

CANNABIS CONTROL COMMISSION

**May 23, 2024
10:00 AM**

Remote via [Microsoft Teams Live*](#)

PUBLIC MEETING MINUTES

Documents:

- [Meeting Packet](#)
- Guidance Document for the Executive Director Search Subcommittee
- Chief of Staff Andrew Carter's May 22, 2024, email to Commissioners
- Special Policy Report: Accounts Receivable

In Attendance:

- Acting Chair Ava Callender Concepcion
- Commissioner Kimberly Roy
- Commissioner Bruce Stebbins

Minutes:

1) Call to Order

- The Acting Chair (AC) recognized a quorum and called the meeting to order.
- The AC gave notice that the meeting is being recorded.
- The AC gave an overview of the agenda.

2) Commissioners' Comments & Updates – 00:01:27

- Commissioner Roy thanked Congressman William Keating for reaching out to discuss the Cannabis supply-chain issues facing Martha's Vineyard.

3) Commission Discussion and Votes – 00:03:38

1. Executive Director Search Update

- Acting Executive Director Debra Hilton-Creek (AED Hilton-Creek) updated Commissioners on the status of the search for a new Executive Director (ED). She noted that the voting members of the search-committee would be voted on today and they would be convening from May 24 to June 15. AED Hilton-Creek stated that the proposed voting members would be herself, the AC, Commissioner Stebbins, Chief Financial Accounting Officer Lisa Schlegel (CFAO Schlegel), and Director of



Communications Maryalice Curley (Director Curley) and listed the non-voting members. She summarized the timeline for interviews and stated that the final interviews would be held during the Commission's September Public Meeting. Commissioner Roy requested access to all applications. General Counsel Kristina Gasson (GC Gasson) clarified that the committee was technically a preliminary screening committee and that applications could be shared with non-member Commissioners provided there was no deliberation. She continued and discussed Open Meeting Law considerations and noted that there would be a minimum of two candidates presented to the Commission in a Public Meeting. Commissioner Stebbins indicated his preference to interview all candidates in a single meeting to not give an advantage to any candidates and AED Hilton-Creek responded that there would be a proposal to the Commission regarding those logistics. Commissioner Roy asked for confirmation that the posting had been picked up nationally and AED Hilton-Creek stated she could provide this at the next public meeting.

- Commissioner Stebbins moved to approve the voting members of the ED search committee, those members being the AC, Commissioner Stebbins, AED Hilton-Creek, Director Curley, and CFAO Schlegel.
- Commissioner Roy seconded the motion.
- The AC took a roll call vote:
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the motion.

- Commissioner Stebbins moved for the AC to serve as Chair of the search committee.
- Commissioner Roy seconded the motion.
- The AC took a roll call vote:
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the motion.

- Commissioner Roy moved to allow Commissioners not on the ED search subcommittee to review resumes and applications materials however not to deliberate on any of the matters regarding the ED search.
- The AC took a roll call vote:
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the motion.

2. Administrative Extensions for Licenses Discussion



- Acting Chief of Investigations and Enforcement Nomxolisi Khumalo (Acting Chief Khumalo) explained that the purpose of this topic was to give time for Licensees and Host Communities to negotiate Host Community Agreements (HCAs) by expanding a prior delegation to staff to extend License expirations. She explained that over 100 Licenses were due to expire in June and that, if approved, a bulletin would go out to Licensees to notify them of the process for requesting extensions and explain how their fees would be prorated. The AC asked if there was a limit to the number of extensions that could be granted. Acting Chief Khumalo stated that the original delegation had been silent as to the number of extensions, but the Commissioners could choose to allow for an additional 240 days in addition to the 120 that are currently allowed. Commissioner Roy requested data on compliant HCAs. Acting Chief Khumalo stated that around 14 Determination Letters had been sent out, there were 100 more HCAs for review in the queue, and she could have more data in the next Public Meeting. The AC suggested an internal review of the Commission's power to strike non-compliant provisions from HCAs. Commissioner Roy summarized the revenue collected by the Commission in Fiscal Years 2023 and 2024 and emphasized that the prorated fees were important for collecting all fees which were due. Commissioner Roy read an email from Chief of Staff Andrew Carter (Chief Carter) into the record and stated that she was confused as to its purpose. Chief Carter clarified that the language contained in the email was intended as proposed motion language for the Commissioners. Commissioner Stebbins requested data on which Licensees had utilized the Model HCA or HCA Waiver. The AC asked if any Licenses had expired and Acting Chief Khumalo responded that no Licenses had expired yet. Commissioner Roy asked for Economic Empowerment Priority Applicants and Social Equity Program participants to be highlighted in the requested HCA data and that there be targeted outreach to those groups regarding extensions.
- Commissioner Roy made a motion to seek a limited delegation of the Commission's authority, under G. L. c. 10, § 76 (j) and G. L. c. 94G, § 6 (a), to administratively extend a license expiration date up to 120 calendar days at the discretion of the Chief of Investigations and Enforcement or their delegate; after the first 120 calendar day extension has been exhausted, the Chief of Investigations and Enforcement or their delegate may approve additional extensions not to exceed 240 calendar days in total for the exclusive purpose of allowing a licensee to submit a compliant Host Community Agreement or Host Community Agreement waiver; during an administrative extension, the licensee shall continue to comply with the Commission's requirements for licensure and shall be required to pay a prorated license fee to cover the extension.
- Commissioner Stebbins seconded the motion.
- The AC took a roll call vote:
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the motion.
- Commissioners agreed to a 5-minute break until 11:40 AM.



3. Topics for Legislative and Executive Branch Outreach (01:38:08)

- Director of Government Affairs Matthew Giancola (Director Giancola) introduced the topic of Hemp. He explained that Hemp is federally legal and how, recently, cannabinoids have been extracted from Hemp for use in intoxicating products. He explained that Hemp falls under the exclusive jurisdiction of the Massachusetts Department of Agricultural Resources, but a 2020 legislative change allowed Marijuana Establishments to utilize Hemp in the licensed Marijuana supply chain. He noted the upcoming Joint Oversight hearing on Hemp regulation on June 11, 2024. The AC asked Commissioner Roy to participate in the hearing on behalf of the Commission. Commissioner Roy asked if that would preclude her from speaking in an individual capacity as she was personally concerned about “gas station weed” and did not want to be prevented from speaking on that topic. Director Giancola clarified that the hearing would include the topic of intoxicating Hemp products and that Commissioner Roy’s concerns would be appropriate to discuss. The AC suggested developing talking points to express the Commission’s position. Commissioners discussed what talking points they would like to be included and Director Giancola stated that he would work with Commissioners to develop testimony. Commissioner Roy asked if she could share constituent emails or ask Licensees to publicly comment on the topic. The AC noted time constraints in light of the upcoming hearing regarding island transportation. Director Giancola provided the email commission@ccc.mass.com for constituent feedback on this topic with “Hemp” in the subject line.
- Commissioner Roy moved to approve the Commission to formally participate in the Joint Oversight hearing on Hemp regulation and further authorize staff and Commissioners to develop responsive information for the Joint Committee’s review. This testimony will include an overview of the Commission’s guidance on Hemp, any potential requested data, and feedback the agency has heard from stakeholder and Licensees regarding Hemp products.
- Commissioner Stebbins seconded the motion.
- The AC took a roll call vote:
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the motion.

4. Accounts Receivables Discussion

- Commissioner Roy introduced the topic of delinquent payments in the regulated Cannabis industry. She stated that this was 3.8-million-dollar issue and that delayed payments jeopardized financial stability throughout the supply chain. She discussed meetings with the Alcoholic Beverages Control Commission where they discussed a platform which allowed distributors to post delinquent payments. Commissioner Stebbins discussed the options for Licensees seeking payment: to negotiate, to end further sales, or to seek relief through litigation, noting that this was not legal advice.



He suggested directing the Commission to seek advice from Licensees and showed his proposed public comment questions. He clarified that this was intended solely to gather information. The AC suggested an edit to request that Licensees propose their regulatory change rather than just indicate if there should be one. Commissioner Stebbins indicated that he would share the responses to the Commission and presented his motion language. He stated that the timeline should be flexible in light of competing priorities, but that the public comment period would be two weeks long. Commissioner Roy suggested adding a deadline, but Commissioner Stebbins reiterated that staff had many competing priorities, and he would work with them so that posting does not languish.

- Commissioner Stebbins moved that the Commission, through the Acting Executive Director and staff, publish the proposed public comment questions with amended language to its website, send the public comment questions directly to each Commenced Operation Licensee electronically, and assemble any related comments for Commission consideration.
- Commissioner Roy seconded the motion.
- The AC took a roll call vote:
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the motion.
- Commissioners agreed to a break until 12:45 PM.

5. CCC 2024 Key Priorities and Operational Changes (02:43:58)

- The AC stated that the purpose of bringing this topic before the Commission was to provide for flexibility within the Commission in light of unfilled leadership roles and due to regulatory changes. She read her proposed motions to direct GC Gasson to begin the promulgation of amendments to the microbusiness, delivery operator, delivery courier and telehealth regulations and to delegate various responsibilities of the AED to staff. Commissioner Stebbins stated that this was intended to give the AED direction. Commissioner Roy voiced her concern that Third-party Transporter regulatory changes were being left out of the direction to GC Gasson. The AC responded that the issues listed were the ones which Commissioners had reached agreement on. Commissioner Stebbins explained that regulations could be promulgated at any time and it was important to move forward on the topics which had already been agreed upon. Commissioner Roy requested clarification on why the promulgation process on these topics was different than the process for promulgating regulations pursuant to Chapter 180. GC Gasson stated that the purpose of the vote was to push the legal department and the AC stated that those regulatory changes had required far more Commissioner input. Commissioner Roy requested that any proposed regulatory changes be given to Commissioners before Public Meetings and GC Gasson confirmed that she could do so. She further described the timeline for promulgation with the goal of having the regulatory changes before the Commission in the summer.



- Commissioner Stebbins moved to direct GC Gasson to prepare draft regulatory amendments and begin the promulgation process to effectuate approved changes to the Commission’s microbusiness, delivery operator and delivery courier and telehealth regulations.
- Commissioner Roy seconded the motion.
- The AC took a roll call vote:
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the motion.

- Commissioner Roy expressed concern regarding actions which had occurred within the last 48 hours and asked Commissioner Stebbins if he had been involved in actions to replace AED Hilton-Creek. The AC issued a Point of Order and stated that Commissioner Roy’s statement had strayed from the noticed topics. GC Gasson cautioned against moving to a topic that had not been noticed and to preserve the privacy of personnel matters. Commissioner Roy stated that she had not been consulted regarding the last discussion point. The AC stated that she had consulted with legal and had taken every step she could while remaining compliant with Open Meeting Law. AED Hilton-Creek requested to table the subject of personnel issues. Commissioner Roy asked GC Gasson to confirm the number of Commissioners needed to form a quorum. GC Gasson confirmed that three members of the board were required to for a quorum of the Commission. Commissioner Roy stated she had not been given time to review the motion before the Commissioner and would either vote no or would prefer to table the matter.
- Commissioner Roy moved to direct the AED to prioritize her CPO hiring and employment duties until a new ED is hired and onboarded and to delegate the following responsibilities to the Commission’s Chiefs to effectuate that purpose: for GC Gasson to oversee all legal and regulatory matters; the Chief of Investigations and Enforcement to oversee all matters related to investigations, compliance, enforcement and licensing matters otherwise delegated to the ED; the Chief Financial and Accounting Officer to oversee and lead in budget preparation, spend planning, procurements, funding, books of account and accounting records; the Chief Technology and Innovation Officer to oversee all information technology, cybersecurity, and internal control planning; and the Chief Research Officer to oversee all research activities mandated by statute consistent with the overall goal to support the work of the Commission and be a leading Cannabis research resource center.
- Commissioner Stebbins seconded the motion.
- The AC took a roll call vote:
 - Commissioner Roy – No
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission denied the motion by a vote of two in favor and one opposed.



- The AC asked Commissioner Roy if she would like to meet to discuss the motion. GC Gasson noted that the AC could brief Commissioners on agendas and procedural issues but cautioned against deliberation.

4) New Business Not Anticipated at the Time of Posting – 03:32:22

- Commissioner Stebbins moved to enter into Executive Session pursuant to Open Meeting Law, G.L. c. 30A, § 21 (a) (3), to discuss strategy with respect to litigation because the open meeting may have a detrimental effect on the litigating position of the public body.
- Commissioner Roy seconded the motion.
- The AC took a roll call vote:
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously voted to enter Executive Session and each Commissioner affirmed that no one could hear the deliberations of Executive Session.
- The AC stated that the Commissioners would return to Public Session before adjournment.

5) Next Meeting Date – 04:56:08

- Director Giancola stated that the public hearing regarding the island transportation issue discussed at the last public meeting was currently scheduled for June 6, 2024, and no further votes were necessary.
- The AC stated that the next meeting date was June 13, 2024.

6) Adjournment – 04:58:20

- Commissioner Roy moved to adjourn.
- Commissioner Stebbins seconded the motion.
- The AC took a roll call vote:
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the motion to adjourn.

