



# Cannabis Control Commission Policy Public Meeting

In-Person and Remote via Teams



## Meeting Book - Cannabis Control Commission Policy Public Meeting Packet

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#### Next Meeting Date & Adjournment

20240927 PPT.pdf



September 25, 2024

In accordance with Sections 18-25 of Chapter 30A of the Massachusetts General Laws and Chapter 2 of the Acts of 2023, notice is hereby given of a meeting of the Cannabis Control Commission. The meeting will take place as noted below.

**CANNABIS CONTROL COMMISSION**

**September 27, 2024  
12:00 PM**

**Worcester Union Station  
2 Washington Square  
Worcester, MA 01604**

**In-Person and Remote via [Microsoft Teams](#)  
PUBLIC MEETING AGENDA**

- I. Call to Order
- II. Commission Discussion and Vote
  - 1. Social Equity Trust Fund Update *Commissioner Nurys Camargo*
  - 2. Governance Charter Discussion and Vote
- III. New Business Not Anticipated at Time of Posting
- IV. Next Meeting Date
- V. Adjournment

\*Closed captioning available

*If you need reasonable accommodations in order to participate in the meeting, contact the ADA Coordinator Debra Hilton-Creek in advance of the meeting. While the Commission will do its best to accommodate you, certain accommodations may not be available if requested immediately before the meeting.*



**THE MASSACHUSETTS CANNABIS CONTROL COMMISSION CHARTER:  
A DOCUMENT TO PROMOTE GOOD GOVERNANCE**

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## **THE MASSACHUSETTS CANNABIS CONTROL COMMISSION CHARTER: A DOCUMENT TO PROMOTE GOOD GOVERNANCE**

### **PURPOSE**

To foster a positive, productive, and cooperative work environment based on mutual respect and to provide further guidance concerning the Cannabis Control Commission's (Commission) duties, Commissioners and the Executive Director, in collaboration with Staff, have established this charter.<sup>1</sup>

### **BACKGROUND**

1. The general roles and responsibilities of the Commission are set out in its governing laws, G. L. c. 10, § 76, G. L. c. 94G, § 4, and G. L. c. 94I, § 7. The Commission is an independent agency that was established by Chapter 55 of the Acts of 2017 in July of 2017.
2. The mission of the Commission is to honor the will of the voters of Massachusetts by safely, equitably, and effectively implementing and administering the laws enabling access to medical and adult-use marijuana in the Commonwealth.

The Commission will foster the creation of a safely regulated industry that will create entrepreneurial and employment opportunities and incremental tax revenues in and to communities across the state and which will be a best practice model for other states. The industry will be characterized by participation by small and larger participants and with full and robust participation by minorities, women and veterans. We will develop policies and procedures to encourage and enable full participation in the marijuana industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement and positively impact those communities.

3. The Commission is comprised of both the group of five appointed Commissioners and the administrative agency.
4. Pursuant to Massachusetts General Laws G. L. c. 10, § 76 (a), the Commission is composed of five Commissioners; one with a background in public health, mental health, substance use or toxicology, who is appointed by the governor; one with a background in public safety, who is appointed by the attorney general; one with experience in corporate

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<sup>1</sup> Nothing in this document shall contradict or be interpreted to limit or contradict the authorities and obligations of the Commission by the Massachusetts General Laws.

management, finance or securities, who is appointed by the treasurer and receiver-general; one with professional experience in oversight or industry management, including commodities, production or distribution in a regulated industry; and one with a background in legal, policy or social justice issues related to a regulated industry. The latter two Commissioners are appointed by a majority vote of the governor, attorney general and treasurer and receiver-general. The treasurer and receiver-general designates the Chair of the Commission.

5. Pursuant to G. L. c. 10, § 76 (e), three Commissioners constitute a quorum, and Commission decisions and approvals are made by an affirmative vote of 3 Commissioners.
6. The combined expertise, knowledge, and lived experience of the five Commissioners provides the Commonwealth with the capacities needed to achieve the mission of the Commission.

## ROLES AND RESPONSIBILITIES

1. The Commissioners, including the Chair:
  - a. As stewards of the Commission and in working to achieve the Commission's statutory mandates and mission, the Commissioners:
    - i. Act in the best interests of the Commission and on behalf of the public;
    - ii. Act to ensure a safe, equitable, and effective medical and adult-use cannabis industry;
    - iii. Work with the Executive Director and Commission Staff (Staff) to fulfill Commissioner roles and responsibilities with respect for their obligations, as public officials, to Commonwealth citizens, taxpayers, residents, and stakeholders in the cannabis industry, including but not limited to patients, consumers, and other industry participants; and
    - iv. Work with fellow Commissioners, in compliance with Massachusetts Open Meeting Laws.
  - b. As policymakers, the Commissioners:
    - i. Deliberate on<sup>2</sup> and make policy decisions on the overall direction of the Commission and the medical and adult-use cannabis industry in Massachusetts; and
    - ii. May delegate statutory responsibilities of the Commissioners to the Executive Director.
  - c. As regulators, the Commissioners promulgate regulations for medical and adult-use marijuana.<sup>3</sup>

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<sup>2</sup> <https://www.mass.gov/service-details/open-meeting-law-educational-materials>

<sup>3</sup> G. L. c. 94G, §§ 4 (a) (xxiv) and (g) and G. L. c. 94I, § 7

- d. As licensors, the Commissioners:
  - i. Consider and take any relevant action on applications for licensure and licenses, including deciding on the suitability of applicants and enforcement actions, including but not limited to the revocation and suspension of licenses;
  - ii. Maintain separation and impartiality between their adjudicatory and administrative functions, as detailed in paragraph 11 of the Section on Interactions Between and Among Commissioners, Executive Director, and Staff; and
  - iii. Accredit education providers to operate Responsible Vendor Training programs.
- e. In relation to the administrative agency, the Commissioners:
  - i. Hire, discipline, and terminate the Executive Director;<sup>4</sup>
  - ii. In consultation with the Executive Director, establish and vote to approve the annual goals of the Executive Director and may participate in activities that support those goals;
  - iii. Consider and approve the Commission's proposed fiscal year budget request that reflects the Commission's strategic priorities;
  - iv. Review spending and remaining resources at the midpoint of each fiscal year;
  - v. Conduct assessments and performance reviews for the Executive Director in relation to the Executive Director annual goals; and
  - vi. Approve job descriptions for new and significantly revised positions proposed by the Executive Director.
- f. The Commissioners contribute, but are not limited to, their topic-specific expertise and lived experience to address all Commission matters.
- g. The Commissioners serve as official agency spokespersons.
- h. As public officials, and notwithstanding their role as adjudicators, the Commissioners:
  - i. Share expertise, updates, and insight on the development of the industry and engage stakeholders to learn and understand all aspects of the cannabis industry, in accordance with Commission approved policy;
  - ii. Contribute to public awareness and engagement with the Commission on issues affecting the cannabis industry, medical and adult-use consumers, and the public; and
  - iii. May advocate for policies and testify before Legislative and Regulatory Committees in support of official Commission business.

## 2. The Commission Chair:

- a. Has and exercises supervision and control over all affairs of the Commissioners;<sup>5</sup>

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<sup>4</sup> G. L. c. 10, § 76 (j)

<sup>5</sup> G. L. c. 10, § 76 (h) and (i)

- b. Works cooperatively with the Executive Director on, including but not limited to, policy matters, outreach, internal and external communications, Commissioner meeting preparation, agenda setting, work and project assignments of Commissioners, and accountability;
  - c. Coordinates Commission work and project assignments with Commissioners;
  - d. Sets the agenda for public meetings<sup>6</sup> that occur in the normal course of Commission activities, after obtaining input from the other Commissioners and in consultation with Executive Director;
  - e. Presides over public meetings and hearings and manages discussions and ascertains the votes of the Commissioners in accordance with Robert's Rules of Order;
  - f. Designates a Commissioner to act as Chair for hearings and public meetings in the Chair's absence.<sup>7</sup> The Secretary may serve as Chair if the Chair is absent and has not previously designated another Commissioner to act as Chair for a public meeting. If a Chair is removed or suspended by the appointing authority, the remaining Commissioners will elect an Acting Chair until the appointing authority designates the Chair;<sup>8</sup>
  - g. Solicits interest among the Commissioners for the positions of Treasurer and Secretary at the Commission public meeting held prior to the January public meeting and takes nominations and presides over votes for those positions during the January public meeting;
  - h. Monitor and track the work of the Treasurer and Secretary;
  - i. Serves as liaison to the Cannabis Advisory Board (CAB) and at a public meeting, solicits interest from Commissioners and based on their interests, appoints Commissioner liaisons to CAB subcommittees;
  - j. Supports productive functioning of the Commissioners as a working board; and
  - k. Testifies in support of the annual General Appropriations Act with the Executive Director and may designate additional participants in consultation with the Executive Director.
3. The Commission Treasurer:
- a. Is elected by the Commissioners<sup>9</sup> at the January public meeting to serve a one-year term;
  - b. Participates in finance compliance and transparency, and develops an understanding of the financial reporting, structures, and procedures, of the Commission;<sup>10</sup>
  - c. In close collaboration with the Chief Financial and Accounting Officer (CFAO):

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<sup>6</sup> G. L. c. 10, § 76 (e)

<sup>7</sup> G. L. c. 10, § 76 (d) and (h)

<sup>8</sup> G. L. c. 94G, § 4 (a)

<sup>9</sup> G. L. c. 10, § 76 (g) and (j)

<sup>10</sup> G. L. c. 10, § 76 (j)



- i. Participates in budget planning meetings with the Budget Director and Executive Director to develop the annual budget and assists with presenting the budget proposal to the Commissioners;
    - ii. Serves as signatory for monthly expenditures authorized by the CFAO in a timely manner;
    - iii. Conducts regular review meetings, including with the Executive Director, CFAO, Chief Operating Officer, Budget Director, and appropriate staff, to discuss budget execution, revenues, and fiscal issues, such as rate of spending or any unplanned costs;
    - iv. Reviews department resource requests in collaboration with the Executive Director; and
    - v. Monitors the status of the Commission's budget request in the state budget process, as reported by the Director of Government Affairs and Policy;
  - d. In support of their testimony for the annual General Appropriations Act, the Chair and the Executive Director will work with the Treasurer, CFAO, and the Department of Government Affairs and Policy; and
  - e. May opt to provide a Treasurer's report to the Commissioners, if placed on the agenda for a public meeting.
4. The Commission Secretary:
- a. Is elected by the Commissioners<sup>11</sup> at the January public meeting to serve a one-year term;
  - b. Coordinates with the General Counsel and Legal Staff to:
    - i. Prepare the public session minutes, in a timely manner, for approval at a public meeting of the Commissioners;
    - ii. Review on a bi-annual basis, the minutes from executive sessions and determine if they may remain protected or may be presented for approval at a public meeting of the Commissioners;
    - iii. Serve as Keeper of the Records or delegate to the General Counsel;<sup>12</sup>
    - iv. Review bi-annual updates on public records requests received by the Records Access Officer (RAO), including the Commission's annual report to be filed with the Secretary of State's (SOS) Supervisor of Public Records and consult with the RAO regarding procedures to destroy records in accordance with the State's records retention schedule;
  - v. Review Commission-approved draft and final regulatory changes and track promulgation timelines established by the SOS's Regulations and Publications Division during policy and regulatory review processes; and

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<sup>11</sup> G. L. c. 10, § 76 (g)

<sup>12</sup> G. L. c. 10, § 76 (g)

- vi. In consultation with the Executive Director, Chair, General Counsel, and Chief People Officer, promotes compliance with all required Commissioner trainings;
- c. Works with the Executive Director, Legal Department, and Communications Staff to ensure that any legislatively required reports (annual activities report and tax rate) are submitted to the appropriate branches of government;
- d. Is designated by the Chair to serve as Chair for a public meeting if the Chair is absent and has not previously designated another Commissioner to act as Chair for a public meeting; and
- e. May opt to provide a Secretary's report to the Commissioners, if placed on an agenda for a public meeting.

5. The Executive Director:

- a. Is the executive and administrative head of the Commission;<sup>13</sup>
- b. Directs, manages, and coordinates all work with Staff;
- c. Is hired by and serves at the will of the Commissioners;<sup>14</sup>
- d. Advises and counsels Commissioners on policy development;
- e. Works cooperatively with the Commissioners, in consultation with appropriate Staff, to carry out the Commission's statutory mandates and mission;
- f. Alerts Commissioners of urgent public health, safety, and welfare incidents in a timely manner;
- g. Serves and represents the Commission as a subject matter expert on a broad range of regional, national, and global platforms;
- h. Executes and implements Commission-delegated authorities to fulfill Commissioner administrative and policy decisions;
- i. Administers and enforces Commission regulations and policies and applicable state and federal laws by, with, and through Department Heads and appropriate Staff;
- j. Either directly or through a designee:
  - i. Hires, disciplines, and terminates employees in consultation with the Chief People Officer and General Counsel or Legal department designee in accordance with the Employee Handbook and applicable laws;
  - ii. Negotiates contracts with union and non-union employees in consultation with the Chief People Officer and General Counsel or Legal department designee;
  - iii. Hires employee contractors in consultation with the Chief People Officer;
  - iv. Enters into and executes contracts with suppliers and vendors in accordance with Standard Operating Procedure limits; and
  - v. Hires outside counsel, in consultation with the General Counsel, as needed;
- k. Coordinates with the Commission Chair on the public meeting agenda;

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<sup>13</sup> G. L. c. 10, § 76 (j)

<sup>14</sup> Id.

- l. Attends public meetings of the Commission and provides monthly updates;
- m. Proposes annual goals for Commissioners' consideration and approval;
- n. Coordinates with Commissioners, CFAO, Department Heads, and other relevant Staff to prepare an annual budget;
- o. Works with the CFAO and Budget Director to brief Commissioners on the proposed budget and solicits Commissioner input and priorities;
- p. Briefs Commissioners on the budget proposal;
- q. Works with the Budget Director and CFAO to develop the annual budget and assists with presenting the budget proposal to the Commissioners;
- r. Provides fiscal impact analysis information during the regulatory promulgation process to ensure Commissioners understand the costs and benefits of proposed regulations and regulatory changes;
- s. Provides information to Commissioners on potential fiscal impacts of amending the Executive Director's annual goals;
- t. Testifies before Legislative and Regulatory Committees in support of the Commission;
- u. Serves as Chair of the Cannabis Advisory Board;
- v. Coordinates responses to Commissioner requests for information and Staff support;
- w. As appropriate, informs, coordinates, and/or consults with the Commissioners and General Counsel on working with the Office of the Attorney General to seek representation and manage litigation strategy involving the Commission;
- x. Exercises emergency administrative powers to ensure Staff and/or public health and safety, if practicable, in collaboration with the Chair;
- y. Works cooperatively with the Chair on, including but not limited to, policy matters, outreach, internal and external communications, Commissioner meeting preparation, agenda setting, work and project assignments of Commissioners, and accountability;
- z. Works cooperatively with the Treasurer and the Secretary to fulfill their required roles; and
- aa. Works with each Department to create relevant Commission Standard Operating Procedures (SOPs), consults with Commissioners for input and feedback, and approves all SOPs.

## **PUBLIC MEETING AGENDA SETTING**

1. For public meetings that occur in the normal course of Commission activities, the Commission Chair is responsible for setting the final public meeting agenda.<sup>15</sup>
2. The public meeting agenda is set cooperatively within the Commission:

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<sup>15</sup> G. L. c. 10, § 76

- a. Leadership and Staff suggest topics to the Executive Director;
  - b. Commissioners suggest topics to the Chair;
  - c. In the weeks prior to the public meeting, Staff designated by the Executive Director circulate a draft agenda, including topic sponsors, to the Chair and the other four Commissioners;
  - d. One week before the public meeting, Staff designated by the Executive Director circulate a draft final version of the agenda to the Commissioners for feedback;
  - e. The Chair, in consultation with the Executive Director and General Counsel, determines the final agenda; and
  - f. During a public meeting, Commissioners may request that an item be vetted for inclusion on the agenda of a future public meeting.
3. New Business: The public meeting agenda includes a “New Business” item for items that had not been anticipated prior to public posting of the agenda. New business items may be discussed, but votes should not be taken on items not publicly noticed until the next public meeting.
4. A public meeting called by the Chair or 3 Commissioners under G. L. c. 10, § 76 (e), must be conducted in accordance with the Open Meeting and Public Record Laws. If the Chair is not one of the 3 Commissioners calling the public meeting, those calling the meeting shall designate one of the 3 Commissioners to serve as the presiding officer for that meeting.

#### **EXECUTIVE DIRECTOR GOALS**

1. The Executive Director will annually develop goals that further the statutory mandates and mission of the Commission, in collaboration with the Commissioners, Department Heads, and staff, during the 4<sup>th</sup> quarter of the calendar or fiscal year.
2. Every effort will be made to align agency and Commissioners’ priorities, Executive Director goals, and information derived from the Executive Director performance evaluation.
3. The Executive Director goals are approved by an affirmative vote of 3 Commissioners prior to the end of the calendar or fiscal year.
4. The approved Executive Director goals inform Commission budget and staff resource allocations.
5. Commissioners will seek out opportunities through their work to support the progress and achievement of the Executive Director goals and seek updates during regular check-in meetings with the Executive Director.

6. Executive Director goals are subject to mid-year review, end-of-year updates, and possible revisions based on changing conditions and opportunities, such as new legislation or emergencies.
7. The Executive Director's performance review is based on progress and/or achievement of the established Executive Director goals and performance assessments.

### **INTERACTIONS BETWEEN AND AMONG COMMISSIONERS, EXECUTIVE DIRECTOR, AND STAFF**

The Commissioners, Executive Director, and Staff function as a collaborative unit to accomplish the mission of the Commission. To that end, the following code of practice for interactions among them is established:

1. The Commissioners respect the position of the Executive Director in managing the Commission's staff and will follow the supervisory chain of accountability.
2. The Executive Director respects the Commissioners' need for staff resources and information and will work with the Chair to identify appropriate staff resources and information.
3. The Staff respects the roles of the Executive Director and the Commissioners in their co-governance of the Commission, including their priorities, procedures implemented by the Executive Director, and policies approved by the Commissioners.
4. Commissioners and Staff are encouraged to mutually engage with each other in accordance with the Open Meeting Law and with respect for Staff and Commission work priorities.
5. Commissioner requests for staff resources will be made to and approved by appropriate Department Heads, in coordination with the Executive Director, to ensure proper triage of requests.
6. Commissioner requests for information will be made to and provided by appropriate Department Heads in coordination with the Executive Director.
7. Commissioners may contact a topic sponsor of a public meeting agenda item in preparation for a Commission public meeting. If the sponsor is a Commissioner, the Open Meeting Law applies.
8. Urgent Commissioner policy or operational questions will be directed to the Executive Director.

9. A project charter, which must be reviewed and approved by the Executive Director, allows for Commissioner and staff interactions based on its project scope and staff resource allocations. Not all projects initiated with project charters include Commissioner participation.
10. Commission SOPs delineate Commission processes on each administrative unit and are ultimately approved by the Executive Director. The Chair consults with each Commissioner annually to ascertain their priority SOPs. The Chair and the Executive Director determine the priority SOPs annually. Commissioners will provide input to and feedback on priority SOPs. A project charter may be used for SOP creation or revision.
11. Commissioners support the Investigations and Enforcement team as it works to implement Commission regulations and preserve Commissioner ability to adjudicate a matter fairly and objectively. As such:
  - a. Commissioners may request from the Executive Director and/or the Chief of Investigations and Enforcement, information on an investigation or licensing matter, including, but not limited to, allegations and circumstances leading to the investigation, current status, and an estimated timeline for completing the investigation or licensing recommendation, if available.
  - b. A Commissioner, who is informed of a complaint about an existing investigation or licensing matter, will share that concern or complaint with the Executive Director and/or the Chief of Investigations and Enforcement, who will follow up on that concern and report back to the Commissioner and if appropriate, provide a plan to triage that complaint. Commissioners are encouraged to log communications to relevant Dynamics records.
  - c. With guidance from the Executive Director, the Chief of Investigations and Enforcement, and the General Counsel, subject to applicable laws regarding disclosure of confidential or privileged information, Commissioners will be careful and cautious about public disclosure of information to protect the integrity of investigations.
  - d. Commissioners will familiarize themselves with investigation and enforcement SOPs.
  - e. Commissioners will be informed in writing when an adjudicatory hearing subject to G. L. c. 30A is requested and will refrain from ex parte communications with any parties, or those identified as representing such parties in official or unofficial capacities, to that pending matter.
  - f. Commissioners will inform the Executive Director and/or the Chief of Investigations and Enforcement of any invitation or plan to visit a licensee in their official capacity, prior to acceptance of such an invitation.

- g. Commissioners will serve their adjudicatory functions in accordance with G. L. c. 30A, Commission governing laws, applicable regulations, and established standards for the conduct of public officials serving on a Commission in the Commonwealth.<sup>16</sup>
- 12. The Executive Director and General Counsel will inform Commissioners of a material threat or pending litigation related to the Commission in accordance with the Commission standard operating procedure.
- 13. A Commissioner, who is informed of a human resources concern or complaint, will share that concern or complaint with the Chief People Officer and Executive Director. The Chief People Officer will assess that concern or complaint and report back to the Executive Director, who will inform the Commissioner.
- 14. The Commissioners, Executive Director, and staff are committed to compliance with the Massachusetts Open Meeting Laws, including restrictions on serial communications with or among more than two Commissioners.

#### **STRUCTURAL MECHANISMS FOR JOINT COMMISSIONER AND COMMISSION STAFF WORK (PROJECT WORK GROUPS)**

- 1. A Commissioner, Department Head, or other Staff may prepare and submit a draft project charter to the Executive Director to address an identified Commissioner priority, Commission topic, or to work toward an Executive Director goal.
- 2. In accordance with the Commission's Project Charter Policy, the draft project charter will include: goals of the work, scope of the project, timeline and budget, and staffing requirements, including roles and responsibilities.
- 3. The roles outlined in a project charter include:
  - a. Sponsor, who authorizes the work;
  - b. Project Lead, who is responsible for initiating and completing the scope of work; and
  - c. Project Team, which is responsible for contributing to accomplish the authorized work.
  - d. The Project Team may include Commissioners, Staff, and external members.
- 4. A discussion between a Commissioner and the Executive Director is expected to occur in the early conceptual phase of a potential project that includes Commissioner participation.

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<sup>16</sup> See the most recent version of the Office of the Attorney General's "Conducting Administrative Adjudicatory Proceedings," particularly Chapter 7.



5. A Commissioner initiating a project will submit a draft project charter to the Executive Director for approval after consultation with participating Departments.
6. Approval of a project charter that includes Commissioner participation is approved by the Executive Director in consultation with the Chair. A project charter is approved by the Executive Director.
7. If the Executive Director does not approve a project charter, the Executive Director, in consultation with the Chair and in accordance with the Open Meeting Law, will work with the project lead to develop alternative strategies for addressing the topic.
8. A project charter may be amended, for example, to change membership, by sending the Executive Director a tracked changes version of the original project charter. The Executive Director will review proposed changes to a project charter in consultation with the sponsor and project lead. The revised project charter may not be acted upon until it is approved by the Executive Director.
9. The project charter template is available to all Commissioners and staff.
10. Project charters are posted to a central repository, such as the Commission intranet.
11. Commissioners are informed of newly approved project charters by the Executive Director in a timely manner.

#### **LEGISLATIVE AND EXECUTIVE BRANCH OUTREACH**

1. Commissioners and the Executive Director are considered cannabis subject matter experts by Legislative and Executive Branches of government and may engage with municipal, tribal, state, federal, and international government entities.
2. Commissioners may discuss and approve, by an affirmative vote of 3 Commissioners, specific topics and positions for legislative outreach on behalf of the Commission.
3. Topics for Commission-supported legislative outreach are limited to:
  - a. Topics within Commission jurisdiction;
  - b. Legislative or Executive action required to enable the Commission to meet its legislative mandates and imperatives; and
  - c. Annual operating budget.



4. Commission-supported positions are limited to the endorsement of policy objectives, not specific legislation.
5. The Government Affairs and Policy Team will work with the Commissioners, the Executive Director, and General Counsel to coordinate all necessary processes for identifying legislative outreach topics and developing and implementing a formal outreach plan.
6. The Government Affairs and Policy Team will track all Commissioner and Executive Director contacts with the Legislative and Executive Branches of government, inform the Commissioners and Executive Director of planned meetings related to Commission-supported outreach plans, and prepare a monthly summary of contacts as part of the public meeting Commissioner briefing books.
7. Individual Commissioners and the Executive Director may engage in Legislative and/or Executive Branch outreach unrelated to a formal Commission-supported outreach plan, and when so doing will:
  - a. Provide advance notification to the Executive Director through the Director of Government Affairs and Policy;
  - b. Clarify to legislators and their staffs and Executive Branch officials that they are speaking on their own behalf and not on the behalf of the Commission as a whole; and
  - c. Acknowledge that the Executive Director has discretion to determine the use of agency resources.
8. The Commissioners may share any relevant information from interactions with legislators and executive branch officials with the Executive Director, who may share that information with the other Commissioners. The Executive Director may share any relevant information from interactions with legislators and executive branch officials with the Commissioners.

## **PRESS, MEDIA AND EXTERNAL ENGAGEMENT**

1. In an effort to speak with one Commission voice, the Communications Department serves as strategic advisors for the Commissioners and strategizes and manages press and media engagements on behalf of the Commission, under the direction of the Executive Director and in collaboration with the Chair and the other Commissioners.
2. All Commissioners serve as official agency spokespersons, who may speak on behalf of the Commission on items that have been fully vetted and approved by an affirmative vote of 3 Commissioners. Upon approval of an item by Commissioners, the Executive Director may direct the Communications Department to support Commissioners and prioritize that item.

3. The Chair is the acknowledged de facto spokesperson for long term strategic planning initiatives, urgent and exigent circumstances, and general administrative matters. The Executive Director is the de facto spokesperson on administrative matters.
4. If a Commissioner opposes a Commission decision that was approved by an affirmative vote of 3 Commissioners, they may share their reasons for doing so. In response to media inquiries, Commissioners will be supported by the Communications Department.
5. In consideration of the totality of circumstances, and for the purposes of support from the Communications Department, the Executive Director will work with the Chair or appropriate Commissioner to determine when the interests of the Commission and use of Commission resources and the interests of a Commissioner have diverged. When the Executive Director determines that such divergence exists, the Commissioner will be informed in a timely manner and may provide a personal statement with support from the Communications Department. The Executive Director will determine if the Commissioner will release the personal statement on their own or if it will be distributed by the Commission. The Communications Department may provide information to media outlets that represents the Commission position.
6. When Commissioners are discussing an issue for which there is no approved Commission policy or communicating in their individual capacity or in a capacity other than as a Commissioner, and there is a reasonable likelihood that their audience may assume or perceive that they are speaking on behalf of the Commission, Commissioners will preface their written or verbal communications with the following disclaimer (modified as appropriate under the circumstances and to reflect verbal versus written communications):  
*I am speaking/writing today in my individual capacity and not on behalf of the Commission. All opinions expressed [herein or in my presentation] are strictly my own and do not necessarily reflect the official positions or views of the Commission.*
7. Use of the Commission branding is reserved for initiatives that are deemed an agency priority by the Executive Director, in consultation with the Chair and in collaboration with the Commission Communications Team, or approved by an affirmative vote of 3 Commissioners. It is understood that external parties may display the logo to identify participation of particular Commissioners and/or Staff.

## **BUDGETING AND BUDGETING PROCESS**

1. In accordance with the Commission Budget Process SOP, the Executive Director, with input from Staff and in collaboration with the Commissioners, will prepare a proposed budget that reflects the approved Executive Director goals.

2. The fiscal year is July 1 – June 30.
3. The Commissioners shall approve the budget at a public meeting. If a budget is approved by an affirmative vote of 3 Commissioners, all Commissioners may advocate for the budget in accordance with the legislative outreach strategy.
4. In support of their testimony for the annual General Appropriations Act, the Chair and the Executive Director will work with the Treasurer, CFAO, and the Department of Government Affairs and Policy. The Chair, Executive Director, and Director of Government Affairs will make a strategic determination regarding testimony by another Commissioner or Staff person.
5. The CFAO will provide the monthly budget summary as part of the public meeting Commissioner briefing book.

#### **ACCOUNTABILITY, CHECKS AND BALANCES**

1. As employees of the Commission, Commissioners are bound by federal and state employment and labor laws, the Commission's governing laws, Commission-approved policies, including the respectful Work Environment and other elements outlined in the Employee Handbook, and state ethics laws and its Enhanced Code of Ethics.<sup>17</sup>
2. Commissioners acknowledge that the Executive Director, as administrative head of the Commission, has obligations to ensure that the Commission is complying with federal and state law and Commission governing laws and approved policies regarding conditions of employment.
3. By state law, Commissioners are required to file disclosures with their respective appointing authorities. Commissioners may be removed by their appointing authority(ies) if a Commissioner: (1) is guilty of malfeasance in office; (2) substantially neglects the duties of a commissioner; (3) is unable to discharge the powers and duties of the commissioner's office; (4) commits gross misconduct; or (5) is convicted of a felony.<sup>18</sup>
4. If a complaint or allegation is made against a Commissioner and there is a concern that a Commissioner's conduct may be in violation of federal or state law, Commission governing laws, or Commission-approved policies, the Executive Director, General Counsel, and Chief People Officer will investigate that complaint or allegation to determine an appropriate

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<sup>17</sup> G. L. c. 10, § 76 (k)

<sup>18</sup> G. L. c. 10, § 76 (d)

response, including a decision on notification of the appointing authority(ies), and will notify the Commissioner whose conduct is at issue.

5. If a complaint or allegation is made against the Executive Director, or there is a concern that an Executive Director's conduct may be in violation of federal or state law, Commission governing laws, or Commission-approved policies, that matter will be referred to the Chief People Officer. The Chief People Officer and General Counsel will conduct an evaluation in consultation with the Chair, and if necessary, will conduct an investigation and determine an appropriate course of action in accordance with the Employee Handbook.
6. If a complaint or allegation is made by or about a member of the Commission Staff or there is a concern that conduct may be in violation of federal or state law, Commission governing laws, or Commission-approved policies, that matter will be referred to the Chief People Officer. The Chief People Officer will conduct an evaluation in consultation with the Executive Director and General Counsel, and if necessary, will conduct an investigation and determine an appropriate course of action in accordance with the Employee Handbook.

## **PROFESSIONAL DEVELOPMENT**

1. Commissioners and the Executive Director are committed to continuous learning and will avail themselves of opportunities for public speaking and to attend relevant trainings, conferences, and seminars.
2. In consultation with the General Counsel, and with support from the Secretary, the Commissioners will participate annually in an Open Meeting Law training and an in-house required ethics training, which may address its Enhanced Code of Ethics and provide guidance on disclosures, abstentions and recusals.
3. The annual Commission budget will include allocations for professional development to be accessed by Commissioners, the Executive Director, and all Staff.
4. Preapproval and reimbursement for such requests will be provided consistent with Commission standard operating procedures.

## **CONFLICT RESOLUTION**

Conflicts may arise concerning the interpretation and implementation of this Charter.

1. When there is a lack of clarity in interpreting the Charter or a perceived violation of its terms that are raised by:

- a. Staff, they will discuss that issue(s) with the Executive Director. The Executive Director may choose to discuss the issue with the Chair and/or with other Commissioners to clarify and/or resolve the issue(s);
  - b. a Commissioner, then one or two Commissioners may speak with the Executive Director in an effort to clarify the issue(s) and seek resolution; or
  - c. the Executive Director, that issue will be brought to the Chair and/or another Commissioner, to clarify the issue(s) and seek resolution.
2. If additional effort is needed to clarify a Charter element or address a perceived Charter violation, Commissioners and the Executive Director may choose to discuss the issue in a public meeting to reach a shared interpretation of the issue and seek resolution. After deliberations, the Commissioners may put a proposed resolution to a vote.
3. Charter issues addressed through this conflict resolution section of this Charter will be placed on a list of agenda topics to be discussed during the next Charter review.

#### **CHARTER ADOPTION AND REVIEW**

1. This Charter will be approved by the Commissioners.
2. The Executive Director has indicated affirmative consent to this charter through signature on behalf of the administrative Staff.
3. The Charter will be reviewed for necessary revisions two years after the ratification date, and will then be reviewed for necessary revisions every three years thereafter. Revisions to the charter will be approved by an affirmative vote of 3 Commissioners.
4. An emergency review of the charter may be initiated by an affirmative vote of 3 Commissioners.
5. Prior to each review, the Chair will obtain input on agenda topics from the Commissioners and the Executive Director will solicit input from Leadership and Staff.



# Cannabis Control Commission

Public Meeting

September 27, 2024 at 12:00 pm





# Agenda

1. Call to Order
3. Commission Discussion and Vote
4. New Business Not Anticipated at the Time of Posting
5. Next Meeting Date
6. Adjournment



# Commission Discussion and Vote



# Commission Discussion and Votes

1. Social Equity Trust Fund Update
2. Governance Charter Discussion and Vote







# Commonwealth of Massachusetts

Executive Office of Economic Development

**Presentation to the Cannabis Control Commission**  
**FY25 Social Equity Grant Program**  
**September 27, 2024**



# About the Cannabis Social Equity Trust Fund

The Cannabis Social Equity Trust Fund (Trust Fund) was established by Section 14A of Chapter 94G of the Mass. General Laws to provide financial assistance to eligible applicants for the purpose of encouraging the full participation in the state's regulated marijuana industry of entrepreneurs from communities that have been disproportionately harmed by marijuana prohibition and enforcement. The Trust Fund is administered by the Executive Office of Economic Development (EOED) and offers programs to eligible cannabis entrepreneurs.

The legislation also established the Cannabis Social Equity Advisory Board to work with and advise EOED on the promulgation of regulations and oversight of the Trust Fund. The Trust Fund Regulations were completed and published in early 2024 as 400 CMR 8.00.

# Recap of Immediate Needs Program

- In January 2024, EOED launched the Immediate Needs Grant Program intended to assist businesses with urgent financial needs.
- In April 2024, EOED **awarded 50 businesses up to \$50K each, totaling \$2.35M.**
- Contracts were prepared and executed, as well as payments disbursed, through May and June.
- Grantees were required to complete their project by end of June and submit final reports by mid-July. In the final report grantees needed to demonstrate and submit evidence that the funds were fully spent on eligible expenses.
- **All 50 grantees submitted final reports and closed out their contracts successfully.**

# New Social Equity Grant Program

- On September 24, 2024, EOED launched the new Social Equity Grant Program, which offers grants to current and pre-licensed cannabis industry businesses.
- The program seeks to address the financial needs of cannabis social equity businesses by providing grants to eligible Marijuana Establishments, Medical Marijuana Treatment Centers, as well as Pre-Licensed Cannabis Businesses.
- A Notice of Funding Availability (NOFA) has been posted on the program website as public notice to all prospective applicants interested in requesting financial assistance from the Trust Fund. The NOFA outlines the eligibility rules, program conditions, evaluation criteria, and other relevant information required to apply.
- Each applicant will be able to request funding from one of four tiers, based on their license status with the Cannabis Control Commission (CCC).

# Social Equity Grant Program, cont.

## Key Dates:

- NOFA Published: **September 24**
- Virtual Informational Webinar: **October 1 @ 12:00 noon**
  - *(Zoom registration link will be posted on website)*
- Application Deadline: **October 17 @ 11:59 p.m.**

**Eligibility:** To be eligible for funds from the Program, an applicant must be:

- A duly organized business entity in good standing located in Massachusetts;
- Qualified as a Pre-Licensed Cannabis Business or a Marijuana Establishment or Medical Marijuana Treatment Centers with a Provisional or Final License issued by the CCC;
- That has a majority of ownership designated by the CCC as an Economic Empowerment Priority Applicant or Social Equity Program Participant.

# Program Highlights

<b>Grant Award Size</b>	Grants will range from \$25,000 to \$500,000.
<b>Anticipated # of Awards</b>	Grants will be awarded to applicants that meet the program's criteria, until the available funds are exhausted.
<b>Use of Funds</b>	Depending on the funding tier, grant funds may be used to support entry into the regulated cannabis industry, imminent or outstanding expenses essential to the operation of the business, support for the acquisition of final licensure and commencement of business operations, or funds to improve and expand the business. <b>Each applicant may only apply for funding from one tier.</b>
<b>Evaluation Criteria</b>	Applicant business eligibility, social equity status and ownership, clear project description and realistic timeline, demonstrated need and readiness to deploy financial assistance.
<b>Notification of Award Decisions</b>	All applicants will be notified in writing about the decision made on their application no later than December 31, 2024.

# Tier Information

## **Tier 1 – Industry Entry Support**

**Eligible Applicants:** Pre-Licensed Cannabis Businesses (defined as a duly organized business entity in good standing and located in Massachusetts with a majority ownership comprised of individuals that are Economic Empowerment Priority Applicants or Social Equity Program Participants, without a provisional or final license from the CCC, that intends to apply to the CCC for licensure).

**Maximum Grant Size:** \$25,000

**Description of Support:** Applicants may request funds for future expenses to support entry into the regulated cannabis industry.



# Tier Information, cont.

## **Tier 2 – Immediate Needs**

**Eligible Applicants:** Provisional and Final Licensees

**Maximum Grant Size:** \$50,000

**Description of Support:** Applicants may request funds to support past expenses (incurred as of July 1, 2024) that are essential to the operation of the business or needed to maintain licensure and remain in good standing.

# Tier Information, cont.

## **Tier 3 – Support for License Acquisition and Commencement of Business Operations**

**Eligible Applicants:** Provisional Licensees and Final Licensees without a notice to commence operations from the CCC.

**Maximum Grant Size:** \$250,000

**Description of Support:** Applicants may request funds for past (up to \$50,000) or future expenses to support the acquisition of final licensure and commencement of business operations.

# Tier Information, cont.

## **Tier 4 – Existing Business Growth and Expansion**

**Eligible Applicants:** Final Licensees that have received CCC notice to commence operations.

**Maximum Grant Size:** \$500,000

**Description of Support:** Applicants may use funds for past (up to \$50,000) or future expenses to improve or expand the business.

# Thank You

**Thank you for your interest in the Social Equity Grant Program.**

For the most up to date information about the CSE Trust Fund, including this program, please visit [Cannabis Social Equity Trust Fund | Mass.gov](https://www.mass.gov/cannabis-social-equity-trust-fund)

Please email questions to: [CannabisEquityFund@mass.gov](mailto:CannabisEquityFund@mass.gov)

About the Executive Office of Economic Development, visit [www.mass.gov/eoed](https://www.mass.gov/eoed)

# Commission Discussion and Votes

## 2. Governance Charter Discussion and Vote





# Upcoming Meetings & Adjournment

# Upcoming Meetings and Important Dates

*Public Meeting dates are tentative and subject to change*

## Next Meeting Date

**October 7, 2024**

Regulatory Public Hearing

10:00am

Hybrid via Microsoft Teams

## 2024 Public Meetings\*

October 10

October 22

November 14

December 12





**The Commission is in recess  
until**