



Monthly Public Meeting--December 2019

UMass Medical School--Amphitheater II S4-102

December 2019 Public Meeting Packet

Call to Order		Chair Hoffman
Official Meeting Agenda		
Chairman's Comments and Updates		
Approval of Minutes		Chair Hoffman
Meeting_Minutes_11.7.2019		
Executive Director's Report		Shawn Collins
Staff Recommendations on Change of Ownership	Vote	Kyle Potvin
COO EXECUTIVE SUMMARY-NETA, LLC-v2.docx		
COO EXECUTIVE SUMMARY-T.BEAR -v2.docx		
COO EXECUTIVE SUMMARY-KRYPIES, LLC-v2.docx		
COO EXECUTIVE SUMMARY-MASS YIELD CULTIVATION-v2.docx		
Staff Recommendation on Change of Location	Vote	Kyle Potvin
COL EXECUTIVE SUMMARY-APOTHCA-v2.docx		
Staff Recommendations on Renewals	Vote	Kyle Potvin
Medical		
MTC RENEWAL EXECUTIVE SUMMARY-121919-v2.docx		
Adult Use		
ME RENEWAL EXECUTIVE SUMMARY-121919-v2.docx		
Staff Recommendations on Final Licenses	Vote	Kyle Potvin
Alternative Therapies Group		
FL EXECUTIVE SUMMARY-ALTERNATIVE THERAPIES GROUP-MR281346-v2.docx		
Curaleaf Massachusetts		
FL EXECUTIVE SUMMARY-CURALEAF MASSACHUSETTS- MR282052-v2.docx		
Hope Heal Health, Inc.		
FL EXECUTIVE SUMMARY-HOPE HEAL HEALTH (MC281478- MP281361-MR281337).v1.docx		
Sira Naturals		
FL EXECUTIVE SUMMARY-SIRA NATURALS-MC281252- v2.docx		
HVV		
MFL EXECUTIVE SUMMARY-HVV-RMD1405-v2.docx		
Staff Recommendations on Provisional Licenses		
PL EXECUTIVE SUMMARY-27 BROOM STREET, LLC-MCN281723-		

MCN281880-MPN281490-v2.docx

PL EXECUTIVE SUMMARY-1620 LABS, LLC-MCN281775-MPN281523-v2.docx

PL EXECUTIVE SUMMARY-ASCEND MASS, LLC-MRN282007-v2.docx

PL EXECUTIVE SUMMARY-BASK, INC-MRN282284-v2.docx

PL EXECUTIVE SUMMARY-BASK, INC-MRN282819-v2.docx

PL EXECUTIVE SUMMARY-BERKSHIRE WELCO LLC-MCN281949-v2.docx

PL EXECUTIVE SUMMARY-BERKSHIRE WELCO LLC-MPN281505-MRN281967-v2.docx

PL EXECUTIVE SUMMARY-CANNABIS CONNECTION, INC.-MRN281362-v2.docx

PL EXECUTIVE SUMMARY-CAREGIVER-PATIENT CONNNECTION LLC-MCN282206-v2.docx

PL EXECUTIVE SUMMARY-CAREGIVER-PATIENT CONNNECTION LLC-MCN282237-v2.docx

PL EXECUTIVE SUMMARY-CULTIVATE HOLDINGS, LLC-MRN281843-v2.docx

PL EXECUTIVE SUMMARY-CULTIVATE HOLDINGS, LLC-MRN282522-v2.docx

PL EXECUTIVE SUMMARY-D2N2, LLC-MRN281517-v2.docx

PL EXECUTIVE SUMMARY-EVERGREEN STRATEGIES-MRN281834-v2.docx

PL EXECUTIVE SUMMARY-EVERGREEN STRATEGIES-MRN282032-v2.docx

PL EXECUTIVE SUMMARY-FOUR DAUGHTERS-MRN282232-v2.docx

PL EXECUTIVE SUMMARY-FROZEN 4, LLC-MCN281658.docx

PL EXECUTIVE SUMMARY-FROZEN 4, LLC-MCN281658-v2.docx

PL EXECUTIVE SUMMARY-GARDEN REMEDIES-MRN282471-v2.docx

PL EXECUTIVE SUMMARY-HERBAL PATHWAYS-MRN282037-v2.docx

PL EXECUTIVE SUMMARY-JOLO CAN LLC-MCN281502-MPN281369-MRN281308-v2.docx

PL EXECUTIVE SUMMARY-MASS ALTERNATIVE CARE, INC-MRN282062-v2.docx

PL EXECUTIVE SUMMARY-PHARMACANNIS MASSACHUSETTS, INC-MRN282298-v2.docx

PL EXECUTIVE SUMMARY-TEMESCAL WELLNESS OF MASS-MRN282033-v2.docx

PL EXECUTIVE SUMMARY-WELLMAN FARM-MCN281310-v2.docx

PL EXECUTIVE SUMMARY-WHOLE SUN FARM-MCN281757-v2.docx

Commission Discussion and Votes

Guidance for Farmers

Vote

Guidance for Farmers

HCA Guidance

HCA_Guidance

Vote

Positive Impact Plan Guidance

Vote

Commissioners
Flanagan &
Title

Positive Impact Plan Guidance

Guidance on Distribution

Vote

Distribution Guidance Document Transition Memo

Compiled Guidance on Energy & Environmental Compliance
(Updated)

Updated Energy Environment Compiled Guidance

Memo on Ch. 55 Report w/ AGO

Christine Bailly

St. 2017 c. 55 § 74 Report - Proposed Recommendations v2.docx

Business the Chair Did Not Anticipate at the Time of Posting

Next Meeting Date & Adjournment

Chair Hoffman

PowerPoint Presentation

December 17, 2019

In accordance with Sections 18-25 of Chapter 30A of the Massachusetts General Laws, notice is hereby given of a meeting of the Cannabis Control Commission. The meeting will take place as noted below.

CANNABIS CONTROL COMMISSION

**December 19, 2019
10:00AM**

**UMass Medical School
Amphitheater II S4-102
Worcester, MA**

PUBLIC MEETING AGENDA

- 1) Call to Order
- 2) Chairman's Comments & Updates
- 3) Approval of Minutes
- 4) Executive Director's Report
- 5) Staff Recommendations on Change of Ownership
 - a. Krypies, LLC
 - b. Mass Yield Cultivation, LLC
 - c. New England Treatment Access, LLC
 - d. T. Bear, Inc.
- 6) Staff Recommendations on Change of Location
 - a. Apothca, Inc., Vertically Integrated Medical Treatment Center (Dispensing)
- 7) Staff Recommendations on Renewals
 - a. Berkshire Roots Inc (# MRR205548), Retail Renewal
 - b. Berkshire Roots Inc (# MPR243499), Product Manufacturer Renewal
 - c. Berkshire Roots Inc (# MXR126655), Transporter with other Existing License Renewal
 - d. Berkshire Roots Inc (# MCR139849), Cultivation Renewal



- e. Berkshire Welco LLC (# MCR139852), Cultivation Renewal
 - f. Caregiver-Patient Connection (# MCR139851), Cultivation Renewal
 - g. Garden Remedies Inc (# MCR139846), Cultivation Renewal
 - h. Garden Remedies Inc (# MPR243502), Product Manufacturer Renewal
 - i. Green Biz LLC (# MRR205545), Retail Renewal
 - j. Herbology Group, Inc (# MRR205552), Retail Renewal
 - k. LDE Holdings, LLC. (# MCR139854), Cultivation Renewal
 - l. Silver Therapeutics, Inc (# MRR205549), Retail Renewal
 - m. Silver Therapeutics, Inc (# MCR139853), Cultivation Renewal
 - n. T. Bear Inc (MPR243498), Product Manufacturer Renewal
 - o. The Green Lady Dispensary, Inc. (# MCR139850), Cultivation Renewal
 - p. The Green Lady Dispensary, Inc. (# MPR243501), Product Manufacturer Renewal
 - q. The Green Lady Dispensary, Inc. (# MRR205547), Retail Renewal
 - r. ARL Healthcare, Inc., Vertically Integrated Medical Treatment Center
 - s. ARL Healthcare, Inc. (#RMD1085)
 - t. Healthy Pharms, Inc. (#RMD545)
 - u. Holistic Industries (#RMD685)
 - v. Hope Heal Health, Inc. (#RMD686)
 - w. Massmedicum Corp., Vertically Integrated Medical Treatment Center
 - x. MD Holistics, Inc., Vertically Integrated Medical Treatment Center
 - y. Middlesex Integrative Medicine, Inc. (#RMD1025)
 - z. Nature's Remedy of Massachusetts, Inc. (#1285)
 - aa. Olde World Remedies, Inc., Vertically Integrated Medical Treatment Center
 - bb. Sanctuary Medicinals, Inc. (#RMD1128)
 - cc. Sanctuary Medicinals, Inc. (#RMD605)
 - dd. The Haven Center, Vertically Integrated Medical Treatment Center
 - ee. The Haven Center, Vertically Integrated Medical Treatment Center
 - ff. The Haven Center, Vertically Integrated Medical Treatment Center
- 8) Staff Recommendations on Final Licenses
- a. Alternative Therapies Group (# MR281346), Retail
 - b. Curaleaf Massachusetts, LLC (# MR282052), Retail
 - c. Sira Naturals, Inc. (# MC281252), Cultivation, Tier 3/Indoor
 - d. HVV Massachusetts, Inc. (#RMD1405), Vertically Integrated Medical Treatment Center
 - e. Hope Heal Health, Inc. (#MC281478), Cultivation, Tier 4/Indoor
 - f. Hope Heal Health, Inc. (#MP281361), Product Manufacturer



- g. Hope Heal Health, Inc. (#MR281337), Retail
- 9) Staff Recommendations on Provisional Licenses
 - a. 1620 Labs, LLC (#MCN281775), Cultivation, Tier 3/Indoor
 - b. 1620 Labs, LLC (#M281523), Product Manufacturer
 - c. 27 Broom Street, LLC (#MCN281723), Cultivation, Tier 10/Outdoor
 - d. 27 Broom Street, LLC (#MCN281880), Cultivation, Tier 2/Indoor
 - e. 27 Broom Street, LLC (#M281490), Product Manufacturer
 - f. Ascend Mass, LLC (#MRN282077), Retail
 - g. Bask, Inc. (#MRN282284), Retail
 - h. Bask, Inc. (#MRN282819), Retail
 - i. Berkshire Welco LLC (#MCN281949), Cultivation, Tier 7/Outdoor
 - j. Berkshire Welco LLC (#MPN281505), Product Manufacturer
 - k. Berkshire Welco LLC (#MRN281967), Retail
 - l. Cannabis Connection, Inc. (#MRN281362), Retail
 - m. Caregiver-Patient Connection LLC (#MCN282206), Cultivation, Tier 3/Indoor
 - n. Caregiver-Patient Connection LLC (#MCN282237), Cultivation, Tier 2/Indoor
 - o. Cultivate Holdings, LLC (#MRN281843), Retail
 - p. Cultivate Holidngs, LLC (#MRN28252), Retail
 - q. D2N2, LLC (#M281517), Retail
 - r. Evergreen Strategies, LLC (#MRN281834), Retail
 - s. Evergreen Strategies, LLC (#MRN282032), Retail
 - t. Four Daughters Compassionate Care, Inc. (#MRN282232), Retail
 - u. Frozen 4, LLC (#MCN2281658), Cultivation, Tier 4/Indoor
 - v. Garden Remedies, Inc. (#MRN282471), Retail
 - w. Herbal Pathways, LLC (#M282037), Retail
 - x. JOLO Can, LLC (#MCN281502), Cultivation, Tier 3/Indoor
 - y. JOLO Can, LLC (#MPN281369), Product Manufacturer
 - z. JOLO Can, LLC (#MRN281308), Retail
 - aa. Mass Alternative Care, Inc. (#MRN282062), Retail
 - bb. Pharmacannis Massachusetts, Inc. (#MRN282298), Retail
 - cc. Temescal Wellness of Massachusetts LLC (#MRN282033), Retail
 - dd. Wellman Farm, Inc. (#MCN281310), Cultivation, Tier 2/Indoor
 - ee. Whole Sun Farm, LLC (#MCN281757), Cultivation, Tier 1/Outdoor
- 10) Commission Discussion and Votes
 - a. Guidance for Farmers
 - b. Guidance on Host Community Agreements
 - c. Guidance on Positive Impact Plans



- d. Guidance on Distribution
 - e. Compiled Guidance on Energy & Environmental Compliance
 - f. Memorandum: Chapter 55 Report on Potential Criminal Penalties
- 11) New Business that the Chairman did not anticipate at time of posting
- 12) Next Meeting Date

Notice of Executive Session

Under the Open Meeting Law, G.L. c. 30A, § 21(a)(2), (4) and (7) and the Public Records Law, G.L. c. 66, and the exemptions set forth in G.L. c. 4, § 7(26)(a), (b), (c), (d), (f), (g) and (n), the Commission may enter into executive session to discuss the following items if the relevant topic arises during the course of deliberations:

- 1) to discuss applicants' or provisional licensees' security plans if, in the opinion of the Chair, discussion of such plans in an open meeting may disclose information that could pose a risk to public safety or security; and
- 2) to deliberate and negotiate the terms and conditions of the Executive Director's employment.



CANNABIS CONTROL COMMISSION

**November 7, 2019
10:00AM**

**Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110**

PUBLIC MEETING MINUTES

Documents:

- Application materials for the following applications:
 - Alternative Therapies Group, Inc, Change of Ownership
 - 1620 LABS, LLC (#MCR139847), Cultivation Renewal
 - Atlantic Medicinal Partners, Inc. (#MCR139848), Cultivation Renewal
 - Atlantic Medicinal Partners, Inc. (#MPR243500), Product Manufacturer Renewal
 - Atlantic Medicinal Partners, Inc. (#MRR205546), Retail Renewal
 - Gibby's Garden, LLC (#MBR169263), Microbusiness Renewal
 - Good Chemistry of Mass, Inc. (#MPR243497), Product Manufacturer Renewal
 - Good Chemistry of Mass, Inc. (#MCR139840), Cultivation Renewal
 - Good Chemistry of Mass, Inc. (#MRR205543), Retail Renewal
 - Nova Farms, LLC F/K/A BCWC, LLC (#MPR243484), Product Manufacturer Renewal
 - Nova Farms, LLC F/K/A BCWC, LLC (#MCR139829), Cultivation Renewal
 - Revolutionary Clinics II, Inc. (#MCR139843), Cultivation Renewal
 - Revolutionary Clinics II, Inc. (#MPR243494), Product Manufacturer Renewal
 - Sanctuary Medicinals, LLC (#MRR205544), Retail Renewal
 - Temescal Wellness of Massachusetts, Inc. (#MCR139845), Cultivation Renewal
 - Temescal Wellness of Massachusetts, Inc. (#MPR243496), Product Manufacturer Renewal
 - Apothca, Inc., Vertically Integrated Medical Treatment Center Renewal
 - Apothca, Inc. (#RMD1065), Vertically Integrated Medical Treatment Center Renewal
 - Coastal Healing, Inc., Vertically Integrated Medical Treatment Center Renewal
 - Cultivate Holding, Inc. (#RMD485), Vertically Integrated Medical Treatment Center Renewal
 - Cypress Tree Management, Inc., Vertically Integrated Medical Treatment Center Renewal
 - Garden Remedies, Inc. (#RMD1265), Vertically Integrated Medical Treatment Center Renewal



- Resinate, Inc., Vertically Integrated Medical Treatment Center Renewal
- Revolutionary Clinics II, Inc. (#RMD405), Vertically Integrated Medical Treatment Center Renewal
- Seven Point of Massachusetts, Inc., Vertically Integrated Medical Treatment Center Renewal
- Seven Point of Massachusetts, Inc., Vertically Integrated Medical Treatment Center Renewal
- 253 Organics, LLC (#MC281258), Cultivation, Tier 4/Indoor
- 253 Organics, LLC (#MP281302), Product Manufacturing
- MassGrow, LLC (#MC281488), Cultivation, Tier 11/Indoor
- Mayflower Medicinals, Inc. (#MC281343), Cultivation, Tier 2/Indoor
- Mayflower Medicinals, Inc. (#MP281480), Product Manufacturing
- Slang, Inc. (#MR281402), Retail
- Solar Therapeutics, Inc. (#MC281592), Cultivation, Tier 5/Indoor
- ARL Healthcare (#RMD1085)
- The Green Harbor Dispensary (#RMD1305)
- The Heirloom Collective (#RMD825)
- Apical, Inc. (#MCN281385), Cultivation, Tier 6/Indoor
- Apical, Inc. (#MPN281333), Product Manufacturing
- Apical, Inc. (#MRN281246), Retail
- Bask, Inc. (#MCN282211), Cultivation, Tier 3/Indoor
- Bask, Inc. (#MPN281702), Product Manufacturing
- Community Growth Partners Great Barrington Operations, LLC (#MRN282695), Retail
- Community Growth Partners Northampton Operations, LLC (#MCN282162), Cultivation, Tier 3/Indoor
- Community Growth Partners Northampton Operations, LLC (#MPN281677), Product Manufacturing
- Four Daughters Compassionate Care, Inc. (#MCN282243), Cultivation, Tier 4/Indoor
- Four Daughters Compassionate Care, Inc. (#MPN281715), Product Manufacturing
- Four Daughters Compassionate Care, Inc. (#MRN281552), Retail
- Greenstar Herbals, Inc. (#MRN282034), Retail
- Greenstar Herbals, Inc. (#MRN282048), Retail
- HVV Massachusetts, Inc. (#MPN281693), Product Manufacturing
- HVV Massachusetts, Inc. (#MCN282198), Cultivation, Tier 4/Indoor
- Just Healthy, LLC (#MCN281866), Cultivation, Tier 7/Indoor
- Just Healthy, LLC (#MPN281559), Product Manufacturing
- Just Healthy, LLC (#MRN281863), Retail
- Old Planters of Cape Ann, Inc. (#MRN282588), Retail
- Theory Farms, LLC (#MCN281657), Cultivation, Tier 2/Indoor
- Energy and Environment Guidances
 - General guidance
 - Cultivation Guidance
- Research Report: State of the Data



- Executive Director Goals
- 2019 Executive Compensation Market Survey

In Attendance:

Chairman Steven Hoffman
 Commissioner Kay Doyle
 Commissioner Jennifer Flanagan
 Commissioner Britte McBride
 Commissioner Shaleen Title

Minutes:

1) Call to Order

- The Chairman recognized a quorum and called the meeting to order and gave notice to the public that the meeting was being recorded.

2) Chairman's Comments & Updates

- The Chairman gave overview of agenda for the meeting.
- The Chairman also gave notice that there would be a new agenda items that the Chairman was not aware of at the time the agenda was released with respect Judge Wilkins ruling on vaping and any action that the Commission may take on that issue.
 - The Chairman opted to discuss this topic at the start of the meeting due to the members of the public and media who attended the meeting specifically to hear the vaping conversation and noted that the Commission will take a break after the vaping discussion to allow for questions from media and public, before reconvening for remainder of agenda.

3) Vaping Discussion

- The Chairman gave an overview of the discussion.
- General Counsel Christine Baily gave update on litigation.
 - As an initial matter, the General Counsel put the recent judicial order in context of entire litigation.
 - In a nutshell, Judge Wilkins determined that DPH lacked authority to tell CCC to enforce its emergency regulations order.
 - Commonwealth defendants appealed and the Supreme Judicial Court (SJC) took case.
 - The SJC allowed medical patient intervenors claim to be heard as part of the appeal.
 - The Commonwealth defendants asked for a stay of Judge Wilkins order. If granted, the DPH order (the Ban) would stay in effect.
 - In seeking the stay, the Commonwealth defendants reasonably argued that there would be confusion as to the extent and timing of the Ban among members of the public.



- The Chairman said that there needs to be a Commission plan whether or not the order is stayed. The Chairman then deferred to the Executive Director.
 - The Executive Director acknowledged that this is an evolving legal matter as well as, importantly, a policy and scientific matter. The Executive Director stated that the Commission needs to weigh these factors in its decisions.
 - As the Commission monitors these proceedings, of which it is not a party, Commission staff has thought through a variety of options available to the Commission if a stay of the order that struck down the Ban is not granted.
 - If the Ban is lifted with respect to medical patients and products, Commission staff has tools at its disposal under the Commission's current regulations and administrative actions can be taken if there is a public health or safety concern with respect to vaping products.
 - These administrative tools include product holds and quarantines or a removal of product.
 - Regardless of the legal proceedings and how they unfold, these tools exist, and the related processes are ongoing irrespective of the current scenario. The Commission and public should know that with respect to the Ban and a variety of contexts in the future, these administrative actions are an option.
 - If the Ban is lifted, the Commission would have to consider relying on these administrative actions.
 - Things Commission staff would take into account if taking these administrative actions:
 - Scientific analysis;
 - Quality;
 - Time products are sitting on the shelves unused;
 - Lack of recent tests on the quality of these products;
 - Information provided by federal agencies, such as the FDA and CDC
 - In addition to the administrative actions mentioned, the Commission could also consider emergency regulations.
 - The Commission has already promulgated regulations with respect to product manufacturing, which includes vaporized products. If the commission decided to strengthen, bolster, or add to those regulations, emergency regulations would provide that opportunity. That does include the normal promulgation process of filing and public hearing.
 - If the Ban is lifted, the Executive Director said it would be his intention to consider and deploy these administrative tools as necessary, specifically quarantine of vape oil cartridges.
 - This is a different than what is covered by the Ban, which includes flower vaping and mini dose inhalers. Based on the science and national context, flower vaping and micro dose inhalers pose less of a concern. Therefore, Commission staff would be focusing on vape oils. The approach would be surgical and taken pursuant existing authority.

- The Chairman asked the Executive Director to be precise about using the word “consider” versus definite action and asked that he be precise, if the Commission were to take an administrative action with respect to quarantine, what would it cover and not cover.
- Commissioner McBride stated that given the context of what the Executive Director just said, there is still a lot we don’t know, The Commission may not want to get ahead of itself committing to one particular action. The Commission needs more specifics of what an action looks like.
- The Executive Director stated that there are a number of different options at the Commission Staff’s disposal as an agency, not just the five Commissioners as a body. This is a rapidly evolving situation. The precision of the action should be surgical, so for example, flower vaping is less of a concern. But the concern around the oil-based cartridges is larger, but Commission staff does not know enough to make a determination either way. A quarantine would allow the Commission to test products as necessary and allows licensees to assess their own products and share the additives used with consumers. What that would entail needs to be more fully vetted. The Executive Director expressed his intent to pursue and vet the options available to take actions quickly where necessary.
- Commissioner Title made the point, with respect to the previous discussion, echoing Commissioner McBride’s desire for context, that the Commission needs to look at the quarantine process, developed by the staff and promulgated by the Commission. That process reads: “quarantine order may be imposed by the Commission to immediately quarantine or otherwise restrict the sale of use of marijuana products... if based on complaints, inspections, affidavits, or other credible evidence.” Therefore, it is appropriate that if the Ban was lifted, a quarantine should be considered based on those considerations – i.e. “complaints, inspections, affidavits, or other credible evidence”. If those considerations are not at hand, it is premature to have a discussion with respect to a quarantine action .
- Commissioner McBride made a motion that the Commission begin the process to promulgate adult/use regulations relative to the vaporization of marijuana products, including but not limited to extracts, concentrates, and marijuana accessories or devices used for the consumption of vaporized marijuana products; moved further that the scope of any regulations considered by the commission shall be the Commission shall be limited to (i) ingredients, (ii) labeling, (iii) testing, (iv) sourcing, and (v) storage of Marijuana Products intended for vaporization; and further that the Commission affirms the authority of the Executive Director granted by MGL 94G, 935 CMR 500, and 935 CMR 501, to take administrative action to ensure safe sale of marijuana products in the Commonwealth pursuant to those regulations.
 - So, following up on Commissioner Title’s comments, this motion is affirming the authority already granted to the Executive Director, but leaves flexibility to respond to the unfolding litigation, and puts us in a posture to be responsive but on track for where we are heading anyway.
- The Chairman asked for comments from other Commissioners before we consider the motion.
- Commissioner Flanagan expressed appreciation for the work by staff and the Executive Director and recognized that the Commission has a lot going on with respect to licensing entities let alone dealing with the vape ban and the fluidity of the court system. Commissioner Flanagan expressed that the Commission needs to recognize there is a lot of activity outside this body and such

activity could have an impact on the actions of the Commission. Commissioner Flanagan expressed her support for Commissioner McBride's so the Commission can do what it does best: take a thoughtful, deliberative approach, hearing from all sides. If the Commission promulgates new regulations, the public will have the opportunity to comment and there will be public hearings, which is not afforded in the legal process. As the legal process unfolds, it could undo any decision made today. But the fact of the matter is, there is a health crisis going on in the United States. Three people in Massachusetts have died. Many across the state are sick. The CDC is still trying to figure out what is going on. Commissioner Flanagan expressed her appreciation for Commissioner McBride's motion, because it shows that the Commission is being deliberate and thoughtful, and taking the public's comments into account.

- Commissioner Doyle thanked Commissioner McBride for her motion and said it is a step in the right direction. With respect to the second clause regarding the scope of our regulations, Commissioner Doyle stated that one item not covered is the chemical process of vaping. It may be discovered that application of heat may be affecting the chemical makeup of the products. Therefore, Commissioner Doyle offered a friendly amendment to add as an additional consideration in the list a number (vi) regarding the chemical process of vaping as something the Commission can investigate as part considering new regulations.
- Commissioner Title expressed her support for the motion asked whether the motion was meant to promulgate emergency regulations or regular regulatory process?
 - Commissioner McBride stated that the motion was drafted intentionally to leave flexibility to do what needs to be done as things develop, but it was envisioned as being a "normal" regulation promulgation, but is intended to start the policy discussions to consider this without knowing what will come out of legal process and it is intended to allow the Commission to be responsive to those outcomes in a real-time way.
 - Commissioner Title expressed her appreciation for that approach that and noted that if more information comes forward, the Commission always has the authority to pass emergency regulations.
 - Commissioner Title offered a friendly amendment to add "manufacturing process" to Commissioner Doyle's suggested addition.
 - Commissioner Doyle said she had no objection and the Commission may find out there are things at issue that Commissioners were not previously aware of.
 - The Chairman thanked Commissioner McBride for her leadership on putting together the motion. The Chairman expressed his sense of urgency and his preference to have a timeline for starting the regulatory process, regardless of what form it takes or what policy decisions are made.
 - Commissioner McBride deferred to General Counsel with the caveat being that the Commission is somewhat tied by the Rules of 30A.
 - The Chairman clarified that he was asking less about what decision the commission would make and more about when the Commission will make that decision.
 - Commissioner McBride noted the difficulty given the Commission does not know how this will evolve, there may be circumstances that require an emergency meeting, and the Commission does not understand the nature of the circumstances. There is information that the Commission needs to collect and hear. Commissioner

McBride her hesitancy to set such a date, thinking that the Commission should start to develop all the information needed with Staff and begin the process of putting language together, so that when the Commission needs to move on it, it can. If we want to set a time frame for all Commissioners to have their thoughts to staff, that's fine, but Commissioner McBride said she is not comfortable otherwise binding the Commission to certain actions or time frames.

- The Chairman noted that there is some ambiguity of what this regulatory process is going to look like and asked if the Commission is willing to make a decision about the regulatory process we will follow and when it will make such a decision. The chairman clarified that he is not looking to finalize the content of a policy decision, but the process for determining the content.
- Commissioner Flanagan asked the Chairman to suggest a time frame.
- The Chairman clarified that he was not asking for a decision on how to proceed, but when the Commission will decide how to proceed. The Chairman's suggested timeframe is that if the stay is not granted, then he would like the Executive Director and staff to schedule a public meeting after as quickly as possible after the court's ruling.
- Commissioner Doyle asked General Counsel what next steps would be at the SJC after the SJC rules on whether or not to stay the effect of Judge Wilkins order.
 - General Counsel said that Court anticipated that there would be a decision on the intervenors, which they will likely consider as part of the appeal and it is likely everything will be heard together on Dec 9.
 - The court will understand that there is an emergency situation, which will impact the timing of their decision. In terms of the motion for a stay, the court will likely understand that Judge Wilkins's most recent order was significant. Therefore, the General Counsel speculated that the SJC would take action to clarify the situation by the end of this week with respect to granting a stay. It is possible that a single justice will hold an evidentiary hearing with respect to the stay, which is completely in the court's discretion to determine whether that step is taken.
- Commissioner Doyle highlighted the significant legal uncertainty inherent in the ongoing litigation, so she cautioned the Commission against establishing too narrow a timeline or plan of action.
- The Chairman reiterated his desire to determine when the Commission will have a discussion about the regulatory process, not a timeline for when it will promulgate regulations.
- Commissioner Title said that there is additional information needed before the Commission can discuss a process or timeline:
 - Commissioner Title noted that in Judge Wilkins ruling, it is mentioned that 94I § 7 may prohibit a ban on medical marijuana vaping products. Given that statement, Commissioner Title asked for a legal opinion on that concept and what a timeframe for such an opinion would be.

- Another sentence in the ruling reads that “One week is likely enough time to consider emergency regulations, since the CCC already has experience as the agency implementing their emergency regulations for the industry and has the benefit of all the information and work done by DPH to date.”
 - Commissioner Title said that there is an implication there that the Commission already has access to information from DPH and noted that if the Commission is going to consider a quarantine, as the Executive Director suggested it would, the relevant question is: are any of the products linked to any illnesses. Commissioner Title noted that such information surely exists, even if it is preliminary, therefore, making a formal request to obtain that information before the Commission discusses promulgating regulations pursuant to the motion on the table.
- General Counsel stated that in judge Wilkins order, he determined that DPH lacked the authority to order the Commission to enforce the Ban. In part he was relying on 94I § 7, whether the Commission has the authority to enact a regulation that is more restrictive than DPH had in place when it had the program. This will be a novel issue of law. There are good arguments on both sides of this interpretation. As the defendants contended that DPH, in promulgating the emergency regulations, was not bound by 94I § 7, and there were other sources of authority, and the initial order was valid. The SJC may only rule on certain aspects of the legal matters.
- Commissioner Title stated that, first, if the Commission requested information from DPH, then the Commission and Commission staff would need sufficient time to get the information. Then, if the information shows that certain products are a cause of illness, then the Commission should hold an emergency meeting. If not, the Commission should wait until next regularly scheduled meeting.
- The Chairman asked, with respect to information, whether Commissioner Title is saying the Commission should hold off on Commissioner McBride’s motion or starting of regulatory process.
 - Commissioner Title clarified she meant that the Commission should hold off on the regulatory process until it receives the necessary information.
- Commissioner Flanagan asked if the Commission would be voting on the time frame, and if so, then the Commission should hold off on such a vote as not to get boxed into that time frame. The Commission would also have to wait on the legal process happening outside the Commission. Commissioner Flanagan said that all of the Commissioners see this as important and are all taking whatever action each can in their purview to address this. Commissioner Flanagan went on to say that if Commissioner Title needs additional information, then The Commission needs to take the time for that information to come in. Commissioner Flanagan expressed her view that the time frame is not as important as the activity that is going on and therefore, unless the Commission is taking a vote on a time frame, it should just

keep pushing forward to address the ongoing crisis, and keep working on this alongside what is unfolding in the court process.

- Commissioner McBride expressed support for Commissioner Flanagan's comments with respect to tying the Commission to the timeline and expressed her agreement with Commissioner Title regarding additional information from DPH, but that is not the only that information and the Executive Director should also rely on other evidence and information to make an informed decision, and the Commission should allow the time for that.
 - Commissioner Title agreed with Commissioner McBride's comments with respect to the gathering of information other than information from DPH.
 - The Chairman said he is uncomfortable with not setting a timeline and if the Commission is not comfortable setting a specific date, perhaps setting specific triggers for action, such as conclusion of the legal action, receiving necessary information.
- The Chairman stated his concern that if the stay is not granted, the Commission is taking a "we'll see" approach. If the stay is not granted, the Chairman wanted to state what action the Commission will take.
 - Commissioner Doyle said that she wants to rise in defense of the fact that we have all been concerned as these events unfold and this is a situation that requires a careful approach, which is why she gets nervous committing absolutely to something in this meeting when the Commission has not had full information. Commissioner Doyle expressed her comfort with the policies the Commission has established over the past two years and how those policies set the Commission up to address this issue and empower the Executive Director to take necessary action in response to the legal outcomes.
 - Commissioner Flanagan expressed agreement with Commissioner Doyle and expressed her comfort with the actions that may be taken by the Executive Director. Commissioner Flanagan said that it is hard to pinpoint what that action might be without all the information and therefore the Commission has to be flexible and use and embrace the tools it has and an "if this then that" approach is a little to dicey.
 - The Chairman asked what additional information the Commission will receive between Tuesday (when the SJC is presumed to issue a decision).
 - Commissioner Doyle stated that the answer as to what information is available is still unknown and that the CDC has been good about updating what's been going on. Commissioner Doyle expressed her concern about putting into place some sort of process that confines the Executive Director actions.
 - Commissioner Title endorsed Commissioner Doyle's comments and added that the Executive Director has had the power to quarantine this entire time. Commissioner Title expressed her full faith in the fact that when necessary, appropriate action will be taken.
 - The Chairman also expressed his confidence in the Executive Director and his feeling that the Commission must use the greatest amount of caution given the lack of information. The Chairman said he was not comfortable saying "let's see what happens" and that he

feels it incumbent on him in his role to ensure the Commission is doing everything it possibly can, given people's lives are at stake.

- Commissioner Title clarified that she and other Commissioners were not saying “let's see what happens” and asked the Chairman to specify the action he thinks the Commission should take.
- The Chairman referred to the potential actions the Executive Director listed as the administrative actions he'd consider, with emphasis on “consider,” and deferred to the Executive Director to reiterate his previous remarks.
- The Executive Director clarified that imbedded in every action taken as the Executive Director, and the Commission has incorporated it into its policies and regulations, paramount is public health and safety. With that in mind, to other Commissioners' point, this is a situation we have monitored closely and continue to monitor, but it is still developing. The Executive Director committed to reviewing all information, and will not hesitate to take action, as he has in the past, to protect public health and safety. The Executive Director stated that at this point Commission staff is working to develop the evidence, keeping in mind that if the stay were lifted, the Commission could deploy any tool it has to ensure that unsafe products do not reach the marketplace or any patient or consumer. The Executive Director clarified that when he said “consider” he meant to pursue with vigor and any resource available.
- Commissioner Flanagan stated that given this discussion and the multitude of opinions and acknowledging that the Chairman is correct that lives are at stake, it is an uncomfortable position to be in to make decisions in this sort of scenario. Commissioner Flanagan said the Commission has an opportunity to rise to the occasion, knowing that each Commissioner is committed to public health. Commissioner Flanagan expressed appreciation for the Executive Director's comments and noted that there is data the Commission still needs in order to inform its decisions. Commissioner Flanagan also referenced the regulations and statutes, which continually repeat “scientifically based” and the Commission now has to get through the evidentiary portion of this situation to get through to the other side. Commissioner Flanagan said she appreciates the Chairman's desire to pin some things down, but things are just moving too fast.
- Commissioner McBride moved that the Commission begins the process to promulgate adult-use and medical regulations relative to the vaporization of marijuana products, including, but not limited to, extracts, concentrates and any marijuana accessories or devices used for the consumption of vaporized marijuana products; and moved further that the scope of any regulations considered by the Commission shall be limited to 1) ingredients; 2) labeling; 3) testing; 4) sourcing; 5) storage of marijuana products intended for vaporization; and (6) manufacturing and consumption processes of marijuana products and marijuana accessories; and, further, that the Commission affirms the authority of the Executive Director granted by chapter 94G, 935 CMR 500 and 935 CMR 501 to take administrative action to ensure the safe sale of marijuana products in the Commonwealth pursuant to those regulations.
- Commissioner Doyle seconded the motion.
- The Commission unanimously approved the motion.

4) Approval of Minutes



- The Chairman called the meeting back to order.
- The Chairman opened discussion of minutes noting there were three sets of minutes to approve.
 - June 25, 2019
 - Commissioner Title asked that these minutes be approve subject to ministerial changes.
 - Commissioner Flanagan moved to approve the minutes subject to ministerial changes.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the minutes subject to ministerial changes.
 - June 27th
 - Commissioner Title asked that these minutes be approve subject to ministerial changes.
 - Commissioner Flanagan moved to approve the minutes subject to ministerial changes.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the minutes subject to ministerial changes.
 - October 10, 2019
 - Commissioner Title asked that these minutes be approve subject to ministerial changes.
 - Commissioner Flanagan moved to approve the minutes subject to ministerial changes.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the minutes subject to ministerial changes.

5) Executive Director's Report

- The Executive Director introduced new staff:
 - Yen Do – fiscal specialist.
 - Rebecca Lopez – Associate Enforcement Counsel
 - Andrew Carter – Associate Enforcement Counsel
- Licensing Update:
 - Typical data as extracted and presented from the Mass Cannabis industry portal.
 - There is a total of 395 applications that have submitted all four packets and are therefore considered pending review.
 - Next is a breakdown of the total portal as a whole,
 - 395 are pending
 - 389 have been withdrawn
 - 3,510 are incomplete (that is they have not submitted all four packets)
 - 4 applications have been denied.
 - 207 applications considered and approved.
 - Next is a breakdown of those applications that have been approved, broken out by category.



- Total of 207 applications.
- 80 retail licenses.
- 64 cultivation licenses.
- 53 product manufacturing licenses.
- Of those 207:
 - 8 provisionally approved (fees not paid).
 - 108 provisional licenses (paid license fee).
 - 14 final licenses
 - 77 commenced operations.
- Next slide covers status of applicants as General Applicant, RMD, economic empowerment priority, or expedited review:
 - 606 applications representing 319 separate entities.
 - The expedited review is a fluid number as applicants are continually for that status.
 - Related is notice that will be sent to all applicants to regarding the ability of applicants to identify as being eligible of expedited review.
- Next slide deals with disadvantaged business enterprise (DBE) statistics as supplied and submitted by the applicants
 - 606 total applications
 - 83% have not identified as a DBE.
 - Commissioner Title wanted to clarify that if a business would like to be certified as one of the categories, there is no need for them to wait to start the training.
 - The Executive Director confirmed this.
- Next slide peels back the curtain a bit on Commission staff review:
 - 156 completed (all four packets) and awaiting initial review.
 - 156 have been reopened and require additional information
 - 63 await third party responses, including background check and municipal certification
 - 20 are before the commission
 - 211 have been considered by the Commission.
- Next slide gives a geographic breakdown of all applicants across the Commonwealth.
- Next slide is specific to retail applications by county.
- Next slide is a by-license-type breakdown of where folks are in the application process.
 - Informative of what is pending in the cue by license type.
- Next few slides relative agents
 - 9,621 total Agent applications.
 - 6,715 already active.
 - Of our workload 234 either pending as establishment agents or laboratory agents



- 102 Not yet reviewed
- 125 require additional information
- 7 awaiting third-party response.
- Demographics of Agents
 - 56% identify as male
 - 73.4% identify as white
- Next two slides look at Medical Use program
 - Total of 162 applications.
 - 96 provisional licenses.
 - 5 final licenses.
 - 54 have commenced operations.
 - 10 licenses have expired.
 - Looking at Medical Use program Agents
 - 4,775 active agents.
 - 259 Registered Certified Physicians.
 - 64 Registered Certified Nurse Practitioners
 - The Commission, under statute and regulation, has the ability to certify physician assistants, but has not received any such applications.
 - Commissioner Flanagan asked for a distinction between certified patients and certified active patients.
 - The Executive Director stated that active patients are actively making purchases during the previous 60 days.

- The Chairman then gave an overview of the process for the licensing portion of the meeting.

6) Staff Recommendations on Change of Ownership

a. Alternative Therapies Group, Inc.

- Director Potvin presented the application and staff recommendation.
- The Chairman asked for questions and comments then asked for motion to approve the change of ownership.
- Commissioner Doyle moved to approve the change of ownership.
- Commissioner McBride seconded the motion.
- Commission unanimously approved the change of ownership.

7) Staff Recommendations on Renewals

- The Chairman said the Commission generally consider renewals and final licenses as a roster unless a Commissioner specifically requested separate consideration to allow Commissioners to propose conditions. There are four rosters the Commission will consider with respect to renewals:



(i) those for which Commissioner Doyle would like to request conditions, (ii) those for which Commissioner Title would like to request conditions, (iii) all those without conditions, and (iv) those for which Commissioner Title will recuse herself.

- Applications for which Commissioner Doyle requested a condition (highlighted in teal below).
 - Commissioner Doyle
 - Proposed condition: submit an updated timeline within 60 days.
 - The Chairman asked for additional comments then asked for a motion to approve the renewal applications for those licensees for which Commissioner Doyle requested a condition, subject to that condition.
 - Commissioner Doyle moved to approve the renewal applications for those licensees for which Commissioner Doyle requested a condition, subject to that condition.
 - Commissioner Flanagan seconded the motion.
 - The Commission unanimously approved the renewal applications for those licensees for which Commissioner Doyle requested a condition, subject to that condition.
- Applications for which Commissioner Title requested a condition (highlighted in magenta below).
 - Commissioner Title first commended the staff on the guidance they gave to applicants with respect to progress reports, as the improvement is noticeable.
 - Proposed condition: Within 60 days the applicant should submit information about an annual data review that was described in their submitted diversity plan, describing an audited report by the CEO with employment data, values of contractors and subcontractors, and additional information.
 - The Chairman asked for additional comments and then asked for a motion to approve the renewal subject to the condition requested by Commissioner Title.
 - Commissioner McBride moved to approve the renewal license subject to the condition requested by Commissioner Title.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the renewal application for license for which Commissioner Doyle requested a condition, subject to that condition
- Applications for which no Commissioner requested a condition.
 - The Chairman asked for questions then asked for a motion to approve the renewal licenses for which no Commissioner requested a condition.
 - Commissioner Doyle moved to approve the renewal licenses for which no Commissioner requested a condition.
 - Commissioner Flanagan seconded the motion.
 - The Commission unanimously approved the renewal licenses for which no Commissioner requested a condition.
- Applications with respect to which Commissioner Title recused herself.
 - The Chairman asked for questions then asked for a motion to approve the renewal licenses with respect to which Commissioner Title recused herself.
 - Commissioner Flanagan moved to approve the renewal licenses with respect to which Commissioner Title recused herself.
 - Commissioner McBride Seconded the Motion.

- The Commission approve the Renewal Licenses by a vote of four in favor (Doyle, Flanagan, Hoffman, and McBride) and one abstention (Title).

- a. 1620 LABS, LLC (#MCR139847), Cultivation Renewal
- b. Atlantic Medicinal Partners, Inc. (#MCR139848), Cultivation Renewal
- c. Atlantic Medicinal Partners, Inc. (#MPR243500), Product Manufacturer Renewal
- d. Atlantic Medicinal Partners, Inc. (#MRR205546), Retail Renewal
- e. Gibby's Garden, LLC (#MBR169263), Microbusiness Renewal
- f. Good Chemistry of Mass, Inc. (#MPR243497), Product Manufacturer Renewal
- g. Good Chemistry of Mass, Inc. (#MCR139840), Cultivation Renewal
- h. Good Chemistry of Mass, Inc. (#MRR205543), Retail Renewal
- i. Nova Farms, LLC F/K/A BCWC, LLC (#MPR243484), Product Manufacturer Renewal
- j. Nova Farms, LLC F/K/A BCWC, LLC (#MCR139829), Cultivation Renewal
- k. Revolutionary Clinics II, Inc. (#MCR139843), Cultivation Renewal
- l. Revolutionary Clinics II, Inc. (#MPR243494), Product Manufacturer Renewal
- m. Sanctuary Medicinals, LLC (#MRR205544), Retail Renewal
- n. Temescal Wellness of Massachusetts, Inc. (#MCR139845), Cultivation Renewal
- o. Temescal Wellness of Massachusetts, Inc. (#MPR243496), Product Manufacturer Renewal
- p. Apothca, Inc., Vertically Integrated Medical Treatment Center Renewal
- q. Apothca, Inc. (#RMD1065), Vertically Integrated Medical Treatment Center Renewal
Commissioner Title thanked staff for
- r. Coastal Healing, Inc., Vertically Integrated Medical Treatment Center Renewal
- s. Cultivate Holding, Inc. (#RMD485), Vertically Integrated Medical Treatment Center Renewal
- t. Cypress Tree Management, Inc., Vertically Integrated Medical Treatment Center Renewal
- u. Garden Remedies, Inc. (#RMD1265), Vertically Integrated Medical Treatment Center Renewal
- v. Resinate, Inc., Vertically Integrated Medical Treatment Center Renewal
- w. Revolutionary Clinics II, Inc. (#RMD405), Vertically Integrated Medical Treatment Center Renewal
- x. Seven Point of Massachusetts, Inc., Vertically Integrated Medical Treatment Center Renewal
- y. Seven Point of Massachusetts, Inc., Vertically Integrated Medical Treatment Center Renewal

8) Staff Recommendations on Final Licenses

- The Chairman said that the Commission would consider the Final Licenses as a roster.
- Commissioner Title requested two rosters, letters a-g and then letters h-j, given she will be abstaining from several votes.
- Final Licenses to be considered without any recusal:
 - Commissioner Title asked, with respect to Mayflower Medicinals, whether that licensee will continue using "medicinal" in its business name for its adult operation.
 - Director Potvin stated that there is no change of name application being considered at this time.
 - Commissioner Title asked whether the Commission has guidance on whether licensees can use "medicinal" in the business name with respect to adult use establishments.



- Director Potvin stated that this licensee has colocated establishments, so a name change may be problematic.
- The Executive Director stated that this issue is a discussion among staff and something that should be addressed. There is no solution in mind yet, but colocated licensees create particular questions and Commission staff will have a recommendation to bring to the Commission with respect to the use of words like “medicinals” in colocated facilities.
- Commissioner Flanagan asked if this topic is this part of 2020 regulatory review or if it is more administrative in nature.
- The Executive Director said that Commission staff would likely bring a recommendation to the Commission on how to deal with this, but it is also likely to be a matter to be discussed as part of the regulatory review.
- Commissioner Doyle similarly noted the use of the word “organics” in the business name of licensees and the problem that creates given the technical term “organic” and the USDA certification associated with the word “organics”.
- The Executive Director stated that this is a similar issue to “medicinals” and would also likely have a labeling implication. Commission staff continues to explore this issue and will bring a proposal to the Commission.
- The Chairman asked for additional questions and then a motion to approve the final license roster of companies listed as a-g on the Commission’s agenda.
- Commissioner Doyle moved to approve the final license roster of companies listed as a-g on the Commission’s agenda.
- Commissioner McBride seconded the motion.
- The Commission approved the final license roster of companies listed as a-g in the Commission’s agenda by a vote of four in favor (Doyle, Flanagan, Hoffman, McBride) and one abstention (Title)
- The Chairman asked for additional questions and then a motion to approve the final license roster of companies listed as h-j on the Commission’s agenda.
- Commissioner Doyle moved to approve the renewal license.
- Commissioner Flanagan seconded the motion.
- The Commission unanimously approved the Final license.

- a. 253 Organics, LLC (#MC281258), Cultivation, Tier 4/Indoor
 - b. 253 Organics, LLC (#MP281302), Product Manufacturing
 - c. MassGrow, LLC (#MC281488), Cultivation, Tier 11/Indoor
 - d. Mayflower Medicinals, Inc. (#MC281343), Cultivation, Tier 2/Indoor
 - e. Mayflower Medicinals, Inc. (#MP281480), Product Manufacturing
 - f. Slang, Inc. (#MR281402), Retail
 - g. Solar Therapeutics, Inc. (#MC281592), Cultivation, Tier 5/Indoor
-
- h. ARL Healthcare (#RMD1085)
 - i. The Green Harbor Dispensary (#RMD1305)



j. The Heirloom Collective (#RMD825)

9) Staff Recommendations on Provisional Licenses

a. Apical, Inc. (#MCN281385), Cultivation, Tier 6/Indoor

- Director Potvin presented the application and staff recommendation for both Apical, Inc. applications.
- Commissioner McBride asked whether the old regulations or new regulations would be applied to final licensees if the Commission's regulations changed between those two phases of licensure.
 - The Executive Director said that this application was evaluated against the regulations that were in place at the time the application was submitted. Moving forward, investigations will be based on the regulations promulgated November 1. Final licenses pending today were inspected against the previously issued regulations.
 - Commissioner McBride noted that, with respect to requesting conditions, some conditions would be based on the new regulations as of November 1.
 - The Executive Director stated that when conditions are added on a provisional license, the licensee must demonstrate compliance with investigators prior to being eligible to commence operations.
- The Chairman asked for questions and comments then asked for motion to approve the provisional license for Indoor Cultivation
- Commissioner Doyle moved to approve the provisional license for indoor cultivation.
- Commissioner Flanagan. seconded the motion.
- The Commission approved the provisional license by a vote of four in favor (McBride, Doyle, Flanagan, and Hoffman) and one abstention (Title).

b. Apical, Inc. (#MPN281333), Product Manufacturing

- Commissioner McBride requested a condition.
 - Proposed condition: Provide more information about the shapes and sizes of chocolates and other edibles.
- The Chairman asked for additional questions and comments then asked for motion to approve the provisional license for product manufacturing application, subject to the condition requested by Commissioner McBride.
- Commissioner Doyle moved to approve the provisional license subject to the condition requested by Commissioner McBride.
- Commissioner Flanagan seconded the motion.
- The Commission approved the provisional license by a vote of four in favor (Doyle, Flanagan, Hoffman, McBride) and one abstention (Title), subject to the condition requested by Commissioner McBride.

c. Apical, Inc. (#MRN281246), Retail

- Director Potvin presented the application and staff recommendation.



- The Chairman asked for questions and comments then asked for motion to approve the provisional license.
 - Commissioner Doyle moved to approve the provisional license.
 - Commissioner McBride seconded the motion.
 - The Commission approved the provisional license by a vote of four in favor (Doyle, Flanagan, Hoffman, and McBride) and one abstention (Title).
- d. Bask, Inc. (#MCN282211), Cultivation, Tier 3/Indoor
- Director Potvin presented the application and staff recommendation for both the cultivation, Tier 3/Indoor and Product Manufacturing Licenses for Bask, Inc.
 - Commissioner Title requested a condition.
 - Proposed Condition: With respect to the Diversity Plan, update the goal that at least 10% of the workforce and 5% of management will consist of women and minorities. It is objectively unreasonable for the threshold to be 10%/5% if that group is to include women, given women make up 50% of the population. There seems to be a copy and paste error naming the groups that will be included as part of this employment goal, which needs to be corrected.
 - Commissioner Title expressed her concern that this issue, and these types of mistakes, are continuing to occur given the Commission has been focusing on it for months. Some of these issues may be typos, but if those typos keep recurring, the concern is that not much thought is going into these.
 - Commissioner Title expressed her hope that when the new guidance is ready, it will help address these problems. When we look at the statistics, our industry is less diverse than other industries. The Commission created the diversity plan requirement to try to preempt a lack of diversity in the industry. Diversity plans associated with renewal applications appear to be a little better than the initial application, but implementation seems to be a last-minute thought.
 - Commissioner Title, therefore, expressed her hope that at the next meeting of the Commission, there could be a discussion about how to address this continuing issue.
 - The Chairman asked for additional questions and then asked for motion to approve the provisional license subject to the condition requested by Commissioner Title.
 - Commissioner McBride moved to approve the provisional license, subject to the condition requested by Commissioner Title.
 - Commissioner Flanagan seconded the motion.
 - The Commission unanimously approved the provisional license subject to the conditions requested by Commissioner Title.
- e. Bask, Inc. (#MPN281702), Product Manufacturing
- Commissioner Title requested a condition.
 - Proposed Condition: With respect to the Diversity Plan, update the goal that at least 10% of the workforce and 5% of management will consist of women and minorities. It is objectively unreasonable for the threshold to be 10%/5% if that group is to include women,

given women make up 50% of the population. There seems to be a copy and paste error naming the groups that will be included as part of this employment goal, which needs to be corrected.

- Commissioner McBride stated that one of the products this applicant intends to produce is chocolate covered espresso beans.
 - Proposed condition: That the enforcement team make sure they are looking at what this product looks like an and out of the package, because it is going to be difficult to affix the required labels and warnings.
- Commissioner McBride stated that there needs to be a clarification in the applicant's security plan with respect to incident reporting. In the security plan the applicant stated that it will immediately notify law enforcement and file a written report with the Commission within 10 days. Pursuant to 935 CMR 500.110(9)(A), both law enforcement and the Commission should be informed. It is clear in the applicant's diversion prevention plan that the applicant knows that notice to both law enforcement and the Commission are required.
 - Proposed condition: Update the security plan to properly reflect the requirement of 935 CMR 500.110(9)(A) to immediately notify the Commission in addition to law enforcement in the event of an incident.
- The Chairman asked for additional questions and comments then asked for motion to approve the provisional license subject to the conditions requested by Commissioners Title and McBride.
- Commissioner Flanagan moved to approve the provisional license, subject to the conditions requested by Commissioners Title and McBride.
- Commissioner Doyle seconded the motion.
- The Commission unanimously approved the provisional license subject to the conditions requested by Commissioners Title and McBride.

f. Community Growth Partners Great Barrington Operations, LLC (#MRN282695), Retail

- Director Potvin presented the application and staff recommendation.
- Commissioner Flanagan asked a question with respect to the applicant's positive impact plan. The plan reads in part, that it is a goal of the applicant to be a reliable source of cannabis education and awareness. The Commission's regulations state what licensees can and cannot discuss, particularly with respect to the health benefits of cannabis. As part of achieving that goal, however, the applicant states that they will offer monthly seminars to allow local community to ask questions and learn about the many uses and health benefits of cannabis. Therefore, it is unclear whether they have substantial evidence or clinical data, as required by 935 CMR 500.105(4), to back up any claims they with respect to the health benefits of cannabis as they may make in fulfilling this goal.
 - Proposed condition: The applicant must have the substantial evidence or clinical data to support any information with respect to health benefits of Cannabis. If the applicant does not have such data, it must strike that portion of its positive impact plan and redraft the portion of the plan relating to education and outreach.
- Commissioner Title expressed support Commissioner Flanagan's condition, but otherwise thinks this is one of the best positive impact plans the Commission has seen.



- The Chairman agreed.
 - The Chairman asked for questions and comments then asked for motion to approve the provisional license subject to the condition requested by Commissioner Flanagan.
 - Commissioner Doyle moved to approve the provisional license subject to the condition requested by Commissioner Flanagan.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the provisional license subject to the condition requested by Commissioner Flanagan.
- g. Community Growth Partners Northampton Operations, LLC (#MCN282162), Cultivation, Tier 3/Indoor
- Director Potvin presented the application and staff recommendation for both Cultivation, Tier 3/Indoor and Product Manufacturing with respect to Cultivation, Tier 3/Indoor and Product Manufacturing.
 - The Chairman asked for questions and comments then asked for motion to approve the provisional license.
 - Commissioner Doyle moved to approve the provisional license.
 - Commissioner Title seconded the motion.
 - Commission unanimously approved the provisional license.

After a vote on application (h) the Chairman asked for a vote to reconsider application (g) in order to ensure that Commissioner Flanagan's requested condition was included.

- The Chairman asked for a motion to approve the provisional license subject to the condition requested by Commissioner Flanagan.
 - Commissioner Doyle moved to approve the provisional license subject to the condition requested by Commissioner Flanagan.
 - Commissioner Title seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the condition requested by Commissioner Flanagan.
- h. Community Growth Partners Northampton Operations, LLC (#MPN281677), Product Manufacturing
- Commissioner Flanagan requested the same condition as requested with respect to Community Growth Partners Great Barrington - Retail.
 - The Chairman asked for a motion to approve the provisional license subject to the condition requested by Commissioner Flanagan.
 - Commissioner Doyle moved to approve the provisional license subject to the condition requested by Commissioner Flanagan.
 - Commissioner Title seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the condition requested by Commissioner Flanagan.



- i. Four Daughters Compassionate Care, Inc. (#MCN282243), Cultivation, Tier 4/Indoor
- Director Potvin presented the application and staff recommendation for both Cultivation, Tier 4/Indoor and Product Manufacturing.
 - Commissioner Flanagan expressed concerns with respect to the monetary donations to Equitable Opportunities Now and Elevate in order to benefit the municipalities of Brockton, Mansfield, Taunton, and Walpole. The concern is that these are large organizations and therefore the donated funds may not necessarily be going to the specified municipalities that they intend the funds to serve.
 - Proposed Condition: Ensure that the funds will be directed toward the specific municipalities cited in the positive impact plan.
 - Commissioner Title offered a friendly amendment to Commissioner Flanagan's condition that the money goes to Areas of Disproportionate Impact as defined in our regulations, rather than to specific municipalities
 - Commissioner Flanagan said she accepts that amendment provided the applicant remove reference to the four cities and towns named in its positive impact plan, but if the applicant continues to name those four cities and towns, then it must prove that the funds are going to those four communities.
 - This condition is to be applied across all applications by this entity.
 - Commissioner Doyle expressed that she believed this applicant relied on RMD priority status for their adult use license application.
 - Proposed Condition: update the timeline for the RMD within 60 days.
 - This condition is to be applied across all applications by this entity.
 - Commissioner Title stated that with respect to the diversity plan, the applicant stated the goal to hire "five diverse candidates."
 - Proposed Condition: Define the term "diverse candidate" in their diversity plan.
 - This condition is to be applied across all applications by this entity.
 - Commissioner Title stated that as a matter of transparency she wanted to state that she has worked closely with both of the organizations previously discussed (i.e. Equitable Opportunities Now and Elevate), but it does not rise to the level of a recusal.
 - The Chairman for asked for motion to approve the provisional license subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.
 - Commissioner Doyle moved to approve the provisional license subject to the Chairman asked for asked for motion to approve the provisional license subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.
 - Commissioner Flanagan seconded the motion.
 - The Commission unanimously approved the provisional license subject conditions requested by Commissioners Flanagan, Doyle, and Title.
- j. Four Daughters Compassionate Care, Inc. (#MPN281715), Product Manufacturing
- The Chairman asked for a motion to approve the provisional license subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.



- Commissioner Flanagan moved to approve the provisional license subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.
- k. Four Daughters Compassionate Care, Inc. (#MRN281552), Retail
- The Chairman asked for asked for motion to approve the provisional license subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.
 - Commissioner Doyle moved to approve the provisional license subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioners Flanagan, Doyle, and Title.
- l. Greenstar Herbals, Inc. (#MRN282034), Retail
- Director Potvin presented the staff recommendation for provisional license.
 - Commissioner McBride said that she had a condition similar to previous conditions for other applicants with respect to the security plan and clarity with respect to when and how the Commission will be notified.
 - Proposed condition: Make it clear that law enforcement and the Commission will be immediately notified of any security breach and issue a written report within 10 days.
 - This condition is to be applied to both applications by this entity.
 - Commissioner Title proposed conditions with respect to the diversity plan.
 - Proposed condition: Update 20% from Commission approved areas of diversity, both with respect to the “people of all gender identities” typo and that 20% is objectively unreasonable given women make up 50% of the population.
 - This condition is to be applied to both applications by this entity.
 - Commissioner Doyle moved to approve the provisional license subject to the conditions requested by Commissioners McBride and Title.
 - Commissioner Title seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioners McBride and Title.
- m. Greenstar Herbals, Inc. (#MRN282048), Retail
- Director Potvin presented the staff recommendation for provisional license.
 - The Chairman confirmed that the previous conditions from Commissioners McBride and Title applied to this application and asked for additional comments and questions.
 - The Chairman asked for a motion to approve the provisional license subject to the conditions requested by Commissioners McBride and Title.
 - Commissioner McBride moved to approve the provisional license subject to the conditions requested by Commissioners McBride and Title.

- Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioners McBride and Title.
- n. HVV Massachusetts, Inc. (#MPN281693), Product Manufacturing
- Director Potvin presented the staff recommendation for provisional license.
 - Commissioner Doyle stated that she believes this applicant relied on priority RMD status and appears to be making progress on being operational on medical side.
 - Proposed Condition: provide an updated timeline to give a better sense of where the applicant is in progressing toward commencing operations.
 - Commissioner Flanagan asked whether there was a letter received from Girls Leap that they will accept the money.
 - Director Potvin stated that Staff did not receive that letter.
 - Proposed condition: Prior to final licensure, provide the Commission with that letter.
 - The Chairman then asked for a motion to approve the application subject to the conditions requested by Commissioner Doyle and Flanagan.
 - Commissioner Doyle moved to approve the provisional license subject to the conditions requested by Commissioner Doyle and Flanagan.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioner Doyle and Flanagan.
- o. HVV Massachusetts, Inc. (#MCN282198), Cultivation, Tier 4/Indoor
- The Chairman asked for a motion to approve the application subject to the conditions requested by Commissioner Doyle and Flanagan.
 - Commissioner Flanagan moved to approve the provisional license subject to the conditions requested by Commissioner Doyle and Flanagan.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioner Doyle and Flanagan.
- p. Just Healthy, LLC (#MCN281866), Cultivation, Tier 7/Indoor
- Director Potvin presented the staff recommendation for provisional license for both Cultivation, Tier 7/Indoor and Product Manufacturing.
 - Commissioner Flanagan noted that she had not seen a letter from the organization named in the applicant's positive impact plan stating they will accept the donations.
 - Proposed condition: Provide a copy of the letter from said organization that they will accept the donations and add it to the applicants file.
 - Commissioner Title requested a condition.
 - Proposed condition: revise the diversity plan to include quantified, measurable goals
 - Commissioner Doyle noted that this is an entity that relied on RMD priority status for its adult application.



- Proposed Condition: provided an updated timeline to give a better sense of where they are in progress toward commencing operations.
 - The Chairman then asked for a motion to approve the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.
 - Commissioner Doyle moved to approve the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.
 - Commissioner Flanagan seconded the motion.
 - The Commission unanimously approved the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.
- q. Just Healthy, LLC (#MPN281559), Product Manufacturing
- The Chairman then asked for a motion to approve the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.
 - Commissioner Flanagan moved to approve the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioners Doyle, Title, and Flanagan.
- r. Just Healthy, LLC (#MRN281863), Retail
- Director Potvin presented the staff recommendation for provisional license for retail.
 - The Chairman confirmed that the conditions previously requested by Commissioners Flanagan, Doyle, and Title apply to this application as well.
 - The Chairman then asked for a motion to approve the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.
 - Commissioner McBride moved to approve the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the application subject to the conditions requested by Commissioners Doyle, Flanagan, and Title.
- s. Old Planters of Cape Ann, Inc. (#MRN282588), Retail
- Director Potvin presented the staff recommendation for provisional license.
 - Commissioner Doyle noted that this is a medical facility and should be similarly conditioned.
 - Proposed condition: update timeline as to medical operations.
 - Commissioner Title requested a minor condition.
 - Proposed condition: correct the “people of all gender identities” typo in the diversity plan.
 - The Chairmen asked for a motion to approve the provisional license subject to the conditions requested by Commissioners Doyle and Title.
 - Commissioner Doyle moved to approve the provisional license subject to the conditions requested by Commissioners Doyle and Title.
 - Commissioner Title seconded the motion.



- The Commission unanimously approved the provisional license, subject to the conditions requested by Commissioners Doyle and Title.
- t. Theory Farms, LLC (#MCN281657), Cultivation, Tier 2/Indoor
- Director Potvin presented the staff recommendation for provisional license.
 - Commissioner Flanagan noted that relative to the positive impact plans for this license type, there are some key dates for specific actions to be taken.
 - Proposed condition: update those key dates prior to final licensure for this facility.
 - The Chairman asked for a motion to approve the provisional license subject to the condition requested by Commissioner Flanagan.
 - Commissioner Flanagan moved to approve the provisional license subject to the condition requested by Commissioner Flanagan.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the provisional license, subject to the condition requested by Commissioner Flanagan.

10) Commission Discussion and Votes

- a. Energy and Environment Guidance
- Commissioner Doyle recognized all the folks who have worked on this initiative, including those in other agencies.
 - Commissioner Doyle highlighted how the update energy guidances are really going to make a difference.
 - With respect to the management profile, the Commission is going to want to hear more at the architectural review stage after a provisional license phase.
 - Ongoing engagement with energy monitoring and energy efficiency.
 - With respect to renewal, we're going to want to see some updates to the information given in earlier phases of the application process.
 - Commissioner gave an overview of the process for preparing regulations and guidance.
 - Two guidances:
 - One "basic guidance" that applies to all license types.
 - This guidance hits on energy efficiency, renewables, energy demand and efficiency programs.
 - Applicants will be expected to give information with respect to engagement on these issues.
 - Guidance and checklists provide specific issues to be addressed at various points in the application process.
 - Transporters and delivery operators, however, have different requirements.
 - Considerations of alternative fuel vehicles.
 - Energy and environmental impact of their base location.
 - Second guidance specific to cultivation.



- Cultivation will have to meet the requirements of basic guidance but will also have to follow a cultivations specific guidance, given it is the most energy intensive licensee class.
- Maintain manuals with respect to energy use equipment.
- Architectural review process
 - Must obtain one of two compliance letters:
 - Energy compliance letter or energy compliance exemption letter.
 - Must obtain third party safety certification for lighting.
 - Some bulbs have been discovered not to be safe.
 - These letters can be signed by either licensed engineers or architects.
 - Certified energy auditor or energy manager if they obtain a waiver from the commission (for a less expensive option. .
 - Regardless, HVAC and dehumidification will have to be done by a mechanical engineer.
- Two paths forward for horticultural lighting:
 - Wattage requirement
 - Set list on the Design Light Consortium.
 - Calculation of which products on the list are acceptable to the Commission.
- If using renewable energy for 80% or more, then licensee would qualify for exemption and must document how the remaining 20% of energy is generated.
 - Upon license renewal licensees must:
 - Provide Cannabis PowerScore Report
 - Update energy compliance or exemption letter, as necessary.
- The Chairman expressed appreciation for work.
- The Chairman asked for additional questions or comments and then asked for a motion to adopt the guidance.
- The Commission unanimously approved the guidance.

b. Research Presentation: State of the Data

- The Chairman introduced Dr. Julie Johnson.
- Dr. Johnson provided an overview of research report and introduced Dr. Whitehill and Dr. Geissler.
 - Dr. Whitehill and Dr. Geissler presented the report.
- The Chairman opened the conversation for questions.
- Commissioner Flanagan asked how the Commission can get to where it wants to be with respect to Data. Due to the way we came to legalization, the laws didn't quite catch up. The report discusses the limitations of data being collected. As compared with national surveys, can it be



ascertained how other states are doing with respect to collecting data and how does the Commission compare?

- Research team said that it was not within the scope of the report to look at the differences with other states are collecting data. The research team did look at some outside expertise, such as adding questions onto public health surveys. Offered to follow up to figure out what some of the other states have done.
- Commissioner Flanagan then noted that based on recommendations in the report, there are some action items for the Commission to take. Also asked whether there were any conversations with legislators and other policy makers or is this the first chance you've had.
 - Research team said those conversations have not happened, but they would be crucial.
- Commissioner Flanagan then turned to trauma reports and emergency room reports and asked whether there is data with respect to 911 calls? Given that when an ambulance arrives, patients don't have to go to the hospital, so those would not show up in an emergency department reports.
 - Research team said that there is some ambulance data but would have to follow up.
 - Commissioner Flanagan: The reason for the question is because not everyone ends up in the emergency room. It would be helpful to know whether folks are calling ambulances, but not going to the hospital, from a use of public resource perspective.
- Commissioner Doyle thanked the researchers for the work and report and their help with individual questions with respect to the environmental guidance.
- Commissioner McBride thanked the research team for their work and commented on the lack of data with respect to driving under the influence and the importance of collecting that data. Similarly, there is a lack of data with respect to the scale of the illicit market.
- Commissioner Title thanked the research team for expertise and commitment. Commissioner Title said she had two questions with respect to ownership trends and one question with respect to emergency room data.
 - Commissioner Title noted that the research team indicated that monetary compensation would be helpful with respect to inducing participation in data collection and asked whether the research department could put together a budget to accomplish that this and whether this issue it be part of barriers to entry?
 - The research team replied that, yes, this would be part of the research agenda and an ongoing conversation internally will continue.
 - Commissioner Title then asked if there was a feasible alternative to self-identification with respect to demographic information or whether self-identification the best method.
 - Research team answered that with respect to industry participation, self-identification would be the best method of obtaining that information.
 - Commissioner Title expressed concern about accidental ingestion by children and increasing reports of such incidents, but there is not necessarily information with respect to the types products involved. Commissioner Title asked that if one could wave a magic wand to get that data, what might that look like:
 - The Research team said that regional poison centers do specify the type of product. There is not, however, specificity as to brand. Something a partnership with hospitals or poison center could help ascertain.

- Commissioner Title then drilled down that the idea of “edibles” is not specific enough for the Commission’s purposes. The Commission would want to know the shapes and flavors. It sounds like this information may be forthcoming.
 - Commissioner McBride expressed that a Commission database would help the Commission ascertain this type of information.
- The Chairman expressed the same interest and sense of urgency as Commissioner McBride with respect to the illicit market. The Chairman also wanted to understand better how the Commission can tackle the illicit market. Also curious about the international research study and economic modeling and whether such modeling would include information with respect to the illicit market.
 - Research team responded that there are some other states that could be looked to for examples as to how the data of the illicit market can be obtained.
 - Dr. Johnson stated that information with respect to the illicit market configures a triangulation of multiple data sources, so it is hard to empirically assess. The Commission is contracting with Doctor Hammond well known researcher on the topic of tobacco use, now working in the cannabis space. The research department is specifically interested in this information and how they are measuring this data, which is important for the assessment of both the illicit and legal market. The research team did a review of the peer reviewed literature to see how this data is used and analyzed.
- Commissioner Flanagan expressed her thanks to Samantha from the research department, in addition to the presenters. This is a great place to start and helps get the Commission answers to questions that Commissioners ask as they create policy.

c. Executive Director Goals

- The Chairman gave an overview of the three parts of the conversation with respect to the performance management process for the Executive Director. The Chairman explained that, after consultation with General Counsel, there will be a performance review that will not be handled in public. The Executive Director and Chairman, however, came up with a list of goals for the coming year, which is a draft since it needs to be voted on in public.
- Commissioner Flanagan stated that while the Commission talks about the goals and expressed thanks to the Executive Director for the great deal he has already accomplished. Commissioner Flanagan also expressed that many of these goals are ongoing, some will be better assessed once the Commission is in its new headquarters, and some require the addition of staff to accomplish.
- Commissioner McBride echoed Commissioner Flanagan, a lot of these goals are a matter of cooperation. Looking at these goals, they can no way all to be shouldered by the Executive Director, who has done the monumental task of getting the agency up and running. These are goals that are important to put in place, but they require a lot of people to come into the mix on this and the Commission needs to remember there are other pieces that have to come into play here, including additional staff and settling into the Commission’s permanent headquarters.
- The Chairman said that he acknowledges that these obviously require staff and after the Commission agrees to these goals, they should cascade down through the Commission staff. He also expressed that there no question the Executive Director needs help to accomplish these goals, but he’s the Executive Director so the Commission needs to set these goals. Finally, the Chairman



stated that the goals can only work if the Executive Director buys into the goals before the Commission approves the goals.

- Commissioner Title asked a process question to clarify whether the Executive Director's input is already included in the draft before the Commission.
- The Executive Director acknowledged that this date marked 2 years for him at the Commission. It has been a long 2 years because everyone has been busy building something. The Executive expressed his agreement to these goals and said he is glad to be held account to them, because the team the Commission has built will make it possible. These goals are important to continue the diverse array of work before the Commission. The next step to move forward would be to meet with staff.
- The Chairman expressed that this is a living document and meant to be the basis of an ongoing discussion with respect to the circumstances for the Commission as it develops.
- Commissioner Title expressed that the goals are completely consistent with what she hopes to see and for what the public would hold Commission staff accountable. The goals also reflect the shift away from building the agency toward improving on the foundations laid. Commissioner Title then complimented the process.
- Commissioner McBride expressed that the Commission should keep in mind as it sets out these goals, the Commissioners' responsibilities as policy makers, that it can impact these goals in a way that "moves the goal post." The Commission must keep that in mind as it attempts to operationalize these goals.
- Commissioner Flanagan expressed that the public is also going to hold the Executive Director to account to these goals. That serves as a daily reminder.
- Commissioner Doyle wanted echo the themes discussed already, including that these may be goals the Commission is expressing to the Executive Director, some more aspirational than others, but that the Commission must give him the support he needs to get these things done. Commissioner Doyle also acknowledged how much has been done in the past two years and how much more needs to be done.
- The Chairman reiterated that this is a living document and the Commissioners need to be able to listen and give the Executive Director the flexibility to react. This should be a two-way dialogue and the Commission either needs to give the Executive Director the support he asks for or let him off the hook.
- Commissioner Title expressed her appreciation of the public centricity of these goals, but there is a lot that is implicit in the goals, including, all the Executive Director will have to manage to accomplish them. Commissioner Title wanted to acknowledge that fact and acknowledge that the Executive Director has done a great job on thus far. Commissioner Title said it is incumbent upon the Executive Director to alert the Commissioners if there are things that are blocking progress and the Commissioners need to in turn be responsive.
- The Chairman asked for additional comments and then for a motion to approve the goals, respective of the comments made by Commissioners as part of this discussion.
- Commissioner Title moved to approve the goals.
- Commissioner Flanagan seconded the motion.
- The commission unanimously approved the goals.



- Commissioner Flanagan asked if we needed to vote every time one of these goals is changed?
 - General Counsel said that the Commission would have to vote to change the goals.

d. Executive Director Compensation

- The Chairman then gave an overview of the plan for discussing the Executive Director's compensation and asked for a motion to go into executive session for that purpose. Once five commissioners have come to agreement, invite the Executive Director into executive session to negotiate, then after that negotiation, the Commission will return to open meeting and hold a vote.
- General Counsel asked if Chief of Staff and Associate General Counsel could also be present for appropriate note taking.
- The Chairman authorized the presence of a legal assistant to take notes.
- Commissioner McBride moved to go into executive session.
- Commissioner Doyle seconded that motion.
- The Commission unanimously voted by roll call vote to enter executive session.

EXECUTIVE SESSION:

MINUTES FROM THE EXECUTIVE SESSION PORTION OF THE NOVEMBER 7, 2019 PUBLIC MEETING OF THE MASSACHUSETTS CANNABIS CONTROL COMMISSION.

- The Chairman distributed to the Commissioners, a 2019 Executive Compensation Market Survey (the Survey), compiled by Erika White, the Chief People Officer (CPO).
- At the request of the Chairman, Christine Baily, the General Counsel, provided a brief overview of the purpose and parameters of the executive session, essentially for the Commission to consider and vote on the Executive Director's compensation and benefits.
- The Chairman circulated data from the survey that compared the compensation of Executive Directors from other Commonwealth agencies but noted that the data may not be directly comparable to the Commission. The Chairman commented that previously he shared data with respect the Lottery Commission's Executive Director, which is within the range of compensation to be considered.
- Commissioner Doyle asked if there is a parallel commission, such as the Gaming Commission and whether the Commission made a comparison of the Executive Director's current salary to the salary of the Gaming Commission's Executive Director.
- The Chairman replied in the affirmative, and stated that from his perspective, the Gaming Commission is the most direct comparison; its Executive Director receives a salary of \$185,000.
- At some point, a question was raised about whether the survey reflected actual salaries or an estimated range. The General Counsel offered to raise that question with the CPO.
- Commissioner McBride asked about the Executive Director's current compensation.
- The Chairman acknowledged that a salary comparable to the Gaming commission \$185,000 would be a significant raise and indicated that it would be deserved given the Executive Director's performance. He acknowledged that a significant raise now may constrain a compensation increase later.



- Commissioner Flanagan suggested starting at the high end of the Chairman's recommendation in the \$196,000 range. She indicated that she was not sure that the Gaming Commission would be a direct comparison. She indicated that the Executive Director has been with the Commission for the past two years and will be in the forefront for the next three to four years. In total, the Executive Director worked on this for four years, two years preparing for the Treasurer's office and then two years at the Commission. Since he started, he assumed responsibility for the medical program.
- Commissioner McBride said the comparison with the Gaming Commission is not a direct comparison because of the support that the Gaming Commission had when it was founded, compared with the obstacles the Executive Director has had establishing the Commission. She said his performance is commendable and we should be reflecting that talent and ability and the great potential that still exists if he is given adequate support and resources. She urged the Commission to think about retention, which requires a good salary.
- Commissioner Title suggested that it is best practice, when you have an employee like this, to bring them up to market and then raise it slightly. In addition, she believes that taking on the medical program justifies a salary increase at the top of the range.
- Commissioner Doyle asked what percentage of an increase a raise would be if the Executive Director's salary was raised to \$196,000.
- The Chairman replied it would be an increase of approximately 33%.
- Commissioner Title reiterated that bringing him into that pay range is justified by the Commission's circumstances, including bringing in medical program.
- General Counsel recommended a roll call vote for the proposal under discussion.
- At the Chairman's request, Commissioner Title suggested the number of \$196,000.
- The Chairman suggested making it retroactive to July 1, when there should have been a discussion regarding the Executive Director's compensation.
- Commissioner Title suggested that it was his two-year anniversary and suggested that it was the appropriate time for a salary increase.
- The Chairman suggested that ideally, compensation could be considered at the turn of the fiscal year, so that the Commission could establish an annual performance cycle.
- General Counsel noted that there is a question of whether the Commission can vote to retroactively increase the Executive Director's compensation and offered to check with the CPO and Chief Financial & Administrative Officer.
- The Chairman suggested there is a mathematical way calculate the rate Executive Director would have to paid to make it as though the increase in compensation started at the beginning of the fiscal year.
- Commissioner Title asked if it is usual to cycle compensation increases with the fiscal year.
- Commissioner Flanagan said compensation increases are not always done at that time.
- The Chairman said if we give the Executive Director this salary starting November 1, then we can forego the issue of retroactivity.
- Commissioner Doyle offered to draft a motion that considers the possibility that retroactivity is not permissible.
- When the CPO became available, the GC left the room to consult on the survey and on retroactivity.
- Commissioner Title clarified that she is not comfortable with retroactivity.

- Commissioner McBride agreed. She said that \$196,000 is a significant amount and offering the Executive Director a compensation increase on his two-year anniversary and on an annual review cycle on his anniversary date made the most sense. She indicated that given that it is a significant raise, not providing for retroactive application does not negate the appreciation and value the Commission has for the Executive Director's work.
- Commissioner Doyle made a motion to offer the Executive Director an increase in compensation to a total of \$196,000 per year effective immediately consistent with administrative procedures.
- Commissioner McBride seconded the motion.
- Commissioner Doyle left the room to recall the General Counsel, who returned to the room. The General Counsel answered the question about the survey and offered to discuss the option of retroactivity. The Commissioners indicated that they had moved forward on voting on the Executive Director's compensation.
- The Commission unanimously approved the motion by roll call vote.
- The Commission directed the General Counsel to invite the Executive Director into the room. The General Counsel left to recall the Executive Director.
- Once the Executive Director was in the room, the Chairman indicated that the Commission appreciated the work the Executive Director put in and the effort he has made, but indicated that before the Commission discussed the offer and terms of employment, he wanted to give Commissioners opportunity to discuss their perspectives with the Executive Director.
- Commissioner Flanagan said no one could have done this job as well as the Executive Director. She indicated that he eats, sleeps, and breaths this place. She recognized that he has gone a long time without recognition. She complimented him for assuming responsibility for the medical program, moving the headquarters to Worcester, and hiring a staff. She indicated that there was no way for the Commission to show the Executive Director the Commission's appreciation other than through compensation.
- Commissioner Doyle said that she appreciated the seriousness with which the Executive Director approached his job and the effort he puts into it. She recognized that he has been doing this not just for two years, but longer. She acknowledged fact that the Executive Director is still able to still have lightness in his heart when problems arise, it is in that spirit the Commission had its discussion today.
- Commissioner McBride told the Executive Director: "You're impressive." She indicated that the Commission hired him because he is impressive and that two years later, the Commission continues to be impressed by him. She relayed that when she is hearing from the public, there is no one else who so consistently and reliably gets such high remarks from others. She recognized that there are few people if anybody who could pull off what the Executive Director pulled off in the last two years and we really appreciate it. She said that she hopes that this goes some of the way, but not sure we could ever really show appreciation for his work, but this is indicative of our appreciation.
- Commissioner Title indicated that no one appreciates the Executive Director more than the Commission and no one could be more confident in a person than the five of us are in him. She told the Executive Director that he as a valued employee and they are concerned about his retention and we took that into account.

- The Chairman relayed that the Commission reviewed the compensation of other Executive Directors throughout the Commonwealth. He indicated also that David Lakeman put together comparisons with other state agencies. He stated that there was not an algorithm, because there was nothing comparable to the Executive Director's role. The Commission used state data and agreed that we should go to the high end of that range. The Commission took a vote to offer the Executive Director this amount, \$196,000, and agreed that this review process will occur on an annual basis.
 - The Executive Director accepted the offer. He indicated that he appreciated the gesture as well as the Commissioner's words, although he acknowledged that it was a somewhat awkward process. He said that it has been a long two years, but it has been the most rewarding of his career. He recognized that he signed up for this knowing that this would be a task and challenge.
 - The Chairman asked if there were additional terms of employment to discuss.
 - The Executive Director indicated that there were not any.
 - Commissioner Title: asked about concerns with respect to the goals.
 - Executive Director said that, as previously mentioned in the open meeting that he is confident in the staff to accomplish those goals.
 - Commissioner Doyle moved to adjourn the executive session and return to open session. Commissioner McBride seconded the motion. Commission unanimously approved the motion by roll call vote. The Commission and staff left the room to reconvene in open session.
-

RETURN TO OPEN MEETING:

- The Commission returned to the open meeting and the Chairman asked the General Counsel to read the motion out:
 - A motion for the Commission to authorize the Chairman to execute the agreed terms, specifically compensation in the amount of \$196,000, resulting from the commission's negotiations, which will enable the continued and successful employment of the Executive Director Shawn Collins.
 - Commissioner Doyle made a motion for the Commission to authorize the Chairman to execute the agreed terms, specifically compensation in the amount of \$196,000, resulting from the commission's negotiations, which will enable the continued and successful employment of the Executive Director Shawn Collins.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the motion for the Commission to authorize the Chairman to execute the agreed terms, specifically compensation in the amount of \$196,000, resulting from the commission's negotiations, which will enable the continued and successful employment of the Executive Director Shawn Collins.

11) New Business that the Chairman did not anticipate at time of posting.

- None other than the vaping discussion discussed at the start of the meeting.

12) Next Meeting Date



- Next meeting December 19, Location in Worcester to be determined.
- The following meeting will be January 16, 2020 at Union Station.
- Commissioner Doyle made a motion to adjourn the meeting.
- Commissioner Title seconded the motion.



NEW ENGLAND TREATMENT ACCESS, LLC

ESTABLISHMENT OVERVIEW

1. Name, license numbers, and types of licenses affected by the change in ownership and control request:

Cultivation Tier 6 / Indoor (MC281267)
Product Manufacturing (MP281306)
Retail (MR281240)
Retail (MR281287)
MTC (RMD125)
MTC (RMD185)

BACKGROUND OVERVIEW

2. The individuals requesting to acquire ownership or control interests over the licenses include the following:

Edward Brown – Executive Director
Farid Khan – Chief Financial Officer

3. There were no entities disclosed in the application as acquiring ownership or control interests over the licenses.
4. Background checks were conducted on all individuals disclosed within the application. No suitability issues were discovered.
5. The individuals that are requesting ownership and control over the licenses do not appear to have exceeded any ownership and control limits over any particular license type or cultivation canopy.

RECOMMENDATION

Commission staff recommend review and decision on the request for change of ownership and control, and if approved, request that the approval be subject to the following conditions:



1. The licensee and the individual associated with this change in ownership and control may now effectuate any outstanding business agreements related to the change. The licensee will notify the Commission when the change in ownership and control has occurred.
2. The licensee is subject to inspection to ascertain compliance with Commission regulations;
3. The licensee remains suitable for licensure;
4. The licensee shall cooperate with and provide information to Commission staff; and
5. The licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 500.105(1) and 501.105(1) after effectuating the change in ownership and control, if applicable, and shall give Commission staff adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.



T. BEAR, INC.

ESTABLISHMENT OVERVIEW

1. Name, license number, and type of license affected by the change in ownership and control request:

Product Manufacturing (MP281314)

BACKGROUND OVERVIEW

2. The individual requesting to acquire ownership or control interests over the license include the following:

Donald Guzzetti – Owner

3. There were no entities disclosed in the application as acquiring ownership or control interests over the license.
4. Background checks were conducted on the individual disclosed within the application. No suitability issues were discovered.
5. The individual that is requesting ownership and control over the license does not appear to have exceeded any ownership and control limits over any particular license type or cultivation canopy.

RECOMMENDATION

Commission staff recommend review and decision on the request for change of ownership and control, and if approved, request that the approval be subject to the following conditions:

1. The licensee and the individual associated with this change in ownership and control may now effectuate any outstanding business agreements related to the change. The licensee will notify the Commission when the change in ownership and control has occurred.
2. The licensee is subject to inspection to ascertain compliance with Commission regulations;
3. The licensee remains suitable for licensure;
4. The licensee shall cooperate with and provide information to Commission staff; and

Change in Ownership and Control Executive Summary 1



5. The licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 500.105(1) after effectuating the change in ownership and control, if applicable, and shall give Commission staff adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.



KRYPIES, LLC

ESTABLISHMENT OVERVIEW

1. Name, license number, and types of license affected by the change in ownership and control request:

Retail (MR281594)

BACKGROUND OVERVIEW

2. The individual requesting to acquire ownership or control interests over the license includes the following:

Sonia Barile - Owner

3. There were no entities disclosed in the application as acquiring ownership or control interests over the license.
4. Background checks were conducted on the individual disclosed within the application. No suitability issues were discovered.
5. The individual that is requesting ownership and control over the license does not appear to have exceeded any ownership and control limits over any particular license type or cultivation canopy.

RECOMMENDATION

Commission staff recommend review and decision on the request for change of ownership and control, and if approved, request that the approval be subject to the following conditions:

1. The licensee and the individual associated with this change in ownership and control may now effectuate any outstanding business agreements related to the change. The licensee will notify the Commission when the change in ownership and control has occurred.
2. The licensee is subject to inspection to ascertain compliance with Commission regulations;
3. The licensee remains suitable for licensure;
4. The licensee shall cooperate with and provide information to Commission staff; and
5. The licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 500.105(1) after effectuating the change in ownership and

Change in Ownership and Control Executive Summary 1



control, if applicable, and shall give Commission staff adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.



MASS YIELD CULTIVATION, LLC

ESTABLISHMENT OVERVIEW

1. Name, license number, and types of license affected by the change in ownership and control request:

Cultivation Tier 2 / Indoor (MC281392)

BACKGROUND OVERVIEW

2. The individual requesting to acquire ownership or control interests over the license includes the following:

Sonia Barile - Owner

3. There were no entities disclosed in the application as acquiring ownership or control interests over the license.
4. Background checks were conducted on the individual disclosed within the application. No suitability issues were discovered.
5. The individual that is requesting ownership and control over the license does not appear to have exceeded any ownership and control limits over any particular license type or cultivation canopy.

RECOMMENDATION

Commission staff recommend review and decision on the request for change of ownership and control, and if approved, request that the approval be subject to the following conditions:

1. The licensee and the individual associated with this change in ownership and control may now effectuate any outstanding business agreements related to the change. The licensee will notify the Commission when the change in ownership and control has occurred.
2. The licensee is subject to inspection to ascertain compliance with Commission regulations;
3. The licensee remains suitable for licensure;
4. The licensee shall cooperate with and provide information to Commission staff; and

Change in Ownership and Control Executive Summary 1



5. The licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 500.105(1) after effectuating the change in ownership and control, if applicable, and shall give Commission staff adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.



APOTHCA, INC.

CHANGE OF LOCATION APPLICATION REVIEW

1. Name and current address of the licensee:

Apothca, Inc
73 Sargeant Street
Holyoke, MA 01040

2. Type of license(s), and affected license number(s), that will be relocated if the change of location is approved:

MTC Provisional License (Dispensing)

3. The licensee has requested to relocate its operations to the following location:

54 Hyde Park Avenue
Boston, MA 02130

4. The licensee has paid the applicable fees for this change of location request.
5. The licensee submitted certification that they executed a Host Community Agreement with the new municipality.
6. The Commission received a municipal response from the municipality on July 25, 2019 stating the licensee was in compliance with all local ordinances or bylaws.

RECOMMENDATION

Commission staff recommend review and decision on the request for change of location, and if approved, request that the approval be subject to the following conditions:

1. The licensee may not commence operations associated with its licenses at the new location, until upon inspection, demonstrating full compliance with the Commission's regulations;
2. The licensee shall submit an Architectural Plan Review request to the Commission for the building or remodeling of the facility at the new location, if applicable; and
3. The applicant shall cooperate with and provide information to Commission staff.

Change of Location Executive Summary 1



MEDICAL MARIJUANA TREATMENT CENTER RENEWALS

EXECUTIVE SUMMARY

COMMISSION MEETING: DECEMBER 19, 2019

RENEWAL OVERVIEW

1. Name, license number, location(s), for each Medical Marijuana Treatment Center presented for renewal:

Marijuana Establishment Name	License Number	Location (Cultivation & Processing)	Location (Dispensing)
ARL HEALTHCARE, INC.	NA	NEW BEDFORD	MIDDLEBOROUGH
ARL HEALTHCARE, INC.	RMD1085	NEW BEDFORD	MIDDLEBOROUGH
HEALTHY PHARMS, INC.	RMD545	GEORGETOWN	CAMBRIDGE
HOLISTIC INDUSTRIES	RMD685	MONSON	SOMERVILLE
HOPE HEAL HEALTH, INC.	RMD686	FALL RIVER	FALL RIVER
MASSMEDICUM CORP.	NA	HOLBROOK	AMHERST
MD HOLISTICS, INC.	NA	WEST BRIDGEWATER	W. BRIDGEWATER
MIDDLESEX INTEGRATIVE MEDICINE, INC.	RMD1025	LEOMINSTER	NORWOOD
NATURE'S REMEDY OF MASSACHUSETTS, INC.	RMD1285	LAKEVILLE	MILLBURY
OLDE WORLD REMEDIES, INC.	NA	LYNN	LYNN
SANCTUARY MEDICINALS, INC.	RMD1128	LITTLETON	WOBURN
SANCTUARY MEDICINALS, INC.	RMD605	LITTLETON	GARDNER
THE HAVEN CENTER, INC.	NA	BOURNE	BOURNE
THE HAVEN CENTER, INC.	NA	BOURNE	BREWSTER
THE HAVEN CENTER, INC.	NA	BOURNE	FALL RIVER

2. All licensees have submitted renewal applications pursuant to 935 CMR 501.103(4).
3. All licensees have paid the appropriate annual license fee.



4. The licensees, when applicable, have been inspected over the previous year. Commission staff certify that, to the best of our knowledge, no information has been found that would prevent renewal of the licenses mentioned above pursuant to 935 CMR 501.405.

RECOMMENDATION

Commission staff recommend review and decision on the above-mentioned licenses applying for renewal, and if approved, request that the approval be subject to the licensee remaining in compliance with the Commission regulations and applicable law.



MARIJUANA ESTABLISHMENT RENEWALS

EXECUTIVE SUMMARY

COMMISSION MEETING: DECEMBER 19, 2019

RENEWAL OVERVIEW

1. Name, license number, renewal application number, and location for each Marijuana Establishment presented for renewal:

Marijuana Establishment Name	License Number	Renewal Application Number	Location
BERKSHIRE ROOTS INC	MR281585	MRR205548	PITTSFIELD
BERKSHIRE ROOTS INC	MP281427	MPR243499	PITTSFIELD
BERKSHIRE ROOTS INC	MX281322	MXR126655	PITTSFIELD
BERKSHIRE ROOTS INC	MC281590	MCR139849	PITTSFIELD
BERKSHIRE WELCO LLC	MC281317	MCR139852	SHEFFIELD
CAREGIVER-PATIENT CONNECTION	MC281254	MCR139851	BARRE
GARDEN REMEDIES INC	MC281504	MCR139846	FITCHBURG
GARDEN REMEDIES INC	MP281381	MPR243502	FITCHBURG
GREEN BIZ LLC	MR281490	MRR205545	PITTSFIELD
HERBOLOGY GROUP, INC	MR281679	MRR205552	EASTHAMPTON
LDE HOLDINGS, LLC.	MC281262	MCR139854	WAREHAM
SILVER THERAPEUTICS, INC	MR281271	MRR205549	WILLIAMSTOWN
SILVER THERAPEUTICS, INC	MC281359	MCR139853	ORANGE
T. BEAR, INC.	MP281314	MPR243498	WAREHAM
THE GREEN LADY DISPENSARY, INC.	MC281443	MCR139850	NANTUCKET
THE GREEN LADY DISPENSARY, INC.	MP281345	MPR243501	NANTUCKET
THE GREEN LADY DISPENSARY, INC.	MR281427	MRR205547	NANTUCKET

2. All licensees have submitted renewal applications pursuant to 935 CMR 500.103(4) which include the licensee's disclosure of their progress or success towards their Positive Impact and Diversity Plans.



3. All licensees have submitted documentation of good standing from the Secretary of the Commonwealth, Department of Revenue, and Department of Unemployment Assistance, if applicable.
4. All licensees have paid the appropriate annual license fee.
5. The licensees, when applicable, have been inspected over the previous year. Commission staff certify that, to the best of our knowledge, no information has been found that would prevent renewal of the licenses mentioned above pursuant to 935 CMR 500.450.

RECOMMENDATION

Commission staff recommend review and decision on the above-mentioned licenses applying for renewal, and if approved, request that the approval be subject to the licensee remaining in compliance with the Commission regulations and applicable law.



ALTERNATIVE THERAPIES GROUP

MR281346

ESTABLISHMENT OVERVIEW

1. Name and address of the Marijuana Establishment:

Alternative Therapies Group
49 Macy Street, Amesbury, MA 01913

2. Type of final license sought (if cultivation, its tier level and outside/inside operation):

Retail

3. The licensee is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation – Tier 5 / Indoor (30,001 – 40,000 sq. ft.)	Commence Operations	Amesbury
Product Manufacturing	Commence Operations	Amesbury
Retail	Commence Operations	Salem
Retail	Commence Operations	Salisbury
MTC	Provisional License	Salisbury
MTC	Provisional License	Amesbury
MTC	Commence Operations	Salem

LICENSING OVERVIEW

4. The licensee was approved for provisional licensure for the above-mentioned license type on July 26, 2018.
5. The licensee has paid all applicable license fees.
6. No new information has been reported to Commission staff regarding the organizational structure of the entity since the issuance of the provisional license.



7. No new information has been discovered by Commission staff regarding the suitability of the licensee or the individuals and entities previously disclosed since the issuance of the provisional license.

INSPECTION OVERVIEW

8. Commission staff inspected the licensee's facility on the following date: August 21, 2019.
9. The licensee's facility was inspected by Commission staff and found to be in full compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable.
10. No evidence was discovered during the inspection that indicated the Marijuana Establishment was not in compliance with all applicable state laws and local bylaws or ordinances.
11. Specific information from Commission staff's inspection is highlighted below:

- a. Security

Enforcement staff verified that all security-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. The security of all entrances and exits;
- ii. Visitor procedures;
- iii. Limited access areas;
- iv. Verification of a primary and back-up security company;
- v. Presence of perimeter and duress alarms; and
- vi. All cameras complied with Commission requirements.

- b. Inventory and Storage

Enforcement staff verified that all inventory-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. Secure storage of marijuana and marijuana products;
- ii. Sanitation and pest control measures; and
- iii. Inventory controls and procedures.

- c. Retail Operation

Enforcement staff verified that all retail-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. Verification of identifications for access;
- ii. Layout of the sales floor;
- iii. Availability and contents of adult-use consumer education materials;



- iv. Appropriate patient consultation area (co-location); and
- v. Plan to ensure 35% of its inventory is preserved for patients (co-location).

d. Transportation

Enforcement staff verified that all transportation-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. Vehicle and staffing requirements;
- ii. Communication and reporting requirements; and
- iii. Inventory and manifests requirements.

RECOMMENDATION

Commission staff recommend final licensure with the following conditions:

1. The licensee may possess and otherwise acquire marijuana, but shall not dispense, sell, or otherwise transport marijuana to other Marijuana Establishments, or to consumers, until upon inspection, receiving permission from the Commission to commence full operations;
2. The licensee is subject to inspection to ascertain compliance with Commission regulations;
3. The licensee remains suitable for licensure; and
4. The licensee shall cooperate with and provide information to Commission staff.
5. Licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 500.105(1) prior to the issuance of a commencement of operations and that Commission staff be given adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.

The licensee has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the licensee is recommended for final licensure.

As part of the approval of final licensure, the Commission authorizes staff to take all necessary actions to review compliance with the above-referenced conditions and to approve the commencement of operations.



CURALEAF MASSACHUSETTS, INC.

MR282052

ESTABLISHMENT OVERVIEW

1. Name and address of the Marijuana Establishment:

Curaleaf Massachusetts, Inc.
170 Commercial Street, Provincetown, MA 02657

2. Type of final license sought (if cultivation, its tier level and outside/inside operation):

Retail

3. The licensee is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation – Tier 11 / Indoor (90,001 – 100,000 sq. ft.)	Commence Operations	Webster
Product Manufacturing	Commence Operations	Webster
Retail	Commence Operation	Oxford
Retail	Provisionally Licensed	Ware
MTC	Commence Operations	Oxford
MTC	Commence Operations	Hanover

LICENSING OVERVIEW

4. The licensee was approved for provisional licensure for the above-mentioned license type on September 13, 2019.
5. The licensee has paid all applicable license fees.
6. No new information has been reported to Commission staff regarding the organizational structure of the entity since the issuance of the provisional license.
7. No new information has been discovered by Commission staff regarding the suitability of the licensee or the individuals and entities previously disclosed since the issuance of the provisional license.

Final License Executive Summary 1



INSPECTION OVERVIEW

8. Commission staff inspected the licensee's facility on the following date: October 24, 2019.
9. The licensee's facility was inspected by Commission staff and found to be in full compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable.
10. No evidence was discovered during the inspection that indicated the Marijuana Establishment was not in compliance with all applicable state laws and local bylaws or ordinances.
11. Specific information from Commission staff's inspection is highlighted below:

- a. Security

Enforcement staff verified that all security-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. The security of all entrances and exits;
- ii. Visitor procedures;
- iii. Limited access areas;
- iv. Verification of a primary and back-up security company;
- v. Presence of perimeter and duress alarms; and
- vi. All cameras complied with Commission requirements.

- b. Inventory and Storage

Enforcement staff verified that all inventory-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. Secure storage of marijuana and marijuana products;
- ii. Sanitation and pest control measures; and
- iii. Inventory controls and procedures.

- c. Retail Operation

Enforcement staff verified that all retail-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. Verification of identifications for access;
- ii. Layout of the sales floor; and
- iii. Availability and contents of adult-use consumer education materials.

- d. Transportation



All transportation operations occur from the licensee's Webster location.

RECOMMENDATION

Commission staff recommend final licensure with the following conditions:

1. The licensee may possess and otherwise acquire marijuana, but shall not dispense, sell, or otherwise transport marijuana to other Marijuana Establishments, or to consumers, until upon inspection, receiving permission from the Commission to commence full operations;
2. The licensee is subject to inspection to ascertain compliance with Commission regulations;
3. The licensee remains suitable for licensure; and
4. The licensee shall cooperate with and provide information to Commission staff.
5. Licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 500.105(1) prior to the issuance of a commencement of operations and that Commission staff be given adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.

The licensee has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the licensee is recommended for final licensure.

As part of the approval of final licensure, the Commission authorizes staff to take all necessary actions to review compliance with the above-referenced conditions and to approve the commencement of operations.



HOPE HEAL HEALTH, INC.

MC281478

MP281361

MR281337

ESTABLISHMENT OVERVIEW

1. Name and address of the Marijuana Establishment:

Hope Heal Health, Inc.
1 West Street, Fall River, MA 02720

2. Type of final license sought (if cultivation, its tier level and outside/inside operation):

Cultivation -Tier 4 / Indoor (20,001 – 30,000 sq.ft)
Product Manufacturer
Retail

3. The licensee is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
MTC	Commence Operations	Fall River
MTC	Application Submitted	Not Disclosed Yet
MTC	Application Submitted	Not Disclosed Yet

LICENSING OVERVIEW

4. The licensee was approved for provisional licensure for the above-mentioned license types on April 4, 2019.
5. The licensee has paid all applicable license fees.
6. No new information has been reported to Commission staff regarding the organizational structure of the entity since the issuance of the provisional licenses.
7. No new information has been discovered by Commission staff regarding the suitability of the licensee or the individuals and entities previously disclosed since the issuance of the provisional licenses.

Final License Executive Summary 1



INSPECTION OVERVIEW

1. Commission staff inspected the licensee's facility on the following date: July 12, 2019.
2. The licensee's facility was inspected by Commission staff and found to be in full compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable.
3. No evidence was discovered during the inspection that indicated the Marijuana Establishment was not in compliance with all applicable state laws and local bylaws or ordinances.
4. Specific information from Commission staff's inspection is highlighted below:

- a. Security

Enforcement staff verified that all security-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. The security of all entrances and exits;
- ii. Visitor procedures;
- iii. Limited access areas;
- iv. Verification of a primary and back-up security company;
- v. Presence of perimeter and duress alarms; and
- vi. All cameras complied with Commission requirements.

- b. Inventory and Storage

Enforcement staff verified that all inventory-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. Secure storage of marijuana and marijuana products;
- ii. Sanitation and pest control measures; and
- iii. Inventory controls and procedures.

- c. Cultivation Operation

Enforcement staff verified that all cultivation operations were in compliance with the Commission's regulations. Some of the requirements verified include the following:

- i. Seed-to-sale tracking;
- ii. Compliance with applicable pesticide laws and regulations; and
- iii. Best practices to limit contamination.

- d. Product Manufacturing Operation



Enforcement staff verified that all manufacturing-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. Proposed product compliance; and
- ii. Safety, sanitation, and security of the area and products.

e. Retail Operation

Enforcement staff verified that all retail-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. Verification of identifications for access;
- ii. Layout of the sales floor;
- iii. Availability and contents of adult-use consumer education materials;
- iv. Appropriate patient consultation area (co-location); and
- v. Plan to ensure 35% of its inventory is preserved for patients (co-location).

f. Transportation

The licensee will not be performing transportation activities at this time.

RECOMMENDATION

Commission staff recommend final licensure with the following conditions:

1. The licensee may cultivate, harvest, possess, prepare, produce, and otherwise acquire marijuana, but shall not dispense, sell, or otherwise transport marijuana to other Marijuana Establishments, or to consumers, until upon inspection, receiving permission from the Commission to commence full operations;
2. The licensee is subject to inspection to ascertain compliance with Commission regulations;
3. The licensee remains suitable for licensure; and
4. The licensee shall cooperate with and provide information to Commission staff.
5. Licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 500.105(1) prior to the issuance of a commencement of operations and that Commission staff be given adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.

The licensee has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the licensee is recommended for final licensure.

As part of the approval of final licensure, the Commission authorizes staff to take all necessary actions to review compliance with the above-referenced conditions and to approve the commencement of operations.



SIRA NATURALS, INC.
MC281252

ESTABLISHMENT OVERVIEW

1. Name and address of the Marijuana Establishment:

Sira Naturals, Inc.
One Industrial Road, Milford, MA 01757

2. Type of final license sought (if cultivation, its tier level and outside/inside operation):

Cultivation – Tier 3 / Indoor (10,001 – 20,000 sq. ft.)

3. The licensee is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation – Tier 3 / Indoor (10,001 – 20,000 sq. ft.)	Commence Operations	Milford
Product Manufacturing	Commence Operations	Milford
Marijuana Transporter with Other Existing ME Licenses	Commence Operations	Milford
Research Facility	Application Submitted	Milford
MTC	Commence Operations	Needham
MTC	Commence Operations	Somerville
MTC	Commence Operations	Cambridge

LICENSING OVERVIEW

4. The licensee was approved for provisional licensure for the above-mentioned license type on June 13, 2019.
5. The licensee has paid all applicable license fees.
6. No new information has been reported to Commission staff regarding the organizational structure of the entity since the issuance of the provisional license.



7. No new information has been discovered by Commission staff regarding the suitability of the licensee or the individuals and entities previously disclosed since the issuance of the provisional license.

INSPECTION OVERVIEW

8. Commission staff inspected the licensee's facility on the following dates: October 31, 2019 and November 7, 2019.
9. The licensee's facility was inspected by Commission staff and found to be in full compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable.
10. No evidence was discovered during the inspections that indicated the Marijuana Establishment was not in compliance with all applicable state laws and local bylaws or ordinances.
11. Specific information from Commission staff's inspection is highlighted below:

- a. Security

Enforcement staff verified that all security-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. The security of all entrances and exits;
- ii. Visitor procedures;
- iii. Limited access areas;
- iv. Verification of a primary and back-up security company;
- v. Presence of perimeter and duress alarms; and
- vi. All cameras complied with Commission requirements.

- b. Inventory and Storage

Enforcement staff verified that all inventory-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. Secure storage of marijuana and marijuana products;
- ii. Sanitation and pest control measures; and
- iii. Inventory controls and procedures.

- c. Cultivation Operation

Enforcement staff verified that all cultivation operations were in compliance with the Commission's regulations. Some of the requirements verified include the following:

- i. Seed-to-sale tracking;
- ii. Compliance with applicable pesticide laws and regulations; and



- iii. Best practices to limit contamination.
- d. Transportation

The licensee utilizes transportation operations under its Transporter With Other Existing Marijuana Establishment license.

RECOMMENDATION

Commission staff recommend final licensure with the following conditions:

1. The licensee may cultivate, harvest, possess, and otherwise acquire marijuana, but shall not sell, or otherwise transport marijuana to other Marijuana Establishments, until upon inspection, receiving permission from the Commission to commence full operations;
2. The licensee is subject to inspection to ascertain compliance with Commission regulations;
3. The licensee remains suitable for licensure; and
4. The licensee shall cooperate with and provide information to Commission staff.
5. Licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 500.105(1) prior to the issuance of a commencement of operations and that Commission staff be given adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.

The licensee has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the licensee is recommended for final licensure.

As part of the approval of final licensure, the Commission authorizes staff to take all necessary actions to review compliance with the above-referenced conditions and to approve the commencement of operations.



HVV MASSACHUSETTS, INC.

RMD1405

ESTABLISHMENT OVERVIEW

1. Name of the Medical Marijuana Treatment Center:

HVV Massachusetts, Inc.

2. Address(es) of Medical Marijuana Treatment Center:

Cultivation: 38 Great Republic Drive, Gloucester, MA 01938

Product Manufacturing: 38 Great Republic Drive, Gloucester, MA 01938

Dispensary: 220 William F. McClellan Hwy, East Boston, MA 02128

3. The licensee is a licensee or applicant for other Medical Marijuana Treatment Center and/or Marijuana Establishment license(s):

Type	Status	Location
MTC	Provisional License	Amherst
MTC	Final License	Gloucester
Cultivation – Tier 3 / Indoor (10,001 – 20,000 sq. ft.)	Provisional License	Gloucester
Product Manufacturer	Provisional License	Gloucester
Retail	Provisional License	Gloucester
Cultivation – Tier 4 / Indoor (20,001 – 30,000 sq. ft.)	Provisional License	Newburyport
Product Manufacturer	Provisional License	Newburyport

LICENSING OVERVIEW

4. The licensee was approved for provisional licensure on November 18, 2016. The licensee's cultivation and product manufacturing location in Gloucester was approved for a final license under RMD1185 on June 27, 2019.
5. The licensee has paid all applicable license fees.
6. No new information has been reported to Commission staff regarding the organizational structure of the entity since the issuance of the provisional license.

Final License Executive Summary 1



7. No new information has been discovered by Commission staff regarding the suitability of the licensee or the individuals and entities previously disclosed since the issuance of the provisional license.

INSPECTION OVERVIEW

8. Commission staff inspected the licensee's facility on the following dates: September 19, 2019 and October 10, 2019.
9. The licensee's Medical Marijuana Treatment Center was inspected by Commission staff and found to be in full compliance with the requirements listed in 935 CMR 501.000 as applicable.
10. No evidence was discovered during the inspections that indicated the Medical Marijuana Treatment Center was not in compliance with all applicable state and local codes, bylaws, laws, ordinances, and regulations.
11. Specific information from Commission staff's inspection is highlighted below:

- a. Security

Enforcement staff verified that all security-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. The security of all entrances and exits;
- ii. Visitor procedures;
- iii. Limited access areas;
- iv. Verification of a primary and back-up security company;
- v. Presence of perimeter and duress alarms; and
- vi. All cameras complied with Commission requirements.

- b. Inventory and Storage

Enforcement staff verified that all inventory-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. Secure storage of marijuana and marijuana products;
- ii. Sanitation and pest control measures; and
- iii. Inventory controls and procedures.

- c. Cultivation Operation

The licensee's cultivation operation was previously inspected and was approved for a final license on June 27, 2019.



d. Product Manufacturing Operation

The licensee's product manufacturing operation was previously inspected and was approved for a final license on June 27, 2019.

e. Retail Operation

Enforcement staff verified that all retail-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. Verification of identifications for access;
- ii. Layout of the sales floor;
- iii. Availability and contents of patient education materials; and
- iv. Policies to ensure dispensing limits are followed.

f. Transportation

At this time, the licensee will not be performing transportation operations and plans to utilize a Third-Party Transporter.

RECOMMENDATION

Commission staff recommend final licensure with the following conditions:

1. The licensee may cultivate, harvest, possess, prepare, produce, and otherwise acquire marijuana, but shall not dispense, sell, or otherwise transport marijuana to other Medical Marijuana Treatment Centers, or to patients, until upon inspection, receiving permission from the Commission to commence full operations;
2. The licensee is subject to inspection to ascertain compliance with Commission regulations;
3. The licensee remains suitable for licensure;
4. The licensee shall cooperate with and provide information to Commission staff; and
5. Licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 501.105(1) prior to the issuance of a commencement of operations and that Commission staff be given adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.

The licensee has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the licensee is recommended for final licensure.

As part of the approval of final licensure, the Commission authorizes staff to take all necessary actions to review compliance with the above-referenced conditions and to approve the commencement of operations.



27 BROOM STREET, LLC

MCN281723

MCN281880

MPN281490

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

27 Broom Street, LLC
27 Broom Street, Plainfield, MA 01070

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Cultivation, Tier 10 / Outdoor (80,001 to 90,000 sq. ft)

Cultivation, Tier 2 / Indoor (5,001 to 10,000 sq. ft)

Product Manufacturing

The application was reopened four times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

The applicant is not an applicant or licensee for any other Marijuana Establishment or Medical Marijuana Treatment Center.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Christopher Roos	Executive
Nicholas Rosati	Executive
Mary Roos	Executive
Timothy Rooke	Executive
Donald Chase	Executive

5. List of all required entities and their roles in the Marijuana Establishment:



No other entity, other than the applicant, appear to have direct or indirect authority over the Marijuana Establishment.

6. Applicant's priority status:

General Applicant

7. The applicant and municipality executed a Host Community Agreement on May 8, 2018.

8. The applicant conducted a community outreach meeting on October 10, 2018 and provided documentation demonstrating compliance with Commission regulations.

9. The Commission received a municipal response from the municipality on October 11, 2019 and October 30, 2019 stating the applicant was in compliance with all local ordinances and bylaws for all applications.

10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Contribute \$5,000 annually to the Social Equity Training and Technical Assistance Fund.
2	Recruit 15% of employees from Commission-designated areas of disproportionate impact for its hiring initiatives.
3	Volunteer in areas of disproportionate impact.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.

12. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within four (4) months of receiving its provisional license.

14. The applicant's proposed hours of operation are the following:

Monday - Sunday: 6:00 a.m.- 6:00 p.m.



15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit 50% women and 25% described as minorities, veterans, people with disabilities and LGBTQ individuals for its hiring initiatives.
2	Create a safe, accepting and respectful work environment.
3	Work with at least 15% of business who are committed to promoting equity and diversity.

17. Summary of cultivation plan (if applicable):

The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

#	Product
1	Oils
2	Chocolates (Dark Chocolate, White Chocolate, Milk Chocolate)
3	Hash Rosin
4	Kief
5	Sauce

19. Plan for obtaining marijuana or marijuana products (if applicable):

Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



1620 LABS, LLC

MCN281775

MPN281523

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

1620 Labs, LLC
503 South Street, Athol, MA 01331

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Cultivation – Tier 3 / Indoor (10,001 – 20,000 sq. ft.)
Product Manufacturer

The application was reopened four (4) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation – Tier 1 / Indoor (up to 5,000 sq. ft.)	Provisional License	Athol
Product Manufacturer	Provisional License	Athol

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Wayne Elibero	Owner / Partner
David Levy	Owner / Partner
Douglas Reepmeyer	Owner / Partner
Michael Lance	Owner / Partner

5. List of all required entities and their roles in the Marijuana Establishment:

No other entity appears to have ownership or control over this proposed Marijuana Establishment.

Provisional License Executive Summary 1



6. Applicant's priority status:

General Applicant

7. The applicant and municipality executed a Host Community Agreement on July 17, 2018.
8. The applicant conducted a community outreach meeting on May 1, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on November 12, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit 20% of individuals from Fitchburg and Greenfield for its hiring initiatives.
2	Utilize 20% of vendors, contractors and builders from Fitchburg and/or Greenfield.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within one (1) year of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:
- Monday – Friday: 9:00 a.m. – 6:00 p.m.
15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
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1	Recruit 50% of females and 25% of minorities, veterans, people with disabilities, and individuals who are LGBTQ and/or identify as a non-normative sexual identity.
2	Utilize 20% of diverse suppliers, contractors and industry wholesale partners.

17. Summary of cultivation plan (if applicable):

The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

#	Product
1	Flowers
2	Rosens
3	THC e-juice
4	Creams

19. Plan for obtaining marijuana or marijuana products (if applicable):

Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



ASCEND MASS, LLC
MRN282077

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Ascend Mass, LLC
268-274 Friend Street, Boston, MA 02114

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened three (3) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Retail	Application Submitted	Newton
MTC	Application Submitted	Not Disclosed
MTC	Application Submitted	Not Disclosed
MTC	Application Submitted	Not Disclosed

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Andrea Cabral	Executive
Francis Perullo	Executive
Jason Stirling	Executive
Steven Rohlffing	Executive
Emily Paxhia	Manager
Scott Swid	Manager
Christopher Leavy	Manager

5. List of all required entities and their roles in the Marijuana Establishment:

Provisional License Executive Summary 1



Entity	Role
Ascend Mass, Inc.	Owner of Ascend Mass, LLC
Ascend Wellness Holdings, LLC	Owner of Ascend Mass, Inc.

6. Applicant's priority status:

General Applicant

7. The applicant and municipality executed a Host Community Agreement on November 21, 2018.
8. The applicant conducted a community outreach meeting on September 20, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on November 13, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Partner with Suffolk County Sheriff Department to recruit six (6) individuals who have past drug convictions, completed job-training and re-entry programs for its hiring initiatives.
2	Contribute .5% of its net revenue to the WeGrow Foundation.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were disclosures of past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within seven (7) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday - Sunday: 9:00 a.m. – 8:00 p.m.



15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1.	Host two (2) career fairs annually in the City of Boston.
2.	Advertise employment opportunities in diverse publications quarterly.
3.	Utilize at least 40% of suppliers who are also committed to diversity and inclusion.

17. Summary of cultivation plan (if applicable):

Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant plans to obtain marijuana from its affiliated licenses. If the need arises, the applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



BASK, INC.
MRN282284

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Bask, Inc.
2 Pequod Road, Fairhaven, MA 02719

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened once for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Retail	Application Submitted	Taunton
Cultivation – Tier 3 / Indoor (10,000 – 20,000 sq.ft)	Provisional License	Freetown
Product Manufacturing	Provisional License	Freetown
MTC	Commence Operations	Freetown

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Melanie Dixon	Director
Timothy Keogh	Director
JoAnne Leppanen	Director
Chapman Dickerson	Close Associate

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
Pequod Principal Solutions, LLC	Sole shareholder of Bask, Inc.

Provisional License Executive Summary 1



6. Applicant's priority status:

MTC Priority Applicant

7. The applicant and municipality executed a Host Community Agreement on January 28, 2019.
8. The applicant conducted a community outreach meeting on December 13, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on December 3, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit at least 10% of residents from New Bedford, Fall River and Taunton for its hiring initiatives.
2	Participate in at least four (4) neighborhood clean-up events including Operation Clean Sweep in New Bedford.
3	Provide one (1) cannabis cultivation workshop and one (1) capital raising workshop for Massachusetts residents that have past drug convictions, residents with parents or spouses who have drug convictions or residents who live in New Bedford, Fall River and/or Taunton.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were disclosures of past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within three (3) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Sunday: 9:00 a.m. – 9:00 p.m.



15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit 10% of individuals that are minorities, women, veterans, and individuals with disabilities for its hiring initiatives.
2	Increase the number of minorities, women, veterans, and individuals with disabilities in management and executive positions by 5%.

17. Summary of cultivation plan (if applicable):

Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant plans to obtain marijuana from its affiliated licenses. If the need arises, the applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



BASK, INC.
MRN282819

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Bask, Inc.
400 Winthrop Street, Taunton, MA 02780

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened once for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Retail	Application Submitted	Fairhaven
Cultivation – Tier 3 / Indoor (10,000 – 20,000 sq.ft)	Provisional License	Freetown
Product Manufacturing	Provisional License	Freetown
MTC	Commence Operations	Freetown

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Melanie Dixon	Director
Timothy Keogh	Director
JoAnne Leppanen	Director
Chapman Dickerson	Close Associate

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
Pequod Principal Solutions, LLC	Sole shareholder of Bask, Inc.

Provisional License Executive Summary 1



6. Applicant's priority status:

MTC Priority Applicant

7. The applicant and municipality executed a Host Community Agreement on March 28, 2019.
8. The applicant conducted a community outreach meeting on June 27, 2019 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission sent the municipal notice to the City of Taunton on September 5, 2019 and on November 12, 2019. To date, the Commission has not received a response.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit at least 10% of residents from New Bedford, Fall River and Taunton for its hiring initiatives.
2	Participate in at least four (4) neighborhood clean-up events including Operation Clean Sweep in New Bedford.
3	Provide one (1) cannabis cultivation workshop and one (1) capital raising workshop for Massachusetts residents that have past drug convictions, residents with parents or spouses who have drug convictions or residents who live in New Bedford, Fall River and/or Taunton.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were disclosures of past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within eight (8) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Sunday: 9:00 a.m. – 8:00 p.m.



15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit 10% of individuals that are minorities, women, veterans and individuals with disabilities for its hiring initiatives.
2	Increase the number of minorities, women, veterans, and individuals with disabilities in management and executive positions by 5%.

17. Summary of cultivation plan (if applicable):

Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant plans to obtain marijuana from its affiliated licenses. If the need arises, the applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



BERKSHIRE WELCO LLC
MCN281949

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Berkshire Welco LLC
89-93 Ashley Falls Rd, Sheffield, MA 01257

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Cultivation, Tier 7 / Outdoor (50,001 – 60,000 sq.ft.)

The application was reopened once for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation, Tier 5 / Indoor (30,001 – 40,000 sq.ft)	Provisional License	Sheffield
Product Manufacturing	Application Submitted	Sheffield
Retail	Application Submitted	Sheffield

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Christopher Weld	Executive / Officer
Michael Cohen	Executive / Officer
Nial DeMena	Close Associate
Peter Steimer	Close Associate

5. Applicant's priority status:

General Applicant



6. The applicant and municipality executed a Host Community Agreement on December 22, 2018.
7. The applicant conducted a community outreach meeting on January 17, 2019 and provided documentation demonstrating compliance with Commission regulations.
8. The Commission received a municipal response from the municipality on November 1, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
9. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Provide at least two (2) cannabis educational seminars on the harms of cannabis use before the age of 21 in high schools located in North Adams and Pittsfield.
2	Recruit 5% of individuals who have had past drug convictions and 5% whose parents or spouses have drug convictions for its hiring initiatives.

SUITABILITY REVIEW

10. There were no concerns arising from background checks on the individuals or entities associated with the application.
11. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

MANAGEMENT AND OPERATIONS REVIEW

12. The applicant states that it can be operational within two (2) months of receiving its provisional license.
13. The applicant's proposed hours of operation are the following:

Monday – Sunday: 8:00 a.m. – 8:00 p.m.
14. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
15. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit 50% of individuals who are minorities, women, people identifying as LGBTQ+, veterans, and persons with disabilities for its hiring initiatives



2	Utilize 25% of outside vendors that qualify as diverse.
3	Participate in career day programs and/or job fairs in Pittsfield and North Adams at least twice a year.

16. Summary of cultivation plan (if applicable):

The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

17. Summary of products to be produced and/or sold (if applicable):

Not applicable.

18. Plan for obtaining marijuana or marijuana products (if applicable):

Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



BERKSHIRE WELCO LLC

MPN281505

MRN281967

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Berkshire Welco LLC
1375 Main St, Sheffield, MA 01257

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Product Manufacturing
Retail

The applications were reopened four (4) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation, Tier 5 / Indoor (30,001 – 40,000 sq.ft.)	Provisional License	Sheffield
Cultivation, Tier 7 / Outdoor (50,001 – 60,000 sq.ft.)	Application Submitted	Sheffield

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Christopher Weld	Executive / Officer
Michael Cohen	Executive / Officer
Nial DeMena	Close Associate

5. Applicant's priority status:

General Applicant

Provisional License Executive Summary 1



6. The applicant and municipality executed a Host Community Agreement on March 20, 2018.
7. The applicant conducted a community outreach meeting on March 27, 2018 and provided documentation demonstrating compliance with Commission regulations.
8. The Commission received a municipal response from the municipality on November 1, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
9. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Provide at least two (2) cannabis educational seminars on the harms of cannabis use before the age of 21 in high schools located in North Adams and Pittsfield.
2	Recruit 5% of individuals who have had past drug convictions and 5% whose parents or spouses have drug convictions for its hiring initiatives.

SUITABILITY REVIEW

10. There were no concerns arising from background checks on the individuals or entities associated with the application.
11. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

MANAGEMENT AND OPERATIONS REVIEW

12. The applicant states that it can be operational within one (1) month of receiving its provisional license.
13. The applicant's proposed hours of operation are the following:

Product Manufacturing:
 Monday - Friday: 9:00 a.m. – 6:00 p.m.
 Saturday - Sunday: 10:00 a.m. – 4:00 p.m.

Retail:
 Monday - Saturday: 10:00 a.m. – 7:00 p.m.
 Sunday: 10:00 a.m. – 5:00 p.m.
14. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.



15. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit 50% of individuals who are minorities, women, people identifying as LGBTQ+, veterans, and persons with disabilities for its hiring initiatives.
2	Utilize 25% of outside vendors that qualify as diverse.
3	Participate in career day programs and/or job fairs in Pittsfield and North Adams at least twice a year.

16. Summary of cultivation plan (if applicable):

Not applicable.

17. Summary of products to be produced and/or sold (if applicable):

#	Product
1	Oral Lozenges
2	Topicals
3	Capsules
4	Drops
5	Syrups
6	Tablets
7	"No Bake" Granola

18. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant plans to obtain marijuana from its affiliated licenses. If the need arises, the applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



CANNABIS CONNECTION, INC.

MRN281362

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Cannabis Connection, Inc.
40 Westfield Industrial Park, Westfield, MA 01085

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened two (2) times for additional information.

3. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Thomas Keenan	Owner / Partner
Curtis Gezotis	Owner / Partner
Marc Lichwan	Owner / Partner
Joseph Kennan	Owner / Partner

4. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
GKL, LLC	Owner/ Lessor of Real Estate

5. Applicant's priority status:

General Applicant

6. The applicant and municipality executed a Host Community Agreement on November 28, 2018.

7. The applicant conducted a community outreach meeting on December 18, 2018 and provided documentation demonstrating compliance with Commission regulations.

Provisional License Executive Summary 1



8. The Commission received a municipal response from the municipality on October 15, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
9. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit 30% of individuals from West Springfield, Holyoke and areas in Springfield that are identified as areas of disproportionate impact for its hiring initiatives.

SUITABILITY REVIEW

10. There were no concerns arising from background checks on the individuals or entities associated with the application.
11. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

MANAGEMENT AND OPERATIONS REVIEW

12. The applicant states that it can be operational within three (3) months of receiving its provisional license.
13. The applicant's proposed hours of operation are the following:

Monday - Thursday: 10:00 a.m. – 8:00 p.m.
Friday - Saturday: 10:00 a.m. – 9:00 p.m.
Sunday: 10:00 a.m. – 6:00 p.m.
14. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
15. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit thirty (30) diverse individuals within the next twelve (12) months for its hiring initiatives.

16. Summary of cultivation plan (if applicable):

Not applicable.



17. Summary of products to be produced and/or sold (if applicable):

Not applicable.

18. Plan for obtaining marijuana or marijuana products (if applicable):

The establishment intends to obtain marijuana and marijuana products from other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



CAREGIVER-PATIENT CONNECTION LLC

MCN282206

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Caregiver-Patient Connection LLC
61C Tripp Street, Framingham, MA 01701

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Cultivation, Tier 3 / Indoor (10,001 to 20,000 sq. ft)

The application was reopened once for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation, Tier 2 / Indoor (5,001 – 10,000 sq. ft)	Application Submitted	Barre
Cultivation, Tier 2 / Outdoor (5,001 – 10,000 sq. ft)	Commence Operations	Barre
Product Manufacturing	Application Submitted	Framingham
Retail	Provisional License	Fitchburg
MTC	Provisional License	Barre

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Catherine Trifilo	Owner / Partner
Dean Iandoli	Owner / Partner
Michael Staiti	Owner / Partner
Richard Olstein	Owner / Partner
Ronald L'Ecuyer	Director
Anthony Brach	Executive
Kelsey Cohen-Brach	Director

Provisional License Executive Summary 1



5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
CPC Equity LLC	Investor

6. Applicant's priority status:

MTC Priority Applicant

7. The applicant and municipality executed a Host Community Agreement on June 25, 2019.
8. The applicant conducted a community outreach meeting on January 26, 2019 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on October 30, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit a workforce composed of 20% Fitchburg residents for its hiring initiatives.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within four (4) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:
- Monday – Saturday: 8:00 a.m. – 6:00 p.m.
15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.



16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit a workforce composed of 20% veterans for its hiring initiatives.

17. Summary of cultivation plan (if applicable):

The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



CAREGIVER-PATIENT CONNECTION LLC

MCN282237

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Caregiver-Patient Connection LLC
295 Vernon Avenue, Barre, MA 01005

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Cultivation, Tier 2/Indoor (5,001 to 10,000 sq. ft.)

The application was reopened once for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation, Tier 3 / Indoor (10,001 to 20,000 sq. ft)	Application Submitted	Framingham
Cultivation, Tier 2 / Outdoor (10,001 to 20,000 sq. ft)	Commence Operations	Barre
Product Manufacturing	Application Submitted	Framingham
Retail	Provisional License	Fitchburg
MTC	Provisional License	Barre

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Catherine Trifilo	Owner / Manager
Dean Iandoli	Owner / Manager
Michael Staiti	Owner / Manager
Richard Olstein	Owner / Manager
Ronald L'Ecuyer	Director
Anthony Brach	Executive
Kelsey Cohen-Brach	Director

Provisional License Executive Summary 1



5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
CPC Equity LLC	Investor

6. Applicant's priority status:

MTC Priority Applicant

7. The applicant and municipality executed a Host Community Agreement on April 2, 2018.
8. The applicant conducted a community outreach meeting on March 31, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on October 24, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit a workforce composed of Fitchburg residents for its hiring initiatives.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within six (6) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:
- Monday – Saturday: 8:00 a.m. – 5:00 p.m.
15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.



16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit a workforce composed of 20% veterans for its hiring initiatives.

17. Summary of cultivation plan (if applicable):

The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



CULTIVATE HOLDINGS, LLC

MRN281843

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Cultivate Holdings, LLC
1023 Southbridge Street, Worcester, MA 01610

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened once for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation – Tier 2 / Indoor (5,001 – 10,000 sq.ft)	Commence Operations	Leicester
Product Manufacturing	Commence Operations	Leicester
Retail	Commence Operations	Leicester
Cultivation – Tier 5 / Indoor (30,001 – 40,000 sq.ft)	Application Submitted	Uxbridge
Product Manufacturing	Application Submitted	Uxbridge
Retail	Application Submitted	Framingham
MTC	Commence Operations	Leicester

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Samuel Barber	Owner/ Board Member
Robert Lally	Owner/ Board Member
Stephen Barber	Owner/ Board Member
Mark Frechette	Executive
Jennifer Miller	Executive
Karen Golden	Executive

Provisional License Executive Summary 1



Diane Maska	Director
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5. List of all required entities and their roles in the Marijuana Establishment:

No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

MTC Priority Applicant

7. The applicant and municipality executed a Host Community Agreement on June 13, 2019.
8. The applicant conducted a community outreach meeting on September 10, 2019 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on October 9, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Host two (2) networking events through the "Cultivate Launch Program".
2	Recruit at least five (5) Economic Empowerment Program and / or Social Equity Program participants to participate in the "Cultivate Launch Program".

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within eleven (11) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Saturday: 8:00 a.m. – 10:00 p.m.

Sunday: 10:00 a.m. -10:00 p.m



15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit at least 40% of individuals who are minorities, women, veterans, and /or people with disabilities for its hiring initiatives.

17. Summary of cultivation plan (if applicable):

Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant plans to obtain marijuana from its affiliated licenses. If the need arises, the applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



CULTIVATE HOLDINGS, LLC

MRN282522

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Cultivate Holdings, LLC
250 Worcester Road, Framingham, MA 01702

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened once for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation – Tier 2 / Indoor (5,001 – 10,000 sq.ft)	Commence Operations	Leicester
Product Manufacturing	Commence Operations	Leicester
Retail	Commence Operations	Leicester
Cultivation – Tier 5 / Indoor (30,001 – 40,000 sq.ft)	Application Submitted	Uxbridge
Product Manufacturing	Application Submitted	Uxbridge
Retail	Application Submitted	Worcester
MTC	Commence Operations	Leicester

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Samuel Barber	Owner/Board Member
Robert Lally	Owner/Board Member
Stephen Barber	Owner/Board Member
Mark Frechette	Executive
Jennifer Miller	Executive
Karen Golden	Executive

Provisional License Executive Summary 1



Diane Maska	Director
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5. List of all required entities and their roles in the Marijuana Establishment:

No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

MTC Priority Applicant

7. The applicant and municipality executed a Host Community Agreement on July 8, 2019.
8. The applicant conducted a community outreach meeting on August 16, 2019 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on October 10, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Host two (2) networking events through the "Cultivate Launch Program".
2	Recruit at least five (5) Economic Empowerment Program and / or Social Equity Program participants to participate in the "Cultivate Launch Program".
3	Contribute \$10,000.00 annually to the Commission's Social Equity Fund.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within two (2) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Sunday: 10:00 a.m. – 8:00 p.m.



15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit at least 40% of individuals who are minorities, women, veterans, and /or people with disabilities for its hiring initiatives.

17. Summary of cultivation plan (if applicable):

Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant plans to obtain marijuana from its affiliated licenses. If the need arises, the applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



D2N2, LLC
MRN281517

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

D2N2, LLC
307 Main Street, Great Barrington, MA 01230

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened twice for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Donna Norman	Owner / Partner
Debra Nosenzo	Owner / Partner
Sean Norman	Board Member
John Nosenzo	Board Member

5. List of all required entities and their roles in the Marijuana Establishment:

No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

General Applicant



7. The applicant and municipality executed a Host Community Agreement on June 21, 2018.
8. The applicant conducted a community outreach meeting on June 25, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on October 17, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Provide \$1,500.00 per calendar year to the Central Berkshire habitat for Humanity serving the Pittsfield community.
2	Provide \$1,500.00 annually to support the Girls, Inc.
3	Provide funding to the Elizabeth Freeman Center.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational seven (7) months after receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Sunday: 10:00 a.m. – 8:00 p.m.
15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit minorities at a minimum of 33% with a desired goal of 50% for its hiring initiatives.
2	Provide cultural training on cultural sensitivity on a quarterly basis.



3	Utilize suppliers who are committed to diversity and inclusion.
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17. Summary of cultivation plan (if applicable):

Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



EVERGREEN STRATEGIES, LLC

MRN281834

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Evergreen Strategies, LLC
143 SW Cutoff, Worcester, MA 01604

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened two (2) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Retail	Application Submitted	North Adams
MTC	Application Submitted	Not Disclosed

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Anthony Parrinello	Executive
Alan Barber	Executive
Jean Welsh	Executive
Catherine Parrinello	Close Associate

5. List of all required entities and their roles in the Marijuana Establishment:

No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

Provisional License Executive Summary 1



General Applicant

7. The applicant and municipality executed a Host Community Agreement on January 28, 2019.
8. The applicant conducted a community outreach meeting on August 14, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on October 7, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit 60% of individuals from North Adams and Worcester for its hiring initiative.
2	Donate \$12,000 annually to South Worcester Neighborhood Improvement Corp.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational eight (8) months within receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Saturday: 11:00 a.m. – 9:00 p.m.
Saturday - Sunday: 12:00 a.m. – 6:00 p.m.
15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Hire at least 55% women



2	Hire at least 60% of minorities, veterans, persons with disabilities, or LGBTQ+
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17. Summary of cultivation plan (if applicable):

Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



EVERGREEN STRATEGIES, LLC

MRN282032

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Evergreen Strategies, LLC
221 State Road, North Adams, MA 01247

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened two (2) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Retail	Application Submitted	Worcester
MTC	Application Submitted	Not Disclosed

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Anthony Parrinello	Executive
Alan Barber	Executive
Jean Welsh	Executive
Catherine Parrinello	Close Associate

5. List of all required entities and their roles in the Marijuana Establishment:

No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

Provisional License Executive Summary 1



General Applicant

7. The applicant and municipality executed a Host Community Agreement on October 23, 2018.
8. The applicant conducted a community outreach meeting on November 1, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on October 7, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit 60% of individuals from North Adams and Worcester for its hiring initiative.
2	Donate \$12,000 annually to South Worcester Neighborhood Improvement Corp.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational three (3) months within receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Saturday: 10:00 a.m. – 7:00 p.m.
Sunday: 10:00 a.m. – 5:00 p.m.
15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Hire at least 55% women
2	Hire at least 40% of minorities, veterans, persons with disabilities, or LGBTQ+



17. Summary of cultivation plan (if applicable):

Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



FOUR DAUGHTERS COMPASSIONATE CARE, INC.

MRN282232

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Four Daughters Compassionate Care, Inc.
11 Richards Road, Plymouth, MA 02360

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened four (4) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Retail	Provisionally Licensed	Sharon
Product Manufacturing	Provisionally Licensed	Sharon
Cultivation – Tier 4 / Indoor (20,001 – 30,000 sq. ft.)	Provisionally Licensed	Sharon
MTC	Provisionally Licensed	Sharon

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Brian Striar	Executive / Officer
Darren Weiss	Executive / Officer
Samuel Dorf	Director
George Archos	Executive/Officer

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
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Provisional License Executive Summary 1



Verano Four Daughters Holdings, LLC	Owner of Four Daughters Compassionate Care, Inc.
Verano Holdings, LLC	Capital Contributor

6. Applicant's priority status:

MTC Priority Applicant

7. The applicant and municipality executed a Host Community Agreement on December 4, 2018.
8. The applicant conducted a community outreach meeting on February 5, 2019 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on October 29, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Work with at least 10 residents of Brockton, Mansfield, Taunton and Walpole per year to assist in expunging cannabis-related felonies.
2	Donate \$5,000.00 to Equitable Opportunities Now.
3	Donate \$5,000.00 to Elevate NE in the form of a Business Membership.
4	Provide Internships.
5	Participate in two job fairs annually at area community colleges.
6	Host one job fair per year at the retail location.
7	Participate in community clean-ups in Brockton, Mansfield, Taunton and Walpole.
8	Dedicate 10% of shelf space to Economic Empowerment and Social Equity Participants.
9	Recruit residents of Brockton, Mansfield, Taunton and Walpole for its hiring initiatives.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

MANAGEMENT AND OPERATIONS REVIEW



13. The applicant states that it can be operational within four (4) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Sunday: 10:00 a.m. – 8:00 p.m.
15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit five (5) diverse candidates for its hiring initiatives.
2	Host on-site annual diversity training once every quarter.
3	Sponsor general educational cannabis trainings, twice a year, at VFW's and other veteran-focused organizations.
4	Donate \$5,000.00 to Elevate NE in the form of a Business Membership.
5	Twice a year host education and community panels focused on the role of women within the cannabis industry.

17. Summary of cultivation plan (if applicable):

Not applicable.
18. Summary of products to be produced and/or sold (if applicable):

Not applicable.
19. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant is a vertically integrated MTC that has applied for adult-use cultivation and product manufacturing licenses. The applicant plans to provide its own marijuana products. If the need arises, it will contract with other licensed establishments for additional product.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.



The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



FROZEN 4, LLC
MCN281658

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Frozen 4, LLC
130 Myricks Street, Berkley, MA 02779

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Cultivation – Tier 4 / Indoor (20,001 – 30,000 sq.ft)

The application was reopened three (3) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Benjamin Virga	Executive
David Morgan	Executive
Lukasz Marut	Executive
Michael Krobock	Director

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
Bud & Mary's , LLC	Capital Contributor

6. Applicant's priority status:

General Applicant



7. The applicant and municipality executed a Host Community Agreement on September 25, 2018.
8. The applicant conducted a community outreach meeting on September 25, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on October 16, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit no less than 50% of individuals from Taunton for its hiring initiatives.
2	Provide industry-specific job training programs quarterly.
3	Provide seminars to individuals within the Taunton to promote financial literacy in the cannabis sector quarterly.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within five (5) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Sunday: 24 hours/day
15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit no less than 50% diverse individuals for its hiring initiatives.
2	Host business-relevant seminars twice a year.
3	Host career fairs four (4) times a year in underrepresented and minority communities.



17. Summary of cultivation plan (if applicable):

The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



FROZEN 4, LLC
MCN281658

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Frozen 4, LLC
130 Myricks Street, Berkley, MA 02779

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Cultivation – Tier 4 / Indoor (20,001 – 30,000 sq.ft)

The application was reopened three (3) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Benjamin Virga	Executive
David Morgan	Executive
Lukasz Marut	Executive
Michael Krobock	Director

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
Bud & Mary's , LLC	Capital Contributor

6. Applicant's priority status:

General Applicant



7. The applicant and municipality executed a Host Community Agreement on September 25, 2018.
8. The applicant conducted a community outreach meeting on September 25, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on October 16, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit no less than 50% of individuals from Taunton for its hiring initiatives.
2	Provide industry-specific job training programs quarterly.
3	Provide seminars to individuals within the Taunton to promote financial literacy in the cannabis sector quarterly.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within five (5) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Sunday: 24 hours/day
15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit no less than 50% diverse individuals for its hiring initiatives.
2	Host business-relevant seminars twice a year.
3	Host career fairs four (4) times a year in underrepresented and minority communities.



17. Summary of cultivation plan (if applicable):

The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



GARDEN REMEDIES, INC.

MRN282471

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Garden Remedies, Inc.
732 Newburyport Turnpike, Melrose, MA 02176

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened twice for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation – Tier 3 / Indoor (10,001 – 20,000)	Commence Operations	Fitchburg
Product Manufacturing	Commence Operations	Fitchburg
Retail	Commence Operations	Newton
Retail	Commence Operations	Marlborough
MTC	Commence Operations	Melrose
MTC	Commence Operations	Marlboro
MTC	Commence Operations	Newton

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Karen Munkacy	Owner / Partner
Jeffrey Herold	Executive
Sean Mack	Executive
Mike Climo	Director

Provisional License Executive Summary 1



5. List of all required entities and their roles in the Marijuana Establishment:

No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

MTC Priority Applicant

7. The applicant and municipality executed a Host Community Agreement on April 12, 2019.
8. The applicant conducted a community outreach meeting on April 10, 2019 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission sent the municipal notice to the City of Melrose on October 3, 2019 and on November 12, 2019. To date, the Commission has not received a response.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Give priority to at least 20% of individuals from Lynn, Revere and Chelsea for its hiring initiative.
2	Participate in at least two (2) job fairs annually.
3	Provide an accelerator program that gives Economic Priority Applicants access to industry-specific technical training, mentorship from experts and peer industry support groups.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within six (6) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Saturday: 8:00 a.m. – 10:00 p.m.



Sunday: 12:00 p.m. – 6:00 p.m.

15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit 50% minorities, persons with disabilities and women.
2	Participate in at least two (2) job fairs annually.
3	Provide diversity training on an annual basis.

17. Summary of cultivation plan (if applicable):

Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant plans to obtain marijuana from its affiliated licenses.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



HERBAL PATHWAYS, LLC

MRN282037

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Herbal Pathways, LLC
1317 East Street, Pittsfield, MA 01201

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened three (3) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Kenneth Crowley	Owner / Partner
Russell Stewart	Owner / Partner

5. List of all required entities and their roles in the Marijuana Establishment:

No other entity, other than the applicant, appear to have direct or indirect authority over the Marijuana Establishment.

6. Applicant's priority status:

General Applicant

7. The applicant and municipality executed a Host Community Agreement on September 24, 2018.

Provisional License Executive Summary 1



8. The applicant conducted a community outreach meeting on July 30, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on September 26, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Give hiring preference to individuals residing in Pittsfield and North Adams
2	Make annual donations to Berkshire County ARC

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within five (5) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Saturday: 10:00 a.m. – 8:00 p.m.
Sunday: 12:00 p.m. – 5:00 p.m.
15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit diverse individuals from Pittsfield and North Adams for its hiring initiatives.

17. Summary of cultivation plan (if applicable):



Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

The establishment intends to obtain marijuana and marijuana products from other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



JOLO CAN, LLC

MCN281502

MPN281369

MRN281308

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

JOLO Can, LLC
80 Eastern Ave, Chelsea, MA 02150

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Cultivation, Tier 3 / Indoor (10,001 to 20,000 sq. ft.)
Product Manufacturing
Retail

The application was reopened three (3) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Herbert Jordan	Owner / Partner
Miguel Londono	Owner / Partner
Gabriel Londono	Executive
Michael Farnum	Executive
Richard Su	Executive

5. List of all required entities and their roles in the Marijuana Establishment:

No other entity appears to have ownership or control over this proposed Marijuana Establishment.

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6. Applicant's priority status:

General Applicant

7. The applicant and municipality executed a Host Community Agreement on June 26, 2018.
8. The applicant conducted a community outreach meeting on May 17, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on October 28, 2019 and November 15, 2019 stating the applicant was in compliance with all local ordinances and bylaws for all applications.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit 51% of individuals from Chelsea, Revere and Boston with past marijuana-related drug convictions and/or parents or spouses with drug convictions within 5 years for its hiring initiatives.
2	Provide leadership and industry-specific training to two (2) employees annually.
3	Participate in local job fairs bi-annually.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within six (6) months of receiving a provisional license.
14. The applicant's proposed hours of operation are the following:
- Monday – Sunday, 9:00 a.m. – 9:00 p.m.
15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:



#	Goal
1	Hire 51% of diverse individuals within 5 years.
2	Provide leadership and industry-specific training to two (2) employees annually.
3	Participate in local job fairs bi-annually.

17. Summary of cultivation plan (if applicable):

The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

#	Product
1	Distillate
2	Wax
3	Live Resin
4	Shatter
5	Hash Oil
6	Rosin
7	Bubble Hash
8	Kief

19. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant has applied for adult-use cultivation and product manufacturing licenses. The applicant plans to provide its own marijuana products. If the need arises, it will contract with other licensed establishments for additional product.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



MASS ALTERNATIVE CARE, INC.

MRN282062

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Mass Alternative Care, Inc.
55 University Drive, Amherst, MA 01002

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened once for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation Tier 3 / Indoor (10,000 – 20,000 sq. ft)	Final License	Chicopee
Product Manufacturing	Final License	Chicopee
Retail	Final License	Chicopee
MTC	Final License	Chicopee
MTC	Provisional License	Amherst
MTC	Provisional License	Lee

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Kevin G. Collins	Executive
Ronald Paasch	Director
David Spannus	Director
Heather Andersen	Director
Nicholas Tamborrino	Director
Vincent Cardillo	Executive
Ronald Campurciani	Executive
Kevin M. Collins	Executive

Provisional License Executive Summary 1



John Turgeon	Manager
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5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
AGLMA, LLC	Entity with Direct or Indirect Authority
CAL Funding, LLC	Capital Contributor

6. Applicant's priority status:

MTC Priority Applicant

7. The applicant and municipality executed a Host Community Agreement on December 21, 2018.
8. The applicant conducted a community outreach meeting on October 2, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on October 8, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit 50% workforce from Springfield, West Springfield, Monson, Amherst and Holyoke for its hiring initiatives.
2	Utilize 50% of contractors, suppliers, and vendors from Springfield, West Springfield, Monson, Amherst and Holyoke.
3	Donate at least \$12,000 annually and provide 150 hours of community service to Amherst Community Connections and The Men of Honor Youth Mentorship Program.
4	Provide at least 100 hours of mentoring to an Economic Empowerment Priority applicants.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.



MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within two (2) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Saturday: 9:00 a.m. – 9:00 p.m.
Sunday: 11:00 a.m. – 6:00 p.m.
15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit a workforce comprised of 50% women and 30% minority, veteran, persons with a disability and/or individuals who are LGBTQ or identify as a non-normative sexual identity for its hiring initiatives.
2	Work with diverse suppliers, contractors and wholesale partners.

17. Summary of cultivation plan (if applicable):

Not applicable.
18. Summary of products to be produced and/or sold (if applicable):

Not applicable.
19. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant has a final license for adult-use cultivation and product manufacturing licenses. The applicant plans to provide its own marijuana products.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.



The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



PHARMACANNIS MASSACHUSETTS, INC.

MRN282298

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Pharmacannis Massachusetts, Inc.
939 Boston Turnpike, Shrewsbury, MA 01545

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened two (2) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation – Tier 7 / Indoor (50,001 – 60,000)	Application Submitted	Holliston
Retail	Commence Operations	Wareham
MTC	Commence Operations	Wareham
MTC	Application Submitted	Holliston

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Teddy Scott	Executive
Stephen Schuler	Board Member
Michael Chodil	Executive
Jeremy Unruh	Director
Kimberly Evans	Executive
Michelle Stormo	Executive
Norah Scott	Close Associate
Daniel Tierney	Close Associate

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5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
PharmaCann, LLC	Parent company of PharmaCannis Massachusetts, Inc.

6. Applicant's priority status:

MTC Priority Applicant

7. The applicant and municipality executed a Host Community Agreement on December 12, 2018.
8. The applicant conducted a community outreach meeting on January 7, 2019 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on October 21, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit individuals from Wareham for its hiring initiative.
2	Host two (2) neighborhood clean-up days annually.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within four (4) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Sunday: 8:00 a.m. – 10:00 p.m.



15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit a diverse group of individuals for its hiring initiatives.
2	Utilize 25% of businesses who are committed to promoting equity and diversity.

17. Summary of cultivation plan (if applicable):

Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



TEMESCAL WELLNESS OF MASSACHUSETTS LLC

MRN282033

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Temescal Wellness of Massachusetts, LLC
665 Cochituate Road, Suite 1B, Framingham, MA 01701

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened three times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation, Tier 2 / Indoor (5,001 – 10,000 sq.ft)	Commence Operations	Worcester
Product Manufacturing	Commence Operations	Worcester
Retail	Commence Operations	Pittsfield
Retail	Commence Operations	Hudson
MTC	Commence Operations	Framingham
MTC	Commence Operations	Hudson
MTC	Commence Operations	Pittsfield

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Edward Rebholz	Executive / Officer

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
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Provisional License Executive Summary 1



Temescal Wellness of Massachusetts Holdings, LLC	Entity with Direct or Indirect Authority
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6. Applicant's priority status:

MTC Priority Applicant

7. The applicant and municipality executed a Host Community Agreement on May 13, 2019.
8. The applicant conducted a community outreach meeting on November 28, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on October 9, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit individuals from Pittsfield and Worcester for its hiring initiatives.
2	Donate \$5,000.00 annually between Fresh Start Furniture Bank and Friendly House.
3	Support and partner with four cannabis businesses and owners in disproportionately impacted areas, annually.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. These disclosures did not raise suitability issues.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within two (2) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Saturday: 10:00 a.m. – 7:00 p.m.
Sunday: 12:00 p.m. – 5:00 p.m.



15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit a workforce comprised of 50% women for its hiring initiatives.
2	Mentor and promote at least one (1) diverse individual per year.
3	Host four (4) events per year to assist with increasing the number of businesses owned by minorities, women, veterans, people with disabilities, and LGBTQ+.

17. Summary of cultivation plan (if applicable):

Not applicable.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant plans to obtain marijuana from its affiliated licenses. If the need arises, the applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



WELLMAN FARM, INC.
MCN281310

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Wellman Farm, Inc.
26 Wellman Street, Lowell, MA 02851

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Cultivation, Tier 2 / Indoor (5,001 – 10,000 sq. ft.)

The application was reopened twice for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Product Manufacturing	Application Submitted	Lowell

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
Julianne Shelzi	Executive
Joseph Shelzi	Executive
Dominic Shelzi	Executive

5. List of all required entities and their roles in the Marijuana Establishment:

No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

General Applicant



7. The applicant and municipality executed a Host Community Agreement on November 21, 2018.
8. The applicant conducted a community outreach meeting on July 31, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on September 23, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit 60% with individuals from areas of disproportionate impact, specifically Lowell, Social Equity Program participants, residents who have past drug convictions, and residents with parents or spouses who have drug convictions for its hiring initiatives.
2	Utilize 50% of contractors, suppliers and vendors from areas of disproportionate impact, specifically Lowell, Social Equity Program participants, residents who have past drug convictions, and residents with parents or spouses who have drug convictions.
3	Provide incubator support and resources to at least one (1) individual or company seeking to establish businesses in the adult us marijuana industry that are from areas of disproportionate impact, specifically Lowell, Social Equity Program participants, residents who have past drug convictions, and residents with parents or spouses who have drug convictions.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within two (2) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Sunday: 7:00 a.m. – 7:00 p.m.



15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit 50% female and 30% minorities, veterans, and people with disabilities for its hiring initiatives.
2	Source 50% of suppliers, contractors, vendors, and wholesale partners that are owned by minorities, women, and veterans.

17. Summary of cultivation plan (if applicable):

The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



WHOLE SUN FARM, LLC
MCN281757

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Whole Sun Farm, LLC
48 Valley Street, Dunstable, MA 01827

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Cultivation – Tier 1 / Outdoor (up to 5,000 sq. ft)

The application was reopened three (3) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

The applicant is not an applicant or licensee for any other license type.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Individual	Role
John Gath	Owner / Partner
Gerald Gath	Owner / Partner
Martha Gath	Owner / Partner

5. List of all required entities and their roles in the Marijuana Establishment:

No other entity appears to have ownership or control over this proposed Marijuana Establishment.

6. Applicant's priority status:

General Applicant



7. The applicant and municipality executed a Host Community Agreement on September 11, 2018.
8. The applicant conducted a community outreach meeting on October 3, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on November 12, 2019 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following goals for its Positive Impact Plan:

#	Goal
1	Recruit 50% of individuals from Lowell for its hiring initiatives.
2	Utilize contractors, suppliers and vendors from areas of disproportionate impact.

SUITABILITY REVIEW

11. There were no concerns arising from background checks on the individuals or entities associated with the application.
12. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational four (4) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Sunday: 7:00 a.m. – 7:00 p.m.
15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.
16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit 50% of woman and 20% of minorities, veterans, people with disabilities and / or individuals who are LBGTQ for its hiring initiatives.

17. Summary of cultivation plan (if applicable):



The applicant submitted a cultivation plan that demonstrates the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

Not applicable.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.



Guidance for Farmers

This guidance was created to provide farmers with answers to frequently asked questions about the marijuana cultivation regulations.

What licenses are available for someone who would like to cultivate Marijuana?

A **Marijuana Cultivator** means an entity licensed to cultivate, process and package Marijuana and to transfer Marijuana to other Marijuana Establishments, but not to Consumers. A **Craft Marijuana Cooperative** is a type of Marijuana Cultivator that is subject to certain limitations on licensure but enjoys certain benefits too. These benefits are discussed on page 2 of this guidance.

- **Marijuana Cultivators** are limited to three licenses, each of which is tied to a single location. A licensee may have no more than 100,000 square feet of **Canopy** across no more than three cultivation licenses.

Canopy means an area to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries. Canopy may be noncontiguous, but each unique area included in the total Canopy calculations shall be separated by an identifiable boundary which includes, but is not limited to interior walls, shelves, Greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total Canopy calculation.

- **Marijuana Cultivators** must select a cultivation tier. The tier level determines the square footage of Canopy that can be cultivated and the application and licensee fees that must be paid:
 - Tier 1: up to 5,000;
 - Tier 2: 5,001 to 10,000;
 - Tier 3: 10,001 to 20,000;
 - Tier 4: 20,001 to 30,000;
 - Tier 5: 30,001 to 40,000;
 - Tier 6: 40,001 to 50,000;



Tier 7: 50,001 to 60,000;
Tier 8: 60,001 to 70,000;
Tier 9: 70,001 to 80,000;
Tier 10: 80,001 to 90,000; and
Tier 11: 90,001 to 100,000.

Craft Marijuana Cooperative means a Marijuana Cultivator comprised of residents of the Commonwealth and formally organized under State law. A cooperative is licensed to cultivate, obtain, Manufacture, Process, package, brand and Transfer Marijuana or Marijuana Products to Marijuana Establishments, but not to Consumers.

- A Craft Marijuana Cooperative may be organized as a:
 - Limited liability company (“LLC”);
 - Limited liability partnership (“LLP”); or
 - A cooperative corporation under the laws of the Commonwealth.
- The members or shareholders of the cooperative must be residents of the Commonwealth for the 12 months immediately preceding the filing of an application for a license.
- One member of the Craft Marijuana Cooperative shall have filed a F (Form 1040), Profit or Loss from Farming within the 5 years prior to application for licensure. See the link for more details on tax forms: <https://www.irs.gov/forms-pubs/about-schedule-f-form-1040>
- The Craft Marijuana Cooperative must operate consistently with the Seven Cooperative Principles established by the International Cooperative Alliance (ICA) in 1995 (the following language is quoted from the ICA):
 - ***Voluntary and Open Membership***
Co-operatives are voluntary organizations, open to all persons able to use their services and willing to accept the responsibilities of membership, without gender, social, racial, political or religious discrimination.
 - ***Democratic Member Control***
Co-operatives are democratic organizations controlled by their members, who actively participate in setting their policies and making decisions. Men and women serving as elected representatives are accountable to the membership. In primary co-operatives members have equal voting rights (one member, one vote) and co-operatives at other levels are also organized in a democratic manner.



- ***Member Economic Participation***

Members contribute equitably to, and democratically control, the capital of their co-operative. At least part of that capital is usually the common property of the co-operative. Members usually receive limited compensation, if any, on capital subscribed as a condition of membership.

Members allocate surpluses for any or all of the following purposes: developing their co-operative, possibly by setting up reserves, part of which at least would be indivisible; benefiting members in proportion to their transactions with the co-operative; and supporting other activities approved by the membership.

- ***Autonomy and Independence***

Co-operatives are autonomous, self-help organizations controlled by their members. If they enter into agreements with other organizations, including governments, or raise capital from external sources, they do so on terms that ensure democratic control by their members and maintain their co-operative autonomy.

- ***Education, Training, and Information***

Co-operatives provide education and training for their members, elected representatives, managers, and employees so they can contribute effectively to the development of their co-operatives. They inform the general public – particularly young people and opinion leaders – about the nature and benefits of cooperation.

- ***Cooperation among Co-operatives***

Co-operatives serve their members most effectively and strengthen the co-operative movement by working together through local, national, regional, and international structures.

- ***Concern for Community***

Co-operatives work for the sustainable development of their communities through policies approved by their members.

Benefits of a Craft Marijuana Cooperative license:

- The Craft Marijuana Cooperative is limited to one license; however, it is not limited in the number of locations it may cultivate.



- Each location combined may cultivate up to 100,000 square feet of canopy provided that for each location over 6 locations, additional application and licensing fees apply to cover the Cannabis Control Commission's (Commission) costs in processing the applications and inspecting the locations. A cooperative must negotiate and execute a Host Community Agreement with the municipality for each location that it operates.
- The cooperative may also conduct Marijuana Product Manufacturer operations at up to three locations.
- Seed-to-sale monthly program fees are waived for cooperatives, but this waiver does not include other costs associated with the Seed-to-sale licensing system, specifically the fees for plant and package tags.
- Members of a cooperative shall not be considered a Person or Entity Having Direct or Indirect Control in any other Marijuana Establishment. Restrictions on Direct or Indirect Control do not prohibit Craft Marijuana Cooperatives for applying for Marijuana Retailer, Marijuana Existing Licensee Transporter, Marijuana Research, or Marijuana Social Consumption Establishment Licenses.

Microbusiness means a Colocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator (5,000 square feet of canopy or less) or Product Manufacturer, or both, and if in receipt of a Delivery Endorsement issued by the Commission, may deliver Marijuana or Marijuana Products produced at the licensed location directly to Consumers in compliance with the operating procedures for each license.

- Most of its executives or members must have been residents of Massachusetts for no less than 12 months prior to application.
- A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of Marijuana per year from other Marijuana Establishments.
- A Microbusiness licensee cannot have an ownership stake in any other Marijuana Establishment except a Social Consumption Establishment.

Benefits of a Microbusiness license:

- Access to applying for a Social Consumption Establishment license.
- Access to receiving a Delivery Endorsement.
- Combined sum of application fees and license fees reduced by 50%.
- Seed-to-sale SOR monthly program fees are waived for Microbusinesses, but this waiver does not include other costs associated with the Seed-to-sale licensing system, specifically the fees for plant and package tags.

What are the fees associated with applying for and maintaining a license?



Application & License Fees. The application and license fees are provided in 935 CMR 500.005(d). There are reduced fees for outdoor cultivation, which is defined as “the cultivation of mature cannabis without the use of artificial lighting in the canopy area at any point in time. Artificial lighting is permissible only to maintain immature plants.”

License Types	Application Fees (Indoor/Outdoor)	Annual License Fee (Indoor/Outdoor)
Indoor or Outdoor Cultivator		
Tier 1: up to 5,000 square feet	\$200 (I)/\$100 (O)	\$1,250 (I)/\$625 (O)
Tier 2: 5,001 to 10,000 sq. ft.	\$400 (I)/\$200 (O)	\$2,500 (I)/\$1,250 (O)
Tier 3: 10,001 to 20,000 sq. ft.	\$600 (I)/\$300 (O)	\$5,000 (I)/\$2,500 (O)
Tier 4: 20,001 to 30,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$20,000 (I)/\$10,000 (O)
Tier 5: 30,001 to 40,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$22,500 (I)/\$11,250 (O)
Tier 6: 40,001 to 50,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$25,000 (I)/\$12,500 (O)
Tier 7: 50,001 to 60,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$30,000 (I)/\$15,000 (O)
Tier 8: 60,001 to 70,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$35,000 (I)/\$17,500 (O)
Tier 9: 70,001 to 80,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$40,000 (I)/\$20,000 (O)
Tier 10: 80,001 to 90,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$45,000 (I)/\$22,500 (O)
Tier 11: 90,001 to 100,000 sq. ft.	\$2,000 (I)/\$1,500 (O)	\$50,000 (I)/\$25,000 (O)
Craft Marijuana Cooperative	Total fees for its canopy. If more than six locations, add \$200 (I)/\$100(O) per additional location.	Total fees for its canopy. If more than six locations, add \$1,250(I)/\$625(O) per additional location.
Microbusiness	\$1,000	50% of all applicable fees
Manufacturing	\$1,500	\$10,000



Independent Testing Laboratory	\$1,500	\$10,000
Retail (brick and mortar)	\$1,500	\$10,000
Third-party Transporter	\$1,500	\$5,000
Existing Licensee Transporter	\$1,000	\$5,000
Research Facility	\$300	\$1,000

Application for Registration Cards for Employees

A Marijuana Establishment agent must register with the Commission. This includes board members, directors, employees, executives, managers, or volunteers of a Marijuana Establishment. A Marijuana Establishment agent also includes a consultant or contractor who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of Marijuana. A Marijuana Establishment agent must be 21 years of age or older. The application and renewal fee for a registration card is \$100.

Once a Marijuana Establishment is operational, additional fees may apply:

Name Change Fee	\$1,000
Location Change Fee	50% of applicable License Fee
Change in Building Structure Fee	\$1,000
Change in Ownership or Control Fee (involving individuals, e.g. change of Board Member)	\$500 per person

Background Checks

Please note that the fees described above do not include fees for background checks. The background check fee is set by the Massachusetts Secretary of Administration and Finance, in consultation with the Massachusetts Secretary of Public Safety and Security and the Commission, to offset the costs of operating and administering a Fingerprint-based criminal background-check system. The Commission may pay the fee or reimburse applicants the fee on a



basis of financial hardship. Guidance on background authorization forms may be found here: <https://mass-cannabis-control.com/wp-content/uploads/2018/06/Guidance-on-Background-Authorization-Form2-.pdf>

Plant Tagging. All Marijuana Establishments must track Marijuana from seed-to-sale using an interoperable database, as well as plant and package RFID tags. There is also a monthly program fee for the software of \$40 per month for each Marijuana Establishment. That fee is waived for Economic Empowerment Applicants, Craft Marijuana Cooperatives, and Microbusinesses. The plant tags are \$00.45 each and the package tags are \$00.25 each.

Tier Expansion & Tier Relegation

Expansion

A Marijuana Cultivator (including a Craft Marijuana Cooperative) may apply to change its cultivation tier at the time of license renewal or 6 months after the issuance of its initial license issuance or license renewal. The tier can either be reduced or expanded.

- If the licensee decides to reduce its tier, the fees already paid for its application or licensee will not be refunded.
- If the licensee decides to expand its tier, it must demonstrate that while cultivating at the top of its production tier, it sold 85% of its product consistently over the 6 months preceding the application for expanded production. The Commission may evaluate sales history, including pricing, to determine whether expansion is appropriate.
- If permitted to expand, the licensee will pay the license fee for the new tier.

Relegation

At renewal, the Commission may relegate a cultivator's tier based on the Marijuana Cultivator's production during the 6 months prior to its application for renewal.

- The Commission may reduce the licensee's maximum canopy to a lower tier if the licensee sold less than 70% of what it produced.
- When determining whether to relegate, the Commission may evaluate the following factors:
 - cultivation and production history, including whether the plants/inventory suffered a catastrophic event during the licensing period;
 - transfer, sales, and excise tax payment history;
 - existing inventory and inventory history; sales contracts;
 - and any other factors relevant to ensuring responsible cultivation, production, and inventory management.
- If relegated to a lower tier, the licensee will pay the license fee for the reduced tier.



Application Process

The Commission's online application process requires the completion of 4 packets: Application of Intent, Background Check, Management and Operations Profile, and Application Fee Payment. To aid applicants in the completion of these documents, there are tutorials on the Commission website (<https://mass-cannabis-control.com/masscip-tutorials/>), as well as guidance documents (<https://mass-cannabis-control.com/wp-content/uploads/2018/04/Guidance-for-Marijuana-Establishment-Licensure-Applicants.pdf>). There is also guidance for municipalities about local controls, such as zoning, in http://mass-cannabis-control.com/wp-content/uploads/2019/03/Final-Draft-Municipal-Guidance-Update-02.25.19_1.pdf, which may also be helpful for applicants to review.

Regarding the Application of Intent, please note that for each location, the applicant will need to file evidence of a properly conducted Community Outreach meeting and certification of a Host Community Agreement, among other requirements. Please refer to the Guidance on Host Community Agreements for more information, found on our website at <https://mass-cannabis-control.com/wp-content/uploads/2018/08/Guidance-on-Host-Community-Guidance.pdf>

***Example:** Craft Cooperative has a large cultivation and processing location in a town. Its members also have smaller cultivation locations in 9 other different communities. For each of the 10 communities, the Craft Cooperative will need to submit Community Outreach documentation and certification of a Host Community Agreement.*

There is no deadline to file an application and there is no cap on the number of licenses that may be issued in the Commonwealth as of the date of publication of this guidance.

Frequently Asked Questions (FAQs)

Does the agricultural exemption in the Zoning Act apply to the cultivation of Cannabis or Marijuana? No. The agricultural exemption in the Zoning Act, G.L. c.40A § 3 ¶1, expressly excludes the cultivation of Marijuana from protection:

For the purposes of this section, the term “agriculture” shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and the sale thereof; provided, however, that the terms agriculture, aquaculture, floriculture and horticulture shall not include the growing, cultivation, distribution or dispensation of marijuana as defined in section 2 of chapter 369 of the acts



of 2012, marihuana as defined in section 1 of chapter 94C or marijuana or marihuana as defined in section 1 of chapter 94G. (emphasis added).

Farmers may wish to check the definition of “agriculture” in their local zoning bylaw or ordinance regarding whether it excludes marijuana cultivation or contact their local building inspector or zoning enforcement officer.

In a Right-to-Farm town, is marijuana cultivation exempted from local restrictions?

A Right-to-Farm bylaw does not typically confer any additional protections from local zoning and licensing restrictions. Instead, it notifies purchasers of property in the town that it is the policy of the town to protect agriculture and provides a means of dispute resolution, while reiterating the protections existing in state law for agriculture. As stated above, the cultivation of Marijuana is not protected under the exemption for agriculture in the Zoning Act, but may be otherwise allowed in your community. Farmers may wish to check their local zoning bylaw or ordinance or contact their local building inspector or zoning enforcement officer.

How do I find out whether my property is zoned to allow marijuana cultivation?

You may review your local zoning bylaws or ordinances, which are often available online, or can ask your local building inspector or zoning enforcement officer.

If my property is Chapter 61A land, may I use it to cultivate adult-use Marijuana for sale?

Farmers should confer with their local Board of Assessors as to whether the cultivation of Marijuana is authorized as an agricultural or horticultural use on their Chapter 61A land.

If my property is subject to an agricultural preservation restriction (APR), may I use it to cultivate Marijuana, if licensed?

Farmers should determine the type of APR they have. If it is an APR regulated by 330 CMR 22.00 and administered by Massachusetts Division of Agricultural Resources (MDAR), the farmer may need to get approval from MDAR and/or the municipality, if it is a co-holder of the deed restriction, prior to engaging in the cultivation of Marijuana. Similarly, if the APR is held by a conservation organization or municipality, the farmer may need to determine whether the cultivation of Marijuana and related activity, such as the construction of structures, is considered permissible under the deed restriction. Farmers are encouraged to seek legal advice. More information on APRs may be found here: <https://www.mass.gov/service-details/agricultural-preservation-restriction-apr-program-details>.

May I use pesticides in the cultivation of Marijuana?



No. Currently, the Environmental Protection Agency (EPA) does not allow the use of a registered pesticide on Marijuana or Hemp. Use of pesticides on Marijuana or Hemp is therefore prohibited in the Commonwealth.

MDAR has jurisdiction over pesticides, including the authority to register products not registered by the EPA, but it does not authorize any pesticides for marijuana cultivation at this time. For more information, please consult MDAR's pesticide policy for the cultivation of Marijuana and Hemp within the Commonwealth, at https://www.mass.gov/files/documents/2018/09/28/MA_Cannabis_Pesticide_Policy.pdf.

There are products that the EPA exempts from registration requirements, as the products or the ingredients within them are considered minimum risk by EPA. Please refer to EPA's website to find more information about products and ingredients that may be exempt from registration requirements: <https://www.epa.gov/minimum-risk-pesticides>.

While the exempt products may be an alternative for pest control, it is important to understand that the use of any product is done at the risk of the cultivator without the benefit of review and testing by the EPA to determine health and safety or other impacts. Marijuana Establishments will be inspected, and Marijuana and Marijuana Products will be tested by the Commission and MDAR for the presence of pesticides. If a pesticide is used in violation of Massachusetts laws on cannabis or pesticides, the Commission and MDAR may take enforcement action.

Can I operate as a CSA (Community Supported Agriculture) operation?

A CSA would need to comply with all applicable regulations regarding seed-to-sale tracking, security, and background checks. Even volunteers need to be registered as Marijuana Establishment agents, particularly if they have access to Marijuana and Marijuana Products. Please review the regulations carefully to determine whether a CSA could be operated in a way that is compliant with the law and regulations. Farmers are encouraged to seek legal advice.

If I receive federal services, such as loans, grants, or nutrient planning services, may I cultivate Marijuana on my property?

Farmers are strongly advised to check with representatives of the federal government before cultivating Marijuana. Farmers may find that federal services will be withheld, even for non-marijuana crops, if a farmer engages in marijuana cultivation on their property.

I hire seasonal help on my farm and the workers are usually under 21 years of age. Can they work with Marijuana or Marijuana products?



No. Only persons 21 years of age or older may work on the premises of a Marijuana Establishment. That means that not only are they restricted from working on your Marijuana or Marijuana Products, they cannot work on other crops on the same premises. If you are working with Marijuana, all workers will need to be 21 years of age or older.

If I have a Craft Marijuana Cooperative with cultivation sites in multiple towns, do I need a Host Community Agreement and community outreach meeting for each town with a cultivation site?

Yes. As discussed above, these regulatory requirements apply to all locations associated with the cultivation license.

Once I have been issued a Craft Marijuana Cooperative license for certain locations, may I add more locations?

Yes, but you will have to apply for approval from the Commission for the change. Among other things, you will be required to show that you have done a community outreach meeting and have a Host Community Agreement. Please note that the amount of canopy square footage is calculated based on the total of all locations, and a Craft Marijuana Cooperative may not exceed the 100,000 square foot limit on canopy.

Questions?

If you have additional questions regarding marijuana cultivation regulations, please contact the Commission at CannabisCommission@State.MA.US or (774) 415-0200.



Guidance on Host Community Agreements

Introduction

This document offers guidance to municipalities and applicants working cooperatively to negotiate and execute a Host Community Agreement (HCA), a municipal process separate and apart from the Cannabis Control Commission's (Commission) licensing process.¹ Before being issued a provisional license to operate as a Marijuana Establishment (ME) or Medical Marijuana Treatment Center (MTC), the applicant and municipality must execute an HCA and the municipality must submit a certification of this agreement to the Commission. See 935 CMR 501.101(1)(a)8; 935 CMR 502.101(1)(a)8.

Obligations for Municipalities

The parties to the HCA are the owners or authorized representatives of the ME or MTC and the contracting authority for the municipality. As with any agreement, the HCA must be negotiated between willing parties to the contract. As with any agreement entered into by a municipality, the municipality and contracting authority have obligations under federal and state law above and beyond M.G.L. c. 94G, § 3, which requires a municipality to act reasonably in negotiating essential terms with the ME or MTC that seeks to operate within its community.

Municipalities should be aware that the negotiation of HCAs have been and may be subject to scrutiny by federal and state law enforcement agencies. Municipalities are encouraged to develop a process that is fair and transparent and that is available to applicants of all types and businesses of all sizes.

There are state resources that municipal officials and members of the public can consult to ensure that HCAs are compliant with state law. The Office of the Inspector General (OIG)² can advise municipalities on whether the terms and conditions of an HCA implicate state

¹ In Mederi, Inc. v. City of Salem, et al, Essex Superior Court Civil Action No. 1877CV01878, the Suffolk Superior Court (Feeley, J.) found as follows:

“As the [Commission] argues, it has been its consistent position that it has no role under Chapter 94G in reviewing the contents of HCAs, and the court agrees. The statute requires as part of a license application the inclusion of a certification that an HCA has been executed. The statute gives the [Commission] no further role in looking beyond the certification to the contents of the HCA. The executed HCA itself is not a required part of the license application submitted to the [Commission].”

² For information about contacting the OIG: <https://www.mass.gov/orgs/office-of-the-inspector-general>



procurement laws. The Department of Revenue (DOR)³ can advise municipalities as to the optional local excise tax.

Getting Started

As noted above, a municipality must act reasonably in negotiating essential terms with the ME or MTC that seeks to operate within its community.

“A [ME or MTC] seeking to operate or continue to operate in a municipality which permits such operation shall execute an agreement with the host community setting forth the conditions to have a [ME or MTC] located within the host community which shall include, but not be limited to, all stipulations of responsibilities between the host community and the [ME or MTC]. An agreement between a [ME or MTC] and a host community may include a community impact fee for the host community; provided, however, that the community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the [ME or MTC] and shall not amount to more than 3 percent of the gross sales of the [ME or MTC] or be effective for longer than 5 years. Any cost to a city or town imposed by the operation of a [ME or MTC] shall be documented and considered a public record as defined by clause Twenty-sixth of section 7 of chapter 4.”

M.G.L. c. 94G, § 3(d).

Required – Basic Terms & Conditions⁴

The only requirements of an HCA are that the HCA identifies “the conditions to have a [ME or MTC] located within the host community” and “all stipulations of responsibilities between the host community and the [ME or MTC].” M.G.L. c. 94G, § 3(d).

As a municipality and applicant can agree on additional terms and conditions that vary widely, the following should not be construed as an exhaustive or exclusive list, but as possible provisions of an HCA:

- [Municipality] agrees to submit to the Commission, or other such licensing authority as required by law or regulation, certification of compliance with applicable local bylaws and ordinances relating to the [ME’s or MTC’s] application for licensure and/or operation where such compliance has been properly met, but makes no representation or promise that it will act on any other license or permit request including but not limited to special permit or other zoning applications submitted by the [ME or MTC] in any particular way other than in accordance with the municipality’s governing laws.
- In the case that the [ME or MTC] desires to relocate within [Municipality], it must first obtain approval of the new location before any relocation of the facility.

³ For information about applicable marijuana retail taxes:

<https://www.mass.gov/regulations/830-CMR-64n-marijuana-retail-taxes>

⁴ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94G/Section3>



- The [ME or MTC] agrees that jobs created at the facility will be made available to [Municipality] residents. [Municipality] residency will be one of several positive factors in hiring decisions at the facility but shall not be determinative and shall not prevent the [ME or MTC] from hiring the most qualified candidates and otherwise complying with all Massachusetts anti-discrimination and employment laws.
- The [ME or MTC] agrees to provide a paid police detail for the purposes of traffic and crowd management during peak hours of operation, which shall include, but may not be limited to, Fridays between []:00 pm – []:00 pm; Saturdays, Sundays, and state holidays.
- A key-and-lock system shall not be the sole means of controlling access to the [ME or MTC]. The [ME or MTC] agrees to implement a method such as a keypad, electronic access card, or other similar method for controlling access to areas in which marijuana or marijuana products are kept in compliance with [935 CMR 500.000 and 501.000].
- Termination of the HCA: The [ME or MTC] may terminate this agreement [] ([]) days after the cessation of operations of any facility within [Municipality]. The [ME or MTC] shall provide notice to [Municipality] that it is ceasing to operate within the [Municipality] and/or is relocating to another facility outside the [Municipality] at least [] ([]) days prior to the cessation or relocation of operations. If the [ME or MTC] terminates this agreement, the final annual payment as defined in paragraph [] of this agreement shall be paid to the [Municipality] by the [ME or MTC]. The [ME or MTC] shall pay the final annual payment to [Municipality] within [] ([]) days following the date of termination.
- The [Municipality] agrees to work with the [ME or MTC], if approved, to assist the [ME or MTC] with community support, public outreach, and employee outreach programs.
- The [ME or MTC] agrees to work collaboratively with the [Municipality] and provide staff to participate in a reasonable number of municipal-sponsored educational programs on public health and drug abuse prevention geared toward public health and public safety personnel.

Optional – Local Excise Tax⁵⁶

Under M.G.L. c. 64H and 64N, the Legislature explicitly authorized municipalities to adopt an optional local excise tax of up to 3%, as applied to retail transactions, in addition to state sales and excise taxes. M.G.L. c. 64H, § 2 and M.G.L. c. 64N, §§2 and 3(a); 830 CMR 64N. 1. 1: Marijuana Retail Taxes. In so doing, the Legislature established the ceiling for state-authorized taxes that may be assessed on MEs (not MTCs):

⁵ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64H/Section2>

⁶ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64N>



- the 6.25% sales tax;
- the 10.75% excise tax on Marijuana and Marijuana Products; and
- the optional 3% local tax, which may be applied to retail sales only.

More information on the tax implications for ME operations is available from DOR at <https://www.mass.gov/marijuana-retail-taxes>.

Optional – Community Impact Fee

Under § 3(d), an HCA may also “include a community impact fee for the host community.” It must be structured appropriately and consistently with § 3(d) and the decisional law on fees. While § 3(d) does not include a definition of what constitutes a “community impact fee” and does not provide for elements of the fee, it does impose other express limitations on any community impact fee included as part of an HCA:

1. The fee must not amount to more than 3% of the gross annual sales of the ME or MTC.
2. It must be “reasonably related to the costs imposed upon the municipality by the operation of the [ME or MTC].”
3. It must be limited to a term of 5 years.

Capped at 3%

The Commission emphasizes that there is a strict limitation on the amount of the community impact fee that a municipality may collect as part of an HCA. The fee is capped at 3% of the ME’s or MTC’s gross annual sales. Thus, any fee that is more than 3% of gross annual sales is not a valid community impact fee. The Commission reiterates that, consistent with the statutory requirement of “reasonable relation” and decisional law on fees, there must be a specificity and proportionality between the cost or impact claimed by the community and the fee required of the ME or MTC.

As discussed below, any fee – whether characterized as a fee, donation, or other exaction, including any assessment above 3% of gross annual sales – must also comply with applicable legal requirements.

Reasonably Related

The Commission views fees that are “reasonably related” as those that compensate the municipality for its anticipated and actual costs resulting from the operation of the ME or MTC. It is important that the fee bears some reasonable relation to the costs of providing municipal services or other benefits to the ME or MTC and not merely be a fee without a sufficient basis and justification.



In accordance with the decisional law on fees, there must be a proportionality between the cost or impact claimed by the community and the fee required of the ME or MTC.⁷ While municipalities have some latitude to plan for expenses, municipalities are encouraged to develop a plan that provides a sufficient basis and justification for requiring the applicant to pay the community impact fee to cover the municipality's anticipated costs and that provides the mechanism to monitor the relationship between the fee and actual costs. When negotiating with MEs or MTCs, municipalities are cautioned against relying on fees that are simply revenue generators and planning their municipal budgets around these fees.

When an ME or MTC renews its license, the host municipality and ME or MTC are encouraged to amend the HCA so that the terms are related to the actual costs incurred by the operation of the ME or MTC.

5-Year Term

The Commission reads the provision that provides "the community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the [ME or MTC] and shall not...be effective for longer than 5 years," as strictly limiting the HCA to a term of 5 years or less.

Both M.G.L. c. 94G, § 3(d) and the Commission's regulations anticipate the collection and publication of additional information on the costs imposed by the operation of ME or MTCs. Thus, the parties' agreement on community impact fees may be renegotiated.

- Parties may consider negotiating a fee with a shorter duration. This may be particularly helpful to reaching an agreement where the parties have difficulty ascertaining unknown costs and wish to revisit the community impact fee once more information relevant to the particular ME or MTC is available.
- At, or before, the conclusion of the term of the preceding community impact fee, the parties may choose to negotiate a new, optional community impact fee which shall similarly be limited to a term of 5 years or less.

Regardless of whether the parties choose to negotiate a new community impact fee, the Commission interprets the strict time limitation of § 3(d) as extinguishing the preceding community impact fee upon the expiration of 5 years or less, whichever was originally agreed to by the parties.

Decisional Law

The Commission also interprets the "community impact fee" as needing to comply with applicable legal requirements established in the decisional law. In the municipal context, "regulatory fees" can be imposed based on the municipality's power to regulate businesses or activities within its borders, but only if certain requirements are met:

⁷ Koontz v. St. John's River Water Management District, 133 S. Ct. 2686 (2013); See also Attorney General's letter on Hanover Annual Town Meeting Warrant Articles #22 and 23 (Zoning), December 1, 2014.



1. The fee must be charged in exchange for a service which benefits the ME or MTC paying the fee in a manner not shared by other members of the public;
2. It is paid by choice, in that the ME or MTC paying the fee has the option of not utilizing the service and thereby avoiding the charge; and
3. It is collected not to raise revenues but to compensate the municipality providing the services for its expenses.

Denver St. LLC v. Town of Saugus, 462 Mass. 651, 652-653 (2012), citing Emerson College v. Boston, 391 Mass. 415, 424-425 (1984).

What is Permissible as Part of a Community Impact Fee?

Some anticipated costs that may reasonably be included in a fee of up to 3% of gross annual sales include services such as:

- Municipal inspection costs;
- Traffic intersection design studies where additional heavy traffic is anticipated because of the location of a retail or social consumption establishment;
- Public safety personnel overtime costs during times where higher congestion or crowds are anticipated;
- Environmental impact or stormwater or wastewater studies anticipated as the result of cultivation; or
- Additional substance abuse prevention programming during the first years of operation.

The aforementioned list is illustrative, not exhaustive or exclusive.

Optional – Additional Fees

While M.G.L. c. 94G, § 3(d) does not preclude fees above and beyond the community impact fee, the Commission has sought clarity from the Legislature as to whether municipalities can exact additional fees for several reasons. Importantly, the imposition of additional fees makes it difficult for applicants and businesses of all sizes to operate within a host community.

As discussed in detail above, a municipality seeking to impose any fee whether characterized as a fee, donation, gift, or other exaction, including any assessment above the 3% community impact fee, must also comply with the applicable legal requirements for regulatory fees. Denver St., supra at 652-653, citing Emerson College, supra at 424-425.

Renewal



Both M.G.L. c. 94G, § 3(d) and the Commission’s regulations anticipate the collection and publication of additional information on the costs imposed by the operation of an ME or MTC in a host community. Section 3(d) provides:

“Any cost to a city or town imposed by the operation of an [ME or MTC] shall be documented and considered a public record as defined by clause Twenty-sixth of section 7 of chapter 4.”

The associated regulations provide:

“A [ME or MTC] shall submit as a component of the renewal application documentation that the establishment requested from its Host Community the records of any cost to a city or town reasonably related to the operation of the establishment, which would include the city’s or town’s anticipated and actual expenses resulting from the operation of the establishment in its community. The applicant shall provide a copy of the electronic or written request, which should include the date of the request, and either the substantive response(s) received or an attestation that no response was received from the city or town. The request should state that, in accordance with M.G.L. c. 94G, § 3(d), any cost to a city or town imposed by the operation of a [ME or MTC] shall be documented and considered a public record as defined by M.G.L. c. 4, § 7, cl. 26.”

935 CMR 500.103; 935 CMR 501.103. Thus, an ME or MTC licensee must seek documentation of the cost imposed by its operations in the host community.

Seeking Counsel & Support

Municipalities, applicants for licensure as an ME or MTC, and licensees are encouraged to seek legal advice from a licensed attorney regarding HCA negotiations.

Other resources that are available:

- Municipalities can seek advice on state procurement laws by contacting the OIG’s Chapter 30B Assistance Hotline at (617) 722-8838.
- Eligible applicants for licensure and licensees may be qualified to receive services through the Commission’s Social Equity Program. If you are a participant in the Social Equity Program or are interested in learning more about the services offered as part of the Social Equity Program, please contact the Commission at (774) 415-0200.
- Individuals concerned about fraud, waste, and abuse can contact the OIG’s Hotline at (800) 322-1323.

Questions?

If you have additional questions regarding Host Community Agreements, please contact the Commission at CannabisCommission@State.MA.US or (774) 415-0200.



GUIDANCE ON PLANS TO POSITIVELY IMPACT DISPROPORTIONATELY HARMED PEOPLE

(REVISED 12/2/19)

PURPOSE

The purpose of this amended guidance is to assist applicants with information on the Cannabis Control Commission (“Commission”) requirement to submit a plan to positively impact people disproportionately harmed by cannabis prohibition. This guidance is not legal advice. If you have questions regarding the legal requirements for licensure and renewal in the Commonwealth, you are encouraged to consult an attorney.

Diagram: People Disproportionately Harmed by Cannabis Prohibition



LEGAL BACKGROUND AND BASIS

The Commission is charged by state law to adopt procedures and policies to promote and encourage full participation in the regulated cannabis industry by individuals from communities disproportionately harmed by cannabis prohibition and enforcement and to positively impact those communities. M.G.L. c. 94G, § 4.

As part of that mandate, the Commission requires every applicant to develop a plan to contribute to this objective.

DISPROPORTIONATELY HARMED PEOPLE

Every applicant seeking licensure must submit its own plan to invest in people who have been disproportionately impacted by cannabis prohibition, specifically the five populations defined by the Commission (see diagram above). When this guidance refers disproportionately harmed people, it refers to these five populations described below.

The first step for the applicant is to decide who the plan is intended to benefit, so that the plan can tailor the goals, programs, and measurements to that specific group. **The five identified populations of disproportionately harmed people that the Positive Impact Plan should impact are the following:**

1. Past or present residents of the geographic “areas of disproportionate impact,” which have been defined by the Commission and identified in its [Guidance for Identifying Areas of Disproportionate Impact](#). Note that some disproportionately impacted geographic locations are cities or towns, and others are neighborhoods identified by census tracts. The designation of these areas will be re-evaluated periodically.
2. Commission-designated Economic Empowerment Priority applicants;
3. Commission-designated Social Equity Program participants;
4. Massachusetts residents who have past drug convictions; and
5. Massachusetts residents with parents or spouses who have drug convictions.

A compliant positive impact plan will be tailored to benefit at least one of the groups identified above. Applicants are encouraged to design plans to benefit more than one identified group.

Commission resources are available to [facilitate services for](#) the Commission-designated groups.

ELEMENTS OF A PLAN

As part of an extensive review of application materials, the Commission will assess the Positive Impact Plan to make sure it includes the following:

1. **Goals:** one or more desired outcomes of the plan;
2. **Programs:** detailed actions, activities, or processes that will be utilized or implemented to achieve the outlined goals; and
3. **Measurements:** specific metrics that will be implemented to assess the progress and success of the program.

Each plan should follow this format to be considered compliant with the Commission’s regulations. Miscellaneous, extraneous, or additional information unrelated to the goals, programs, and measurements of each plan is not necessary and should not be included in the submission.

The following sections will provide guidance on the Commission’s expectations, examples, and additional state requirements that should be included in the plan. The examples provided below

are not an exhaustive list and applicants are encouraged to be innovative while remaining compliant with the Commission's regulations and requirements and any other applicable laws.

GOALS

Each applicant must establish specific goals that will make a positive impact on one or more of the five identified groups of people as identified above. Each plan must clearly list and describe these goals. We encourage you to develop your own goals, especially by taking and considering input from the disproportionately harmed people and/or communities that your plan is intended to impact.

The Commission defines equity as the recognition and accommodation of differences through fairness in process and result to prevent the continuation of an inequitable status quo. Some examples of equity-focused goals include the following:

1. **Reducing barriers to entry in the commercial adult-use cannabis industry for disproportionately harmed people** (specifically list which barriers the plan intends to reduce);
2. **Providing mentoring, professional, and technical services for disproportionately harmed people** (specifically list the services the plan will offer); and
3. **Providing business assets or other benefits for disproportionately harmed people** (specifically list the benefits the plan will provide).

PROGRAMS

Each applicant should develop specific programs to accomplish its stated goals to positively affect disproportionately harmed people and clearly describe the proposed programs in its plan. Please be as specific as possible. We discourage you from creating plans that consist solely of donation-based activities.

You should develop and individualize your own programs to reach your goals. Some examples of programs are below. To prioritize the sentiment, reflections, and perspectives of the people most affected by cannabis prohibition and enforcement, the first four program examples below are those most commonly identified by recent Social Equity Program participants as activities that cannabis businesses should initiate or fund, in the order they were preferred.

1. **Providing grant funding or providing low-interest loans**
This could be accomplished by providing debt and/or equity funding to help businesses founded by disproportionately harmed people with limited net worth and access to traditional sources of capital meet start-up and working capital needs. This funding may take the form of investment vehicles including, but not limited to: standard debt instruments; convertible debt instruments; or equity investment pools with other enterprises.
2. **Creating accelerator or incubator programs**
Such programs for disproportionately harmed people could provide: grants; access and introductions to potential sources of capital; cultivation, manufacturing or retail space;

management training or other forms of industry-specific technical training; mentorship from experts; formation of peer support groups; and other benefits that do not violate the Commission's regulations with respect to limitations on ownership and control.

3. **Providing educational sessions and record sealing/expungement services**

Collaborations with an educational institution such as a community college could be used to provide knowledge, information, and practical skills about the cannabis industry to disproportionately harmed people. Educational events with nonprofit organizations could also make a positive impact. For both types of education, you should document how the programs benefits disproportionately harmed people specifically. Often, educational sessions include a record sealing or expungement component as an additional benefit.

4. **Creating jobs**

This could be accomplished by giving hiring preferences to disproportionately harmed people. If you choose to implement this type of program, your program must affirmatively identify the specific disproportionately impacted people or groups and how you will reach them, and track your progress on an ongoing basis. If your data shows that you are not succeeding in creating jobs for the group(s) you identified, you should adjust your approach in alignment with this goal.

5. **Funding charitable efforts**

Providing assistance to named non-profits and charities whose mission(s) benefit disproportionately harmed people could make a positive impact. You should include the name and mission of a listed non-profit or charity in the plan and how you will ensure that your contributions specifically benefit disproportionately harmed people. Note that if you intend to make monetary donations to nonprofits or charities, you must obtain written correspondence certifying that the nonprofit or charity will accept the donation prior to including it as a component of your plan.

MEASUREMENTS

Each applicant must disclose the specific measurement metrics that will be used in measuring the success of its programs. This is important because upon renewal, the licensee will be required to report, at a minimum, detailed, demonstrative, and quantifiable proof of the establishment's efforts, progress, and success of approved plans.

Therefore, this section of the plan should include both qualitative and quantitative measures ("metrics") that demonstrate the progress or success of the plan. Metrics should have an identified data source and method for tracking that data.

The applicant is responsible for disclosing and tracking the intended measurement metrics. Depending on the stated goals and programs, measurement metrics will vary. You should design your metrics as a practical way to measure your progress toward the goals you set in your plan. Some examples of metrics that could be utilized include the following:

1. Number of employees hired, retained, or promoted that come from disproportionate impacted areas or one of the other groups of people previously identified in this guidance;
2. Number and subject matter of trainings offered and performed, with documentation of attendance by people from disproportionately harmed communities;

3. Number of records sealed or expunged;
4. Specific financial data and/or employee hours showing donations to or investments in specific causes that benefit disproportionately harmed people;
5. Number of businesses owned by disproportionately harmed people that obtained training or assistance from the programs, along with the businesses' assessment of the programs; or
6. Number of businesses or people participating in and successfully paired with the employer through the Commission's Social Equity Program.

ADDITIONAL REQUIREMENTS PERTAINING TO POSITIVE IMPACT PLAN

In addition to those requirements stated above, the Positive Impact Plan require the applicant to affirmatively state the following:

1. The applicant acknowledges and is aware, and will adhere to, the requirements set forth in 935 CMR 500.105(4), which provides the permitted and prohibited advertising, branding, marketing, and sponsorship practices of every Marijuana Establishment; and
2. Any actions taken, or programs instituted, will not violate the Commission's regulations with respect to limitations on ownership or control or other applicable state laws.

TIPS FOR DESIGNING YOUR POSITIVE IMPACT PLAN

When drafting the plan, every applicant should be mindful of the following information:

1. The plan to positively impact disproportionately harmed people is a distinct application requirement. The Positive Impact Plan deals with benefiting areas of disproportionate impact and/or disproportionately harmed people as defined in this guidance. The plan should positively impact one or more of the five identified populations. If it is geographically or otherwise impractical for your business to reach geographic areas of disproportionate impact, consider a plan that focuses on the other four specified groups.
2. You should endeavor to disclose only the information necessary to comply with the requirements of the plan. This plan should be no longer than three pages. You may include appendices; however, this is discouraged, excluding support letters for non-profits accepting monetary donations.
4. Progress on this plan will be evaluated upon license renewal. Please ensure that the plan you submit as part of the application is practical and that you plan to implement and achieve success in the programs you list. We recommend instituting a process to evaluate the progress of your plan quarterly in preparation for demonstrating success upon renewal. Upon license renewal, the Commission shall evaluate any information deemed necessary to assess the bona fide progress of each plan.
5. This revised guidance should be utilized immediately. For compliance purposes, Commission staff will begin reviewing all applications not previously reviewed in accordance with this document upon approval by the Commission.

Memorandum

To: Executive Director Shawn Collins
Cc: Alisa Stack, Chief Operating Officer; Erika Scibelli, Chief of Staff
From: Cedric Sinclair, Director of Communications; Christine Bailey, General Counsel; Alycia DeAngelis, Associate General Counsel
Date: December 4, 2020
Subject: Guidance Document Transition

The Communications and General Counsel departments recently formed a writing team to review and propose updates to several guidance documents including the [Guidance for Consumption of Marijuana for Adult Use](#) and the [Guidance on Distribution](#). The guidance documents were initially developed in the spring of 2018, prior to the development of the statewide public awareness campaign. The writing team recommends phasing the guidance documents out in response to duplicative content on MoreAboutMJ.org, Mass.Gov/MedicalMarijuana, and MassCannabisControl.com. Additionally, any critical content that isn't currently available on the websites would be transitioned to the appropriate outlet as inline copy.

The adult-use consumption guidance is primarily focused on public consumption prohibitions, rights and limitations of home consumption, and private entities that may have more restrictive consumption policies (e.g. landlords, employers, etc.), amongst other guidance. This content has been expanded and is prominently featured in the public awareness campaign and its associated website, billboards, television ads, and social media content. All key content is covered and this document can be removed in whole.

The distribution-focused guidance provides a brief summary of the pertinent laws that govern the gifting of cannabis and the limitations of the practice (e.g. in conjunction with the sale of another item). The guidance document also refers constituents to the Medical-use program's website to identify licensed MTCs that are allowed to deliver cannabis to registered patients. Lastly, a list of civil and criminal penalties associated with the transfer of cannabis and cannabis products to a person under the age of 21 is included. The content's focus areas are featured on a number of Commission outlets including MoreAboutMJ.org, Mass.gov/MedicalMarijuana, and MassCannabisControl.com. The information that is not currently present is captured by broader messages on the outlets or can be added to an existing topic area. For instance, a "Distribution"



tile can be added to the “[Know the Law](#)” page, noting the age limits on distribution and linking to [Section 13: Penalties of 94G](#) for greater detail on the penalties.



Energy and Environment Compiled Guidance

December 2019

Massachusetts Cannabis Control Commission:

Steven J. Hoffman, Chairman

Kay Doyle, Commissioner

Jennifer Flanagan, Commissioner

Britte McBride, Commissioner

Shaleen Title, Commissioner

Shawn Collins, Executive Director

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I. Overview and Applicability

This guidance is not legal advice. It is meant to assist licensed Marijuana Establishments (MEs) with developing best practices in water management and to comply with state laws and regulations. Please consult an attorney if you have any questions regarding the legal requirements that apply.

II. Energy

a. Guidance on Basic Energy Efficiency Practices & Reporting for Marijuana Establishments

The following guidance is provided to assist applicants seeking to be licensed as an adult-use ME under 935 CMR 500.000: Adult Use of Marijuana. This guidance also applies to Medical Marijuana Treatment Centers (MTCs, formerly known as Registered Marijuana Dispensaries), seeking to be licensed under 935 CMR 501.000: Medical Use of Marijuana. Please note that Cultivation Facilities, whether licensed as an ME or MTC (ME/MTC), must also comply with additional requirements set forth in *Guidance on Energy Efficiency Standards & Reporting for Cultivation Facilities* [see page 7].

All applications submitted on or after January 1, 2020, if they are not otherwise exempted, must comply with the energy efficiency standards and reporting requirements described in this guidance. This guidance is not legal advice. If you have questions regarding the legal requirements for licensure in the Commonwealth, you are encouraged to consult an attorney. An ME/MTC is responsible for complying with any revisions to this guidance that may be issued if legal or regulatory requirements change.

Applicants

Consideration of energy efficiency and conservation should occur during the application process



and throughout the operational life of a facility. During the application process, an ME/MTC must submit a summary of their written operating procedures regarding energy efficiency and conservation as part of their Management and Operation Profile in accordance with 935 CMR 500.101(1)(c)10. and 500.105(15), or 935 CMR 501.101(1)(c)10. and 501.105(15). As part of the Architectural Review process, additional information should be submitted at the same time as building plans after receipt of a Provisional License. Please note that applicants seeking a Transporter or Delivery license have different issues, which are addressed in a separate section below. An ME/MTC is required¹ to engage in:

- (1) *Identification of potential energy-use reduction opportunities (such as natural lighting and energy efficiency measures), and a plan for implementation of such opportunities;*
- (2) *Consideration of opportunities for renewable energy generation, including, where applicable, submission of building plans showing where energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable;*
- (3) *Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage); and*
- (4) *Engagement with energy efficiency programs offered pursuant to M.G.L. c. 25, § 21, or through municipal lighting plants.*

The guidance will go through each item above.

Identification of potential energy-use reduction opportunities and a plan for implementation of such opportunities.

There are many opportunities in an ME/MTC to reduce energy usage and costs through energy efficient equipment and operations. Lighting is a major energy user in everything from retail spaces, to cultivation, and back-office operations. Heating and air conditioning are also large drivers of energy use for all buildings in the Northeast. It is recommended that the design team for an ME/MTC include energy professionals who will review facility and equipment needs and make recommendations for optimal facility equipment choices based on energy usage.

The applicant must address how its written operating procedures in the Management and Operations Profile packet will incorporate the following elements:

¹ 935 CMR 500.105(1)(q) & 500.105(15); 935 CMR 501.105(1)(q) & 501.105(15).



- Description of how the ME/MTC will monitor energy consumption and make adjustments to operations based on energy-usage data;
- Procedures for identifying energy savings opportunities as part of any facility upgrades, renovations, or expansions; and
- Procedures for identifying energy savings opportunities when equipment fails and needs to be replaced.

At the Architectural Review stage, further information should be submitted to demonstrate actual consideration of energy reduction opportunities, including a list of energy reduction opportunities that were considered. Information should include whether opportunities are being implemented, will be implemented at a later date, or not planning to be implemented. An ME/MTC should also include a summary of information that was considered to make the decision (i.e. costs, available incentives, and bill savings). As a general matter, submission of a Mass Save® or municipal light plant (MLP) audit report or rebate applications should suffice to demonstrate compliance with this item.

Consideration of opportunities for renewable energy generation, including, where available, submission of building plans showing where energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable.

Renewable energy such as solar panels, wind turbines, and renewable thermal can reduce and stabilize energy costs for an ME/MTC. The applicant must address how its written operating procedures in the Management and Operations Profile packet will incorporate the following elements:

- Description of how the ME/MTC will make energy supply decisions and regularly evaluate renewable options;
- Procedures for identifying renewable or alternative energy opportunities as part of any facility upgrades, renovations, or expansions; and
- Procedures for identifying renewable or alternative energy opportunities when equipment fails and needs to be replaced.

At the Architectural Review stage, further information should be submitted to demonstrate actual consideration of renewable energy generation opportunities, including a list of renewable or alternative energy reduction opportunities that were considered. Information should include whether opportunities:

- are being implemented;
- will be implemented at a later date; or
- are not planned to be implemented.



An ME/MTC should include a summary of information that was considered to make a decision (i.e. costs, available incentives, and bill savings). ME/MTCs should consider incentives through programs which can help offset costs of renewable and alternative energy installation, such as:

- Massachusetts Department of Energy Resources' Solar Massachusetts Renewable Target (SMART) (<http://masmartsolar.com/>);
- Renewable Portfolio Standard (<https://www.mass.gov/guides/rps-class-i-and-class-ii-statement-of-qualification-application>); and
- Alternative Portfolio Standard (<https://www.mass.gov/guides/aps-renewable-thermal-statement-of-qualification-application>; <https://www.mass.gov/guides/apply-to-the-aps-chp-flywheel-storage-and-fuel-cells>).

Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage).

Demand is how much electricity an ME/MTC can use at a given time in its facility – more demand means more electricity capacity is needed, and an ME/MTC pays for this capacity on electricity bills.

The applicant must address how its written operating procedures in the Management and Operations Profile packet will incorporate the following elements:

- Description of how the ME/MTC will monitor energy demand and make adjustments to operations based on data; and
- Procedures for participation in load curtailment, energy storage, or other active demand management programs (as applicable).

At the Architectural Review stage, further information should be submitted to demonstrate actual consideration of demand reduction opportunities, including whether opportunities are being implemented, will be implemented at a later date, or not planning to be implemented. Include a summary of information that was considered to make a decision (i.e. costs, available incentives, and bill savings). As a general matter, submission of a Mass Save® or MLP audit report or rebate applications should suffice to demonstrate compliance with this item.

Engagement with energy efficiency programs offered pursuant to M.G.L. c. 25, § 21, or through municipal lighting plants.

The Mass Save® programs (<https://www.masssave.com/en/saving/business-rebates/>) provide financial incentives for energy efficiency and demand reduction measures, including efficient lighting, heating ventilation and air conditioning (HVAC), and other equipment. These programs



are available to homes and businesses across the Commonwealth. For communities where Mass Save® is not available, please engage with the local MLP (<http://www.mmwecgoprogram.org>, <https://www.ene.org/energy-efficiency/>).

The applicant must address how its written operating procedures in the Management and Operations Profile packet will incorporate regular engagement with energy efficiency programs (account representative, vendors, etc.) to ensure awareness of new opportunities and incentives. At the Architectural Review stage, further information should be submitted to demonstrate actual engagement with energy efficiency (Mass Save® or MLP) programs and any financial incentives received. As a general matter, submission of a Mass Save® or MLP audit report or rebate applications should suffice to demonstrate compliance with this item.

Transporters and Delivery

Transporters and delivery operators are different from other license types because their energy use is derived primarily from vehicles instead of buildings.

Vehicles that use alternative fuels – such as biodiesel, electricity, and natural gas – help to reduce carbon emissions and increase our energy security. In the Management and Operations profile, the applicant must describe how it will make fleet decisions and affirm that it will regularly evaluate alternative fuel vehicle options. At the Architectural Review stage, the applicant must submit a narrative describing the process the Transporter or Delivery operation used to select vehicles to be used in operations, and if alternative fuel vehicles are not being used, a detailed explanation of why other vehicle fuel sources were selected. A description of any other energy and water conservation strategies employed at the physical facility for transportation and delivery (e.g. garage, dispatch) should also be included.

Conclusion

Application sections pertaining to energy are reviewed for compliance with 935 CMR 500.000 & 501.000 and for completeness. The regulations and guidance are designed to ensure that an ME/MTC considers how to optimally use energy early in the facility design process, and continually assess new opportunities for reduced energy usage and costs. Licensees should use best management practices to reduce energy and water usage, engage in energy conservation, and mitigate other environmental impacts. Licensees are also required to meet all applicable environmental laws, regulations, permits, and other applicable approvals, including those related to water quality and solid and hazardous waste management, prior to obtaining a final license. At this time, the Cannabis Control Commission (Commission) deems compliance with the operational requirements of the regulations, as described above, to constitute best management



practices as related to energy usage and conservation. Cultivation facilities should maintain policies and procedures addressing all efforts to mitigate environmental impacts, as required under 935 CMR 500.120(12)(e) and 935 CMR 501.120(13)(e). Applicants will be responsible for complying with any revisions to this guidance that may be issued if legal or regulatory requirements change.

Other Helpful Resources

License applicants can use this guidance to learn more about how to comply with the energy usage requirements set forth in the following sections of 935 CMR 500.000 and 501.000:

- 935 CMR 500.040(3)(c) – Energy and Environmental Leader Award
- 935 CMR 500.103(1)(b) & 501.103(1)(a) – Architectural Review, Energy Letters
- 935 CMR 500.103(1)(f) & 501.103(1)(e) – Provisional License, Energy Letters
- 935 CMR 500.103(4)(c),(d) & 501.103(4)(c),(d) – Renewal, Energy Letters
- 935 CMR 500.105(1)(q) & 501.105(1)(q) – Written Operating Procedures
- 935 CMR 500.105(13)(h) & 501.105(13)(h) – General Operating Requirements / Transporters
- 935 CMR 500.105(15) & 501.105(15) – General Operating Requirements / Energy Efficiency and Conservation
- 935 CMR 500.120(11) – Marijuana Cultivators
- 935 CMR 501.120(11) – Additional Operational Requirements for the Cultivation, Acquisition, and Distribution of Marijuana
- 935 CMR 500.130(3) & (5)(e) – Marijuana Product Manufacturers
- 935 CMR 501.130(3) – Additional Operational Requirements for Handling and Testing Marijuana and for Production of Marijuana-Infused Products (MIPs)

b. Guidance on Energy Efficiency Standards & Reporting for Cultivation Facilities

The following guidance is provided to assist indoor cultivation facilities, whether they are licensed as a Craft Cooperative, Microbusiness, or Marijuana Cultivator under 935 CMR 500.000: *Adult Use of Marijuana*, or as an MTC to cultivate cannabis under 935 CMR 501.000: *Medical Use of Marijuana*. All relevant entities are referenced as “Cultivation Facilities” in this guidance. Indoor operations associated with outdoor cultivation are also subject to these requirements. Please note that Cultivation Facilities must also meet the requirements in the



Guidance on Basic Energy Efficiency Practices & Reporting for Marijuana Establishments [see page 2].

This guidance, in conjunction with applicable regulations, establish the requirements for licensure in the Commonwealth. This guidance is not legal advice. If you have questions regarding the legal requirements for licensure in the Commonwealth, you are encouraged to consult an attorney. Cultivators are responsible for complying with any revisions to this guidance that may be issued if legal or regulatory requirements change.

Applicability

All applications for initial licensure or renewal submitted on or after January 1, 2020, if they are not otherwise exempted, must comply with the energy efficiency standards and reporting requirements described in this guidance. A co-located ME and MTC with a final Certificate of Licensure before November 1, 2019 shall have until January 1, 2020 to comply with 935 CMR 500.120(11), except that any additions to or renovations to a facility must comply with 935 CMR 500.120(11). An MTC with a final Certificate of Licensure before November 1, 2019 and that is not co-located with an ME shall have until January 1, 2021 to comply with 935 CMR 501.120(11), except that any additions to or renovations to a facility must comply with 935 CMR 501.120(11). An ME or MTC may apply for an additional six-month extension beyond the date applicable to it, if it agrees to install meters to monitor energy usage, water usage, and other data determined by the Commission, as well as provide reports on energy usage, water usage, waste production and other data in a form and manner determined by the Commission.

Overview

Cannabis cultivation uses significant energy, primarily because of three energy uses: (i) horticultural lighting; (ii) dehumidification; and (iii) HVAC. To mitigate the impact of increased energy usage, and associated costs and greenhouse gas emissions, specific operational requirements have been adopted for Cultivation Facilities in the adult-use and medical-use marijuana regulations.²

To document compliance with the energy efficiency requirements of the regulations, materials must be submitted at three different points in the licensure/renewal process and be maintained throughout operations:

- Application: A Cultivation Facility must maintain written operating procedures that demonstrate compliance with the energy efficiency standards in the regulations. A

² 935 CMR 500.120 (11) & (12); 935 CMR 501.120 (11) & (12).



summary of such procedures must be submitted as part of the Management and Operations Profile³;

- Architectural Review: As part of the Architectural Review process, building and equipment information should be submitted at the same time as building plans after receipt of a Provisional License;⁴ and
- Operations & Renewal: A Cultivation Facility must continue to maintain written operating procedures on energy usage for the duration of its operations. When it comes time for renewal, a Cultivation Facility must provide information regarding its energy and water consumption usage.⁵ This information must be included every year that a renewal application is submitted.

Application: Demonstrating Compliance with Energy Efficiency Standards in the Management and Operations Profile

Cultivation Facilities must, in addition to the other materials submitted as part of the Management and Operations Profile, submit a summary of their written operating procedures that demonstrate compliance with energy efficiency standards.⁶ Please complete the basic summary required in the *Guidance on Basic Energy Efficiency Practices & Reporting for Marijuana Establishments [see page 2]*. In addition to the basic summary required of all MEs, a Cultivation Facility must address how its written operating procedures will incorporate the following additional elements:

1. How the cultivator will ensure on a regular basis that equipment is maintained, calibrated and operating properly, including maintain operations manuals and operating procedures for all major energy using equipment, including, but not limited to horticultural lighting, HVAC systems, dehumidification systems.
2. How the cultivator regularly assesses opportunities to reduce energy and water usage, which should include:
 - a. Identification of potential energy use reduction opportunities (such as natural lighting and energy efficiency measures), and a plan for implementation of such opportunities;
 - b. Consideration of opportunities for renewable energy generation, including, where applicable, identification of building plans, available upon inspection, showing where

³ 935 CMR 500.101(1)(c)(10) & 500.120(12)(e); 935 CMR 501.101(1)(c)(10) & 501.120(13)(e).

⁴ 935 CMR 500.103(1); 935 CMR 501.103(1).

⁵ 935 CMR 500.103(4)(c) & 120(11); 935 CMR 501.103(4)(c) & 120(11).

⁶ 935 CMR 500.101(1)(c)(10) & 500.120(12)(e); 935 CMR 501.101(1)(c)(10) & 501.120(13)(e).



- energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable;
- c. Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage); and
 - d. Engagement with energy efficiency programs offered pursuant to M.G.L. c. 25, § 21, or through municipal lighting plants.

Architectural Review: Letters and Supporting Documentation

As part of the Architectural Review process, Cultivation Facilities must document compliance with the energy requirements by submitting an energy compliance letter prepared by a Massachusetts Licensed Professional Engineer or Massachusetts Licensed Registered Architect with supporting documentation, together with submission of building plans.

For a Microbusiness or Craft Marijuana Cooperative with a cultivation location sized as Tier 1 or Tier 2, or such other Cultivation Facilities meeting the requirements of 935 CMR 500.850: *Waivers*, there are additional options. They may demonstrate compliance with any of the requirements of 935 CMR 500.120(11) through an energy compliance letter or updated energy compliance letter prepared by one or more of the following energy professionals:

1. A Certified Energy Auditor certified by the Association of Energy Engineers;
2. A Certified Energy Manager certified by the Association of Energy Engineers;
3. A Massachusetts Licensed Professional Engineer; or
4. A Massachusetts Licensed Registered Architect.

In addition, all facilities regardless of compliance path shall provide third-party safety certification for lighting products by an Occupational Safety and Health Administration (OSHA), Nationally Recognized Testing Laboratory (NRTL), or Standards Council of Canada (SCC)-recognized body, which shall certify that the products meet a set of safety requirements and standards deemed applicable to horticultural lighting products by that safety organization.

The following paragraphs provide guidance regarding the necessary components of the contents of the Energy Compliance Letter.

Building Envelope

A building envelope is what separates the outside from the inside of a building. Building envelope items include insulation, roofs, windows, doors, walls, etc. Having a tight building envelope is fundamental to good energy performance. Poor performing building envelopes



results in wasted energy, increase energy costs, and may have ancillary impacts like neighbor smell complaints.

The regulations identify specific ways to demonstrate compliance regarding a Marijuana Establishment's building envelope as follows:⁷

The building envelope for all facilities, except greenhouses, must meet minimum Massachusetts Building Code requirements and all Massachusetts amendments (780 CMR: State Building Code), International Energy Conservation Code (IECC) Section C.402, or The American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE) Chapters 5.4 and 5.5 as applied or incorporated by reference in 780 CMR: State Building Code, except that facilities using existing buildings may demonstrate compliance by showing that the envelope insulation complies with code minimum standards for Type Factory Industrial F-1, as further defined in guidelines issued by the Commission.

An Energy Compliance Letter submitted as part of the Architectural Review must include a narrative confirming compliance with the building envelope requirements and the output from COMcheck™ software used to show building envelope compliance with Massachusetts Building Code, 780 CMR.

Lighting

When discussing horticultural lighting, it is helpful to be aware of the following definitions in the regulations:⁸

Canopy means an area to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries, Canopy may be noncontiguous, but each unique area included in the total Canopy calculations shall be separated by an identifiable boundary which include, but is not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total Canopy calculation.

Horticultural Lighting Equipment (HLE) means any lighting equipment (e.g. fixtures, bulbs, ballasts, controls, etc.) that uses energy for the cultivation of plants, at any stage of

⁷ 935 CMR 500.120(11)(a); 935 CMR 501.120(12)(a).

⁸ 935 CMR 500.002, 500.120(11)(h) and 501.120(12)(g).



growth (e.g. germination, cloning/mother plants, propagation, vegetation, flowering, and harvest).

Horticulture Lighting Square Footage (HLSF) means Canopy.

Horticulture Lighting Power Density (HLPD) is a measure of total watts of HLE per total Horticulture Lighting Square Footage ($HLE / HLSF = HLPD$), expressed as number of watts per square foot.

Indoor and some greenhouse cultivators use HLE to grow plants. These lights are very powerful and have significantly higher energy use and light intensity compared to typical screw-in light bulbs. As there are numerous horticultural lighting technology options, the regulations set forth two lighting compliance options to provide flexibility for Cultivators to make technology decisions that meet the requirements.⁹

It is important to note that long-term exposure to horticultural lighting may impact vision. Eye safety protocols must be established prior to the time of initial operations and regularly updated and implemented as part of the Cultivation Facility's detailed written operating procedures.

These eye protection requirements are in addition to any other safety protocols required under state, federal, or local law (e.g. OSHA).

Cultivators must demonstrate compliance with either: (1) the HLPD standard; or (2) the Horticultural Lighting Qualified Product List (Horticultural QPL):

1. HLPD: HLPD must not exceed 36 watts per gross square foot, but for Tier 1 and Tier 2 which must not exceed 50 watts per square foot.

HLPD is a measure of total watts of Horticultural Lighting Equipment per total Horticulture Lighting Square Footage, expressed as number of watts per square foot.
($HLE / HLSF = HLPD$)

2. Horticultural QPL: All horticultural lighting used in a facility must be:

⁹ 935 CMR 500.120 (11)(b); 935 CMR 501.120 (12)(b).



- a. listed on the current Design Lights Consortium Solid-State Horticultural QPL or other similar list approved by the Commission as of the date of license application, AND
- b. lighting Photosynthetic Photon Efficacy (PPE) is at least 15 percent above the minimum Horticultural QPL threshold rounded up to the nearest 0.1 micromoles per joule ($\mu\text{mol/J}$).

The HLPD Energy Compliance Letter submitted as part of the Architectural Review must contain the following regarding horticultural lighting:

1. The letter must include the calculations that show compliance with the HLPD requirements;
2. Narrative explanation of how the facility complies with 935 CMR 500.120(11)(b) or 501.120(12)(b), supported by copies of the facility lighting schedule, square footage of canopy, description of HLE, number, type, and wattage of all HLE;
3. Cutsheets for all HLE to be submitted as part of the Architectural Review;
4. Detailed identification of the stamped plans showing the layout of all HLE, which means any lighting equipment (e.g. fixtures, bulbs, ballasts, controls, etc.) that uses energy for the cultivation of plants, at any stage of growth (e.g. germination, cloning/mother plants, propagation, vegetation, flowering, and harvest), such plans must be available immediately upon inspection and two copies of the plans must be available for immediate surrender upon request;
5. Detailed identification of the stamped plans showing the areas considered as HLSF, such plans must be available immediately upon inspection and two copies of the plans must be available for immediate surrender upon request;
6. Description of an eye safety plan that includes the following:
 - a. Safety protocols related to eye safety for those exposed to horticultural lighting;
 - b. Communication plan for how eye safety protocols will be communicated to employees;
 - c. Description of how protective eyewear will be provided for anyone coming in to contact with active horticultural lights;
 - d. Description of signage that will be used to remind workers of eye safety;
 - e. Affirmation that the safety protocols will be reviewed and updated by the Cultivation Facility on an annual basis.

The Horticultural QPL Energy Compliance Letter submitted as part of the Architectural Review must contain the following regarding horticultural lighting:



1. Narrative explanation of how the facility complies with 935 CMR 500.120(11)(b) or 501.120(12)(b), supported by copies of the facility lighting schedule, square footage of canopy, description of HLE, number, type and wattage of all HLE;
2. Cutsheets for all HLE to be submitted as part of the Architectural Review;
3. Description of an eye safety plan that includes the following:
 - a. Safety protocols related to eye safety for those exposed to horticultural lighting;
 - b. Communication plan for how eye safety protocols will be communicated to employees;
 - c. Description of how protective eyewear will be provided for anyone coming in to contact with active horticultural lights;
 - d. Description of signage that will be used to remind workers of eye safety.
 - e. Affirmation that the safety protocols will be reviewed and updated by the Cultivation Facility on an annual basis.

HVAC & Dehumidification Systems

HVAC as well as dehumidification are primary drivers of energy use in a Cultivation Facility. Air conditioning is used to cool the air to offset heat generated from lighting. Dehumidification is necessary to remove water, used by plants, from the air.

The regulations¹⁰ require HVAC and dehumidification systems to meet Massachusetts Building Code requirements, 780 CMR, which in turn incorporates Chapter 403 of the International Energy Conservation Code (IECC) and Chapter 6 of the American Society of Heating, Refrigerating and Air-Conditioning Engineers Handbook. To demonstrate compliance, a Cultivation Facility must provide a certification from a Massachusetts Licensed Mechanical Engineer that the HVAC and dehumidification systems meets the Massachusetts State Building Code as specified in the regulations and that such systems have been evaluated and sized for the anticipated loads of the facility.

The Professional Engineer (PE) providing the Energy Compliance Letter may also serve as a Licensed Mechanical Engineer, if the PE license covers mechanical engineering. The letter must include the following information:

- Certification from a Massachusetts Licensed Mechanical Engineer that the HVAC and dehumidification systems meet the Massachusetts State Building Code, and that HVAC and dehumidification equipment have been evaluated and sized for the loads of the facility;

¹⁰ 935 CMR 500.120(11)(c); 935 CMR 501.120(12)(c).



- Total of tons of refrigeration (TR), thousands of British thermal units (BTUs) per hour (MBH), and a listing of all HVAC equipment to be installed. The information provided in the letter must be supported by equipment data sheets available immediately upon request.
- Total of tons of dehumidification (TD), and a listing of all dehumidification equipment to be installed, supported by equipment data sheets.
- Details about energy recovery equipment installed as part of the ventilation system.
- A listing of all odor mitigation equipment to be installed. The information provided in the letter must be supported by equipment data sheets available immediately upon request.

Exemptions

Indoor cultivation facilities may be exempt¹¹ from the regulatory requirements for horticultural lighting, HVAC, and dehumidification systems if they are generating 80% or more of the total annual onsite energy use for all fuels (expressed on a MWh basis) from:

1. a clean or renewable generating source; or
2. renewable thermal generation.

A “clean or renewable resource” should be understood to refer to renewable energy generating sources, as provided in M.G.L. c. 25A, § 11F and regulations promulgated thereunder, or renewable thermal generating sources, as provided in M.G.L. c. 25A, § 11F½ and regulations promulgated thereunder.

As of September 2019, acceptable renewables technologies include the following:

1. Renewable Generation Unit as defined by 225 CMR 14
(<https://www.mass.gov/guides/rps-class-i-and-class-ii-statement-of-qualification-application>)
 - a. Solar photovoltaic or solar thermal electric energy
 - b. Wind energy
 - c. Ocean thermal, wave, or tidal energy
 - d. Fuel cells using eligible Renewable Energy Portfolio Standard (RPS) Class I renewable fuel
 - e. Landfill methane gas
 - f. Hydroelectric

¹¹ 935 CMR 500.120(11)(e); 935 CMR 500.120(12)(e).



- g. Low-emission, Advanced Biomass Power Conversion Technologies using Eligible Biomass Fuel
 - h. Marine or hydrokinetic energy
 - i. Geothermal energy
- 2. Renewable Thermal Generation Unit as defined by 225 CMR 16 (<https://www.mass.gov/guides/aps-renewable-thermal-statement-of-qualification-application>)
 - a. Air-Source Heat Pump
 - b. Ground Source Heat Pump
 - c. Deep Geothermal Heat Exchange
 - d. Solar Thermal
 - e. Woody Biomass
 - f. Biogas
 - g. Liquid Biofuels
 - h. Compost Heat Exchange System

Additionally, the Cultivation Facility must document that renewable energy credits or alternative energy credits representing the portion of the Licensee's energy usage not generated onsite has been purchased and retired on an annual basis.

In order to demonstrate eligibility for the exemption, a Cultivation Facility must submit an Energy Compliance Exemption Letter, demonstrating exemption as part of Architectural Review.

The letter must be provided by someone with the same qualifications as for the Energy Compliance Letter and include:

1. Description of clean or renewable energy system, including an attestation that the system meets eligibility requirements above. This requirement can be satisfied by providing an RPS or APS Conditional Statement of Qualification approved by the Department of Energy Resources.
2. Energy usage calculations for the facility, supported by building plans and energy models, including inputs and outputs by end use.
3. Clean or renewable energy generation calculations for the facility, supported by building plans and energy models, including inputs and outputs by end use.
4. Written plan on how Renewable Energy Certificates (RECs) or Alternative Energy Credits (AECs) will be generated and retired on at least an annual basis. Note that the option of retiring RECs and AECs is available only to demonstrate



the portion of energy usage *not* generated for onsite use (maximum of 20% of total onsite energy usage).

5. HVAC information, including:
 - a. Certification from a Massachusetts Licensed Mechanical Engineer that the HVAC and dehumidification systems meet the Massachusetts State Building Code, and that HVAC and dehumidification equipment have been evaluated and sized for the loads of the facility.
 - b. Total of TR, thousands of BTUs per hour (MBH), and a listing of all HVAC equipment to be installed. The information provided in the letter must be supported by equipment data sheets available immediately upon request.
 - c. Total of TD, and a listing of all dehumidification equipment to be installed, supported by equipment data sheets.
 - d. Details about energy recovery equipment installed as part of the ventilation system.
 - e. A listing of all odor mitigation equipment to be installed. The information provided in the letter must be supported by equipment data sheets available immediately upon request.
6. Description of an eye safety plan that includes the following:
 - a. Safety protocols related to eye safety for those exposed to horticultural lighting;
 - b. Communication plan for how eye safety protocols will be communicated to employees;
 - c. Description of how protective eyewear will be provided for anyone coming in to contact with active horticultural lights;
 - d. Description of signage that will be used to remind workers of eye safety.
 - e. Affirmation that the safety protocols will be reviewed and updated by the Cultivation Facility on an annual basis.

Operations & Renewal

A Cultivation Facility shall continue to maintain written operating procedures on energy usage for the duration of its operations. Cultivation Facilities should continuously re-evaluate opportunities for energy conservation and the mitigation of their environmental impact as their operations are ongoing.



A Cultivation Facility, whether operated by a Marijuana Cultivator or an MTC, must provide energy and water reporting as part of the annual license renewal requirement.¹² All Cultivation Facilities are subject to this requirement, regardless of whether they file a Letter of Compliance or a Letter of Compliance Exemption. This guidance document outlines the steps that Cultivation Facilities should take to be in compliance with this reporting requirement.

Requirements: Based on the previous 12-month period, a Cultivation Facility must provide energy consumption by fuel (monthly, including consumption and demand), water consumption (gallons per month), on-site energy generation (monthly), and cannabis yield by weight (annual).

Timing: The required information must be included as part of the licensee's completed renewal application as outlined in 935 CMR 500.103(4)(c) and 935 CMR 501.103(4)(c). This information must be included every year that a renewal application is submitted. Please note that if a Cultivation Facility has filed its renewal application prior to January 31, 2020 without complying with the documentation requirements for renewal as described in the regulations and this guidance or applying for an Energy Reporting Extension (if eligible), a condition will be placed on its renewal that the documentation must be filed within 60 days. All applications for renewal filed on or after February 1, 2020 must include the required documentation.

Annual Energy and Environmental Reporting

1. Facilities should use the Cannabis PowerScore for annual reporting for electricity consumption. If non-electric fuels, such as natural gas consumption, other delivered fuels or clean or renewable energy generation are not yet available on the Cannabis PowerScore at the time of renewal, facilities may submit monthly usage information in a separate format.
2. It is recommended to create an account on <https://www.cannabispowerscore.org> by clicking the "sign up" link, this will allow you to save work and return to it later. Creating an account is not required.
3. Complete information about your facility. The more information provided, the more you will learn in comparing to other facilities.
4. On the annual totals page, a Cultivator will provide the following information:
 - a. Monthly
 - i. Electricity consumption (kWh and KW)
 - ii. Natural gas consumption (Therms) (*if available*)
 - iii. Other delivered fuels (specify fuel, gallons) (*if available*)

¹² 935 CMR 500.103(4) and 935 CMR 501.103(4).



- iv. Water consumption (gallons)
 - v. Clean or renewable energy generation (kWh) *(if available)*
 - b. Annual
 - i. Total cannabis flower and byproduct (grams)
- 5. Complete your submission.
- 6. Print final Cannabis PowerScore report and include as part of renewal application. Please ensure the following information is included on the printed submission:
 - a. Cannabis PowerScore report number
 - b. Production efficiency – grams per kwh
 - c. Monthly energy consumption/generation and water usage breakdown

Update Energy Compliance Letter or Energy Compliance Exemption Letter

If any information reflected in the Energy Compliance Letter or Energy Compliance Exemption Letter, including plans or other technical information, has changed, an updated letter and any required supporting documentation must be filed together with the renewal application.

NOTE: Cultivation Facilities that did not submit an Energy Compliance Letter or an Energy Compliance Exemption Letter as part of initial licensure must submit these letters and any other required documentation explained in this guidance at the time of the renewal application, subject to the timing allowances explained above.

Conclusion

Application sections pertaining to energy are reviewed for compliance with 935 CMR 500.000 or 935 CMR 501.000, as applicable, and for completeness. The regulations and guidance are designed to ensure that Cultivation Facilities consider how to optimally use energy early in the facility design process, and continually assess new opportunities for reduce energy usage and costs. Current regulations¹³ require that Cultivation Facilities use best management practices to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts. At this time, the Commission deems compliance with the operational requirements, as described above, to constitute best management practices as related to Cultivation Facilities. Cultivation facilities should maintain policies and procedures addressing all efforts to mitigate environmental impacts, as required under 935 CMR 500.120(12)(e) and 501.120(13)(e).

Applicants will be responsible for complying with any revisions to this guidance that may be issued if legal or regulatory requirements change.

¹³ 935 CMR 500.120(11) and 935 CMR 501.120(11) & (12).



Other Helpful Resources

License applicants can use this guidance to learn more about how to comply with the energy usage requirements set forth in the following sections of 935 CMR 500.000 and 501.000:

- 935 CMR 500.040(3)(c) – Energy and Environmental Leader Award
- 935 CMR 500.103(1)(b) & 501.103(1)(a) – Architectural Review, Energy Letters
- 935 CMR 500.103(1)(f) & 501.103(1)(e) – Provisional License, Energy Letters
- 935 CMR 500.103(4)(c),(d) & 501.103(4)(c),(d) – Renewal, Energy Letters
- 935 CMR 500.105(1)(q) & 501.105(1)(q) – Written Operating Procedures
- 935 CMR 500.105(13)(h) & 501.105(13)(h) – General Operating Requirements / Transporters
- 935 CMR 500.105(15) & 501.105(15) – General Operating Requirements / Energy Efficiency and Conservation
- 935 CMR 500.120(11) – Marijuana Cultivators
- 935 CMR 501.120(11) – Additional Operational Requirements for the Cultivation, Acquisition, and Distribution of Marijuana
- 935 CMR 500.130(3) & (5)(e) – Marijuana Product Manufacturers
- 935 CMR 501.130(3) – Additional Operational Requirements for Handling and Testing Marijuana and for Production of MIPs



c. Grandfathering & Energy Extension Reporting

Grandfathering

For adult-use cultivation facilities, the requirement to comply with the energy efficiency and equipment standards has been in effect as of March 23, 2018. MTCs with a final certificate of registration before March 15, 2018 who sought an adult cultivation license were given an additional 12 months to comply, until March 23, 2019. The regulations were amended again to give these operators an additional 9 months to comply, until January 1, 2020. The Commission has voted to delay enforcement until January 31, 2020 to allow additional time for implementation. The same date applies to cultivation facilities that are co-located medical and adult use. Facilities that are only medical have until January 1, 2021 to comply.

The regulations also permit licensees to apply for a 6-month extension to the deadline if they agree to submit quarterly reports to the Commission regarding their energy and environmental impact.

III. Best Management Practices

a. Guidance on Best Management Practices for Water Use

Cannabis, whether in the form of industrial hemp or marijuana, has varying requirements in water and nutrient levels based on the method of cultivation. This document aims to compare the water needs and differences between all methods of cultivation, including removing the plant entirely from natural systems and growing in sealed indoor environments, and the considerations that a grower should be taking into account when locating their facility and establishing watering operations for plant growth and facility maintenance.

***It should be noted that given the lack of research on hemp and marijuana growth in the United States, there is conflicting information on cultivation practices, and the vast differences between methods leads to high amounts of variability. The following numbers are cited but subject to change upon the release of more current regional data.*

Location of Facility and Source of Water

An important consideration for siting of a facility is the availability of water for production.



Typically, water for a greenhouse or indoor facility would come from local municipal water or from a regional water supplier like the Massachusetts Water Resources Authority (MWRA). In the case of local municipal water, attention should be paid to whether the water supplier has enough capacity to supply the water both from a source and infrastructure perspective. Depending on the watershed and the specific town the facility is located in, the additional volumes may not be available within the town's registered or permitted amounts, or an Interbasin Transfer¹⁴ approval may be required.

Increased demand on the system may cause a community to seek a new permitted volume which may have additional mitigation requirements. If a grower chooses to develop their own local water supply such as a new well, it is recommended that they contact the local Massachusetts Department of Environmental Protection (MassDEP) office for guidance on new source approval. A marijuana cultivation facility could trigger the Water Management Act's permitting requirements if it pumps from its own water sources more than an average of 100,000 gallons per day or more for three consecutive months of the year, or more than nine million unregistered gallons over any three-month period. In addition, an ME that is supplying its own potable water and has a restroom that is accessible to 25 or more people 60 or more days per year is considered a Public Water System and would need to obtain an approval. A permit application will need to be filed with MassDEP before operations commence.

Water Use

It is also important to know and understand that prior to establishing your facility, you will need to consider how much water you may use. If your water source is public then you must consider that the city or town you are operating in has a limited amount of water it is allocated to use per year.¹⁵ This information may be useful when you are preparing for and going through the state licensing process and local permitting and/or licensing process.

Seeds vs. Clones

Literature does not currently provide an in-depth analysis of the water necessities of an individual plant, but there is significant evidence to indicate that seeds require less water than clones regardless of the cultivation setting. Seeds are hardier and more resistant to stress and disease, and even though they need more water initially, the growing period for seeds is shorter

¹⁴ For information about the Interbasin Transfer Act and Application materials: <https://www.mass.gov/interbasin-transfer-act>

¹⁵ <https://www.mass.gov/lists/massdep-water-management-act-laws-regulations-policies-and-guidance>



than that of clones. Clones, while providing insurance for an exact chemical profile upon maturity, require more nutrients which are usually mixed in a water solution.

Outdoor Cultivation

Water requirements for outdoor cultivation vary widely by region, variety, and planting date. As outdoor large-scale cultivation of cannabis is new to Massachusetts, there is no data yet to confirm exact amounts of water required. Studies have shown, however, that the ranges can vary between 12-15” in British Columbia to 20-30” in Europe.¹⁶ This equates to about six gallons per plant per day,¹⁷ which is about twice as much as is required by grapes in California, but not as much as cotton in Georgia (10 gallons/day).¹⁸

Notably, cannabis requires that most of its water be received by the plant within the first six weeks of cultivation, while metrics generally list watering averages over the lifespan of the plant. Flowering of the plant significantly decreases water uptake. Within that six-week period, it is critical that the plant experience neither drought nor flooding. Dry conditions hasten maturity and stunt the growth of the plant, whereas puddled areas of a field will kill seedlings within two days if not drained appropriately. Soil composition and conditions play a critical role in this.

It should also be noted that varieties respond differently across agricultural regions, with variability in height, biomass, and chemical composition. It has been found that it may take up to three years to develop a localized strain that is acclimatized to the conditions set forth in the region.

Indoor Cultivation

Indoor cannabis cultivation is generally referred to as the process of removing the crop completely from natural conditions such as sunlight, soil, and air and substituting those elements with artificial alternatives. The benefit of indoor growing lies in being able to control the elements of the plant’s environment and be able to produce multiple harvests in a year. This method of growing is much more intensive in its usage of energy, water, and chemicals. There are many different methods of cultivating the plants themselves. These methods include:

¹⁶ Nelson, R. A. (2000). *Hemp Husbandry*, <https://www.hempbasics.com/hhusb/hh2cul.htm>

¹⁷ Bauer S, Olson J, Cockrill A, van Hattem M, Miller L, et al. (18 March 2015) Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds. *Plos One* 10(9): e0138935. <https://doi.org/10.1371/journal.pone.0137935>

¹⁸ Bednarz, C., et. al. (2003). *Cotton crop water use and irrigation scheduling*, <http://www.ugacotton.com/vault/rer/2003/p72.pdf>



- Hydroponics (water medium)
- Pots/trays (soil medium)
- Aeroponics (plant suspended on wall, not as common)

In the more typical methods of cultivation (namely soil and hydroponics), medical marijuana studies have estimated that indoor grows require watering in quantities of 98”/room-year, or 40 gallons/room-day (one room = 250 sq. ft.).¹⁹ Hydroponically grown cannabis is much more water intensive than other crops. When grown indoors, however, facilities have the capacity to set up recycling systems that clean and filter used water to be recycled back into irrigation; which helps negate the amount of freshwater input into the system. Treating water and reusing treated water are activities that are regulated by MassDEP and require permits.²⁰ This water would need to be changed periodically, and nutrient levels can reach unusable points for the plants if not applied correctly.

Generally, for non-cannabis crops, indoor cultivation facilities with natural sun and/or ventilation present appear to provide a more balanced method of cultivation, as they are less energy and water intensive than a sealed indoor facility.

Monitoring and Reporting

Water is a crucial resource in the growth of cannabis and in the functioning and operations of cannabis growing facilities. In addition to plant needs, water is also used for heating, processing, sanitary purposes, and landscaping on the property. Minimizing water loss from leaks as well as monitoring total water use as a compliment to instituting best management practices help advance the water conservation goals of the Commonwealth.

Growers should:

- install water meters;
- conduct regular water audits to determine the amount and location of water use;
- develop and implement a water savings strategy; and
- repair all leaks as quickly as possible.

Water Application Methods

¹⁹ O’Hare, M., et. al. (7 September, 2013). *Environmental Risks and Opportunities in Cannabis*, https://lcb.wa.gov/publications/Marijuana/SEPA/5d_Environmental_Risks_and_Opportunities_in_Cannabis_Cultivation.pdf

²⁰ <https://www.mass.gov/lists/massdep-wastewater-discharge-and-reuse-regulations>



Several different methods of water application are used as standards in the horticultural industry. Whereas outdoor fields rely mostly on rainfall or irrigation in cases of drought, indoor facilities must install their own application systems. The most commonly used methods are as follows:

Flood tables utilize large, shallow tables that flood usually on an automated system and provide a layer of water and/or nutrients to plants growing in hydroponic mediums. Large amounts of water are used for this method, but the water can be recycled through the system and used again after treatment via filtration and cleaning.

Drip watering involves irrigation systems that feed directly to each plant through thin drip tubes. The amount of water can be controlled directly or on an automated schedule, and virtually eliminates excess water waste or runoff from the plants.

Wick systems employ a reservoir that provides water and nutrients for a plant via capillary action through wicking material. Seedlings and newly vegetating plants are occasionally watered with this method since it is a simple system that does not require machinery or electricity. However, it is insufficient in supplying large plants with greater water needs.

Hand watering is one of the most common practices used since it requires relatively little equipment and expense initially or in maintenance. However, the amount of applied water varies greatly between applicators and there is a much larger potential for water being wasted through either over application or by missing the plant root systems. If hand watering is being used, the facility should have a good operating procedure on how to hand water.

Aeroponics uses spray nozzles to mist the stem or roots with nutrients. Larger operations will put the stem/root in a channel and have the spray nozzles line the channel, while others may use the bucket system in which the nitrified water and air are maintained in buckets.

Nutrient film technique (NFT) Systems use very shallow nutrient solution that runs downward in a tube or tray toward the reservoir where it is reused. It is best used on smaller plants with short crop cycle.

Water culture systems are systems where plants are suspended so roots hang down in nutrient solution and the reservoir is continually aerated.

Wastewater Disposal

Many indoor facilities utilize water recapture methods to save money and energy in their



operations. Depending on the system in place this could be done through drain pipes and lines, ditches, dehumidifiers, or condensation recapture modules. The recaptured water requires treatment if it is to be reapplied to plants to prevent the growth and spread of microbial pathogens and to reduce the amount of ionic and toxic elements that can be introduced to the water through the addition of nutrients. Common practices include carbon filtration, which neutralizes salinity and other inorganic materials in the water, and reverse osmosis, which allows for close to 97% reuptake but produces a brine that is difficult to dispose of. Other chemicals may be added to clean the water before reapplication to reduce microbe levels. Facilities may also employ the use of an aerobic treatment unit to reduce chemical and microbial levels in the returned water to a satisfactory level.²¹ Studies have shown that there is no significant difference in plant growth between the use of recycled water versus the use of fresh water.

Even with recapture methods, however, systems need to be flushed on occasion and new water introduced, especially in the event of pathogen outbreaks or from the presence of high levels of salts or ions that could be detrimental to crop growth and development. Water which is not reused must be discharged to a sewer or collected and stored in a certified holding tank for disposal at an approved facility. Note that water which is being disposed of cannot be discharged to an on-site septic system. If wastewater is being discharged out of the facility (e.g., to a Title 5 system, a sewer system, the ground, or surface waters), the proponent must contact their local MassDEP office to determine if a discharge permit is required. If wastewater is being stored, it must be kept in a holding tank that is permitted by MassDEP (Transmittal Form DEP01).

In other states, this waste has traditionally been disposed through landfills (often with unused cannabis waste material such as leaves and stems chopped up and mixed in to form a slurry) or is considered industrial waste, depending on the method the waste was created and the definition of industrial/hazardous waste by law. In Massachusetts, however, this waste may not be disposed in a landfill. If the waste is combined with unused cannabis waste, it may be composted or sent to an anaerobic digester. As a last resort, if such slurry is sufficiently dewatered, it may be disposed at a landfill so long as the remaining sludge does not contain free-draining liquids and contains a minimum of 20% solids (note that the disposal facility will need advance notice in order to submit the required documentation to MassDEP). If wastewater is being discharged out of the facility (e.g., to a Title 5 system, a sewer system, the ground, or surface waters), the proponent must contact their local MassDEP office to determine if a discharge permit is required. If wastewater is being stored, it must be kept in a holding tank that is permitted by MassDEP

²¹ Oyama, N. (2005). Recycling of treated domestic effluent from an on-site wastewater treatment system for hydroponics, <https://www.ncbi.nlm.nih.gov/pubmed/16104424>



(Transmittal Form DEP01). For more information on waste disposal, please refer to the Commission's [Guidance on Cannabis Waste Management Requirements](#).

Best Management Practice Guides

Water use on a crop should strike an appropriate balance between both agricultural needs for water and the need to conserve water. Examples of conservation approaches include proper irrigation scheduling in both timing (daily and seasonal) and volume, control of runoff, the uniform application of water, irrigation technologies, such as drip irrigation (where appropriate), and automated irrigation systems. The Massachusetts Water Conservation Standards²² (WCS) outline many approaches and best management practices that an agricultural entity should adopt that are environmentally and economically appropriate for their specific operation and site conditions. In addition, the WCS outlines standards and best approaches for indoor water use to ensure high levels of efficiency in structural items such as toilets and other water fixtures. Based on the information gathered above, there are three best management practice categories listed below that are considered high priority and should be implemented, to the greatest extent practicable, by all cannabis growers. These practices, along with some others, can help reduce or mitigate strains to disposal and environmental systems and improve water and energy efficiency as a whole.

1. Soil health

- Determine the soil needs and develop a soil health management system to improve the health and function of the soil. Soils are an ecosystem that can be managed to provide nutrients for plant growth, absorb and hold rainwater for use during drier periods, filter and buffer potential pollutants from leaving fields, serve as a firm foundation for agricultural activities, and provide habitat for soil microbes to flourish.
- Consider using compost to help promote the health of the soil.
- Maintain adequate soil moisture based on crop needs for optimum plant growth without causing excessive water loss, erosion, or reduced water quality.

2. Watering methods

- Use water in a targeted, planned, and efficient manner with appropriate amounts and frequency to meet the needs of the crop without excessive water loss.
- Automation of watering systems is critical to reducing water waste and decreasing variability in plant health through overwatering. If automation is not financially

²² Massachusetts Water Conservation Standards (2018), Water Resources Commission.
<https://www.mass.gov/massachusetts-water-conservation-standards>



- feasible, water nozzles and other flow-reducing systems should be put in place to monitor and check flow rates.
- Micro-irrigation systems, such as subsurface drip irrigation, should be adopted if the facility is designed to be compatible for it.
 - Establish an irrigation schedule based on the specific needs of the crop.
 - Irrigation system efficiency should be evaluated on an annual basis.
 - Where sprinkler systems are used for irrigation, the systems should be capable of uniform application of water with minimal evaporative loss and minimal surface runoff.
3. Water capture and reuse
- A water recapturing system should be used to recycle and reuse water so as to reduce the total amount of water used. Systems can include ones that capture water from watering the plant and reusing and/or capturing water condensation from the HVAC system.
 - Explore the options of capturing and using rainwater.
4. Other
- Be knowledgeable of the municipal and state laws relative to water use.
 - Choose a site that is capable of managing the amount of water that will be used and will not impact other water users.
 - Cultivators should consider utilizing greenhouses and outdoor settings to reduce the amount of energy and water required to maintain plant health.
 - Monitor and document your water use.
 - If cultivating outdoors, growers should be mindful of all other relevant agricultural and environmental protection regulations in place regarding watershed areas, buffer zones, irrigation runoff, erosion control, and soil amendments.
 - Ensure that the appropriate dilution rates and application schedules are followed for any nutrients or cleaning solutions that are being used during cultivation or in treating water. Over application can lead to unnecessary contaminant levels in the water or poor plant health and require further treatment, more frequent system flushes, and loss of expensive chemicals.

b. Guidance on Best Management Practices for Waste Management

Managing Solid Waste Materials

Like any other business, MEs generate a variety of common waste materials. While some materials need to be disposed of in the trash, others should be recycled or composted.



Massachusetts has waste disposal ban regulations (310 CMR 19.017, available at <https://www.mass.gov/regulations/310-CMR-19000-solid-waste-facility-regulations>) that ban the disposal of certain materials in the trash. Commonly generated waste that is banned from disposal include cardboard, bottles and cans, paper, and leaves and yard waste. You can see more information on the waste bans and what materials are banned from disposal.

Under the waste ban regulations, MassDEP considers cannabis plant material to be “commercial organic material.” This material is banned from disposal in the trash if a business generates one ton or more per week for disposal. If an ME generates one ton or more of commercial organic material per week for disposal, it would need to divert this material from disposal, typically to a compost or anaerobic digestion (AD) operation. If an ME generates less than one ton of plant material per week, the material may be disposed of in the trash, although MassDEP still encourages this material to be composted where possible.

Composting or AD

According to 935 CMR 500.105(12), cannabis plant parts and associated materials sent for composting or AD must first be ground and mixed with other organic materials such that the cannabis material is rendered unusable. Other organic materials may include growing media, soil, mulch, food waste, or agricultural material such as manure or other plant materials.

There are no unique requirements for hauling this material to a compost or anaerobic digestion facility. MassDEP does not license or grant permits to waste haulers. The best place to start is to check with the haulers that currently service businesses in the area, though ideally an ME should work with a hauler that has experience hauling other similar organic materials. If you need to find a new hauler, you can search for haulers by material type and location at [Recycling Works Massachusetts](#).

Once on the webpage, select the material type “Food-Waste/Compostables” for cannabis plant materials (note: you can also use this webpage to search for recycling service providers). A hauler can help you determine which facility to deliver your material to, as well as the number and size of containers you need to meet your needs. You can also search for compost or AD facilities that can accept that material using that same link, or by referring to MassDEP’s list of [sites accepting diverted food material](#).

On-site composting: In some cases, it may work well for an ME to compost materials on site. Composting on site requires sufficient space to construct and maintain a compost pile, as well as additional materials to mix with cannabis plant material to compost successfully. For general



guidance on composting practices, please refer to the Massachusetts Department of Agricultural Resources' [Composting Guidebook](#). Under MassDEP's regulations, a business can compost up to 20 cubic yards of material per week on site, but must complete and submit a [one-time notification form](#) to MassDEP and your local board of health. If you are interested in composting on site, you can receive free assistance and guidance through the RecyclingWorks in Massachusetts' [Compost Site Technical Assistance Program](#).

Solid waste disposal: The requirements under 935 CMR 500.105(12) for disposing of cannabis waste are similar to those for sending it to composting or AD. The cannabis waste must be ground and mixed with other solid wastes so that the material is rendered unusable. Suitable materials for mixing cannabis wastes for disposal include food waste, coffee grounds, manure, sawdust, or growing media. The best approach is to work with your existing waste hauler to provide this collection service. Cannabis wastes mixed with other solid waste can be brought to any permitted [transfer station, landfill](#), or [municipal waste combustion facility](#) for disposal. Your solid waste hauler will typically determine the best nearby facility to deliver the waste to for disposal. A hauler can also help you determine what number and size of containers you need to meet your needs.

Storage, documentation, and recordkeeping: Cannabis wastes should be stored in a secure and locked container and location prior to collection. Under 935 CMR 500.105(12), at least two ME agents must witness and document how the marijuana waste is handled. The same regulation requires your business to develop and maintain records for at least three years that include:

1. How the cannabis waste is secured prior to collection;
2. The date the material is sent for composting, anaerobic digestion, or disposal;
3. The type and amount of material managed;
4. The name, location, and type of facility to which the material was delivered;
 - (The facility can provide a scale or load ticket that includes all of this information.)
5. The manner of disposal or handling; and
6. The names and signatures of the two agents who witness the material management.

This three-year period is extended for the duration of any enforcement action and also may be extended by an order of the Commission.

Hazardous waste management: MEs may also generate some wastes that need to be managed as hazardous wastes. This may include: spent lighting, pesticides, solvents, used oil, or other chemicals used in facility operation and maintenance.



Massachusetts hazardous waste regulations (314 CMR 30.000) include provisions governing storage (how much material and for how long), labeling, manifest, transportation, and final management and disposal. If you generate hazardous waste, you will need an [EPA ID](#). Your [hazardous waste generator status](#) determines how much waste you may accumulate at your site at one time, and how quickly you need to ship it off site for recycling or disposal. Please see the MassDEP Hazardous Waste Generation [web page](#) for more information and guidance.

Managing liquid wastes: Liquid waste containing marijuana or by-products of marijuana processing shall be disposed of in compliance with all applicable state and federal requirements. These requirements will depend on how liquid waste from a facility is being managed, whether discharged via a sewer connection, holding tank, or to groundwater or surface water. For more information on the applicable regulations and points of contact for each, please see the links in the Regulation Links and Contacts section below.

Packaging: It is recommended that recyclable and compostable packaging be used for marijuana products. Existing resources relative to packaging include the following:

- For recycling, MassDEP maintains a website with educational guidance: www.RecycleSmartMA.Org. This website summarizes what types of packaging are recyclable at our recycling facilities. For general guidance, see <https://recyclesmartma.org/smart-recycling-guide>. For more specific questions, you can search the “recyclopedia” using the search bar at the top of the page.
- For compostable packaging, search the internet for organizations that certify compostable packaging. Specifications relative to labeling are available at:
 - <https://www.astm.org/Standards/D6400.htm>
 - <https://www.astm.org/Standards/D6868.htm>

Regulation Links & Contacts

For any facility-specific permitting questions, please contact your MassDEP regional office. You can find which MassDEP region you are in using [MassDEP’s list of environmental protection locations](#). Links to relevant regulations are as follows:

[Massachusetts Waste Ban Regulations](#) – 310 CMR 19.017

[Massachusetts Hazardous Waste Regulations](#) – 314 CMR 30.000

[Surface Water Discharge Permit Program](#) – 314 CMR 3.00

[Groundwater Discharge Program](#) – 314 CMR 5.00



[Operation, Maintenance and Pretreatment Standards for Wastewater Treatment Works](#) – 314 CMR 12.00

[Sewer System Extension and Connection Permit Program](#) – 314 CMR 7.00

[Industrial Wastewater Holding Tanks and Containers](#) – 314 CMR 18.00

Other Resources

For assistance with recycling, running a compost operation, and solid waste management, please contact the RecyclingWorks in Massachusetts Program at (888) 254-5525, by email at Info@RecyclingWorksMA.com, or visit the program website at www.RecyclingWorksMA.com. RecyclingWorks in Massachusetts is funded by MassDEP and administered under contract with MassDEP by the Center for EcoTechnology. The program provides free assistance to Massachusetts businesses on waste reduction, recycling, composting, and best management practices.

c. Guidance on Best Management Practices for Integrated Pest Management

Licensed marijuana cultivators must comply with 935 CMR 500.120(9), which states:

The cultivation process shall use best practices to limit contamination including, but not limited to, mold, fungus, bacterial diseases, rot, pests, pesticides not in compliance with 500.120(5) for use on marijuana, mildew, and any other contaminant identified as posing potential harm.

To help licensed cultivators establish best practices in preventing pests and contamination, this guidance serves to assist growers in creating an integrated pest management plan.

The Plant – *Cannabis sativa L*²³

Cannabis can be grown outdoors as a field crop, indoors in greenhouses, or in grow rooms. Each cultivation method has specific pest and disease problems that may arise due to the different conditions presented by each setting. For example, the high humidity environment of a grow room provides ideal conditions for fungal pathogens. Cannabis grown outdoors may be susceptible to vertebrate pests such as deer and mice as well as larger insect pests, such as stem

²³ Hemp and marijuana are different varieties of the same plant species, *Cannabis sativa L*. For the purposes of this document, the term *Cannabis* refers to marijuana only.



borers. Whether the cannabis crop is grown indoors or outdoors, cultivators should be prepared with the knowledge to prevent, identify, and control pests using Integrated Pest Management.

Integrated pest management (IPM) is an approach to pest control that applies a combination of methods to manage pest problems. The primary objective of IPM is to prevent, reduce, or maintain pest populations at non-damaging levels by utilizing mechanical, physical, and biological controls to reduce the need for reliance on chemical pesticides. In Massachusetts, IPM is defined under 333 CMR 14.02 as:

A comprehensive strategy of pest control whose major objective is to achieve desired levels of pest control in an environmentally responsible manner by combining multiple pest control measures to reduce the need for reliance on chemical pesticides; more specifically, a combination of pest controls which addresses conditions that support pests and may include, but is not limited to, the use of monitoring techniques to determine immediate and ongoing need for pest control, increased sanitation, physical barrier methods, the use of natural pest enemies, and a judicious use of lowest risk pesticides when necessary.

IPM takes advantage of all available pest management strategies. It does not rely on a single pest control method, but rather establishes a way of evaluating the situation and determining the most environmentally safe or ecological solution.

The basic concepts that comprise an effective IPM strategy include:

1. Knowledge
 - Identify the pests: accurate identification of pests is critical in determining the proper methods of control.
 - Establish thresholds to determine when and if action is required to control pests before they reach damaging levels.
2. Prevention
 - Inspect/quarantine plants entering closed environments to ensure you are not bringing in pests.
 - Maintain controlled environments to inhibit growth of plant pathogens.
 - Reduce habitat for potential pests such as poor drainage, standing water, or overgrown vegetation/weeds.
3. Monitoring
 - Scout crops for evidence of pest damage. Use pest traps (like pheromone traps or yellow sticky cards) to determine presence and levels of insect pests.



4. Intervention

- If intervention is required to control pests, evaluate all the options to determine the least risky and most effective controls available, including cultural, mechanical, biological, and/or chemical methods.

This document is not intended to provide comprehensive IPM recommendations for every cannabis pest; rather, it should serve as a basic guideline and assist cultivators with development of an IPM plan for their crop.

Pesticide Use in Cannabis

As cannabis remains prohibited by federal law, the United States Environmental Protection Agency (EPA) does not allow for the use of any registered pesticides in cannabis. Massachusetts pesticide laws follow federal laws, and thus registered pesticides cannot be applied to cannabis in Massachusetts. The Massachusetts Department of Agriculture has published an [advisory](#) regarding the use of pesticides on cannabis. As a result, cannabis cultivators must rely more heavily on other methods of management, as they have fewer available tools for use in pest control.

Indoor Cannabis Pest Prevention

Growing cannabis indoors is unique from other cultivation practices in that environmental factors such as ventilation and light are not naturally occurring. Instead, these inputs are produced and controlled by equipment. As with other crops, however, IPM starts with pest prevention. It is recommended to design and operate facilities to prevent the introduction and spread of pests.

Recommendations for indoor pest prevention include:

1. **Keeping plants healthy:** Healthy plants are more readily able to fight off pests or infections.
2. **Sanitation:** Keep your facility clean and organized. Seal potential points of entry for pests including cracks, crevices, and voids. Establish protocols to prevent pests from entering the facility on workers' clothing, shoes, or equipment.
3. **Quarantine:** Inspect all new plant material entering your facility for signs of infestation. Keep new plant material in a separate space for several days to ensure that signs of infestation do not present.
4. **Maintain environmental conditions to minimize optimal pest habitat:** Ensure humidity levels are appropriate and do not promote pathogen growth. Prevent standing water from forming and ensure that any reservoirs are sealed and filtered.



5. Inspections/monitoring: Regularly inspect plants for signs or symptoms of pest infestations. Place traps like yellow sticky cards in strategic locations to help detect early infestations of flying insect pests.

Outdoor Cannabis Pest Prevention

Cannabis grown outdoors is susceptible to a wide variety of pests including deer, insects, and fungi. Outdoor environments, by nature, are not as well controlled as indoor, and exclusion/prevention practices may be less effective against certain pests. In addition, the use of chemical controls is restricted, so cultural, mechanical, and biological controls have increased importance.

Recommendations for outdoor cannabis pest prevention include:

1. Keeping plants healthy: Healthy plants are more readily able to fight off pests or infections.
2. Exclusion: Use fencing or netting to keep out unwanted pests like deer or birds.
3. Sanitation: Inspect all new plant material for signs of infestation. Keep new plant material in a separate location for several days to ensure that signs of infestation do not present.
4. Maintain field conditions to minimize optimal pest habitat: Remove any overgrown vegetation that may harbor insect pests. Prevent standing water and promote plant health.
5. Inspections/monitoring: Regularly inspect the crop for signs or symptoms of pest infestations. Place traps like yellow sticky cards in strategic locations to help detect early infestations of flying insect pests like moths or aphids.

Cannabis Pest Control Actions

Even with a solid preventative program implemented, it is still possible for a cannabis crop to develop a pest problem. The first step once you've discovered a pest problem is to identify your pest. Proper identification of the pest is vital to determining the most effective control strategy.

There are four primary strategies available in a pest management program:

1. Cultural controls: Cultural controls modify the environment to make the cultivation operation an unaccommodating habitat for pests. They involve practices such as adjusting the irrigation schedule to combat root disease, reducing humidity to make the environment less hospitable to pathogenic fungus and shaping the canopy to facilitate superior airflow, or companion plantings to boost the populations of beneficial insects.



2. Mechanical controls: Mechanical controls use physical methods to trap, exclude, and remove pests, such as putting filters on air intakes, placing sticky traps in strategic locations to trap flying pests, removal of diseased plant material, or removal of weeds.
3. Biological controls: Biological controls utilize natural enemies (predators and parasites that deplete the health of a pest population) to directly attack pests. Biological control organisms can be extremely effective at maintaining pest populations below economic thresholds, and preventing infestations from reaching damaging levels.
4. Chemical controls: Chemical controls should be used judiciously in any IPM program. Cannabis cultivators are limited in their options for chemical controls since Massachusetts prohibits the use of any pesticide with an EPA registration number. While there are minimum-risk (25(b)) pesticides available for use in cannabis cultivation, pesticides in general should not be used as a primary pest control method in cannabis.

IV. Appendices

a. Appendix A: Checklists for Energy Compliance

1. Application

a. Basic Requirements for Applicants Other than Transporters & Delivery

1. Identification of potential energy-use reduction opportunities (such as natural lighting and energy efficiency measures), and a plan for implementation of such opportunities;
 - Description of how the ME/MTC will monitor energy consumption and make adjustments to operations based on energy usage data;
 - Procedures for identifying energy savings opportunities as part of any facility upgrades, renovations, or expansions; and
 - Procedures for identifying energy savings opportunities when equipment fails and needs to be replaced.



2. Consideration of opportunities for renewable energy generation, including, where applicable, submission of building plans showing where energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable;
 - Description of how the ME/MTC will make energy supply decisions and regularly evaluate renewable options;
 - Procedures for identifying renewable or alternative energy opportunities as part of any facility upgrades, renovations, or expansions; and
 - Procedures for identifying renewable or alternative energy opportunities when equipment fails and needs to be replaced.
3. Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage); and
 - Description of how the ME/MTC will monitor energy demand and make adjustments to operations based on data; and
 - Procedures for participation in load curtailment, energy storage, or other active demand management programs (as applicable).
4. Engagement with energy efficiency programs offered pursuant to M.G.L. c. 25, § 21, or through municipal lighting plants.
 - Description of how the applicant will incorporate regular engagement with energy efficiency programs (account representative, vendors, etc.) to ensure awareness of new opportunities and incentives.

b. Basic Requirements for Transporters & Delivery

- Applicant must describe how it will make fleet decisions and affirm that it will regularly evaluate alternative fuel vehicle options.

c. Additional Requirements for Cultivation Facilities

- How the cultivator will ensure on a regular basis that equipment is maintained, calibrated, and operating properly, including maintaining operations manuals and operating procedures for all major energy-using equipment – including, but not limited to, horticultural lighting, HVAC systems, dehumidification systems.



II. Architectural Review

a. Basic Requirements for Applicants Other than Transporter & Delivery

1. Identification of potential energy-use reduction opportunities (such as natural lighting and energy efficiency measures), and a plan for implementation of such opportunities;
 - Information demonstrating actual consideration of energy reduction opportunities, including a list of energy reduction opportunities that were considered.
 - Information about whether opportunities are being implemented, will be implemented at a later date, or are not planned to be implemented.
 - Summary of information that was considered to make the decision (i.e. costs, available incentives, and bill savings). NOTE: submission of a Mass Save® or MLP audit report or rebate applications is sufficient to demonstrate compliance.
2. Consideration of opportunities for renewable energy generation, including, where applicable, submission of building plans showing where energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable;
 - Information should be submitted to demonstrate actual consideration of renewable energy generation opportunities, including a list of renewable or alternative energy reduction opportunities that were considered.
 - Information about whether opportunities are being implemented; will be implemented at a later date; or are not planned to be implemented.
 - A summary of information that was considered to make a decision (i.e. costs, available incentives, and bill savings).
3. Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage);
 - Information should be submitted to demonstrate actual consideration of demand reduction opportunities.
 - Information about whether opportunities are being implemented, will be implemented at a later date, or not planning to be implemented.



- A summary of information that was considered to make a decision (i.e. costs, available incentives, and bill savings). NOTE: submission of a Mass Save® or MLP audit report or rebate applications is sufficient to demonstrate compliance.
4. Engagement with energy efficiency programs offered pursuant to M.G.L. c. 25, § 21, or through municipal lighting plants.
- Information should be submitted to demonstrate actual engagement with energy efficiency (Mass Save® or MLP) programs and any financial incentives received. NOTE: submission of a Mass Save® or MLP audit report or rebate applications is sufficient to demonstrate compliance.

b. Basic Requirements for Transporter & Delivery

- Narrative describing the process the Transporter or Delivery operation used to select vehicles to be used in operations.
- If alternative fuel vehicles are not being used, detailed explanation of why other vehicle fuel sources were selected.
- A description of any other energy and water conservation strategies employed at the physical facility for the Transporter and Delivery operation (e.g. garage, dispatch) should also be included.

c. Additional Requirements for Cultivation Facilities: Energy Compliance & Energy Compliance Exemption Letters

1. Who needs to sign the letter?

For Indoor Marijuana Cultivators, Medical Marijuana Treatment Centers – the letter must be signed by a:

- Massachusetts Licensed Professional Engineer; or
- Massachusetts Licensed Registered Architect.

For Microbusinesses or Craft Marijuana Cooperatives with a cultivation location sized as Tier 1 or Tier 2, or such other Marijuana Cultivators meeting the requirements of 935 CMR 500.850 for a waiver:

The letter must be signed by a:



- Massachusetts Licensed Professional Engineer;
- Massachusetts Licensed Registered Architect;
- Certified Energy Auditor certified by the Association of Energy Engineers; or
- Certified Energy Manager certified by the Association of Energy Engineers.

Please note: The HVAC & dehumidification systems portion of the letter must be separately completed and signed by a:

- Massachusetts Licensed Mechanical Engineer; or
- Professional Engineer with license that covers mechanical engineering.

2. What needs to be in the letter?

Energy Compliance Letters or Energy Compliance Exemption Letters must include, at a minimum, the information required below.

- Letter Demonstrating HLPD Compliance

The letter must include the following information:

- *Building Envelope*
 - Narrative confirming compliance with 935 CMR 500.120(11)(a) or 935 CMR 501.120(11)(a), as applicable; and
 - The output from COMcheck™ software used to show building envelope compliance with State Building Code, 780 CMR.
- *HLPD Lighting (you should select either HLPD or HQPL, not both)*
 - If the applicant chooses the HLPD compliance path, the letter must include the calculations that show compliance with the HLPD requirements;
 - Narrative explanation of how the facility complies with 935 CMR 500.120(11)(b) or 501.120(12)(b), supported by copies of the facility lighting schedule, square footage of canopy, description of horticultural lighting equipment, number, type and wattage of all HLE;
 - Cutsheets for all HLE to be submitted as part of the Architectural Review;
 - Detailed identification of the stamped plans showing the layout of all HLE, which means any lighting equipment (e.g. fixtures, bulbs, ballasts, controls, etc.) that uses energy for the cultivation of plants, at



any stage of growth (e.g. germination, cloning/mother plants, propagation, vegetation, flowering, and harvest), such plans must be available immediately upon inspection and two copies of the plans must be available for immediate surrender upon request;

- Detailed identification of the stamped plans showing the areas considered as HLSF, such plans must be available immediately upon inspection and two copies of the plans must be available for immediate surrender upon request;
 - Description of eye safety plan that includes the following:
 - Safety protocols related to eye safety for those exposed to horticultural lighting;
 - Communication plan for how eye safety protocols will be communicated to employees;
 - Description of how protective eyewear will be provided for anyone coming in to contact with active horticultural lights;
 - Description of signage that will be used to remind workers of eye safety; and
 - Affirmation that the safety protocols will be reviewed and updated by the Marijuana Cultivator or MTC on an annual basis.
- *HQPL Lighting (you should select either HLPD or HQPL, not both)*
- Narrative explanation of how the facility complies with 935 CMR 500.120(11)(b) or 501.120(12)(b), supported by copies of the facility lighting schedule, square footage of canopy, description of horticultural lighting equipment, number, type and wattage of all HLE;
 - Cutsheets for all HLE to be submitted as part of the Architectural Review;
 - Description of eye safety plan that includes the following:
 - Safety protocols related to eye safety for those exposed to horticultural lighting;
 - Communication plan for how eye safety protocols will be communicated to employees;
 - Description of how protective eyewear will be provided for anyone coming in to contact with active horticultural lights;
 - Description of signage that will be used to remind workers of eye safety; and



- Affirmation that the safety protocols will be reviewed and updated by the Marijuana Cultivator or MTC on an annual basis.
- *HVAC & Dehumidification Systems*
 - Certification from a MA Licensed Mechanical Engineer that the HVAC and dehumidification systems meet Massachusetts building code, and that HVAC and dehumidification equipment have been evaluated and sized for the loads of the facility;
 - Total of TR, thousands of BTUs per hour (MBH), and a listing of all HVAC equipment to be installed, supported by equipment data sheets;
 - Total of TD, and a listing of all dehumidification equipment to be installed, supported by equipment data sheets;
 - Details about energy recovery equipment installed as part of the ventilation system; and
 - A listing of all odor mitigation equipment to be installed, supported by equipment data sheets.
- Letter Demonstrating Compliance Exemption
 - *Eligible Technologies*
 - Renewable Generation Unit as defined by 225 CMR 14:
 - Solar photovoltaic or solar thermal electric energy;
 - Wind energy;
 - Ocean thermal, wave or tidal energy;
 - Fuel cells using eligible RPS Class I renewable fuel;
 - Landfill methane gas;
 - Hydroelectric;
 - Low-emission, Advanced Biomass Power Conversion Technologies using Eligible Biomass Fuel;
 - Marine or hydrokinetic energy; or
 - Geothermal energy.
 - Renewable Thermal Generation Unit as defined by 225 CMR 16:
 - Air-Source Heat Pump;
 - Ground Source Heat Pump;
 - Deep Geothermal Heat Exchange;



- Solar Thermal;
- Woody Biomass;
- Biogas;
- Liquid Biofuels; or
- Compost Heat Exchange System.

○ *Narrative Contents of Letter*

- Description of clean or renewable energy system, including an attestation that system meets eligibility requirements above. This requirement can be satisfied by providing an RPS or APS Statement of Qualification approved by the Department of Energy Resources.
- Energy usage calculations for the facility, supported by building plans, energy models, and energy model outputs, including inputs and outputs by end use;
- Clean or renewable energy generation calculations for the facility, supported by building plans and energy models, including inputs and outputs by end use; and
- Written plan on how RECs or AECs will be generated and retired on at least an annual basis. Note that the option of retiring RECs and AECs is available only to demonstrate the portion of energy usage *not* generated for onsite use (maximum of 20% of total onsite energy usage).
- Description of eye safety plan that includes the following:
 - Safety protocols related to eye safety for those exposed to horticultural lighting;
 - Communication plan for how eye safety protocols will be communicated to employees;
 - Description of how protective eyewear will be provided for anyone coming in to contact with active horticultural lights;
 - Description of signage that will be used to remind workers of eye safety; and
 - Affirmation that the safety protocols will be reviewed and updated by the Marijuana Cultivator or MTC on an annual basis.

○ *HVAC & Dehumidification Systems*



- Certification from a MA Licensed Mechanical Engineer that the HVAC and dehumidification systems meet Massachusetts building code, and that HVAC and dehumidification equipment have been evaluated and sized for the loads of the facility;
- Total of TR, thousands of BTUs per hour (MBH), and a listing of all HVAC equipment to be installed, supported by equipment data sheets;
- Total of TD, and a listing of all dehumidification equipment to be installed, supported by equipment data sheets;
- Details about energy recovery equipment installed as part of the ventilation system; and
- A listing of all odor mitigation equipment to be installed, supported by equipment data sheets.

d. Additional Requirements for Cultivation Facilities: Third-Party Safety Certification

- Third-party safety certification for lighting products by an OSHA, NRTL, or SCC-recognized body, which shall certify that the products meet a set of safety requirements and standards deemed applicable to horticultural lighting products by that safety organization.

III. Renewal

- Cannabis PowerScore
- Update Energy Compliance Letter or Energy Compliance Exemption Letter



b. Appendix B: DLC Horticulture QPL Process

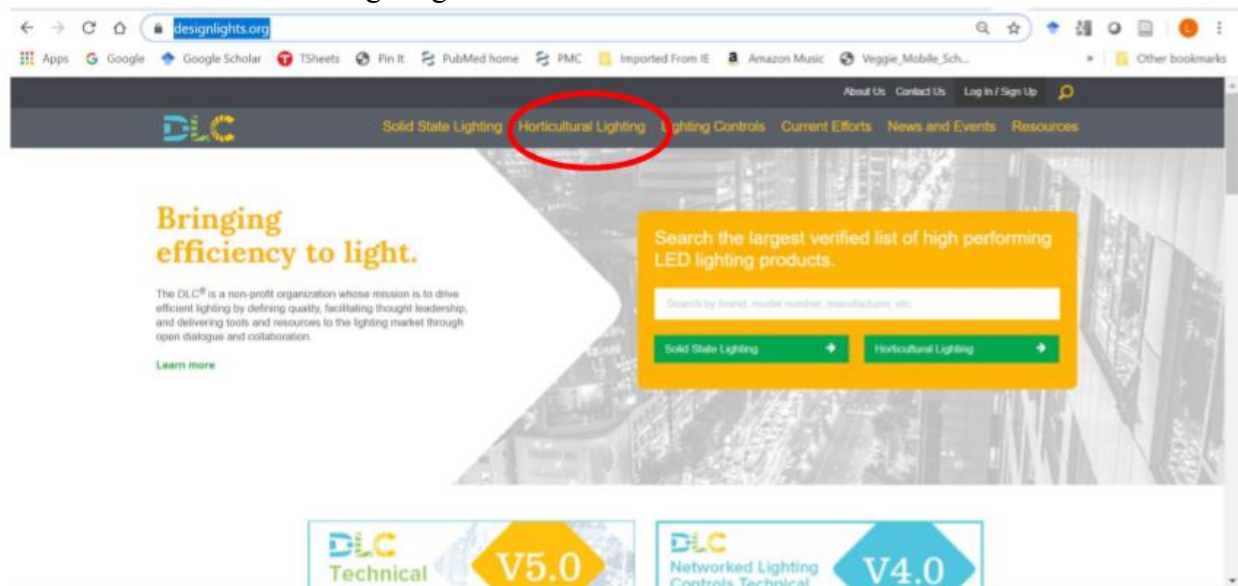
Finding qualified lighting products on the DLC Horticultural QPL
Draft date: November 5, 2019

The Commission recently updated its regulations so that qualified LED lighting fixtures on the DesignLights Consortium (DLC) Horticultural Qualified Products List (QPL) can be used to comply with the minimum Commission Photosynthetic Photon Efficacy (PPE) metric.

The current baseline PPE for LED lighting fixtures on the DLC Horticultural QPL is 1.9 micromoles per Joule ($\mu\text{mol/J}$). The Commission regulations stipulate that the “lighting Photosynthetic Photon Efficacy (PPE) is at least 15% above the minimum Horticultural QPL threshold rounded up to the nearest 0.1 $\mu\text{mol/J}$ (micromoles per joule).” This equates to a minimum Commission PPE requirement of 2.2 $\mu\text{mol/J}$ ($1.9 \times 1.15 = 2.19$, which rounds up to 2.2).

To find products that are on the DLC Horticultural QPL with PPEs of at least 2.2 $\mu\text{mol/J}$, follow these steps:

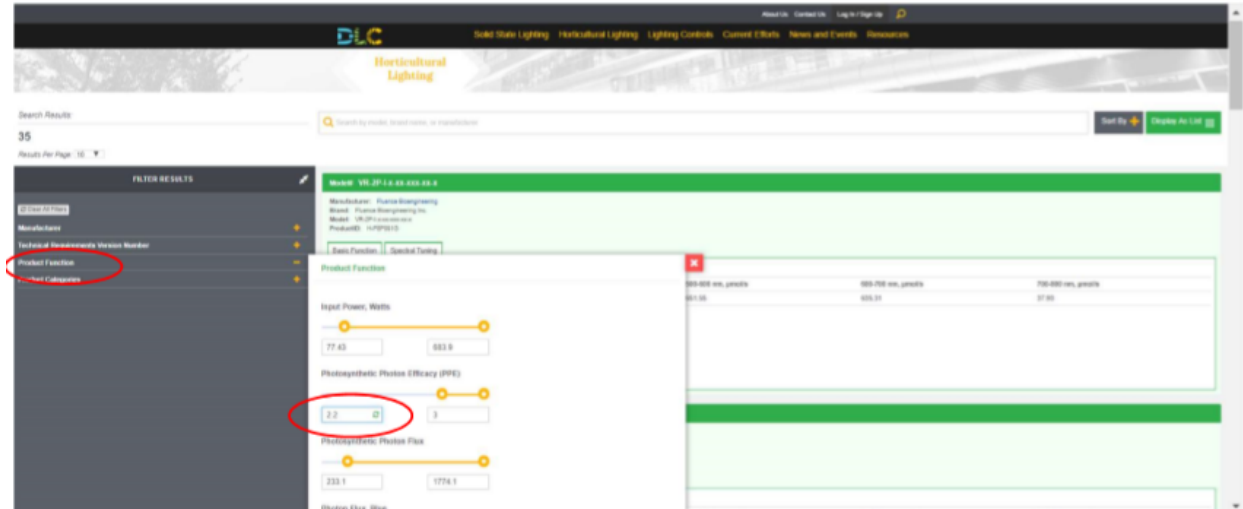
1. Go to www.designlights.org
2. Click on “Horticultural Lighting”



3. On the left side of the web page, click on the “Horticultural Lighting QPL” link



4. All qualified lighting products will be shown in the Tile format by default. To filter products by a specific minimum PPE, first click on the “Product Function” filter on the left side of the web page, then in the pop-up form, change the minimum PPE Filter Value to 2.2. Click out of the pop-up form to apply the filter.



5. The number of qualifying products that meet or exceed the minimum PPE = 2.2 will be shown (26 as of November 5, 2019).

6. In the Tile view, the tested PPE for each qualifying product is shown in the Basic Function tab. You can change the Tile display order by sorting by various QPL metrics (click the “Sort By” button to see a pop-up list).

The screenshot shows the QPL web page in Tile view. The 'Basic Function' tab is selected, displaying a table of photon flux and a circled 'Photosynthetic Photon Efficacy: 400-700 nm, μmol/J (PPE): 2.87'.

400-500 nm, μmol/s	500-600 nm, μmol/s	600-700 nm, μmol/s	700-800 nm, μmol/s
1019.59	334.83	651.55	635.31

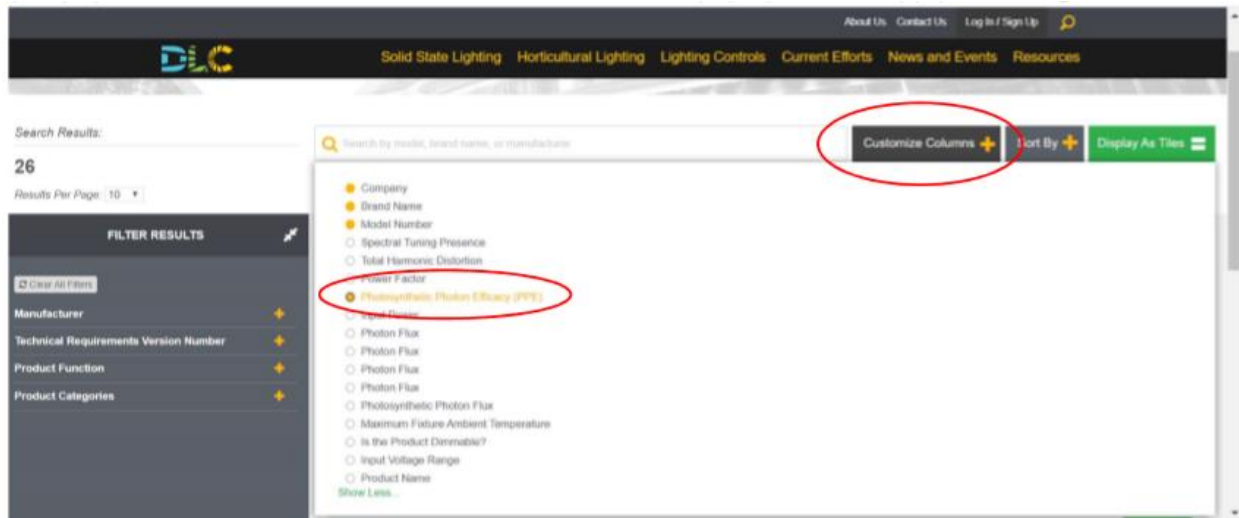
Photosynthetic Photon Efficacy: 400-700 nm, μmol/J (PPE): 2.87

7. To review all the PPE values in a list format, click on the “Display as List” button on the upper right portion of the QPL web page. The qualifying products will be displayed 10 at a time. To see more products at once, change the “Results per Page” value to 20, 50, or 100.

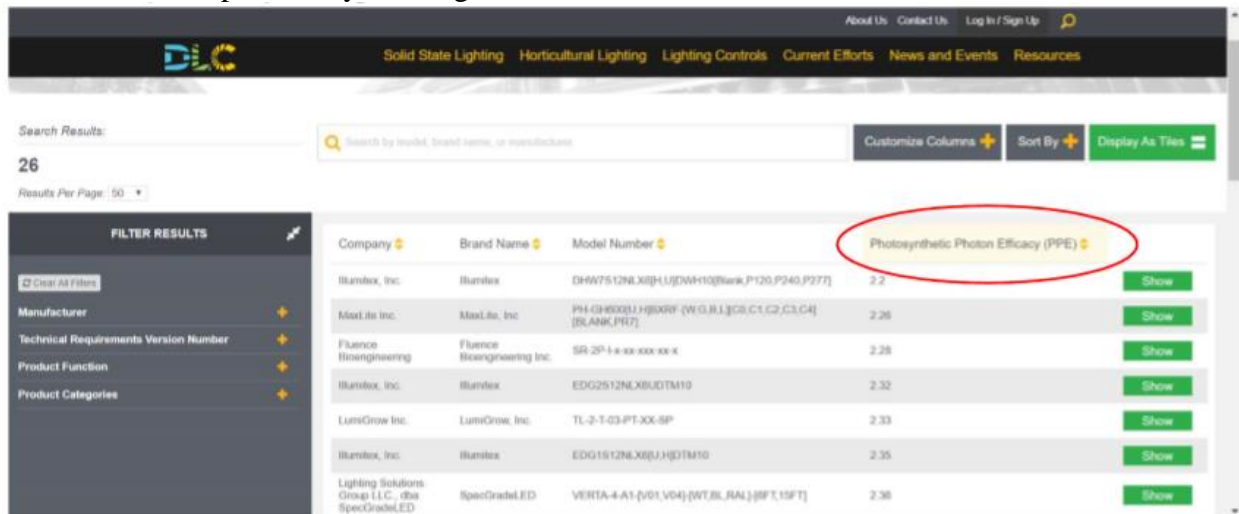
The screenshot shows the QPL web page in List view. The 'Display as List' button is circled, and the 'Results Per Page' dropdown is set to 10.

Company	Brand Name	Model Number	Show
Fluence Bioengineering	Fluence Bioengineering Inc.	VR-2P-I-X-XX-XXX-XX-X	Show
LumiGrow Inc.	LumiGrow, Inc.	TL-2-T-03-PT-XX-SP	Show
California LightWorks	California LightWorks	GH960 340	Show
Fluence Bioengineering	Fluence Bioengineering Inc.	SR-2X-I-X-XX-XXX-XX-X	Show
Lighting Solutions Group LLC, dba SpecGradeLED	SpecGradeLED	VERTA-4-A1-[V01,V04]-[WT,BL,RAI]-[9FT,15FT]	Show
Bumtux, Inc.	Bumtux	EDG2S12NLXBUDTM10	Show
Fluence Bioengineering	Fluence Bioengineering Inc.	VR-2X-G-X-XX-XXX-XX-X	Show
Bumtux, Inc.	Bumtux	DHW7S12NLX0H-CUJDWH11-0Black-P120-P240-P277	Show

8. To view the tested PPE value for each product, click on the “Customize Columns” button. From the pop-up form, click on “Show More... link.” Then, click on the PPE option to add this column to the list. Click out of the pop-up form to apply the changes.



9. You can change the sort order of the columns by clicking on the column title. You can see more about each product by clicking on the Show button.



Memorandum

To: Chairman Hoffman and Commissioners Doyle, Flanagan, McBride and Title
Cc: Shawn Collins, ED
From: Christine Baily, GC
Pauline Nguyen, DGC
Date: December 9, 2019
Subject: St. 2017, c. 55, § 74, Report

INTRODUCTION

Under St. 2017, c. 55, § 74, the Cannabis Control Commission (Commission) and Office of the Attorney General (AGO) have a mandate to investigate and study potential criminal penalties and to report their recommendations. Below is a summary of the background, proposed recommendations, and a detailed outline of a proposed report. The purpose of the memorandum is to provide the Commission with sufficient information to consider and vote on the proposed recommendations and to authorize staff to draft the report based on its vote, and to identify any additional considerations.

BACKGROUND

Under St. 2017, c. 55, § 74, the Commission and AGO are charged with investigating and studying potential criminal penalties for violations of c. 55:

“The Massachusetts cannabis control commission and the attorney general shall conduct an investigation and study of the advisability of establishing criminal penalties for violations of this act, and shall report their recommendations for amendments to the General Laws to establish such criminal penalties, if any, not later than January 1, 2020.”

To fulfill this mandate, the Commission and AGO staff worked cooperatively on the following:

- An extensive review of criminal laws and laws establishing criminal and civil penalties to identify the existing penalties that apply to (1) individuals and entities that are



licensed by the Commission but engage in illicit activities and (2) individuals and entities that are not licensed but engage in illicit activities.

- Recommendations for new criminal and civil penalties.
- Consideration of whether M.G.L. c. 94C could be amended to clarify that there is no criminal liability for individuals and entities holding a valid license and operating lawfully within the scope of their license under state law following decriminalization and legalization.
- Opportunities for interagency cooperation, including the need for additional study, cooperation, and information and resource sharing.

PROPOSED RECOMMENDATIONS

Based on the review of existing criminal laws, there are criminal and civil penalties that apply to licensed and unlicensed marijuana operations for the following activities:

- manufacturing, distribution, dispensing, or cultivation of controlled substances, which include marijuana, or possession with such an intent;
- sales to minors;
- money laundering;
- criminal conspiracy;
- environmental crimes, including water pollution, the knowing improper disposal of hazardous waste, the failure to notify the Massachusetts Department of Environmental Protection (DEP) of a release of hazardous material, the failure to comply with the requirements for the disposal of solid waste, violations that create a substantial risk of damage to natural resources, property of another or of serious bodily injury, and violations of the Clean Air Act; and
- utility theft.

Civil penalties are also available for tax evasion, which is used as an alternative to criminal prosecution.

This review also revealed that recommendations are warranted in the following areas:

Recommendation 1: Currently a potential loophole exists in M.G.L. c. 94G and 94I which may allow licensed marijuana operations to engage in illicit activities and claim that they cannot be prosecuted given their licensure status. Cf. M.G.L. c. 94C, § 32C. Thus, it is recommended that M.G.L. c. 94G and 94I be amended to close any potential loophole by clarifying that M.G.L. c. 94C, § 32C applies to licensed marijuana operations engaging in illicit activities such as inversion and diversion.

Recommendation 2: Given the need to focus the Commonwealth's enforcement resources on the illicit market, and to clarify the scope of the illicit market, we would recommend supporting the concept of an inter-agency task force. This task force would include agencies with enforcement authority, such as the Massachusetts State Police and Massachusetts Department of Revenue (DOR), along with the Commission. The goals of



the task force would be to encourage interagency coordination to target illicit marijuana sales, pursue criminal and civil penalties, share information, and allocate resources. We would encourage the Legislature to consider options so that the task force can conduct its meetings in a manner conducive to sharing information concerning investigations and enforcement actions. To ensure its success, there should be adequate funding, staffing and other resources. While we would acknowledge the pending Legislative proposals to create said task force, we would not recommend supporting any particular proposal to allow for additional consideration of these proposals as they develop.

Recommendation 3: Currently, DOR can impose liability for the sales tax on illegal marijuana sales, but not for the excise tax. For this reason, we would support expanding DOR's authority to assess excise taxes at the same rates for illegal sales as legal sales of marijuana. (DOR has made a similar suggestion to the Legislature.) The benefits of civil enforcement is that it provides an alternative to criminal enforcement, an efficient use of resources, and a mechanism for recouping lost revenue. Like criminal penalties, the goal is to have a deterrent effect on the illicit market.

PROPOSED OUTLINE OF REPORT

A. EXPLANATION OF LEGISLATIVE MANDATE: St. 2017, c. 55, § 74.

- a. "The Massachusetts cannabis control commission and the attorney general shall conduct an investigation and study of the advisability of establishing criminal penalties for violations of this act, and shall report their recommendations for amendments to the General Laws to establish such criminal penalties, if any, not later than January 1, 2020."

B. EXECUTIVE SUMMARY.

C. BACKGROUND.

- a. State Context.
 - i. The Commission's Legislative History .
 - ii. The Current State of Implementation in the Commonwealth.
 - 1. The Commission's regulatory authority
 - 2. The scope of the legal market
- b. National Context.
 - i. Other States That Have Decriminalized and/or Legalized Marijuana.
 - ii. Federal Implications Resulting from Decriminalization and Legalization.

D. INVESTIGATION & STUDY.

- a. A Review of the Commission's Regulatory Requirements for Licensees.
 - i. Overview of the Commission's regulations, especially the requirements for licensure.
 - ii. The Commission's monitoring the medical- and adult-use industries via seed-to-sale tracking system.



- b. A Review of the Options for Civil Enforcement, Specifically DOR’s Ability to Impose Sales Tax on the Illegal Sale of Marijuana and Marijuana Products, But Not the Excise Tax.
 - i. M.G.L. c. 64N: Marijuana Tax Law.
 - 1. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64N>
 - ii. M.G.L. c. 62C: Administrative Provisions Relative to State Taxation.
 - 1. M.G.L. c. 62C, § 2: Application of Chapter.
 - a. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter62C/Section2>
 - 2. M.G.L. c. 62C, § 73: Tax Evasion, Failure to Collect or Pay Tax, Keep Records or Supply Information; Penalties.
 - a. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter62C/Section73>
- c. Existing Options for Criminal (and Related Civil) Enforcement.
 - i. Under M.G.L. c. 94C, § 32C, there are prohibitions that apply to unlicensed marijuana operations, and could result in charges for manufacturing, distributing, dispensing, cultivation or possession with such an intent.
 - 1. M.G.L. c. 94C, § 32C: Class D Controlled Substances; Unlawful Manufacture, Distribution, Dispensing, Cultivation or Possession with Intent to Manufacture, Etc.
 - a. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94C/Section32C>
 - b. See M.G.L. c. 94C, § 31, Class D(b)(2) (identifying “Marihuana” as a Class D substance).
 - i. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94C/Section31>
 - ii. Under M.G.L. c. 94G, § 13(h), there is a criminal prohibition on sales to minors.
 - 1. M.G.L. c. 94G, § 13(h): Penalties.
 - a. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94G/Section13>
 - iii. Under M.G.L. c. 267A, § 2, there is a prohibition against money laundering that applies to licensed and unlicensed marijuana operations.
 - 1. M.G.L. c. 267A, § 2: Money Laundering; Penalties.
 - a. <https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter267A/Section2>
 - iv. Under M.G.L. c. 267A, § 2, there is a prohibition against criminal conspiracy applies to licensed and unlicensed operations.
 - 1. M.G.L. c. 94C, § 40: Conspiracy.
 - a. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94C/Section40>



- v. Under various statutes, there is criminal exposure for licensed and unlicensed entities for environmental crimes and related criminal penalties.
1. Note that under M.G.L. c. 94G, § 4(½)(xxviii), the Commission is required to set requirements for the safe disposal of waste.
 - a. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94g/Section4>
 2. M.G.L. c. 21, § 42: *Discharge into Water; Violations of Chapter, Regulation, Order or Permit; False Representations; Tampering with Monitoring Device or Method; Criminal and Civil Penalties*, which establishes criminal and civil penalties for water pollution.
 - a. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21/Section42>
 - b. See M.G.L. c. 21, § 26A (defining "Pollutant").
 1. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21/Section26A>
 3. M.G.L. c. 21C, § 5: *Collection, Transportation, Storage, Etc., Of Hazardous Waste; Prohibited Acts*, which establishes criminal and civil penalties for the knowing improper disposal of hazardous waste.
 - a. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21c/Section5>
 - b. See M.G.L. c. 21C, § 2 (defining "Hazardous waste").
 - i. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21C/Section2>
 - ii. See M.G.L. c. 21C, § 9 (establishing penalties)
 1. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21C/Section9>
 4. M.G.L. c. 21E, § 7: *Notice of Release or Threat of Release*, which establishes penalties for the failure to notify the Massachusetts DEP of a release of hazardous material.
 - a. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21e/Section7>
 - b. See M.G.L. c. 21E, § 2 (defining "Hazardous material").
 - i. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21E/Section2>
 - c. See M.G.L. c. 21E, § 11 (establishing penalties).
 - i. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21E/Section11>
 5. M.G.L. c. 21H, § 8: *Penalties*, which establishes criminal and civil penalties for the failure to comply with the requirements for the disposal of solid waste.
 - a. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21h/Section8>
 - b. See M.G.L. c. 21H, § 8 (defining "Solid waste").



- i. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21C/Section2>
 - 6. M.G.L. c. 21L, § 2: *Environmental Violations; Punishment*, which establishes criminal and civil penalties for environmental violations that create a substantial risk of damage to natural resources or property of another in amount exceeding \$25,000 and of serious bodily injury.
 - i. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21L/Section2>
 - 7. M.G.L. c. 111, § 142A: *Pollution or Contamination of Atmosphere; Prevention; Regulations; Violation; Enforcement*, which establishes criminal and civil penalties for Clean Air Act violations.
 - a. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111/Section142a>
 - vi. Finally, there is a potential for criminal liability for licensed and unlicensed entities engaged in utility theft.
 - 1. M.G.L. c. 164, § 127A: *Destruction of Or Tampering With, Electric or Gas Lines, Meters, Etc.; Theft of Electricity or Gas*, which establishes civil penalties for utility theft.
 - a. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXII/Chapter164/Section127>
- d. Selective Enforcement Actions Taken to Date by AGO
- e. Unknown Scope & Persistence of the Illicit Market
- i. Difficulty of Assessing Current Scope of Illicit Market
 - ii. Selective Lessons Learned from Other States
 - 1. Diversion
 - 2. Inversion
 - iii. Risks Associated with Illicit Market Operations
 - 1. Public health, i.e., vaping ban
 - 2. Public safety
 - 3. Potential to undermine the legal market
 - 4. Lost tax revenue to the Commonwealth

E. RECOMMENDATIONS

- a. Recommendation 1: Propose an amendment to M.G.L. c. 94G and 94I, to clarify that they it applies to licensed marijuana operations engaging in lawful licensed activities, not to those engaging in illicit activities such as inversion and diversion. See M.G.L. c. 94C, § 32C.
 - i. M.G.L. 94G § 9: Lawful operation of marijuana establishments



1. Proposed amendments to M.G.L. c. 94G, § 9(a) in italics.
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94G/Section9>

Notwithstanding any general or special law to the contrary, *including M.G.L. c. 94C, § 32C*, except as otherwise provided in this chapter, the following people involved in the distribution of marijuana as authorized by this chapter shall not be arrested, prosecuted, penalized, sanctioned or disqualified and shall not be subject to seizure or forfeiture of assets for activities specified for:

- (1) a marijuana retailer or an owner, operator, employee or other agent acting on behalf of a marijuana retailer possessing or testing marijuana or marijuana products; purchasing, selling or otherwise transferring or delivering marijuana or marijuana products to or from a marijuana establishment; or selling or otherwise transferring or delivering marijuana or marijuana products to a consumer;
 - (2) a marijuana cultivator or an owner, operator, employee or other agent acting on behalf of a marijuana cultivator cultivating, propagating, breeding, harvesting, processing, packaging, testing, storing or possessing marijuana or marijuana products, or selling or otherwise transferring, purchasing or delivering marijuana and marijuana products to or from a marijuana establishment;
 - (3) a marijuana product manufacturer or an owner, operator, employee or other agent acting on behalf of a marijuana product manufacturer packaging, processing, manufacturing, storing, testing or possessing marijuana or marijuana products, or delivering, selling or otherwise transferring and purchasing marijuana or marijuana products to or from a marijuana establishment; or
 - (4) a marijuana testing facility or an owner, operator, employee or other agent acting on behalf of a marijuana testing facility possessing, processing, storing, transferring or testing marijuana or marijuana products.
2. M.G.L. c. 94I, § 2(c).

Notwithstanding any general or special law to the contrary, including M.G.L. c. 94C, § 32C, a medical marijuana treatment center and its employees registered with the commission shall not be penalized or arrested for acquiring, possessing, cultivating, processing, transferring, transporting, selling, distributing or dispensing medical use marijuana and related supplies and educational materials to qualifying patients or their personal caregivers.



- b. Recommendation 2: Support the concept of establishing an inter-agency task force to address illicit marijuana sales.
 - i. Goals of task force.
 - 1. Target the illicit market and marijuana sales;
 - 2. Pursue criminal and civil penalties;
 - 3. Share information;
 - 4. Allocate resources.
 - ii. Model: Illegal Tobacco Task Force
 - iii. Additional Operational Considerations
 - 1. Meeting in a manner conducive to its investigative and enforcement activities.
 - 2. Funding, e.g., its own line item or the Marijuana Regulation Fund.
 - 3. Staff
 - 4. Resources, e.g., space to store and secure evidence
 - iv. Acknowledge pending Legislative proposals
- c. Recommendation 3: Support expanding DOR's authority to assess excise taxes at the same rates for illegal sales as legal sales of marijuana.
 - i. Limitations on current authority
 - 1. DOR can impose sales, but not excise tax.
 - ii. Benefits of civil enforcement
 - 1. Deterrent effect on illicit market
 - 2. Alternative to criminal enforcement
 - 3. Efficient use of resources
 - 4. Mechanism for recouping lost revenue

PROPOSED PROCESS FOR SUBMITTING REPORT

To the extent that the recommendations are adopted, the Commission and AGO staff will finalize a report to share with appropriate stakeholders on January 1, 2017 and, if necessary, supplement that report.



CANNABIS CONTROL COMMISSION
Public Meeting

December 19, 2019

10:00AM

UMass Medical School
Amphitheater II S4-102
Worcester, MA

Agenda

- 1) Call to Order
- 2) Chairman's Comments & Updates
- 3) Approval of Minutes
- 4) Executive Director's Report
- 5) Staff Recommendations on Change of Ownership
- 6) Staff Recommendations on Change of Location
- 7) Staff Recommendations on Renewals
- 8) Staff Recommendations on Final Licenses
- 9) Staff Recommendations on Provisional Licenses
- 10) Commission Discussion and Votes
- 11) New Business that the Chairman did not anticipate at time of posting
- 12) Next Meeting Date

Licensing Applications | December 19, 2019

The totals below are applications that have submitted all four packets and are pending review.

Type	#
Craft Marijuana Cooperative	2
Independent Testing Laboratory	4
Marijuana Cultivator	126
Marijuana Microbusiness	11
Marijuana Product Manufacturer	92
Marijuana Research Facility	4
Marijuana Retailer	185
Marijuana Transporter with Other Existing ME License	3
Third Party Transporter	5
Total	436

Licensing Applications | December 19, 2019

The totals below are all license application received to date.

Type	#
Pending (All 4 packets submitted)	436
Withdrawn	414
Incomplete (Less than 4 packets submitted)	3,655
Denied	4
Approved	227
Total	4,736

Licensing Applications | December 19, 2019

The totals below are number of licenses approved by category.

Type	#
Craft Marijuana Cooperative	0
Independent Testing Laboratory	3
Marijuana Cultivator	71
Marijuana Microbusiness	4
Marijuana Product Manufacturer	59
Marijuana Research Facility	0
Marijuana Retailer	87
Marijuana Third Party Transporter	1
Marijuana Transporter with Other Existing ME License	2
Total	227

Licensing Applications | December 19, 2019

The totals below are number of licenses approved by stage.

Type	#
Provisionally Approved	14
Provisional License	115
Final License	19
Commence Operations	79
Total	227

Provisionally approved means approved by the Commission but has not submitted license fee payment yet – provisional license has not started

Licensing Applications | December 19, 2019

The totals below are distinct license numbers that have submitted all required packets.

The 667 applications represent 354 separate entities

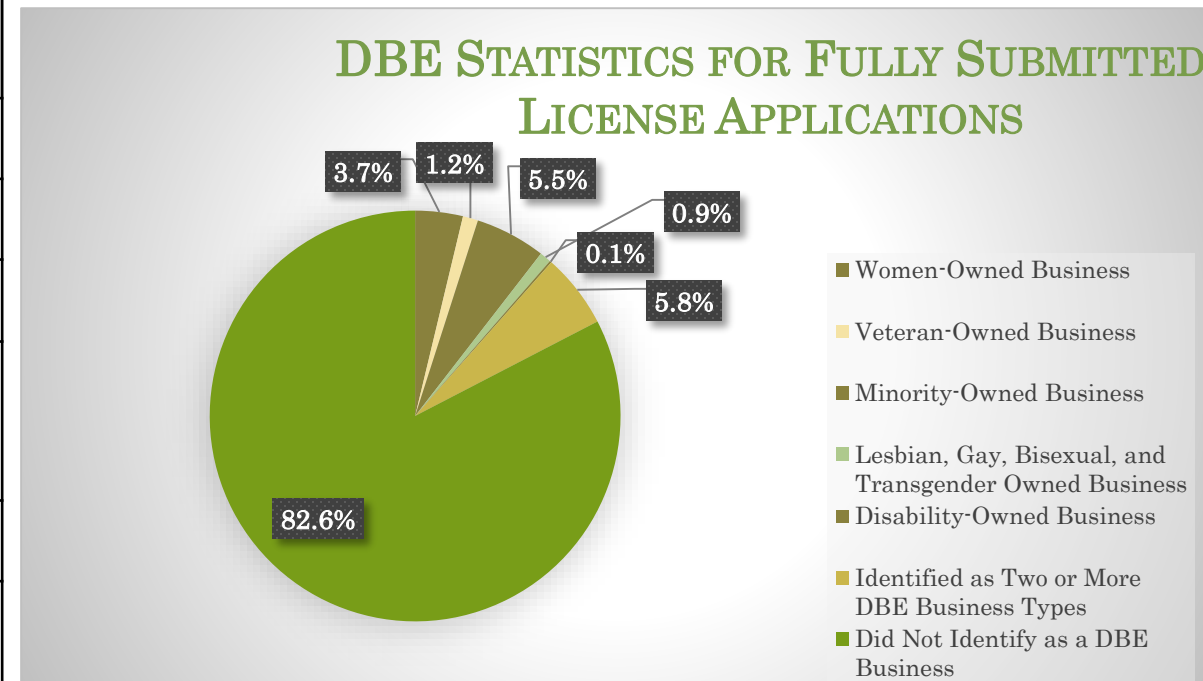
Type	#
RMD Priority	232
Economic Empowerment Priority	22
Expedited Review	46
General Applicant	367
Total	667

Licensing Applications | December 19, 2019

Disadvantaged Business Enterprise (DBE) Statistics

The totals below are distinct license numbers that have submitted all required packets.

Type	#	% of Group
Women-Owned Business	25	3.7%
Veteran-Owned Business	8	1.2%
Minority-Owned Business	37	5.5%
Lesbian Gay, Bisexual, and Transgender Owned Business	6	0.9%
Disability-Owned Business	1	0.1%
Identified as Two or More DBE Business Types	39	5.8%
Did Not Identify as a DBE Business	551	82.6%
Total	606	100.0



Licensing Applications | December 19, 2019

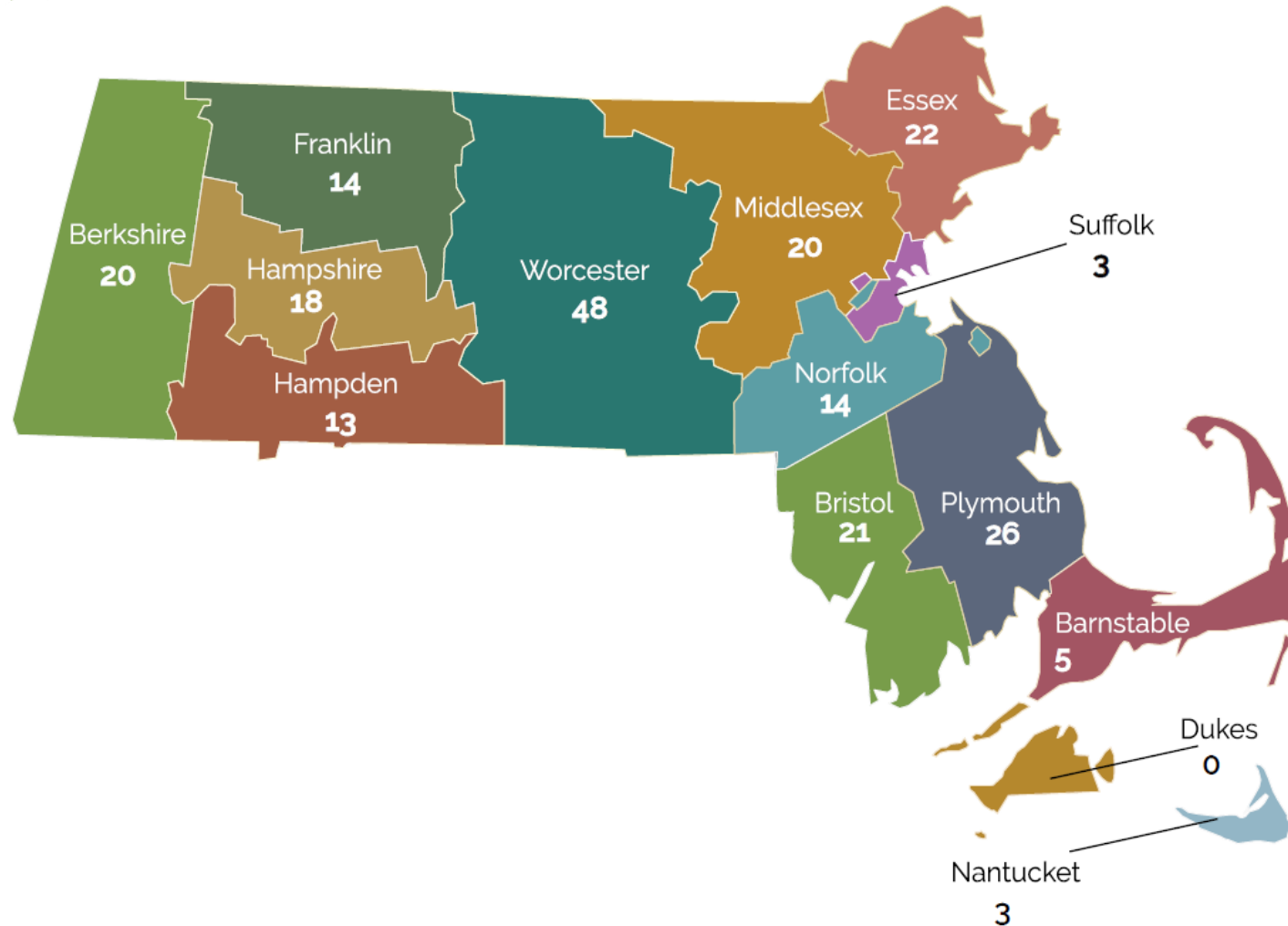
Status	#
Application Submitted: Awaiting Review	156
Application Reviewed: More Information Requested	192
Application Deemed Complete: Awaiting 3 rd Party Responses	57
All Information Received: Awaiting Staff Recommendation	31
Applications Considered by Commission	231
Total	667



Licensing Applications | December 19, 2019

The totals below are the total number of licenses by county.

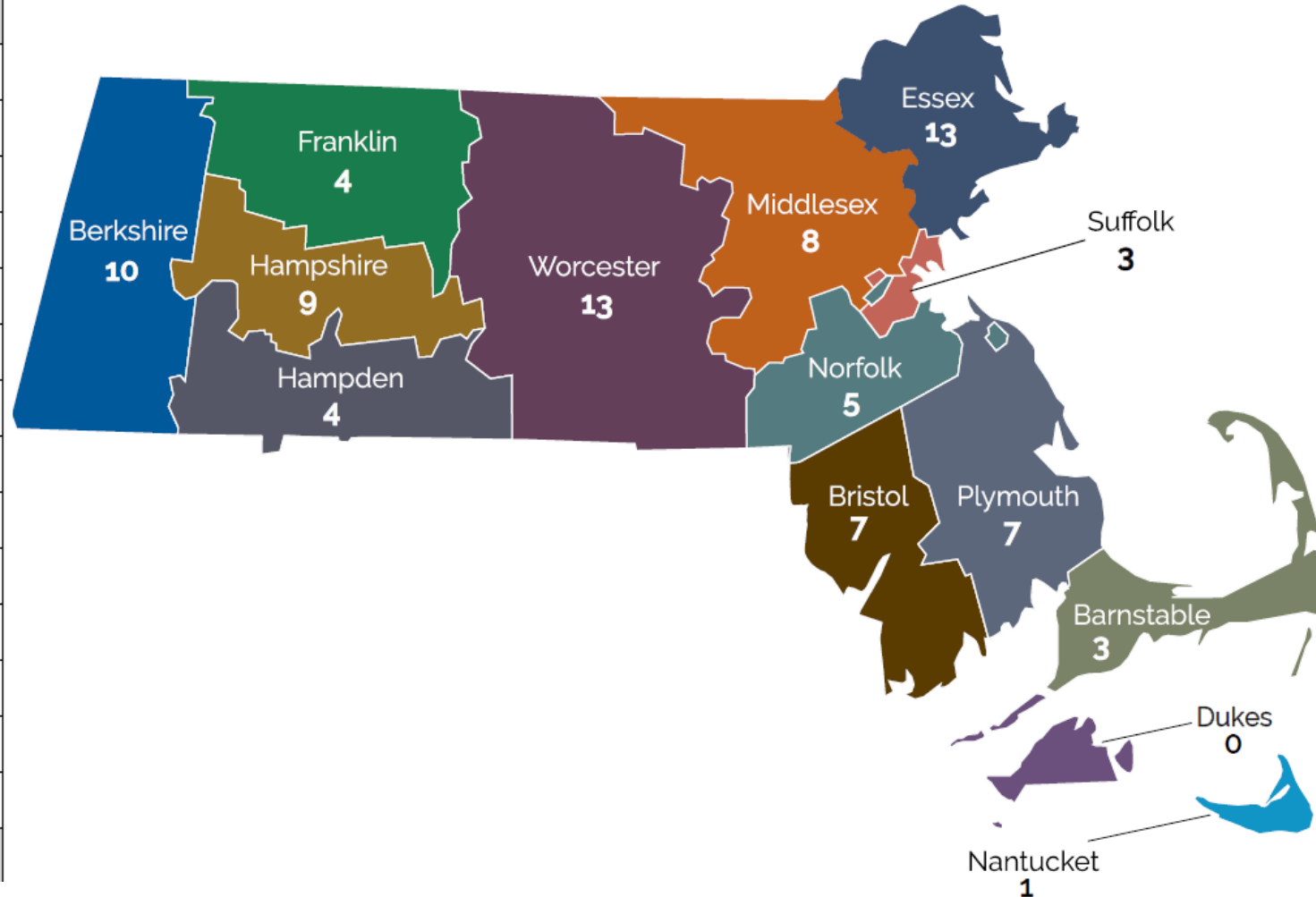
COUNTY	+/-
BARNSTABLE	
BERKSHIRE	+1
BRISTOL	+2
DUKES	
ESSEX	+3
FRANKLIN	
HAMPDEN	+2
HAMPSHIRE	+6
MIDDLESEX	+1
NANTUCKET	
NORFOLK	+4
PLYMOUTH	
SUFFOLK	+1
WORCESTER	
TOTAL	+20



Retail Applications | December 19, 2019

The totals below are the total number of retail licenses by county.

COUNTY	+/-
BARNSTABLE	
BERKSHIRE	+1
BRISTOL	
DUKES	
ESSEX	+1
FRANKLIN	
HAMPDEN	
HAMPSHIRE	+2
MIDDLESEX	+1
NANTUCKET	
NORFOLK	+1
PLYMOUTH	
SUFFOLK	+1
WORCESTER	
TOTAL	+7



Licensing Applications | December 19, 2019

TYPE	PENDING APPLICATION	INITIAL LICENSE DENIED	PROVISIONAL LY APPROVED	PROVISIONAL LICENSE	FINAL LICENSE	COMMENCE OPERATION	TOTAL
Craft Marijuana Cooperative	2	0	0	0	0	0	2
Independent Testing Laboratory	4	0	0	1	0	2	7
Marijuana Cultivator	126	2	6	34	9	22	199
Marijuana Microbusiness	11	0	1	2	1	0	15
Marijuana Product Manufacturer	96	1	5	28	6	20	156
Marijuana Research Facility	4	0	0	0	0	0	4
Marijuana Retailer	185	1	2	49	3	33	273
Marijuana Transporter with Other Existing ME License	3	0	0	0	0	2	5
Third Party Transporter	5	0	0	1	0	0	6
Total	436	4	14	115	19	79	667

Adult Use Agent Applications | December 19, 2019

10,356 Total Agent Applications:

- 250
Total {
- 240 Pending Establishment Agents
 - 10 Pending Laboratory Agents
 - 507 Withdrawn
 - 1,083 Incomplete
 - 26 Expired
 - 1,535 Surrendered
 - 6,955 Active

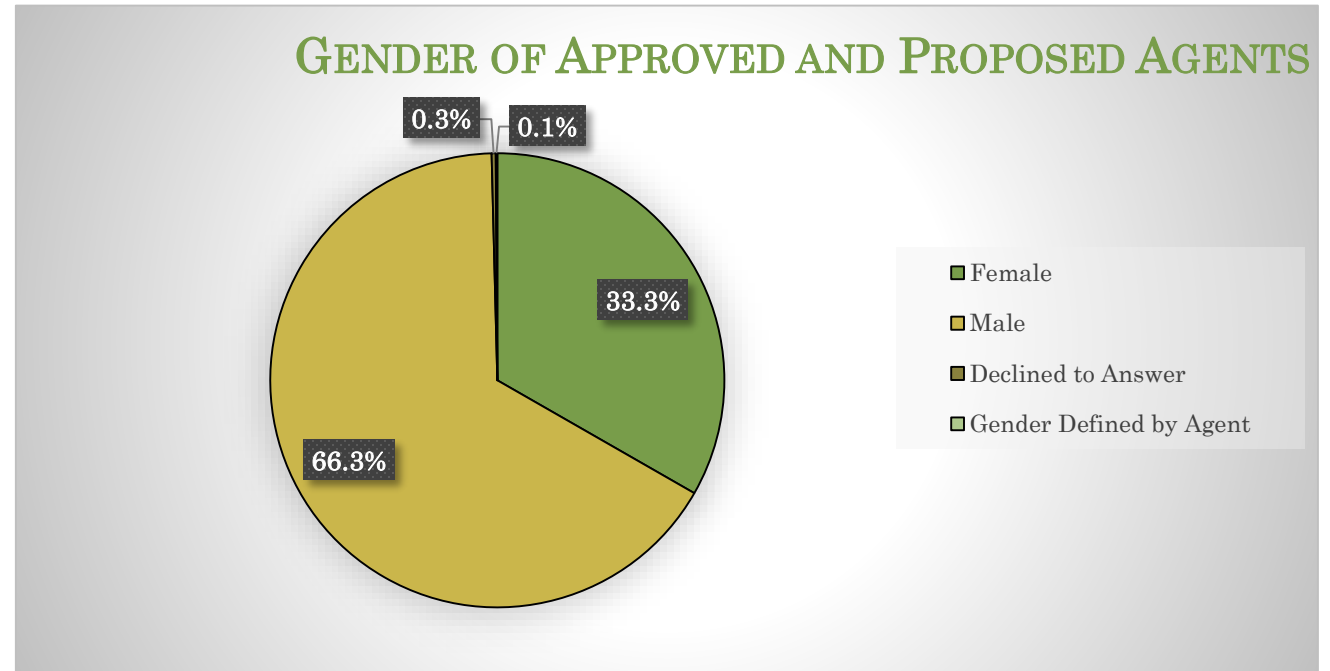
Of Total Pending:

- 96 not yet reviewed
- 146 CCC requested more information
- 8 awaiting third party response
- 0 Review complete; awaiting approval

Agent Applications | December 19, 2019

Demographics of Approved and Pending Agents

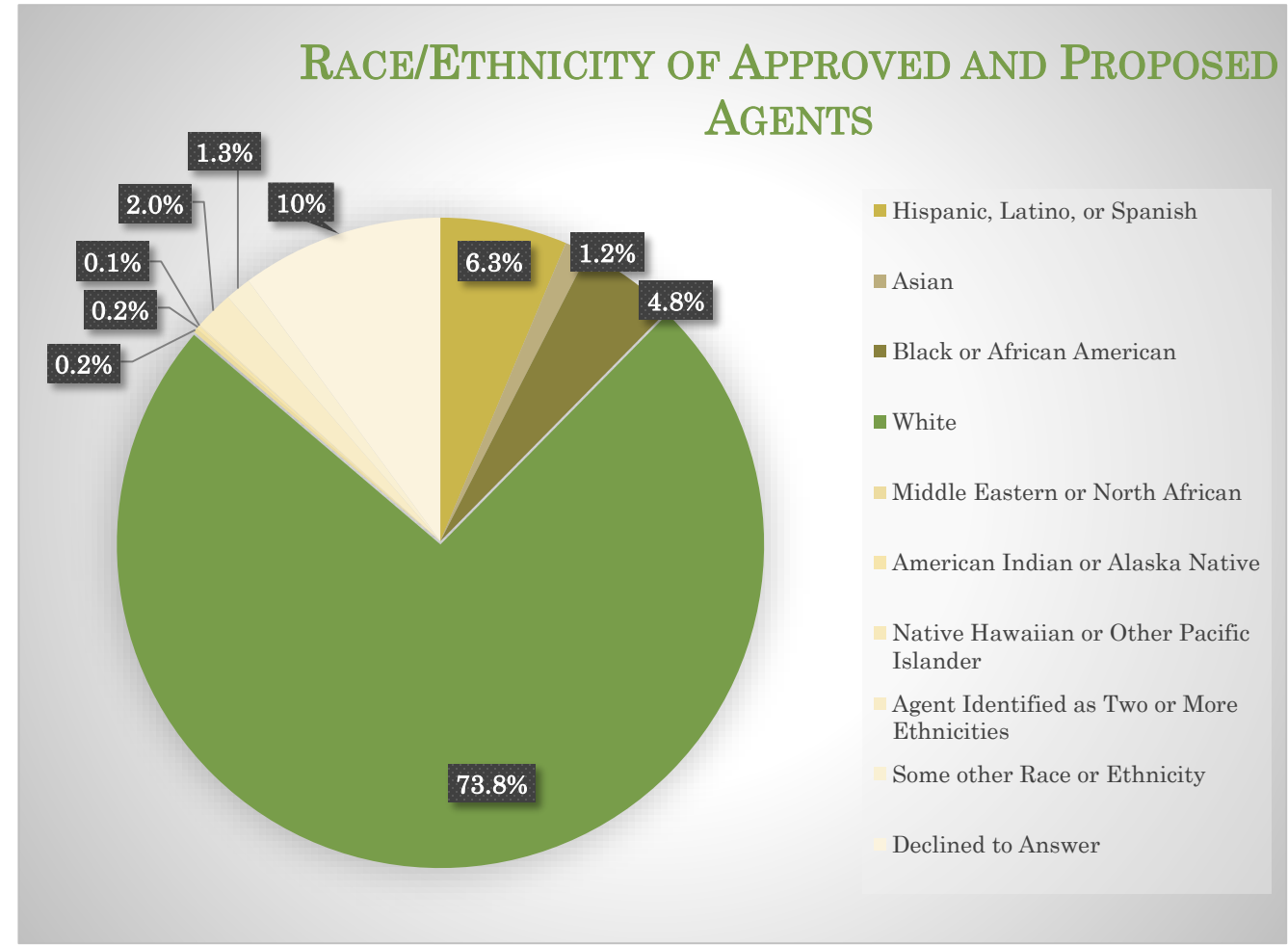
Gender	#	%
Female	2,398	33.3
Male	4,778	66.3
Declined to Answer	21	0.3
Gender Defined by Applicant	8	0.1
Total	7,205	100.0



Agent Applications | December 19, 2019

Demographics of Approved and Pending Agents

Race/Ethnicity	#	%
Hispanic; Latino; Spanish	457	6.3
Asian	86	1.2
Black; African American	349	4.8
White	5,320	73.8
Middle Eastern; North African	15	0.2
American Indian; Alaska Native	12	0.2
Native Hawaiian; Other Pacific Islander	4	0.1
Identified as Two or More Ethnicities	141	2.0
Other Race or Ethnicity	93	1.3
Declined to Answer	728	10.1
Total	7,205	100.0



MMJ Licensing Data | December 19, 2019

MTC License Applications	#
Pending-Application of Intent Stage	36
Pending-Management and Operations Profile Stage	16
Pending-Siting Profile Stage	6
Application Expired	100
Application Withdrawn	3
Total	161

MTC Licenses	#
Provisional	93
Final	6
Commence Operations	56
License Expired	10
Total	165

MMJ Agent and Program Data | December 19, 2019

The numbers below are a snapshot of the program for the month of November.

MTC Agent Applications	#
Pending-MTC Agent Applications	24
Pending-Laboratory Agents	3
Revoked	3
Surrendered	2717
Expired	411
Active	5302
Total	8460

MMJ Program	#
Certified Patients	67,222
Certified Active Patients	60,110
Active Caregivers	6,261
Registered Certifying Physicians	259
Registered Certifying Nurse Practitioners	64
Ounces Sold	39,607

5) Staff Recommendations on Change of Ownership

- a. Krypies, LLC
- b. Mass Yield Cultivation, LLC
- c. New England Treatment Access, LLC
- d. T. Bear Inc.

6) Staff Recommendations on Change of Location

- a. Apothca, Inc., Vertically Integrated Medical Treatment Center (Dispensing)

7) Staff Recommendations on Renewals

- a. Berkshire Roots Inc (# MRR205548), Retail Renewal
- b. Berkshire Roots Inc (# MPR243499), Product Manufacturer Renewal
- c. Berkshire Roots Inc (# MXR126655), Transporter with other Existing License Renewal
- d. Berkshire Roots Inc (# MCR139849), Cultivation Renewal
- e. Berkshire Welco LLC (# MCR139852), Cultivation Renewal
- f. Caregiver-Patient Connection (# MCR139851), Cultivation Renewal
- g. Garden Remedies Inc (# MCR139846), Cultivation Renewal
- h. Garden Remedies Inc (# MPR243502), Product Manufacturer Renewal
- i. Green Biz LLC (# MRR205545), Retail Renewal
- j. Herbology Group, Inc (# MRR205552), Retail Renewal

7) Staff Recommendations on Renewals

- k. LDE Holdings, LLC. (# MCR139854), Cultivation Renewal
- l. Silver Therapeutics, Inc (# MRR205549), Retail Renewal
- m. Silver Therapeutics, Inc (# MCR139853), Cultivation Renewal
- n. T. Bear Inc. (MPR243498), Product Manufacturer Renewal
- o. The Green Lady Dispensary, Inc. (# MCR139850), Cultivation Renewal
- p. The Green Lady Dispensary, Inc. (# MPR243501), Product Manufacturer Renewal
- q. The Green Lady Dispensary, Inc. (# MRR205547), Retail Renewal
- r. ARL Healthcare, Inc., Vertically Integrated Medical Treatment Center
- s. ARL Healthcare, Inc. (#RMD1085)
- t. Healthy Pharms, Inc. (#RMD545)
- u. Holistic Industries (#RMD685)

7) Staff Recommendations on Renewals

- v. Hope Heal Health, Inc. (#RMD686)
- w. Massmedicum Corp., Vertically Integrated Medical Treatment Center
- x. MD Holistics, Inc., Vertically Integrated Medical Treatment Center
- y. Middlesex Integrative Medicine, Inc. (#RMD1025)
- z. Nature's Remedy of Massachusetts, Inc. (#1285)
- aa. Olde World Remedies, Inc., Vertically Integrated Medical Treatment Center
- bb. Sanctuary Medicinals, Inc. (#RMD1128)
- cc. Sanctuary Medicinals, Inc. (#RMD605)
- dd. The Haven Center, Vertically Integrated Medical Treatment Center
- ee. The Haven Center, Vertically Integrated Medical Treatment Center
- ff. The Haven Center, Vertically Integrated Medical Treatment Center

8) Staff Recommendations on Final Licenses

- a. Alternative Therapies Group (# MR281346), Retail
- b. Curaleaf Massachusetts, LLC (# MR282052), Retail
- c. Sira Naturals, Inc. (# MC281252), Cultivation, Tier 3/Indoor
- d. HVV Massachusetts, Inc. (#RMD1405), Vertically Integrated Medical Treatment Center
- e. Hope Heal Health, Inc. (#MC281748), Cultivation, Tier 4/Indoor
- f. Hope Heal Health, Inc. (#MP281361), Product Manufacturer
- g. Hope Heal Health, Inc. (#MR281337), Retail

9) Staff Recommendations on Provisional Licenses

- a. 1620 Labs, LLC (#MCN281775), Cultivation, Tier 3/Indoor
- b. 1620 Labs, LLC (#M281523), Product Manufacturer
- c. 27 Broom Street, LLC (#MCN281723), Cultivation, Tier 10/Outdoor
- d. 27 Broom Street, LLC (#MCN281880), Cultivation, Tier 2/Indoor
- e. 27 Broom Street, LLC (#M281490), Product Manufacturer
- f. Ascend Mass, LLC (#MRN282077), Retail
- g. Bask, Inc. (#MRN282284), Retail
- h. Bask, Inc. (#MRN282819), Retail
- i. Berkshire Welco LLC (#MCN281949), Cultivation, Tier 7/Outdoor
- j. Berkshire Welco LLC (#MPN281505), Product Manufacturer
- k. Berkshire Welco LLC (#MRN281967), Retail

9) Staff Recommendations on Provisional Licenses

- l. Cannabis Connection, Inc. (#MRN281362), Retail
- m. Caregiver-Patient Connection LLC (#MCN282206), Cultivation, Tier 3/Indoor
- n. Caregiver-Patient Connection LLC (#MCN282237), Cultivation, Tier 2/Indoor
- o. Cultivate Holdings, LLC (#MRN281843), Retail
- p. Cultivate Holdings, LLC (#MRN28252), Retail
- q. D2N2, LLC (#M281517), Retail
- r. Evergreen Strategies, LLC (#MRN281834), Retail
- s. Evergreen Strategies, LLC (#MRN282032), Retail
- t. Four Daughters Compassionate Care, Inc. (#MRN282232), Retail
- u. Frozen 4, LLC (#MCN2281658), Cultivation, Tier 4/Indoor
- v. Garden Remedies, Inc. (#MRN282471), Retail
- w. Herbal Pathways, LLC (#M282037), Retail

9) Staff Recommendations on Provisional Licenses

- x. JOLO Can, LLC (#MCN281502), Cultivation, Tier 3/Indoor
- y. JOLO Can, LLC (#MPN281369), Product Manufacturer
- z. JOLO Can, LLC (#MRN281308), Retail
- aa. Mass Alternative Care, Inc. (#MRN282062), Retail
- bb. Pharmacannis Massachusetts, Inc. (#MRN282298), Retail
- cc. Temescal Wellness of Massachusetts LLC (#MRN282033), Retail
- dd. Wellman Farm, Inc. (#MCN281310), Cultivation, Tier 2/Indoor
- ee. Whole Sun Farm, LLC (#MCN281757), Cultivation, Tier 1/Outdoor

10) Commission Discussion and Votes

- a. Guidance for Farmers
- b. Guidance on Host Community Agreements
- c. Guidance on Positive Impact Plans
- d. Guidance on Distribution
- e. Compiled Guidance on Energy & Environmental Compliance
- f. Memorandum: Chapter 55 Report on Potential Criminal Penalties

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Energy & Environmental Guidance & Compliance Update

- Recommend pushing compliance back to July 1, 2020
- Approve ministerial changes to guidance re: method of submission

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Next Meeting Date

**January 16, 2020
12:00 PM**

**Worcester Union Station
Cannabis Control Commission
Public Meeting Room**

**2 Washington Square
Worcester, MA**