



# October Public Meeting of the Cannabis Control Commission

## Public Meeting Materials

October 10, 2019

Western New England University School of Law

1215 Wilbraham Road

Springfield, MA, 01119

10:00AM



## Public Meeting Slides and Packet

October Public Meeting of the Cannabis Control Commission

### Call to Order

Intro & Agenda Slides

Approval of Minutes (see below for text)

### Executive Director's Report

Licensing Data

Licensing Slides

Fall River Correspondence

Update on Financial Due Diligence

### Staff Recommendations on Licensure

#### Renewals

Renewals Slides

#### Adult

ADULT USE RENEWAL EXECUTIVE SUMMARY-101019

#### Medical

MEDICAL RENEWAL EXECUTIVE SUMMARY-10102019

#### Changes of Location

Change of Location Slide

EXECUTIVE SUMMARY-BASK, INC

EXECUTIVE SUMMARY-MAYFLOWER MEDICINALS, INC

EXECUTIVE SUMMARY-NATURE'S REMEDY OF MASSACHUSETTS, INC

EXECUTIVE SUMMARY-ARL HEALTHCARE, INC

#### Final Licenses

Final Licenses Slide

#### CommCan

EXECUTIVE SUMMARY-COMMCAN, INC.-MR282205

#### I.N.S.A

EXECUTIVE SUMMARY-I.N.S.A., INC-MR281892

## Provisional Licenses

Provisional Licenses Slide

EXECUTIVE SUMMARY-HAVERHILL STEM, LLC-MRN281327

EXECUTIVE SUMMARY- JUSTINCREDIBLE CULTIVATION,  
LLC-MCN281313

EXECUTIVE SUMMARY- ALTERNATIVE COMPASSION  
SERVICES, INC-MCN282054-MPN281628

EXECUTIVE SUMMARY- LIBERTY MARKET, LLC-MRN281804

EXECUTIVE SUMMARY- GOOD CHEMISTRY OF MASS, INC-  
MRN282554

EXECUTIVE SUMMARY- NATIVE SUN WELLNESS, INC-  
MCN281599

EXECUTIVE SUMMARY-ACK NATURALS INC.

EXECUTIVE SUMMARY-TDMA ORANGE, LLC MCN281982-  
MPN281616

EXECUTIVE SUMMARY-TDMA ORANGE, LLC- MCN282031

EXECUTIVE SUMMARY-TDMA, LLC-MRN282376

## Responsible Vendor Training

RVT Slide

Memo- RVT Vendors for Final Approval

Executive Summary- Quality Control Analytics

Executive Summary- Cannabis Trainers

Executive Summary- Stocker Consulting LLC

Executive Summary- Anthony Bartucca

## Commission Discussion and Votes

Commission Discussion and Votes Slide

Next Regulatory Cycle: Scope of Foreseeable Topics (Subject to  
Change)

Proposed Regulatory Change Topic List

Priority RMD Status Proposal

Priority RMD status clarification proposal

Considerations for Social Equity Applicants

Considerations Handout for Economic Empowerment and Social  
Equity

Annual Activities Report to the Legislature (see below)

Research Presentation: Positive Impact Plan Special Report (see  
below)

PIP Report Slides

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

New business and Next Meeting Slide

Next Meeting Date

Minutes and Reports

CCC Public Meeting - Minutes - 09.12 and 09.13.2019

CCC Public Meeting - Minutes 09.24.2019

CCC Annual Activities Report 2019

Special Report- A Baseline Review and Assessment of the  
Massachusetts Cannabis Industry's Required Positive Impact Plans



CANNABIS CONTROL COMMISSION  
**Public Meeting**

October 10, 2019

10:00AM

Western New England University  
School of Law  
1215 Wilbraham Road  
Springfield, MA

## Agenda

- 1) Call to Order
- 2) Chairman's Comments & Updates
- 3) Approval of Minutes
- 4) Executive Director's Report
  - a. Fall River Correspondence
  - b. Update on Financial Due Diligence
- 5) Staff Recommendations on Renewals
- 6) Staff Recommendations on Changes of Location
- 7) Staff Recommendations on Final Licenses
- 8) Staff Recommendations on Provisional Licenses
- 9) Responsible Vendor Accreditation
- 10) Commission Discussion and Votes
- 11) New Business that the Chairman did not anticipate at time of posting
- 12) Next Meeting Date

## Licensing Applications | October 10, 2019

*The totals below are applications that have submitted all four packets and are pending review.*

Type	#
Craft Marijuana Cooperative	2
Independent Testing Laboratory	3
Marijuana Cultivator	111
Marijuana Microbusiness	9
Marijuana Product Manufacturer	89
Marijuana Research Facility	4
Marijuana Retailer	155
Marijuana Transporter with Other Existing ME License	1
Third Party Transporter	3
<b>Total</b>	<b>377</b>

## Licensing Applications | October 10, 2019

*The totals below are all license application received to date.*

Type	#
Pending (All 4 packets submitted)	377
Withdrawn	374
Incomplete (Less than 4 packets submitted)	3379
Denied	4
Approved	196
<b>Total</b>	<b>4330</b>

## Licensing Applications | October 10, 2019

*The totals below are number of licenses approved by category.*

Type	#
Craft Marijuana Cooperative	0
Independent Testing Laboratory	3
Marijuana Cultivator	59
Marijuana Microbusiness	4
Marijuana Product Manufacturer	51
Marijuana Research Facility	0
Marijuana Retailer	76
Marijuana Third Party Transporter	1
Marijuana Transporter with Other Existing ME License	2
<b>Total</b>	<b>196</b>

## Licensing Applications | October 10, 2019

*The totals below are number of licenses approved by stage.*

Type	#
Provisionally Approved	1
Provisional License	106
Final License	23
Commence Operations	66
<b>Total</b>	<b>196</b>

*Provisionally approved means approved by the Commission but has not submitted license fee payment yet – provisional license has not started*

## Licensing Applications | October 10, 2019

*The totals below are distinct license numbers that have submitted all required packets.*

**The 500 applications represent 265 separate entities**

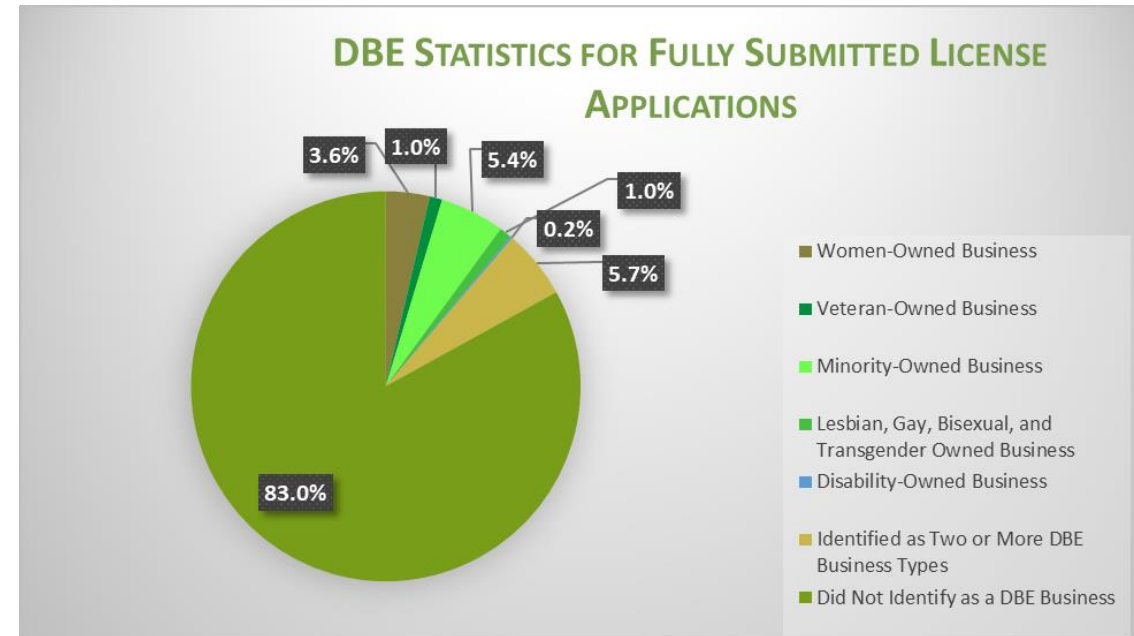
Type	#
RMD Priority	221
Economic Empowerment Priority	14
General Applicant	342
<b>Total</b>	<b>577</b>

## Licensing Applications | October 10, 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	21	3.6
Veteran-Owned Business	6	1.0
Minority-Owned Business	31	5.4
Lesbian Gay, Bisexual, and Transgender Owned Business	6	1.0
Disability-Owned Business	1	0.2
Identified as Two or More DBE Business Types	33	5.7
Did Not Identify as a DBE Business	479	83.0
<b>Total</b>	<b>577</b>	<b>100.0</b>





## Licensing Applications | October 10, 2019

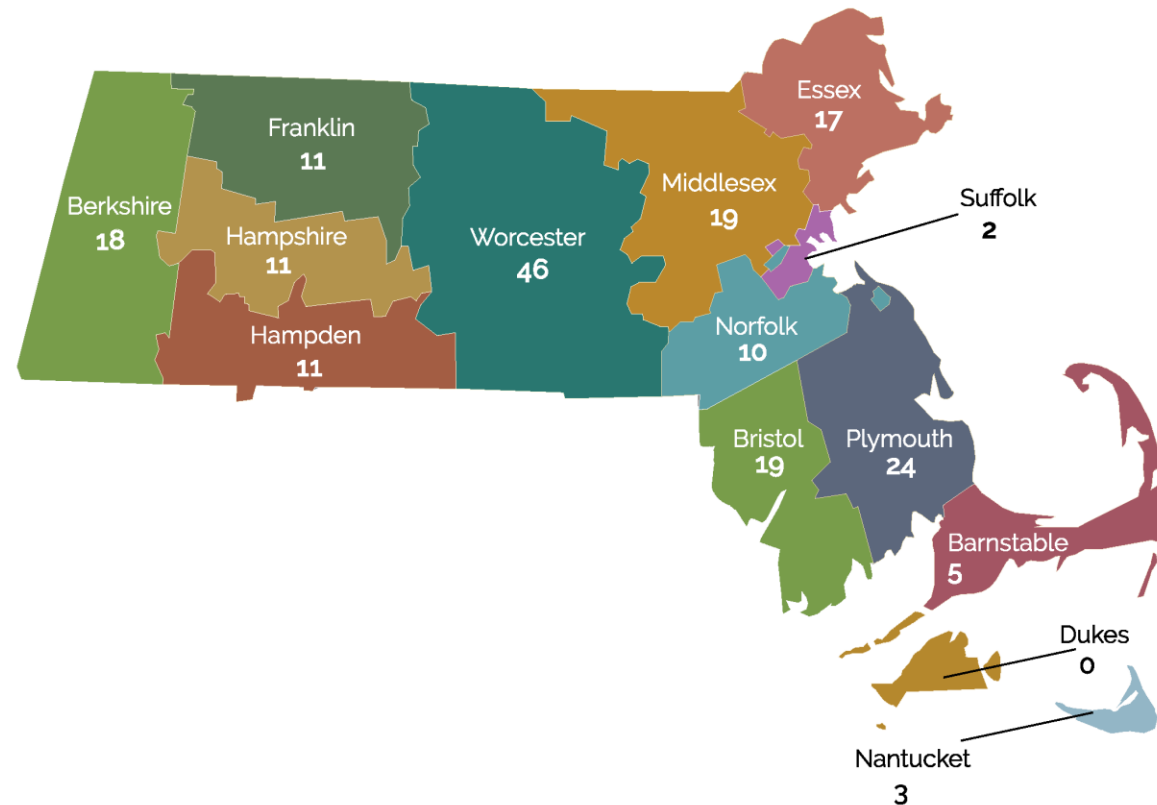
Status	#
Application Submitted: Awaiting Review	184
Application Reviewed: More Information Requested	127
Application Deemed Complete: Awaiting 3 <sup>rd</sup> Party Responses	55
All Information Received: Awaiting Staff Recommendation	11
Applications Considered by Commission	200
<b>Total</b>	<b>577</b>



## Licensing Applications | October 10, 2019

*The totals below are the total number of licenses by county.*

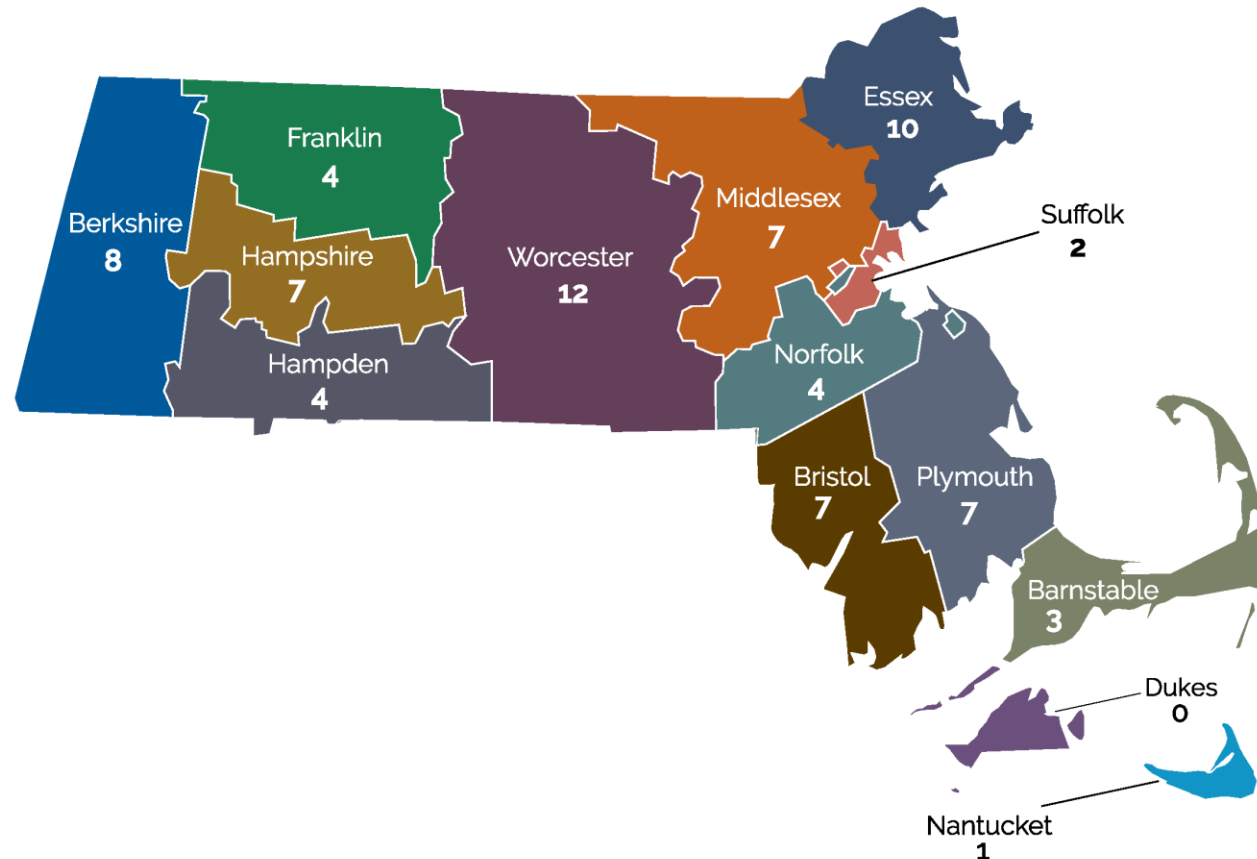
County	+/-
Barnstable	+1
Berkshire	
Bristol	
Dukes	
Essex	+3
Franklin	+2
Hampden	
Hampshire	+1
Middlesex	
Nantucket	
Norfolk	
Plymouth	
Suffolk	
Worcester	
<b>Total</b>	<b>+7</b>



## Retail Applications | October 10, 2019

*The totals below are the total number of retail licenses by county.*

County	+/-
Barnstable	+1
Berkshire	
Bristol	
Dukes	
Essex	+1
Franklin	
Hampden	
Hampshire	+1
Middlesex	
Nantucket	
Norfolk	
Plymouth	
Suffolk	
Worcester	
<b>Total</b>	<b>+3</b>



## Licensing Applications | October 10, 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	3	0	0	1	0	2	6
Marijuana Cultivator	111	2	0	32	10	17	172
Marijuana Microbusiness	9	0	1	2	1	0	13
Marijuana Product Manufacturer	89	1	0	27	7	17	141
Marijuana Research Facility	4	0	0	0	0	0	4
Marijuana Retailer	155	1	0	43	5	28	232
Marijuana Transporter with Other Existing ME License	1	0	0	0	0	2	3
Third Party Transporter	3	0	0	1	0	0	4
<b>Total</b>	<b>377</b>	<b>4</b>	<b>1</b>	<b>106</b>	<b>23</b>	<b>66</b>	<b>577</b>

## Adult Use Agent Applications | October 10, 2019

8,893 Total Agent Applications:

- 259  
Total
- 252 Pending Establishment Agents
  - 7 Pending Laboratory Agents
  - 447 Withdrawn
  - 992 Incomplete
  - 984 Surrendered
  - 6,211 Active

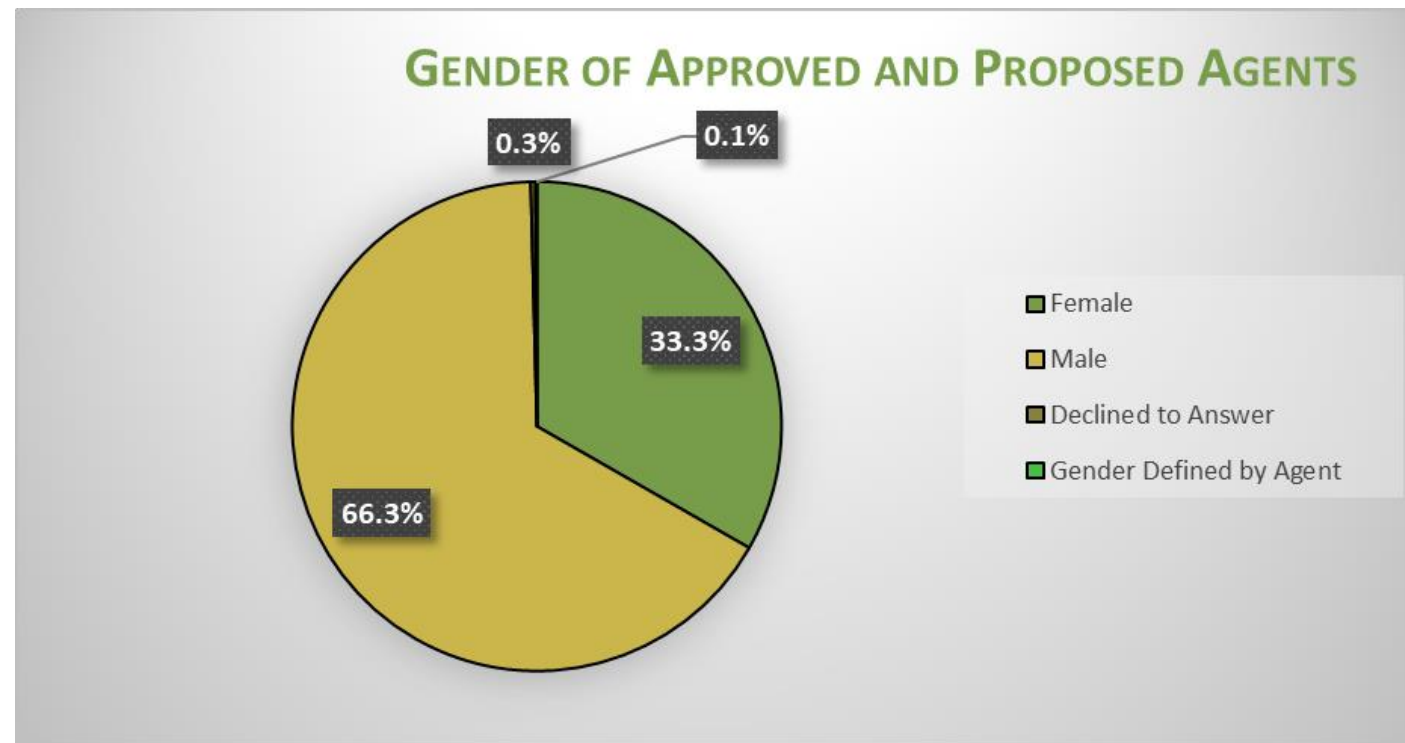
Of Total Pending:

- 154 not yet reviewed
- 100 CCC requested more information
- 5 awaiting third party response
- 0 Review complete; awaiting approval

# Agent Applications | October 10, 2019

## Demographics of Approved and Pending Agents

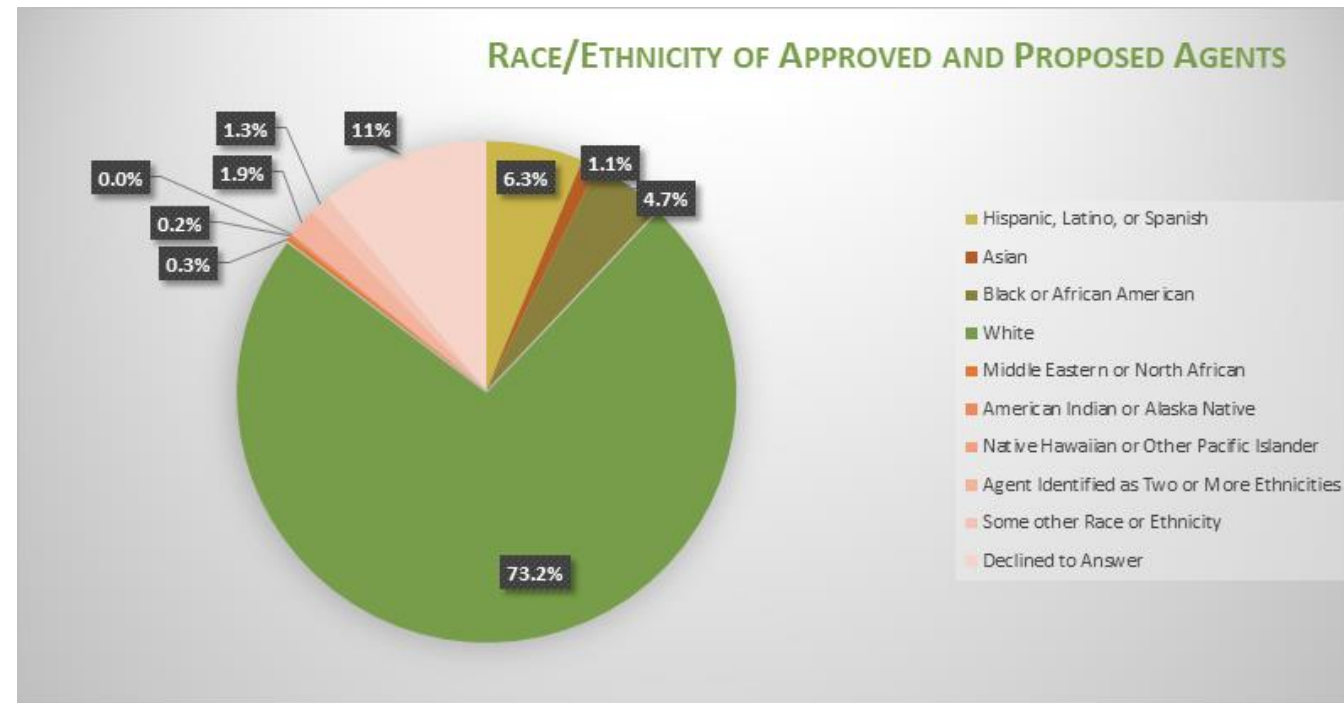
Gender	#	%
Female	2,153	33.3
Male	4,291	66.3
Declined to Answer	20	0.3
Gender Defined by Applicant	6	0.1
<b>Total</b>	<b>6,470</b>	<b>100.0</b>



# Agent Applications | October 10, 2019

## Demographics of Approved and Pending Agents

Race/Ethnicity	#	%
Hispanic; Latino; Spanish	407	6.3
Asian	68	1.1
Black; African American	306	4.7
White	4,737	73.2
Middle Eastern; North African	18	0.3
American Indian; Alaska Native	13	0.2
Native Hawaiian; Other Pacific Islander	2	0.0
Identified as Two or More Ethnicities	124	1.9
Other Race or Ethnicity	87	1.3
Declined to Answer	708	10.9
<b>Total</b>	<b>6,470</b>	<b>100.0</b>



## MMJ Licensing Data | October 10, 2019

MTC License Applications	#
Pending-Application of Intent Stage	38
Pending-Management and Operations Profile Stage	13
Pending-Siting Profile Stage	6
Application Expired	102
Application Withdrawn	3
<b>Total</b>	<b>162</b>

MTC Licenses	#
Provisional	95
Final	5
Commence Operations	53
License Expired	11
<b>Total</b>	<b>164</b>



## MMJ Agent and Program Data | October 10, 2019

*The numbers below are a snapshot of the program for the month of September.*

MTC Agent Applications	#
Pending-MTC Agent Applications	62
Pending-Laboratory Agents	5
Revoked	3
Surrendered	2,420
Expired	387
Active	4,632
<b>Total</b>	<b>7,509</b>

MMJ Program	#
Certified Patients	67,480
Certified Active Patients	60,971
Active Caregivers	6,438
Registered Certifying Clinicians	318
Ounces Sold	41,080

## **5) Staff Recommendations on Renewals**

- a. Late Spring, Inc d/b/a Gage Cannabis (#MRR205540), Retail Renewal
- b. Central Ave Compassionate Care, Inc. (#MCR139830), Cultivation Renewal
- c. Central Ave Compassionate Care, Inc. (#MPR243488), Product Manufacturer Renewal
- d. Northeast Alternatives, Inc. (#MRR205534), Retail Renewal
- e. Theory Wellness, Inc. (#MRR205537), Retail Renewal
- f. Curaleaf Massachusetts, Inc. (#MRR205542), Retail Renewal
- g. Curaleaf Massachusetts, Inc. (#MCR139839), Cultivation Renewal
- h. Curaleaf Massachusetts, Inc. (#MPR243492), Product Manufacturer Renewal
- i. 253 Organic, LLC (#MCR139831), Cultivation Renewal
- j. Caroline's Cannabis, LLC (#MRR205536), Retail Renewal
- k. 253 Organic, LLC (#MPR343487), Product Manufacturer Renewal
- l. 253 Organic, LLC (#MRR205539), Retail Renewal

## **5) Staff Recommendations on Renewals**

- m. Commonwealth Cultivation, Inc. (#MCR139832), Cultivation Renewal
- n. East Coast Organics, LLC (#MCR139833), Cultivation Renewal
- o. East Coast Organics, LLC (#MPR243489), Product Manufacturer Renewal
- p. Ashlis Farm, Inc. (#MCR139841), Cultivation Renewal
- q. Ashil's Extract, Inc. (#MPR243495), Product Manufacturer Renewal
- r. Ashli's, Inc. (#MRR205541), Retail Renewal
- s. Sanctuary Medicinals, LLC (#MCR139835), Cultivation Renewal
- t. Theory Wellness, Inc. (#MCR139842), Cultivation Renewal
- u. Theory Wellness, Inc. (#MPR243493), Product Manufacturer Renewal
- v. Sanctuary Medicinals, LLC (#MPR243490), Product Manufacturer Renewal
- w. Health Circle, Inc., Vertically Integrated Medical Treatment Center Renewal
- x. M3 Ventures, Inc. (#RMD-806), Vertically Integrated Medical Treatment Center Renewal

## **5) Staff Recommendations on Renewals**

- y. M3 Ventures, Inc. (#RMD-465), Vertically Integrated Medical Treatment Center Renewal
- z. Mission MA, Inc. (RMD-1125), Vertically Integrated Medical Treatment Center Renewal
- aa. Apothca, Inc. (#RMD-345), Vertically Integrated Medical Treatment Center Renewal
- bb. Mass Wellspring, LLC (#RMDN-665), Vertically Integrated Medical Treatment Center Renewal
- cc. The Heirloom Collective, Inc. (#RMD-825), Vertically Integrated Medical Treatment Center Renewal
- dd. HVV Massachusetts, Inc., Vertically Integrated Medical Treatment Center Renewal
- ee. HVV Massachusetts, Inc. (#RMD-1185), Vertically Integrated Medical Treatment Center Renewal
- ff. Theory Wellness, Inc. (#RMD-525), Vertically Integrated Medical Treatment Center Renewal

## **5) Staff Recommendations on Renewals**

- gg. Bask, Inc. (#RMD-445), Vertically Integrated Medical Treatment Center Renewal
- hh. MassMedicum Corp. (#RMD-945), Vertically Integrated Medical Treatment Center Renewal
- ii. Patriot Care Corp. (#RMD-265), Vertically Integrated Medical Treatment Center Renewal
- jj. Patriot Care Corp. (#RMD-727), Vertically Integrated Medical Treatment Center Renewal
- kk. The Botanist, Inc. (#RMD-1145), Vertically Integrated Medical Treatment Center Renewal
- ll. Altitude Organic Corporation of Massachusetts, Vertically Integrated Medical Treatment Center Renewal

**MARIJUANA ESTABLISHMENT RENEWALS**  
**EXECUTIVE SUMMARY**  
**COMMISSION MEETING: OCTOBER 10, 2019**

**RENEWAL OVERVIEW**

1. Name, license number, renewal application number, host community, and funds deriving from a Host Community Agreement allocated for the municipality for each Marijuana Establishment presented for renewal:

Marijuana Establishment Name	License Number	Renewal Application Number	Location	Funds
LATE SPRING INC DBA GAGE CANNABIS	MR281248	MRR205540	AYER	\$0.00
CENTRAL AVE COMPASSIONATE CARE, INC.	MC281505	MCR139830	AYER	\$39,660.00
CENTRAL AVE COMPASSIONATE CARE, INC.	MP281399	MPR243488	AYER	\$39,660.00
NORTHEAST ALTERNATIVES, INC.	MR281314	MRR205534	FALL RIVER	\$331,606.00
CURALEAF MASSACHUSETTS, INC	MR281263	MRR205542	OXFORD	\$0.00
CURALEAF MASSACHUSETTS, INC	MC281309	MCR139839	WEBSTER	\$100,000.00
CURALEAF MASSACHUSETTS, INC	MP281318	MPR243492	WEBSTER	\$100,000.00
CAROLINE'S CANNABIS, LLC	MR281274	MRR205536	UXBRIDGE	\$92,013.83
253 ORGANIC LLC	MC281258	MCR139831	MONTAGUE	\$5,000.00
253 ORGANIC LLC	MP281302	MPR243487	MONTAGUE	\$5,000.00
253 ORGANIC LLC	MR281245	MRR205539	MONTAGUE	\$5,000.00
COMMONWEALTH CULTIVATION	MC281457	MCR139832	PITTSFIELD	\$0.00
EAST COAST ORGANICS	MC281455	MCR139833	LEICESTER	\$0.00
EAST COAST ORGANICS	MP281356	MPR243489	LEICESTER	\$0.00
ASHLIS FARM INC	MC281451	MCR139841	ATTLEBORO	\$0.00
ASHLI'S EXTRACT, INC	MP281374	MPR243495	ATTLEBORO	\$0.00
ASHLI'S, INC	MR281332	MRR205541	ATTLEBORO	\$0.00
SANCTUARY MEDICINALS, LLC	MC281308	MCR139835	LITTLETON	\$60,000.00
SANCTUARY MEDICINALS, LLC	MP281405	MPR243490	LITTLETON	\$60,000.00
THEORY WELLNESS INC.	MC281524	MCR139842	BRIDGEWATER	\$0.00
THEORY WELLNESS INC.	MP281424	MPR243493	BRIDGEWATER	\$0.00
THEORY WELLNESS INC.	MR281549	MRR205537	GREAT BARRINGTON	\$495,100.59



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.



## MEDICAL MARIJUANA TREATMENT CENTER RENEWALS EXECUTIVE SUMMARY COMMISSION MEETING: OCTOBER 10, 2019

### RENEWAL OVERVIEW

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

Medical Marijuana Treatment Center Name	License Number	Location (Cultivation & Processing)	Location (Dispensing)
HEALTH CIRCLE, INC	N/A	ROCKLAND	ROCKLAND
M3 VENTURES, INC	RMD-806	PLYMOUTH	MASHPEE
M3 VENTURES, INC	RMD-465	PLYMOUTH	PLYMOUTH
MISSION MA, INC	RMD-1125	WORCESTER	WORCESTER
APOTHCA, INC	RMD-345	FITCHBURG	ARLINGTON
MASS WELLSRING, LLC	RMD-665	ACTON	ACTON
THE HEIRLOOM COLLECTIVE, INC	RMD-825	BERNARDSTON	HADLEY
HVV MASSACHUSETTS, INC	N/A	GLOUCESTER	AMHERST
HVV MASSACHUSETTS, INC	RMD-1185	GLOUCESTER	GLOUCESTER
THEORY WELLNESS, INC	RMD-525	BRIDGEWATER	GREAT BARRINGTON
BASK, INC	RMD-445	FAIRHAVEN	FAIRHAVEN
MASSMEDICUM CORP.	RMD-945	HOLBROOK	TAUNTON
PATRIOT CARE CORP.	RMD-265	LOWELL	BOSTON
PATRIOT CARE CORP.	RMD-727	LOWELL	GREENFIELD
THE BOTANIST, INC	RMD-1145	STERLING	LEOMINSTER
ALTITUDE ORGANIC CORPORATION OF MASSACHUSETTS	N/A	PALMER	PALMER

2. All licensees have submitted renewal applications pursuant to 935 CMR 501.100(5).
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.



## **6) Staff Recommendations on Change Of Location**

- a. ARL Healthcare, Inc., MTC Provisional License, Cultivation and Processing
- b. Bask, Inc., MTC Provisional License, Cultivation and Processing
- c. Mayflower Medicinals, Inc., MTC Provisional License, Dispensing
- d. Nature's Remedy of Massachusetts, Inc., MTC Provisional License, Dispensing

**BASK, INC.**  
**RMD-445**

**CHANGE OF LOCATION APPLICATION REVIEW**

1. Name and current address of the licensee:

Bask, Inc.  
2 Pequod Road  
Fairhaven, MA 02719

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

MTC (Cultivation/Product Manufacturing) (RMD-445)

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

7 Campanelli Drive  
Freetown, MA 02702

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 September 18, 2019 stating the licensee was in compliant 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



## **MAYFLOWER MEDICINALS, INC.**

### **CHANGE OF LOCATION APPLICATION REVIEW**

1. Name and current address of the licensee:

Mayflower Medicinals, Inc.  
41 Great Republic Drive  
Gloucester, MA 01930

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:

450 Chelmsford Street, Unit 7  
Lowell, MA 01851

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 sent the municipal notice to Lowell on June 21, 2019. To date, the Commission has not received a municipal response from the municipality.

### **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 license 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



**NATURES REMEDY OF MASSACHUSETTS, INC.  
RMD-865**

**CHANGE OF LOCATION APPLICATION REVIEW**

1. Name and current address of the licensee:

Natures Remedy of Massachusetts, Inc.  
310 Kenneth Welch Drive  
Lakeville, MA 02347

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) (RMD-865)

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

31 Tea Ticket Highway  
Falmouth, MA 02536

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 sent a municipal notice to Falmouth on June 21, 2019. To date, the Commission has not received a response from the municipality.

**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



## **ARL HEALTHCARE, INC.**

### **CHANGE OF LOCATION APPLICATION REVIEW**

1. Name and current address of the licensee:

ARL Healthcare, Inc.  
615 University Avenue  
Norwood, MA 02062

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

MTC Provisional License (Cultivation/Product Manufacturing)

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

167 John Vertente Boulevard  
New Bedford, MA 02745

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 September 5, 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 license 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



## **7) Staff Recommendations on Final Licenses**

- a. CommCan, Inc. (#MR282205), Retail
- b. CommCan, Inc. (#RMD-565), Vertically Integrated Medical Treatment Center
- c. I.N.S.A., Inc (#MR281892), Retail

**COMMCAN, INC.**  
MR282205

**ESTABLISHMENT OVERVIEW**

1. Name and address of the Marijuana Establishment:

CommCan, Inc.  
1525 Main Street, Millis, MA 02054

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):

Product Manufacturing (Commence Operations: Medway)  
Cultivation–Tier 5/Indoor (30,001-40,000 sq.ft) (Commence Operations:  
Medway)  
MTC (Provisional License: Dispensary in Millis)  
MTC (Provisional License: Dispensary in Mansfield)  
MTC (Commence Operations: Dispensary in Southborough)

**LICENSING OVERVIEW**

4. The licensee was approved for provisional licensure for the above-mentioned license type on May 30, 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(s).
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(s): August 20, 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(s) 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;
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 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.



**I.N.S.A., INC.**  
MR281892

**ESTABLISHMENT OVERVIEW**

1. Name and address of the Marijuana Establishment:

I.N.S.A., Inc.  
1462 Highland Ave, Salem, MA 01970

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):

Cultivation–Tier 7/Indoor (50,001-60,000 sq.ft) (Commence Operations:  
Easthampton)  
Product Manufacturing (Commence Operations: Easthampton)  
Retail (Commence Operations: Easthampton)  
MTC (Commence Operations: Dispensary in Springfield)  
MTC (Commence Operations: Dispensary in Easthampton)

**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 date(s): August 12, 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(s) 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



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;
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 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.



## **8) Staff Recommendations on Provisional Licenses**

- a. Haverhill Stem, LLC (#MRN281327), Retail
- b. JustinCredible Cultivation, LLC (#MCN281313), Cultivation – Tier 1 / Indoor
- c. Alternative Compassion Services, Inc. (#MCN282054), Cultivation – Tier 2 / Indoor
- d. Alternative Compassion Services, Inc. (#MPN281628), Product Manufacturer
- e. Liberty Market, LLC (#MRN281804), Retail
- f. Good Chemistry of Massachusetts, Inc. (MRN282554), Retail
- g. Native Sun Wellness, Inc. (#MCN281599), Cultivation – Tier 5 / Indoor
- h. ACK Natural, Inc, Vertically Integrated Medical Treatment Center
- i. TDMA Orange, LLC. (#MCN281982), Cultivation – Tier 2 / Indoor
- j. TDMA Orange, LLC. (#MPN281616), Product Manufacturer
- k. TDMA Orange, LLC. (#MCN282031), Cultivation – Tier 5 / Indoor
- l. TDMA Orange, LLC. (#MRN282376), Retail

**HAVERHILL STEM, LLC**  
MRN281327

**BACKGROUND & APPLICATION OF INTENT REVIEW**

1. Name and address of the proposed Marijuana Establishment:

Haverhill Stem, LLC  
124 Washington Street, Haverhill, MA 01832

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):

Applicant is not an applicant or licensee for any license type.

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

Caroline Pineau – Executive/Officer  
Amanda Smith – Close Associate  
Adam Pineau – Close Associate  
Kevin Dorr – Close Associate  
Stuart Giles – Capital Contributor

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

The Westland Group, LLC – Capital Contributor

6. Applicant's priority status and information pertaining to co-located operations:

Economic Empowerment Priority Applicant



7. The applicant and municipality executed a Host Community Agreement on December 28, 2018.
8. The applicant conducted a community outreach meeting on January 28, 2019 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on July 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:
  - a. Provide community service time to support special programming at the Haverhill Boys and Girls Club on a quarterly basis;
  - b. Participate in local job fairs, bi-annually, to ensure 75% of Haverhill Stem's staff are from Haverhill; and
  - c. Participate in at least 100 hours of community service, annually, in the City of Haverhill.

### **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 three (3) months of receiving its provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Saturday: 11:00 a.m. – 8:00 p.m.  
Sunday: 12:00 p.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:
  - a. Collaborate with various state and local agencies to recruit 50% of women, 20% of minorities, 10% of veterans and 10% of individuals from the LGBTQ community;





- b. Host bi-annual training workshops that focus on public speaking, professional development, resume writing, management and leadership; and
- c. Host bi-annual industry-specific educational seminars.

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 or marijuana products by contracting with other licensed establishments

20. ISO 17025 Certifying Body and Certificate Number (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.



**JUSTINCREDIBLE CULTIVATION, LLC**  
MCN281313

**BACKGROUND & APPLICATION OF INTENT REVIEW**

1. Name and address of the proposed Marijuana Establishment:

JustinCredible Cultivation, LLC  
116 Powell Rd, Cummington, MA 01026

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

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

The application was reopened more than 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):

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:

Reginald Stanfield – Owner / Partner  
Terrance Hanley – Owner / Partner  
Chet'toia Walker – Executive / Officer  
Jonathan Siberon – Executive / Officer  
Chederis Polanco – Capital Contributor

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

Aurora Borealis of W. Mass Corp. – Investor and Consultant

6. Applicant's priority status and information pertaining to co-located operations:

General Applicant

7. The applicant and municipality executed a Host Community Agreement on May 17, 2018.

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8. The applicant conducted a community outreach meeting on June 29, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on July 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:
  - a. Participate in job fairs located in Pittsfield for its hiring initiative; and
  - b. Provide mentoring services on becoming a cannabis professional to individuals 21 and older

### **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. None of the disclosures raised 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: 24 hours per 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:
  - a. Hire 45% of individuals that are women, minorities, veterans, and individuals of the LGBTQ community;
  - b. Participate in a minimum of two (2) community outreach events per year; and
  - c. Contract with at least one (1) diverse business for its supply and wholesale needs.
17. Summary of cultivation plan (if applicable):



The applicant submitted a detailed cultivation plan that demonstrated 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.

20. ISO 17025 Certifying Body and Certificate Number (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.



## **ALTERNATIVE COMPASSION SERVICES, INC.**

MCN282054

MPN281628

### **BACKGROUND & APPLICATION OF INTENT REVIEW**

1. Name and address of the proposed Marijuana Establishment:

Alternative Compassion Services, Inc.  
693 Elm Street, Bridgewater, MA 02324

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)  
Product Manufacturer

The applications were 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):

MTC (Commence Operations: Dispensing in Bridgewater)

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

Stephen Werther – Executive / Officer  
Ellen Andrew Kasper – Board Member  
Marc Cohen – Board Member  
Walter Hinds – Board Member  
Richard Radebach – Board Member

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:

Provisional License Executive Summary 1



## MTC Priority

7. The applicant and municipality executed a Host Community Agreement on January 16, 2019.
8. The applicant conducted a community outreach meeting on February 25, 2019 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on August 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:
  - a. Participate in a total of two (2) career fairs per year in Abington, Brockton, and Taunton;
  - b. Host a total of four (4) industry-specific educational seminars per year for residents of Abington, Brockton, and Taunton; and
  - c. Participate in at least one (1) community “clean-up” initiative per year in Abington, Brockton, and 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 any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. None of the disclosures raised 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 – 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:
  - a. Participate in career fairs and host recruitment events at least twice a year;



- b. Distribute and post monthly internal workplace newsletters encouraging current employees to recommend diverse individuals for employment;
- c. Provide quarterly training sessions for diverse employees; and
- d. Purchase supplies from diverse owned businesses.

17. Summary of cultivation plan (if applicable):

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

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

- a. Distillates;
- b. CO2 cartridges;
- c. Tinctures;
- d. Salves;
- e. Topicals;
- f. Cremes;
- g. Bubble hash;
- h. Live Resin;
- i. Wax; and
- j. Budder

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

Not applicable.

20. ISO 17025 Certifying Body and Certificate Number (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.



**LIBERTY MARKET, LLC**  
MRN281804

**BACKGROUND & APPLICATION OF INTENT REVIEW**

1. Name and address of the proposed Marijuana Establishment:

Liberty Market, LLC  
126 South Main Street, Lanesborough, MA 01237

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):

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:

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 and information pertaining to co-located operations:

General Applicant

7. The applicant and municipality executed a Host Community Agreement on June 25, 2018.





8. The applicant conducted a community outreach meeting on July 10, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on July 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:
  - a. Give hiring preferences to individuals from areas of disproportionate impact, specifically Pittsfield and North Adams; and
  - b. Provide financial, mentoring, and professional services for individuals and businesses facing systemic barriers or adversity in disproportionately impacted areas, specifically Pittsfield and North Adams;

### **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. None of the disclosures raised 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:
  - a. Host career fairs and industry-specific training sessions at least two (2) times per year;
  - b. Conduct outreach to organizations that serve women, minorities, veterans, persons with disabilities and people of all gender identities and sexual orientations in its hiring initiatives; and



c. Utilize suppliers of goods and services that support 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 plans to obtain marijuana or marijuana products by contracting with other licensed establishments.

20. ISO 17025 Certifying Body and Certificate Number (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.



## **GOOD CHEMISTRY OF MASSACHUSETTS, INC.**

MRN282554

### **BACKGROUND & APPLICATION OF INTENT REVIEW**

1. Name and address of the proposed Marijuana Establishment:

Good Chemistry of Massachusetts, Inc.  
696 Western Avenue, Lynn, MA 01902

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):

Cultivation–Tier 4/Indoor (20,001-30,000 sq.ft) (Commence Operations: Bellingham)

Product Manufacturing (Commence Operations: Bellingham)

Retail (Commence Operations: Worcester)

MTC (Commence Operations: Dispensing in Worcester)

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

Matthew Huron – Board Member

Keith Nuber – Executive / Officer

Duncan Cameron – Executive / Officer

Stephen Spinosa – Executive / Officer

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:

Provisional License Executive Summary 1



## MTC Priority

7. The applicant and municipality executed a Host Community Agreement on April 2, 2019.
8. The applicant conducted a community outreach meeting on December 17, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on September 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:
  - a. Develop relationships with workforce development organizations and local groups in Worcester to meet its goal of hiring 40% of individuals from an area of disproportionate impact;
  - b. Utilize 30% of vendors and suppliers from Worcester and Lynn; and
  - c. Host educational workshops, annually, in Worcester.

## **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. None of the disclosures raised suitability issues.

## **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 – Saturday: 8:00 a.m. – 11:00 p.m.  
Sunday – 10:00 a.m. – 11:00 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:



- a. Recruit a staff that consists of at least 50% of women and 35% of individuals that fall in the category of minorities, veterans, persons with disabilities and people of all gender identities and sexual orientations for its hiring initiatives; and
- b. Utilize 20% of suppliers of goods and services that support 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 has commenced operations for adult-use cultivation and product manufacturing. The applicant plans to obtain marijuana from its affiliated licenses.

20. ISO 17025 Certifying Body and Certificate Number (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.



**NATIVE SUN WELLNESS, INC.**  
MCN281599

**BACKGROUND & APPLICATION OF INTENT REVIEW**

1. Name and address of the proposed Marijuana Establishment:

Native Sun Wellness, Inc.  
140 Industrial Road, Fitchburg, MA 01420

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

Cultivation – Tier 5 / Indoor (30,001 to 40,000 sq.ft)

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):

Product Manufacturing (Provisional License: Fitchburg)  
Retail (Provisional License: Hudson)  
MTC (Provisional License: Dispensary in Cambridge)

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

Timothy Caraboolad – Director  
Mark Schuparra – Director  
Geoffrey Bernstein – Director  
Michael Drayer – Close Associate  
Daniel Linskey – Close Associate

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

Native Sun Holdings, LLC – Sole Shareholder

6. Applicant's priority status and information pertaining to co-located operations:

General Applicant



7. The applicant and municipality executed a Host Community Agreement on July 20, 2018.
8. The applicant conducted a community outreach meeting on June 6, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on August 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:
  - a. Provide a one (1) day industry-specific seminar, quarterly, in Fitchburg; and
  - b. Provide mentorship and counseling to seminar participants.

### **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 – Sunday: 8:00 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:
  - a. Distribute quarterly internal workplace newsletters or memos encouraging current employees to recommend diverse individuals for employment;
  - b. Create a promotion process that will consider at least one woman and one underrepresented minority for every manager position that needs to be filled; and
  - c. Conduct quarterly industry-specific training sessions.



17. Summary of cultivation plan (if applicable):

The applicant submitted a detailed cultivation plan that demonstrated 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.

20. ISO 17025 Certifying Body and Certificate Number (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.





## **ACK NATURAL, INC.**

### **BACKGROUND & APPLICATION REVIEW**

1. Name of the proposed Medical Marijuana Treatment Center:

ACK Natural, Inc.

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

Cultivation: 17-19 Spearhead Drive, Nantucket, MA 02254

Product Manufacturing: 17-19 Spearhead Drive, Nantucket, MA 02254

Dispensary: 17-19 Spearhead Drive, Nantucket, MA 02254

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

Cultivation, Tier 1/Indoor (up to 5,000 sq. ft.) (Application Submitted: Nantucket)

Product Manufacturing (Application Submitted: Nantucket)

Retail (Application Submitted: Nantucket)

4. List of all required individuals and their business roles in the Medical Marijuana Treatment Center:

Robert R. DeCosta—Officer

Douglas Leighton — Officer

Zachary Harvey — Officer/Capital Contributor

Michael Sullivan—Officer/Capital Contributor

5. List of all required entities and their roles in the Medical Marijuana Treatment Center:

Bass Point Capital, LLC – Capital Contributor

Azure Capital, Corp. – Capital Contributor

6. The applicant executed a Host Community Agreement with Nantucket on May 1, 2019.

7. The Commission received a municipal response from Nantucket on July 26, 2019 stating the applicant was in compliance with all local ordinances and bylaws. MPL Executive Summary 1



## **SUITABILITY REVIEW**

8. There were no concerns arising from background checks on the individuals or entities associated with the application.
9. There were no disclosures of any past civil or criminal actions, or occupational license issues.

## **MANAGEMENT AND OPERATIONS REVIEW**

10. The applicant states that it can be operational by June 6, 2020.
11. The applicant was not required to submit proposed hours of operation. Commission staff will obtain this information during the inspectional phase.
12. The applicant submitted all applicable and required summaries of procedures for the operation of the proposed Medical Marijuana Treatment Center. The summaries were determined to be substantially compliant with the Commission's regulations.
13. The applicant submitted a summary of its plan for providing patient education materials. The plan is compliant with the Commission's regulations.
14. The applicant disclosed that it plans to perform home deliveries to registered patients. The summary of the applicant's plan is consistent with the Commission regulations and guidance documents.
15. Summary of cultivation plan:  
  
The applicant submitted a summary of a cultivation plan that demonstrated their ability to comply with the regulations of the Commission.
16. Summary of products to be produced and/or sold (if applicable):
  - a. Rosins;
  - b. Oils;
  - c. Edibles (chocolates and baked goods);
  - d. Tinctures;
  - e. Capsules;
  - f. Terpene juice;
  - g. Bubble hash;
  - h. Topical creams and;
  - i. Pre-filled cartridges.



## **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.



## **TDMA ORANGE, LLC**

MCN281982

MPN281616

### **BACKGROUND & APPLICATION OF INTENT REVIEW**

1. Name and address of the proposed Marijuana Establishment:

TDMA Orange, LLC  
Lot 3 Quabbin Boulevard, Orange, MA 01364

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)  
Product Manufacturing

The applications were 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):

Cultivation, Tier 2/Indoor (5,001-10,000 sq. ft.) (Application Submitted: Orange)  
Cultivation, Tier 5/Outdoor (30,001-40,000 sq. ft.) (Application Submitted: Orange)  
Retail (Application Submitted: Worcester)  
Product Manufacturing (Application Submitted: Orange)  
MTC (Provisionally Licensed: Dispensary in South Deerfield)

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

Christopher Mitchem – Executive / Officer  
Franklin Kanekoa – Executive / Officer

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

TDMA Holdings, LLC – Parent Company  
RLTY Development MA 1 LLC – Capital Contributor  
RLTY Development Orange, LLC – Capital Contributor

Provisional License Executive Summary 1



6. Applicant's priority status and information pertaining to co-located operations:

MTC Priority

7. The applicant and municipality executed a Host Community Agreement on November 7, 2018.
8. The applicant conducted a community outreach meeting on March 11, 2019 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on June 11, 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:
  - a. Provide mentoring, professional and technical services for individuals facing barriers to entering the workforce;
  - b. Grant employees up to eight (8) hours of paid time off to participate in neighborhood clean-up initiatives; and
  - c. Provide financial support to organizations and groups that service communities and people 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: 7:00 a.m. – 11:00 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:

- a. Participate in local job fairs and advertise employment opportunities using diverse publications and mediums;
- b. Administer satisfaction surveys bi-annually; and
- c. Utilize suppliers of goods and services that support diversity.

17. Summary of cultivation plan (if applicable):

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

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

- a. Oil;
- b. Distillate;
- c. Tinctures;
- d. Gummies;
- e. Chocolates;
- f. Lozenges; and
- g. Skin cream.

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

Not applicable.

20. ISO 17025 Certifying Body and Certificate Number (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.



**TDMA ORANGE, LLC**  
MCN282031

**BACKGROUND & APPLICATION OF INTENT REVIEW**

1. Name and address of the proposed Marijuana Establishment:

TDMA Orange, LLC  
Lot 6F RW Moore Avenue, Orange, MA 01364

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

Cultivation – Tier 5 / Outdoor (30,001 to 40,000 sq.ft)

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):

Cultivation, Tier 2/Indoor (5,001-10,000 sq. ft.) (Application Submitted: Orange)  
Cultivation, Tier 2/Indoor (5,001-10,000 sq. ft.) (Application Submitted: Orange)  
Retail (Application Submitted: Worcester)  
Product Manufacturing (Application Submitted: Orange)  
Product Manufacturing (Application Submitted: Orange)  
MTC (Provisionally Licensed: Dispensary in South Deerfield)

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

Christopher Mitchem – Executive / Officer  
Franklin Kanekoa – Executive / Officer

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

TDMA Holdings, LLC – Parent Company  
RLTY Development MA 1 LLC – Capital Contributor  
RLTY Development Orange, LLC – Capital Contributor

6. Applicant's priority status and information pertaining to co-located operations:

Provisional License Executive Summary 1



## MTC Priority

7. The applicant and municipality executed a Host Community Agreement on November 7, 2018.
8. The applicant conducted a community outreach meeting on March 11, 2019 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on June 11, 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:
  - a. Provide mentoring, professional and technical services for individuals facing barriers to entering the workforce;
  - b. Grant employees up to eight (8) hours of paid time off to participate in neighborhood clean-up initiatives; and
  - c. Provide financial support to organizations and groups that service communities and people 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: 7:00 a.m. – 11:00 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:





- a. Participate in local job fairs and advertise employment opportunities using diverse publications and mediums;
- b. Administer satisfaction surveys bi-annually; and
- c. Utilize suppliers of goods and services that support diversity.

17. Summary of cultivation plan (if applicable):

The applicant submitted a detailed cultivation plan that demonstrated 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.

20. ISO 17025 Certifying Body and Certificate Number (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.



**TDMA, LLC**  
MRN282376

**BACKGROUND & APPLICATION OF INTENT REVIEW**

1. Name and address of the proposed Marijuana Establishment:

TDMA, LLC  
74 Grafton Street, 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 re-opened 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):

Cultivation, Tier 2/Indoor (5,001-10,000 sq. ft.) (Application Submitted: Orange)  
Cultivation, Tier 2/Indoor (5,001-10,000 sq. ft.) (Application Submitted: Orange)  
Cultivation, Tier 5/Outdoor (30,001-40,000 sq. ft.) (Application Submitted: Orange)  
Product Manufacturing (Application Submitted: Orange)  
Product Manufacturing (Application Submitted: Orange)  
MTC (Provisionally Licensed: Dispensary in South Deerfield)

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

Christopher Mitchem – Executive / Officer  
Franklin Kanekoa – Executive / Officer

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

TDMA Holdings, LLC – 100% owner and parent company  
RLTY Development MA 1 LLC – capital contributor

6. Applicant's priority status and information pertaining to co-located operations:

Provisional License Executive Summary 1



## MTC Priority

7. The applicant and municipality executed a Host Community Agreement on March 8, 2019.
8. The applicant conducted a community outreach meeting on March 22, 2019 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on August 1, 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:
  - a. Provide mentoring, professional and technical services for individuals facing barriers to entering the workforce;
  - b. Find innovative and creative ways to give back to areas of disproportionate impact in the host community; and
  - c. Provide financial support to organizations and groups that serve people in disproportionately impacted communities.

## **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 after provisional licensure.
14. The applicant's proposed hours of operation are the following:

Monday – Sunday 10:00am – 11:00pm
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:
  - a. Recruit a diverse workforce that is as inclusive as possible;



- b. Create a safe, accepting, and respectful work environment; and
- c. Ensure that all participants in our supply chain and ancillary services are committed to the same goals of promoting equity and diversity 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 plans to obtain marijuana or marijuana products by contracting with other licensed establishments.

20. ISO 17025 Certifying Body and Certificate Number (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.



## **9) Responsible Vendor Accreditation**

- a. Quality Control Analytics
- b. Cannabis Trainers
- c. Stocker Consulting, LLC
- d. Anthony Bartucca

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## Memorandum

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**To:** Shawn Collins, Executive Director  
**Cc:** Alisa Stack, Chief Operating Officer  
Matt Giancola, Director of Constituent Services  
Patrick Beyea, Director of Investigations  
**From:** Julie Johnson, Director of Research  
**Date:** September 30, 2019  
**Subject:** RVT Vendor Recommendations

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### MEMORANDUM IMPETUS

Twelve Responsible Vendor Training (RVT) trainer applications were internally reviewed by the RVT internal working group consisting of Julie Johnson, Patrick Beyea and Matt Giancola on Monday, September 16, 2019. The group is recommending 4:12 applications for Commission approval at the October 10<sup>th</sup> public meeting.

### RECOMMENDATION

Upon review on September 16, 2019, Commission staff recommends the following four vendors for two-year certifications to provide responsible vendor training, including: (1) Quality Control Analytics; (2) Cannabis Trainers; (3) Stocker Consulting, LLC; and (4) Anthony Bartucca.

These recommendations are based on review of required materials submitted to the Commission and stands as long as the vendors remain in compliance with regulation provisions under 935 CMR 500.105(2).

All four vendors provided the required information and materials required to sufficiently train Marijuana Establishment agents, including: (1) General Content; (2) Attestations; and (3) Course Materials and Attachments, outlined below. [See attached Executive Summaries for each vendor for recommendation].

The eight RVT trainer applications not recommended for certification during this first round of review will receive requests for additional information. Applications deemed complete will be reopened for a second round of review.



## RVT APPLICATION MATERIALS SUCCESSFULLY SUBMITTED

1. General Content, including:
  - a. Outline of attendees that the Training Program intends to target, its recruitment approach and the objectives of the Training Program;
  - b. Mechanism(s) of training (*i.e. in person and/or +interactive virtual training*) in detail, including modalities used (if +virtual interactive training) and facilities where trainings will take place (if in-person training); and timeline of training to ensure it meets the two-hour training requirement;
  - c. Plan for vendor to maintain its training records at its principal place of business, including length of time for retention; and
  - d. List of owners, controlling persons and employees.
  
2. Attestations were agreed upon with signature and date, including:
  - a. Staff training attendance of training with no notice;
  - b. Comply with requirement that RVT trainer must update training educational materials within 20 days of a change in regulation(s) that affect(s) educational materials;
  - c. Obligation to be aware of any changes to federal or state laws or regulations governing of marijuana establishments within the Commonwealth of Massachusetts; and
  - d. No owner or employee of the applicant has an interest in a licensed Marijuana Establishment.
  
3. Course Material and Attachments:
  - a. All training materials associated with discussion concerning marijuana's effect on the human body as outlined in *Section 1. Marijuana's Effect on the Human Body* were provided;
  - b. All training materials associated with diversion prevention and prevention of sales to minors as outlined in *Section 2. Diversion Prevention and Prevention of Sales to Minors* were provided;
  - c. All training materials associated with tracking requirements as outlined in *Section 3. Compliance with all Tracking Requirements* were provided;
  - d. All training materials associated with key state laws and rules affecting owners, managers, and employees as outlined in *Section 4. Key State Laws & Rules* were provided;
  - e. All testing materials associated with the responsible vendor training program as outlined in *Section 5. Testing Materials* were provided; and
  - f. All materials associated with the responsible vendor training program evaluation as outlined in *Section 6. Evaluation Materials* were provided.



## **[RESPONSIBLE VENDOR TRAINING VENDOR CERTIFICATION]: QUALITY CONTROL ANALYTICS**

### **VENDOR OVERVIEW**

Name and address of the Marijuana Establishment:

Quality Control Analytics  
4 Woodlawn Road Assonet MA 02702

Contact:

Ashley Boucher  
Consultant@qualitycontrolanalytics.com

### **RECOMMENDATION**

Upon review on September 16, 2019, Commission staff recommends Quality Control Analytics for a two-year certification to provide responsible vendor training. This recommendation is based on review of required materials submitted to the Commission and stands as long as the vendor remains in compliance with regulation provisions under 935 CMR 500.105(2).

### **EXECUTIVE SUMMARY**

Quality Control Analytics's Responsible Vendor Training program plans to implement both: (1) in-person training conducted on Marijuana Establishments' premises and varying local conferencing location(s); and (2) interactive classroom training via the platform, Vedamo. This course intends to target all owners, managers and agents of Marijuana Establishments.

The training portion of the course is expected to take 2.2 hours to complete, plus a post-course cumulative examination (expected time for exam completion not provided).





## RECOMMENDATION IMPETUS

Quality Control Analytics provided the required information and materials required to sufficiently train marijuana establishment agents, including:

1. General Content, including:
  - a. Outline of attendees that the Training Program intends to target, its recruitment approach and the objectives of the Training Program;
  - b. Mechanism(s) of training (*i.e. in person and/or +interactive virtual training*) in detail, including modalities used (if +virtual interactive training) and facilities where trainings will take place (if in-person training); and timeline of training to ensure it meets the two-hour training requirement;
  - c. Plan for vendor to maintain its training records at its principal place of business, including length of time for retention; and
  - d. List of owners, controlling persons and employees.
  
2. Attestations were agreed upon with signature and date, including:
  - a. Staff training attendance of training with no notice;
  - b. Comply with requirement that RVT trainer must update training educational materials within 20 days of a change in regulation(s) that affect(s) educational materials;
  - c. Obligation to be aware of any changes to federal or state laws or regulations governing of marijuana establishments within the Commonwealth of Massachusetts; and
  - d. No owner or employee of the applicant has an interest in a licensed Marijuana Establishment.
  
3. Course Material and Attachments:
  - a. All training materials associated with discussion concerning marijuana's effect on the human body as outlined in *Section 1. Marijuana's Effect on the Human Body* were provided;
  - b. All training materials associated with diversion prevention and prevention of sales to minors as outlined in *Section 2. Diversion Prevention and Prevention of Sales to Minors* were provided;
  - c. All training materials associated with tracking requirements as outlined in *Section 3. Compliance with all Tracking Requirements* were provided;
  - d. All training materials associated with key state laws and rules affecting owners, managers, and employees as outlined in *Section 4. Key State Laws & Rules* were provided;
  - e. All testing materials associated with the responsible vendor training program as outlined in *Section 5. Testing Materials* were provided; and
  - f. All materials associated with the responsible vendor training program evaluation as outlined in *Section 6. Evaluation Materials* were provided.



## **[RESPONSIBLE VENDOR TRAINING VENDOR CERTIFICATION]: CANNABIS TRAINERS**

### **VENDOR OVERVIEW**

Name and address of the Marijuana Establishment:

Cannabis Trainers  
2745 W 35th Avenue Denver CO 80211

Contact:

Maureen McNamara  
Maureen@CannabisTrainers.com

### **RECOMMENDATION**

Upon review on September 16, 2019, Commission staff recommends Cannabis Trainers's Sell-SMaRT Program for a two-year certification to provide responsible vendor training. This recommendation is based on review of required materials submitted to the Commission and stands as long as the vendor remains in compliance with regulation provisions under 935 CMR 500.105(2).

### **EXECUTIVE SUMMARY**

The Sell-SMaRT™ Responsible Vendor Training program has been providing cannabis training since 2014. If certified in Massachusetts, Cannabis Trainers plans to implement the Sell-Smart Program, available in both: (1) interactive classroom settings and/or 2) interactive virtual online webinars via Zoom. The Sell-SMaRT™ course intends to target all owners, managers and agents of Marijuana Establishments.

The training portion of the Sell-SMaRT™ course is expected to take 5.5 hours to complete, including six quizzes and a 40-question examination.



## RECOMMENDATION IMPETUS

Cannabis Trainers provided the required information and materials required to sufficiently train marijuana establishment agents, including:

1. General Content, including:
  - a. Outline of attendees that the Training Program intends to target, its recruitment approach and the objectives of the Training Program;
  - b. Mechanism(s) of training (*i.e. in person and/or +interactive virtual training*) in detail, including modalities used (if +virtual interactive training) and facilities where trainings will take place (if in-person training); and timeline of training to ensure it meets the two-hour training requirement;
  - c. Plan for vendor to maintain its training records at its principal place of business, including length of time for retention; and
  - d. List of owners, controlling persons and employees.
  
2. Attestations were agreed upon with signature and date, including:
  - a. Staff training attendance of training with no notice;
  - b. Comply with requirement that RVT trainer must update training educational materials within 20 days of a change in regulation(s) that affect(s) educational materials;
  - c. Obligation to be aware of any changes to federal or state laws or regulations governing of marijuana establishments within the Commonwealth of Massachusetts; and
  - d. No owner or employee of the applicant has an interest in a licensed Marijuana Establishment.
  
3. Course Material and Attachments:
  - a. All training materials associated with discussion concerning marijuana's effect on the human body as outlined in *Section 1. Marijuana's Effect on the Human Body* were provided;
  - b. All training materials associated with diversion prevention and prevention of sales to minors as outlined in *Section 2. Diversion Prevention and Prevention of Sales to Minors* were provided;
  - c. All training materials associated with tracking requirements as outlined in *Section 3. Compliance with all Tracking Requirements* were provided;
  - d. All training materials associated with key state laws and rules affecting owners, managers, and employees as outlined in *Section 4. Key State Laws & Rules* were provided;
  - e. All testing materials associated with the responsible vendor training program as outlined in *Section 5. Testing Materials* were provided; and
  - f. All materials associated with the responsible vendor training program evaluation as outlined in *Section 6. Evaluation Materials* were provided.



## **[RESPONSIBLE VENDOR TRAINING VENDOR CERTIFICATION]: STOCKER CONSULTING LLC**

### **VENDOR OVERVIEW**

Name and address of the Marijuana Establishment:

Stocker Consulting LLC  
24 Blake Road Lexington MA 02420

Contact:

Richard Gilbert  
rick@stokercompliance.com

### **RECOMMENDATION**

Upon review on September 16, 2019, Commission staff recommends Stocker Consulting LLC for a two-year certification to provide responsible vendor training. This recommendation is based on review of required materials submitted to the Commission and stands as long as the vendor remains in compliance with regulation provisions under 935 CMR 500.105(2).

### **EXECUTIVE SUMMARY**

If certified, Stocker Consulting LLC plans to implement in-person training Responsible Vendor Training conducted on Marijuana Establishments' premises or in a rented business facility. The Training Program intends to target all owners, managers, and employees of licensed Marijuana Establishments.

The training portion of the program is expected to take 2.25 hours to complete, plus a post-course 30-question multiple-choice online examination taken online and proctored by the presenter (expected time for exam completion not provided).



## RECOMMENDATION IMPETUS

Stocker Consulting LLC provided the required information and materials required to sufficiently train marijuana establishment agents, including:

1. General Content, including:
  - a. Outline of attendees that the Training Program intends to target, its recruitment approach and the objectives of the Training Program;
  - b. Mechanism(s) of training (*i.e. in person and/or +interactive virtual training*) in detail, including modalities used (if +virtual interactive training) and facilities where trainings will take place (if in-person training); and timeline of training to ensure it meets the two-hour training requirement;
  - c. Plan for vendor to maintain its training records at its principal place of business, including length of time for retention; and
  - d. List of owners, controlling persons and employees.
  
2. Attestations were agreed upon with signature and date, including:
  - a. Staff training attendance of training with no notice;
  - b. Comply with requirement that RVT trainer must update training educational materials within 20 days of a change in regulation(s) that affect(s) educational materials;
  - c. Obligation to be aware of any changes to federal or state laws or regulations governing of marijuana establishments within the Commonwealth of Massachusetts; and
  - d. No owner or employee of the applicant has an interest in a licensed Marijuana Establishment.
  
3. Course Material and Attachments:
  - a. All training materials associated with discussion concerning marijuana's effect on the human body as outlined in *Section 1. Marijuana's Effect on the Human Body* were provided;
  - b. All training materials associated with diversion prevention and prevention of sales to minors as outlined in *Section 2. Diversion Prevention and Prevention of Sales to Minors* were provided;
  - c. All training materials associated with tracking requirements as outlined in *Section 3. Compliance with all Tracking Requirements* were provided;
  - d. All training materials associated with key state laws and rules affecting owners, managers, and employees as outlined in *Section 4. Key State Laws & Rules* were provided;
  - e. All testing materials associated with the responsible vendor training program as outlined in *Section 5. Testing Materials* were provided; and
  - f. All materials associated with the responsible vendor training program evaluation as outlined in *Section 6. Evaluation Materials* were provided.



**[RESPONSIBLE VENDOR TRAINING VENDOR CERTIFICATION]:  
ANTHONY BARTUCCA**

**VENDOR OVERVIEW**

Name and address of the Marijuana Establishment:

Anthony Bartucca  
90 Tilting Rock, Wrentham, MA 02093

Contact:

Anthony Bartucca  
ADB.BartuccaConsulting@Gmail.com

**RECOMMENDATION**

Upon review on September 16, 2019, Commission staff recommends Anthony Bartucca for a two-year certification to provide responsible vendor training. This recommendation is based on review of required materials submitted to the Commission and stands as long as the vendor remains in compliance with regulation provisions under 935 CMR 500.105(2).

**EXECUTIVE SUMMARY**

Anthony Bartucca's Responsible Vendor Training program plans to implement in-person training on Marijuana Establishments' premises or entity convenient to the Marijuana Establishment. The course intends to target all owners, managers and agents of Marijuana Establishments.

The training portion of Anthony Bartucca's course is expected to take a minimum of 2.0 hours to complete, plus a post-course 20-question examination (expected time for exam completion not provided).



## RECOMMENDATION IMPETUS

Anthony Bartucca provided the required information and materials required to sufficiently train marijuana establishment agents, including:

1. General Content, including:
  - a. Outline of attendees that the Training Program intends to target, its recruitment approach and the objectives of the Training Program;
  - b. Mechanism(s) of training (*i.e. in person and/or +interactive virtual training*) in detail, including modalities used (if +virtual interactive training) and facilities where trainings will take place (if in-person training); and timeline of training to ensure it meets the two-hour training requirement;
  - c. Plan for vendor to maintain its training records at its principal place of business, including length of time for retention; and
  - d. List of owners, controlling persons and employees.
  
2. Attestations were agreed upon with signature and date, including:
  - a. Staff training attendance of training with no notice;
  - b. Comply with requirement that RVT trainer must update training educational materials within 20 days of a change in regulation(s) that affect(s) educational materials;
  - c. Obligation to be aware of any changes to federal or state laws or regulations governing of marijuana establishments within the Commonwealth of Massachusetts; and
  - d. No owner or employee of the applicant has an interest in a licensed Marijuana Establishment.
  
3. Course Material and Attachments:
  - a. All training materials associated with discussion concerning marijuana's effect on the human body as outlined in *Section 1. Marijuana's Effect on the Human Body* were provided;
  - b. All training materials associated with diversion prevention and prevention of sales to minors as outlined in *Section 2. Diversion Prevention and Prevention of Sales to Minors* were provided;
  - c. All training materials associated with tracking requirements as outlined in *Section 3. Compliance with all Tracking Requirements* were provided;
  - d. All training materials associated with key state laws and rules affecting owners, managers, and employees as outlined in *Section 4. Key State Laws & Rules* were provided;
  - e. All testing materials associated with the responsible vendor training program as outlined in *Section 5. Testing Materials* were provided; and
  - f. All materials associated with the responsible vendor training program evaluation as outlined in *Section 6. Evaluation Materials* were provided.



## **10) Commission Discussion and Votes**

- a. Next Regulatory Cycle: Scope of Foreseeable Topics (Subject to Change)
- b. Priority RMD Status
- c. Considerations for Social Equity Applicants
- d. Annual Activities Report to the Legislature
- e. Research Presentation: Positive Impact Plan Special Report



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## Memorandum

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**To:** Chairman Steven Hoffman and Commissioners Kay Doyle, Jennifer Flanagan, Britte McBride, and Shaleen Title  
**Cc:** Shawn Collins, Executive Director  
**From:** Christine Baily, General Counsel  
**Date:** October 2, 2019  
**Subject:** Issues for the Next Round of Regulatory Review  
935 CMR 500.000: *Adult Use of Marijuana*  
935 CMR 501.000: *Medical Use of Marijuana*  
935 CMR 502.000: *Colocated Adult-Use and Medical-Use Marijuana Operations*

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### *935 CMR 500.000: Adult Use of Marijuana*

- Advertising, Branding, & Marketing
- Vaping
- Agent Registration Process & Fees
- Leadership Rating Program
- Additional Benefits for certified Economic Empowerment Applicants and Social Equity Participants
- Social Consumption Event Licenses
- Operational Requirements for all Marijuana Establishments/License Types; e.g.
  - Packaging, Labeling, Product Design (i.e. edibles)
  - Potency
  - Workplace Safety
  - Security
  - Kiosks
  - Impairment
  - Sampling - retailer from cultivator or manufacturer
- Hybrid cultivation - indoor/outdoor
- Craft cooperatives - schedule F through agreement with farmer
- Buffer Zone
- Social Equity Program
- Testing
- Enforcement: Ownership and Control



### **935 CMR 501.000: *Medical Use of Marijuana***

- Advertising, Branding, & Marketing
- Vaping
- Agent Registration Process & Fees
- Patient Registration
  - Length of certification
  - Length of registration
  - Pediatric registration requirements (currently 2 clinicians)
  - Veterans
  - Clinician registration
- Caregivers
- Hardship Cultivation
- Vertical Integration
- Operational Requirements for MTCs
  - Packaging, Labeling, Product Design (i.e. edibles)
  - Potency
  - Workplace Safety
  - Security
  - Kiosks
  - Additive disclosures
  - Pesticides and grow materials
  - Testing
- Buffer Zone
- Enforcement: Ownership and Control
- Law Enforcement access to patient information

### **935 CMR 502.000: *Colocated Adult-Use and Medical-Use Marijuana Operations***

- Comprehensive review of the colocated-operation regulations



DRAFT—FOR DISCUSSION PURPOSES ONLY

I request that my fellow Commissioners discuss the implementation of the Priority RMD status certification. I have started examining, with the assistance of the licensing team, the progress that applicants are making generally through the licensure, inspections and especially evaluating how priority RMD applicant are progressing through their medical licensure if they are not yet operational, but have had their provisional licenses for a number of years.

SECTION 56. (a) The Massachusetts cannabis control commission shall prioritize review and licensing decisions for applicants for retail, manufacture or cultivation licenses who:

(i) are registered marijuana dispensaries with a final or a provisional certificate of registration in good standing with the department of public health pursuant to 105 CMR 725.000 that are operational and dispensing to qualifying patients...

(b) The commission shall identify all applications subject to prioritization under subsection (a) submitted between April 1, 2018 and April 15, 2018 and grant or deny such applications prior to reviewing any other applications for licenses.

My understanding of the underlying purpose of the priority status given to RMDs was that they would be able to open more rapidly, as they had already gone through the DPH application process, and may even be up and running. In fact, if we had not filed our regulations by the statutory deadline, they would have been able to automatically commence adult operations.

Carrying that logic through, Priority RMD status should be limited to locations that have a provisional or final license as an RMD or are operating as an RMD. If the RMD status of a location has expired, the company is not entitled to priority RMD status for that location and instead would be considered a general applicant. If a company has priority RMD status, it is limited to those locations for which it has RMD licensure and to those activities that are covered under the RMD license—it does not extend to every application for every type of adult license that company may seek.

To the extent this discussion would constitute a policy change for how these licenses are being administered, I move that the Commission request the Executive Director implement any changes necessary to ensure that priority RMD status is limited to those who qualified in April, 2018, be limited to the locations and activities for which the applicants have RMD licensure, and require that RMD licensure must be maintained to be eligible for priority treatment for that location.

Predatory investors and scam artists are targeting cannabis entrepreneurs, particularly those eligible for programs such as the Economic Empowerment and Social Equity programs. Our ongoing conversations with other state regulators reveal that this is a concern across many states with new legal marijuana industries. The purpose of this handout is to encourage you to be wary of such scams.

A trustworthy lender, investor, or other business interested in working with your business will take the time to get to know you and to consider the benefits and risks of a partnership, and you should do the same. Before partnering with any business, take the time to review relevant experience, ask questions, and check references.

We recommend consulting with qualified attorneys or other independent professionals before making a final decision and signing any contracts or agreeing to make any payments.

Here are some red flags to consider when developing partnerships and business relationships:

- Cannabis Control Commission rules, regulations, and licensing decisions are public information, and comment and inquiries from the public are welcomed. Anyone who claims to have inside information or access should not be trusted.
- Investors or lenders who *only* show interest in your status as part of a particular program are not evaluating your business the way that a legitimate investor or lender would. If anyone guarantees you funding without performing due diligence on your company and ability to run a business, you should question whether you want to work with them.
- The Commission has a robust licensing application process and a robust Change of Ownership process. While experience running other cannabis businesses is relevant to consider, no one can guarantee you a license. Anyone who claims otherwise is not telling the truth.
- Be wary of any business that has abruptly changed its name, industry, or business plan multiple times.
- Be skeptical of resumes and websites whose claims of success in cannabis business sound too good to be true – they probably are. Some warning signs include no physical address, no names or contact information, and no references (or references who turn out to be close friends or relatives).
- There are strict consequences for allowing another entity to have direct or indirect control in your business without proper disclosure and approval. You should think carefully about working with any business that asks you to:
  - Enter a contract committing you to share future revenues or profits with a separate entity
  - Allow another entity to make key decisions about business management or operations
  - Excessively restrict your ability to engage in business transactions with other suppliers or entities
  - Control your business's governing body or the hiring and firing of key employees
- Any company that pressures you into making a quick decision or tries to discourage you from consulting with an attorney or other independent professional should not be trusted.

- Be wary of excessive interest rates. Lenders in Massachusetts generally cannot legally charge more than 20% interest. You should also be cautious about working with lenders who ask you to use personal assets for business loan collateral.

Here are some helpful links:

The US Securities Exchange Commission issued an Investor Alert regarding Marijuana Investments and Fraud in 2018:

<https://www.investor.gov/additional-resources/news-alerts/alerts-bulletins/investor-alert-marijuana-investments-fraud>

If you think you've been a victim of fraud, you can file a complaint with the Massachusetts Office of Attorney General:

<https://www.mass.gov/orgs/office-of-attorney-general-maura-healey>

If you have a complaint about a company or organization that is offering a benefit or discounted service to Economic Empowerment applicants or Social Equity Program participants, please email your complaint to us at CannabisCommission@mass.gov

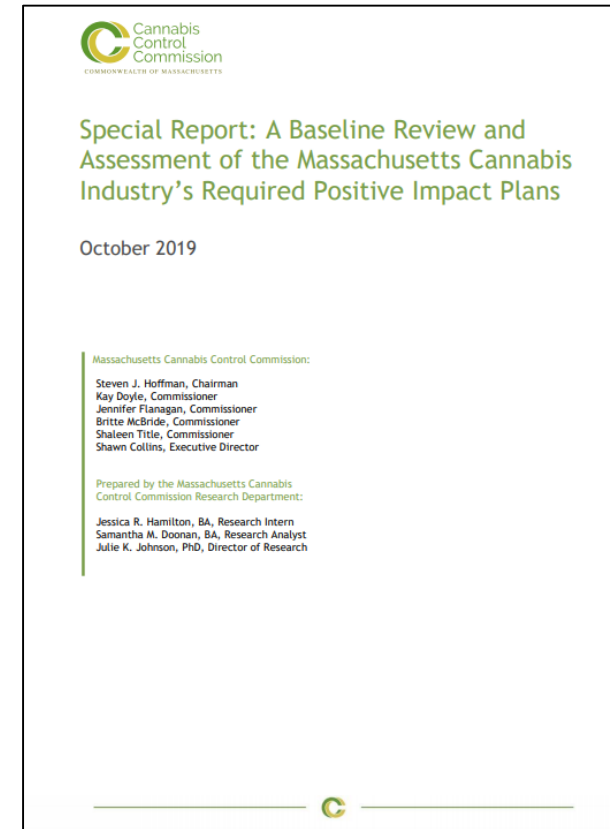
# Special Report: A Baseline Review and Assessment of the Massachusetts Cannabis Industry's Required Positive Impact Plans

Public Meeting of the Cannabis Control Commission:  
October 10, 2019

Jessica R. Hamilton, B.A.  
Samantha M. Doonan, B.A.  
Julie K. Johnson, Ph.D.

# Background and Purpose

- Author Background
- Special Report
- Purpose



Guiding Research Question:  
*“To what end are Positive Impact Plan activities oriented?”*

# Research Goals

- 1) Understand how Marijuana Establishments (MEs) view their role in creating an equitable market;
- 2) Determine the types of activities those MEs currently approved to operate in the market believe will most positively impact disproportionately harmed communities and promote meaning participation in the market;
- 3) Explore the varying interpretations of “Social Equity” as it pertains to the assessment of Positive Impact Plan (PIP) goals and activities;
- 4) Investigate the need for, and potentially connect the narrative associated with the lived experience to publicly available data quantifying the harm done to disproportionately impacted communities; and
- 5) Suggest considerations for equitable plans that align with Commission’s legislative mandate and restorative justice aims.



# Methods

- Exploratory study to provide baseline assessment using mixed methods;
- Qualitative analysis of PIPs, Interviews, and Social Equity Applicant responses to identify themes, consensus, and lack of consensus;
- Quantitative methods to identify trends;
- Study Timeframe: June 21, 2018 - June 21, 2019.

1. Public Documents

2. Key Stakeholder Interviews

3. Positive Impact Plans  
(n=72)

4. Social Equity Applicant Responses

# Baseline Data

# Findings – Public Documents



- Informal Guidance;
- PIPs frequently discussed;
  - Over 15 incidences identified in meeting minutes where PIPs were publicly discussed and assessed.
- Discussion Themes:
  - A need for clarification of an element(s) of the PIP;
  - Need for more information regarding the content of educational activities;
  - Clarification on the ability of identified community organizations to accept donations from the industry; and
  - Questions about measurements for accountability.
- Conditions related to PIPs frequently added.

# Findings – Key Stakeholder Interviews

- Consensus among Stakeholders around harm previously caused by marijuana prohibition and enforcement that still actively impacts the lives of targeted communities and populations;
- Consensus among Stakeholders that PIP activities providing **economic benefits** to the cohorts identified for impact are encouraged;
  - Discouragement of strictly donation-based activities or activities that provide industry with marketing/self-promotion kickbacks.
- Key stakeholders **defined social equity in varying ways**, indicating a potential lack of consensus; However common themes also emerged.
  - All stakeholders identified that social equity was related to access and opportunity.
- Stakeholders identified a **range of purposes for the PIP**, indicating a lack of consensus;
  - Good will / community service ideology; and
  - Restorative Justice ideology.

2. Key  
Stakeholder I  
nterviews  
N=5

# Findings – Positive Impact Plans

- The Commission states PIPs should include a goal(s) and metrics for accountability, 85% included a goal(s) and 83% included metrics;
- 63% of plans demonstrate understanding the distinction between PIPs and Diversity Plans;
- The Commission identified five cohorts that should be targeted in the PIP, most PIPs target at least one of these cohorts (93%).

3. Positive  
Impact Plans  
n=72



Qualitative Coding

# Findings – Positive Impact Plans

- 38% of plans define social equity in some way;
- 51% include language that demonstrates their understanding of the historical narrative associated with marijuana prohibition and enforcement;
- All plans propose activities, but range in clarity, substance, and commitment;  
*(e.g. Many plans include economic activities, but these range from grant funding and accelerators to opportunities to apply for jobs).*
- Some activities do not focus on target cohorts;  
*(e.g. Donation to disease-focused nonprofit that does not directly target the priority cohort).*
- Some plans include conditional language indicating implementation of proposed activities depends on the success of their business.

3. Positive  
Impact Plans  
n=72

# Findings – Social Equity Participants

## *Survey Responses*



- 82% respondents are from or plan to open a business in an ADI;
- The top activities Social Equity Respondents indicated marijuana businesses should initiate or fund were:
  - (1) Grant funding (73%);
  - (2) Low interest loans (57%);
  - (3) Accelerator or incubator programs (43%);
  - (4) Public information/education sessions about marijuana and the industry in a disproportionately harmed community (34%); and
  - (5) Job creation (27%).

# Findings – Social Equity Participants

## *Survey Responses*

- In an open-text answer, respondents suggested the following activities:
  - (1) Funds to public education;
  - (2) Low income housing or down payment program;
  - (3) Record sealing/expungement;
  - (4) Responsible consumption; Application process priority,
  - (5) Mental health counseling; and
  - (6) Trade school investment.

4. Social  
Equity  
Participant  
Responses  
n=56



# Findings – Social Equity Applicants

## *Application Responses (Barriers to Entry)*

4. Social  
Equity  
Applicant  
Responses  
n=532

Identified Barriers to Entry	Number (Percentage)*
<b>Economic Factors</b>	<b>386 (73%)</b>
<b>Government Regulations</b>	<b>307 (58%)</b>
<b>City/Town Regulations</b>	<b>277 (52%)</b>
<b>Racial Discrimination and Prejudice</b>	<b>212 (40%)</b>
<b>Market Conditions</b>	<b>147 (28%)</b>
<b>Other</b>	<b>120 (13%)</b>
<b>Geographic Barriers</b>	<b>68 (13%)</b>



# Findings – Social Equity Applicants

## *Application Responses (What does Social Equity Mean?)*

*“Social Equity to me means a sincere, concerted effort to correct wrongs in areas of past societal and systemic inequities in all areas of our lives, especially in regard to economic opportunities and the criminal justice system, by affording support for those who have been impacted by past inequities so that they receive the opportunities that those with more "privilege" take for granted.”*

– Social Equity Applicant

*“To me, Social Equity is an acknowledgement that certain people have been disadvantaged over the years due to unfair biases and this is an attempt to help level their chances through assistance and support in order to participate and profit from this new industry.”*

– Social Equity Applicant

*“Social equity to me is a balancing out of injustices from the war on drugs. I have seen many lives hurt and completely ruined by this senseless war including my own and those closest to me. My hope is that it is a chance to heal...I believe there are many others who want the same and just want to do the right thing. This is one of those few chances we get.”*

– Social Equity Applicant

4. Social  
Equity  
Applicant  
Responses  
n=399

# Limitations and Future Research

- Only Commissioners were interviewed for Key Stakeholder Interviews.
  - Future exploratory research could have qualitative interviews with ME owners, and people disproportionately impacted by marijuana prohibition and enforcement;
- Unique limitations inherent to qualitative work;
- Full qualitative analysis of social equity application answers could not be conducted due to time constraints;
- Does not examine compliances with stated aims and activities.
  - Future research should examine compliance more broadly and in particular, the effectiveness and impact of stated activities for each ME and MEs in aggregate across the Commonwealth.

# Key Takeaways

- Positive Impact Plan - Purpose and Social Equity
- Positive Impact Plan - Activities and Economic Activities
- Positive Impact Plan - Adherence to Guidance



Metropolitan Council [Website: <https://metro council.org/about-us/why-we-matter/Equity.aspx>]

# Policy Considerations:

## *Technical Policy Considerations*

**Consideration 1:** Consider renaming the “Positive Impact Plan” to offer clarity on the purpose and aim of this requirement;

**Consideration 2:** Consider separating the Guidance for PIPs and Diversity Plans.

# Policy Considerations:

## *Substantive Policy Considerations*

**Consideration 1:** Consider defining in guidance a common meaning of social equity to provide clarity among stakeholders and the public (*e.g. activities to address harm in this context*);

**Consideration 2:** Consider prioritizing the sentiments, reflections, and perspectives of those most affected by marijuana prohibition and enforcement, including the top three activities identified by recent social equity program participants;

**Consideration 3:** To address harm, it would be helpful to collectively understand how marijuana prohibition and enforcement played out in Massachusetts (*i.e. “tell the Massachusetts story”*). Social equity applicants are an effective primary data source on lived experiences and perspectives; However, more research and data are needed to quantify the harm done in identified cohorts and communities and provide information on the policies enacted sanctioning prohibition and enforcement;

# Policy Considerations:

## *Substantive Policy Considerations*

**Consideration 4:** Consider updating the “Guidance on Equitable Cannabis Policies for Municipalities” to include information on the history and impact of marijuana prohibition and enforcement on disproportionately impacted communities, and the types of activities that the Commission encourages to address these harms;

**Consideration 5:** Consider future analysis to update the identified Areas of Disproportionate Impact. These analyses could take into consideration the demographic changes and forced migration patterns of populations (e.g. *gentrification, movement based on the availability of work in a community, movement based on public policy, etc.*) to more accurately identify affected cohorts.



Thank you

Questions?

Hamilton, JR., Doonan SM., Johnson, JK (2019, October). Special Report: A Baseline Review and Assessment of the Massachusetts Cannabis Industry's Required Positive Impact Plans. Boston, MA: *Massachusetts Cannabis Control Commission*.

- 11) New Business that the Chairman did not anticipate at time of posting
- 12) Next Meeting Date

## Upcoming Public Meetings

Public  
Meeting:  
November 7

- 10AM
- Location TBD

Public  
Meeting:  
December 5

- 10AM
- Time and Location TBD

# Cannabis Control Commission Public Meeting Minutes

September 12, 2019

10:00 A.M.

Massachusetts Dept. of Transportation

10 Park Plaza

Boston, MA 02116

## **Commission Members in Attendance:**

Chairman Steven Hoffman

Commissioner Kay Doyle

Commissioner Jen Flanagan

Commissioner Britte McBride

Commissioner Shaleen Title

## **Commission Members Absent:** None

## **List of Documents:**

1. Proposed Language for 935 CMR 500.000 – Adult Use of Marijuana
2. Proposed Language for 935 CMR 501.000 – Medical Use of Marijuana
3. Memorandum to Commissioners regarding 935 CMR 500.000 – Delivery and Social consumption proposed changes
4. Expediting Policy Proposal
5. Research Report: A Baseline Review and Assessment of Cannabis Use and Youth Literature Review and Preliminary Data
6. Minutes from CCC Public Meeting on July 17, 2019
7. Minutes from CCC Public Meeting on August 8, 2019
8. Executive Director Report
9. Investigations Manager Job Description
10. Licensing Manager Job Description
11. Marijuana Establishment License Renewals Executive Summary
12. Marijuana Treatment Center License Renewals Executive Summary
13. BeWell Organic Medicine MTC Final License Executive Summary
14. Green Gold Group, Inc. MTC Final License Executive Summary
15. Apothca, Inc. Final License Executive Summary
16. Curaleaf Massachusetts, Inc. Cultivation & Manufacturing Final Licenses Executive Summary
17. Curaleaf Massachusetts, Inc. Retail Final License Executive Summary
18. In Good Health, Inc. Cultivation, Manufacturing and Retail Final Licenses Executive Summary
19. M3 Ventures, Inc. Cultivation, Manufacturing and Retail Final Licenses Executive Summary
20. Curaleaf Massachusetts, Inc. Retail Provisional License (Provincetown) Executive Summary
21. Curaleaf Massachusetts, Inc. Retail Provisional License (Ware) Executive Summary

22. HVV Massachusetts, Inc. Cultivation, Manufacturing and Retail Provisional Licenses  
Executive Summary

23. The Heirloom Collective, Inc. Cultivation and Manufacturing Provisional Licenses  
Executive Summary

Chairman Hoffman called the meeting to order at 10:00 AM. Chairman Hoffman put the public on notice that the meeting is being recorded. Chairman Hoffman gave opening remarks about the work of the Commission in the two years since its founding. Executive Director Shawn Collins introduced two new members of Commission staff: Chief Operating Officer Alisa Stack and Laboratory/Testing Analyst Geneive Hall-Frison. Chairman Hoffman discussed the extensive agenda for the meeting.

Chairman Hoffman commenced the discussion for the Commission's new final regulations with an explanation of the regulatory review process. Chairman Hoffman said the next regulatory review process will start in January 2020. Commissioner McBride asked a question about the scope of the discussion for the meeting. Chairman Hoffman answered that discussion should include issues that were addressed in this round of regulatory review and that the Commission had received comments on from the public. Commissioner Flanagan said that this review process was extensive enough to cover all of the draft regulations and the public had multiple opportunities to comment. Chairman Hoffman replied that the meeting should focus on proposed changes to the draft regulations that were raised during the process and not on new ones brought up at the meeting.

In 935 CMR 500.002: Definitions, Commissioner Title discussed the newly added definition for 'Commission Delegee,' proposing that the wording "by delegation or agreement" be modified to just "by agreement." General Counsel Christine Baily said that the proposed change could limit the capacity of the Commission and its staff to work with other state or local officials.

Regarding 500.005: Fees, Commissioner McBride flagged the need to include a fee for the new 'Delivery Endorsement,' to be discussed later along with other delivery issues.

In 500.050: Marijuana Establishments, Commissioner Flanagan expressed concern that it was too soon after legalization to be moving to include delivery and social consumption establishments and that the Commission should wait and evaluate social and health costs. Ms. Baily introduced a proposal from Commission staff regarding a revised start date for and an extension of the exclusivity period for social consumption and delivery-only licensees. Commissioner Title expressed her support for the first option of start date (i.e. the date the first Social Consumption Establishment receives a notice to commence operations). Commissioner Title pointed out that the second option (the date the first Social Consumption Establishment receives a provisional license) occurs on average 5 to 7 months before the first option, which is about a quarter of the 24-month exclusivity period. Commissioner McBride said that the second option could provide the Commission and the marketplace with a more definite start date for the exclusivity period because the date would be in the Commission's control instead of dependent on the license fulfilling the criteria to move from provisional to final license. Commissioner Doyle expressed her support for option one because of the length

of time needed to secure local municipal approvals between provisional and final license. Chairman Hoffman asked for a motion on the issue of which date to use to start the exclusivity period. Commissioner Title made the motion to select option one from the staff memorandum to the Commission, seconded by Commissioner Doyle. The motion was approved by the Commission with a vote of four in favor (Doyle, Flanagan, Hoffman and Title) and one opposed (McBride). Chairman Hoffman and Commissioner Title noted that the change would be incorporated in the draft regulations for both social consumption and delivery license exclusivity period.

Commissioner Title asked for clarification on the proposed change in the memorandum which would allow for a 12-month extension of the exclusivity period upon an affirmative vote by the Commission at the end of the initial 24-month exclusivity period. Commissioner Title asked if there would be an evaluation of the exclusivity program at the end of the 12-month extension similar to the evaluation at the end of the initial 24-month period. Commissioner McBride said that there should be only one extension period for purposes of market certainty and future planning. Chairman Hoffman asked for a motion on the issue and Ms. Baily explained that the Commission could make a motion to adopt the language from the memorandum on the 12-month extension. Commissioner Doyle read the text from the memorandum. Commissioner Title said that, based on the text, it seemed as if the Commission could vote for more than one such extension. Chairman Hoffman agreed, and asked Commissioner McBride if she wanted to make a motion to limit it to one extension. Commissioner McBride suggested striking the words “and thereafter” from the language in the memorandum. Ms. Baily said that the language in the memo does not preclude multiple extensions, nor would it stop a future Commission from voting on a new exclusivity period. Chairman Hoffman said that the Commission should focus at this point to decide whether to allow or preclude votes for multiple extensions of the exclusivity period. Commissioner Doyle proposed that the Commission could vote for additional extensions of the exclusivity period with a finding that the objectives of exclusivity have not yet been met. Commissioner Title and Commissioner McBride agreed with the proposal. Ms. Baily said that staff could provide regulatory language consistent with Commissioner Doyle’s proposal. Chairman Hoffman requested that the changes be made to the draft regulations and that the Commission would consider them in the overall vote.

In 500.101: Application Requirements, Commissioner McBride said that the requirement for Craft Marijuana Cooperatives in 500.101(3)(b)(1)c (at least one member must have filed a Schedule F tax return within five years) may be too restrictive and proposed a modification to add “or have a lease agreement with an entity that has filed a Schedule F tax return within the preceding five years” to cover situations where a cooperative seeks to have a relationship with an existing farm. Chairman Hoffman said that the change may be beyond the scope of the changes that could be considered at the meeting, but that he would make a note and come back to it. Later in the meeting, Commissioner McBride said that further conversation about the issue was necessary and so she would defer discussion to the next round of regulatory review.

In 500.103: Licensure and Renewal, Commissioner Title requested the removal of “reasonable efforts to submit” from proposed change to 501.103(4)(f) and replace it with

“shall submit” documentation of the cost impact on the licensee’s municipality. Commissioner Title also proposed additional requirements for the documentation to submit: the date the licensee requested the cost estimate from the municipality and that the request clearly indicate that it is a public record. Chairman Hoffman responded that removing “reasonable effort” seemed to create a contradiction in the regulation. Commissioner Title said the proposal was requiring the renewal licensee to submit either the municipality’s cost estimate or documentation that they requested such an estimate but did not receive a response.

In 500.105: General Operational Procedures for Marijuana Establishments, Commissioner McBride brought up 500.105(4), about Marketing and Advertising Requirements for using establishments’ brands in marketing materials. Chairman Hoffman asked if this was within the scope of the meeting. Commissioner Flanagan said that there had been opportunity for public comments and that Commission enforcement staff regularly received questions from the public about what was a permissible and impermissible marketing practice, but that she was willing to postpone consideration to the next round of review. Commissioner Flanagan added that she hoped that the Commission and staff would examine health and social effects of marijuana marketing prior to the next round of review. Enforcement Counsel Paul Payer said that some current marketing regulations needed further clarity and that enforcement would work to create more effective guidance and potential changes. Commissioner Flanagan replied that guidance, while useful, did not provide enough clarity and the necessary changes ought to be included in the regulations. Chairman Hoffman said that the Commission might propose guidance in the interim before proposing changes in the next round of regulatory review. Mr. Collins proposed a change in 500.105(5)(c)(6): requiring product manufacturers to include a list of additives, including terpenes, and also possible excipients (inactive substances) contained in the product. Commissioner Flanagan agreed, especially considering the recent health and safety issues around vaping. Commissioner Title proposed adding the term “thickening agents or” before “terpenes” in the section. Chairman Hoffman asked for a motion to approve the addition of “thickening agents” and “excipients” to the section. The motion was made by Commissioner Flanagan, seconded by Commissioner McBride. The motion was unanimously approved by the Commission.

Chairman Hoffman asked Mr. Collins to speak further on the health and safety issue. Mr. Collins said that adding the language to the regulations was a first step, and that Commission staff would work with licensees to get further information about marijuana product ingredients out to the public. Mr. Collins said that staff is working on a bulletin for MTC and Retailer licensees to keep them informed of Commission activities, a survey of licensees concerning product ingredients, reviewing the capabilities of testing labs to identify specific ingredients and collaborating with other agencies, such as DPH, that are addressing this issue. Commissioner Flanagan expressed appreciation for staff’s work on this urgent issue. Commissioner McBride asked if DPH would share information about vaping-related illnesses with the Commission due to the potential overlap.

In 500.110: Security Requirements, Commissioner McBride requested more information about the two options for the revised school buffer zone regulation in 500.110(3). Ms. Baily replied that the original drafting of the 500-foot buffer zone requirements made it difficult to

find parcels that complied, especially in urban areas. The changed requirement in one option would allow the buffer zone requirement to measure from the school building on the property, not the property line. The second option would keep the property line start, but measure 500 feet not in a straight line but in odometric fashion, along roadways or sidewalks. Ms. Baily pointed out that in her view the “straight-line” option is more consistent with existing statute. Commissioner Title said that the proposing change to the buffer zone arose from a comment at public hearing that revising the interpretation would help economic empowerment applicants and providing clarity for how the 500 feet should be measured would provide clarity to applicants and municipalities. Commissioner McBride asked enforcement if this would change how they looked at license applications. Mr. Payer answered that enforcement typically looked at how the municipality made its measurements of the buffer zone. Mr. Payer added that whether odometric or straight-line distances were used was much more of a policy consideration. Commissioner Flanagan asked if there was a standard that municipalities used to determine buffer zones. Mr. Payer said it was generally the distance in a straight line from the school property line. Commissioner Flanagan asked why the marijuana industry should be different from other industries that use the “usual” buffer zone measurement procedure. Commissioner Doyle said that there is an existing method of measurement in regulations, and that it could be changed. Chairman Hoffman, said that this was a complicated issue and proposed postponing it to the next round of regulatory review. Commissioner Title noted that a municipality could use an odometric buffer zone measurement.

In 500.120: Additional Operational Requirements for Indoor and Outdoor Marijuana Cultivators, Commissioner Doyle discussed new language regarding the deadline for energy compliance in subsection 11(g). Commissioner Doyle proposed allowing cultivators to apply for an additional six-month extension to comply with the section’s energy efficiency requirements if it agrees to install meters that monitor and energy and water usage and report data on that to the Commission. After Commissioner Title indicated her support, Chairman Hoffman asked for a motion to approve the proposed language. Commissioner Doyle made the motion to approve, seconded by Commissioner Flanagan. The Commission unanimously approved the motion.

In 500.141: Additional Operational Requirements for Social Consumption Establishments, Commissioner Flanagan asked about protection for nearby residents against possible second-hand smoke from outdoor SCEs. Commissioner Title responded that this was developed in conjunction with the Department of Public Health. Chairman Hoffman noted that outdoor marijuana smoking areas, as discussed in subsection (10), had to comply with local smoking regulations. Commissioner Flanagan said that traveling smoke might be a bigger problem in a mixed-use district with residences above a social consumption establishment. Commissioner Doyle referred to 500.141(9)(b), stating that outdoor smoking is allowed only if it is not a nuisance to the public, and that a nuisance determination is up to the local municipality and potentially the Commission. Chairman Hoffman said that the outdoor smoking waiver approval process address safeguards for public health and welfare. Commissioner McBride asked if the Commission would have to delegate authority by agreement to DPH or local boards of health to enforce this. Commissioner Doyle said that the waiver approval process would require Commission interaction with a local board of health



to determine if the proposed site is appropriate for outdoor smoking, and that local boards can enforce their own regulations and codes regarding odor, smoke, or noise. Commissioner Flanagan did not make a motion to change the draft language but expressed her concern that outdoor smoking would become an issue in the future. Commissioner Flanagan asked about the removal from the premises of unconsumed marijuana products pursuant to 500.141(3)(a) and whether that would be accomplished similarly to how alcohol can be taken away if not consumed in a restaurant. Mr. Collins agreed that in his opinion this was good practice and would be considered once SCEs were implemented.

In 500.145, Additional Operational Requirements for Delivery of Marijuana and Marijuana Products to Consumers, Commissioner McBride broached the topic of video obtained from body cameras on delivery personnel. Chairman Hoffman noted that the body camera provision was in 500.110(8)(b), Security Requirements, but discussion was deferred into the delivery section. Commissioner McBride proposed limiting the video retention requirement so that video footage would be saved longer than 90 days if it were needed by the Commission for the purpose of investigating a regulatory violation, or by law enforcement if there were a reasonable belief that a crime occurred during or as the result of a delivery. Commissioner McBride said the limiting and particular language was the result of her research into recent court decisions about the use of video in this way, as well as balancing the needs of enforcement staff to access the video with public comment concerns with marijuana consumer privacy. Commissioner Title requested a short recess to harmonize her proposed language with Commissioner McBride's. After the recess, Commissioner Title presented new proposed language on body camera footage and retention: footage shall be retained for the longer of 30 days or for the duration of an enforcement investigation into a possible violation by the Commission or law enforcement, about which the licensee has been notified. The footage would be confidential information and accessible to the Commission or law enforcement only with a demonstration that the footage is relevant and material to an ongoing investigation.

Commissioner Doyle asked about the new defined term 'Delivery Endorsement.' Commissioner McBride explained that it was a way to expand the number and type of establishments allowed to deliver marijuana products, in conjunction with renaming "Delivery-Only Retailer" licensee to just "Delivery-Only" because those licensees are not themselves retailers, but partner with other licensees to deliver their products. Commissioner McBride said also that allowing expanded legal delivery would help reduce the illicit market and provide opportunity for economic empowerment and social equity applicants. It would also give the Commission and marijuana establishments flexibility in the future to deal with market issues. Commissioner Doyle asked if the Delivery Endorsement would be limited at first to Microbusinesses in the economic empowerment/social equity program. Commissioner McBride said it would have the same exclusivity limitations. Commissioner Doyle said that when the program is being evaluated in the future part of the evaluation should consider whether to add Craft Marijuana Cooperatives as an endorsement-eligible license type. Commissioner Title expressed her opinion that the Delivery Endorsement should be opened to all Microbusinesses, but understood the value of a phased approach. Chairman Hoffman

asked if the option of allowing Microbusinesses to partner with a Delivery Retailer, and not deliver themselves, was considered. Commissioner McBride said that she did not because she believed that the Delivery Endorsement approach would be most scalable for the Commission. Chairman Hoffman asked if the Delivery Endorsement would have the same security requirements as a Delivery-Only license. Commissioner McBride said it would, and the endorsement was drafted with that in mind. Commissioner Doyle asked which municipality would collect the tax on marijuana products under a delivery endorsement. Commissioner McBride said that the tax would be collected at the retail point; that is, at the Microbusiness' location.

Commissioner McBride next addressed the issue of whether the Commission allow broader delivery areas for Delivery-Only licensees and retailers with a Delivery Endorsement. The proposed change would be to either allow deliveries to municipalities that opt in to receiving deliveries or opt out of forbidding them. Chairman Hoffman asked if Commissioner McBride had a preferred option, and she indicated the opt-in approach similar to the one for SCEs. Commissioner Title said that she supports the opt-out alternative. Commissioner Doyle said that the Commission needs to determine how a municipality will choose to opt in or opt out. Commissioner McBride responded that she thought it would work similarly to the delivery hours limitation in 500.145(1)(i), that a Commission policy would apply unless changed by municipality action. Commissioner Doyle pointed out that most municipalities would not be able to implement this until next spring, to which Commissioner McBride agreed. Chairman Hoffman summarized the status of the delivery-related issues and called for a vote on the opt-in versus opt-out approaches to expanding delivery areas. Commissioner Doyle said that municipalities had been dealing with so many issues related to cannabis regulation that opt-out might be easier for them, but that the delivery expansion should not take place immediately in order to give municipalities an opportunity to opt out, should they choose to. Chairman Hoffman asked for a motion on the issue. Commissioner Doyle proposed language to allow delivery in municipalities that host an establishment licensed for delivery, that have allowed marijuana retailing, or, prior to June 30, 2020, that has enacted a bylaw, ordinance or regulation authorizing delivery within its community. Commissioner Doyle made motion to add a limitation on delivery as described, seconded by Commissioner Title. The motion was approved by the Commission by a vote of three in favor (Doyle, Hoffman, Title) to two against (Flanagan, McBride). Chairman Hoffman then asked for a motion to approve the overall changes to the delivery section, subject to the conditions proposed by Commissioners McBride and Title regarding body cameras, and Commissioner Doyle regarding delivery areas. Ms. Baily suggested an edit to the body camera proposal, removing 'confidential information' and inserting 'protected from disclosure to the extent allowed by law' to avoid possible conflict with public records law. Commissioner Title agreed with the change but wished it to say "to the full extent allowed by law." Ms. Baily replied that "to the extent" is familiar to courts and "to the full extent" may be unnecessary. Commissioner McBride asked whether it made a difference to include "full" because courts would be interpreting the public records law. Ms. Baily responded that the provision applies not just to the Commission but also to licensees and there could be conflicts with public record law in the future.

Commissioner McBride supported Commissioner Title's request to include "full extent." Chairman Hoffman summarized the changes, included the deferral of including the new defined term "Delivery Endorsement." The motion was made by Commissioner McBride, seconded by Commissioner Title. The Commission approved the motion by a vote of four in favor (Doyle, Hoffman, McBride, Title) and one opposed (Flanagan). At this point the Commission took a recess.

After the recess, Commissioner Doyle brought up a potential issue with the opt-out proposal and a conflict with existing statutory language. According to MGL c. 94G, §3(a)(2)(i), after December 31, 2019, a town wishing to prohibit a type of marijuana establishment (such as delivery) must submit such a by-law or ordinance for ballot approval by voters.

Commissioner Doyle said that the opt-out procedure could be overly burdensome to municipalities and that the Commissioner might have to revert to the opt-in alternative. Commissioner Title said that prohibiting marijuana establishments and allowing delivery to residents were separate issues. Commissioner Doyle read the statute and explained that opting out of allowing delivery would be construed as prohibiting a type of establishment. Chairman Hoffman asked for a motion to reconsider the prior vote around opting out of delivery. The motion was made by Commissioner Doyle and seconded by Commissioner McBride. The Commission unanimously approved the motion to reconsider. Commissioner Doyle then made a motion that cities that do not currently permit delivery be allowed to opt in to deliver through bylaw, ordinance or regulation. The motion was seconded by Commissioner McBride. The motion was approved by the Commission by a vote of three in favor (Doyle, Hoffman, McBride) to one opposed (Flanagan), with Commissioner Title abstaining.

In 500.802: Suitability Standard for Registration as a Marijuana Establishment Agent  
Commissioner Title commented on Table B's and Table D's presumptive negative suitability determination for a CWOFF for crimes of violence or fraud in the preceding seven years. Commissioner Title said this new exclusion took away a right from this group of people and that she could not determine the reason behind this new exclusion. Ms. Baily said that during the regulatory changes the suitability tables were reviewed to make them more consistent with the actual process of making suitability determinations, and it was found that CWOFFs were quite prevalent among suitability applicants. Enforcement Counsel Paul Payer explained that removing CWOFFs for violence or fraud would not compromise public safety because licensing and enforcement would still have the ability to make a negative determination based on an applicant's prior acts. Commissioner McBride asked if it would make the suitability determination process longer or more difficult if the CWOFF provision were removed. Mr. Payer said it likely would not. Commissioner McBride said that she would support the removal of the provision because it wouldn't have a negative impact. Commissioner Title made a motion to delete the CWOFF for crimes of violence or fraud provision from Tables B and D, seconded by Commissioner Doyle. The Commission unanimously approved the motion.

Returning to the issue of fees for the new ‘Delivery Endorsement’ license, Chairman Hoffman said that in his view the revised regulatory language would not be available by the next day’s meeting. Chairman Hoffman requested that the Executive Director and Commission staff develop a recommendation for those license fees to be voted on at a new meeting to be scheduled. Mr. Collins noted that because the license is limited to social equity and economic empowerment applicants, the application fee is waived and license fees are reduced by 50%. Commissioner Title asked why an additional meeting was necessary. Chairman Hoffman said that the language changes in his view were substantive, not ministerial, and that legal staff needed time to revise language and Commissioners time to review and digest the changes.

Chairman Hoffman turned to changes in the medical use regulations, 935 CMR 501.000. He noted that some changes in the adult-use regulations would also result in corresponding changes to medical use and thus did not need further discussion. Ms. Baily said that the legal team would make those changes accordingly. In 501.105: *General Operational Requirements for Medical Marijuana Treatment Centers*, Commissioner Flanagan reiterated that the marketing and advertising changes from the adult-use section should be included in the medical use section as well. In 501.120: *Additional Operational Requirements for the Cultivation, Acquisition, and Distribution of Marijuana*, Commissioner Doyle proposed a change in the language regarding energy use requirements allowing an MTC that is not colocated with a marijuana establishment until January 1, 2021 to comply with the new energy use requirements, with the possibility of a six-month extension for compliance if the MTC installs energy monitoring and reporting equipment. Commissioner Title referred back to 501.002: Definitions and said that the term ‘Removal of Product’ should include the modifier “substantial” before “risk to the public health.” Ms. Baily said that the definition for ‘Removal of Product’ in adult-use contained the phrase “substantial risk,” but there had been discussion about the standard and the Commission should choose between “substantial risk” or “imminent risk.” Mr. Collins added that this was a policy issue for the Commission to give licensing and enforcement staff direction. Commissioner Title made a motion to revise the definition of ‘Removal of Product’ in 935 CMR 501.002 to be the same as its definition in 935 CMR 500.002 by inserting “substantial” before “risk.” The motion was seconded by Commissioner Doyle. The Commission unanimously approved the motion. Chairman Hoffman asked the General Counsel to make the changes to both medical use and adult use regulations and present the completed drafts for approval at a subsequent Commission meeting.

Finished with regulations, the Commission turned to a proposal to revise its policy for expedited review. Commissioner Doyle said the proposal would add categories of applicants for priority review to the categories named in statute; specifically social equity participants, outdoor cultivators, craft cooperatives and microbusinesses. Commission staff would collect data on the program’s effectiveness. The policy would sunset on December 31, 2020 at which point staff would present a recommendation to the Commission whether the expanded priority review should be extended. Commissioner McBride agreed with the proposal and

hoped it could be extended to other groups as well. Commissioner Title proposed a friendly amendment adding minority-owned, women-owned and veteran-owned enterprises as categories for priority review because they were also mentioned in Chapter 55.

Commissioner McBride asked how businesses would qualify as one of those types.

Commissioner Title said there is a regulatory process that involves getting certified as minority-owned, etc. by the state's Supplier Diversity Office. Chairman Hoffman asked for a motion to approve the proposal. Commissioner Doyle made the motion to increase the number of applicant categories eligible for priority review, including the amendment proposed by Commissioner Title. The motion was seconded by Commissioner Flanagan. The Commission unanimously approved the motion.

Commissioner Doyle made a motion to authorize Commission staff to review any proposed amendments to the state Fire Safety code, 527 CMR 1.00, regarding cannabis cultivation, processing and extraction, and any future regulations considered by the board of building regulations regarding the same, and provide comment thereon, if the Executive Director and Commission staff decide that there might be a conflict with Commission cannabis regulations to ensure consistency and to further the objectives of the Commission. Commissioner McBride agreed, saying consistency in state regulations is vital, and seconded the motion. The Commission unanimously approved the motion.

After a recess, Director of Research Julie Johnson began a presentation about the research team's report baseline youth cannabis use in Massachusetts, in fulfillment of the Chapter 55 statutory mandate. Dr. Johnson described how the report used data from the Massachusetts Youth Risk Behavior Survey (YRBS) from 2007 to 2017 to identify trends in youth cannabis use over that time and provide a baseline from which to identify subsequent changes after adult-use legalization. Research Analysts Samantha Doonan described how the report also used a literature review to compare youth cannabis use in other states that have legalized adult use. Ms. Doonan also discussed potential policy considerations that could be implemented regarding youth cannabis use prevention and further data collection.

Commissioner Flanagan pointed out that data collection requires coordinated input from multiple state agencies. Commissioner Title asked for clarification about the data showing decreased perception of harm from cannabis use that was not accompanied by an increase in cannabis use among youth. Dr. Johnson said that a decline in other risk factors for cannabis use, especially a decline in cigarette use, is a likely explanation. Commissioner Doyle sought further explanation about the impact of cannabis policies on the risk factor of driving after alcohol use. Dr. Johnson explained the regression analysis procedure and said that driving after alcohol use was moderating over time as part of an overall decrease in substance use by youth.

Chairman Hoffman turned to the approval of minutes from previous Commission meetings. A motion to approve the minutes from the meeting on July 17<sup>th</sup>, 2019 was made by Commissioner Doyle, seconded by Commissioner Flanagan. The Commission unanimously approved the motion. A motion to approve the minutes from the meeting on August 8<sup>th</sup>, 2019 was made by Commissioner Doyle, seconded by Commissioner Flanagan. The Commission unanimously approved the motion.

Chairman Hoffman turned to the Executive Director's report. Prior to the report, Mr. Collins discussed a pair of job positions: Investigations Manager and Licensing Manager. Chairman Hoffman asked when the positions would be posted, and Mr. Collins replied that they would be position after current openings are filled. Commissioner Flanagan made a motion to approve the Licensing Manager description, seconded by Commissioner Doyle. The Commission unanimously approved the motion. Commissioner Flanagan made a motion to approve the Investigations Manager description, seconded by Commissioner Doyle. The Commission unanimously approved the motion. Mr. Collins then presented his report on license, agent and social equity program applications. Commissioner Title requested a graphical representation of the demographic changes in applicants and licensees in the end-of-year report.

Chairman Hoffman turned to the enforcement action against the independent testing laboratory MCR Laboratories, LLC, License No. IL281278. Mr. Payer said that enforcement staff had found MCR Laboratories in violation of Commission regulations regarding storage, disposal and documentation of marijuana waste in numerous instances. After a dispute resolution conference with MCR Laboratories, a tentative agreement was reached that included a \$225,000 fine. Enforcement recommended Commission approval of the final order and stipulated agreement. Commissioner McBride expressed appreciation for Enforcement's work in the matter and asked about a potential contradiction in the order's summary of proceedings. Mr. Payer explained that the facility had been under monitoring for its violations and Enforcement issued the show cause order to engage in dispute resolution to address Commission concerns. Chairman Hoffman asked for a motion to approve the final order and stipulated agreement with MCR Laboratories. The motion was made by Commissioner McBride, seconded by Commissioner Flanagan, and unanimously approved by the Commission.

Following the overnight recess, the Commission's meeting was recalled to order at 10 AM on Friday, September 13<sup>th</sup>. The Chairman turned to the matter of license renewals. Chairman Hoffman said that in future meetings, final licenses and license renewals would be voted on as a roster, with the opportunity for a Commissioner to remove a licensee from the roster for individual vote. The first license renewal was for Patriot Care Corp. (#MCR139826), Cultivation. Commissioner Title proposed a condition that the licensee report an update on progress to their diversity plan within 60 days because their submission did not meet requirements. Chairman Hoffman asked for a motion to approve the renewal of Patriot Care's Cultivation license #MCR139826, with the condition proposed by Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan, and unanimously approved by the Commission. The Commission next turned to the license renewal for Patriot Care Corp. (#MPR243483), Product Manufacturing. Commissioner Title proposed a condition that the licensee report an update on progress to their diversity plan within 60 days because their submission did not meet requirements. Chairman Hoffman asked for a motion to approve the renewal of Patriot Care's Product Manufacturing license #MPR243483, with the condition proposed by Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan, and unanimously approved by the Commission. The Commission next turned to the license renewal for Patriot Care Corp. (#MRR205532), Retail. Commissioner Title proposed a condition that the licensee report an update on progress to their diversity plan within 60 days because their submission did not meet requirements. Commissioner Flanagan proposed conditions regarding patient accommodations and product transfers at the

licensee's retail facilities: 1) within 60 days, submit policies and procedures for ensuring sufficient marijuana products for medical-use patients pursuant with requirements in 935 CMR 502.140 and 2) within 60 days, submit policies and procedures as a colocated facility for determining what qualifies as "reasonable substitution" for a product under 935 CMR 502.140. Chairman Hoffman asked for a motion to approve the renewal of Patriot Care's Retail license #MRR205532, with the conditions proposed by Commissioner Title and Commissioner Flanagan. The motion was made by Commissioner McBride, seconded by Commissioner Doyle, and unanimously approved by the Commission. The Commission next turned to the license renewal for Patriot Care Corp. (#MRR205533), Retail. Commissioner Title proposed a condition that the licensee report an update on progress to their diversity plan within 60 days because their submission did not meet requirements. Commissioner Flanagan proposed conditions regarding patient accommodations and product transfers at the licensee's retail facilities: 1) within 60 days, submit policies and procedures for ensuring sufficient marijuana products for medical-use patients pursuant with requirements in 935 CMR 502.140 and 2) within 60 days, submit policies and procedures as a colocated facility for determining what qualifies as "reasonable substitution" for a product under 935 CMR 502.140. Chairman Hoffman asked for a motion to approve the renewal of Patriot Care's Retail license #MRR205533, with the conditions proposed by Commissioner Title and Commissioner Flanagan. The motion was made by Commissioner Doyle, seconded by Commissioner McBride, and unanimously approved by the Commission.

The Commission next turned to the license renewal for CDX Analytics, LLC. (#ILR267888), Independent Testing Lab. Commissioner Title proposed a condition that the licensee report an update on progress to their diversity plan and positive impact plan within 60 days. Chairman Hoffman asked for a motion to approve the renewal of CDX Analytics' Independent Testing Lab license #ILR267888, subject to the condition proposed by Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan, and unanimously approved by the Commission.

The Commission next turned to the license renewal for MCR Labs, LLC.(#ILR267887), Independent Testing Lab. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of MCR Labs' Independent Testing Lab license #ILR267887. The motion was made by Commissioner Flanagan, seconded by Commissioner McBride, and unanimously approved by the Commission.

The Commission next turned to the license renewal for Northeast Alternatives, Inc. (#MCR139828), Cultivation. Mr. Collins proposed a condition that Commission staff investigate and make a recommendation on the licensee's suitability for continued licensure. Commissioner Doyle asked if staff would report back the results of the investigation to the Commission. Mr. Collins replied that if the investigation into the licensee's suitability resulted in possible action on the license, then that would be reported to the Commission. Chairman Hoffman said that the Commission had the right to undertake an investigation on suitability at any time and not necessarily as a condition of license renewal. Commissioner Flanagan pointed out that the condition also served to put others on notice that the Commission would take necessary action to ensure licensees' accountability. Chairman Hoffman asked for a motion to approve the renewal of Northeast Alternatives' Cultivation license #MCR139828, subject to the condition proposed by Executive Director Collins. The motion was made by Commissioner Doyle, seconded by

Commissioner Title, and unanimously approved by the Commission. The Commission next considered the license renewal for Northeast Alternatives, Inc. (#MPR243486), Product Manufacturer. The condition previously proposed by Mr. Collins would also apply to this renewal. Chairman Hoffman asked for a motion to approve the renewal of Northeast Alternatives' Product Manufacturer license #MPR243486, subject to the condition proposed by Executive Director Collins. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle, and unanimously approved by the Commission.

The Commission next turned to the license renewal for Cultivate Holdings, LLC. (#MPR243485), Product Manufacturer. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of Cultivate Holdings' Product Manufacturer license #MPR243485. The motion was made by Commissioner McBride, seconded by Commissioner Doyle, and unanimously approved by the Commission.

The Commission next turned to the license renewal for Temescal Wellness of Massachusetts, LLC. (#MRR205531) Retail. Commissioner Title recused herself from discussion of the licensee. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of Temescal Wellness' Retail license #MRR205531. The motion was made by Commissioner McBride and seconded by Commissioner Doyle. The Commission approved the renewal with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title recused. The Commission next turned to another license renewal for Temescal Wellness of Massachusetts, LLC. (#MRR205529) Retail. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of Temescal Wellness' Retail license #MRR205529. The motion was made by Commissioner McBride and seconded by Commissioner Doyle. The Commission approved the renewal with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title recused.

The Commission next turned to the license renewal for Alternative Therapies Group (#MRR205530) Retail. Commissioner Title proposed a condition that the licensee report an update on progress to their diversity plan within 60 days. Chairman Hoffman asked for a motion to approve the renewal of Alternative Therapies Group's Retail license #MRR205530, subject to the condition proposed by Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner Title, and unanimously approved by the Commission.

The Commission next turned to the license renewal for Good Chemistry of Massachusetts, Inc. (#RMD725), Vertically Integrated Medical Marijuana Treatment Center. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of Good Chemistry's MTC license #RMD725. The motion was made by Commissioner Doyle, seconded by Commissioner McBride, and unanimously approved by the Commission.

The Commission next turned to the license renewal for Patient Centric of Martha's Vineyard, Ltd. (#RMD1165), Vertically Integrated Medical Marijuana Treatment Center. Commissioner Doyle proposed a condition requesting an update on the applicant's projected timeline to open within the next 60 days. Chairman Hoffman asked for a motion to approve the renewal of Patient Centric's MTC license #RMD1165 subject to the condition proposed by Commissioner Doyle.



The motion was made by Commissioner Flanagan, seconded by Commissioner McBride, and unanimously approved by the Commission.

The Commission next turned to the license renewal for Tyca Green, Inc. (#N/A), Vertically Integrated Medical Marijuana Treatment Center. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of Tyca Green's MTC license. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle, and unanimously approved by the Commission.

The Commission next turned to the license renewal for The Green Harbor Dispensary, LLC (#RMD1305), Vertically Integrated Medical Marijuana Treatment Center. Commissioner Doyle proposed a condition requesting an update on the applicant's projected timeline to open within the next 60 days. Chairman Hoffman asked for a motion to approve the renewal of Green Harbor's MTC license #RMD1305, subject to the condition proposed by Commissioner Doyle. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle, and unanimously approved by the Commission. The Commission considered an additional license renewal for The Green Harbor Dispensary, LLC (#N/A), Vertically Integrated Medical Marijuana Treatment Center. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of Green Harbor's MTC license. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle, and unanimously approved by the Commission.

The Commission next turned to the license renewal for Heal, Inc. (#N/A), Vertically Integrated Medical Marijuana Treatment Center. No conditions were proposed. Chairman Hoffman asked for a motion to approve the renewal of Heal's MTC license. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle, and unanimously approved by the Commission.

The Commission next turned to the applications for final licenses. Director of Licensing Kyle Potvin discussed the application of BeWell Organic Medicine, Inc. (#RMD1245), Vertically Integrated Medical Marijuana Treatment Center, which staff has recommended for approval of a final license subject to the conditions set forth in the executive summary, including the condition that the licensee shall have completed all construction and buildout of its dispensary facility, obtain a certificate of occupancy for the dispensary facility, and complete all required inspections of the dispensary facility within 120 days of the issuance of this final license. Commissioner McBride noted that this situation is novel and asked for clarification on why it happened and if there were implications for other licensees going forward. Mr. Collins said that because this licensee has cultivation and manufacturing in one facility (Lowell) and the dispensary in a separate one (Merrimack), variation in local issues and construction led to the discrepancy. Mr. Collins said that the 120-day completion timeframe was arrived at in cooperation with the licensee and that allowing the cultivation & production facility to commence operations would enable the licensee to have a supply of products to sell in its dispensary. Mr. Collins said that if the dispensary was not complete by the 120-day deadline, the license would be voided. Commissioner McBride replied that this was a way to serve medical-use patients and asked if this "splitting" process might be used in the future. Mr. Collins said that with Commission approval, this could be used with other applicants in similar situations. Chairman Hoffman asked

for a motion to approve the staff recommendation for BeWell's final MTC license #RMD1245. The motion was made by Commissioner McBride, seconded by Commissioner Flanagan. The Commission unanimously approved the motion.

Mr. Potvin discussed the application for Green Gold Group, Inc. (#RMD786), Vertically Integrated Medical Marijuana Treatment Center, which staff has recommended for approval of a final license subject to the conditions set forth in the executive summary. Chairman Hoffman asked for a motion to approve the staff recommendation for Green Gold's final MTC license #RMB786. The motion was made by Commissioner Flanagan, seconded by Commissioner McBride. The Commission unanimously approved the motion.

Mr. Potvin discussed the application for Apothca, Inc. (#MR281447), Retail, which staff has recommended for approval of a final license subject to the conditions set forth in the executive summary. Commissioner McBride flagged the applicant's on-site generator as having more limited battery life than the newly revised regulations require and proposed a condition that within 60 days the applicant provide a plan for increasing generation capacity. Mr. Collins suggested the condition be revised to say the applicant should provide such a plan prior to receiving notification to commence operations, with which Commissioner McBride agreed. Chairman Hoffman asked for a motion to approve the staff recommendation for Apothca's final retail license #MR281447, subject to the condition proposed by Commissioner McBride. The motion was made by Commissioner McBride, seconded by Commissioner Doyle. The Commission unanimously approved the motion.

Mr. Potvin discussed the multiple applications for Curaleaf Massachusetts, Inc.: #MC281309, Cultivation - Tier 11/Indoor and #MP281318, Product Manufacturer, which staff have recommended for approval of a final license subject to the conditions set forth in the executive summary. Chairman Hoffman asked for a motion to approve the staff recommendation for Curaleaf's final Cultivation license #MC281309. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining. Chairman Hoffman asked for a motion to approve the staff recommendation for Curaleaf's final Product Manufacturing license #MP281318. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining.

Mr. Potvin discussed the application for Curaleaf Massachusetts, Inc. (#MR281263), Retail, which staff has recommended for approval of a final license subject to the conditions set forth in the executive summary. Commissioner McBride referred to the establishment's signs apparently designating separate lines for adult use and medical use in the colocated facility. Commissioner McBride noted that regulations permit medical-use customers to be served in either line, and requested a condition that the signs clarify that accordingly. Chairman Hoffman asked for a motion to approve the staff recommendation for Curaleaf's final Retail license #MR281263, subject to the condition proposed by Commissioner McBride. The motion was made by Commissioner McBride, seconded by Commissioner Doyle. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining.

Mr. Potvin discussed the applications for In Good Health, Inc.: #MC281273, Cultivation - Tier 4/Indoor; # MP281307, Product Manufacturer; and # MR282468, Retail, which staff have recommended for approval of a final license subject to the conditions set forth in the executive summary. Chairman Hoffman asked for a motion to approve the staff recommendation for In Good Health's final Cultivation license #MC281273. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining. Chairman Hoffman asked for a motion to approve the staff recommendation for In Good Health's final Product Manufacturer license #MP281307. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining. Regarding the Retail license, Commissioner Title noted that the licensee is using body cameras to record patient deliveries and asked if patients were notified of this. Mr. Payer said that enforcement would ask the licensee and find out. Commissioner Title proposed a condition that if the licensee's patients are not receiving notice of body cameras, that the licensee add a procedure to notify them. Chairman Hoffman asked for a motion to approve the staff recommendation for In Good Health's final Retail license #MR282468, subject to the additional condition proposed by Commissioner Title. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining.

Mr. Potvin discussed the applications for M3 Ventures, Inc.: #MC281446, Cultivation - Tier 2/Indoor; # MP281346, Product Manufacturing; and # MR281290, Retail, which staff have recommended for approval of a final license subject to the conditions set forth in the executive summary. Commissioner McBride asked if the licensee had received a required permit from the local fire department to store ethanol on the premises, and Mr. Payer confirmed they had. Chairman Hoffman asked for a motion to approve the staff recommendation on M3 Ventures' final Cultivation license #MC281446. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining. Chairman Hoffman asked for a motion to approve the staff recommendation on M3 Ventures' final Product Manufacturing license #MP281346. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining. Chairman Hoffman asked for a motion to approve the staff recommendation M3 Ventures' final Retail license #MR281290. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission approved the motion with four in favor (Doyle, Flanagan, Hoffman, McBride) and Commissioner Title abstaining.

The Commission next turned to the staff recommendations on provisional licenses. Mr. Potvin discussed the application for Curaleaf Massachusetts, Inc. (#MRN282183), Retail, which staff has recommended for approval of a provisional license subject to the conditions set forth in the executive summary. Commissioner Flanagan requested a condition that the applicant report on whether the partnership program with Holyoke Community College, as discussed in the Positive Impact Plan, had been approved by the state, and if not, inform the Commission on their plan to receive such approval. Chairman Hoffman asked for a motion to approve the staff

recommendation for Curaleaf's provisional Retail license #MRN282183, subject to the additional condition proposed by Commissioner Flanagan. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission approved the motion unanimously.

Mr. Potvin discussed the application for Curaleaf Massachusetts, Inc. (#MRN282052), Retail, which staff has recommended for approval of a provisional license subject to the conditions set forth in the executive summary. No additional conditions were proposed. Chairman Hoffman asked for a motion to approve the staff recommendation for Curaleaf's provisional Retail license #MRN282183. The motion was made by Commissioner Doyle, seconded by Commissioner McBride. The Commission approved the motion unanimously.

Mr. Potvin discussed the applications for the colocated facility of HVV Massachusetts, Inc.: #MCN282121, Cultivation – Tier 3/Indoor; #MPN281657, Product Manufacturing; and #MRN282578, Retail, which staff have recommended for approval of a provisional license subject to the conditions set forth in the executive summary. Commissioner McBride commended the applicant for their detailed product supply list. Commissioner Doyle noted that the applicant received priority review status as an RMD licensee and proposed a condition that the applicant provide an update timeline on the status of its RMD facility. Commissioner Flanagan proposed a condition that the applicant submit a revised Positive Impact Plan with regard to membership on the Community Outreach Advisory Committee and letters from beneficiary organizations. Commissioner Title proposed that the applicant resubmit its Diversity Plan to include measurable goals. Chairman Hoffman asked for a motion to approve the staff recommendation for HVV's provisional Cultivation license #MCN282121, subject to the conditions proposed by Commissioners Doyle, Flanagan and Title. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission approved the motion unanimously. Chairman Hoffman asked for a motion to approve the staff recommendation for HVV's provisional Product Manufacturing license #MPN281657, subject to the conditions proposed by Commissioners Doyle, Flanagan and Title. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission approved the motion unanimously. Chairman Hoffman asked for a motion to approve the staff recommendation for HVV's provisional Retail license #MRN282578, subject to the conditions proposed by Commissioners Doyle, Flanagan and Title. The motion was made by Commissioner McBride, seconded by Commissioner Doyle. The Commission approved the motion unanimously.

Mr. Potvin discussed the applications for the colocated facility of The Heirloom Collective, Inc.: #MCN281438, Cultivation - Tier 2/Indoor and #MPN281407, Product Manufacturing, which staff have recommended for approval of a provisional license subject to the conditions set forth in the executive summary. Commissioner Flanagan commended the applicant for using suppliers and contractors from a Disproportionately Impacted Area as part of its Positive Impact Plan. Commissioner Doyle noted that the applicant received priority review status as an RMD licensee and proposed a condition that the applicant provide an update timeline on the status of its RMD facility. Commissioner Title requested a condition that the applicant revise the Diversity Plan to fix the gender identity error. Commissioner McBride proposed a condition that the applicant revise the product description of 'vaporizer cartridges' to include a listing of flavors and any

thickening agents or terpenes that may be used in manufacture. Commissioner McBride also suggested that this be part of all product listings going forward, to which Mr. Collins agreed. Chairman Hoffman asked for a motion to approve the staff recommendation for The Heirloom Collective's provisional Cultivation license #MCN281438, subject to the conditions proposed by Commissioners Doyle, McBride and Title. The motion was made by Commissioner Doyle, seconded by Commissioner Flanagan. The Commission approved the motion unanimously. Chairman Hoffman asked for a motion to approve the staff recommendation for The Heirloom Collective's provisional Product Manufacturer license # MPN281407, subject to the conditions proposed by Commissioners Doyle, McBride and Title. The motion was made by Commissioner Flanagan, seconded by Commissioner Doyle. The Commission approved the motion unanimously.

Chairman Hoffman said that the next regular public meeting of the Commission will be at 10 AM on Thursday, October 10, 2019 at Western New England School of Law in Springfield. With no additional agenda items or new business before the Commission, Chairman Hoffman requested a motion to adjourn the meeting. The motion was made by Commissioner Doyle, seconded by Commissioner McBride and the meeting was adjourned at 11:13 AM.

# Cannabis Control Commission Public Meeting Minutes

September 24, 2019

10:00 A.M.

Massachusetts State House

24 Beacon Street

Room 437

Boston, MA 02113

## Commission Members in Attendance:

Chairman Steven Hoffman

Commissioner Kay Doyle

Commissioner Jen Flanagan

Commissioner Britte McBride

Commissioner Shaleen Title

## Commission Members Absent: None

## List of Documents:

1. Final Adult Use Regulations (935 CMR 500.000) for Vote
2. Final Medical Use Regulations (935 501.000) for Vote

Chairman Hoffman recognized a quorum and called the meeting to order at 10:02 A.M. Chairman Hoffman put the public on notice that the meeting was being recorded. Chairman Hoffman indicated that the purpose of the meeting was solely to vote on the new regulatory language developed to implement the policy decisions from the meeting held on September 12 and 13.

Turning to 500.005: *Fees*, Executive Director Shawn Collins said that the application fees for the new category of Marijuana Establishment with a Delivery Endorsement (MEDE) could be reduced to \$500. Chairman Hoffman noted that license fees for Microbusinesses are reduced by 50 percent, so MEDE fees could be similarly reduced. Mr. Collins agreed and said that MEDE fees should be reduced to \$5,000.

Turning to 500.110: *Security Requirements for Marijuana Establishments*, Commissioner McBride discussed the rationale behind the security requirements for delivery. Commissioner McBride said that the use and storage of body camera video requires the Commission to strike a balance between deterring potential robberies and protecting consumer privacy. Commissioner Title proposed adding a new subsection to 500.110(8)(b) between existing subsections (b)(5) and (b)(6) that body camera footage not be disclosed to a third party other than one explicitly authorized by regulations, to a law enforcement officer with a warrant or court order, or to a law enforcement officer performing a constitutionally valid search or seizure in case of imminent danger or other exceptional circumstances. Chairman Hoffman asked for a motion to approve the new language proposed by Commissioners McBride and Title for insertion into the regulations. The motion was made by Commissioner Title and seconded by Commissioner McBride. The Commission unanimously approved the motion.

Commissioner Title turned back to 500.105(5)(c) regarding the labeling of marijuana concentrates and extracts and the new language in (c)(6) about including additives in the ingredient list. Commissioner Title proposed adding the word “specific” in front of “terpenes, expressed in absolute terms...”

Turning to 500.145: *Additional Operational Requirements for Delivery of Marijuana and Marijuana Products to Consumers*, Commissioner Flanagan brought up the safe cash handling procedures. Commissioner Flanagan proposed separating the sections so that subsection (j) says that cash carried by a delivery vehicle must be stored in a locked compartment and a new subsection (k) deal with cash transport to banks pursuant to 500.110(7).

Chairman Hoffman reviewed the proposed changes and asked for a motion to approve the regulations for 935 CMR 500.000: *Adult Use of Marijuana*, subject to the changes proposed by Mr. Collins, Commissioners McBride and Title and Commissioner Flanagan and with authority to Commission staff to make any ministerial changes necessary prior to submission to the Secretary of State. The motion was made by Commissioner Title and seconded by Commissioner Doyle. The Commission approved the motion by a vote of four in favor (Doyle, Hoffman, McBride, Title) and one opposed (Flanagan).

Chairman Hoffman then turned to a review of 935 CMR 501.000: *Medical Use of Marijuana*. At 501.105: *General Operational Requirements for Medical Marijuana Treatment Centers*, Commissioner Doyle proposed removing the language prohibiting branded promotional items in 501.105(4)(b)(6) until the next round of regulatory review. Chairman Hoffman asked for a motion to approve the removal. Commissioner Doyle made the motion to remove the text and to direct the staff to reserve the subsection to avoid renumbering in subsequent revisions. The motion was seconded by Commissioner McBride. The Commission unanimously approved the motion. Commissioner Title requested that “specific” be added before “terpenes” in 501.105(5)(c)(6), similar to the change in the adult use regulations.

Chairman Hoffman reviewed the proposed changes and asked for a motion to approve the regulations for 935 CMR 501.000: *Medical Use of Marijuana*, subject to the changes proposed by Commissioner Title and Commissioner Doyle and with authority to Commission staff to make any ministerial changes necessary prior to submission to the Secretary of State. The motion was made by Commissioner Doyle and seconded by Commissioner Flanagan. The Commission approved the motion unanimously.

Chairman Hoffman thanked the staff involved in the regulatory drafting process. Chairman Hoffman noted that the next meeting is scheduled for Thursday, October 10 in Springfield. Chairman Hoffman asked for a mission to adjourn. The motion was made by Commissioner Flanagan and seconded by Commissioner Doyle. The Commission approved the motion unanimously and the meeting was adjourned.

# CANNABIS CONTROL COMMISSION: SECOND ANNUAL ACTIVITIES REPORT

October 10, 2019

Report as mandated by Chapter 55 of the Acts of 2017, *An Act  
to Ensure Safe Access to Marijuana*





## **LEGISLATIVE MANDATE**

Under Chapter 55 of the Acts of 2017, *An Act to Ensure Safe Access to Marijuana* (Act), the Cannabis Control Commission (Commission) is charged with implementing the statutory and regulatory schemes governing the adult-use and medical-use of marijuana programs. The following report is issued pursuant to Section 31 of the Act, which provides in relevant part:

“The commission shall annually submit a complete and detailed report of the commission’s activities, including a review of the implementation and enforcement of this chapter and the governance structure established in this chapter, not more than 90 days after the end of the fiscal year to the governor, the attorney general, the treasurer and receiver-general, the clerks of the house of representatives and the senate, the chairs of the joint committee on marijuana policy and the chairs of the house and senate committees on ways and means.” St. 2017, c. 55, § 31.

## **EXECUTIVE SUMMARY**

### **Purpose**

This report provides information regarding the implementation under the Act of the adult-use marijuana program pursuant to the aforementioned legislative mandate, inclusive of the medical-use program, which the Commission successfully transferred from the Department of Public Health on December 24, 2018.

### **Findings**

The Commission continues to focus on the legislative mandate to establish and implement the adult-use marijuana program. In addition, the Commission took on the administration of the medical-use program and integrated the operations of the program into the overall structure of the Commission. To that end, the Commission made significant progress in the operational areas identified by the Legislature, specifically in the areas of law, licensing and enforcement, communications, community outreach, constituent services, public records, research, and administration, which includes finance, personnel, facilities, and technology.



## INTRODUCTION

On November 8, 2016, Ballot Question 4 “Legalize Marijuana” passed with 53.6% of the vote. At that time, Massachusetts joined seven other states, in addition to the District of Columbia, which legalized marijuana for adult-use (a.k.a., recreational use). The resulting law, Chapter 334 of the Acts of 2016, *The Regulation and Taxation of Marijuana Act*, which was amended by Chapter 55 of the Acts of 2017, *An Act to Ensure Safe Access to Marijuana*, delegated to the Commission authority over the adult-use program. In September 2017, the Governor, Treasurer, and Attorney General appointed five Commissioners to serve in full-time positions. The Executive Director began in November 2017 and the agency is currently staffed by a total of 61 employees, including Commissioners and the Executive Director.

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 continues to foster the creation of a safely regulated industry that creates entrepreneurial and employment opportunities and incremental tax revenues in and to communities across the state and already serves as a best practice model for other states. The Commission developed policies, procedures, and a regulatory structure to encourage and enable full participation in the marijuana industry by people from communities that were previously disproportionately harmed by marijuana prohibition and enforcement and positively impact those communities. With these programs and regulations in place, the Commission continues to build an industry that prioritizes participation by small and larger participants and with full and robust participation by minorities, women, and veterans.

At the time of this report, 66 adult use Marijuana Establishments were authorized by the Commission to operate, and those establishments have reported \$316,000,000 in gross sales since the first retail establishments opened in November of 2018.

## IMPLEMENTATION OF ADULT-USE & MEDICAL MARIJUANA PROGRAMS

### Law

#### Promulgation of the Adult-Use Regulations

The Commission published the first iteration of regulations, 935 CMR 500.000: *Adult Use of Marijuana*, were in the Massachusetts Register on March 23, 2018. On September 24, 2019, the Commission voted to approve a set of changes to 935 CMR 500.000: *Adult Use of Marijuana* and 935 CMR 501.000: *Medical Use of Marijuana* after a public comment period and several public meetings. The changes included removing the \$50 annual patient fee for certified patients, creating a regulatory framework for social consumption and delivery, and enhancing protections around the statutory limitations regarding ownership and control. These regulations are expected to be published in the register in November of this year.



The Commission will continue to consider and review in light of the experience garnered since both the adult-use and medical-use markets came online and plans to re-open the regulatory process in early 2020.

### Transfer of the Medical Marijuana Program & Promulgation of Medical-Use Regulations

On December 24, 2018, the Medical Marijuana Program was successfully transferred from the Department of Public Health to the Commission, as was mandated by Section 64(d) of Chapter 55 of the Acts of 2017. The transfer included the transition of 22 Program staff to the Commission, including the patient support center, compliance officers, and medical applications staff. As part of the transfer agreement, the Commission also adopted the medical-use regulations and left them largely unmodified at the time of the transfer. The Commission has now had oversight of the Program for 9 months and has integrated the Program into the overall structure of the existing Commission. As such, the Commission has recommended and approved a series of changes by way of the current regulatory review process. The new regulations, both adult- and medical-use will be published before the end of the calendar year.

### Guidance

In addition to the regulations, the Commission regularly approves of guidance for licensing and other administrative processes implicated by its legislative mandate. To date, the Commission has issued 24 guidance documents, on topics meant to assist consumers, patients, applicants, business owners, and local officials. Guidance documents are available at <https://mass-cannabis-control.com/guidancedocuments/>.

### **Licensing & Enforcement**

Through the adult-use program, the Legislature required the Commission to certify priority applicants, license Marijuana Establishments, register marijuana agents and laboratory agents, and approve applicants for the Social Equity program. To that end, the Commission and its vendors designed and implemented Massachusetts Cannabis Industry Portal (MassCIP), its electronic registration system, and its electronic seed-to-sale tracking system, Metrc.

### Priority Applicants

Between April 17, 2018, and May 22, 2018, the Commission completed the application process for priority certification. In total, 322 applications were submitted, with 82 RMD applicants and 123 economic empowerment applicants ultimately granted priority certification. The Commission issued its first provisional license to an economic empowerment priority applicant in July of 2019. The first Social Equity Program applicant received a final license in February 2019 and commenced operations in March 2019.

### Application Process



The Commission is authorized by the Legislature to license Marijuana Establishments, and when necessary, seek enforcement of licensees' compliance with the adult-use marijuana laws. At the time of this report, the licensing process is as follows:

#### 1. Application

Applicants apply for licensure through the Commission's licensing portal. Once begun, an application can be paused or completed at any time. The application process is broken up into four "packets", which cover different requirements. The Commission does not review applications until all four packets have been submitted. At the time of this report, there are a total of 4,269 open applications of all types before the Commission, including those that have been approved, denied, withdrawn, or are incomplete. An application is considered "pending" when all four packets have been submitted and it is pending a completeness review or third-party responses. At the time of this report, there are 370 provisionally approved applications before the Commission.

#### 2. Provisional Licensure

Provisional licenses are granted by the Commission during its regularly scheduled public meetings. Commissioners are given staff recommendations on each applicant and each license is discussed and voted on publicly. A provisional license permits the licensee to move forward with the investigatory phase of the process. At the time of this report, there are 99 provisionally licensed applications authorized by the Commission.

#### 3. Final License

After a provisionally licensed Marijuana Establishment is inspected by Commission staff to ensure that it is in compliance with applicable laws and regulations, the Commission grants the establishment a final license through the same process outlined above for provisional licenses. At the time of this report, there are 89 final licenses authorized by the Commission.

#### 4. Commence Operations

Once a Marijuana Establishment has completed the final review process with Commission staff, Commission staff issues a Commence Operations notice, which authorizes the Establishment to begin operations after three calendar days. At the time of this report, 66 Marijuana Establishments have been issued Commence Operations notices.

### **Communications**

The Commission is in regular contact with members of the public through various formats. Commissioners regularly attend and present at public events. In the last year,



Commissioners have made or participated in over 100 presentations or panel discussions before stakeholder groups that included community organizations, chambers of commerce, public health organizations, travel and tourism bureaus, attorneys, municipal officials, and law enforcement.

The Commission's website ([www.MassCannabisControl.Com](http://www.MassCannabisControl.Com)), received over 1,500,000 page views and 560,000 visits to date. In addition to information on the Commission and the Cannabis Advisory Board, there are regular updates to the website on issues concerning the law, regulations, guidance, and licensing. The Commission also manages the Medical Use of Marijuana Program website ([www.Mass.Gov/MedicalMarijuana](http://www.Mass.Gov/MedicalMarijuana)) and is currently redesigning [www.MassCannabisControl.Com](http://www.MassCannabisControl.Com) to integrate the medical program's content and better serve all Commission constituents. The new website is scheduled to launch later this calendar year.

More than 7,500 individuals and entities receive a periodic newsletter via email, with an open rate of over 50%. The Commission has expanded its social media presence to include Instagram (@CannabisControlCommission, 1,300 followers) and LinkedIn (@CannabisControlCommission, 700 followers) in addition to Twitter (@MA\_Cannabis, 5,600 followers) and Facebook (@MassCCC, 1,700 followers). Through these various channels, the Commission continues to communicate with the public regarding the work of the agency and the emerging industry.

### Public Awareness Campaign

The Commission collaborated with the Department of Public Health, pursuant to Section 51 of the Act, to develop a \$2M statewide public awareness campaign. The campaign, titled More About Marijuana ([www.MoreAboutMJ.Org](http://www.MoreAboutMJ.Org)), was developed in partnership with MORE Advertising, and utilized third-party research, surveys, and focus groups consisting of Massachusetts residents.

The key messages of the campaign include youth prevention, responsible adult-use, and the dangers of home manufacturing. The campaign roll out has primarily focused on youth prevention and responsible use. The dangers of home manufacturing content will be made available to the public in the coming months.

The campaign was distributed through a 14-week integrated communications plan, utilizing broadcast media (tv and radio), out-of-home (billboards and transit posters), and digital (social media, search engine marketing, and display ads). Print collateral and branded outreach materials were also produced and are available to the public through the Massachusetts Health Promotion Clearinghouse (<https://massclearinghouse.ehs.state.ma.us/category/Cannabis.html>).

The public awareness campaign has generated more than 800,000 MoreAboutMJ.Org views; 3,600,000 campaign video views; 237,000 campaign ad clicks; 150,000,000 out-of-home impressions; and 20,800,000 digital and social media impressions. Additionally, the More About



MJ campaign has been recognized by the [Telly Awards](#) and [MarCom Awards](#) for excellence in marketing and communications.

Post-campaign surveys have been administered to Massachusetts residents to assess campaign effectiveness. The data is being reviewed by the Commission's Research department and will be released to the public at a later date.

## **Community Outreach**

The Commission has spent its outreach efforts in the last year with a focus on the planning, promoting, and launching the Social Equity Program. While this has been the main focus, it has not been the only. The Commission continues to build collaborative partnerships with communities and constituencies throughout the Commonwealth, promote and increase engagement with the Commission, include communities disproportionately harmed by marijuana arrests and incarceration, and engage with people of color, women, veterans and farmers, in accordance with the state law and the Commission's mission statement.

### Social Equity Program

The Social Equity Program is designed to build a pathway for individuals disproportionately impacted by prohibition to enter the cannabis industry. Its overall mission is to decrease the disparities in life outcomes for impacted individuals and improve the quality of life in areas of disproportionate impact.

The goals of the program are to:

- Reduce barriers to entry in the commercial marijuana industry, regardless of desired specialty within the industry;
- Provide professional and technical services as well as mentoring for individuals and businesses facing systemic barriers; and
- Promote sustainable, socially, and economically reparative practices in the commercial marijuana industry in Massachusetts.

To qualify for the Social Equity Program, an applicant must meet one of the following criteria:

- Residency in an area of disproportionate impact for at least 5 of the past 10 years and income may not exceed 400% of federal poverty level.
- Applicant has a past drug conviction and residency in Massachusetts for at least the preceding 12 months; or
- Applicant has been married to or is the child of a person with a drug conviction and residency in Massachusetts resident for at least the preceding 12 months.

The application for the program opened in December of 2018. The deadline for the first cohort closed on July 8, 2019. A Request for Responses (RFR) seeking vendors to teach the



Program opened in February of 2019 and closed in May. After a robust selection process, six vendors were chosen to participate in the program. The Commission launched the Program this summer by holding three exclusive orientation seminars across the Commonwealth for accepted applicants. The program will continue to be rolled out through the end of this calendar year and into 2020.

## **Constituent Services**

The Commission handles inquiries from the public and ensures a timely response. Constituents may email, call, or write in with their opinions, questions, comments, and concerns. The Commission generally receives an average of 40-50 inquiries per day. The Director of Constituent Services liaises with other departments and staff to resolve constituent cases that require their review. The staff also attends community meetings and events to ensure that people can speak directly with Commission representatives. Constituents generally have questions and comments regarding compliance with marijuana laws, marijuana policy, the industry, marijuana establishments and related state laws. While the Commission cannot and does not provide legal or business guidance, the staff attempts to answer constituents' questions as completely as possible or refer them to the appropriate resources. On December 24, 2018, the Medical Use of Marijuana Program transferred from the Department of Public Health, and the program is now a part of the Commission. Commission staff routinely responds to patient inquiries as well.

## **Public Records and Transparency**

As of September 23, 2019, the Commission's Records Access Officer has received and responded to 134 requests for public records.

Although certain materials are withheld during the licensing and investigative process, the Commission's goal is to promote transparency. To that end, it regularly posts the following:

- Applicants That Have Submitted All Required Packets by City/Town and License Type, which can be found on the Commission's public documents page, found at: <https://mass-cannabis-control.com/documents/>.
- Segregated application information via Executive Summaries for those entities approved for provisional licensure, which can be found at <https://mass-cannabis-control.com/documents/>.

The Commission has posted to its website the applications of Marijuana Establishments that have commenced operations. Additionally, the Commission launched its open data platform in order to provide readily available information to the public. The open data platform can be located at <https://opendata.mass-cannabis-control.com/>. The Commission is continuing to explore technological solutions to increase the public's access to Commission records.

## **Administration**





## Finance

The adult-use program is funded through the Marijuana Regulation Fund, which is subject to appropriation. The Legislature's FY20 budget funded the operations of the Commission, in line item 1070-0840, at \$9,152,761, the public awareness campaign in line item 1070-0841 at \$1,000,000, and oversight of the medical program in line item 1070-0842 at \$3,266,981. In FY19, the Commission's expenditures across the three line items totaled \$10.2 million.

## Personnel

The Human Resources department is responsible for creating and implementing policies, processes and programs to support the Commissions' mission and strategic vision and creating a great place to work. The Commission has a strong commitment to attracting, rewarding, developing and retaining an inclusive, diverse, and talented workforce. At the time of this report, the Commission employs 61 staff. This includes Medical Marijuana Program employees who transitioned to the Commission from the Department of Public Health at the end of 2018.

## Facilities

The Commission currently occupies approximately 4,500 square feet of office space at 101 Federal Street in Boston. The Commission, through the Division of Capital Asset Management, has finalized leases for office space in Worcester and a satellite office in downtown Boston to accommodate both the medical-use and adult-use programs. The Commission's future headquarters will be located at Union Station in Worcester in more than 14,000 square feet. The satellite office will be located at 50 Franklin Street in Boston and occupies 4,500 square feet.

## Technology

The Commission's licensing platform, MassCIPortal, has managed the intake applications, as well as the issuance licenses. On November 20th, 2018, the first Marijuana Retail stores opened. Both locations provided sales and marijuana tracking data to the Commission's seed to sale system, Metrc, which is closely coupled with the licensing platform. In addition, all functionality related to badging of registered agents has been implemented.

The Commission's technology staff continues to address the needs of the organization by enhancing the network technology and standardizing desktop and laptop computers, desk and cell phones. In preparation for the two new locations (50 Franklin and Union Station), the Commission is enabling a secure, always on Virtual Private Network (VPN) technology for users as and has created a new domain that will support the mission, vision, and security required for the Commission technology processing.

The Commission has implemented a Business Intelligence and Open Data technology that supports operational insight and transparency related to (1) Marijuana Establishment





licenses and (2) marijuana establishment agent registrations. The portal has been deployed to the public under <https://opendata.mass-cannabis-control.com/>.

Lastly, the Commission has completed development related to the migration of the Medical Marijuana Patient System into the MassCIPortal environment. This migration will allow for faster changes to the system, shared resources, and enable a roadmap for system consolidation in the near future.

## Research

Chapter 55 of the Acts of 2017 requires the Commission to develop a research agenda to better understand the social and economic trends of cannabis in the Commonwealth. Section 17(a)(i-vii) enumerates seven categories of study with the purpose of informing future decisions that would aid in the closure of the illicit marketplace and inform the Commission on the public health impacts of cannabis and cannabis legalization.

The Commission's Research Department stratified categories of study into separate reports. Since January 2019, the Commission has released three of these comprehensive research reports (enumerated below). All reports include original data analysis and extensive state-of-science literature reviews. The aims of each research report are fourfold: (1) establish a baseline prior to adult-use cannabis legalization to provide a point of reference for future years; (2) assess gaps in systematic data collection in the Commonwealth that is needed to fulfil the statutorily required annual research mandate, (3) discuss strategic plans for upcoming reports, and (4) present considerations for the Commonwealth based on a comprehensive assessment of items included in each report and as outlined in Chapter 55 Section 17(b).

The first report assessed two research agenda items laid out in Section 17(a)(ii): (1) Incidents of impaired driving; and (2) State of science around identifying a quantifiable level of marijuana-induced impairment of motor vehicle operation. The second report was drawn from requirements in Chapter 55 Section 17(a)(vii), which included: Compilation of data on the number of civil penalties, arrests, prosecutions, incarcerations and sanctions imposed for violations of Chapter 94C for possession, distribution or trafficking of marijuana or marijuana products, including the age, race, gender, country of origin, state geographic region and average sanctions of the persons charged. The third report addressed requirements in Chapter 55 Section 17(a)(iii), which included: Patterns of use, methods of consumption, sources of purchase and general perceptions of marijuana among minors.

### Commission Research Reports Released January 2019- October 2019:

(1) *A Baseline Review and Assessment of Cannabis Use and Public Safety Part 1: Operating under the Influence of Cannabis: Literature Review and Preliminary Data in Massachusetts (January 2019);*

[https://mass-cannabis-control.com/wp-content/uploads/2019/01/FINAL-RR1-PS1-Cannabis-Impaired-Driving\\_2019-1-18.pdf](https://mass-cannabis-control.com/wp-content/uploads/2019/01/FINAL-RR1-PS1-Cannabis-Impaired-Driving_2019-1-18.pdf);



(2) *A Baseline Review and Assessment of Cannabis Use and Public Safety Part 2: 94C Violations and Social Equity: Literature Review and Preliminary Data in Massachusetts* (April 2019); and

<https://mass-cannabis-control.com/wp-content/uploads/2019/04/1.-RR2-94C-Violations-FINAL.pdf>

(3) *A Baseline Review and Assessment of Cannabis Use and Youth: Literature Review and Preliminary Data in Massachusetts* (September 2019).

[https://mass-cannabis-control.com/wp-content/uploads/2019/09/A-Baseline-Review-and-Assessment-of-Cannabis-Use-and-Youth-Literature-Review-and-Preliminary-Data-in-MA\\_Sept19.pdf](https://mass-cannabis-control.com/wp-content/uploads/2019/09/A-Baseline-Review-and-Assessment-of-Cannabis-Use-and-Youth-Literature-Review-and-Preliminary-Data-in-MA_Sept19.pdf)

In December 2019, the Commission plans to release the Industry Report, *A Baseline Review and Assessment of the Massachusetts Cannabis Industry*, which assesses Chapter 55 Section 17(a)(v) agenda items, including: (1) Market analysis examining the expansion or contraction of the illicit marketplace and the expansion or contraction of the legal marketplace, including estimates and comparisons of pricing and product availability in both markets, and (2) Ownership and employment trends in the marijuana industry examining participation by racial, ethnic and socioeconomic subgroups, including identification of barriers to participation in the industry.

Additionally, work is underway to conduct a baseline assessment of impacts to the healthcare system, and an assessment of cannabis-related disciplinary actions in schools, as well as continuing the primary collected surveys included in the Marijuana Baseline Health Study (MBHS). These agenda items will be included in future reports.

Chapter 55 asserts that the research agenda shall not be limited to the categories listed in the legislation, thus, the Research Department in collaboration with varying academic researchers, will be releasing two additional research reports in 2019 pertinent to assessing impacts of cannabis policy in the Commonwealth.

The first report, “*Special Report: A Baseline Review and Assessment of the Massachusetts Cannabis Industry’s Required Positive Impact Plans*” planned for presentation and release in October 2019, is a collaboration with a Rappaport Institute Summer intern and the Commission’s Research Department. This report assesses the progression, regulation, and success of Marijuana Establishment licensees’ “Positive Impact Plans” in achieving the intended results.

The second report, “*Special Report: Evaluating the Impact of Cannabis Legalization in Massachusetts: State of the Data*” planned for presentation and release on November 7, 2019, is a collaboration with a contractor at the University of Massachusetts Amherst and the Commission’s Research Department. This study collaboration was procured to assist the Commission to comprehensively assess all potential data available in the Commonwealth that may be utilized to accomplish the research mandate, as well as other potential cannabis outcome



topics of interest to the Commissioners and staff, including effects on: (1) Energy and environment; (2) Social equity, and (3) Specific cohorts who may be adversely affected, including: (a) Persons with substance use or mental health disorders, (b) Pregnant and breastfeeding women, and (c) Veterans.

The Research Department continues to work internally as well as with various state agencies, academic researchers, and other entities to employ primary and secondary data collection methods to examine a spectrum of items. As cannabis policy research gains interest nationwide across diverse stakeholders and academic disciplines, the Commission set both long- and short-term goals to ensure the research is of high quality, impactful, comprehensive, and collaborative.

## **CONCLUSION**

This report identifies the activities of the Commission in the second year since establishment as well as the operational needs implicated by the implementation of the adult-use and medical-use marijuana programs. As the report demonstrates, the Commission continues to meet statutory requirements.



# Special Report: A Baseline Review and Assessment of the Massachusetts Cannabis Industry's Required Positive Impact Plans

October 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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## Author Spotlight

### *Jessica R. Hamilton*

Jessica R. Hamilton is a second year Master of Divinity Student on the Global and Community Engagement track at Boston University School of Theology. Her studies are focused on the intersection of public policy and social ethics. She is interested in understanding what bearing this intersection has on emerging conversations of equity in the public policy landscape, particularly where equity seeks reconcile communities that have experienced harm. Prior to entering seminary, Ms. Hamilton held a number of roles in health care policy and advocacy.

She is a graduate of Northeastern University where she received a Bachelor of Arts in political science. In March 2019, Ms. Hamilton was awarded the Rappaport Public Policy Fellowship, which promotes public service and provides funding for graduate students to work in state or local government.

### *About the Rappaport Public Policy Fellowship*

The Rappaport Institute for Greater Boston encourages graduate students to spend part of their careers in public service through a paid, 10-week summer internship in key state and local agencies in the Greater Boston area. Fellows, who represent all graduate schools in Greater Boston, participate in a weekly seminar series with leading practitioners and scholars. The fellowship program is a key component of The Rappaport Institute, which aims to improve the governance of Greater Boston by promoting emerging leaders, stimulating informed discussion, and producing new ideas.

### *About the Project*

This special report is the result of student-led research project and its production represents a collaborative effort between the author and the Massachusetts Cannabis Control Commission's Research Department (Julie K. Johnson, Ph.D. and Samantha Doonan, BA). This report takes the unique approach to engaging both quantitative and qualitative methods to assist the student in meeting her learning goals and objectives. While outside the scope of the research agenda in *Chapter 55 of the Acts of 2017*, Positive Impact Plans represent the primary means for industry participants to support social equity efforts and establish a meaningful attempt at addressing historical harm. The topic is thus of great interest to the Commission and a graduate theology student and was selected for research because it is mutually beneficial.

## Acknowledgements

### *Author Acknowledgements*

Ms. Hamilton is thankful for the support of the Rappaport Institute for Greater Boston for their generous support, especially Paulina O'Brien. She gratefully acknowledges the leadership of the Massachusetts Cannabis Control Commission, especially the Commissioners and Executive Director Collins. Special thanks to Shekia Scott, David Lakeman, and Kyle Potvin for generously sharing their insights and the Social Equity Program applicants and participants for sharing their stories and experiences with great hope for their inclusion in the industry.

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## Purpose

The purpose of this special report is to inventory the first full year of Positive Impact Plans (PIPs) submitted to the Massachusetts Cannabis Control Commission (“Commission”) by all licensed Marijuana Establishments (MEs) through a comprehensive assessment of scope surrounding these processes.

This study aims to understand the quality and potential impact of the plans and identify opportunities for improvement. Specifically, the goals for this research are to:

- Understand how MEs view their role in creating an equitable market;
- Determine the types of activities those MEs currently licensed to operate in the market believe will most positively impact disproportionately harmed communities and promote meaning participation in the market;
- Explore the varying interpretations of “Social Equity” as it pertains to the assessment of Positive Impact Plan goals and activities;
- Investigate the need for, and potentially connect the narrative associated with the lived experience to publicly available data quantifying the harm done to disproportionately impacted communities; and
- Provide considerations for Positive Impact Plan improvement that aligns with the Commission’s legislative mandate and restorative justice aims.



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## Executive Summary

The Massachusetts Cannabis Control Commission (“Commission”) is required to establish “procedures and policies that promote and encourage full participation in the regulated cannabis (“marijuana”) industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement and to positively impact those communities.”<sup>a</sup> To this end, the Commission requires Marijuana Establishments (MEs) to submit Positive Impact Plans (PIPs), or a plan to positively impact Areas of Disproportionate Impact, in their application for licensure.<sup>b</sup> Guidance has clarified that the PIP may target members of identified Areas of Disproportionate Impact, members of the Commission’s equity programs, and state residents who have, or are the child or spouse of someone who has, a past drug conviction.

Research shows that marijuana prohibition and enforcement disproportionately affects Black and Hispanic/Latino people.<sup>1-7</sup> Drug convictions are also known to limit employment opportunities.<sup>1,8</sup> In the newly legal industry, PIP implementation could result in reparative pathways for people and communities disproportionately harmed. However, any impact will depend on the quality (*i.e. goals, activities, actions, impact*) of these plans. As this report is limited to the first year of plans, the actions and subsequent impact of plans could not be assessed.

To comprehensively assess the goals and activities of PIPs, data was obtained from three key stakeholders: (1) the Commission, (2) the Industry, and (3) People disproportionately affected by marijuana prohibition and enforcement [*See Main Findings below*].

To this end, first, we examine public documentation related to the PIP to understand formal and informal guidance provided from the Commission to the industry. Next, we present findings from Key Stakeholder Interviews with Commissioners. We then present a qualitative assessment of the first full year of PIPs submitted by MEs. Lastly, we discuss the perspective of people disproportionately affected through an assessment of survey and open-ended responses provided by Social Equity Program Applications. Limitations and suggestions for future research are discussed. The report ends with policy considerations.

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<sup>a</sup> MGL c. 94G § 4(a½)(iv).

<sup>b</sup> 935 CMR 500.101(1)(a)11.

## Main Findings

### Positive Impact Plan– Purpose and Social Equity

- Key Stakeholders identified a range of purposes for the Positive Impact Plan (PIP);
- There was consensus across Key Stakeholder Interviews about the historic narrative of marijuana prohibition and enforcement. However, there are differences in defining social equity;
- Thirty-eight percent of PIPs define social equity and approximately half (51%) include language that demonstrates understanding of the historical narrative associated with marijuana prohibition and enforcement; and
- Social Equity Applicants free responses about the definition of social equity often include: “industry,” “opportunity,” “community,” “people,” “business,” and “chance.” Free responses included a range of themes, such as: “concerted effort to correct past wrongs,” “balancing injustices from the war on drugs,” “investment,” and “chance to heal.”

### Positive Impact Plan– Activities and Economic Activities

- All PIPs include proposed activities. Activities ranged in clarity, substance, and commitment. Multiple plans included conditional language indicating their ability to implement activities depended on the success of their business;
- There is consensus across stakeholders that PIPs should include economic activities, but there is a need for clarity around the desired economic activities;
- Many PIPs include economic activities ranging from grant funding and accelerators to opportunities to apply for jobs and donations to local community organizations. However, some donations were made to organizations that do not directly target the cohorts identified by the Commission; and
- Economic factors were the most frequently identified barrier to entry by Social Equity Applicants (73%). When applicants were asked which activities PIPs should initiate or fund, the top three answers were economic: (1) Grant funding (73%); (2) Low interest loans (57%); and (3) Accelerator or incubator programs (43%).

### Positive Impact Plan –Adherence to Guidance

- The Commission clearly defines a difference between the PIP and the Diversity Plan, over half of submitted PIPs (63%) demonstrate knowledge of this difference;
- The Commission states PIPs should include a goal(s) and metrics for accountability, 83% of plans included metrics; and
- The Commission identified five cohorts that should be targeted in the PIP, most PIPs target at least one of these cohorts (93%).

## I. Brief History of Marijuana Laws

Cannabis (“marijuana”) has been used for religious, recreational, and therapeutic purposes for thousands of years, it is no surprise that it is currently the most frequently cultivated, trafficked, and abused illicit drug worldwide.<sup>9-13</sup> In the United States (U.S.), marijuana cultivation and use were legal under federal and state laws throughout most of American history. An increase in marijuana use from 1910-1920, coupled with political hysteria, led twenty-nine states including Massachusetts to pass laws prohibiting the possession or sale of marijuana.<sup>10,14,15</sup>

In 1970, The Federal Controlled Substance Act (CSA) replaced the Marihuana Tax Act of 1937 and placed marijuana as a Schedule 1 drug, the most restrictive ranking. Despite increasing stringency of federal marijuana policies over time, the recreational use of marijuana increased. In 1971, President Richard Nixon declared a war on drugs aiming to combat drug abuse on the supply and demand sides. However, a disproportionate number of War on Drug policies focused on criminal justice enforcement and punishment for drug offenses—creating systematic changes in the criminal justice system.

Currently in the CSA and under the U.S. Drug Enforcement Agency (DEA) jurisdiction, marijuana remains classified as a Schedule 1 drug, contending that it has: (1) a high potential for abuse, (2) no current accepted medical use in the U.S., and (3) a lack of accepted safety for use under medical supervision.<sup>16,17</sup>

### Moving Toward Legalization

Movement toward marijuana legalization has occurred on a state-by-state basis. The first wave of marijuana legalization was decriminalization, which replaced criminal sanctions for possession and small-scale distribution of marijuana with civil fines.<sup>18</sup> Since 1972, 26 states and the District of Columbia (D.C.) have enacted policies decriminalizing small amounts of marijuana.

Medicinal marijuana policies followed, allowing access and use of marijuana for certain medical purposes. Since 1996, 33 states, D.C., Guam, and Puerto Rico have enacted varying policies permitting comprehensive medicinal marijuana programs.

Adult-use legalization policies allow marijuana use by adults in certain settings and may allow retail stores. Since 2012, eleven states and D.C. have enacted varying policies permitting small amounts of marijuana for non-medical adult-use for those 21 years-old or older (“21<sub>+</sub>”).<sup>19</sup>

### Massachusetts

Massachusetts has enacted and implemented all three types of marijuana legalization in disparate waves. All three waves of Massachusetts marijuana legalization were enacted via ballot initiatives: marijuana decriminalization in 2008 with Question 2, “*The Sensible Marijuana Policy Initiative*,” medicinal marijuana in 2012 with Question 3, “*An Initiative Petition for a Law for*

*the Humanitarian Medical Use of Marijuana,”* and non-medical adult-use marijuana legalization in 2016 with Question 4, “*Massachusetts Legalization, Regulation and Taxation of Marijuana Initiative.*”

## II. Introduction

The history of marijuana prohibition in the U.S. emerged in a socio-political context of temperance, government reform, and racism.<sup>20</sup> More recent policies have stemmed from the War on Drugs, operating in a context where historic drug policy choices and political tactics have had unequal impacts, particularly harming Black and Hispanic/Latino cohorts.<sup>21</sup> Careful research informed by historic context is imperative to assess the effectiveness of any equity provisions in the legal marijuana industry.

Research finds persisting inequity where Black and Hispanic/Latino cohorts are arrested for drug offenses, including for marijuana, at higher rates than White cohorts despite similar rates of drug use and sale.<sup>1-7</sup> A recent report from the Commission, “A Baseline Review and Assessment of Cannabis Use and Public Safety Part 2: 94C Violations and Social Equity: Literature Review and Preliminary Data in Massachusetts” also found Black and Hispanic/Latino people made up a disproportionate share of marijuana-violations compared to their share of the population in Massachusetts.<sup>22</sup> It is also well known that people with drug-arrest records face challenges in employment and housing prospects.<sup>1,8</sup>

Advocates have suggested a legal marijuana market could positively impact groups most affected by marijuana prohibition and enforcement, including through ownership pathways. In working toward these goals, Massachusetts codified a commitment to addressing the harms of marijuana prohibition through avenues that promote participation of people from disproportionately affected communities [See [section IV. Background](#)]. This effort includes state-run equity programs and industry requirements, such as the Positive Impact Plan and Diversity Plan.

The peer-review literature has not evaluated the impact of adult-use marijuana legalization and equity provisions on communities disproportionately harmed, including ownership and participation in the legal marijuana market. This report assesses one provision required of all Marijuana Establishments (MEs) licensed in Massachusetts: Positive Impact Plans (PIPs). PIPs are written plans that document how a ME will positively impact previously disproportionately harmed communities.<sup>c</sup> This report assesses the first year of PIPs submitted to the Massachusetts Cannabis Control Commission (“Commission”) by all licensed MEs, to better understand: (1) How MEs view their role in creating an equitable market; (2) Types of activities MEs believe will most positively impact disproportionately harmed communities and promote meaningful participation; (3) Varying interpretations of “Social Equity” as it pertains to the assessment of PIP goals and activities; (4) Whether ME understanding is aligned with the lived experience of disproportionately impacted communities; (5) The need for connecting lived experience to publicly available data quantifying the harm done to disproportionately impacted communities; and (6) Considerations for PIP improvement that aligns with the Commission’s legislative mandate and restorative justice aims.

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<sup>c</sup> See 935 CMR 500.101(1)(a)11.

### III. Background

Chapter 55 of the Acts of 2017, *An Act to Ensure Safe Access to Marijuana*, legalized adult use cannabis (“marijuana”) in the Commonwealth of Massachusetts. With deep understanding of the harm done to many communities disproportionately impacted by marijuana prohibition and law enforcement, Massachusetts advocates sought to prevent the newly regulated industry from being dominated by white male ownership, a trend seen in other states that legalized adult-use marijuana.<sup>23</sup> Specifically, these advocates wanted to ensure a diverse market inclusive of those most impacted by prohibition and enforcement.<sup>24</sup> As such, Chapter 55 includes several provisions to encourage full market participation of women, minorities, veterans, members of the LGBTQ community, along with individuals from communities disproportionately harmed by the War on Drugs (herein referred to as “marijuana prohibition and law enforcement”).<sup>25</sup>

The goal of restorative justice is supported by the inclusion of several initiatives including: a state-sponsored and led Economic Empowerment Priority Certification Program; a state-sponsored and led Social Equity Program; and requirements for industry to be a responsible party in supporting full market participation for disproportionately harmed communities, Disadvantaged Business Enterprises, and/or historically marginalized communities.<sup>26</sup>

#### 1. Policy Guidance

To meet the state’s legislative requirement, the Commission further promulgated regulations requiring all industry applicants to provide a plan to positively impact previously disproportionately harmed communities known as Positive Impact Plans (“PIPs”).<sup>d</sup> Applicants may choose to target one or more of the following communities, (1) Past or present residents of the geographic “areas of disproportionate impact;”<sup>e</sup> (2) Economic Empowerment priority applicants; (3) Social Equity Program participants; (4) Massachusetts residents who have past drug convictions; (5) Massachusetts residents with parents or spouses who have drug convictions [See X. Appendix 5 subsection (1) Original Guidance]. Like the Commission’s equity programs, PIPs represent a corollary requirement for industry to be a responsible party in furthering the Commonwealth’s goals of ensuring social equity and meaningful participation in the market.

In July 2018, the Commission presented its first sub-regulatory *Guidance on Required Positive Impact Plans and Diversity Plans* with an aim of providing additional information on the regulatory requirements for PIP and Diversity Plans, which must be submitted separately [See X. Appendix 5 subsection (1) Original Guidance]. In addition to its stated purpose, the guidance provided background information from Chapter 55 and the accompanying regulations outlining: (1) the Commission’s interpretation of the law and regulations (including target populations); (2) elements industry is expected to include in its plans; (3) a list of potential PIP elements; and (4) guidance on the type and level of measurements that should be included for accountability (including an example list of the qualitative and quantitative data to track).

The Commission released a revised version of its guidance February 2019 to provide “additional clarity and information” on PIPs [See X. Appendix 5 subsection (2) Revised Guidance]. The

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<sup>d</sup> See 935 CMR 500.101(1)(a)11.

<sup>e</sup> The Commission has identified 29 areas of disproportionate impact, see Appendix 1 for full list.



revised guidance emphasized the Commission’s authority to require PIPs, and clearly noted the requirement to submit two distinct plans – a PIP and a Diversity Plan. To support this framing, the revised guidance demarcated guidance (*e.g. goals, activities, and measurements*) for *each* plan type along with additional requirements and general information for *both* plan types. Within this guidance, an expanded list of possible goals and activities were provided to encourage innovation and creativity in proposed industry approaches. In addition, the Commission stated that that applicants could not submit as part of their PIP any conditions or requirements of their Host Community Agreements (HCAs). With regards to compliance, the Commission noted applicants’ responsibilities for two important issues: (1) compliance with marketing and advertising regulations, and (2) compliance with documenting the success of activities upon license renewal.

In both guidance documents, the Commission outlined its expectations of the required PIP. Updates to the revised guidance directly resulted from observations of submitted plans and from questions received from applicants. For example, the revised guidance states, “*the plan should include both qualitative and quantitative measures that demonstrate the progress or success of the plan. Metrics should have an identified data source and method for tracking that data*” [See *X. Appendix 5 subsection (2) Revised Guidance*]. The guidance also states that each ME must annually report on their progress in meeting the goals set in PIPs which can be used by the Commission to track and continuously evaluate their efforts.

In addition to the formal written and posted guidance, the Commissioners have engaged in frequent and robust discussion of PIPs at public meetings. Over the course of the timeframe established for evaluation, Commissioners have asked clarifying questions about plans, requested updated plans, requested letters on intent or support from community organizations, and added conditions to licensure concerning the plans and proposed activities. Many of these instances have been noted in various media outlets. Additionally, the Commission maintains on its website all public documents, including meeting agendas and minutes, the latter of which provides a window into the types of updates and information Commissioners requested regarding submitted PIPs. See Appendix 4 for an overview of the verbal feedback provided by Commissioners or visit <https://mass-cannabis-control.com/documents/> for all meeting minutes.

In short, the Commission has engaged in transparent monitoring and oversight of the required PIP, as well as demonstrated the agency’s commitment to ensuring plans offer meaningful contributions to communities and populations disproportionately impacted by marijuana prohibition and enforcement.

## 2. Social Equity

Positive Impact Plans are one element designed to help address the harms of previous marijuana prohibition through avenues that promote participation of people from disproportionately affected communities. Social equity underlies these goals. The Commission defines “Equity” in its Equity Programs as, “the recognition and accommodation of differences through fairness in process and result to prevent the continuation of an inequitable status quo.”<sup>27</sup> Social equity is not defined in the Commission’s regulations. As PIPs aim to increase participation in harmed communities, an understanding of social equity is critical. Therefore, this study includes assessment of stakeholders’ definitions of social equity to examine whether there is common frame of reference for this overarching theme.

## 3. Research Problem

Although formal and informal guidance had been provided to industry, a cursory review of submitted PIPs for ME applicants highlight a lack of consistency in clear, detailed metrics that can be measured for impact. Some plans offer broad information on the activities to be implemented, while others include no quantitative metrics, or no measures at all. In some cases, there seems to be a lack of understanding of the Commission’s goal of restorative justice in this newly regulated industry. While the Commission encourages creativity in its sub-regulatory guidance documents, the recognizably disparate approaches to developing PIPs could have an adverse impact on the Commission’s stated mission and goals. Larger questions concerning the efficacy and meaningfulness of submitted PIP activities loom as well. Finally, one prime question must be addressed: “*To what end are positive impact plan activities oriented?*” This question is an important one because it addresses the communal understanding as to why PIPs are needed and why the requirement is set forth in statute by the Commonwealth.

## 4. Research Goals

While the Commission is not explicitly required to conduct an evaluation of PIPs by law, this project aligns with other portions of the Commission’s research agenda.<sup>28</sup> First, the Commission is required to study market participation in this newly regulated industry. This research provides an initial understanding of the types of activities proposed and undertaken by industry participants including those that aim to reduce barriers to enter the industry, promote economic reparative practices in the industry, and improve communities such that the aggregate impact of activities can be assessed and evaluated over time. Second, the Commission is required to study costs and benefits of implementation to state and local government. When reviewed in conjunction with baseline reporting on economic impacts to state and local government completed by the Massachusetts Department of Public Health in 2019, this evaluation sheds light on ways the cannabis industry is working with and supporting local governments, particularly in Areas of Disproportionate Impact (ADIs). Third, the Commission is required to identify barriers to entry segmented by racial, economic, and socioeconomic subgroups.<sup>28</sup> To the extent any industry participants have proposed employment, business training, or incubator and accelerator programs as part of their PIPs, this evaluation will help in understanding the impact of those activities on disenfranchised cohorts. Lastly, the timing of this study permits a comprehensive evaluation of the first full year of submitted PIPs. This allows for a timely update on one portion

of the Commonwealth's overarching goal of achieving social equity in the marijuana market. The implementation of PIP activities represent another part of the Commission's social equity framework that has been in-progress for over one year, thus, warranting an assessment of the plans' effectiveness and how, if at all, the Commission and industry could work together to improve the plans and the process.

The primary purpose of this study is to inventory the first full year of PIPs to understand the quality and potential impact of the plans and identify opportunities for improvement.

Specifically, the goals for this research are to:

- Understand how MEs view their role in creating an equitable market;
- Determine the types of activities those MEs currently licensed to operate in the market believe will most positively impact disproportionately harmed communities and promote meaning participation in the market;
- Explore the varying interpretations of "Social Equity" as it pertains to the assessment of Positive Impact Plan goals and activities;
- Investigate the need for, and potentially connect the narrative associated with the lived experience to publicly available data quantifying the harm done to disproportionately impacted communities; and
- Suggest considerations for equitable plans that align with Commission's statutory mandate and restorative justice aims.

## 5. Scope

This report focuses on Commission-approved provisional licenses for 175 MEs from June 21, 2018 through June 21, 2019. This total includes licenses for retail stores, cultivators, product manufacturers, and independent testing laboratories. In many instances, one entity applied for and was provisionally granted more than one type of license. In the interest of time, the Research Department identified and eliminated duplicate PIPs for the same entity. Where multiple PIPs were filed for one establishment, the final filed PIP, and thus the plan ultimately considered by the Commission, was extracted for evaluation. This process narrowed the number of PIPs for review from 175 to 72.

This approach provided researchers the benefit of assessing accurate information and the MEs with the advantage of evaluations based on activities implemented, rather than plans initially proposed and subject to feedback or conditions for improvement from the Commission. This project does not include an evaluation of applications licensed to operate after the cutoff date or a firm evaluation of any renewal applications required to include updates of the metrics provided in their initial plans.

## IV. Methods

This mixed methods exploratory study first uses stakeholder and textual data review processes to obtain a sense of the purpose and state of PIPs. Quantitative methods are used in conjunction with these qualitative methods to examine the frequency of themes and trends. To accomplish these goals, multiple modalities of data were assessed, including:

- (1) Commission’s public documentation (*e.g. public meeting minutes, Guidance, etc.*);
- (2) Key Stakeholder Interviews;
- (3) Positive Impact Plans; and
- (4) Social Equity Program participant data, including data from the:
  - (A) Application; and
  - (B) Survey disseminated at one of the first Social Equity Program seminars.

### 1. Public Documentation: Gaining a Working Foundation

The first step of the research was to develop a comprehensive scope of the events and decisions made by the Commission from its founding until the Summer 2019. To accomplish this task, a review of the Commission’s website for social equity program information and industry data available on the Open Data Platform was conducted. In addition, all public meeting minutes were reviewed for mention of PIPs in order to construct a timeline of the development of sub-regulatory guidance and formal verbal feedback provided in public meetings [see *X. Appendix 4 Timeline of Commission Activities Related to Positive Impact Plans*]. All guidance materials were assessed and put into a timeline for process to compare with guidance available to MEs to develop their PIP. Last, informational interviews were conducted with staff around licensing and data vendor management to understand internal processes and protocols for managing and accessing licensing applications and around social equity to understand the development and design of the Commission’s Social Equity Program.

### 2. Key Stakeholder Interviews

After reviewing publicly available meeting documentation, all five Commissioners were interviewed. These Key Stakeholder Interviews were conducted to gather qualitative data on individual understandings of both: (1) the purpose of PIPs, (2) what metrics each consider important for assessing the merit of plans, and (3) what activities are encouraged and discouraged.

To maintain consistency across interviews and in alignment with stated research goals, an interview guide was developed [See *X. Appendix 2 Stakeholder Interview Questions*]. Categories of questions included: (1) Areas of Disproportionate Harm; (2) PIPs and proposed activities; (3) Massachusetts’ cannabis industry; and (4) Social equity. All interviews were conducted from July 23, 2019 – July 30, 2019. Interviews were then coded for themes, similarities and differences in perceptions of the PIPs and role of industry, and commonalities as to what factors merit their approval or rejection of a PIP. Several themes emerged from this process and were used in conjunction with the research goals as a guide for assessing submitted PIPs.

### 3. Positive Impact Plans

This exploratory analysis provides a baseline assessment of the PIPs submitted by all provisionally-licensed ME applicants for the specified timeframe. This assessment necessitates the use of both qualitative and quantitative research methodologies. With knowledge that Commission guidance was provided to applicants over time and that some applicants were required to submit updated or revised plans, the final PIP that was ultimately considered by the Commission for each applicant with more than one submitted plan was selected for review. Next, qualitative assessments were conducted to organize PIPs into categories for analyses, which were quantitatively assessed. These findings were juxtaposed with and prioritized based on thematic responses gathered from the Key Stakeholder Interviews [See section IV. *Methods*, 2. *Key Stakeholder Interviews* and section V. *Findings*, 2. *Key Stakeholder Interviews*], staff interviews regarding the licensing process, Social Equity Applicant responses to questions about their personal understanding of social equity, and Social Equity survey participant responses.

#### 3.1 Review of Positive Impact Plan Qualitative Data

The Commission's data management vendor queried all 175 PIPs associated with the entities granted provisional licensure from June 21, 2018 – June 21, 2019. This timeframe represents one full year from the first approved provisional license. As previously mentioned, [See section III. *Background subsection Scope*] duplicate plans were eliminated which decreased the sample size from 175 to 72 plans.

This study deployed a manual qualitative review of all PIPs in the final sample [n=72]. Using the goals of the research plan, combined with themes from the Key Stakeholder Interviews, the PIPs were hand-coded to identify textual evidence of: (1) Industry's understanding of its role in creating an equitable market; (2) Industry's understanding of the historical narrative and lived experiences that predate the emergence of a regulated industry; (3) Categories and types of activities proposed in the plans; (4) Knowledge of the distinction between the Positive Impact and Diversity Plans; and a (5) Definition of social equity. To support this approach, a list of example key words was developed to guide research evaluation [See X. *Appendix 6. Positive Impact Plan Coding Guide*].

Positive impact plans were also hand-coded for compliance with the Commission's guidance, specifically: (1) Identification of a focus cohort to target population for PIP activities and (2) Inclusion of metrics that can be assessed year-over-year. Coding permitted the assessment of fidelity on the use and implementation of guidance.

## 4. Social Equity Program Data

### 4.1 Review of Social Equity Application Responses

Data from the Social Equity Program application were used to examine “barriers to (industry) entry,” and to understand the collective meaning of the term “social equity” to social equity applicants. In June 2019, deidentified, aggregate-level responses to the application questions, (1) “*Please describe any barriers or discrimination you feel you have faced upon trying to entry the industry*” and (2) “*What Does Social Equity Mean to You?*” were queried. Approximately 700 responses were initially extracted, further narrowed to only include submitted application responses for analysis [n=399].

In July 2019, researchers examined deidentified responses to “*Please describe any barriers or discrimination...faced upon trying to enter the industry*” [n=532]. This question includes multiple choice answers and an option to select “Other” with a free text box for explanation. Respondents were instructed to select all that apply of the following answer choices: (1) Government Regulations (State and Federal policies, War on Drugs...); (2) City and Town Regulations (zoning navigating the municipal process e.g. host agreements...); (3) Economic Factors (access to capital, credit score...); (4) Geographical Barriers (transit deserts...); (5) Market Conditions (saturated market, audience marketed to, illicit market competition); (6) Racial discrimination and prejudice; (7) Training and Skills (business acuity); and (8) Other – please explain. Two hundred and seventy-seven applicants selected “Other” and provided an answer in the open text field.

“*What Does Social Equity Mean to You?*” responses were imported into a qualitative software application on July 30, 2019 for further analysis [n=399]. Using the “Word Frequency” function of the application, the 100 most used words in respondents’ answers were queried. The software application automatically excludes articles such as “a,” “an,” and “the” as well as conjunctions such as “but.” Researchers also programmed the query to include only those words with at least 4 letters. To minimize confusion and emphasize meaningfulness, the additional filler words were excluded such as “want” as were: “social,” “equity,” “equity,” “program,” and “marijuana.”

### 4.2 Survey of Social Equity Program Participants

For purposes of this study, data were collected at one of the three Commission-led Social Equity Program seminar sessions for analysis. For this purpose, a survey was developed and distributed to Social Equity Program Participants to obtain an understanding of what types of activities participants perceived would be beneficial for inclusion in PIPs [See X. Appendix 3. *Social Equity Program Participant Survey for full battery*]. Participation was voluntary and confidential, and more than half of the attendees responded to the survey. As Social Equity Program Participants are identified as a potential group to impact through PIPs, participant feedback adds critical perspective to understanding to what end plans should be oriented.



## V. Findings

### 1. Public Documentation: Informal Guidance

A review of the Commission’s public meeting minutes finds that Positive Impact Plans (PIPs) were a regular topic of public discussion. From June 21, 2018 through June 21, 2019, there were over fifteen instances in which the Commission publicly discussed and assessed submitted PIPs.

A number of themes were identified in public discussion, including: (1) A need for clarification of an element(s) of the PIP; (2) Need for more information regarding the content of educational activities; (3) Clarification on the ability of identified community organizations to accept donations from the industry, and (4) Questions about measurements for accountability. When questions or concerns about a PIP emerged, Commissioners frequently added conditions to plan as a condition of licensure. These conditional requirements included: updating a plan to align with the framework provided in the guidance (*e.g. goals, programs, and measurements*), providing more substantive program details or changing programs altogether, and demonstrating compliance with the marketing/promotion provisions.

*The frequency of discussion demonstrates that PIPs are a priority at the Commission. The frequency of adding conditions to licensure suggests Commissioners see serious potential for PIPs to make a difference in affected communities and populations and demonstrate a commitment to making plans accountable.*

Similarly, and inherently interwoven into the PIP mechanism, social equity was also identified as a frequent topic of discussion. Social equity was primarily discussed as it relates to the Commission’s efforts and programming, but there was also consistent mention of social equity as it related to all aspects of regulatory, administrative, and industry oversight within the Commission’s authority. With this backdrop, it is observed that the Commissioners made a public connection between their commitment to social equity and their expectation for the industry to meet its responsibility in creating an equitable market with the same seriousness and commitment, such as the PIP mechanism.

### 2. Key Stakeholder Interviews

All Commissioners were interviewed for this study as key stakeholders [N=5], and were asked about communities identified as areas of disproportionate harm, the role and purpose of PIPs, the nature and types of PIP activities that merit licensure approval, their perspective on the state’s cannabis industry, and their definition of social equity [See section IV. *Methods* and see Appendix 2. *Stakeholder Interview Questions*].

The key stakeholders provided thoughtful responses to the questions posed and shared their perspectives, concerns, and hopes concerning PIPs and the role of industry in supporting the creation of an equitable market through the implementation of PIPs. Thematic observations were made to guide the qualitative assessment of PIPs to ensure findings and considerations were of value to key stakeholders.

### *Marijuana Prohibition and Enforcement*

All key stakeholders discussed the harm previously caused by marijuana prohibition and enforcement that still actively impacts the lives of targeted communities and populations. While discussing this impact, key stakeholders cited the history and experiences of those who were targeted by the War on Drugs. Stakeholders drew on narrative experiences and empirical data and reports when discussing the topic.

### *Positive Impact Plan Activities*

There was also consensus among key stakeholders that PIP activities which aim to provide economic benefits to the cohorts(s) identified for impact are positive activities. Within this support for economic activities, there was clear discouragement of strictly donation-based activities or activities that provide industry with marketing/self-promotion kickbacks. This was perceived as self-serving and unfocused.

### *Diversity Plans versus Positive Impact Plans*

All key stakeholders identified a clear distinction between Diversity Plans and PIPs. Key stakeholders noted that Diversity Plans submitted by MEs are internally focused on how the business can address meaningful participation in the market, while PIPs are externally focused and aimed at previously harmed populations.

### *Definition of Social Equity*

Key stakeholders defined social equity in varying ways, indicating a potential lack of consensus. However, similarities also emerged across definitions. For example, if placed on a continuum, key stakeholders defined social equity as ranging from acknowledgement of past harm with a commitment to addressing harm, to equality of opportunity (without attachment to equality of outcome). Different definitions may indicate a difference in approach to achieving the stated ends.

Despite these differences, there were common themes identified in all definitions. All key stakeholders identified that social equity was related to access and opportunity. Several stakeholders connected access and opportunity to PIP activities and indicated that PIP activities should aim to expand access and opportunity within the cannabis market to communities previously harmed by marijuana prohibition and enforcement.

While discussing social equity, all stakeholders stated that they have a role in ensuring the creation of an equitable cannabis market and shared the intention of setting up an equitable market in a sustainable manner.

### *Purpose of Positive Impact Plans*

Key stakeholders identified a range of purposes for the PIP, indicating both a lack of consensus and area of improvement. Broadly, two ideologies were identified. The first ideology is that of good will. Several stakeholders understand the purpose of PIPs to encourage businesses to enact and sponsor community service activities (*e.g. corporate citizenship*). Activities that work toward this purpose include: (1) quietly sponsoring community events (*e.g. sponsorship that is in line with the anti-marketing/self-promotion guidelines*); and (2) workshops/seminars to educate the community about the industry and promote responsible and safe use of marijuana. A second



identified ideology is that of restorative justice. Several stakeholders understand the purpose of PIPs to work to address the harm caused by marijuana prohibition and enforcement. Activities that work toward this purpose include: (1) Providing cannabis entrepreneurs from communities disproportionately harmed with business training/mentoring; (2) Funding and other types of financial support; (3) Business networking; and (4) Opportunities for training and employment within the industry.

### 3. Positive Impact Plans (PIPs)

Positive Impact Plans submitted for provisional licensure were assessed to examine the marijuana industry's perspective concerning the PIP. This analysis offers perspective into MEs view of their own role in the Massachusetts market as well as their planned activities to positively impact groups disproportionately affected.

All plans were read and reviewed to identify inclusion of the priorities established in the research plan as well as key themes that emerged from Key Stakeholder Interviews. These measures were grouped into the following five categories: (1) How MEs view their role in creating an equitable market; (2) Understanding of the narrative concerning the War on Drugs and lived experiences of those disproportionately harmed; (3) Types of activities those MEs currently approved to operate in the market believe will most positively impact disproportionately harmed communities and promote meaning participation of the market; (4) Understanding of the difference between PIPs and required Diversity Plans; and (5) Definition of social equity.

After the assessment of thematic categorical review of priorities, the state of the PIPs came into view. Only 21% of all PIPs included evidence of all five categories. Most notably, only 38% of plans define social equity in some way and 51% include language that demonstrates their understanding of the historical narrative associated with marijuana prohibition and enforcement. Sixty-three percent of plans include information that demonstrates their understanding of the distinction between PIPs and Diversity Plans [See *Table V.3.1*].

All submitted plans proposed activities in their submitted PIPs, but those activities ranged in clarity, substance, and commitment. First, many plans offered lists of activities with no firm details or specific explanations about the inclusion of those activities. Second, plans ranged widely in their approach to positively impacting communities. For example, while many plans included activities that were economic in nature, those activities ranged from grant funding and accelerators to opportunities to apply for jobs and donations to local community organizations. In some cases of the latter, donations were being made to social service agencies and disease-focused nonprofits that do not directly target the priority cohorts identified by the Commission for impact or those cohorts identified in submitted plans. Lastly, a number of plans included conditional language in their plans to indicate their ability to implement the proposed activities depended upon the success of their business.

Notably, the number of entities that filed multiple and updated plans demonstrates that the market responds not only to oversight, but also to ongoing monitoring in the form of guidance and feedback from the Commission.

**Table V.3.1. Themes in Positive Impact Plans**

<b>Themes</b>	<b>Plan Included Element</b>	<b>Plan <u>Did Not</u> Include Element</b>
<b>All themes below</b>	15 (21%)	57 (79%)
<b>Understand how MEs view their role in creating an equitable market</b>	64 (89%)	8 (11%)
<b>Understanding of the narrative / lived experiences that led to this moment</b>	37 (51%)	35 (49%)
<b>Determine the types of activities those MEs currently approved to operate in the market believe will most positively impact disproportionately harmed communities and promote meaning participation of the market as well as activities that do not</b>	72 (100%)	0 (0%)
<b>Gauging the distinction between positive impact plans and diversity plans</b>	45 (63%)	27 (38%)
<b>Definition of social equity</b>	27 (38%)	45 (63%)

Last, PIPs were coded to assess adherence to guidance provided by the Commission. The results of this research are illustrated below.

**Table V.3.2. Additional Positive Impact Plans Requirements**

REQUIREMENT	YES
Metrics for accountability <sup>+</sup>	65%
Target Cohort* 1 only	17%
Targeted 1:5 identified cohorts*	40%
Targeted all five identified cohorts*	1%
Did not target Cohort* 1 (targets 2,3, and 6)	24%
Targeted no identified cohorts*	7%
Included a goal(s)	85%
Included metrics	83%

**\*Notes:** <sup>+</sup>Metrics for accountability" is a measure of whether or not the PIP included measurements for accountability to measure for year-over-year success as required by the sub-regulatory guidance.

\*Cohorts refer to the specified cohorts identified for positive impact, including: (1) Past or present residents of the geographic "areas of disproportionate impact;"<sup>f</sup> (2) Economic Empowerment priority applicants; (3) Social Equity Program participants; (4) Massachusetts residents who have past drug convictions; and (5) Massachusetts residents with parents or spouses who have drug convictions.

<sup>f</sup> The Commission has identified 29 areas of disproportionate impact, see Appendix 1 for full list.

## Social Equity Program Data

### 4.1 Review of Social Equity Application Responses

#### Barriers to Entry

Two questions were extracted from the Social Equity Program applications as they relate to *barriers to entry*. The first measure provided applicants with the option of selecting any and all applicable barriers and the second measure, an open text field, provided space for respondents to provide details about their personal experiences.

Seventy-three percent of respondents identified economic factors as a barrier to entering the marijuana market. Regulations were also cited as a major barrier: 58% of respondents cited government regulations as a barrier while 52% of respondents cited city/town regulations as a barrier. In addition, 40% of respondents cited racial discrimination and prejudice as a barrier they have experienced in trying to enter the market. Next, there was an open text field labeled, “Explain here,” providing applicants with an opportunity to offer more details about the *barriers to entry* that they have personally experienced.

Many of the 277 responses were very specific and offered a glimpse into the lived experience of the social equity applicants. Key themes that emerged included: (1) Lack of access to funding, (2) Past drug-related convictions; (3) Stigma; (4) Training needs; and having a (5) Background from impoverished neighborhoods targeted by the War on Drugs.

Notably, one response stated that although their neighborhood is not now listed as an ADI, the neighborhood was, in their perspective, an area heavily impacted by drugs and the War on Drugs. This may imply that varying and changing geographic policies may not be fully accounted for in the current of ADI specification, and this may need to be reassessed for future applicants. This sentiment concerning changing landscapes was echoed in other responses as well.

**Table V.4.1. Barriers to Entry Faced by Social Equity Program Applicants**

<b>Identified Barriers to Entry</b>	<b>Number (Percentage)*</b>
<b>Economic Factors</b>	386 (73%)
<b>Government Regulations</b>	307 (58%)
<b>City/Town Regulations</b>	277 (52%)
<b>Racial Discrimination and Prejudice</b>	212 (40%)
<b>Market Conditions</b>	147 (28%)
<b>Other</b>	120 (13%)
<b>Geographic Barriers</b>	68 (13%)

\*Note: Date of extraction: 7/25/2019; All social equity applications; Includes only those applications categorized as Approved, Pending, Reopened applications (**not** Withdrawn or Incomplete applications).



## 4.2 Survey of Social Equity Program Participants

The Research Department developed and administered a three-question survey of invited Social Equity Program participants to understand their views of PIPs. A total of 56 Social Equity Program participants completed the survey in summer 2019. Eighty-two percent of respondents were from or planned to open a business in an ADI. Participants were asked about their perspectives of the obstacles faced by communities disproportionately harmed by the War on Drugs and identified many obstacles including: (1) Lack of resources (*e.g. capital*); (2) Law enforcement related, including criminal records and bias; (3) Political navigation challenges; (4) Generational poverty; (5) Education and job training needs; and (6) Stigma.

The top activities advised by social equity survey participants that cannabis businesses should initiate or fund were: (1) Grant funding (73%); (2) Low interest loans (57%); (3) Accelerator or incubator programs (43%); (4) Public information/education sessions about marijuana and the industry in a disproportionately harmed community (34%); and (5) Job creation (27%).

Fewer participants indicated: Internship or training programs for cannabis industry (27%), Cannabis industry job fairs (25%), Scholarships to social equity businesses for employee trainings (16%), Donation to community organizations (*e.g. Boys and Girls Club, local shelters*) (16%). All other options were selected by less than 10% of participants.

Participants who selected “Other” (11%) advised the following: (1) Funds to public education; (2) Low income housing or down payment program; (3) Record sealing/expungement; (4) Responsible consumption; (5) Application process priority, (6) Mental health counseling; and (6) Trade school investment.

## VI. Story Banks

A selection of responses that highlight themes from the question: “*What Does Social Equity Mean to You?*” provided by Social Equity Applicants are presented. This section aims to center the voices of people disproportionately impacted by marijuana prohibition and enforcement.

*“Social Equity to me means a sincere, concerted effort to correct wrongs in areas of past societal and systemic inequities in all areas of our lives, especially in regard to economic opportunities and the criminal justice system, by affording support for those who have been impacted by past inequities so that they receive the opportunities that those with more “privilege” take for granted.”*

– Social Equity Applicant

*“To me, Social Equity is an acknowledgement that certain people have been disadvantaged over the years due to unfair biases and this is an attempt to help level their chances through assistance and support in order to participate and profit from this new industry.”*

– Social Equity Applicant

*“Social Equity means to me the government and private industry working together to provide comprehensive support to disenfranchised individuals and groups. Inclusivity in leadership, representation, finance and policy development.”*

– Social Equity Applicant

*“In order for economic opportunity to reach more marginalized areas, equity and investment needs to be put in the hands of those who have lived in and serviced the community for many years. A minority owned business is more likely to employ other at-risk classes and engage in initiatives that directly benefit the community and ensures that money invested in the neighborhood stays in the neighborhood and has the opportunity to lift the financial possibilities of many instead of just a select few.”*

– Social Equity Applicant

*“Social equity to me is a balancing out of injustices from the war on drugs. I have seen many lives hurt and completely ruined by this senseless war including my own and those closest to me. My hope is that it is a chance to heal...I believe there are many others who want the same and just want to do the right thing. This is one of those few chances we get.”*

– Social Equity Applicant



## VII. Limitations

This study is not without limitations. The following section discusses limitations and gaps of this study, which warrant further consideration, as discussed, for future research.

### 1. Positive Impact Plan (PIP) Data

Positive Impact Plans reviewed for this evaluation were extracted from the Commission's application portal by the vendor that manages the system. Extracted PIPs did not include a timestamp, therefore each plan could not be directly linked to the guidance available at the time of application development and submission. Rather, contextual evidence within plans were used to link plans to the probable guidance available at that time. Any replication efforts should request timestamped data that includes the date of PIP submission. Due to time constraints, only one plan per ME was included in analysis. While some establishments submitted multiple plans for different licenses, only one plan was included in the formal analyses. However, all plans were reviewed, and in cases of multiple plans, the most comprehensive plan, determined by page length, substantive detail, and responsiveness to regulatory guidance, was selected for that establishment.

Qualitative coding methods used to analyze PIPs are subject to unique limitations inherent to qualitative work. Subjectivity is required throughout the coding process; Therefore, qualitative work is impacted by researchers' background and bias. To minimize bias, two coders independently coded all plans with the lead researcher completing a final review for consistency. To enable replicability, methodological documentation was recorded through the coding process [See section IV. *Methods*]. Additionally, findings are only applicable to the plans included in analyses and may not be generalizable to plans that were not examined. However, a mixed methods approach leaning heavily on qualitative methods was chosen because it is superior to determine the 'how' and 'why' phenomenon occurring within and across plans. Additionally, analyses were supplemented with quantitative methods in order to capture frequencies of commonalities included in plans.

### 2. Social Equity Participant Data

Social Equity Program Applicants and Participants understanding of the PIP and positive impact on disproportionately harmed communities were obtained via two data sources: (1) Answers to Social Equity Program application; and (2) Survey of Social Equity Participants about PIPs [n=86] [See X. *Appendix 3 Social Equity Program Participant Survey for full battery*]. Due to time restraints, only word frequency analysis rather than a full qualitative analysis of social equity application answers could be conducted.

In the survey of Social Equity Participants, respondents were instructed to only choose the top three activities; However, several participants marked multiple answers which were all included in analyses. Although multiple choice options were derived from the examined PIPs, participants may have been impacted by the options available, the order of responses, or their top answer may not have been provided as an option. To reduce the probability of these limitations, an "Other,

please explain” box was included in the survey. The majority of participants did not select “other,” suggesting that most participants found answers satisfactory. All comments provided from “other” responses are reported in section *IV. Findings*.

### **3. Stakeholder Interviews**

Due to time constraints, stakeholder interviews could only be conducted with Commissioners [N=5]. Future research could interview current and prospective ME owners to better understand how they understand the PIP, plans for compliance, and any barriers to compliance.

### **4. Other**

Lastly, this research provides a baseline assessment of PIPs, a mechanism implemented to facilitate industry’s role in achieving restorative justice in Massachusetts. It does not examine the extent to which businesses complied with stated aims and activities as a regulatory condition of license renewal. Future research should examine compliance more broadly and in particular, the effectiveness and impact of stated activities for each ME and MEs in aggregate across the Commonwealth.

## VIII. Policy Considerations

The following policy considerations are offered to assist the Commission in determining a path forward to ensure Positive Impact Plans meet their stated goal and play an important role in achieving social equity in the market. The considerations fit within two categories: (1) Technical, and (2) Substantive (e.g. process updates). As it currently stands, PIP activities are broad and wide-ranging. The policy considerations below seek to streamline information available about the requirements and to encourage all Stakeholders to focus on addressing the specific problems created by the harm of marijuana prohibition and enforcement.

### A. Technical Policy Considerations

**Consideration 1:** Consider renaming the “*Positive Impact Plan*” to offer clarity on the purpose and aim of this requirement.

- The activities listed in submitted plans, for the most part, are positive in the ultimate sense but the activities are not all aimed at the particular problems the Commission are trying to address. Renaming the requirement could offer a fresh opportunity to refocus plans to better address stated goals and specific cohorts of impact, including: (1) Past or present residents of the geographic “areas of disproportionate impact;<sup>§</sup>” (2) Economic Empowerment priority applicants; (3) Social Equity Program participants; (4) Massachusetts residents who have past drug convictions; and (5) Massachusetts residents with parents or spouses who have drug convictions.
- Consider including a list of activities that should not be part of PIP activities because they may perpetuate distrust in the communicates and cohorts the Commission aims to serve in this process (e.g. *funding law enforcement / public safety details*).

**Consideration 2:** If renamed, this requirement should be more clearly defined. The definition should include the plans’ purpose, the three required sections of the plan, and the targeted cohorts.

**Consideration 3:** Consider separating the Guidance for PIPs and Diversity Plans

- There was confusion identified in reviewed PIPs regarding the terminology – “Diversity” versus “Equity” [See section V. *Findings subsection Positive Impact Plans*]. Separating the guidance for PIPs and Diversity Plans will facilitate a shift in the understanding of the distinct activities that should be included for both.

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<sup>§</sup> The Commission has identified 29 areas of disproportionate impact, see Appendix 1 for full list.

## B. Substantive Policy Considerations

**Consideration 1:** Consider defining a common meaning of social equity to provide clarity among stakeholders and the public (*e.g. activities to address harm in this context*) [See section V. Findings subsection 2. *Key Stakeholder Interviews* subsection *Definition of Social Equity*].

**Consideration 2:** Consider prioritizing the sentiments, reflections, and perspectives of those most affected by marijuana prohibition and enforcement, including the top three activities identified by recent social equity program participants [See section V. Findings subsection 4.2. *Survey of Social Equity Program Participants*]

- Create an example list of activities to include in sub-regulatory guidance from which MEs seeking provisional licensure may select to implement driven by suggestions from affected stakeholders.
- Require the development of future PIPs to be community-driven (*i.e. a public meeting with the proposed ADI or the proposed cohort to be impacted*).
- Emphasize focus on addressing harm(s) to specified cohorts, not just geographic locations, which may shift in fundamental ways over time, cohorts include:
  - (1) Past or present residents of the geographic “areas of disproportionate impact;<sup>h</sup>”
  - (2) Economic Empowerment priority applicants;
  - (3) Social Equity Program participants;
  - (4) Massachusetts residents who have past drug convictions; and
  - (5) Massachusetts residents with parents or spouses who have drug convictions.
- Address the difference between activities aimed at “equity” versus “community service” or industry community benefit activities, since the latter do not necessarily recognize harm(s). Society is oriented towards community service, which is different from the foci of activities proposed in PIPs, which are specifically aimed at addressing harm(s) to specified cohorts and geographic locations.

**Consideration 3:** To address harm, it would be helpful to collectively understand how marijuana prohibition and enforcement played out in Massachusetts (*i.e. “tell the Massachusetts story”*). Social Equity Program applicants are an effective primary data source on lived experiences and perspectives; However, more research and data are needed to quantify the harm done in identified cohorts and communities and provide information on the policies enacted sanctioning prohibition and enforcement [See section VI. *Story Banks*].

**Consideration 4:** Consider updating the “Guidance on Equitable Cannabis Policies for Municipalities” to include information on the history and impact of marijuana prohibition and enforcement on disproportionately impacted communities, and the types of activities that the Commission encourages to address these harms.

- <https://mass-cannabis-control.com/wp-content/uploads/2018/11/Municipal-Equity-Guidance-August-22-1.pdf>

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<sup>h</sup> The Commission has identified 29 areas of disproportionate impact, see Appendix 1 for full list.

**Consideration 5:** Consider future analysis to update the identified Areas of Disproportionate Impact. These analyses could take into consideration the demographic changes and forced migration patterns of populations (e.g. *gentrification, movement based on the availability of work in a community, movement based on public policy, etc.*) to more accurately identify affected cohorts. [See section V. Findings, 4. Social Equity Program Data, 4.1 Review of Social Equity Application Responses subsection *Barriers to Entry*]

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## X. Appendices

### Appendix 1. Areas of Disproportionate Impact

Areas of Disproportionate Impact		
<b>Abington</b>	Holyoke	Revere
<b>Amherst</b>	Lowell*	Southbridge
<b>Boston*</b>	Lynn	Spencer
<b>Braintree</b>	Mansfield	Springfield*
<b>Brockton</b>	Monson	Taunton
<b>Chelsea</b>	New Bedford	Walpole
<b>Fall River</b>	North Adams	Wareham
<b>Fitchburg</b>	Pittsfield	West Springfield
<b>Greenfield</b>	Quincy	Worcester*
<b>Haverhill</b>	Randolph	

\*Certain census tracts qualify. See <https://mass-cannabis-control.com/wp-content/uploads/2018/04/Guidance-for-Identifying-Areas-findof-Disproportionate-Impact.pdf>



## Appendix 2. Stakeholder Interview Questions

We will discuss the following questions at our meeting. While no advance preparation is needed, please feel free to make note of anything you would like to mention in our conversation.

### Introductory Questions

1. Can you share with me how your previous work led to your appointment as a Commissioner with the CCC?
2. What has most surprised you about your role or the Commission in your time here so far?

### Areas / Communities of Disproportionate Harm

3. What are some obstacles facing disproportionately harmed communities?
4. What activity or types of activities do you believe will positively impact disproportionately harmed communities?

### Positive Impact Plans

5. How would you describe the purpose of positive impact plans?
6. What elements would you like to see covered in every positive impact plan submitted to the Commission?
7. Has your view of the substance of submitted positive impact plans evolved over time? If so, how?
8. What activity or types of activities would you discourage applicants from including in positive impact plans?
9. What concerns, if any, do you have about business compliance with submitted positive impact plans?
10. How would you distinguish the purpose of positive impact plans from the required diversity plans each ME must also submit?

### Massachusetts' Marijuana Industry

11. What do you see as industry's role in achieving social equity in the market?
12. How would you like to hear the public and media describe the industry in the next one to two years?

### Concluding Questions

13. In five years, what do you hope will have been accomplished through implementation of positive impact plans and diversity plans?
14. What does social equity mean to you?



## Appendix 3. Social Equity Program Participant Survey



### Overview

The Massachusetts Cannabis Control Commission's ("Commission") Research Department is studying what are known as Positive Impact Plans (PIPs). Any business applying to be a licensed Marijuana Establishment in Massachusetts is required to submit a PIP that includes specific goals and activities to positively impact communities previously disproportionately harmed by marijuana prohibition and enforcement (e.g. the War on Drugs). These persons and communities are not just geographic areas, but they are also Economic Empowerment applicants, you and other Social Equity applicants, individuals with past drug convictions, or the spouses or children of individuals with past drug convictions.

We are interested in understanding how social equity applicants view PIPs. Your participation in this research study is voluntary. If you have any questions about this study, please contact the Commission's Director of Research, Dr. Julie K. Johnson at [julie.johnson@mass.gov](mailto:julie.johnson@mass.gov). Thank you.

### Survey Questions

1. Are you from or planning to open a business in an area disproportionately harmed by the War on Drugs? Please see reverse side for a list of all Areas of Disproportionate Impact.
  - a. Yes
  - b. No
  
2. In your opinion, what are some of the obstacles faced by communities disproportionately harmed by the War on Drugs?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
3. If you could advise cannabis businesses on activities they could **initiate or fund in areas disproportionately impacted by the War on Drugs**, what activities would you advise that they do? **Please select three (3) activities.**
  - a. Accelerator or incubator programs
  - b. Grant funding
  - c. Low interest loans
  - d. Public information/education sessions about cannabis and the industry in a disproportionately harmed community

(continued on back)



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- e. Scholarships to social equity businesses for employee trainings
- f. Donation to community organizations (e.g. Boys and Girls Club, local shelters)
- g. Town or city sponsored events or festivals
- h. Community-led events (e.g. neighborhood block party, ice cream social)
- i. Community clean up
- j. Paid law enforcement details at public events
- k. Cannabis industry job fairs
- l. Internship or training programs for cannabis industry
- m. Job creation
- n. Other, please describe: \_\_\_\_\_

**List of Commission-identified Areas of Disproportionate Impact (ADIs)**

Abington	Lowell	Southbridge
Amherst	Lynn	Spencer
Boston	Mansfield	Springfield
Braintree	Monson	Taunton
Brockton	New Bedford	Walpole
Chelsea	North Adams	Wareham
Fall River	Pittsfield	West Springfield
Fitchburg	Quincy	Worcester
Greenfield	Randolph	
Haverhill	Revere	
Holyoke		



**Appendix 4. Timeline of Commission Activities Related to Positive Impact Plans (PIPs)**

Public Meeting Date	Discussion Related to PIPs and DPs	Meeting Minutes
6.21.18	<p><i>Sira Naturals</i></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the positive impact plan (PIP) before final licensure.</li> <li>Chairman suggested that it would be helpful to provide guidance to applicants for what type of detail the Commission are seeking.</li> </ul>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2018/07/06-21-18-Meeting-Minutes.pdf">https://mass-cannabis-control.com/wp-content/uploads/2018/07/06-21-18-Meeting-Minutes.pdf</a></p>
7.2.18	<p><i>Sira Naturals</i></p> <ul style="list-style-type: none"> <li>Commissioner reiterated adding the condition of having the applicant update the PIP’s impact as discussed last week.</li> <li>Commission agreed to provide Guidance.</li> </ul> <p><i>Cultivate Holdings</i></p> <ul style="list-style-type: none"> <li>Commissioner requested additional information on PIP.</li> </ul>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2018/07/07-02-18-Meeting-Minutes.pdf">https://mass-cannabis-control.com/wp-content/uploads/2018/07/07-02-18-Meeting-Minutes.pdf</a></p>
7.12.18	<ul style="list-style-type: none"> <li>No discussion of Positive Impact Plans or Diversity Plans identified in meeting minutes.</li> </ul>	
7.26.18	<p><i>Guidance Update</i></p> <ul style="list-style-type: none"> <li><i>Guidance on Required Positive Impact Plans (PIPs) and Diversity Plans</i> unanimously approved (subject to staff ministerial edits).</li> <li>Chairman introduced the PIP Guidance and one Commissioner spoke on the PIP Guidance, the purpose of which is to clarify the elements of the positive impact plan, details plans and accountability, along with examples. It was also noted that PIPs are not</li> </ul>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2018/08/07-26-18-Meeting-Minutes.pdf">https://mass-cannabis-control.com/wp-content/uploads/2018/08/07-26-18-Meeting-Minutes.pdf</a></p>



	<p>limited to what is contained in the Guidance.</p> <p><b>NETA</b></p> <ul style="list-style-type: none"> <li>One Commissioner asked Executive Director if the Commission would review licensee’s actions taken relative to submitted PIPs during renewal. Executive Director responded “Yes.”</li> </ul>	
<b>10.18.18</b>	<p><b>Curaleaf Massachusetts</b></p> <ul style="list-style-type: none"> <li>Commissioner asked about the PIP.</li> </ul>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2018/11/10-18-18-Meeting-Minutes.pdf">https://mass-cannabis-control.com/wp-content/uploads/2018/11/10-18-18-Meeting-Minutes.pdf</a></p>
<b>11.1.18</b>	<p><b>Green Biz</b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b>Temescal Wellness</b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b>Ashli’s Extract, Inc.</b></p> <ul style="list-style-type: none"> <li>One Commissioner asked about ongoing compliance with PIPs. Commission Staff stated it would be monitored for ongoing compliance.</li> </ul>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2018/11/11-01-18-Meeting-Minutes.pdf">https://mass-cannabis-control.com/wp-content/uploads/2018/11/11-01-18-Meeting-Minutes.pdf</a></p>
<b>11.20.18</b>	<p><b>Atlantic Medicinal Partners (MCN281476)</b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2019/01/11-20-18-Meeting-Minutes.pdf">https://mass-cannabis-control.com/wp-content/uploads/2019/01/11-20-18-Meeting-Minutes.pdf</a></p>
<b>12.13.18</b>	<p><b>Baked Bean, LLC (# MPN281406)</b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure</li> </ul> <p><b>BCWC, LLC</b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP for clarity and</li> </ul>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2019/01/12-13-18-Meeting-Minutes.pdf">https://mass-cannabis-control.com/wp-content/uploads/2019/01/12-13-18-Meeting-Minutes.pdf</a></p>



	<p>feasibility before final licensure.</p> <p><b><i>Garden Remedies, Inc.</i></b></p> <ul style="list-style-type: none"> <li>• Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b><i>Silver Therapeutics, Inc.</i></b></p> <ul style="list-style-type: none"> <li>• Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b><i>Updated Guidance for Positive Impact Plans and Diversity Plans</i></b></p> <ul style="list-style-type: none"> <li>• Chairman discussed the Updated Guidance on Disproportionate Impact and Diversity Plans and one Commissioner discussed the Guidance. One Commissioner suggested an edit to receive in writing confirmation from the nonprofit. One Commissioner suggested removing the phrase “due diligence.”</li> <li>• The Commission unanimously approved the motion to approve the Guidance.</li> </ul>	
<p><b>1.10.19</b></p>	<p><b><i>Mass Alternative Care, Inc.</i></b></p> <ul style="list-style-type: none"> <li>• Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b><i>Holyoke Gardens, LLC</i></b></p> <ul style="list-style-type: none"> <li>• Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b><i>LDE Holdings, Inc.</i></b></p> <ul style="list-style-type: none"> <li>• Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b><i>Pioneer Valley Extracts, Inc.</i></b></p>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2019/02/01-10-19-Meeting-Minutes.pdf">https://mass-cannabis-control.com/wp-content/uploads/2019/02/01-10-19-Meeting-Minutes.pdf</a></p>



	<ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul>	
<b>1.24.19</b>	<p><b><i>CommCan, Inc.</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b><i>Herbology Group, Inc.</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b><i>Hothouse Holyoke, Inc.</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b><i>Urban Grown, Inc.</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2019/02/01-24-19-Meeting-Minutes_v1.pdf">https://mass-cannabis-control.com/wp-content/uploads/2019/02/01-24-19-Meeting-Minutes_v1.pdf</a></p>
<b>2.7.19</b>	<p><b><i>Apothca, Inc.</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2019/02/02-07-19-Meeting-Minutes_v1.pdf">https://mass-cannabis-control.com/wp-content/uploads/2019/02/02-07-19-Meeting-Minutes_v1.pdf</a></p>
<b>2.21.19</b>	<p>Note: There was robust discussion of achieving social equity in the Commonwealth during this meeting.</p> <p><b><i>Beacon Compassion, Inc.</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b><i>Canna Provisions, Inc.</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b><i>In Good Health, Inc.</i></b></p>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2019/03/02-21-19-Meeting-Minutes.pdf">https://mass-cannabis-control.com/wp-content/uploads/2019/03/02-21-19-Meeting-Minutes.pdf</a></p>



	<ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul>	
4.4.19	<p><b><i>BCWC, LLC.</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to have the PIP language reviewed by legal before final licensure Re: charitable donations.</li> </ul> <p><b><i>Greener Leaf, Inc.</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b><i>Native Sun Wellness, Inc.</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b><i>Hope Heal Health, Inc.</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure Re: hiring from ADI.</li> </ul>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2019/06/04-04-19-Meeting-Minutes.pdf">https://mass-cannabis-control.com/wp-content/uploads/2019/06/04-04-19-Meeting-Minutes.pdf</a></p>
4.25.19 -4.26.19	<p><b><i>Health Circle, Inc.</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure Re: education seminars and goals.</li> </ul> <p><b><i>Nature’s Remedy of Massachusetts</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure Re: education seminars and goals.</li> </ul> <p><b><i>Discussion of Guidance Document for Renewals</i></b></p> <ul style="list-style-type: none"> <li>Chairman discussed the Guidance Document: Renewals.</li> <li>Executive Director discussed the Guidance document and renewal of licenses process.</li> <li>One Commissioner said people need to understand the expectations of</li> </ul>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2019/06/04-25-26-19-Meeting-Minutes.pdf">https://mass-cannabis-control.com/wp-content/uploads/2019/06/04-25-26-19-Meeting-Minutes.pdf</a></p>





	<p>what they will be required to achieve under the PIPs.</p> <ul style="list-style-type: none"> <li>• One Commissioner wanted to know what programs did not work and what course correction was taken.</li> <li>• One Commissioner asked to build in the process a way to give feedback to applicants on their PIPs and its success.</li> </ul> <p><b>Day 1 Discussion of Policy Matters and Regulations</b></p> <ul style="list-style-type: none"> <li>• One Commissioner discussed the rigor of applicant review of PIPs for adult-use applicants.</li> </ul> <p><b>Day 2 Discussion of Policy Matters and Regulations</b></p> <ul style="list-style-type: none"> <li>• Executive Director discussed data collection of plans for positive impact.</li> </ul>	
<b>5.16.19</b>	<p><b>Caregiver-Patient Connection</b></p> <ul style="list-style-type: none"> <li>• Commission put a condition to update the PIP before final licensure Re: education seminars and goals.</li> </ul> <p><b>Eagle Eyes Transport, Inc.</b></p> <ul style="list-style-type: none"> <li>• Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b>In Good Health, Inc.</b></p> <ul style="list-style-type: none"> <li>• Commission put a condition to update the PIP before final licensure Re: hosting job fairs.</li> </ul>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2019/06/05-16-19-Meeting-Minutes.pdf">https://mass-cannabis-control.com/wp-content/uploads/2019/06/05-16-19-Meeting-Minutes.pdf</a></p>
<b>5.23.19</b>	<ul style="list-style-type: none"> <li>• No discussion of PIPs.</li> </ul>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2019/06/05-23-19-Meeting-Minutes.pdf">https://mass-cannabis-control.com/wp-content/uploads/2019/06/05-23-19-Meeting-Minutes.pdf</a></p>
<b>5.30.19</b>	<p><b>Boston Bud Factory, Inc.</b></p>	<p>Link: <a href="https://mass-cannabis-control.com/wp-">https://mass-cannabis-control.com/wp-</a></p>



	<ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b><i>Theory Wellness, Inc.</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul>	<a href="content/uploads/2019/06/05-30-19-Meeting-Minutes.pdf">content/uploads/2019/06/05-30-19-Meeting-Minutes.pdf</a>
6.13.19	<p><b><i>I.N.S.A., Incorporated</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b><i>LC Square, LLC</i></b></p> <ul style="list-style-type: none"> <li>Commission put a condition to update the PIP before final licensure.</li> </ul> <p><b><i>Sira Natural, Inc.</i></b></p> <ul style="list-style-type: none"> <li>One Commissioner noted that the applicant’s PIP was improved from a previous license application.</li> </ul>	<p>Link: <a href="https://mass-cannabis-control.com/wp-content/uploads/2019/07/Meeting-Minutes-06-13-19-Cannabis-control-Commission.pdf">https://mass-cannabis-control.com/wp-content/uploads/2019/07/Meeting-Minutes-06-13-19-Cannabis-control-Commission.pdf</a></p>

**\*Note:** Positive Impact Plan (PIP)

Created July 2019; Updated August 2019 to Accommodate Research Scope.

Key Words Searched: “Positive,” “Impact,” “Plan,” “Title,” “Flanagan,” “Social,” and “Equity,”



## Appendix 5. Positive Impact Plan and Diversity Plan Guidance's Released by the Commission

### (1) Original Guidance Released 7/26/18



#### GUIDANCE ON REQUIRED POSITIVE IMPACT PLAN AND DIVERSITY PLAN

##### **Purpose**

The purpose of this guidance is to assist applicants by providing further information on the Cannabis Control Commission (Commission) requirement to provide a plan to positively impact areas of disproportionate impact and, separately, a diversity plan. 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.

##### **Background**

The Commission is charged by state law (M.G.L. Ch. 94G §4) to adopt procedures and policies to promote and encourage full participation in the regulated cannabis industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement and to positively impact those communities.

As part of this mandate, the Commission requires every applicant applying for any Marijuana Establishment license to provide in its Application of Intent "a plan by the marijuana establishment to positively impact areas of disproportionate impact, as defined by the Commission," under 935 CMR 500.101(1)(a).

In accordance with the Commission's interpretation of the above mandate, applicants' plans to positively impact one or more of the following communities are acceptable to meet this requirement:

- 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](#). The designation of these areas will be re-evaluated periodically.
- 2) State-designated Economic Empowerment priority applicants
- 3) State-designated Social Equity Program participants
- 4) Massachusetts residents who have past drug convictions
- 5) Massachusetts residents with parents or spouses who have drug convictions

Additionally, state law (St. 2017, c. 55, §77) requires the Commission to "provide meaningful participation of communities disproportionately affected by cannabis prohibition and enforcement, including Minority Business Enterprises, Women Business Enterprises, and Veteran Business Enterprises."

Under 935 CMR 500.101(e), every applicant applying for a marijuana establishment is required to have a diversity plan to promote equity among minorities, women, veterans, people with disabilities, and people of all gender identities and sexual orientation. A detailed summary must be included along with the personnel, record-keeping, inventory, and other operating policies and procedures summarized in the Management and Operations Profile submitted to the Commission.



The requirement to have a plan to promote diversity at all levels of the marijuana establishment itself, particularly in hiring, is a separate and distinct requirement from the plan to positively impact areas of disproportionate impact.

#### **Elements of a Plan**

In accordance with the definition of a “plan,” each plan should include:

- (1) Goals: one or more desired outcomes of the plan
- (2) Programs: a detailed process for how to achieve those goals, and
- (3) Measurement and Accountability: metrics to assess whether the goals were achieved

#### *Goals*

Each applicant should choose its own specific goals to make a positive impact on areas of disproportionate impact, as required by M.G.L. Ch. 94G §4. In creating its Social Equity Program to make a positive impact on those areas, the Commission adopted the following goals:

- Reducing barriers to entry in the commercial adult-use cannabis industry;
- Providing professional and technical services and mentoring for individuals and businesses facing systemic barriers; and
- Promoting sustainable, socially and economically reparative practices in the commercial cannabis industry in Massachusetts.

As a best practice, diversity goals should be specific, measurable, and subject to deadlines. Currently operating businesses may find it useful to include both short-term and long-term goals, such as 2-year and 5-year goals. The goals may span a variety of areas including but not limited to: the culture of the company; the opportunities, trainings, and events available to people in the company; and the levels and types of diversity within the company.

#### *Positive Impact Plan Programs*

Applicants are encouraged to be innovative in their plans to positively impact areas of disproportionate impact. Programs to positively impact identified communities may include, but are not limited to:

- Hiring plans identifying certain levels and percentages of positions for people from specific identified communities, including but not limited to:
  - Methods for targeting the recruitment of the identified group(s)
  - Skills-based training programs, or a plan to include individuals previously trained by the Commission’s Social Equity Program
- Incubator or accelerator programs that seek to provide assistance to start-up companies, including but not limited to:
  - 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

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- Other benefits that do not violate the Commission's regulations with respect to limitations on ownership and control
- Providing debt and/or equity funding to help businesses founded by individuals with limited net worth and access to traditional sources of capital to 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; which:
  - Provide access to capital to those applicants from communities that have previously been disproportionately harmed by marijuana prohibition who wish to enter the adult-use cannabis industry;
  - Allow the applicant providing the funding assistance to earn a reasonable return on investment;
  - Allow the individuals receiving the funding assistance to earn a reasonable rate of return on the sum of both their "sweat equity" plus the real equity the individuals are able to contribute; and
  - Do not violate the Commission's regulations with respect to limitations on ownership and control

*Diversity Plan Programs*

Strategic planning for diversity is an organization-specific process. Resources are readily available on the topic, as are a variety of consulting services.

**Measurement and Accountability**

Each plan should include both qualitative and quantitative measures that relate to whether the goals were achieved. Metrics should have an identified data source and method for tracking that data. For example, surveys and focus groups can measure the culture of a company; opportunities, trainings, and events can be counted; and the diversity within a company can be measured through self-identified demographic data.

In its own programs, some of the measures that the Commission currently tracks and will report include:

- Number and percentage of licenses issued to state-designated Economic Empowerment applicants and Social Equity Program participants
- Number and percentage of licenses issued to farmers, Minority Business Enterprises, Women Business Enterprises, and Veteran Business Enterprises
- Number and percentage of jobs in the adult-use cannabis industry held by people of color, specifically people of African-American/Black and/or Hispanic or Latino descent, women, veterans, farmers, and people with drug convictions
- Jobs created in the adult-use cannabis industry in geographic areas of disproportionate impact
- Number of people enrolled and trained through the Social Equity Program
- Number of businesses and individuals participating in and successfully paired with employers through the Commission.

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## (2) Revised Guidance Released 2/25/19



### **GUIDANCE ON REQUIRED POSITIVE IMPACT PLANS AND DIVERSITY PLANS**

(REVISED 2/25/19)

#### **OVERVIEW**

##### **PURPOSE**

The purpose of this amended guidance is to assist applicants with additional clarity and information on the Cannabis Control Commission (“**Commission**”) requirements to submit a plan to positively impact areas of disproportionate impact and, separately, a diversity plan. 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.

##### **BACKGROUND**

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 marijuana prohibition and enforcement and to positively impact those communities. M.G.L. c. 94G, § 4. State law specifically requires the Commission to “provide meaningful participation of communities disproportionately affected by cannabis prohibition and enforcement, including minority business enterprises, women business enterprises, and veteran business enterprises.” St. 2017, c. 55, § 77.

As part of its mandate, *the Commission requires every applicant applying for any Marijuana Establishment license to provide in its Application of Intent packet “a plan by the marijuana establishment to positively impact areas of disproportionate impact, as defined by the Commission.”*<sup>1</sup>

Pursuant to its mandate to promote equity in the adult-use marijuana industry, *the Commission also requires the applicant to provide in its Management and Operations Profile packet a diversity plan “to promote equity among minorities, women, veterans, people with disabilities, and people of all gender identities and sexual orientation.”*<sup>2</sup>

<sup>1</sup> 935 CMR 500.101(1)(a)(11); 935 CMR 500.101(2)(b)(10)

<sup>2</sup> 935 CMR 500.101(1)(c)(7)(k); 935 CMR 500.101(2)(e)(8)(k)



## ELEMENTS OF EACH PLAN

Every applicant seeking licensure or must submit the two plans:

1. plan to positively impact areas of disproportionate impact as defined by the Commission; and
2. a diversity plan.

As part of an extensive review of application materials, the Commission will scrutinize each plan separately 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 programs.

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 each 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.

### **PLAN TO POSITIVELY IMPACT AREAS OF DISPROPORTIONATE IMPACT**

Prior to drafting this plan, the applicant must understand who the plan is intended to affect and tailor the goals, programs, and measurements to a specific group. The Commission has identified populations falling within areas of disproportionate impact (the groups a plan is intended to impact) as 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](#). 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.

This plan should only be tailored to positively impact one or more of the groups identified above.





## GOALS (POSITIVE IMPACT PLAN)

Each applicant should establish specific goals to make a positive impact on areas of disproportionate impact, and clearly list and describe these goals in its plan. Some possible goals that could be utilized include the following:

1. Reducing barriers to entry in the commercial adult-use cannabis industry;
2. Providing mentoring, professional, and technical services for individuals and businesses facing systemic barriers;
3. Promoting sustainable, socially and economically reparative practices in the cannabis industry in Massachusetts; and
4. Providing business assets (time, organization skills, finances) towards endeavors in a geographical location designated as a disproportionately impacted area that will have a positive impact on the members of that community or the community as a whole.

## PROGRAMS (POSITIVE IMPACT PLAN)

Each applicant should develop specific programs to effectuate its stated goals to positively affect areas of disproportionate impact, and clearly describe the proposed programs in its plan. Some possible programs that could be implemented include the following:

1. Giving hiring preference to individuals that fall under the Commission's definition of disproportionately impacted areas. If choosing to implement this type of program, the program must affirmatively identify the specific disproportionately impacted area and the intended ways to reach that community for hiring or other purposes;
2. Incubator or accelerator programs that seek to aid start-up companies owned by disproportionately harmed communities, including but not limited to:
  - a. Grants;
  - b. Access and introductions to potential sources of capital;
  - c. Cultivation, manufacturing, or retail space;
  - d. Management training or other forms of industry-specific technical training;
  - e. Mentorship from experts;
  - f. Formation of peer support groups; and
  - g. Other benefits that do not violate the Commission's regulations with respect to limitations on ownership and control.
3. Providing debt and/or equity funding to help businesses founded by individuals previously or currently residing in disproportionately impacted areas with limited net worth and access to traditional sources of capital to 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; which:
  - a. Provide access to capital to those applicants previously or currently residing in communities that have previously been disproportionately harmed by marijuana prohibition who wish to enter the adult-use cannabis industry; and





- b. Allow the individuals receiving the funding assistance to be charged a reasonable interest rate on the equity the individuals contribute.
4. Providing assistance to named non-profits and charities whose missions are improving one of the disproportionately impacted areas. The name and mission of a listed non-profit or charity should be included in the plan. NOTE: Applicants that intend to make a monetary donation to non-profits/charities are advised to obtain written correspondence certifying that the non-profit/charity will accept the donation prior to including it as a component of a Positive Impact Plan;
5. Community “clean-up” initiatives in an area of disproportionate impact;
6. Providing or creating assistance programs for the elderly in disproportionately impacted areas; and
7. Raising and/or donating money to initiatives with goals to improve disproportionately impacted areas.

#### MEASUREMENTS (POSITIVE IMPACT PLAN)

Each applicant must disclose the specific measurement metrics that will be used in measuring the success of its programs. This is important as every licensee, upon renewal, will need to demonstrate that the identified programs in the plan led to measurable success of the licensee’s goals.<sup>3</sup>

This section of the plan should include both qualitative and quantitative measures 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. 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;
2. Number and subject matter of trainings offered and performed, and to whom;
3. Specific financial data and/or employee hours showing donations to or investments in to specific causes;
4. Number of businesses that obtained training or assistance from the programs;
5. Number of businesses or individuals participating in and successfully paired with the employer through the Commission's Social Equity Program; and
6. Number and types of jobs created in the adult-use cannabis industry in geographic areas of disproportionate impact.

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<sup>3</sup> 935 CMR 500.103(4)(a)



## **DIVERSITY PLAN**

Prior to drafting this plan, the applicant must understand who the plan is intended to affect and tailor its goals, programs, and measurements to that demographic. The Commission has specifically stated in its regulations that this plan should promote equity among the following demographics:

1. Minorities;
2. Women;
3. Veterans;
4. People with disabilities; and
5. People of all gender identities and sexual orientations.<sup>4</sup>

### **GOALS (DIVERSITY PLAN)**

Each applicant should establish specific goals to promote equity for the above-listed groups in the operations of the Marijuana Establishment. "Operations of the Marijuana Establishment" means to attract, contract, hire, promote, and retain board members, contractors, executives, employees, managers, and service providers. Please note that this plan should not be tailored to address equality (which may be required under law and is laudable) but to, in fact, promote equity. *Equity is providing everyone with the tools or opportunities they need to be successful and leveling the playing field. Equality is simply treating everyone the same.*

Some possible goals that could be included in this plan include the following:

1. Increasing the number of individuals falling into the above-listed demographics working in the establishment and providing tools to ensure their success;
2. Increasing the number of individuals falling into the above-listed demographics in management and executive positions in the establishment and providing tools to ensure their success;
3. Providing access for and assisting individuals falling into the above-listed demographics to achieve their goal of entering the adult-use marijuana industry; and
4. Increasing the number of businesses owned by individuals falling into the above-listed demographics that can contract or otherwise do business with Marijuana Establishments.

### **PROGRAMS (DIVERSITY PLAN)**

Every applicant should tailor its programs to promoting equity for the identified groups and include them in the operations of its Marijuana Establishment. Strategic planning for diversity is an organization-specific process. Resources are readily available on the topic, as are a variety of consulting services. Examples of some programs that could effectuate the goal of an applicant's diversity plan include the following:

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<sup>4</sup> 935 CMR 500.101(1)(c)(7)(k); 935 CMR 500.101(2)(e)(8)(k)



1. Advertising employment opportunities in diverse publications or other mediums;
2. Advertising employment opportunities tailored to individuals falling into the above-listed demographics with career centers;
3. Distributing internal workplace newsletters that encourage current employees to recommend individuals falling into the above-listed demographics for employment;
4. Creating a promotion process that employs equity principles for current employees;
5. Providing trainings or mentorship programs for individuals falling into the above-listed demographics to promote their entry into the marijuana industry;
6. Providing recruitment meetings or participating in job fairs with a focus on attracting individuals falling into the above-listed demographics; and
7. Establishing relationships with specific organizations that are diversity-focused for the purposes of:
  - a. Networking with their constituencies for employment purposes;
  - b. Providing information on employment opportunities;
  - c. Providing trainings or informational sessions for individuals falling into the above-listed demographics on the marijuana industry.

#### MEASUREMENTS (DIVERSITY PLAN)

Each applicant must disclose the specific measurement metrics to be used in measuring the success of its programs. This is important as every licensee, upon renewal, must demonstrate that the identified programs in the plan led to measurable success of the licensee's goals.<sup>5</sup>

This section of the plan should include both qualitative and quantitative measures 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 the intended measurement metrics. Depending on the stated goals and programs, measurement metrics will vary. Some examples of metrics that could be utilized include the following:

1. Number of individuals from the above-referenced demographic groups who were hired and retained after the issuance of a license;
2. Number of promotions for people falling into the above-listed demographics since initial licensure;
3. Number of positions created since initial licensure;
4. Number of and type of information sessions held or participated in with supporting documentation;
5. Number of postings in diverse publications or general publications with supporting documentation; and
6. Number and subject matter of trainings held and the number of individuals falling into the above-listed demographics in attendance.

<sup>5</sup> 935 CMR 500.103(4)(a)



### **ADDITIONAL REQUIREMENTS PERTAINING TO BOTH PLANS**

Both plans have unique requirements and standards that have been discussed above. In addition to those requirements, both plans 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.

### **GENERAL INFORMATION PERTAINING TO BOTH PLANS**

When drafting each of these plans, every applicant should be mindful of the following information:

1. The plan to positively impact areas of disproportionate impact and the diversity plan are separate and distinct application requirements. One plan deals with improving areas of disproportionate impact (as defined above) and the other plan deals with promoting equity with respect to diversity (of the groups listed above). *These two plans should **not** be blended or submitted as one document or plan.*
2. Applicants may have consented to certain requirements in an executed Host Community Agreement ("HCA") with the municipality where they will be located. Programs or actions taken under each of these plans should be in addition to any HCA agreement conditions or requirements. *In other words, please do not include elements of your plans that also are conditions or requirements of your executed HCA.*
3. Applicants should endeavor to disclose only the information necessary to comply with the requirements of the plans. *These two plans should be no longer than three pages each. Applicants may have appendices; however, this is discouraged.*
4. Progress on these plans will be evaluated upon license renewal. Please ensure that the plans submitted as part of the application are practical and ones that the applicant plans to implement and achieve success. It is recommended that the applicant institute a process to evaluate its plans' progress 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.

