

CANNABIS CONTROL COMMISSION

**July 11, 2024
10:00 AM**

In-Person with Remote Access via [Microsoft Teams Live*](#)

PUBLIC MEETING MINUTES

Documents:

- Application Materials associated with:
 - Staff Recommendations on Changes of Ownership
 - Staff Recommendations on Renewal Licenses
 - Staff Recommendations on Provisional Licenses
 - Staff Recommendations on Final Licenses
- [Meeting Packet](#)
- Acting Chair Ava Callender Concepcion and Acting Executive Director Debra Hilton-Creek's July 11, 2024, joint statement to staff
- The High Ya Doin Show's episode eight summary
- Sale of Lottery Products by Marijuana Establishments Memorandum

In Attendance:

- Acting Chair Ava Callender Concepcion
- Commissioner Nurys Z. Camargo
- 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 – 00:01:49
 - Commissioner Stebbins highlighted recent visits to JAD's Mile High Smoke and Hotel 420 in Colorado. He added that himself and Commissioner Camargo were continuing to work with the Legal and Investigation and Enforcement departments to promulgate new regulations and also reminded viewers of the public comment period



on the accounts receivable topic. Commissioner Roy spoke about a recent engagement at the Concord Council on Aging and a networking event for the Massachusetts Cannabis Coalition in Springfield. Commissioner Camargo thanked Senator Paul Mark for meeting to discuss social consumption. The AC read a joint statement from herself and Acting Executive Director Debra Hilton-Creek (AED Hilton-Creek) assuring staff of stability during the current period of public scrutiny.

3) Minutes for Approval – 00:17:02

- The AC stated that there were no minutes up for approval.

4) Acting Executive Director and Commission Staff Report – 00:17:06

- AED Hilton-Creek presented a report on internal promotions and new hires within the Commission. Licensing Analyst Derek Chamberlin (Analyst Chamberlin) presented a high-level overview of licensing applications. Commissioner Roy highlighted the research license type and emphasized that she thought this would be important going forward in light of the potential rescheduling of cannabis. Analyst Chamberlin provided statistics on non-active licenses by stage and observed that there had not been much change since he began presenting this data. Commissioner Roy requested an average of how long it took Licensees to move from the Provisional License stage to receiving their Final License. Commissioner Camargo noted that the Commission was not solely responsible for the time it took Licensees to move from Provisional License to Final License and that Licensees and municipalities were also involved. Associate Enforcement Counsel Olivia Koval (Associate EC Koval) provided an update on the Host Community Agreement (HCA) review process and Commissioner Roy listed the municipalities which had used the Model HCA and HCA Waiver. The AC requested data on compliant HCAs which were associated with Social Equity Program (SEP) participants. Commissioner Roy asked for staff to highlight the municipalities which used the Model HCA and HCA Waiver and to broadcast that information to Licensees. Chief of Investigations and Enforcement Nomxolisi Khumalo (Chief Khumalo) stated she would work with the Communications team to do this. Acting General Counsel Andrew Carter and Chief of Staff (Chief Carter) suggested that this information could be included in the Commission's municipal zoning tracker.

5) Staff Recommendations on Changes of Ownership – 00:55:00

- Licensing Manager Tsuko Defoe (Manager Defoe) presented on behalf of the licensing department the Staff Recommendations for Changes of Ownership, Renewals, Provisionals, and Final licenses.

1. Bodelle's Edibles, LLC.

- Commissioner Camargo moved to approve the Change of Ownership.
- Commissioner Roy seconded the motion.
- The AC took a roll call vote:
 - Commissioner Camargo - Yes



- Commissioner Roy – Yes
- Commissioner Stebbins – Yes
- AC Concepcion – Yes
- The Commission unanimously approved the Change of Ownership.

6) Staff Recommendations on Renewals – 00:56:12

- Commissioner Roy noted that municipality’s costs had previously been included in the executive summaries for renewals and asked if it would be included going forward. Licensing Manager Anne DiMare (Manager DiMare) stated that information was no longer collected.
- Commissioner Stebbins made a motion to approve items numbered 1-23 as indicated on the agenda.
- Commissioner Camargo seconded the motion.
- The AC took a roll call vote:
 - Commissioner Camargo - Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the renewal roster of items numbered 1-23 on the agenda.

7) Staff Recommendations on Provisional Licenses – 00:58:00

1. Fibonacci Farms, LLC (#MC283768), Cultivator, Tier 11 / Outdoor

- Commissioner Roy moved to approve the Provisional License.
- Commissioner Stebbins seconded the motion.
- The AC took a roll call vote:
 - Commissioner Camargo - Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the Provisional License.
- Commissioner Camargo noted that the Licensee’s Positive Impact Plan included CORI sealing clinics. She stated that this was an attainable goal and advocated for other Licensees to take a similar approach.

2. Herbal Logic, LLC (#MRN285044), Retailer

- Commissioner Roy requested a condition.
 - Proposed condition: Prior to final licensure, in accordance with 935 Code Mass. Regs. § 500.140 (6)(g) please include the phone number for the Massachusetts Substance Use Helpline on your consumer education.
- Commissioner Stebbins requested a condition.
 - Proposed condition: Prior to Final Application for Licensure or at any time after Commenced Operations, provide any updates to Positive Impact Plan



Goal #2 if additional charities are identified and supported in accordance with 935 Code Mass. Regs § 500.101(1)(a)11 and 935 Code Mass. Regs. § 500.103(4)(b) and provide an update to CCC Licensing Division.

- Commissioner Camargo moved to approve the Provisional License, subject to the conditions requested by Commissioners Roy and Stebbins.
- Commissioner Roy seconded the motion.
- The AC took a roll call vote:
 - Commissioner Camargo - Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the Provisional Licenses, subject to the conditions requested by Commissioners Roy and Stebbins.

8) Staff Recommendations on Final Licenses – 01:02:44

1. Ahava, LLC (#MC283670), Cultivator, Tier 10 / Indoor
2. Ahava, LLC (#MP282159), Product Manufacturer
3. Fairway Botanicals, LLC (#MR281755), Retailer
4. Frozen 4 Corporation (#MP281749), Product Manufacturer
5. Gas, LLC (#MD1320), Delivery Operator
6. Northeast Alternatives Retail, LLC (#MR282659), Retailer
7. Pineapple Express, LLC (#MD1306), Delivery Operator
8. Social-J, LLC (#DO100155), Courier
9. Tradesman Exchange, LLC (#MD1316), Delivery Operator

- Commissioner Stebbins moved to approve the Final License roster from one through nine as indicated on the agenda.
- Commissioner Camargo seconded the motion.
- The AC took a roll call vote:
 - Commissioner Camargo - Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the Final License roster from one to nine.
- Commissioner Camargo read from episode eight of The High Ya Doin Show which Registered Agents of Gas, LLC had appeared on and congratulated them for crossing over from the legacy market.
- The Commission took short recess.

9) Commission Discussion and Votes – 01:22:46

1. Executive Director Search – Subcommittee and Membership Update



- AED Hilton-Creek provided an update on the Executive Director (ED) search. She explained that there had been 172 applicants and that a sub-quorum of three members had identified approximately sixty applicants who exceeded the minimum requirements. She stated that at the next meeting, the subcommittee would identify which applicants to virtually screen. AED Hilton-Creek described the timeline which would end with Commissioners choosing a candidate in late October. Commissioner Roy asked for clarification that the virtual screens did not constitute an interview, which AED Hilton-Creek confirmed. Commissioner Camargo asked when the process would be public and the AC stated that would occur after the first round of interviews. Commissioner Camargo suggested the list of applicants may provide an opportunity to find a Deputy ED and AED Hilton-Creek explained that it was Commission policy to keep applications on file in the event that candidates qualified for another position. The AC introduced motion language to designate Commissioner Stebbins as Vice-Chair of the ED search committee and Associate General Counsel Michael Bergquist (AGC Bergquist) as its counsel.
- Commissioner Roy moved to designate Commissioner Stebbins as vice-chair of the ED search subcommittee.
- Commissioner Camargo seconded the motion.
- The AC took a roll call vote:
 - Commissioner Camargo - Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Abstained
 - AC Concepcion – Yes
- The Commission approved the motion with three in favor and one abstention.
- Commissioner Camargo moved to designate AGC Bergquist as counsel to the ED search committee.
- Commissioner Roy seconded the motion.
- The AC took a roll call vote:
 - Commissioner Camargo - Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the motion.
- Commissioner Stebbins asked that the lottery sales and disability employment tax credit discussion items be moved until later in the meeting as the Commission was ahead of schedule and external guests were participating on those topics.
- Commissioner Stebbins moved to set aside these two agenda items until such time as the external guests may join the Commission.
- Commissioner Roy seconded the motion.
- The AC took a roll call vote:
 - Commissioner Camargo - Yes



- Commissioner Roy – Yes
- Commissioner Stebbins – Yes
- AC Concepcion – Yes
- The Commission unanimously approved the motion.

2. Delivery Exclusivity Period Review Introductory Discussion

- Director of Government Affairs and Policy Matt Giancola (Director Giancola) introduced the topic. He described how on April 1, 2022, the first delivery license was issued which began the three-year exclusivity period for Certified Economic Empowerment Priority Applicants and SEP participants. He explained that a working group had been established to determine overall rates of participation in the marijuana industry by people from communities which were disproportionately harmed by prohibition as well as the business performance of Delivery Licensees. He stated that the working group would present their findings to the Commission in late fall. Commissioner Roy noted that a similar exclusivity period was extended in Colorado and asked that the working group look at other jurisdictions. Commissioner Camargo asked for a timeline on when this matter would be brought before Commissioners for a vote and Director Giancola suggested winter of 2024 to March 2025. He noted that the exclusivity period would expire if there was no vote to extend it. Commissioner Roy asked if there would be outreach to Licensees on this topic and Director Giancola confirmed that would be a crucial part of the process. Commissioners discussed Licensees who should be targeted for outreach.

3. Delivery in Banned Municipalities

- Commissioner Stebbins introduced the topic. He referenced the local control granted to municipalities under G.L. c. 94G § 3 and discussed how some municipalities had changed their stance on allowing Marijuana Establishments (MEs) and Medical Marijuana Treatment Centers (MTCs). He cited 935 Code Mass. Regs § 500.145(1)(l)3 which allowed for delivery in any municipality which had been notified by the Commission that delivery may operate within its borders. Commissioner Stebbins explained that this could give the Commission an opportunity to expand the industry of delivery operators and to reduce the illicit market. He discussed a draft letter which was included in the Meeting Packet which could be sent to municipalities to encourage them to allow for delivery. He suggested that Director Giancola maintain the letter while Commissioners requested edits. Commissioner Camargo asked Chief Carter if it was possible to continue efforts with the letter while working towards promulgating regulations to allow delivery to no-towns. Chief Carter stated that this topic would require a thorough legal review and suggested that the conversation continue offline. The AC requested information on how other jurisdictions have handled this from Director Giancola's team. Commissioner Roy suggested that Commissioner Stebbins seek testimony from public health and safety officials and Commissioner Camargo volunteered to reach out Chief John Carmichael. Director Giancola confirmed that he would work offline with Commissioners to incorporate suggestions.



- Commissioner Stebbins moved to direct the Government Affairs team to collect, coordinate and consolidate comments and input from Commissioners into a final draft.
- Commissioner Roy seconded the motion.
- The AC took a roll call vote:
 - Commissioner Camargo - Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the motion.
- Commissioners agreed to recess until 1:00 p.m. (Returned at 2:53:55.)

4. Lottery Sales at Licensed Marijuana Retailers Update

- Commissioner Stebbins introduced General Counsel Greg Polin (GC Polin) and Chief Revenue Officer Steven Martins (Chief Martins) from the Massachusetts State Lottery Commission (MSLC) and summarized previous conversations regarding lottery sales at MEs. GC Polin provided a background on the products which the MSLC is charged with regulating, noting that the MSLC has discretion as to what products are sold at what locations. GC Polin and Chief Stevens took questions from Commissioners and described the equipment which their licensees were given to facilitate lottery sales, the MSLC background check process, financial considerations, signage, inspections, changes of ownership, inspections, suitability and the MSLC structure. Commissioner Stebbins suggested that the next steps could be to decide not to allow lottery sales at Licensed MEs or to prepare a Memorandum of Understanding (MOU) to allow lottery sales at MEs. He suggested that Commissioners forward further questions to him and Chief Carter. The AC suggested moving ahead and drafting the MOU. Commissioner Camargo asked if the MOU was the path forward versus promulgating new regulations. Commissioner Stebbins stated that in his opinion, the MOU was the best path forward. Commissioner Camargo expressed that this topic needed more thought and suggested doing a walk-through before drafting the MOU. Commissioner Roy concurred and noted that compliance issues could become complicated in light of two sets of applicable regulations, but Chief Carter explained that was not a novel situation. Commissioner Stebbins reiterated his suggestion to solicit further questions over the next two weeks and stated he would forward them to the MSLC. Commissioner Camargo recommended that he discuss this with staff and asked that they solicit feedback from the public. She noted that the Commission had many competing priorities and it was a single Licensee who had prompted this discussion. Commissioner Stebbins stated that he understood this but did not want the topic to languish.

5. MA Disability Employment Tax Credit Discussion

- Commissioner Stebbins introduced the topic. He described how, due to the federal scheduling of Cannabis, there were many tax benefits which Licensees were excluded from. He described the Massachusetts Disability Employment Tax Credit which



allows employers to claim a state tax credit equal to \$5,000 or 30% of the wages paid to each qualified individual. Project Manager Joseph Reale (Manager Reale) of the Massachusetts Rehabilitation Commission (MRC) described that the MRC's role in the process was to certify individual for participation in the program. He stated that this benefit was intended to benefit employers who had continuously employed individuals with disabilities for over twelve months. He described the application process which was intended to be simple and as inclusive as possible. Commissioner Camargo asked if the Commission's website could direct to the MRC's and Commissioner Stebbins stated that he would work with the Communications team to do this. AED Hilton-Creek asked for clarification on who could apply for the benefit, and Manager Reale responded that it was very broad to be as inclusive as possible. He stated that the employee needed to be located in Massachusetts and have worked for the company for one continuous year for a company to apply.

6. Regulatory Updates

- Chief Carter presented updated regulations on Microbusinesses, delivery Licenses, and to allow for telehealth consultation for initial certification. He requested that specific edits be requested at the next meeting. The AC stated that there would be a second meeting in July where Commissioners would have an opportunity to go through the new regulations line-by-line before submitting them for public comment. Commissioner Roy asked how the new regulations could be accessed and Chief Carter stated that Legal would work with Communications to get them posted to the website. Commissioner Roy asked if they would have a hearing to solicit public comment, or if that would happen solely through written testimony. Chief Carter stated that it was ultimately up to the Commissioners but in the past testimony at public hearings had always been informative. The AC asked Commissioners if they would want to hold the second meeting the weeks of July 15th or 22nd and the Commissioners indicated that they had already thoroughly reviewed the regulations and were prepared to go through line by line.

7. Governance Charter Introduction

- The AC stated that she would be seeking a motion to bring the draft Governance Charter to the public. She stated that the purpose of the document would be to provide clarity on roles and responsibilities within the Commission.
- Commissioner Stebbins moved to release the Draft Governance Charter from Executive Session to Open Session.
- Commissioner Camargo seconded the motion.
- The AC took a roll call vote:
 - Commissioner Camargo - Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the motion.



- Commissioner Roy asked Chief Carter when the minutes for the executive sessions related to governance would be released. Chief Carter stated that the minutes would be released in the normal course and in compliance with Open Meeting Law. Commissioner Roy asked about the timeline on when the minutes would be released if they were requested through a public records request. Chief Carter confirmed that the request would have to be responded to within 10-days and the minutes produced by the next Public Meeting or within 30 days, whichever occurs first. Commissioner Roy asked about the recordings of the executive sessions related to governance. Chief Carter stated that those videos would be public records and requests for the videos would be treated as any other public records requests.

8. Federal Public Comment on Rescheduling

- Director Giancola presented the final public comment to be submitted to the Department of Justice (DOJ) regarding the rescheduling of Cannabis from Schedule I to schedule III under the Controlled Substances Act and summarized its content. He explained that the DOJ would not move based solely on the number of public comments, but that those comments may impact their policy. Director Giancola explained that the DOJ may choose to (1) terminate the rule making (2) make minor changes to the rule or (3) move forward with the rule. Commissioner Roy requested that the comment include a question on how Interstate Commerce Clause and the Interstate Clause could be affected by rescheduling. Commissioner Stebbins suggested also including a question related to testing standards. The AC suggested that the comment encourage the DOJ to consider expungement. Director Giancola confirmed that the Commissioners' requested edits could be incorporated before the public comment deadline and that Commissioners were free to submit their own comments individually. Commissioner Roy suggested using the Marijuana Opportunity Reinvestment and Expungement Act as a reference. Chief Carter suggested motion language to submit the comment.
- Commissioner Stebbins moved to approve the Commission to submit the public comment to the United States DOJ regarding the proposed rule to reclassify Marijuana from Schedule I to Schedule III subject to their edits as discussed and approved by the Commission for final approval and further authorize staff to take all actions as necessary to effectuate this action.
- Commissioner Roy seconded the motion.
- The AC took a roll call vote:
 - Commissioner Camargo - Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - AC Concepcion – Yes
- The Commission unanimously approved the motion.

10) New Business Not Anticipated at the Time of Posting 05:24:24

- AED Hilton-Creek noted that roles of Director of Enforcement Training and First Assistant Enforcement Counsel were temporary roles.



11) Next Meeting Date – 05:25:07

- The AC noted that there would be another meeting next week to discuss new regulations which had not yet been noticed and the next regular meeting would be on Thursday, August 8, 2024.

12) Adjournment – 05:26:01

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

