



October 13, 2020

Massachusetts Cannabis Control Commission
ATTN: Director of Constituent Services
2 Washington Square
Worcester, MA 01604

Re: Wholesale & Warehousing Delivery License (WDL) Regulation proposal and the danger it possess to the industry

Chair Hoffman, Commissioner Flanagan, Commissioner McBride, Commissioner Title, and Executive Director Collins,

I am writing this letter to express my great concern regarding the newly proposed regulations as it pertains to the Wholesale Delivery License (WDL). Very simply put, the current proposed regulations will not achieve the goal that you hope to achieve but rather will result in a few operators controlling the entire industry. The WDL proposal will not achieve the goal of allowing many minority and small business owners to participate successfully in the Massachusetts cannabis industry.

Below are the concerns and suggestions that I hope all of you take very seriously when voting on these newly proposed delivery regulations.

Concerns & Issues as they pertain to the WDL are:

1. The single driving force for the Commission to introduce the WDL is to increase opportunities for Economic Empowerment, Social Equity and other minority business owners to participate in the cannabis industry. Over the course of the last two years the industry has learned that the single greatest barrier to entry that prevents many to participate is driven by one single factor, access to capital. What drives the need for access to capital is the dependence on real estate in order to operate a business. Unlike the previous delivery proposal, the WDL requires operators to secure property. This is a tremendous added cost which does not decrease the barrier to entry. The WDL does not address the CCC goal because it does not fix the issue at heart, the need for capital resources. Setting up the warehouse, the logistics and sales channels along with wholesale purchasing would be as costly if not more costly when compared to starting a retail. A WDL license will require upwards of \$1,000,000 to get operational.
2. The second great concern about the WDL regulations are the fact that it is not set up to limit the scale of the business. License limitations are a key component of the state statute. Without license limitation, the opportunity for large operators to take control of the market becomes very likely. No limitations on licensing scale will result in a few operators and a winner take all industry. Current regulations would allow for a company to emerge to become the amazon, FreshDirect, Drizzle etc. of the cannabis industry and eliminate most retail dispensaries across the Commonwealth. The current suggested regulations will open a pandora's box for a few companies to operator major warehouses and thousands of delivery vehicles.
3. The WDL regulations create an unlevel playing field for stand-alone "mom and pop" brick-and-mortar retailer owners. This group of business owners are threatened by big delivery operators to dominate without the ability to participate and survive.

4. A lack of municipal involvement and inclusion will result in a significant reduction in local investment and an increase in security challenges for Municipalities because WDL operators will flock to a few towns that have a simple local approval process.

Our Suggestions to creating a successful, inclusive industry which allows for delivery to be successful and not detrimental are:

1. Improve the courier model as originally proposed and exclusivity for Economic Empowerment, Social Equity and minority business owners for three years. Unlike the WDL model of licensing, the LDL model creates low barriers to entry and the opportunities for many equity applicants to create businesses. Improving the LDL license should include setting a profit share standard, for example, a 20% of delivery order revenue.
2. Limit the number of vehicles for the delivery license similarly like all other licenses are limited. Our suggestion would be no more than three vehicles and 1000 sq ft warehouse for WDL or six vehicles for LDL.
3. Impose regulations to prevent large software, tech-enabled operators to position themselves to take control of the entire market. The CCC should limit equity and or ownership stakes of Third-party Tech platforms may have with licensees in both licensing/operating agreements and investments for all delivery models. Fostering an equitable delivery space through limiting the control of Third-Party tech platforms is the single most crucial mechanism that the CCC can utilize to prevent the Amazon-ification of the Massachusetts cannabis market – or the promotion of a handful of licensees and tech platforms at the costs of the other perspective operators.

As a stand-alone retailer, who is not vertically integrated from seed to sale, and someone who grew up in Worcester and has dedicated the past 4.5 years to this industry, I urge the commission to vote against the newly proposed delivery regulations. I ask that you do not act quickly on this without understanding the consequences. We must work together to create an industry that continues to grow in inclusion without being destructive to the current industry. The WDL regulations that have been proposed will not achieve the goal and will result in tremendous damage to the industry, especially small business owners like myself who only have retail.

Your bud,



Alexander Mazin

President/CEO

Bud's Goods & Provisions

774-239-2200

budsgoods.com



Comprehensive Draft Regulation Changes Requests

October 6, 2020

To the Massachusetts Cannabis Control Commission: Chairman Hoffman, Commissioner McBride, Commissioner Flanagan, and Commissioner Title,

We applaud the Commission for creating an environment where Equity and other smaller cannabis businesses can succeed and thrive. The more diverse the industry, the healthier it will be for consumers and municipalities. We think the following revisions further enhance the Commission's excellent achievements in these goals of fairness and inclusion.

This document, outlining our requests for improvement to the currently proposed Draft Regulations, is divided into three sections:

- Executive Summary
- Reasons Why
- Draft Regulation text revisions

Executive Summary

In the interest of the CCC fulfilling its mandate for equity and creating a level playing field for those licensed, the Massachusetts Cannabis Association for Delivery requests three major changes, two minor changes, and that the groundbreaking improvements the Commission made on August 28th are retained through the final approval of these regulations.

The three major change requests are:

1. **Repackaging Equality**

Add the ability for [wholesale] Delivery Operators to repackaging marijuana and marijuana products purchased from cultivators, manufacturers and other Marijuana Establishments as is allowed for Marijuana Retailers. **This will create a level playing field for Delivery Operators when purchasing Cannabis.**

2. **One Driver**

Eliminate the requirement for Delivery Operators and Couriers to have two employees in the vehicle during operations. **This will further the Commission's aim to keep start-up costs low, reduce ongoing operating expenses, and increase the ability for Independent Retailers to effectively partner with Marijuana Couriers, while maintaining safety.**

3. **Prioritize Exclusivity**

Open the application portal for Delivery Operator Licenses by Q1 of 2021. We also request that the 3-year Exclusivity window starts at the commence operation date of the first [Wholesale] Delivery Operators. **This will, at least, allow Delivery Operators to not lose time in their exclusivity window due to Marijuana Couriers commencing operations first.**

The two minor change requests are:

1. **Clear & Concise License Names**

Change the names “Wholesale Delivery Licensee” and “Limited Delivery Licensee” to Marijuana Delivery Operator and Marijuana Courier, respectively. The word “Wholesale” in this context only creates confusion. After all, we don’t refer to Retailers as “Wholesale Retailers.” The word “Limited” does not clarify anything in regards to its license type. The word “Licensee” (or “License”) does not appear in any other license type. **Providing straightforward and concise names to the license types will create clarity for busy municipal officials and other stakeholders as to what licensees are proposing to do in their cities and towns.**

2. **Ownership Limitations**

Prevent 3rd party technology platforms from having ownership of more than 3 delivery operators, defining ownership as .01% or greater instead of the current 10% threshold just for these 3rd Party Platforms, which should be considered special cases. **This will prevent an Amazon type of entity from taking over the delivery market through anti-competitive practices.**

We also support retaining the following elements of the existing draft regulations:

1. **Purchase at Wholesale & Normal Storage:** Creation of delivery license with the ability to store products, just as Retailers do.
2. **Extended Exclusivity:** The extension of the exclusivity period from two to three years.
3. The classification that Delivery companies are not retailers on the municipal level.
4. The ability for delivery companies to white-label.

Reasons Why

Repackaging Equality

The new draft regulations explicitly allow Retailers to repackage, and explicitly prohibit Delivery Operators from Repackaging.

Allowing Retailers to repackage bulk flower, but banning Delivery Operators from doing the same, is fundamentally inequitable and puts those Delivery Operators at a competitive disadvantage that poses a serious threat to the viability of the license type for several reasons.

Cultivators can exploit the discrepancy between bulk sales and pre-packaged sales, as a means to only offer pre-packaged flower to Delivery Operators at uncompetitive prices compared to the bulk flower pricing offered to Retailers. That is to say, they may only offer pre-packaged flower to Delivery Operators at a price that far exceeds their actual cost to

package the flower. Cultivators may also opt-out of selling to delivery operators due to the additional costs associated with serving this group compared to retail (mainly because there is currently such high demand, therefore they really don't need to).

The Commission has rightfully pointed out that in a vibrant, healthy, and diverse market, the cost to pre-package should be a reasonable one. However, the current market conditions that prospective Delivery Operators will attempt to launch in, is one in which supply is quite limited. This opens the door to cultivators developing pricing schemes between bulk and pre-packaged flower that make obtaining the already-limited supply of quality flower needlessly difficult, and in the worst case, unfairly restrictive, for Delivery Operators.

Ultimately, the decision for a business to buy flower in bulk form versus pre-packaged should be an **option** to the business operator based on their specific business needs, not mandated in such a way that Delivery Operators may be faced with product unavailability and prices that could significantly harm their opportunity to conduct business on a level playing field.

The Commission can solve these potential inequality barriers quite simply and easily in the draft regulations, while ensuring its safety and compliance goals are met. This is accomplished by allowing Delivery Operators to Repackage, but require that such repackaging be done within their secure facility, prior to loading the vehicle for delivery. If for any reason that Commissioner feels they are unable to fulfill our request to have the option to repackage at the Delivery Operators secured, filmed and compliance facility, we request that the Commission Body reestablish equity by rendering the same requirement for repackaging on to the Brick-and-Mortar Retailers. By having repackaging equality between both the Delivery Operator and Brick-and-Mortar Retailer will help to eliminate many of the competitive disadvantages discussed.

One Driver

Having a second employee in the vehicle creates greater expense and lowers the probability of business viability for Delivery Operators and eliminates this possibility for Marijuana Couriers.

Having one driver will allow Delivery Operators to eliminate the burden of wages for two employees per sale, and puts them in a better position to offer greater wage and benefits for one vehicle employee.

Currently, Delivery Operators are mandated to have:

1. Body cameras on both employees to record all deliveries
 1. Video records are kept for 30 days & available to law enforcement.
2. 2 employees per vehicle.
3. Off site dispatch required to check in with vehicles every 30 minutes.
4. A GPS tracker that is attached to the vehicle & monitored by dispatch.
5. Security cameras required:
 1. In the product storage area of the vehicle & driver area.
6. Secured storage area for cash & product that is attached to the vehicle.
7. All Drivers/Operators must complete Responsible Vendor Training Core Curriculum & Delivery Core Curriculum .
8. Yearly security system audits at owner's expense by a Commission approved security vendor.
9. Pre-Verification Process for every new customer

Massachusetts is the only State to implement many of these strict safety measures.

Lowering, the drive requirement from two to one will also have a negligible impact on safety. In more mature markets, less stringent security requirements are in place with negligible impact on safety:

| State | Notes |
|----------------------------|--|
| California | 1 Driver - Less Stringent Security Requirements |
| Colorado | 1 Driver - Less Stringent Security Requirements |
| Massachusetts | 2 Drivers - Strictest Security Requirements |
| Michigan | 1 Driver - Less Stringent Security Requirements |
| Nevada | 1 Driver Less Stringent Security Requirements |
| Oregon | 1 Driver - Less Stringent Security Requirements |

Marijuana is being safely transported in MA & other states with a 99.99%+ safety rate.

- Since Dec 2018, Plymouth Amour Group has transported 400M+ in cash in MA with **ZERO incidents (100% Safety Rate)**
- Since Jan 2019, Plymouth Amour Group has transported 4+ Tons of Wholesale Cannabis in MA with **ZERO incidents (100% Safety Rate)**
- Since Jan 2018, an anonymous medical delivery provider has completed 4,500+ medical deliveries with **ZERO incidents (100% Safety Rate)**
- Since 2018, an anonymous delivery provider in CA has completed 40,000+ deliveries, and saw only 3 incidents, **99.99% delivery Safety Rate.**
- Since 2015, Blackbird has completed 100K+ Deliveries in Metropolitan areas like Vegas, LA, San Francisco, and Reno, and saw only 2 incidents, **99.99% delivery Safety Rate**

Our conclusion is that Marijuana can be transported safely with one driver. If the reduction from two to one driver does not occur:

- The courier license will continue to not be viable.
- The black market will continue to thrive as consumers will not have an affordable alternative.
- The CCC social equity goals will not be met.

We hope the commission strongly considers this request.

[View the full 1 driver presentation here](#)

Exclusivity Prioritization

If the Exclusivity Period begins with Marijuana Couriers, the market impact is to reduce the effective time in the Exclusivity Period that Delivery Operators will be able to take advantage of.

It is imperative that the exclusivity period starts with the opening of the first Marijuana Courier and resets with the opening of the first Delivery Operator if there is a difference in this timing. This desire for this to not happen is yet another attempt by retailers not to relinquish their market share. They are ok with additional retail competition coming into the market but will not stand for SE run delivery companies taking any of this monopolistic market share. At first glance it would seem that attempts to prolong the roll out of [Wholesale] Delivery Operators is to garner an advantage for Marijuana Couriers but a Marijuana Courier will have customers Day 1 due to the customers the retailer already has. Delivery Operators, on the other hand, are charged with having to pull and/or produce customers organically as they will be starting from zero. This fact alone shows that the true advantage behind the promoted advantage is to get the large retailers into the delivery game before any Delivery Operators so that they can secure their “Walmart” position, strengthen it and make the market that much more difficult for Delivery Operators under the guise of equity.

Clear and Concise License Names

Delivery is the only type of Marijuana Establishment that has the word “Licensee” officially attached to its name. No other type has such nomenclature. For instance, the Commission does not refer to retailers as Retail Licensees, growers as Cultivation Licensees, nor Researchers as Research Licensees

What’s in a name? Naming can be extremely important. Harried municipal officials have limited time and attention for new marijuana matters crossing their desks. They often have knee-jerk reactions to marijuana issues, and first impressions count. They do not have time nor resources to be educated on every nuance of regulations as the Commission creates them. Likewise, their constituents are not aware of the subtleties and history of Commission regulations, and municipal officials need to communicate these matters quickly and easily with their varied stakeholders.

We do not want to see the Commission’s excellent work to enable equity opportunities for these license types undermined because municipal officials misconstrue the meaning of “Limited Delivery License” and “Wholesale Delivery License”.

This is why we request that the “wholesale delivery license” and “Limited Delivery License” change to Marijuana Delivery Operator and Marijuana Courier respectively. **This will create clarity among busy municipal officials and other stakeholders as to what applicants propose to do in their cities and towns.**

Ownership Limitations

It is also important to limit the equity holdings of third party technology platforms. These platforms are to facilitate the advertising and promotion of various Delivery Operators, Marijuana Couriers, and Retail Brick and Mortar establishments. They do this, usually, through fee structures for different levels of promotion. Any equity position one of these platforms takes in a Delivery Operator, Marijuana Courier or anyone else on their platform poses an

automatic conflict of interest. These platforms are in a unique position to dramatically increase the probability of an Amazon-like entity arising as they should purely be offering free advertising.

Example Draft Regulation language

Sample Draft Language for the three major items and two minor items:

Repackaging Equality

935 CMR 500.002 Definitions [Note: this revision is designed to provide equality in the definition of the Marijuana Delivery Operator as compared to Marijuana Retailer.]

Marijuana ~~Wholesale~~ Delivery ~~License Operator~~ or ~~Wholesale~~ Delivery ~~License Operator~~ means an entity ~~authorized licensed~~ to ~~Wholesale and Warehouse Finished~~ purchase, Repackage, and transport Marijuana or Marijuana Products ~~acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, from Marijuana~~ Establishments and sell and deliver ~~Finished~~ Marijuana and Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers. A Marijuana ~~Wholesale~~ Delivery ~~License Operator~~ shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: Definitions or 935 CMR 500.050: Marijuana Establishments and shall be subject to 935 CMR 500.050 (1)(b): Control Limitations.

935 CMR 500.050 Marijuana Establishments

(11) Marijuana ~~Wholesale~~ Delivery ~~Licensee Operator~~

~~(b)(a) A Marijuana Wholesale Delivery License Operator may Wholesale and Warehouse Finished purchase, Repackage, and transport Marijuana or Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, from Marijuana Establishments and sell and deliver Finished Marijuana and Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers. A Marijuana Wholesale Delivery License Operator may be an Owner of or have a controlling interest in a Cultivation, Product Manufacturing, Social Consumption Establishment, Research, Transportation or Retail license, subject to the limitations stated in 935 CMR 500.050(11)(e).~~

One Driver

935 CMR 500.145 Additional Operational Requirements for Delivery of Marijuana, and Marijuana Products, Marijuana Accessories, and Marijuana Establishment Branded Goods to Consumers and as Permitted, to Patients or Caregivers.

(6) Vehicle and Transport Requirements for Home Delivery.

~~(e) A Delivery only Delivery Licensee or a Marijuana Establishment with a Delivery Endorsements transporting Marijuana and Marijuana Products for home delivery shall ensure that all vehicles used for deliveries are staffed with a minimum of two Marijuana Establishment Agents. At least one Marijuana Establishment Agent shall remain with the vehicle at all times that the vehicle contains Marijuana or Marijuana Products.~~

Prioritize Exclusivity (i.e. Exclusivity period for both delivery license types is measured solely via Commence Operations of the first (wholesale) Delivery Operator)

500.050: Marijuana Establishments

(10) ~~Delivery-only~~Limited-Delivery-Licensees Marijuana Courier.

(a)(b) A ~~Delivery-only~~Limited-Delivery-Licensees Marijuana Courier shall be limited on an exclusive basis to businesses controlled by and with majority ownership comprised of Economic Empowerment Priority Applicants or Social Equity Program Participants for a period of 36~~24~~ months from the date the first ~~Delivery-only~~ Delivery License Operator receives a notice to commence operations, provided, however, that the Commission may vote ~~to expand eligibility for a Delivery License during the exclusivity period pursuant to 935-CMR-500.050(10)(b)4 to decide~~ to extend that period following a determination that the goal of the exclusivity period to promote and encourage full participation in the regulated Marijuana industry by people from communities that have previously been disproportionately harmed by Marijuana prohibition and enforcement of the law has not been met.

*[The following subsection of 500.050 (10) can be entirely omitted since the exclusivity period for **Marijuana Couriers** begins with the first **Delivery Operator** commencing operations. Therefore this language, which is now also found in 500.050 (11), rightfully belongs there and need not be included in the Courier (10) subsection.]*

~~1. The Commission shall develop criteria for evaluating whether the goals of the exclusivity period are met, which shall include, but not be limited to:-~~

- ~~a. Overall rates of participation in the regulated marijuana industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement of the law;~~
- ~~b. Overall rates of participation in the regulated Marijuana industry by people of color, particularly Black, African American, Latinx, Asian/Pacific American, and Indigenous people;~~
- ~~c. Licenses granted to businesses with majority ownership comprised of Economic Empowerment Priority Applicants and Social Equity Program Participants;~~
- ~~d. Number of registered agents who are Social Equity Program Participants;~~
- ~~e. Number of Delivery-only Delivery Licensees in operation and business performance relative to other Marijuana Establishments;~~
- ~~f. Financial feasibility of continued participation in the regulated Marijuana industry by communities that have previously been disproportionately harmed by Marijuana prohibition and enforcement of the law if exclusivity period ends; and~~
- ~~g. Any other information the Commission determines relevant.~~

~~2. The Commission shall collect and report on data measuring the criteria throughout the exclusivity period. The Commission shall begin evaluating whether the goals of the exclusivity period have been met at least eight months before the end of the 3624-month period to provide adequate time to consider whether an extension of the 3624-month period is necessary prior to the conclusion of that time period.~~

~~3. The licenses shall generally be available to applicants after the 3624-month period unless the Commissioners affirmatively votes to extend the period of exclusivity by a period of 12 months after the first 3624-month period. Any subsequent extension of the exclusivity period would require the Commission affirmatively to find that the goals and objectives of the exclusivity period set forth in 935-CMR-500.050(10)(b)1. have not been met.~~

~~4. If data collected by the Commission demonstrates progress toward the goals and objectives of the exclusivity period as set forth in 935 CMR 500.050(10)(b)1. and that demand for consumer delivery is likely to exceed the supply that could be provided by businesses that meet the exclusivity requirements during the exclusivity period, the Commission may vote during the exclusivity period to allow the following additional businesses to own Marijuana Delivery Licenses:-~~

~~a. Worker-owned cooperatives organized to operate consistently with the Seven Cooperative Principles established by the International Cooperative Alliance in 1995; or a.~~

~~b. Massachusetts Minority Business Enterprises (MBE), Women Business Enterprises (WBE), and Veteran Business Enterprises (VBE) with valid certification from the Massachusetts Operational Services Division's SDO.~~

Simple, clear names - Marijuana Delivery Operator and Marijuana Courier

Substitute **Marijuana Courier** everywhere that the regulations currently say Marijuana Limited Delivery Licensee.

Substitute **Courier** everywhere that the regulations currently say Limited Delivery Licensee. (Approximately 53 instances for the above two instructions.)

Substitute **Marijuana Delivery Operator** everywhere that the regulations currently say Marijuana Wholesale Delivery License (or Licensee).

Substitute **Delivery Operator** everywhere that the regulations currently say Wholesale Delivery Licensee.

(Approximately 122 instances for the above two instructions.)

Ownership Limitations

935 CMR 500.050: Marijuana Establishments

(1) General Requirements

(b) Control Limitations

~~(6) Third Party Technology companies may not have any ownership interest in Marijuana Delivery Operators. Third Party Technology companies may not have any ownership interest in Marijuana Couriers.~~

Superfluous

The following section of 500.050 (11) is superfluous, as it is entirely already encompassed within the 500.110 Security Requirements regulations which apply to all Marijuana Establishments. It is confusing to introduce the idea of a warehouse into the regulations solely when it comes to Delivery Operators, when the equivalent language doesn't exist for Retailers (We don't talk about Retailers needing a warehouse separately from the security regulations for all MEs, why would the Commission carve out this terminology in reference to Delivery Operators?). If the Commission feels such a sentence is needed for Delivery Operators, then likewise the equivalent sentence should be added to Retailers. We have no basis for the expectation that secure storage for Delivery Operators differs from secure storage requirements for Retailers.

~~(b) A Marijuana Wholesale Delivery Licensee shall operate a warehouse for the purpose of storing Finished Marijuana Products.~~

We thank the Commission for the excellent work it has done in furtherance of creating a fair and equitable cannabis industry in the Commonwealth, and we are convinced the changes we propose here will only further enhance those first-of-their-kind equity provisions that make the Commission a shining beacon of fairness, safety, and equity to the Commonwealth's citizens.

Signed on behalf of Massachusetts Cannabis Association for Delivery (MCAD), www.masscad.org:

Christopher Fevry, Quincy MA, chris@yourgreenpackage.com, Delivery Applicant & President

Devin Alexander, Quincy MA, d.alexander1993@gmail.com, Social Equity, 1st cohort & Vice President

Nike John, Boston MA, 617heritage@gmail.com, Delivery Applicant & Events Coordinator

David Hinton, dhinton.us@gmail.com, Delivery Applicant & Social Media Manager

Morriss Partee, Holyoke MA, morriss@emerald-driver.com, Social Equity, 2nd cohort & Advisor

Aaron Goines, Abington MA,

agoines@theemerald-turtle.com, Social Equity applicant & Advisor

Janelle Goines, Abington MA,

jgoines@theemerald-turtle.com, Social Equity, 1st cohort & Advisor

Grant Smith, Cambridge MA,

ellisgr2@gmail.com, Medical cannabis patient & Advisor

Good Afternoon Commissioner McBride, Flanagan, Title, and Chairman Hoffman,

Thank you for all of your work during this public comment period. It's great to see how open the commissioners are to hearing the voices of the community.

In an effort to find a middle ground between profitability and safety we wanted to share a proposal that has quickly gathered support among the community to reduce the driver minimum.

What we're proposing:

A provision is added to the regulations that would allow delivery companies to qualify for a waiver to utilize one driver if they meet the following requirements:

1. Delivery Operators have installed a panic button in their vehicles.
2. Delivery Operators have equipped their drivers with a Commission approved remote 3rd party panic button.

We believe this provision creates an additional level of safety for drivers and accomplishes the goal of improving the viability of the delivery licenses in the space. The importance of improving the viability of the license while maintaining safety is paramount to the success of the social equity program.

The people that have signed this letter represent current & future delivery applicants, independent & vertically integrated dispensaries, state legislators, cultivators, tech platforms, non-profit organizations, and social equity & economic empowerment applicants. This is an issue that unites the entire community and we strongly urge the commission to improve the viability of the license with this proposal.

Thank you for your time & consideration.

Signed,

Christopher Fevry - President of the Massachusetts Cannabis Association for Delivery & Co-Founder of Your Green Package - info@masscad.org

Janelle Goines - Advisor to the Massachusetts Cannabis Association for Delivery - Co-Founder & COO of The Emerald Turtle - jgoines@theemeraldturtle.com

Aaron Goines - Advisor to the Massachusetts Cannabis Association for Delivery - Co-Founder & CEO of The Emerald Turtle - agoines@theemeraldturtle.com

Devin Alexander - Vice President of the Massachusetts Cannabis Association for Delivery - Co-Founder & CEO of Rolling Releaf - Devin.A@RollingReleaf.org

Nike John - Events Coordinator with the Massachusetts Cannabis Association for Delivery & Co-Founder of The Heritage Club, Social Equity Graduate April 2020 - 617heritage@gmail.com

David Hinton - Social Media Manager for the Massachusetts Cannabis Association for Delivery
dhinton.us@gmail.com

Morriss Partee - Advisor to the Massachusetts Cannabis Association for Delivery - Social Equity program member, 2nd cohort & Founder, Emerald River LLC - morriss@EmeraldRiver.com

Darius Monteiro - SE applicant, member of the Massachusetts Cannabis Association for Delivery, delivery applicant - dariusmonteiro@gmail.com

Gina L. Calitri - member of the Massachusetts Cannabis Association for Delivery, delivery applicant - ginacalitri@gmail.com

Chandra L. Batra - MassCann (member) - chandra.batra@gmail.com

Ruben Seyde - CEO and Co-Founder of Delivered Inc - ruben@deliveredinc.co

Philip Smith - Co-Founder & Chairman of Freshly Baked Company -
Philip@freshlybakedcompany.com

Shanel A. Lindsay - Equitable Opportunities Now, Massachusetts Cannabis Advisory Board -
shanel@masseon.com

Peter C. Bernard - Executive Director at MassSense/MGAC - peter@massgrower.org

Rep. Maria Robinson - House of Representatives, 6th Middlesex -
maria.robinson@mahouse.gov

Noni Goldman - President, Four Trees Management, Chairwoman NCIA Cultivation Committee, Educator for Social Equity program - noni@fourtreesma.com

Abigail Schnibbe - Chief Operating Officer, Plymouth Armor Group, Founder and President Massachusetts Association of Cannabis Transportation (MACT) -
abigail@plymoutharmorgroup.com

Lourdarry Pauyo, Co-Founder of Your Green Package,
Dharry@yourgreenpackage.com

Kobie Evans - Co-Owner Pure Oasis kobie@mypureoasis.com

Caroline Frankel-Owner & CEO Caroline's Cannabis, LLC
caroline@carolinescannabis.com

Benjamin Virga, Operations @ Frozen 4 Corp, bvirga@frozen4llc.com

Victor Juri, CEO Stalk & Beans, Inc
Vjuri@stalkandbeans.com

Frank Dailey, owner, Boston Bud Factory, Holyoke MA
frank.dailey@bostonbudfactory.com

Derrell Black, Chapter President of Minorities for Medical Marijuana
Derrellblack27@gmail.com

Marion McNabb, DrPH, MPH, President, Cannabis Center of Excellence, INC
marion@cannacenterofexcellence.org

Tamika Samson, M. Ed, Owner KushKart, LLC, contact.kushkart@gmail.com

Roz McCarthy, Founder & CEO, Minorities For Medical Marijuana (M4MM),
Roz@m4mmunited@gmail.com

Jasmine Edo, Owner, ProntoRX, jasmine.edo@gmail.com

Blake M. Mensing, Esq., Founder & Chief Counsel, The Mensing Group LLC, President, Coyote Cannabis Corporation, Co-Owner, Holyoke 420 LLC d/b/a Holyoke Cannabis, Chief Strategy Officer, Healing Calyx LLC, Co-Owner, Strain LLC, Co-Owner, H&H Cultivation LLC, Chief Counsel, Squared Holdings LLC, Counsel, Hoban Law Group
Blake@MensingGroup.com

TaShonda Vincent-Lee, Co-founder & Director of Community Outreach, ELEVATE Northeast
team@elevatene.com

Stephen M Werther, President / CEO Alternative Compassion Services, Inc.
swerther@acscompassion.com

Mackenzie Ferguson, President / Co-founder, Verda Innovations Inc.
mackenzie@verda.ca

Lindsay Sabadosa, State Representative, 1st Hampshire District, info@lindsaysabadosa.com

Derek A. Gould - Director of Marketing and Communications of Solar Therapeutics
Dgould@solarthera.com

Saskia VannJames, Lobbyist & Board Member
Massachusetts Recreational Consumer Council
Saskia@massreccouncil.com

Beth Waterfall

Executive Director, ELEVATE Northeast Events and Education, Inc.

beth@bethwaterfall.com

Chad Strand Co-founder /VP Delivery and Distribution - Blackbird Logistics

chad@myblackbird.com

Matt Giancola

From: Christopher Fevry <chris@yourgreenpackage.com>
Sent: Thursday, October 15, 2020 4:59 PM
To: Cannabis Control Commission; Shaleen Title; Steven Hoffman; Britte McBride; Jennifer Flanagan
Cc: Nike John; Aaron Goines; Devin Alexander; dhinton.us@gmail.com; Janelle Goines; ellisgr2@gmail.com; Morriss Partee
Subject: MCAD Reiteration on Opposition to Caps & Delays to WDL

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

Good Afternoon Commissioner McBride, Flanagan, Title, and Chairman Hoffman,

MCAD would like to reiterate it's official position of opposition against **any type of vehicle tier system, cap structure or any regulation that would limit WDL and LDL** on the number of vehicles they can have.

This would unjustly limit SE/EE revenue potential when brick and mortar have no such revenue limitations on the number of customers they can see each day.

Additionally, delivery is already limited geographically so there is no need for a cap.

MCAD



TOWN OF MILLIS

James J. McCaffrey, Chair
Peter C. Jurmain, Vice Chair
Erin T. Underhill, Clerk

OFFICE OF THE SELECT BOARD AND TOWN ADMINISTRATOR

Veterans Memorial Building
900 Main Street • Millis, MA 02054

Phone: 508-376-7040

Fax: 508-376-7053

Michael Guzinski
Town Administrator
mguzinski@millisma.gov

Karen M. Bouret
Operations Support Manager
kbouret@millisma.gov

October 13, 2020

Massachusetts Cannabis Control Commission Union Station
2 Washington Square
Worcester, MA 01604

Re: CCC Proposed Regulations Marijuana Delivery

Dear Commissioners and Executive Director Collins:

On behalf of the Select Board for the Town of Millis, I write to request that the Commission refrain from approving the recent regulations pertaining to Marijuana Delivery in the Commonwealth. Alternatively, the Board requests that this Commission consider a state-wide moratorium on the roll-out of this extension until June 30, 2021.

To be clear, the purpose of this letter is not to express concern with marijuana delivery itself, instead the Board's goal is to educate the Commission as to the local constraints faced by all towns in the Commonwealth, including the Town of Millis, in developing, enacting and implementing the necessary regulatory framework. The Town of Millis spent considerable time and effort in crafting its current regulatory framework which yielded two significant and beneficial results: (1) the introduction of new industry to the Town which furthered economic development by generating local revenue through local taxes without offset by the attendant impacts through host community impact payments; and (2) protecting the health, safety and welfare of our residents. The critical components to achieving these goals were time and effort.

As you may be aware, to enact either general or zoning bylaws, in addition to the development, drafting and publicly vetting those bylaws, towns must obtain the approval of their Town Meetings. Generally, Town Meetings occur in the spring and fall. At this juncture, there is insufficient time to present a comprehensive bylaw to a fall Town Meeting. Consequently, the earliest time to address this issue would be Spring, 2021. Following Town Meeting approval, towns must also obtain approval from the Attorney General. For these reasons, we are seeking a delay in this roll-out, whether it be through a delay in the approval of the proposed regulations or a state-wide moratorium on this extension of the industry.

The Town of Millis acknowledges that it simply could chose not to welcome this extension of the industry while it worked to modify its regulatory process, but that type of local decision would

likely result in a missed opportunity for the Town. Cities, for example, are better equipped to quickly adopt local legislation as cities are not constrained by the timeframes of Town Meeting. Therefore, this is a request to even the playing field.

We were lucky to have worked with a wonderful business as it launched its enterprise in Millis, and we hope to attract a similar partner for this new venture. We further thank the Commission for its untiring work to foster the growth of this industry, but implore the Commission consider our request for time so that we can be as thoughtful in our approach to delivery as was afforded to retail, cultivation and manufacture.

Very truly yours,


James McCaffrey, Chair
Millis Select Board

cc: Millis Select Board

Matt Giancola

From: McLaughlin, Beth D (DPH) <beth.d.mclaughlin@state.ma.us>
Sent: Tuesday, October 13, 2020 11:44 AM
To: Cannabis Control Commission
Cc: Baily, Christine (CNB); Erika Scibelli
Subject: Draft Delivery Regulations

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning,

Please see DPH's comments regarding amendments related to Delivery of Marijuana:

The requirements for both retail (§ 500.140(6)(g), page 52) and delivery (§ 500.145(5), page 62) state that marijuana retailers need to make educational materials available for consumers, including "*Facts regarding substance abuse signs and symptoms, as well as referral information for substance abuse treatment programs.*"

DPH suggest the following revision for both of these sections:

Facts regarding substance ~~abuse~~ use disorder signs and symptoms, ~~as well as~~ referral information for substance ~~abuse~~ use disorder treatment programs, and the telephone number for the Massachusetts Substance Use Helpline.

Please feel free to contact me with any questions.

Beth D. McLaughlin
Sr. Deputy General Counsel
Massachusetts Department of Public Health
250 Washington Street 2nd Fl.
Boston MA 02108
Phone: 617.624.5210

Matt Giancola

From: Marion McNabb <marion@cannacenterofexcellence.org>
Sent: Friday, October 9, 2020 12:52 PM
To: Cannabis Control Commission; info@masscad.org
Subject: Draft Delivery Regulations Public Comment

Categories: Tracked To Dynamics 365

Hi Cannabis Control Commission,

Full Name: Dr. Marion McNabb
City: Chelsea
State: Massachusetts

I'm emailing to comment on the 935 CMR 500.000: Adult Use of Marijuana draft regulations.

I'd like to see that these regulations also include a few important points that will allow the for an equitable cannabis delivery market to be created.

Main Changes:

Repackaging Equality

Add the ability for [wholesale] Delivery Operators to repackaging marijuana and marijuana products purchased from cultivators, manufacturers and other Marijuana Establishments as is allowed for Marijuana Retailers. This will create a level playing field for Delivery Operators when purchasing cannabis.

One Driver

Eliminate the requirement for Delivery Operators and Couriers to have two people in the vehicle during operations. Allowing only one driver will further the commission's aim to keep start-up costs low, increase the ability for independent Retailers to effectively partner with Marijuana Couriers, and maintain safety.

You can view more in this 2 to 1 driver safety presentation:

<https://docs.google.com/presentation/d/1pdIRX8A8oDjLCzDSliiazGOjJICrzENdX7kBpOK3Yo/edit?usp=sharing>

Prioritize Exclusivity

Open the application portal for Delivery Operator Licenses by Q1 of 2021. We also request that the 3-year Exclusivity window starts at the commence operation date of the first [wholesale] Delivery Operators. This will allow [wholesale] Delivery Operators to not lose time in their exclusivity window due to Marijuana Couriers commencing operations first.

Minor Changes:

Clear & Concise License Names

Change the name of the "Wholesale Delivery Licensee" and "Limited Delivery Licensee" to Marijuana Delivery Operator and Marijuana Courier respectively. The word "wholesale" in this context only creates confusion. The word "Limited" does not clarify anything in regards to its license type. The word "Licensee" (nor "License") does not appear in any other license type. Providing straightforward and concise names to the license types will create clarity for busy municipal officials and other stakeholders as to what delivery companies are proposing to do in their cities and towns.

Ownership Limitations

Ban 3rd party tech platforms from owning any portion of a delivery company. This will prevent an Amazon type of entity from taking over the delivery market.

We also support maintaining the following elements of the existing draft regulations:

Creation of a wholesale delivery license with the ability to store products overnight

The extension of the exclusivity period.

The classification that delivery companies are not defined as retailers.

Ability for delivery companies to white-label.

Thank you!



Date: October 15, 2020

Submitted Via E-Mail

Cannabis Control Commission
Union Station,
2 Washington Square,
Worcester, MA 01604
commission@ccmass.com

Re: Public Comments Regarding Changes Made to the Regulations Pertaining to Delivery Licenses Set Forth in 935 CMR 500.000: Adult Use of Marijuana

Dear Commissioners McBride, Flanagan, Title, and Chairman Hoffman,

Thank you for your continued efforts and commitment to equity and inclusion in the promulgation of reasonable regulations relating to Massachusetts's burgeoning cannabis industry. Your commitment and willingness to change course on behalf of the Commonwealth and its people in the name of equity and inclusion is on full display, not only in your shown ability to listen to community, but your willingness to explore and ultimately promulgate substantive regulations aimed at achieving these policy objectives.

For the reasons outlined further below and in the name of equity and inclusion we humbly submit, for the Commission's consideration, the following two (2) comments pertaining to delivery licenses as set forth in 935 CMR 500.000: Adult Use of Marijuana:

1. We recommend that the Commission adopt either (i) a six (6) month moratorium, from the time these new rules are approved, on the issuance of any final cannabis delivery licenses for adult recreational use or (ii) something substantially similar. For the avoidance of doubt, any such moratorium or similar action should include apply to both the Marijuana Limited Delivery License or Limited Delivery Licensee or the Wholesale Delivery License.
2. We recommend that the Commission adopt reasonable regulations aimed at limiting or capping the growth of companies operating under a delivery license via purchasing caps or similar methods.

Moratorium on Issuing Delivery Licenses or Similar

Our review of various municipal zoning bylaws shows that most such bylaws need to be amended in varying ways to accommodate the newly contemplated delivery licenses. In discussing the needed legislative changes with relevant municipal workers, it also became clear that the municipalities are all over the place on this issue. We found large municipal differences

regarding knowledge of the issues (social, economic, legislative, etc.) and commitment to addressing certain challenges posed by the same.

We can contemplate a scenario in which well-connected applicants in the various Equity Programs (EP) will benefit from this confusion and even apathy at the municipal level to get a massive head start on other EP candidates. This head start could allow these well-connected individuals and their companies to increase their share of the delivery cannabis market and potentially jeopardize the viability of later entrants to the market.

Adopting either (i) a six (6) month moratorium, from the time these new rules are approved, on the issuance of any final cannabis delivery licenses for adult recreational use or (ii) something substantially similar would allow municipalities and EPs to catch up and potentially start from an even playing field.

Limiting Growth of Delivery Companies

The legal cannabis industry is large, and we expect that it will continue to grow as decriminalization and regulation will continue to bring this multi-billion-dollar industry out of the black market and into the mainstream. We believe that the market will be big enough to support many small to medium size delivery companies and with reasonable regulations we can prevent a system that favors the well-connected and well-funded. We believe that without reasonable regulations surrounding the growth of delivery companies, a few of these well-funded companies could end up dominating the entire marketplace potentially affecting the viability of smaller delivery operations. Such a result would be a shame and antithetical to the aims of equity and inclusion.

Reasonable regulations aimed at limiting or capping the growth of companies operating under a delivery license would allow municipalities and EPs to catch up and potentially start from an even playing field.

We appreciate all that you have done and all that you continue to do and are confident that even if our recommendations are not adopted, you have thought through these issues and your judgement is sound and in the best interest of the Commonwealth, its people and equity.

Sincerely,

FLORENCIA, LLC

/s/ Jensen Mejia

Jensen Mejia
Worcester, MA
jensen@florenciallc.com
Founder

/s/ Jackson Mejia

Jackson Mejia
Worcester, MA
jackson@florenciallc.com
Founder

Matt Giancola

From: David Michaud <davidlmichaud@gmail.com>
Sent: Thursday, October 15, 2020 4:57 PM
To: Cannabis Control Commission
Subject: Draft Delivery Regulations

Follow Up Flag: Follow up
Flag Status: Flagged

Hello, please consider this email to be a public comment on the regulations pertaining to delivery licenses, 935 CMR 500.000.

Delivery licenses being exclusively available to Social Equity and Economic Empowerment applicants is a great step towards bringing much needed equity to the MA cannabis industry. It is unfortunate, however, that this equity-driven effort will be hindered by the fact that the Social Equity Program is currently closed, with no transparency as to when the next cohort will open up.

I urge the CCC to immediately allow for additional qualified individuals to obtain Social Equity status so that they can take advantage of these new opportunities in the cannabis industry in Massachusetts. Thank you.

-David Michaud, on behalf of a prospective SEP-qualified applicant residing in Needham, Massachusetts.

davidlmichaud@gmail.com

773-255-3375

Matt Giancola

From: Chris Mitchem <chris@hellodiem.com>
Sent: Friday, October 9, 2020 9:14 AM
To: Cannabis Control Commission
Subject: Concerned About Delivery Regulations

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

Good morning,

I hope your day is off to a good start. My name is Chris Mitchem and I am the CEO of Diem Cannabis. My wife, my father, and I started this company four years ago and we have been lucky to see some success.

Opening our first retail shop in Worcester was the most challenging experience I have had in my life. I do not exaggerate when I say that. I spent three years and over \$2.1 million dollars to open the store, and I am not a wealthy man. Every penny was painstakingly raised from investors. We barely made it, but I am proud to say that we ran the gauntlet and got the store opened, and we now have an amazing diverse group of employees there with jobs paying high above minimum wage and full healthcare benefits.

After our harrowing experience opening a retail shop in Massachusetts, it is alarming to see the new proposed delivery regulations. These new regulations will crush brick and mortar retail and create a cannabis monopoly in the state. Basically, the commission has created a method for cultivators and manufacturers to bypass brick and mortar retail shops by delivering directly to consumers. While I understand there were good intentions behind this, this is not going to have the desired outcome.

You are going to see major corporations that own huge multi-million dollar farms dominate the market, and put small mom and pop shops like mine out of business. This is going to create a price war in which small retailers like me will not be able to compete. In just a couple of years you are going to see a few Amazon-style e-commerce giants take over the market, because they can deliver their own products directly to consumers from their massive warehouses instead of going through retailers. In short, the commission has just destroyed competition in the Massachusetts market.

This harmful regulatory change happened in the dark with very little input from host communities or your industry partners that have already been through hell to open, and it was rammed through the commission with a shockingly short public comment period during a time when a lame duck commission was seated. I hope and pray that this change will be reconsidered. Small entrepreneurs like me have invested our blood, sweat, and tears to make this industry a reality, please don't make us fools for doing so.

Sincerely,

Chris Mitchem
CEO, Diem Cannabis
chris@hellodiem.com
360-609-0721

Matt Giancola

From: Darius Monterio <dariusmonteiro@gmail.com>
Sent: Wednesday, October 7, 2020 10:00 AM
To: Cannabis Control Commission; info@masscad.org
Subject: Draft Delivery Regulations Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

Hi Cannabis Control Commission,

Full Name: Darius Monteiro
City: Taunton
State: Ma

I'm emailing to comment on the 935 CMR 500.000: Adult Use of Marijuana draft regulations.

I'd like to see that these regulations also include a few important points that will allow the for an equitable cannabis delivery market to be created.

Main Changes:

Repackaging Equality

Add the ability for [wholesale] Delivery Operators to repackage marijuana and marijuana products purchased from cultivators, manufacturers and other Marijuana Establishments as is allowed for Marijuana Retailers. This will create a level playing field for Delivery Operators when purchasing cannabis.

One Driver

Eliminate the requirement for Delivery Operators and Couriers to have two people in the vehicle during operations. Allowing only one driver will further the commission's aim to keep start-up costs low, increase the ability for independent Retailers to effectively partner with Marijuana Couriers, and maintain safety.

Prioritize Exclusivity

Open the application portal for Delivery Operator Licenses by Q1 of 2021. We also request that the 3-year Exclusivity window starts at the commence operation date of the first [wholesale] Delivery Operators. This will allow [wholesale] Delivery Operators to not lose time in their exclusivity window due to Marijuana Couriers commencing operations first.

Minor Changes:

Clear & Concise License Names

Change the name of the "Wholesale Delivery Licensee" and "Limited Delivery Licensee" to Marijuana Delivery Operator and Marijuana Courier respectively. The word "wholesale" in this context only creates confusion. The word "Limited" does not clarify anything in regards to its license type. The word "Licensee" (nor "License") does not appear in any other license type. Providing straightforward and concise names to the license types will create clarity for busy municipal officials and other stakeholders as to what delivery companies are proposing to do in their cities and towns.

Ownership Limitations

Ban 3rd party tech platforms from owning any portion of a delivery company. This will prevent an Amazon type of entity from taking over the delivery market.

We also support maintaining the following elements of the existing draft regulations:

Creation of a wholesale delivery license with the ability to store products overnight

The extension of the exclusivity period.

The classification that delivery companies are not defined as retailers.

Ability for delivery companies to white-label.

Thank you!

Matt Giancola

From: Niki O <myvoice@oneclickpolitics.com>
Sent: Tuesday, October 13, 2020 9:44 AM
To: Cannabis Control Commission
Subject: Comment on Delivery Regulations - Wholesale, Storage, Extended exclusivity

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

Re: Comment on Delivery Regulations - Wholesale, Storage, Extended exclusivity

Dear Cannabis Control Commission,

As a MA resident, I want an equitable regulatory environment for licensed cannabis delivery operators to succeed. I'm concerned that the current Delivery regulations will give enormous market power to cannabis Retailers and lead to the failure of independent Delivery operators, thereby limiting customer choices.

Here are the three key changes I am requesting to the proposed Delivery regulations.:

1. That Delivery operators be able to purchase marijuana and marijuana products from licensed wholesalers in the Commonwealth (i.e., direct from cultivators, product manufacturers, craft cooperatives, and microbusinesses) (Purchase at wholesale)
2. Remove the restriction that marijuana may not be stored overnight (Normal storage)
3. That Delivery operators have their exclusivity to the license extended to be a three-year period, with an option to be extended further based on the Commission's determination if its equity goals are being met (Extended exclusivity)

Thank you for your consideration.

Sincerely,
Niki O
bbblgmmm9@aol.com
2 zito dr. Saugua, MA 01906 Constituent

Prepared by OneClickPolitics (tm) at www.oneclickpolitics.com. OneClickPolitics provides online communications tools for supporters of a cause, issue, organization or association to contact their elected officials. For more information regarding our policies and services, please contact info@oneclickpolitics.com

Matt Giancola

From: michael ortoll <mortoll212@icloud.com>
Sent: Thursday, October 8, 2020 11:02 AM
To: Cannabis Control Commission; info@masscad.org
Subject: Draft Delivery Regulations Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

Hi Cannabis Control Commission,

Full Name: Michael Ortoll
City: Braintree
State: Ma.

I'm emailing to comment on the 935 CMR 500.000: Adult Use of Marijuana draft regulations.

I'd like to see that these regulations also include a few important points that will allow the for an equitable cannabis delivery market to be created.

Main Changes:

Repackaging Equality

Add the ability for [wholesale] Delivery Operators to repackage marijuana and marijuana products purchased from cultivators, manufacturers and other Marijuana Establishments as is allowed for Marijuana Retailers. This will create a level playing field for Delivery Operators when purchasing cannabis.

One Driver

Eliminate the requirement for Delivery Operators and Couriers to have two people in the vehicle during operations. Allowing only one driver will further the commission's aim to keep start-up costs low, increase the ability for independent Retailers to effectively partner with Marijuana Couriers, and maintain safety.

Prioritize Exclusivity

Open the application portal for Delivery Operator Licenses by Q1 of 2021. We also request that the 3-year Exclusivity window starts at the commence operation date of the first [wholesale] Delivery Operators. This will allow [wholesale] Delivery Operators to not lose time in their exclusivity window due to Marijuana Couriers commencing operations first.

Minor Changes:

Clear & Concise License Names

Change the name of the "Wholesale Delivery Licensee" and "Limited Delivery Licensee" to Marijuana Delivery Operator and Marijuana Courier respectively. The word "wholesale" in this context only creates confusion. The word "Limited" does not clarify anything in regards to its license type. The word "Licensee" (nor "License") does not appear in any other license type. Providing straightforward and concise names to the license types will create clarity for busy municipal officials and other stakeholders as to what delivery companies are proposing to do in their cities and towns.

Ownership Limitations

Ban 3rd party tech platforms from owning any portion of a delivery company. This will prevent an Amazon type of entity from taking over the delivery market.

We also support maintaining the following elements of the existing draft regulations:

Creation of a wholesale delivery license with the ability to store products overnight The extension of the exclusivity period.

The classification that delivery companies are not defined as retailers.

Ability for delivery companies to white-label.

Thank you!

Michael Ortoll

Sent from my iPhone



TOWN OF RAYNHAM

MASSACHUSETTS

Office of Selectmen/Health

558 South Main Street
Raynham, Massachusetts 02767

Joseph R. Pacheco
SELECTMAN

Tel: 508.824.2707
Fax: 508.823.1812
www.Town.Raynham.MA.US

Cannabis Control Commission
Commonwealth of Massachusetts
Union Station
2 Washington Square
Worcester, MA 01604

Dear Commission members:

I am writing to provide comment on the Commission's proposed amendment to 935 CMR 500.000: Adult Use of Marijuana, specifically the proposal to institute a new means of delivery that would bypass local dispensaries in favor of a new category of independent, wholesale operators dealing directly with consumers. While I am supportive of the social equity goal of the delivery program, I am concerned about this specific proposal, which was drafted without input from municipalities and would have several negative impacts on the industry and our communities.

The Commission's proposal would create a new type of license for delivery companies, operating independently of and in fact competing with dispensaries. Rather than obtain product from secure dispensaries, they would instead obtain their own stock and use relatively unregulated warehouses, which would pose an additional public safety concern. Original discussions of a delivery structure envisioned dispensaries using couriers, bringing local stock to customers. This new delivery structure was not envisioned in the statute and in fact undermines the current retail model.

Dispensaries are the cornerstone of the cannabis retail network envisioned by state law. Established under a strict statutory and regulatory framework and overseen by the Commission, they also operate under Host Community Agreements reached with their respective cities and towns. These agreements mitigate various local impacts and provide specific benefits to public services and other organizations.

As you know, the law allows communities to collect a 3 percent tax on gross sales at dispensaries. Competition from delivery operators would undoubtedly mean reduced sales and therefore reduced tax revenue to host communities. In addition, if an operator is based on another community but can deliver to customers in our town, we would be unable to collect any taxes on the transaction or realize any HCA benefit.

For these reasons, I ask that you reconsider this proposal or at least provide more time for additional discussion involving all stakeholders, including municipal officials. Any delivery model must not circumvent local control, reduce local tax revenue and reverse the benefits envisioned in the HCA process. A new model may also require a change in local ordinances or bylaws to account for the new category.

Thank you for your attention to this matter and for your continuing work on behalf of the citizens of the Commonwealth. I stand ready to assist in any way possible to ensure an equitable process that lives up to the goals of the cannabis law.

Sincerely,

Joseph R Pacheco

Joseph R Pacheco

Response during Public Comment to CCC draft regulations, revised, as published Sept 22, 2020

Morriss M. Partee

Founder, Emerald River LLC and Emerald River of Maine LLC

Social Equity program member, 2nd cohort

413-535-0621 • morriss@EmeraldRiver.com

I applaud the Commission for creating regulations fulfilling its mandate to create an opportunity to enter the cannabis industry for those disproportionately impacted by the war on drugs. The new draft regulations go a long way to executing on that mandate.

However, I feel the Commission may have inadvertently disadvantaged the license type by placing expressly forbidding it from performing routine and standard repackaging activities, a limitation not imposed on storefront Marijuana Retailers. **I can't find a justification for why Delivery Operators should be saddled with this distinct competitive disadvantage, and urge the Commission to consider the unfairness of such restrictions on one type of licensee.**

I request these changes to the draft regulations regarding Delivery:

1. Repackaging Equality

Delivery Operators should have the same ability to repackaging bulk flower as Retailers.

2. Clear Names for Delivery license types

Rename Limited Delivery Licensee and Wholesale Delivery Licensee to Marijuana Courier and Marijuana Delivery Operator respectively.

3. **Equitable regulation between Delivery and Retail** - in order to test if a component of the Delivery regulation is written in an equitable manner, try substituting the word Retailer in the sentence, and see if Retailers have the same restriction. If not, and the restriction does not have to do with the specifics of using a vehicle to deliver cannabis to a customer at their residence, then the regulation is likely inequitable. (The opposite test can be applied as well)

4. **Resolve the Branded Goods Paradox** - 500.145 allows branded goods while seemingly 500.105 (4)(b)(15) prohibits branded goods

Repackaging Equality

The new draft regulations explicitly allow brick and mortar Retailers to repackage, and explicitly prohibit Wholesale Delivery Operators from Repackaging. This does not treat Delivery Operators equitably compared to Retailers. I do not see the differentiating factors between Delivery Operators and Retailers that would justify separate treatment.

The Commission's stated reason for the prohibition of Delivery Operators from Repackaging, is that some of the existing Marijuana Retailers have elected to perform Repackaging in front of the customer, at the point of purchase (aka deli-style serving), rather than pre-packaging performed in a back room. The Commission understandably does not want such deli-style measurements to be happening in resident's driveways. Likewise, I know of NO prospective Delivery operators who wish to serve customers in this way.

However, rather than the inequitable prohibition on Repackaging for Delivery Operators, the Commission's goal of preventing deli-style serving in customer's driveways is easily achieved by simply stating that all flower must be packaged at the Delivery Operator's secure facility, prior to being loaded into the Delivery Vehicle. This will ensure that Delivery Operators are not disadvantaged in flower purchase if larger or more popular growers decide not to sell their flower in any form other than bulk packaging.

This inequity in the responsibility of repackaging creates an unnecessary financial burden on one license vs the other. One could argue that this requirement relieves the Delivery Operator of the cost and responsibility for pre-packaging, shifting a relatively minor cost to the cultivator. In some cases it may play out exactly this way. However, I am not convinced that all cultivators will want to "play ball" with Delivery Operators, and this requirement may result in the unintended consequences that cultivators have a ready-made excuse to not offer their product in pre-packaged form to Delivery Operators.

Worse, cultivators may see this discrepancy between bulk sales and pre-packaged sales, as a means to only offer flower to Delivery operators at uncompetitive prices compared to the pricing offered to storefront Retailers. That is to say, they may only offer pre-packaged flower to Delivery Operators at a price that far, far exceeds their actual cost to package the flower.

I trust the Commission is in favor of free market forces that will put the cost of packaging flower from bulk form to package form into a reasonable range. The decision for a business to buy

flower in bulk form versus pre-packaged should be an **option** to the business operator based on their specific business needs, not mandated in such a way that Delivery Operators may be faced with product and availability prices that could significantly harm their opportunity to conduct business on a level playing field.

Another argument to allow Delivery to repackage:

Since the flower from a cultivator is the same no matter who winds up selling it to a customer, there are five major differentiators:

- 1) Convenience for the customer
- 2) Price
- 3) Service that the customer experiences
- 4) The label (i.e. whitelabeling)
- 5) The physical package that the flower is in.

The first four of these are available for a business to compete on. The fifth item here is available for a Retailer to compete on, but not a Delivery Operator. Packaging can actually be a significant differentiator. Not only in the choice of material used, but also environmental sensitivity. I know that some retailers are sourcing, or trying to source, hemp, recycled, or other type of environmentally friendly packaging. This may make a difference to consumers in some situations. Why should retailers be free to handle packaging in any way they see fit in terms of free market forces, while Delivery operators are forced to accept only packaging materials that the cultivator offers?

I feel it especially imperative for the Commission to create a level playing field between Delivery Operators and Marijuana Retailers given the goal of helping to redress the harms of the war on drugs on communities disproportionately impacted, rather than inadvertently creating an avenue by which such discrimination is perpetuated.

Very small differences in packaging in of consumer goods results in very different pricing results. For instance, 2 liter bottles of soda found in grocery stores, versus 20 oz bottles found in convenience stores.

If the Commission does not modify the Delivery regulations to allow Repackaging, larger growers could effectively hamper or even entirely freeze out Delivery operators by refusing to provide their flower in

pre-packaged form, limiting supply of pre-packaged flower, or outrageously inflating the price of pre-packaged flower compared to bulk purchase.

Clear names for Delivery license types

I hope that the Commission is also sensitive to areas where it is creating bias, however unintentional it may be. One area the Commission may wish to consider is the terminology surrounding the new Delivery regulations.

Delivery is the only type of Marijuana Establishment that has the word “Licensee” officially attached to its name. No other type has such nomenclature. For instance, the Commission does not refer to retailers as Retail Licensees, growers as Cultivation Licensees, nor Researchers as Research Licensees. Is this a subtle or not-so-subtle hint that Delivery operators only are allowed to stay in business at the pleasure of the Commission’s enforcement division? Are Delivery operators “less than” in the eyes of the Commission so that Licensee is attached to their mode of operation in a way that no other license type is designated? If the Commission desires to address this shortcoming in its nomenclature, it could refer to the type as “Delivery Operator”.

What’s in a name? Naming can be extremely important. Harried municipal officials, who for the most part are quite sick of dealing with marijuana regulations and issues, have limited time and attention for new marijuana matters crossing their desks. They can often have knee-jerk reactions to marijuana issues, and first impressions count. They do not have time nor resources to be educated on every nuance of regulations as the Commission creates them.

I do not want to see the Commission’s excellent work to create this license type undermined because municipal officials can’t get past the images they associate with a Wholesale Delivery Licensee. This does not accurately represent what the license type is, which under any other circumstance would be simply termed “Delivery Operator.”

I understand that Wholesale Delivery is useful to distinguish it from the other type originally envisioned by the Commission, namely the “Retail” or “Courier” type of Delivery operator that may only obtain product directly from a Retailer. However, we do not refer to Marijuana Retailers as Wholesale Retailers, therefore the word “Wholesale” is superfluous in describing what would otherwise be considered very simply a normal Delivery Operator.

If we were to look at this situation the other way around, and if Retail licenses were new instead of Delivery, would it be fair or appropriate to label Retailers instead as “Wholesale Retail Licensees”? That is the equivalent of the terminology currently being applied to Delivery operators. If the Commission agrees that “Wholesale Retail Licensee” is a ridiculous name for what is now called a Marijuana Retailer, then I think that the Commission would not want to saddle Delivery with this name in good conscience. In order to be equitable, the Commission should name it “Delivery Operator.”

Equitable Regulations between Delivery and Retail

In reviewing the newly revised draft regulations, it seems that all rules and regulations that apply to Delivery Operators should fall into one of two categories:

1. A rule or regulation that addresses specifically the mechanics of using a vehicle to deliver cannabis or cannabis products to a consumer.
2. A rule or regulation that aligns with the same or similar rule that applies to a brick-and-mortar Marijuana Retailer.

It could be argued that any rule or regulation placed on Delivery Operators which does not fall into one of these two categories is unfair, and works against the Commission’s stated goal of creating a fair and equitable playing field for all who wish to enter the industry.

One method to check to see if a regulation meets one of the two above criteria is to examine how the same language works if the term “Marijuana Retailer” is substituted for the term “Wholesale Delivery Licensee.”... When making this substitution, does such a regulation or restriction appear in the Retailer requirements? If the answer is no, and the regulation does not pertain to specifically the manner in which cannabis is delivered by vehicle to a customer’s driveway, then it is likely that the regulation is not equitable.

Let’s see what happens when we use this test on the components of 500.145 (1)(F):

As written: Marijuana Wholesale Delivery Licensees shall only deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Establishment Branded Goods carrying the Wholesale Delivery Licensee’s brand or that of a licensed Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative.

Applied to retailers: Marijuana Retailers shall only (sell) Finished Marijuana Products, Marijuana Accessories and Marijuana Establishment Branded Goods

carrying the Marijuana Retailers's brand or that of a licensed Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative.

Such a regulation does not exist for Retailers. Why would it apply for Delivery Operators? Is there something inherent in operating a delivery service where the exact types of MEs need to be specified, whereas they are not specified for Retailers?

The Third-Party Transporter is left off the list - this is unfortunate since Third-Party Transporters seem poised to function as a distributor between original sources and both retailers/delivery operators.

Marijuana Retailers are left off the list of who a Wholesale Delivery Operator may purchase from. This is unfair since Marijuana Retailers may purchase from one another should they want to. Leaving Marijuana Retailers off the list also forces those considering applying for a Delivery license to choose which of the license types to pursue. It also prevents a Wholesale Delivery Operator from functioning like the Limited Delivery Operator should they so choose.

Fellow Delivery Operators are also left off the list of who a Delivery Operator may purchase from. While this circumstance may turn out to be rare in practice, the option of such a transaction should be present in the system, just as the option for a Retailer to purchase from another Retailer is currently possible.

As written: All Finished Marijuana Products delivered by a Wholesale Delivery Licensee shall be obtained from a licensed Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative and shall comply with 935 CMR 500.105(1)(e): Written Operating Procedures.

Applied to retailers: All Finished Marijuana Products sold by a Marijuana Retailer shall be obtained from a licensed Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative and shall comply with 935 CMR 500.105(1)(e): Written Operating Procedures.

Such a regulation does not exist for Retailers. Why would it apply for Delivery Operators? Why are Third-Party Transporters left off the list? What if the Commission creates additional license types in the future? Why are Delivery Operators singled out for only being able to handle "Finished Marijuana Products" when Retailers have no such restriction? Why are Delivery Operators being reminded that they must comply with 500.105 (1)(e), a regulation which applies

to all MEs? If the Commission is going to remind certain license types that they must comply with various other parts of the regulations that apply to all license types, then to be fair, the Commission should remind ALL license types of the other parts of the regulations with which they must comply. This would lead to an incredible amount of superfluous text. Instead, I recommend that the Commission be fair to all license types by not reminding any specific license type of regulations that apply to all license types.

As written: Wholesale Delivery Licensees may deliver Marijuana Establishment Branded Goods carrying the Wholesale Delivery Licensee's brand or that of a licensed Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative.

Applied to retailers: Marijuana Retailers may sell Marijuana Establishment Branded Goods carrying the Marijuana Retailer's brand or that of a licensed Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative.

In the interest of fairness, Marijuana Retailers (and even Cultivators and Product Manufacturers) ought to be allowed to sell Branded Goods. It is unclear if regulation 500.105 (4)(b)(15) prohibits **all** Marijuana Establishments from selling Branded Goods.

As written: Wholesale Delivery Licensees shall only obtain Finished Marijuana Products for delivery from a licensed Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative with which the Wholesale Delivery Licensee has a Wholesale Agreement.

Applied to retailers: Marijuana Retailers shall only obtain Finished Marijuana Products for retail sale from a licensed Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative with which the Marijuana Retailer has a Wholesale Agreement.

If Retailers don't have to have a Wholesale Agreement with the Marijuana Establishments from which they source their product, why should Delivery Operators? Maybe they should, but if that's the case, this new rule needs to be equitably applied, which means that this same sentence would need to be added to 500.140 Additional Requirements for Retailers.

As written: All Wholesale Agreements between a Wholesale Delivery Licensee and a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative shall be subject to limitations on control over Licenses under 935 CMR 500.050(1)(b) and shall be subject to inspection and disclosure under 935 CMR 500.105(9): Recordkeeping.

Applied to retailers: All Wholesale Agreements between a Marijuana Retailer and a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative shall be subject to limitations on control over Licenses under 935 CMR 500.050(1)(b) and shall be subject to inspection and disclosure under 935 CMR 500.105(9): Recordkeeping.

While the Commission may certainly require control to be disclosed between any two Marijuana Establishments, why does this rule appear only for Delivery Operators? If the Commission is going to have this rule between Delivery Operators and Cultivators, Product Manufacturers, Microbusiness, and Craft Cooperatives, then this new rule needs to be equitably applied. That means the same rule should appear for Retailers, and all the MEs that Retailers purchase from, Cultivators and the MEs that Cultivators sell to, Product Manufacturers, and the MEs that Manufacturers sell to and purchase from, Microbusiness, and all MEs that they sell to and purchase from, Craft Coops, and all MEs that they sell to and purchase from. And don't forget Third-Party Transporters, and all the MEs that they potentially will purchase from and sell to.

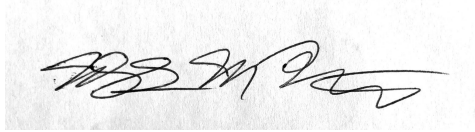
Resolve the Branded Goods Paradox

I applaud that the Commission wants to allow Delivery operators to sell branded goods, and explicitly states that they may do so. However, it appears that branded goods are still prohibited under 500.105 (4)(b) which applies to ALL Marijuana Establishments and states: The following advertising activities are prohibited: (15) Any advertising solely for the promotion of Marijuana or Marijuana Products, on Marijuana Establishment Branded Goods, including but not limited to clothing, cups, drink holders, apparel accessories, electronic equipment or accessories, sporting equipment, novelty items and similar portable promotional items.

Are Branded Goods allowed to be sold or not allowed at all? Does 500.105 (4)(b)(15) somehow not apply to Delivery operators?

Again I applaud, and thank, the Commission for creating regulations fulfilling its mandate to create an opportunity to enter the cannabis industry for those disproportionately impacted by the war on drugs. I hope the information I have presented above is helpful to the Commissioners in crafting the most fair and equitable regulations possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Morriss M. Partee", is centered below the word "Sincerely,". The signature is fluid and cursive, with a prominent initial "M" and a long, sweeping tail.

Morriss M. Partee

Founder, Emerald River LLC and Emerald River of Maine LLC

Social Equity program member, 2nd cohort

413-535-0621 • morriss@EmeraldRiver.com

Matt Giancola

From: Ezra Parzybok <ezra@greenglove.cc>
Sent: Wednesday, October 7, 2020 3:31 PM
To: Cannabis Control Commission
Subject: Draft Delivery Regulations Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

As a consultant providing services to SE/EE applicants I am seeing deals on the table where multi-state operators are paying a fee to use the SE applicant as a 'straw man.'

They pay the SE applicant a nominal fee, fill out the application themselves and intend to run the delivery companies. It is probably inevitable but if this is of concern to the CCC, you might consider provisions to address this effectively.

Thanks for your time,

-Ezra Parzybok

[Greenglove Consulting LLC](#)

Cell: 413-539-3059

Biz Office: 139 Damon Road, Suite #5, Northampton, MA 01060

Cannabis Consultant and author of [Cannabis Consulting](#)

Medical Cannabis Education: www.ezrahelps.com

The contents of this email are for informational purposes only and do not constitute medical or legal advice.



**GTE Franklin LLC
GTE Taunton LLC
P.O. Box 2844
Brockton, MA 20305**

**Cannabis Control Commission
Union Station
2 Washington Square
Worcester, MA 01604**

Re: Proposed changes to delivery-only businesses

Situation

The Cannabis Control Commission (CCC) is considering changes to the Massachusetts 935 CMR 500.000 as it relates to delivery businesses. Massachusetts Cannabis Association for Delivery (MCAD) has proposed to the CCC that delivery-only businesses be allowed to buy directly from wholesale or product manufacturing companies. In the short-term, it may help the delivery-only businesses; however, it will be detrimental to all small businesses (retail and delivery-only) in the long-term. As a minority-owned business that has invested a few million dollars, raised from minority investors, and that has recently received two provisional licenses for retail locations in Franklin and Taunton, we strongly oppose allowing delivery-only businesses to purchase directly from wholesalers or product manufacturers.

Background

The Commission approved delivery-only businesses during the changes proposed in the 935 CMR 500.000 in the Fall of 2019. For the first two years, these licenses were made available to those participating in the Commission's Economic Empowerment or Social Equity Programs. There are over 400 applicants that would qualify for the delivery-only program. The delivery-only business is only allowed to purchase from a retail location and deliver in municipalities where the locality has approved cannabis for recreational use or has certified to the Commission that it is allowing delivery in its community. Some microbusinesses, owned by social equity applicants, are also eligible for a delivery license.

Assessment

Delivery has become an integral part of many small businesses. There are companies that strictly focus on delivery for food, dry-cleaning, groceries and various other consumer goods products. These companies charge a small percentage to the business and a small percentage to the end consumer in order to make it a viable business. Similarly, the cannabis delivery-only businesses need to figure out a viable financial structure that works for their own businesses.

The supply and demand imbalance in Massachusetts has led to high prices for cannabis products as compared to the mature markets of Colorado, California, Oregon and Washington. The retail price for these goods is approximately \$6,500 per lb and wholesale price approximately \$4,000 per lb. However, there are many dispensary and cultivator licenses being approved by the CCC, which will greatly increase supply and subsequently reduce the price to consumers. It will provide a healthy market competition, whereby dispensaries will need to work with delivery companies in order to remain competitive in the market. A regulating body does not need to reform laws to speed up such a process.

Allowing delivery-only businesses to buy directly from wholesale will cannibalize retail sales rather than adding value to the overall cannabis market. This would lead to job loss in the cannabis retail sector because delivery companies would be able to undercut their retail store counterparts. Delivery companies would be able to operate more efficiently because they are able to anticipate their order flow and, as such, hire the appropriate staff needed. Delivery businesses have lower overhead since they are able to operate out of any warehouse space as opposed to a higher rate of rent for retail locations. Security would become a bigger concern for these companies, because now they are storing products as well. CCC's rigorous process for a retail license creates a heavily regulated and controlled environment. Thus, the retailers have the capabilities and means to enforce strict protocols to prevent diversion of products.

After the two-year (or three-year, as proposed by MCAD) head start for social equity and economic empowerment applicants expires, many more businesses will enter the delivery market. Once the competition in the space increases, more competitive companies will dominate the market because they will have scale of production, and are able to operate at a loss for a significantly longer period of time than any other small business. A price war between companies, potentially, can lead to a price-centric market thereby reducing the quality of product in the market and compliance rates. Companies may focus on cutting costs rather than being compliant with all of the regulations in order to survive in the business. The businesses that dominate would be those that have a cultivation, product manufacturing and delivery; retail stores would no longer be an integral part of the cannabis industry in Massachusetts.

In addition to impact on retail business, there is also a detrimental impact on the communities which have allowed the use of retail shop in their municipality. A delivery-license has no restrictions on which towns and cities they can conduct business in. Outside the scope of the towns that have outright banned cannabis use, the terrain for a delivery business is limitless. The communities have not had a chance to give their inputs in formulating this concept. Also there has not been no thought on the local tax implications and subsequent loss of revenue for the host communities.

The commission has allowed for an abbreviated comment period for a very large change in the industry. This is a significant change that was not included in the original draft regulations released this year thereby denying the public an opportunity to discuss the proposed change at a public hearing and limited the public to a written testimony.

Recommendation

There are many minority-owned, social equity owned and economic empowerment owned businesses in the cannabis sector in Massachusetts that own cultivation, product manufacturing or dispensaries. The Commission should consider the devastating effects of allowing delivery-only businesses to buy products directly from wholesale and product manufacturing businesses. The viability of a business should be the

responsibility of the operator/owner. Allowing delivery businesses to buy direct from wholesale will hurt many dispensaries, who have invested hundreds of thousands of dollars to develop retail stores. Lastly, when the two-year priority timeframe to economic empowerment and social equity businesses expires, the delivery-only businesses may be hurt with stiff competition from larger players in the delivery market. For these reasons, we strongly oppose allowing delivery-only businesses to purchase direct from wholesalers and recommend that the Commission vote against such a proposal.

Thank you,

A handwritten signature in black ink, appearing to be 'Chirag Patel', with a long horizontal stroke extending to the right.

Chirag Patel, Manager
GTE Franklin LLC, GTE Taunton LLC
GTEPartnersLLC@gmail.com

CITY OF



Worcester
MASSACHUSETTS

JOSEPH M. PETTY
MAYOR

City Hall • Room 305
455 Main Street
Worcester, MA 01608-1892

Office: 508-799-1153
Fax: 508-799-1156
mayor@worchesterma.gov

October 1, 2020

Massachusetts Cannabis Control Commission Union Station
2 Washington Square
Worcester, MA 01604

Dear Chair Hoffman, Commissioner Flanagan, Commissioner McBride, Commissioner Title, and Executive Director Collins:

We are writing to submit formal comment in response to the Cannabis Control Commission's ("CCC") proposed amendments to 935 CMR 500.000: Adult Use of Marijuana. We appreciate the Commission's efforts to work collaboratively with us to ensure that host communities are able to plan and design the marijuana industry in their communities in a way that is beneficial to that unique community. We applaud the CCC's leadership in the development of policies that provide a pathway to social equity within the marijuana industry and are very supportive of social equity candidates and programs. However, in reviewing the proposed changes to the adult-use delivery program, we are concerned about the unintended impact the amendments will have on our communities.

In partnership with the CCC and licensees, we have carefully and thoughtfully designed Host Community Agreements (HCA) that are both respectful of and beneficial to our community. An important goal of these agreements is to allow communities to receive much needed revenue. The legislature recognized this by providing not only an opportunity to offset direct costs through the HCA mechanism, but to also collect a 3% tax on gross sales at marijuana establishments. In part due to the CCC's efforts to integrate marijuana companies into our communities, the HCA agreements, along with the meaningful partnerships that we have developed, have allowed us to expand or significantly improve several programs for our residents. The provisions proposed to the current adult-use delivery model threaten to negatively impact the existing relationships we have developed between our community and marijuana dispensaries in several ways.

Allowing for delivery licensees to deliver within our communities will redirect sales that would have otherwise taken place at our locally-based facilities. When we set our marijuana retail caps,

we were not aware that another type of license may be created. Because of this, while we may not be able to be the host community for a delivery licensee, if a potential wholesale delivery licensee is housed in another community but is able to deliver within our community, we will be unable to receive tax revenue or community impact support from that licensee.

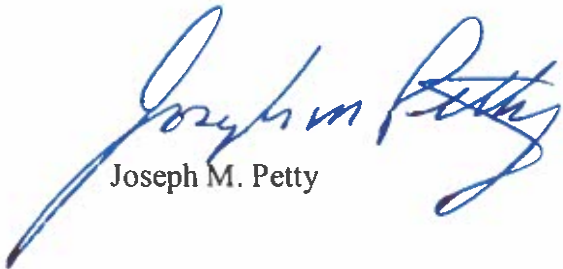
Not only did we not foresee that this type of delivery license would be created, we are particularly concerned that the expedited process that the Commission has adopted will not allow for communities to receive the thoughtful guidance needed to create local bylaws and ordinances to accommodate this new license and that comply with CCC regulation amendments.

Municipalities were not given the opportunity to provide feedback on this alternative warehouse style delivery. The original regulations that we were supportive of included only a courier model delivery service, which we understood would provide access and support for social equity candidates, while continuing to generate revenue for the brick-and-mortar adult-use retail dispensaries, that in turn provides revenue for our communities. Additional planning, including public safety and economic development plans will be needed. We need time to develop zoning and other by law changes that will allow us to honor our current agreements with retail licensees while considering this new type of licensee.

Allowing for more time to review and discuss this proposal will give all stakeholders the opportunity to make the local licensing process clear. It is important that the State not create a delivery model that bypasses local control and circumvents the current regulations. Experience has shown that when local communities are left out of the planning process, both the industry and the communities suffer.

We appreciate the work the Commissioners have put into this and other regulatory plans over the last several years. We hope you will continue to work with all stakeholders to develop a stable, long-term delivery model for all communities in the Commonwealth.

Sincerely,



Joseph M. Petty

Matt Giancola

From: Ted Pietras <Tedp@gibsonsir.com>
Sent: Tuesday, October 6, 2020 1:00 PM
To: Cannabis Control Commission
Subject: Adult use delivery

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

Cannabis Control Commission Approves Draft Regulations for Adult Use Delivery in Massachusetts

I support both delivery methods.

WORCESTER— The Cannabis Control Commission (Commission) on Thursday approved draft regulations that establish two Marijuana Establishment types that would be authorized to deliver adult-use cannabis directly to consumers in the Commonwealth: Limited Delivery Licenses and Wholesale Delivery Licenses. Thursday’s meeting was part of the Commission’s

ongoing deliberations to modify Massachusetts' medical- and adult-use cannabis regulations this year.

Ted Pietras

554 Tremont Street

Boston, MA 02118

857.362.1840

Matt Giancola

From: Taronda Ransom <herblocannabisco@gmail.com>
Sent: Tuesday, October 13, 2020 12:52 PM
To: Cannabis Control Commission; Info@masscad.org
Subject: Draft Delivery Regulations Public Comment

Categories: Tracked To Dynamics 365

Hi Cannabis Control Commission,

Full Name: Taronda Ransom
City: Boston
State: MA

I'm emailing to comment on the 935 CMR 500.000: Adult Use of Marijuana draft regulations.

I'd like to see that these regulations also include a few important points that will allow the for an equitable cannabis delivery market to be created.

Main Changes:

Repackaging Equality

Add the ability for [wholesale] Delivery Operators to repackaging marijuana and marijuana products purchased from cultivators, manufacturers and other Marijuana Establishments as is allowed for Marijuana Retailers. This will create a level playing field for Delivery Operators when purchasing cannabis.

One Driver

Eliminate the requirement for Delivery Operators and Couriers to have two people in the vehicle during operations. Allowing only one driver will further the commission's aim to keep start-up costs low, increase the ability for independent Retailers to effectively partner with Marijuana Couriers, and maintain safety.

You can view more in this 2 to 1 driver safety presentation:

<https://docs.google.com/presentation/d/1pdIRX8A8oDjLCzDSliiazGOjJlCrzENdX7kBpOK3Yo/edit?usp=sharing>

Prioritize Exclusivity

Open the application portal for Delivery Operator Licenses by Q1 of 2021. We also request that the 3-year Exclusivity window starts at the commence operation date of the first [wholesale] Delivery Operators. This will allow [wholesale] Delivery Operators to not lose time in their exclusivity window due to Marijuana Couriers commencing operations first.

Minor Changes:

Clear & Concise License Names

Change the name of the "Wholesale Delivery Licensee" and "Limited Delivery Licensee" to Marijuana Delivery Operator and Marijuana Courier respectively. The word "wholesale" in this context only creates confusion. The word "Limited" does not clarify anything in regards to its license type. The word "Licensee" (nor "License") does not appear in any other license type. Providing straightforward and concise names to the license types will create clarity for busy municipal officials and other stakeholders as to what delivery companies are proposing to do in their cities and towns.

Ownership Limitations

Ban 3rd party tech platforms from owning any portion of a delivery company. This will prevent an Amazon type of entity from taking over the delivery market.

We also support maintaining the following elements of the existing draft regulations:

Creation of a wholesale delivery license with the ability to store products overnight

The extension of the exclusivity period.

The classification that delivery companies are not defined as retailers.

Ability for delivery companies to white-label.

Thank you!



TO: Cannabis Control Commission

From: Happy Valley Massachusetts, Inc. dba Happy Valley

RE: Public Comment on Delivery Licenses

October 15, 2020

To Whom It May Concern:

Happy Valley has concerns with the promulgated regulations for Delivery licensure within the Commonwealth of MA. Our concerns stem from the fact that this new license type is significantly different for what is currently provided for within the regulations and with which the local municipalities have already provided guidance for operations. Our concerns are as follows:

- The proposal undercuts bricks and mortar stores, effectively changing the rules in the middle of the game, particularly after many companies have invested significant resources to comply with the current framework.
- Large corporations will be allowed to own 49% of the delivery company and provide 100% of the financing as debt. Equity partners will be taken out 3 years and the state will be left with a few large providers dominating the market, which is seemingly contrary to the goal of the legislation.
- Contrary to the goal of the legislation and the “spirit” of these new delivery regulations is that small, legitimate “equity entrepreneurs” with a couple of delivery vans will be unable to compete with other companies who will be funded by larger companies with 49% ownership but provide 100% of the financing as debt. After the 3-year exclusivity period is up and the commonwealth will be left with a few large providers dominating the market.
- There has been no input from the industry solicited when crafting this proposal.
- The Commission has allowed for an abbreviated comment period for a very large change in the industry. This significant change was not included in the original draft regulations released this year thereby denying the public an opportunity to discuss the proposed change at a public hearing and limited the public to written testimony.

HVV Massachusetts, Inc.

38 Great Republic Drive

Gloucester, MA 01930

978-515-5600

RMD 1185

MC282121

MP281657

MR282578

HappyValley.org



- HCA's are designed by statute to offset impacts of cannabis businesses. This regulation does

The new Wholesale Delivery license has been provided for with no input from municipalities. This lack of input means that zoning is not available, tax implications have not been thought out and host communities may experience losses of revenue.

Furthermore, as a vertically integrated licensee who provides limited transportation of cannabis between wholly owned retail locations and wholesale customers, we are cognizant of the limitations and regulations guiding the movement of cannabis through the Commonwealth. We have concerns on how Wholesale delivery licenses will be monitored for public safety and to ensure that no cannabis is delivered within municipalities that have banned cannabis commerce.

We respectfully request that the final vote on these regulations be moved into 2021 where more conversation and greater understanding for the goals and implementation of this license can be shared among current licenses, future licenses and the municipalities that will be providing homes for these businesses.

Sincerely,

Michael D. Reardon
Co-Founder/President of HVV Massachusetts, Inc.



October 15, 2020

VIA ELECTRONIC MAIL: Commission@cccmass.com

Massachusetts Cannabis Control Commission Union Station
2 Washington Square
Worcester, MA 01604

Dear Chair Hoffman, Commissioner Flanagan, Commissioner McBride, Commissioner Title,
and Executive Director Collins:

I am writing on behalf of Insa to provide comment on the Cannabis Control Commission's (CCC) proposed amendments to 935 CMR 500.000: *Adult Use of Marijuana*.

A diverse marketplace is a barometer of success for the Massachusetts' adult-use program. Insa supports efforts by the CCC and industry to continue to promote inclusion, reduce barriers, and support entry into the legal market for applicants of all sizes and backgrounds. Insa believes that a diverse marketplace will better compete with the still thriving illicit market.

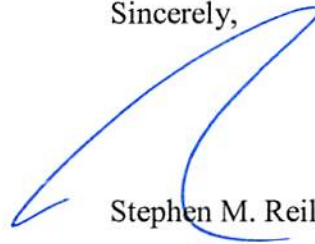
However, any such effort must effectively balance the goals of equitable inclusion with those that the public put forth when it voted in favor of for adult use cannabis. These goals include among others, taxes, jobs, and economic redevelopment. The CCC's proposed Marijuana Wholesale Delivery License, as currently contemplated, creates a new regulatory model that will actually restrict equitable access to the cannabis industry while at the same time undermining the goals of voters that passed adult use cannabis.

A competitive warehousing delivery model will require far greater capital investment by social equity and economic empowerment applicants, which is the foremost reason for the lack of diversity in our industry. The proposed regulations invite the creation of a handful of large warehousing operations that will require significant investments in real estate, inventory and technological infrastructure among others. To be competitive social equity applicants must be capable of making this large investment, a problem we all know exists.

The warehousing delivery model will undermine investments in brick and mortar retail that have been made in areas of disproportionate impact by encouraging the development of mega warehousing operations outside population centers where costs are lower. It is very unlikely someone would choose to set up a Boston warehouse given the costs of doing so. Without the requirement to be tied to retail it is more likely such an operation will be conducted in a remote area with lower costs, less traffic and fewer security concerns. Delivery untethered to retail will lead to the demise of brick and mortar cannabis as we have seen in many industries. This will deprive the city of cannabis tax revenues along with other benefits like jobs and redevelopment. At the same time the city may derive no new tax benefits from delivery if the Department of Revenue determines taxes should be paid where the license is located rather than where product is delivered. Allowing warehousing and delivery on a larger scale will also take away municipalities ability to regulate deliveries within their borders as warehouses are hosted in other locations.

The Commission should take into account the above concerns and delay implementation of the warehousing delivery model until they can be addressed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen M. Reilly, Jr." with a large, stylized flourish.

Stephen M. Reilly, Jr.

EAGLE EYES TRANSPORT, Inc.
5 Robert J Way, Plymouth, Ma 02360
Po Box 333, Provincetown, Ma 02657
(508) 591-3537 www.eagleeyestransport.com



Cannabis Control Commission
2 Washington Square
Worcester, MA 01604

October 15, 2020

To the Commission:

We respectfully submit the following comments regarding the proposed home delivery regulations:

1. The regulations should specifically state whether an entity may hold both types of Marijuana Delivery Licenses (Limited Delivery and Wholesale Delivery); if an entity may only hold one type of Delivery License, that should be clarified.
2. Under 500.050 (10) "Marijuana Wholesale Delivery Licensee":
 - a. Subsection (a): This section should include Third Party Transporters and/or Existing Licensee Transporters under the list of ME types the Wholesale Delivery Licensee may Wholesale and Warehouse finished Marijuana Products from. It would be unfair, unnecessary, and inefficient to not include Transporter Licensees in this list.
 - b. Subsection (e): This section should more specifically address the issue of whether Wholesale Delivery Licensees are subject to local community level limits on the number of brick and mortar retailers (in a community that allows retail marijuana establishments). *For example, in a community that is limited to 2 brick and mortar retailers pursuant to a local vote, if a Wholesale Delivery Licensee opened in a community that already had 2 brick and mortar retailers, would the local limit prevent the Wholesale Delivery Licensee from opening in that community?*
3. Under 500.145 (1)(f) (1) & (2): Same comment as comment 2(a) above.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "R. Richter", with a long horizontal line extending to the right.

Raphael Richter, CEO

Matt Giancola

From: Charlie Emery <emerycf@gmail.com>
Sent: Thursday, October 15, 2020 2:25 PM
To: Cannabis Control Commission
Cc: Timothy Riley; Jim Smith; E. Philip Brown
Subject: CCC Delivery Regulations

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

Good day,

Hope all is well with you and yours during these challenging times.

As stakeholders in the industry we have a great sense of urgency to express our comments and concerns regarding the Cannabis Control Commission's proposed Delivery Regulations.

The implementation of the Delivery Regulations at this point in our industry's life cycle would potentially compromise the growth and success of present and future retail dispensaries. The proposal undercuts brick and mortar retail establishments by modifying the rules at a critical time for our industry, particularly after many small companies have invested significant time, energy and resources to comply with the current Cannabis Control Commission framework and associated guidelines. Let's not compromise our future growth and the success we have achieved to date.

The state charter may be compromised as large corporations will potentially be allowed to own up to 49% of the delivery company and provide 100% of the financing as debt. Equity partners will be taken out three years and the state will be left with a few large providers dominating the market, which also appears to fly in the face of the intended legislation.

Small, legitimate equity entrepreneurs with a couple of delivery vans will be unable to compete and will be wiped out by the large corporate financed enterprises that may have scores of vehicles.

Our last comment may be more of a request to the Cannabis Control Commission Leadership. We as Massachusetts citizens and voters implore the CCC to gain "value added" input from the industry in order to craft and finalize a fair and effective proposal for existing stakeholders and those fulfilling the current policy and revenue expectations in gaining industry entry. Please leverage the prevailing experience, expertise and best practices that the industry has to offer thus far before things are all said and done.

Respectfully,

Timothy Riley
Manager
Mellow Fellows
Haverhill, MA

--

Charlie Emery

emerycf@gmail.com

978 758 7342



CITY OF LAWRENCE
OFFICE OF THE MAYOR

City Hall • 200 Common Street • Lawrence, MA 01840
Tel: (978) 620-3010 • www.cityoflawrence.com

DANIEL RIVERA
MAYOR & CEO

October 13th, 2020

Massachusetts Cannabis Control Commission
Union Station
2 Washington Square
Worcester, MA 01604

Dear:

Chair Hoffman,
Commissioner Flanagan,
Commissioner McBride,
Commissioner, and Executive Director Collins:

I am writing to express my concerns about the Cannabis Control Commission's ("CCC") proposed amendments to 935 CMR 500.000: Adult Use of Marijuana.

Following the legalization of adult-use cannabis in 2016 there was a lengthy and rigorous process with cities and towns, state regulators, law enforcement officials and brick-and-mortar cannabis dispensary operators to develop stringent regulations designed to ensure the safety of cannabis retail. I am concerned that the wholesale delivery amendments you've proposed, as currently drafted, will remove significant layers of safety and oversight that are required of existing local retail and delivery providers. In addition, we are concerned about the unintended impact the amendments will have on the City of Lawrence – specifically the ability for a vendor who is sanctioned to manufacture and sell marijuana in one community to set up shop in Lawrence and deliver marijuana (medicinal or recreational) from a site within the City of Lawrence.

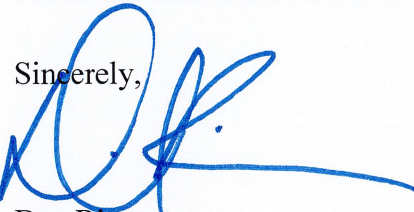
The residents of the City of Lawrence have voted twice against the manufacturing and selling of marijuana (medicinal or recreational) within the City of Lawrence. Also, the Lawrence City Council and I have passed and implemented the needed restrictions since the different ballot initiatives have passed. Allowing for delivery licensees to deliver within our communities will undermined the will of the community. The City of Lawrence does not want to be the host community for a delivery licensee.

We are particularly concerned that the expedited process that the Commission has adopted will not allow for communities to receive the thoughtful guidance needed to create local bylaws and ordinances to accommodate or restrict this new license and that comply with CCC regulation amendments. Municipalities were not given the opportunity to provide feedback on this alternative warehouse style

delivery. Additional planning, including public safety and economic development plans will be needed. We need time to develop zoning and other by law changes that will stratify the City of Lawrence's desire to keep the sale of marijuana (medicinal or recreational) from within the City limits.

It is my hope that the Commission will keep to the letter and the spirit of all the laws and ordinances as passed by the Commonwealth and all cities and towns, not just host communities; and make no amendments that will allow Cannabis Control Commission Licensed businesses to do business in Cities like Lawrence that have expressly prohibited it. It is important that the State not create a delivery model that bypasses local control and circumvents the current regulations.

We appreciate the work the Commissioners have put into this and other regulatory plans over the last several years. We hope you will continue to work with all communities to develop a stable, long-term model for the sale of marijuana (medicinal or recreational) that honors the intent of the voters in all the communities in the Commonwealth.

Sincerely,

Dan Rivera
Mayor & CEO

Matt Giancola

From: Nicholas Saba <slimsaba66@icloud.com>
Sent: Thursday, October 8, 2020 3:00 PM
To: Cannabis Control Commission
Subject: Delivery wholesale public comment

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

I believe We really need to continue with the delivery wholesale process and make it so that people from social equity and EE can thrive this is our chance. We can make this great. The only thing we need is it not to count as a retail for the host agreements or we won't be able to ever find warehousing. Also white labeling makes us relevant I believe. I believe the town you setup in should get the tax revenue and where you setup should have a certain range possibly you can deliver too. Thank you

N. Saba

Matt Giancola

From: Gabriel Salazar <gabe@wecandiverboston.com>
Sent: Thursday, October 15, 2020 3:35 PM
To: Cannabis Control Commission
Subject: Re: Reminder: Public Comment on Adult-use Cannabis Delivery Regulations Closes Today

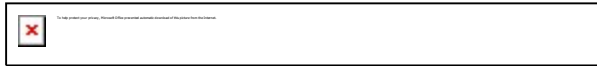
Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

Hello
My comment would be to also allow LDL companies to sell cannabis accessories, such as papers, bongs, etc. That can help both LDL and WDL give more money to their drivers. They can keep commissions on the sales.

Gabe Salazar | We Can Deliver | Founder
Gabe@wecandiverboston.com | Tel: 508-315-7240

On Oct 15, 2020, at 2:44 PM, Cannabis Control Commission <Commission@cccmass.com> wrote:



Reminder: Public Comment on Adult-use Cannabis Delivery Regulations Closes Today

On September 28, the Cannabis Control Commission (Commission) opened a second public comment period limited to changes proposed for the regulations pertaining to delivery licenses set forth in [935 CMR 500.000: *Adult Use of Marijuana*](#). **As a reminder, the public comment period closes today at 5 p.m.**

Please see materials below for more details and to learn how to submit public comment via mail or email.

[See the Notice of Public Comment](#)

[Review the Draft Delivery Regulations](#)

[Read the Press Release on Draft Delivery Regulations](#)



Share



Tweet



Forward



Copyright © 2020 Cannabis Control Commission, All rights reserved.

Our mailing address is:

Union Station
2 Washington Square

Worcester, MA 01604

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#).

Matt Giancola

From: Sieh Samura <samuraent@gmail.com>
Sent: Tuesday, October 13, 2020 12:45 PM
To: Cannabis Control Commission; Info@masscad.org
Subject: Draft Delivery Regulations Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

Hi Cannabis Control Commission,

Sieh Samura
Boston, Ma
Economic Empowerment applicant #201966

I'm emailing to comment on the 935 CMR 500.000: Adult Use of Marijuana draft regulations.

I'd like to see that these regulations also include a few important points that will allow the for an equitable cannabis delivery market to be created.

Main Changes:

Repackaging Equality

Add the ability for [wholesale] Delivery Operators to repackage marijuana and marijuana products purchased from cultivators, manufacturers and other Marijuana Establishments as is allowed for Marijuana Retailers. This will create a level playing field for Delivery Operators when purchasing cannabis.

One Driver

Eliminate the requirement for Delivery Operators and Couriers to have two people in the vehicle during operations. Allowing only one driver will further the commission's aim to keep start-up costs low, increase the ability for independent Retailers to effectively partner with Marijuana Couriers, and maintain safety.

You can view more in this 2 to 1 driver safety presentation:

<https://docs.google.com/presentation/d/1pdIRX8A8oDjLCzDSliiazGOjiJlCrzENdX7kBpOK3Yo/edit?usp=sharing>

Prioritize Exclusivity

Open the application portal for Delivery Operator Licenses by Q1 of 2021. We also request that the 3-year Exclusivity window starts at the commence operation date of the first [wholesale] Delivery Operators. This will allow [wholesale] Delivery Operators to not lose time in their exclusivity window due to Marijuana Couriers commencing operations first.

Minor Changes:

Clear & Concise License Names

Change the name of the "Wholesale Delivery Licensee" and "Limited Delivery Licensee" to Marijuana Delivery Operator and Marijuana Courier respectively. The word "wholesale" in this context only creates confusion. The word "Limited" does not clarify anything in regards to its license type. The word "Licensee" (nor "License") does not appear in any other

license type. Providing straightforward and concise names to the license types will create clarity for busy municipal officials and other stakeholders as to what delivery companies are proposing to do in their cities and towns.

Ownership Limitations

Ban 3rd party tech platforms from owning any portion of a delivery company. This will prevent an Amazon type of entity from taking over the delivery market.

We also support maintaining the following elements of the existing draft regulations:

Creation of a wholesale delivery license with the ability to store products overnight

The extension of the exclusivity period.

The classification that delivery companies are not defined as retailers.

Ability for delivery companies to white-label.

Thank you!

Matt Giancola

From: Lenny Sanders <cellenny3@gmail.com>
Sent: Wednesday, October 7, 2020 10:05 AM
To: Cannabis Control Commission; MCAD
Subject: Draft Delivery Regulations Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

Hi Cannabis Control Commission,

Leonard Sanders
Boston
Massachusetts

I'm emailing to comment on the 935 CMR 500.000: Adult Use of Marijuana draft regulations.

I'd like to see that these regulations also include a few important points that will allow the for an equitable cannabis delivery market to be created.

Main Changes:

Repackaging Equality

Add the ability for [wholesale] Delivery Operators to repackage marijuana and marijuana products purchased from cultivators, manufacturers and other Marijuana Establishments as is allowed for Marijuana Retailers. This will create a level playing field for Delivery Operators when purchasing cannabis.

One Driver

Eliminate the requirement for Delivery Operators and Couriers to have two people in the vehicle during operations. Allowing only one driver will further the commission's aim to keep start-up costs low, increase the ability for independent Retailers to effectively partner with Marijuana Couriers, and maintain safety.

Prioritize Exclusivity

Open the application portal for Delivery Operator Licenses by Q1 of 2021. We also request that the 3-year Exclusivity window starts at the commence operation date of the first [wholesale] Delivery Operators. This will allow [wholesale] Delivery Operators to not lose time in their exclusivity window due to Marijuana Couriers commencing operations first.

Minor Changes:

Clear & Concise License Names

Change the name of the "Wholesale Delivery Licensee" and "Limited Delivery Licensee" to Marijuana Delivery Operator and Marijuana Courier respectively. The word "wholesale" in this context only creates confusion. The word "Limited" does not clarify anything in regards to its license type. The word "Licensee" (nor "License") does not appear in any other license type. Providing straightforward and concise names to the license types will create clarity for busy municipal officials and other stakeholders as to what delivery companies are proposing to do in their cities and towns.

Ownership Limitations

Ban 3rd party tech platforms from owning any portion of a delivery company. This will prevent an Amazon type of entity from taking over the delivery market.

We also support maintaining the following elements of the existing draft regulations:

Creation of a wholesale delivery license with the ability to store products overnight

The extension of the exclusivity period.

The classification that delivery companies are not defined as retailers.

Ability for delivery companies to white-label.

Thank you!

Sent from my BlackBerry - the most secure mobile device

Matt Giancola

From: Veronica Santarelli <vsantarelli@grassphealth.com>
Sent: Friday, October 2, 2020 12:10 PM
To: Cannabis Control Commission
Subject: Draft Delivery Regulations

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

Hello,

I am submitting public comment regarding delivery regulations and specifically, the regulation that requires two people to be in the delivery vehicle.

This is an unnecessary and very costly regulation. We have operated a legal cannabis delivery business in many legal states and have never had an issue with driver safety. We use tracking technology that allows visibility and safety throughout the entire delivery chain, we know as soon as an order has been completed and no other delivery service in the nation, requires two people to be present.

Alcohol delivery and Opioid delivery all require only 1 person in the vehicle and Cannabis Delivery in MA should be treated the same.

This will create a hardship for Social Equity Applicants to get profitable. Not only will it double the payroll, it will double the cost of insurance, which is already extremely high.

Please make this very important adjustment, to ensure the business success for Social Equity Applicants.

Respectfully,
Veronica Santarelli



Veronica Santarelli
Chief Executive Officer
C: 714.944.8374
F: 480.687.0030
Grassp.Health



Delivering Elevated Experiences

Join our community on [Facebook](#)

Join our community on [Twitter](#)

Join our community on [LinkedIn](#)

CONFIDENTIALITY NOTICE: This e-mail communication, including any attachments, is covered by the Electronic Communication Privacy Act of 1986 (18 U.S.C. sections 2510-21) and may contain information protected by the federal regulations under the Health Insurance Portability and

Accountability Act of 1996 (45 C. F. R. Parts 160-164) or other confidential information. If you are not the intended recipient (or authorized to receive for the recipient), you are hereby notified that any review, disclosure, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete or destroy all copies of this communication and any attachments.



THE CITY OF SPRINGFIELD, MASSACHUSETTS

MAYOR DOMENIC J. SARNO

HOME OF THE BASKETBALL HALL OF FAME

October 15, 2020

Massachusetts Cannabis Control Commission
Union Station
2 Washington Square
Worcester, MA 01604

Dear Chair Hoffman, Commissioner Flanagan, Commissioner McBride, Commissioner Title, and Executive Director Collins:

First of all, good health to you and your families and thank you for your continued and dedicated efforts. After meeting with my legal team for an update on next RFP steps. I am writing to provide comment on the Cannabis Control Commission's ("CCC") proposed amendments to 935 CMR 500.000: *Adult Use of Marijuana*.

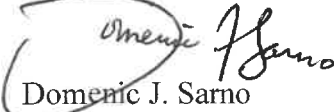
- Significant concerns over the speed, process and policies being proposed by the Commission with regard to the creation of wholesale delivery licenses which present the opportunity to create a small number of mega warehouses that displace a much greater number of brick and mortar stores through a program the state has carefully cultivated.
- This rapid process has taken place without any involvement or communication with local communities who have existing businesses and tax revenues from brick and mortar operators;
- The warehousing model will undermine investments made in areas of disproportionate impact by encouraging mega warehousing operations outside population centers where costs are low and transportation is easy. This will undermine the brick and mortar investments made in Cities like Springfield and will deprive the City of jobs and tax revenues;
- Allowing warehousing and delivery on a larger scale will take away the City's ability to regulate deliveries within its borders as warehouses are located in other municipalities, this is a public safety concern in a City such as Springfield;
- Concern with respect to how tax revenues will be allocated from community to community, will taxes be paid to the municipality where the delivery is made or where the wholesale

resides? This could make cannabis prevalent in Springfield with no financial benefits to the City;

- The wholesale model fails to accomplish the commissions goals of social equity by inviting well financed out of state interests to use social equity applicants as front people for a few new mega warehousing cannabis operations. I suggest a more effective approach is to invest in social equity applicants rather than create a new license category with the potential to upend an industry that currently works.

Again, I want to make it clear that we are very sensitive to social justice issues surrounding this industry. Thank you for your review and considerations. Take care and God Bless.

Respectfully,


Domenic J. Sarno
Mayor

VIA EMAIL

October 15, 2020

Cannabis Control Commission
Attn: Director of Constituent Services
2 Washington Square
Worcester, MA 01604
Commission@CCCMass.com

Re: *Draft Delivery Regulations - Public Comment*

Dear Cannabis Control Commission:

On behalf of our Cannabis clients, the Prince Lobel Cannabis Team thanks you, and specifically Commissioner McBride and her writing team, for the careful and thorough draft of the most recent delivery regulations. To that end, we respectfully offer the following comments:

1. We believe that allowing marijuana delivery licensees to deliver to consumers in all municipalities is consistent with governing law. In this, we agree with the staff memo, dated October 18, 2018, opining that municipalities cannot prevent deliveries to consumers within their borders, citing “[n]o city or town shall prohibit the transportation of marijuana or marijuana products or adopt an ordinance or by-law that makes the transportation of marijuana or marijuana products unreasonably impracticable.” M.G.L. c. 94G, § 33(c).

In addition to a delivery licensee’s host community or a so-called “Yes” community (whether or not a retailer is operational), Section 500.145(1)(l) allows deliveries to:

- Any municipality which after receiving notice from the Commission, has notified the Commission that delivery may operate within its borders (or “opts-in”).

If the Commission is not going to require deliveries in all municipalities, the Commission should amend the regulation to require that municipalities must perform the “opt-in” procedure within a certain period of time; or otherwise amend the regulation so that if an undecided or “No” municipality remains silent, they will automatically be placed in the “yes” to deliveries category on the CCC’s running list. Currently, there are 190 “Yes” communities, leaving the rest undecided or having banned marijuana within their borders. Requiring municipalities to opt-in by a certain date will provide more certainty to the process.

2. It is clear that both delivery license types are considered retail licenses for control purposes (i.e. an entity can only hold up to three wholesale delivery licenses or three limited delivery licenses or three retailer licenses or any combination of those). However, the definition of Marijuana Wholesale Delivery License or Wholesale Delivery Licensee in Section 500.002 provides that:
 - “an entity authorized to Wholesale and Warehouse Finished Marijuana Products ... shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: *Definitions* or 935 CMR 500.050: *Marijuana*

Prince Lobel Tye LLP
One International Place
Suite 3700
Boston, MA 02110
TEL: 617 456 8000
FAX: 617 456 8100

Establishments and shall be subject to 935 CMR 500.050 (1)(b): Control Limitations.”

Whereas the “limited” delivery license definition does not include the final phrase, “shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: *Definitions* or 935 CMR 500.050: *Marijuana Establishments* and shall be subject to 935 CMR 500.050 (1)(b): *Control Limitations.*”

Since many municipalities have already reached their retail cap, and for the sake of consistency, the limited delivery definition should include the qualifying language contained at the end of the wholesale delivery definition, unless the Commission intends to include limited delivery licenses in a municipalities’ cap on retail establishments, but exclude wholesale delivery licenses.¹

3. There is a similar inconsistency regarding the signage on Marijuana Transporter vehicles and Delivery vehicles:
 - “Any vehicle used to transport Marijuana Products may not bear any markings indicating that the vehicle is being used to transport Marijuana Products, and any such vehicle may not indicate the name of the Marijuana Establishment or the Marijuana Transporter.” Section 500.105 (13)(c).
 - “Vehicles used for delivery by a Delivery Licensee or a Marijuana Establishment with a Delivery Endorsement shall have no external markings, words or symbols that indicate the vehicle is being used for home delivery of Delivery Items.” Section 500.145 (6)(d).

If the intention is to treat them the same, it would be preferable to use the same language.

4. While this may be beyond the scope of Public Comment, there have been discussions regarding how to term these two delivery license types. One possible solution would be to use more descriptive terms such as:
 - “Courier Delivery License” as opposed to Limited Delivery License and

¹ “A Marijuana Retailer may purchase, transport, sell, Repackage, or otherwise Transfer Marijuana or Marijuana Products to Marijuana Establishments and sell to Consumers. A Marijuana Retailer cannot deliver Marijuana or Marijuana Products to Consumers or unless the Marijuana Retailer also has been issued a Delivery License, nor may a Marijuana Retailer allow on-site social consumption by Consumers on the Premises of the Marijuana Establishment, provided that a Retail Licensee’s interests in Marijuana Wholesale Delivery Licenses shall be limited to a combined total of three licenses in either category of Retail or Marijuana Wholesale Delivery.” 500.050 (8)(a).

Cannabis Control Commission
Attn: Director of Constituent Services
October 15, 2020
Page | 3

- “Warehouse Delivery License” as opposed to Wholesale Delivery License (noting that “warehouse” more accurately describes where the products are coming from, rather than the fact that they were purchased wholesale).
5. Finally, once equity goals are met, the Commission should consider allowing marijuana retailers to obtain delivery endorsements, as opposed to requiring a separate delivery license. In fact, we believe that the statutory definition requires permitting a marijuana retailer to deliver:
- “Marijuana retailer’, an entity licensed to purchase and *deliver* marijuana and marijuana products from marijuana establishments and to *deliver*, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.” M.G.L. c. 94G, § 1.

Again, thank you for your commitment to drafting clear and comprehensive delivery regulations and we hope that the Commission takes these comments into consideration. Please feel free to reach out to me, or anyone on our Cannabis Team², if you have any questions whatsoever.

Yours truly,



Jill M. Schafer

Direct Dial: 617-456-8142
Email Address: jschafer@PrinceLobel.com

JS/dk

cc:

Commissioners:
Steven J. Hoffman
Jennifer Flanagan
Britte McBride
Shaleen Title

Prince Lobel Tye LLP:
Cannabis Team
Craig M. Tateronis

² Co-chairs, John F. Bradley and Michael Ross; Julie Barry, John Bateman, Serge Bechade, Adam Braillard, William Burke, Daniel Glissman, Joy Karugu, Joseph P. Messina, Robert Schlein, Ricardo M. Sousa, Joseph S. Sano, John Lawler and Ashley Tan.

October 15, 2020

Massachusetts Cannabis Control Commission
Union Station
2 Washington Square
Worcester, MA 01604

Dear Chair Hoffman, Commissioner Flanagan, Commissioner McBride, Commissioner Title, and Executive Director Collins:

We are writing to provide comment on the Cannabis Control Commission's ("CCC") proposed amendments to 935 CMR 500.000: *Adult Use of Marijuana*. We greatly respect—and support—the Commission's continued efforts to provide equitable opportunities for many of our Commonwealth's residents to meaningfully enter the newly legalized and regulated adult-use cannabis industry, not least of which include Social Equity and Economic Empowerment applicants. In particular, the CCC's Social Equity Program has encouraged many municipalities to make the same kind of commitments to equity candidates. As a result, half of all the retail licenses in Boston, Cambridge and Somerville are reserved for equity candidates. Equity applicants have also been successful throughout the Commonwealth in communities such as Springfield, Haverhill, Worcester, Brockton and many others.

We do, however, have significant concerns over the speed, process and policies being proposed by the Commission with regard to the creation of wholesale delivery licenses ("WDL"). Without careful policy considerations and operational restrictions, the creation of this new license category could have detrimental and lasting impacts on the nascent legal industry, including materially harming the Social Equity and Economic Empowerment applicants—the vast majority of which are standalone retailers or limited delivery license applicants—the CCC has tried to help. More locally, these policies will strip important and meaningful local revenues many communities across the Commonwealth have come to rely on at a time we are facing an unprecedented economic downturn. Lastly, and perhaps most importantly, we question the legal basis for the creation of the WDL policy.

I. Legislative Intent on Retail Licenses

The proposed delivery license structure creates a number of questions relative to the permissibility of these types of licenses under the current law and these questions must be answered before the Commission implements a license structure that could violate its enabling

legislation. The Commission must keep in mind the legislature’s intent in amending M.G.L. Ch. 94G when proposing subsequent regulations under this legislation. As proposed, the delivery license aspects of 935 CMR 500.000 may violate both legislative intent and state law.

Chapter 94G expressly creates a number of marijuana license classes with specific functions. Marijuana retailers are defined in Section 1 as “an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.” No other license class is permitted to deliver directly to consumers. The new delivery license types, specifically the Wholesale Delivery License, cannot allow for delivery directly to consumers because only marijuana retailers can deliver directly to consumers under the law.

In its efforts to exclude marijuana retailers from delivery operations, the Commission has created an apparent paradox of the delivery license. While delivery licenses are considered marijuana retailer licenses for the purposes of license caps, marijuana retailers as defined by the statute are not permitted to deliver to consumers. In Section 1 of Chapter 94G as amended by Chapter 55 of the Acts of 2017, marijuana retailers are the only licenses type allowed to “deliver, sell, or otherwise transfer marijuana and marijuana products...to consumers”. Thus, if delivery license holders are allowed to deliver directly to consumers, they must be considered retailers; and, if they are to be considered retailers, under the law, the Commission cannot prohibit marijuana retailers from also delivering to consumers.

Therefore, should the Commission determine that they want to move forward with the development of the WDL, the appropriate body to approve this change would be the Massachusetts Legislature. The Commission is able to propose and promulgate regulations based on the law, but they are not permitted to create law that goes beyond what is permitted by the enabling statute.

II. Commission Intent vs. Economic Reality

The Commission has communicated a clear desire to increase the participation of Social Equity and Economic Empowerment applicants throughout the industry, seeking ways in which to lower economic barriers to entry and through providing certain periods of exclusivity for delivery-only or limited delivery licenses. And largely, we have agreed and supported these approaches. Unfortunately, we believe the creation of the WDL licenses misses the mark. While the limited delivery license category provides a lower economic barrier to entry, the WDL license comes with a much higher operating cost. In fact, the costs associated with a wholesale delivery license, at full capacity, may exceed a brick-and-mortar retail establishment. Creating such a capital-intensive license type does nothing to improve the status quo on participation of Social Equity and Economic Empowerment applicants— it just places the opportunities further out of reach. Instead, this new license will create the likely possibility of a small handful of entities, backed by large, third-party technology platforms. At 51/49 equity splits, these partnerships will operate several strategically placed, large warehouses, dominating the statewide regulated cannabis market through the advantage of consumer convenience.

With this back door and instant Amazon-ification comes capital-intensive business plans that will mean that 49% partnerships and operating and loan agreements with large, eager technology platforms such as Eaze and Drizly will not only be attractive for applicants, but likely necessary. The results of such a model will mean that the Commonwealth will not see a diversely developed market; rather, a market of a small handful of WDL licensees controlled by large, corporate entities who will dominate the market through several large-scale warehouse facilities, each with near-statewide reach that will threaten the viability of standalone retail businesses, kill jobs, and eliminate significant revenues for many local communities who have relied on their approval of brick-and-mortar Marijuana Retailers.

We are particularly concerned with the smaller operators, the stand-alone “mom and pop” retailers and limited delivery license holders. Stand-alone retailers will not be able to compete on convenience. It should be noted that standalone retailers and limited delivery license holders are often entrepreneurs with limited capital, a group the CCC wants to have greater participation in this industry. We have seen this scenario play out already with e-commerce, devastating many of our communities’ Main Streets and forcing municipalities to look to new ways to develop local economic opportunities. It would be unfortunate to invite this same, well-known economic outcome upon this newly created industry, especially when so much promise has already been shown in terms of revenue and job creation.

Such a scenario will result in effectively undermining the nearly seven years of investment in brick-and-mortar stores, the more than 15,000 jobs this new industry has to offer, and the municipal tax revenue generation the industry has already created for *all* participating municipalities—not just the small handful of communities hosting these large mega-warehouses. More importantly, it undermines the important role local communities play in supporting and overseeing the industry within our borders.

Conversely, we supported CCC-efforts to create “delivery-only” licenses, including supporting an exclusivity period of up to three-years for Economic Empowerment and Social Equity applicants. There are additional considerations the CCC might contemplate that will increase the profit opportunities for this license. We believe that many successful delivery-only business models already exist as evidenced by the number of potential licensees who applied for the license type and still plan to pursue this model.

Recommendation(s):

- Consider the implications of the proposed WDL license category and the potential effects of small operators before approving the proposed delivery regulations.
- Limit WDL license to 1-2 vehicles.
- Restrict Third-Party Technology Platforms: Prohibit any Third-Party Technology Platforms from having a beneficial interest in any marijuana establishment license category.
- Eliminate the unnecessary two-driver requirement for the Limited Delivery License category.
- Eliminate the unnecessary body camera requirement for the Limited Delivery License category.

III. Municipal Issues

The introduction of adult-use cannabis has been a significant revenue driver for the Commonwealth and the municipalities that host these retailers through the local option of up to three percent of gross sales, as well as the financial commitments made through executed Host Community Agreements. These revenue streams have proven critical, especially in recent months due to the devastating economic and health effects of the ongoing pandemic. However, these revenues are being severely threatened by the Commission’s proposed—and very rushed—creation of WDL businesses. WDL holders will be able to deliver cannabis into communities, while providing no revenue for them and without any ability by the municipalities to maintain a firm understanding of their operations—an ability these municipalities currently enjoy with local brick-and-mortar cannabis stores. It was not so long ago that the Commission made direct appeals to communities to welcome this industry. Municipalities have carefully zoned cannabis retail establishments in specific areas of the community to ensure that all permitted facilities are sited in the appropriate location. Local leaders rightfully require prospective licensees to address constituent concerns related to traffic, safety and local oversight before being granted approval. Now for those communities who have embraced this industry, we are very concerned that the same Commission may undermine these local regulatory structures these communities have taken years to carefully develop and implement.

There are numerous unintended consequences to this proposed license that we believe have not yet been thoroughly considered or vetted. They include:

1. How municipalities will react to the cannabis industry in light of this regulation is unknown as it creates ambiguity;
2. Municipalities may stop issuing retail licenses in favor of WDL licenses;
3. Applicants who spent many months and considerable resources may see their applications to cities and towns set aside as municipalities restructure zoning to accommodate the new delivery system;
4. Cities and towns who may have been considering removing their ban on retail marijuana establishments may choose to remain a “banned” community because of the many unknowns surrounding the delivery licenses;
5. Municipalities may consider zoning bylaws that ban delivery within their borders;
6. A community could cite the statute that defines licensees that conduct delivery as retailers and insist upon host community agreements with delivery companies before any deliveries can be made within its borders.

Perhaps most profoundly, transferring tax revenue to outside municipalities will diminish the many positive and equitable impacts communities have been able to create as host communities and will detrimentally harm those municipalities whose leaders have embraced regulated cannabis, especially during this industry’s infancy. As you know, the statute also mandates a host community agreement be executed before the licensee can even file for a license from the Commission. How will the host community agreement funds which are statutorily intended specifically to address impacts the industry has on host communities be distributed? The intent of the statute is very clear that host community agreements are meant to protect communities from incurring financial impacts from our industry and to compensate the communities accordingly. Will warehouse delivery licensees be required to execute separate host community agreements for every community in which they serve? Or is it the intention that all of

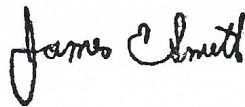
the host community agreement fees and all the tax revenue would go to the community that merely housed a warehouse and the communities in which the sale took place get nothing? This would be quite a windfall for a community that has little if any impact within its borders.

Recommendation(s):

- Solicit and consider input from municipalities: Include clear mechanisms for how host community agreements and tax collection will occur prior to final promulgation of the WDL regulations.

Because of these concerns—starting with the very rushed nature that this process has followed—affecting not only the cannabis business community, but the very communities that host them, we respectfully request that the CCC place this discussion on hold and consider engaging stakeholders much more thoroughly. We share your commitment to ensuring that Massachusetts creates a responsible and world-class industry and we commend you for your transparent, deliberative, and progress to-date. As you work to promulgate final regulations, we appreciate this opportunity to share our thoughts.

Sincerely,



James E. Smith, Esq.
Managing Partner



Jennifer K. Crawford, Esq.
Partner



Jay A. Youmans
Principal



Sira R. Grant, Esq.
Senior Associate



Jonathan W. Capano, Esq.
Associate

Matt Giancola

From: Brian Striar <brianstriar@gmail.com>
Sent: Thursday, October 15, 2020 4:39 PM
To: Cannabis Control Commission
Subject: Proposed Delivery Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

Good afternoon,

I am in favor of the new proposed Delivery license regulations that the CCC has formulated, I have a question and a comment (suggestion) on how to improve the likelihood of success for the licensee.

I haven't been following too closely so please excuse me if this has been previously addressed. Which town receives the 3% sales tax from a delivery, is it the town where the licensee has the HCA (physical space) or does the town where the delivery ends up get the three percent tax?

I would strongly suggest that the towns where the delivery ends up should receive the sales tax, this MIGHT encourage towns that have banned Adult Use to reconsider and opt in.?

Thank you, stay safe!

Brian Striar
584 Mountain Street
Sharon MA 02067



Shaun A. Suhoski, *Town Manager*
Email: ssuhoski@townofathol.org

Bridget A. Sullivan, *Executive Assistant*
Email: selectmen@townofathol.org

VIA EMAIL: Commission@CCCMass.com

October 15, 2020

Massachusetts Cannabis Control Commission
Union Station
2 Washington Square
Worcester, MA 01604

RE: Draft Revised Regulations: 935 CMR 500.00 Adult Use of Marijuana

Dear Chair Hoffman and Members of the Commission:

Please consider the following commentary on the Cannabis Control Commission's proposed amendments to 935 CMR 500.000: *Adult Use of Marijuana*.

In whole, I have a great deal of respect for the manner by which the Commission has implemented a regulatory framework surrounding the legalization of the marijuana industry. In fact, earlier today I joined Seun Adedeji, a dynamic and youthful entrepreneur, to celebrate the ribbon cutting of Elev8 Cannabis, the first retail marijuana outlet to open in Athol.

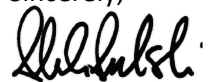
The Town has been a leader in welcoming the new industry into the community having approved special permits and host community agreements for seven operations to date, including two delivery licenses.

However, the unforeseen and rapid process to carve out a new wholesale delivery license requires more time to study and understand its implications not only to the host communities, but also to small retail startups such as Elev8, that will undoubtedly face additional competition. As well, the language proposed that allows the sale and delivery of this product directly to consumers sounds a lot like a retail operation which may derogate from local bylaws in communities that have established quotas or zoning limitations.

The Town supports and amplifies the comments of the Mass. Municipal Association and Mass. Municipal Lawyers Association and respectfully requests that more time and study be undertaken – with municipal and retail licensee input – before changes are made to the delivery licensing regulations.

Please contact me directly at 978-721-8451 or via email to ssuhoski@townofathol.org with any questions. Thank you for the opportunity to comment.

Sincerely,


Shaun A. Suhoski
Town Manager



ROBERT F. SULLIVAN

Mayor

City of Brockton

Office of the Mayor

KERRY RICHARDS

Chief of Staff

krichards@cobma.us

508.580.7123

October 15, 2020

Massachusetts Cannabis Control Commission Union Station
2 Washington Square
Worcester, MA 01604

Dear Chair Hoffman, Commissioner Flanagan, Commissioner McBride, Commissioner Title, and Executive Director Collins:

I am writing to provide comment on the Cannabis Control Commission's ("CCC" or "Commission") proposed amendments to 935 CMR 500.000: *Adult Use of Marijuana*. The City of Brockton greatly respects—and supports—the Commission's continued efforts to provide equitable opportunities for residents to meaningfully enter the newly legalized and regulated adult-use cannabis industry. I thank the Commission for its largely thoughtful approach over the past two years and look forward to continuing our work together.

I have significant concerns over the speed, process, and policies being proposed by the CCC with regard to the creation of wholesale delivery licenses. This rapid process has taken place without any involvement or communication with local communities. Without careful policy considerations and operational restrictions, the creation of this new license category could have detrimental impacts on the emerging legal industry and have a detrimental impact on those communities, like Brockton, which have embraced this industry and rely on the important, local revenues generated thereby to address the local impacts.

The CCC has communicated a clear desire to increase the participation of Social Equity and Economic Empowerment applicants throughout the industry, seeking ways in which to lower economic barriers to entry, including providing periods of exclusivity for delivery-only or limited delivery licenses. Unfortunately, I believe the creation of the wholesale delivery license misses the mark. While the limited delivery license category provides a lower economic barrier to entry, the wholesale delivery license comes with a much higher operating cost. In fact, the costs associated with a wholesale delivery license, at full capacity, may in fact exceed a brick-and-mortar retail establishment. Creating such a capital-intensive license type does nothing to improve the status quo on participation of Social Equity and Economic Empowerment applicants. Instead, this new license will create the likely possibility of a small handful of entities, backed by large, third-party technology platforms who, together, operate several strategically placed, large warehouses, dominating the statewide regulated cannabis market

"City of Champions"

through the advantage of consumer convenience. Such a scenario will result in effectively undermining the nearly seven years of investment in brick-and-mortar stores, the more than 15,000 jobs this new industry has to offer, and the municipal tax revenue generation the industry has already created for all participating municipalities—not just the small handful of communities hosting these large mega-warehouses. The last among those listed-concerns is the most vexing as communities in the Commonwealth will continue to absorb the impacts of this industry without the offset of local revenue as contemplated by the Act. The aforementioned scenario undermines the important role local communities play in supporting and overseeing the industry.

The introduction of adult-use cannabis tax has been a significant revenue driver for the Commonwealth and the municipalities that host these retailers through the local option of up to three percent of gross sales. These revenue streams have proven critical, especially in recent months due to the devastating economic and health effects of the ongoing pandemic. However, these revenues are being severely threatened by the CCC's proposed—and very rushed—creation of wholesale delivery licensed businesses. Wholesale delivery license holders will be able to deliver cannabis into the community, while providing no revenue and without our ability to maintain a firm understanding of their operations—an ability we currently enjoy with our local brick-and-mortar cannabis stores. Transferring tax revenue to outside municipalities will diminish the many positive—and equitable—impacts we have been able to create as host communities and will detrimentally harm those municipalities whose leaders have embraced regulated cannabis, especially during this industry's infancy. This, coupled with the loss of impact payments used to offset local impacts so as to remain budget neutral will, in fact, leave these communities in a budget shortfall. It was not so long ago that the Commission made direct appeals to communities, like Brockton, to welcome this industry. Now for those of us who have embraced this industry, we are very concerned that the same Commission may undermine that very system we have taken years to carefully develop and implement locally.

I am concerned with the smaller operators, the stand-alone “mom and pop” retailers and limited delivery license holders. Stand-alone retailers will not be able to compete on convenience. It should be noted that standalone retailers and limited delivery license holders are often entrepreneurs with limited capital, a group the CCC wants to have greater participation in this industry. We have seen this scenario play out already with e-commerce, devastating many of our Main Streets, forcing us to look to new ways to develop local economic opportunities. It would be unfortunate to invite this same, well-known economic outcome upon this expanding industry, especially when promise has already been shown in terms of revenue and job creation.

This changed landscape of adult-use marijuana commerce will necessitate the communities whom have embraced marijuana to renegotiate Host Community Agreements and carefully review zoning bylaws. Cities and towns have not even commenced the conversation about local control over delivery of marijuana and we need the opportunity to legislate and discuss the impacts of this new license class. Current HCAs and local control over zoning would certainly be impacted by the creation of a new delivery license class. Topics such as traffic impacts, traffic

congestion, peak use times and road details will all have to be revisited if the use of a brick-and-mortar facility is transformed into a delivery outfit. The delivery “use” was not contemplated when retail HCAs were negotiated and executed or when special permits were granted. Additionally, cities and towns have not yet had the opportunity to discuss the topic or idea of wholesale delivery. The far reaching impacts as outlined above need to be digested and understood by communities before licenses are available to entrepreneurs.

Because of these concerns—starting with the very rushed and uncommunicative nature that this process has followed—affecting not only the cannabis business community, but the very communities that host them, I respectfully request that the CCC place this discussion on hold and consider engaging those most likely to be affected by these policies—municipalities first amongst them—such that we might engage with you in designing thoughtful solutions that may raise all, together. With more time and input from stakeholders, I am confident that a mutually beneficial solution can be reached.

Thank you for your consideration.

Respectfully,



Robert F. Sullivan
Mayor
City of Brockton



October 15, 2020

Massachusetts Cannabis Control Commission
ATTN: Director of Constituent Services
2 Washington Square
Worcester, MA 01604

RE: Draft Delivery Regulations

Chair Hoffman, Commissioner Flanagan, Commissioner McBride, Commissioner Title, and
Executive Director Collins:

The importance of a diverse marketplace is a critical element of Massachusetts' adult-use statute and remains a priority of both existing operators and the Cannabis Control Commission. As the state's largest cannabis trade association, representing nearly 50 operators of all sizes and license types, the Commonwealth Dispensary Association supports concerted efforts by the CCC and industry to continue to promote inclusion, reduce barriers, and support entry into the legal market for applicants of all sizes and backgrounds seeking to pursue legal cannabis businesses. Additionally, the CDA fully endorses the inclusion and expansion of existing license categories to effectively support Massachusetts' legal market in better competing with the still thriving illicit market. The CDA has long maintained that a key policy consideration in successfully combatting the illicit market is through the allowance of adult-use consumer delivery.

However, any such effort must effectively balance the goals of equitable inclusion, with maintaining legalization's promises to Massachusetts' voters. Those promises include robust revenue collection, meaningful local development, and significant job creation. With those goals in mind, we must express our dissatisfaction with the CCC's approach to developing the draft regulations for Limited Delivery Licenses and Wholesale Delivery Licenses. Instead of gathering the industry together to generate a well-thought out solution when the trend of public comments suggested changes to delivery were needed, the CCC instead chose to act hastily, without even a consideration for transparency. Succinctly put, the CCC has not done enough to make the LDL a practical and profitable option for Social Equity and Economic Empowerment applicants, and in reaction with the WDL, the Commission has created a license class that threatens to upend and potentially destroy the current supply chain model that hundreds of license holders and applicants have relied on in creating their business plans. To depart so radically from the 2016 ballot question and the ensuing 2017 legislative changes is to thumb your nose at both the voters and the Legislature.

Over the last few weeks, CDA staff and members have met three times with members of the Massachusetts Cannabis Association for Delivery. We have had thoughtful and productive discussions where we have learned from each other, expressed ideas for improving the delivery model, and most importantly, begun to find common ground that could finally fulfill some of the promises around social equity that the statute calls for. If the CCC had attempted to bring our two parties together to solve this problem, we could have likely identified reasonable

compromises and reached consensus on a plan to bring to you. Our association is large and small operators from a variety of categories who understand themselves as being parts of a complex ecosystem co-existing alongside one another, inclusive of social equity and economic empowerment applicants and operators. But this vision is made challenging by draft regulations that are more divisive than they are constructive. Pre-dating and certainly throughout the development of our regulations, there is an evolution of an ‘established industry vs. social equity and economic empowerment’ narrative. By issuing these draft regulations, the CCC has perpetuated this divisive narrative and has forced each side to draw lines in the sand on which regulations are acceptable and which are not. A better approach would have been to convene a working group of interested stakeholders who could have collaborated on developing policy that lifts up SE and EE applicants and also acknowledges the investment that current businesses and municipalities have made in the Massachusetts cannabis marketplace.

The CDA would enthusiastically participate in such an endeavor and respectfully requests that you **put off issuing final regulations on delivery until such a group convenes and issues recommendations to the CCC**. We would commit to a **final report date of November 20, 2020**. If a consensus report is not reached or does not meet the satisfaction of the CCC, then you could proceed with the current regulatory process. However, if the CCC is determined to issue final regulations on the current schedule, the CDA offers the following comments and suggestions to both the WDL and LDL.

The proposed WDL, as currently contemplated in your draft regulations, creates a new regulatory model that, in our opinion, will not increase equitable access to the cannabis industry because it does not reduce barriers to entry. The WDL will require far greater capital investment by social equity and economic empowerment applicants, which is the foremost reason for the lack of diversity in our industry. Furthermore, the cost for compliance and security of a WDL will be significantly higher than that of the Limited Delivery License.

Without additional policy modifications, the WDL model has the future potential to materially and detrimentally undermine the nearly seven years of investment and job creation made by countless licensees and applicants, including many new economic empowerment and social equity marijuana retailers recently opened or just completing licensure. As outlined below, **the WDL proposal**—without appropriate policy additions and limitations—will: **1) create a licensure scheme ripe for abuse by third-party technology platform providers already engaged in investment around this proposal; 2) fail to achieve the mutually supported goals of reducing financial barriers to entry, due to the capital-intensive nature of this new retail model; 3) prevent these new retailers (which a WDL is) from locating in municipalities that have already reached their license caps; and 4) codify delivery as an unlevel playing field dominated by a well-financed few, while detrimentally undermining existing and future brick-and-mortar stores.**

Our concerns are that **through the creation of a WDL license without limitations described below, a back door has been created for the “Amazonification” of our still nascent industry**. High costs for entry will mean that 49% partnerships and operating and loan agreements with large, eager technology platforms such as Eaze and Drizly will not only be

attractive for applicants, but likely necessary. The results of such a model will mean that the Commonwealth will not see a diversely developed market, but rather, **a market of a small handful of WDL licensees funded by large, corporate entities who will dominate the industry through several large-scale warehouse facilities, each with near-statewide reach.** They will threaten the viability of standalone retail businesses, kill jobs, and eliminate significant revenues for many local communities who have relied on the taxes produced by brick-and-mortar retailers.

Conversely, the CDA has strongly supported CCC efforts to create “delivery-only” licenses, including supporting an exclusivity period of up to two-years for economic empowerment and social equity applicants. While there are important additional considerations the CCC could adopt to increase the profit opportunities for these licensees (enumerated below), we believe that many successful delivery-only business models already exist. This is evidenced not only by existing retailers already forming partnerships with delivery-only applicants, but also by the number of potential licensees who applied for the license type, have received CCC pre-certification, and still plan to pursue this model. However, we have and still do believe, additional profitability might be contemplated without losing important market and safety considerations through the adoption of several common-sense measures. Unlike the WDL model of licensing, the LDL model creates low barriers to entry, opportunities for many SE and EE entrants to create businesses, as well as new municipal licenses—all for a small cohort of applicants directly impacted by the Failed War on Drugs—without any of the unintended consequences the WDL license category would create for the industry and communities.

Below, we outline in more detail our concerns about the proposed WDL and propose edits which would reduce these risks and better achieve the goals of the CCC and the industry.

1. Commission Intent vs. Reality of Future Delivery Market

As evidenced by the Commission policy discussions, the CCC prioritizes positively impacting those disproportionately impacted by the war on drugs as well as enabling a diverse marketplace with many operators who can provide access for patients and consumers to products and education. For those who drafted the statute and the municipalities who went first with allowing licensees to get up and running, Chapter 94G was also designed to fill up vacant storefronts, provide valuable tax dollars to municipalities, and increase property valuation for neighboring businesses.

We believe that the CCC envisions the creation of the two delivery models as helping further these goals, providing a lower cost access point to market entry, particularly for those disproportionately impacted by the war on drugs. However, the reality of the WDL model is that it poses a significant threat of elimination of small business and to the viability of the LDL and standalone retailer models.

As experienced in other industries, delivery is a logistics game, and lends itself to the ability to consolidate supply and to route optimization. This means players with more financial backing can afford better technology solutions, which will make them more competitive, and able to artificially reduce prices. They will outlast competition through undercutting and will quickly dominate this young market.

We have seen the impact of Uber on the once thriving and well-established taxi industry, and we have seen the obliteration of many Massachusetts small businesses and large national retailers alike due to online delivery fulfillment centers such as Amazon. On the other hand, we have seen other industries, such as the alcohol industry, design a system that is succeeding and allows for home delivery but protects the brick and mortar package stores already under attack by larger chain stores by requiring that delivery originate from retail stores. There was a tremendous amount of study and market analysis completed to come to that conclusion, which we do not believe was done for the cannabis market.

We believe that with a few modifications to the existing regulations, and the inclusion of delivery commissions or other ways to reduce the burdens of delivery fees on LDL operators, that an LDL operator can make a reasonable profit. This model should be supported as it meets the policy mandates stated by the Commission of a lower-cost entry point. Due to the additional compliance and operational costs of the WDL model, which have been articulated as considerations even in CCC delivery discussions and policy meetings, the WDL model is clearly more expensive to operate and more capital-intensive at start-up than the LDL model, and more akin to the costs of a brick-and-mortar retail. It will not meet the specifically expressed goal of the Commission to create a ‘lower cost’ entry point for licensing.

2. Market Pricing

One of the biggest critiques currently of the cannabis industry is that the price of marijuana is still very high in this market. This inhibits successful competition with the thriving illicit market.

Some have suggested that increased competition in this market through the WDL model will lead to lower prices overall, but we believe that to be false. In a pure, theoretical economics model, it follows that increased competition helps lower market prices, but the realities of why market prices have stayed high in Massachusetts have more to do with other factors besides competition. Substantial price cuts will not occur while operators try to break even or generate a small profit. This is especially true for the single license holders.

Key factors contributing to the continued high marijuana prices include:

- High testing costs, and long delays in getting test results
- High compliance and operational costs

- Lack of supply due to ever-increasing ITL turn-around times
- Lack of ability to pursue funding for business needs through normal business channels

None of these factors are addressed with the proposed regulations, meaning price undercutting will largely be from those operations who can afford to outlast others without generating profits. Since these same businesses are likely those sponsored by (49%) or partnered with third-party technology platforms, they are also more able to pursue investor funding, and insulate their businesses through other markets.

This is a known business practice which has been utilized by delivery companies and third-party platform providers in many other industries, where their competitors were much more well-established organizations and markets than our young industry.

3. Supply and Pricing

Initially, vertically integrated operators have the most to gain from the WDL model, since they are most likely to be able to provide wholesale products to those looking to purchase, while their own supply lines remain largely unimpeded.

However, for standalone brick-and-mortar retailers, this will increase the difficulty of obtaining consistent supply or a competitive array of products, since they will be competing directly with WDLs. Unfortunately, this means competition for supply due to limited product availability will likely drive up prices. Those forced to compete against each other and pay more will be standalone brick-and-mortar retailers, many of whom are DBEs, such as Social Equity and Economic Empowerment licensees, against like operators in the WDL category.

Proposed Improvements:

With the recognition that the creation of a new license type generates a ripple-effect of consequences, some of which are more predictable than others, the CDA would like to provide a sample of potential areas for improvement. Ultimately, we believe the best way to create this new license is to bring together stakeholders to talk through the solutions and consequences in real time. As only parts of the puzzle working under an incredibly tight timeline, we are necessarily limited. Therefore, our list is not all inclusive nor fully realized as perfect solutions, but instead should be viewed as vignettes in a complex web of interdependent parts – suggestions to start conversations by showcasing some concerns and a general direction one could explore further to mitigate risk.

1. Prevent Ownership Stakes by Third-Party Technology Platforms, Affiliates

The CCC should limit equity and/or ownership stakes that Third-Party Technology platforms and their affiliates, and other large corporate delivery operators including Amazon or liquor distributors, may have with licensees in both licensing/operating agreements and investments for all delivery models.

Fostering an equitable delivery space through limiting the control of large corporate delivery or technology entities poised to dominate our new market is the single most crucial mechanism that the CCC can utilize to prevent the “Amazonification” of the delivery market – or the promotion of a handful of licensees and tech platforms at the costs of the other perspective operators.

2. Improve the profitability of LDL Model

The best way to ensure the success of a diverse delivery market is for the Commission to improve the competitiveness of the LDL, to support applicants pursuing the LDL achieve a viable business model. The LDL model has far fewer barriers to entry in terms of capital costs, and best promotes the CCC goal of lowering barriers to entry for market participation. By preserving a model with lower barriers to entry, it also helps ensure that operators are not forced to give up equity in their businesses in order to help realize a costly license (which makes partnership with a third-party tech platform much more attractive), helping to prevent a monopoly in the delivery space.

A benefit of improving the viability of the LDL model is that it also protects a source of taxes for the retail municipality and mutually benefits both LDL licensees and the retailers’ businesses. This model will allow smaller players to continue to be competitive as they are delivering from multiple retail locations but have a defined radius.

REDUCE LDL SECURITY COSTS WHILE MITIGATING SECURITY RISKS

The overwhelming feedback we have received about how to improve the viability of the model is the importance of reducing operating compliance costs reasonably, to make LDL a more competitive model. One of the most significant line items in the LDL model budget is a second person in all delivery vehicles. Security modifications such as one person per vehicle are critical modifications which would significantly improve operator margins. Additional fixed cost safety measures such as a panic alarm system for vehicle lockdown and signaling to law enforcement, or other similar measures approved by the CCC could help to provide reasonable alternatives that make the LDL model much more accessible, and balance safety with reasonable operating costs.

If the CCC is uncomfortable making such modifications at this point, we strongly suggest creating a definitive future date at which to re-evaluate the safety requirements for

delivery, based on actual program data, to tailor these regulations and improve the LDL model further.

REDUCE FEE BURDEN ON LDLS

Due to the complex language around what constitutes ownership and control, there appear to be clear dollar limits on the amount a Retailer could cover in delivery fees or offer in delivery commissions (\$10,000). This language as well as a desire to comply complicate agreements that Retailers could make with their LDL, such as offering a delivery commission (for example, a percentage on all orders) or covering the cost of delivery fees. Allowing Retailers to make more reasonable agreements which would improve the bottom line for LDL operators and make them more competitive is a win-win scenario. If the Commission does not believe that Retailers are limited in this way, they should issue additional guidance around allowable delivery agreement practices which would help all parties better navigate the space and certainly lead to better LDL operating models with more realistic margins.

3. Tier and Fleet Sizing by Demonstrated Demand

Just as the Commission has identified natural license caps to ensure equitable market participation in all other license types, the WDL must not be a limitless license:

ONE LICENSE, ONE WAREHOUSE, FIVE VEHICLES

If we identify the comparable model as a brick-and-mortar adult-use retail operation, their typical daily turnaround is \$30,000/day. With each vehicle able to carry up to \$10,000 per trip in product, but realistically in a full 10-12 hour day being able to deliver \$5,500 in product (12 hours, 3 deliveries/hour, \$150 per delivery) we think a reasonable limit is 5 vans or up to \$30,000 per turnaround period, as it would be comparable to the retail footprint.

LIMIT WAREHOUSE SIZE TO MIMIC A RETAIL STORE VAULT

If the goal of the CCC is to generate many small, uniquely owned delivery operators in the market, a reasonable comparable model would be the 1,000 sqft operating space limit of the microbusiness model. Therefore, we would suggest a comparable warehouse size cap at 1,000 square feet. This avoids the issue of delivery companies overbuying and affecting market pricing.

4. Definitively Limit the Exclusivity Period for WDLs

We absolutely support the exclusivity period for the LDL model. However, as we have outlined throughout this document, we do not believe that the results of the proposed delivery licensing scheme will lead to a diverse marketplace with many operators. Instead, with the addition of the WDL, this will be a winner-take-all model, and with only a few winners the identified metrics and goals of the exclusivity period will never come to fruition.

As a result, a handful of operators backed by a one or a few third-party technology platforms will continue to dominate the delivery space and make it even more difficult for new operators to enter and compete in the field over time, becoming a never-ending cycle. As we believe that the identified metrics will not be met nor may ever be met, we ask that the exclusivity period be limited to three years.

5. Standalone Retailer Access to White Labeling

To further support the goals of an equitable marketplace, the CCC must give brick and mortar, stand-alone retailers, particularly SE and EE applicants who pursued retail licenses, the opportunity to build a brand as they have WDLs. LDLs would have exclusive access to delivery of those brands.

The CDA believes that by improving the profitability of the LDL model, and modifying the WDL model to promote greater participation, we will see a delivery market much closer to what the Commission envisions. By creating a framework where applicants won't need to give up equity in their businesses to third-party technology platforms in order to realize their businesses and make them competitive, we are promoting a diverse marketplace where all delivery operator sizes can thrive. Overall, a diverse and thriving delivery space will improve the strength of the Massachusetts legal market for all licensees. However, without thoughtful policy consideration and necessary modifications, we fear that what is meant to be a pathway with fewer barriers to entry will evolve into a space where only a few can succeed or compete.

Again, we hope you reconsider moving forward with these regulations regarding delivery. While we appreciate your desire to finalize them, we strongly believe that more work needs to be done and further discussion must take place with all impacted stakeholders. The CDA stands ready to participate in any forum the CCC may convene to address this important topic. We appreciate the opportunity to comment on your draft regulations and we thank you for all your efforts.

Sincerely,

David Torrisi, President

Matt Giancola

From: Olivia Trojano <trojano.olivia@yahoo.com>
Sent: Friday, October 9, 2020 4:17 PM
To: Cannabis Control Commission; info@masscad.org
Subject: Draft Delivery Regulations Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

Hi Cannabis Control Commission,

Full Name: Olivia Trojano
City: Boston
State: MA

I'm emailing to comment on the 935 CMR 500.000: Adult Use of Marijuana draft regulations.

I'd like to see that these regulations also include a few important points that will allow the for an equitable cannabis delivery market to be created.

Main Changes:

Repackaging Equality

Add the ability for [wholesale] Delivery Operators to repackage marijuana and marijuana products purchased from cultivators, manufacturers and other Marijuana Establishments as is allowed for Marijuana Retailers. This will create a level playing field for Delivery Operators when purchasing cannabis.

One Driver

Eliminate the requirement for Delivery Operators and Couriers to have two people in the vehicle during operations. Allowing only one driver will further the commission's aim to keep start-up costs low, increase the ability for independent Retailers to effectively partner with Marijuana Couriers, and maintain safety.

You can view more in this 2 to 1 driver safety presentation:

<https://docs.google.com/presentation/d/1pdIRX8A8oDjLCzDSliiazGOjiJlCrzENdX7kBpOK3Yo/edit?usp=sharing>

Prioritize Exclusivity

Open the application portal for Delivery Operator Licenses by Q1 of 2021. We also request that the 3-year Exclusivity window starts at the commence operation date of the first [wholesale] Delivery Operators. This will allow [wholesale] Delivery Operators to not lose time in their exclusivity window due to Marijuana Couriers commencing operations first.

Minor Changes:

Clear & Concise License Names

Change the name of the "Wholesale Delivery Licensee" and "Limited Delivery Licensee" to Marijuana Delivery Operator and Marijuana Courier respectively. The word "wholesale" in this context only creates confusion. The word "Limited" does not clarify anything in regards to its license type. The word "Licensee" (nor "License") does not appear in any other

license type. Providing straightforward and concise names to the license types will create clarity for busy municipal officials and other stakeholders as to what delivery companies are proposing to do in their cities and towns.

Ownership Limitations

Ban 3rd party tech platforms from owning any portion of a delivery company. This will prevent an Amazon type of entity from taking over the delivery market.

We also support maintaining the following elements of the existing draft regulations:

Creation of a wholesale delivery license with the ability to store products overnight The extension of the exclusivity period.

The classification that delivery companies are not defined as retailers.

Ability for delivery companies to white-label.

Thank you!

Olivia Trojano

To: The Massachusetts Cannabis Control Commission

Chairman Hoffman, Commissioner Title, Commissioner McBride, Commissioner Flanagan

From: Ethan Vogt, Home Grown Boston

Certified Applicant # EE202162

Re: Draft Delivery Regulations

Date: October 14, 2020

Greetings! I'd like to first commend the Commission on the adjustments to the Delivery License proposed in your August 28th meeting. In responding to the concerns of local entrepreneurs and activists to ensure this license is a viable and protected business model, you have made great strides toward creating the conditions for a robust and equitable cannabis industry in Massachusetts. I am writing this letter to support all the changes made thus far and advocate for a number of progressive policies that I believe will ensure further participation and a thriving industry.

- I feel strongly that Delivery Operators should be permitted to "repackage" cannabis, creating a level playing field and giving them the ability to establish unique brands and best serve the market as they see fit.
- I share the widespread opinion that the requirement of 2 drivers at all times in a vehicle is unwarranted for security reasons and simply increases costs for the legal Operator at a time when establishing competitive pricing is paramount.
- In the interest of fairness and clarity, I ask that the 3-year exclusivity window starts at the commence operation date of the first [Wholesale] Delivery Operators and that "Wholesale" is eliminated from what is primarily a "B to C" business model.
- Finally, I ask that you clarify that Operators will have the ability to deliver "seeds, clones, and live cannabis plants" to Consumers ending the absurd contradiction that Massachusetts residents are permitted to grow up to 12 plants in their homes but have limited or no legal means to purchase genetics or starter plants.

Thank you very much for your time and consideration,

A handwritten signature in black ink, appearing to read 'E. Vogt', is written over a faint, light-colored rectangular stamp or watermark.

Matt Giancola

From: todd whiteoak <toddwhiteoak@gmail.com>
Sent: Wednesday, October 7, 2020 11:22 AM
To: Cannabis Control Commission; info@masscad.org
Subject: Draft Delivery Regulations Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tracked To Dynamics 365

Hi Cannabis Control Commission, Full Name: Todd Whiteoak City: Los Angeles State:CA I'm emailing to comment on the 935 CMR 500.000: Adult Use of Marijuana draft regulations. I'd like to see that these regulations also include a few important points that will allow the for an equitable cannabis delivery market to be created. Main Changes: Repackaging Equality Add the ability for [wholesale] Delivery Operators to repackage marijuana and marijuana products purchased from cultivators, manufacturers and other Marijuana Establishments as is allowed for Marijuana Retailers.This will create a level playing field for Delivery Operators when purchasing cannabis. One Driver Eliminate the requirement for Delivery Operators and Couriers to have two people in the vehicle during operations. Allowing only one driver will further the commission's aim to keep start-up costs low, increase the ability for independent Retailers to effectively partner with Marijuana Couriers, and maintain safety. Prioritize Exclusivity Open the application portal for Delivery Operator Licenses by Q1 of 2021. We also request that the 3-year Exclusivity window starts at the commence operation date of the first [wholesale] Delivery Operators. This will allow [wholesale] Delivery Operators to not lose time in their exclusivity window due to Marijuana Couriers commencing operations first. Minor Changes: Clear & Concise License Names Change the name of the "Wholesale Delivery Licensee" and "Limited Delivery Licensee" to Marijuana Delivery Operator and Marijuana Courier respectively. The word "wholesale" in this context only creates confusion. The word "Limited" does not clarify anything in regards to its license type. The word "Licensee" (nor "License") does not appear in any other license type. Providing straightforward and concise names to the license types will create clarity for busy municipal officials and other stakeholders as to what delivery companies are proposing to do in their cities and towns. Ownership Limitations Ban 3rd party tech platforms from owning any portion of a delivery company. This will prevent an Amazon type of entity from taking over the delivery market. We also support maintaining the following elements of the existing draft regulations: Creation of a wholesale delivery license with the ability to store products overnight The extension of the exclusivity period. The classification that delivery companies are not defined as retailers. Ability for delivery companies to white-label. Thank you!

--

Todd Whiteoak
toddwhiteoak@gmail.com
Cell 267.980.4350
www.linkedin.com/in/todd1

Matt Giancola

From: Scott Winters <Scott@cnastores.com>
Sent: Thursday, October 15, 2020 2:59 PM
To: Cannabis Control Commission
Subject: RE: Reminder: Public Comment on Adult-use Cannabis Delivery Regulations Closes Today

Follow Up Flag: Follow up
Flag Status: Flagged

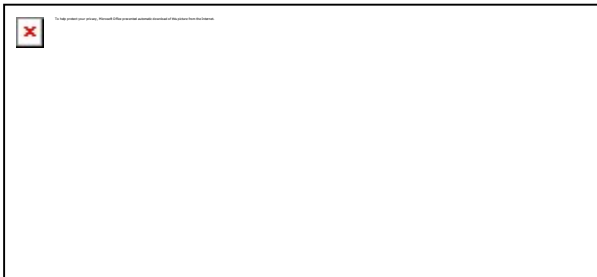
Categories: Tracked To Dynamics 365

I still believe if you have a retail store you should be allowed to deliver your own products and of course carry on the service that we strive for.

Thank you for your time.

Scott
CNA Stores
978 697 8405

From: Cannabis Control Commission <Commission@CCCMass.com>
Sent: Thursday, October 15, 2020 2:44 PM
To: Scott Winters <Scott@cnastores.com>
Subject: Reminder: Public Comment on Adult-use Cannabis Delivery Regulations Closes Today



**Reminder: Public Comment on
Adult-use Cannabis
Delivery Regulations Closes Today**

On September 28, the Cannabis Control Commission (Commission) opened a second public comment period limited to changes proposed for the regulations pertaining to delivery licenses set forth in [935 CMR 500.000: *Adult Use of Marijuana*](#). **As a reminder, the public comment period closes today at 5 p.m.**

Please see materials below for more details and to learn how to submit public comment via mail or email.

[See the Notice of Public Comment](#)

[Review the Draft Delivery Regulations](#)

[Read the Press Release on Draft Delivery Regulations](#)

 Share  Tweet  Forward



Copyright © 2020 Cannabis Control Commission, All rights reserved.

Our mailing address is:

Union Station
2 Washington Square
Worcester, MA 01604

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#).