original language along with the amendment proposed by Commissioner Stebbins.
- EC Lopez acknowledged the concerns being raised. She offered a reminder that if a condition is not on the sub-list, it is still subject to the Commission's assessment of its reasonability. She added that even items on the list are subject to the reasonableness standard on a case-by-case basis. She proposed an amendment to the language set forth by DOL Potvin.
- The AC noted a consensus on replacing the word "promote" with "ensure" in subsections (b) and (c).
- Commissioner Roy asked why the Commission is requiring a written opinion if it will ultimately determine the reasonableness standard.
 - Commissioner Stebbins clarified the working group's intention behind the language to ascertain extenuating circumstances
- Commissioner Camargo moved to maintain 500.180(2)(c)(2)(a) as written and amend subsections (b) and (c) according to the language proposed by Commissioner Stebbins, which reads as follows: (b) The condition has been deemed necessary to ensure public safety and proposed by the chief law enforcement authority and/or fire protection chief in a Host Community, with explanation and detail as to why the condition is necessary for public safety in a good faith estimate of the costs of such conditions. (c) The condition has been deemed necessary to ensure public health and proposed by the chief public health authority in a host community, with explanation in detail as to why the condition is necessary for public health and a good faith estimate of the cost of such a condition.
 - Commissioner Roy requested an amendment to strike "...and a good faith estimate of the cost of such conditions."
 - Commissioner Camargo asked Commissioner Roy to clarify her rationale.
 - Commissioner Roy responded that it is a prohibited practice.
 - AGC Carter concurred.
 - The AC clarified Commissioner Roy's proposed amendment.
 - Commissioner Camargo declined to amend the motion per Commissioner Roy's request.
 - Commissioner Roy suggested that the condition should be based on actual costs.
 - Commissioner Stebbins countered that actual costs would likely not yet be available given the timeline of when the HCA would be signed.
 - Commissioner Roy noted that "actual costs" is in statute and that they would be going against the statue.



- AGC Carter proposed alternative language. He offered a reminder that the ultimate determination falls with the Commission.
- Commissioner Camargo expressed agreement with the language proposed by AGC Carter.
- Commissioner Stebbins requested the word ensure be incorporated as opposed to the word promote.
- Commissioner Camargo moved to strike 500.180(2)(c)(2)(b-c) and replace with: (b) The condition has been deemed necessary to ensure public safety and proposed by the chief law enforcement authority and/or fire protection chief in a Host Community, with explanation in detail as to why the condition is necessary for public safety. (c) The condition has been deemed necessary to ensure public health and proposed by the chief public health authority in a Host Community, with an explanation in detail as to why the condition is necessary for public health.
- Acting Chair Concepcion seconded the motion.
- The Acting Chair took a roll call vote:
 - Commissioner Camargo – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - Acting Chair Callender Concepcion – Yes
- The Commission unanimously approved motion language.

Commissioner Camargo moved to take a five-minute recess.

- Commissioner Stebbins seconded the motion.
- The Acting Chair took a roll call vote:
 - Commissioner Camargo – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - Acting Chair Callender Concepcion – Yes
- The Commission unanimously approved taking a five-minute recess, returning at 1:00 PM (03:50:26)
- AGC Carter stated that the next matter for contemplation is the May 1, 2024, deadline for applications for initial licensure or renewal to include an HCA that complies with 935 CMR 500.000 *et seq.*, or an HCA Waiver per 500.180(3)(b) and 500.101(3)(c).
- Commissioner Camargo discussed the financial implications faced by some applicants as a result of protracted HCA processing times. She acknowledged the potential administrative demands on both the agency and municipalities alike. She maintained that moving the May 1 date would be a net positive.
 - Commissioner Stebbins acknowledged the hardship that both applicants and MEs face by delayed implementation. He noted that the new Model HCA requirement is an important step in helping to expedite the negotiating of HCAs. He noted the important of remembering that many municipalities rely on outside counsel to draft and read Agreements. He opined that extending the



deadline is a benefit for all parties involved. He raised the idea that the May 1 deadline may be different for an applicant than an operating ME.

- Commissioner Roy read a letter into the record from Charlotte Hanna of Community Growth Partners regarding the undue burden of the current deadline on her operation.
- Commissioner Camargo proposed a date of February 1, 2024.
 - Commissioner Stebbins asked Commissioner Camargo if the February 1 date would be for new applications as well as renewals.
 - Commissioner Camargo responded that she would like the deadline to apply to both groups.
 - Commissioner Stebbins expressed a desire for feedback from staff about the proposed deadline.
 - DOL Potvin asked if Commissioner Stebbins is seeking to clarify what the effects of that action may be.
 - Commissioner Stebbins acknowledged the staff's rationale for the original May 1 deadline. He noted that he is now trying to get a sense of the feasibility of the proposed date.
 - DOL Potvin stated that it is ultimately a policy decision to be determined by the Commissioners. He noted that it would result in a three-month reduction of a thoughtfully considered deadline. He offered an outline of potential outcomes and procedural challenges.
- Commissioner Roy thanked DOL Potvin for his insights. She noted that, with regard to DOL Potvin's concerns about the holiday season, both parties have the option to execute and sign an interim HCA that conforms with the model HCA until both parties can come to an agreement which would offer some remedy.
 - Commissioner Stebbins noted that the Model HCA still needs to be drafted and approved.
 - The AC noted that the working group has already contemplated the deadline. She expressed confidence that a Model HCA could be drafted in enough time.
 - Commissioner Roy noted that the body was directed to form a Model HCA but is not required to promulgate it, which will help with efficiency.
 - EC Lopez suggested that the agency begin drafting the Model HCA as soon as the draft regulations have been finalized.
 - Commissioner Stebbins proposed a March 1, 2024, date in consideration of DOL Potvin's remarks. He added that the benefit is for MEs as well.
- AGC Carter offered an outline of the promulgation timeline. He noted that Feb 1 gives municipalities effectively one month to negotiate.
 - The AC noted the distinction between promulgation and providing notice, which would take place when the draft regulations are finalized and entered into the public record. She suggested that the timeline is sufficient on this basis and would like for it to be taken into consideration.
 - Commissioner Stebbins noted that his proposed date of March 1 is likewise in consideration of the time needed to develop a serviceable Model HCA.
 - Commissioner Roy noted that the original proposed date was January 1. She suggested that March 1 may be the best compromise.



- Commissioner Camargo commented that she would agree to a March 1 deadline.
 - The AC noted a consensus on the March 1 deadline.
 - AGC Carter indicated that the draft regulations have been updated to reflect the consensus.
- EC Lopez gave an overview of the remaining topics for contemplation.
- The AC stated that she would like to direct the discussion to the provision on requiring a new HCA in the event of a name change, per 501.180(2)(h).
 - Commissioner Camargo offered her recollection of the body's previous discussion around the topic.
- EC Lopez noted that the discussion left off with contemplating whether there is a legal problem with the licensee changing its name and if it would necessitate the submission of a new or amended HCA. She recognized Acting Associate Enforcement Counsel Olivia Koval (AAEC Koval) and Associate Enforcement Counsel Philip Schreffler (AEC Schreffler) for their assistance with researching the matter. She read a portion of their findings into the record. She stated that, given the findings, the Commission should not adopt a policy requiring the submission of a new or amended HCA as a result of a name change where it does not affect the rights or obligations of the parties.
 - The AC asked EC Lopez if she or the Enforcement team had amended language to propose.
 - EC Lopez responded that she would work on it and follow up.
- The AC directed the discussion to the matter of CIF scope.
 - Commissioner Stebbins noted that he would like to first consult with Legal before revisiting the topic.
 - Commissioner Camargo asked ADGC Carter the best method of disseminating proposed language for consideration in advance.
 - AGC Carter responded that any Commissioner could send the language to Legal who could intern disseminate the language anonymously.
 - EC Lopez proposed language regarding her earlier recommendation on name changes.
 - Commissioner Stebbins raised the question of an ME providing notice of the name change to a Host Community.
 - DOL Potvin confirmed that the Commission required that an ME notify a Host Community of a name change. He asked to clarify that an updated HCA is required when there is an actual transfer of a license from one entity to another.
 - EC Lopez responded that whether a Notice of Change of updated HCA is required in that instance is a matter for the board to consider. She noted that if the objective is to streamline the process, then a notice would suffice. She added that if the Commission would seek an amended HCA in the event of a change of location, then she would modify the language accordingly.
 - DOL Potvin outlined the three instances in which the working group envisioned an amended HCA. He clarified that an amended HCA is a new



contract. He further clarified that in instances of a change of location or complete change of ownership and control to new individuals and entities, the case law cited by EC Lopez would not be applicable and a new HCA would be required.

- The AC noted that in the interest of time they would continue the discussion of the matter at the following day's meeting.

4) Next Meeting Date– 04:37:42

- The Acting Chair noted the next meeting would be on September 21, 2023.

5) Adjournment – 04:50:00

- Commissioner Camargo 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 Callender Concepcion – Yes
- The Commission unanimously approved the motion to adjourn.

