

## CANNABIS CONTROL COMMISSION

**July 19, 2024**

**10:00 AM**

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

### PUBLIC MEETING MINUTES

#### **Documents:**

- [Meeting Packet](#)
- Telehealth.HHS.gov Synchronous Direct-to-consumer Telehealth page

#### **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 – 00:00:50

- Commissioner Camargo stated her intent to have a refresher on Open Meeting Law with the Attorney General's Office and the AC discussed an upcoming public hearing in Great Barrington to hear from outdoor cultivators. Acting Executive Director Debra Hilton-Creek (AED Hilton-Creek) addressed negative media coverage of the Commission and praised staff for their work.

##### 3) Commission Discussion and Votes – 00:15:24

###### 1. Draft Regulations

- Acting Deputy General Michael Baker (ADGC Baker) began reading amendments to the draft adult-use regulations. Commissioner Stebbins suggested striking the word "written" in the definition of Clinical Visit and no Commissioners objected. Commissioner Roy requested that they circle back to the Microbusiness definition. ADGC Baker continued, and Commissioner Roy asked why Social Consumption was



- not identified in 935 Code Mass Regs § 500.005(1)(b)4. Enforcement Counsel Timothy Goodin (EC Goodin) explained Microbusinesses did not receive the 50% reduction in annual license fees that Economic Empowerment Applicants (EEA) and Social Equity Program (SEP) participants received. Commissioner Roy noted that was not clear in the table under 935 Code Mass Regs § 500.005(1)(d) and EC Goodin volunteered to draft new language offline to clarify.
- ADGC Baker noted that what appeared as a redline edit to 935 Code Mass Regs § 500.050(1)(b)1 was erroneous and did not reflect an amendment. He read the amendments to 935 Code Mass Regs § 500.050(1)(b)5 and EC Goodin explained that this was a clerical change to provide for more substantive amendments to the Microbusiness license type. ADGC Baker read the amendments to 935 Code Mass Regs § 500.050(1)(b)6.c and Commissioner Roy suggested striking the word “combined.” The AC proposed new language and there were no objections. A DGC Baker continued to read the amended regulations and Commissioner Stebbins requested an edit to 935 Code Mass Regs § 500.050(1)(b)8.a to clarify that Craft Marijuana Cooperatives could apply for more than one license type. EC Goodin stated that he would work on proposed language. There were no objections to any of the redline amendments until Commissioner Roy requested that “white labeling” be listed as one of the authorized activities of a Marijuana Delivery Operator under 935 Code Mass Regs § 500.050(11)(a). ADGC Baker continued to read the redline amendments to 935 Code Mass Regs § 500.050(11) and the AC requested that the word “combined” be stricken from (h).
  - The Commissioners agreed to take a short recess. (Returned at 1:40:30)
  - ADGC Baker continued to read the redline amendments beginning with 935 Code Mass Regs § 500.104(1)(b)3.c.ii. Commissioner Stebbins requested an amendment to 935 Code Mass Regs § 500.105(13)(a)9 to include “counting” as one of the activities that must be recorded on video when transporting Marijuana and Marijuana Products between Marijuana Establishments. Commissioner Roy asked if (b)(1) should include the word “accounting” to match (a)(7) and Commissioners discussed with input from staff. EC Goodin stated that he would work offline with Chief of Investigations and Enforcement Nomxolisi Khumalo (Chief Khumalo) and Acting Director of Investigations and Enforcement Katherine Binkoski (Acting Director Binkoski) to determine if this could have a substantial impact on Licensees. ADGC Baker continued through the redline amendments and Commissioner Roy asked if the hours of operation provided for in 935 Code Mass Regs § 500.145(1)(m)1 could infringe on municipalities’ local control. She was assured after EC Goodin explained the local control granted to municipalities under G. L. c. 94G and Commissioner Camargo provided a background on the conversations which had led to this amendment. Commissioner Stebbins asked if the working group had considered a reduction in the amount of product which a delivery licensee could transport with a single driver and suggested including a \$5,000 cap for public comment. Commissioner Camargo stated that had not been a focus of the group drafting the amendments. Commissioner Roy requested that Government Affairs provide Connecticut’s regulations on delivery licensees. Commissioners discussed how to incorporate this into an amendment and



ADGC Baker proposed language to amend 935 Code Mass Regs § 500.145(1)(h). Commissioner Roy noted that Independent Testing Laboratories were still required to use two drivers and Commissioner Camargo stated that requirement applied to Third-party Transporters as well. Chief Khumalo stated that she was not opposed to reducing the driver requirement for Independent Testing Laboratories, but Third-party Transporters would require more extensive deliberation. ADGC Baker continued reading the redline amendments. Regarding 935 Code Mass Regs § 500.145(6)(e), the AC requested that “Delivery Endorsements” be changed to the singular and Commissioner Roy asked about what Licensees should do in accordance with (f) when they had to return product which was not accepted by the Consumer but could not carry it back into their warehouse in one trip. A Licensee who was present stated that that would not be a concern in practice due to purchase caps. Commissioner Stebbins requested that “consumer” in 935 Code Mass Regs § 500.145(7)(a) be capitalized.

- EC Goodin walked Commissioners through edits to 935 Code Mass Regs § 500.180(3)(c)6.a, Table D under 935 Code Mass Regs § 500.802, and Table E under 935 Code Mass Regs § 500.803 and there were no requested edits.
- The AC reviewed the sections which the Commission had decided to circle back to and read proposed language provided by EC Goodin to be incorporated 935 Code Mass Regs § 500.050(1)(b)8.a. She moved on to 935 Code Mass Regs § 500.145(1)(h) and Commissioners discussed the language which had been provided by ADGC Baker.
- Commissioners agreed to take a short recess. (Returned at 4:22:26)
- The AC requested that they resolve the outstanding issues with the adult-use regulations before moving to medical. EC Goodin proposed language to address Commissioner Roy’s concerns relating to Microbusinesses’ reduced fees in 935 Code Mass Regs § 500.005(1)(b)4 and she confirmed that she was comfortable with his proposed amendment. The AC and ADGC Baker requested minor grammatical and formatting changes. Commissioner Stebbins requested an edit to 935 Code Mass Regs § 500.050(5)(d) to prevent persons or entities having direct or indirect control in an existing License from applying for a Microbusiness license, which he stated was intended to prevent large operators from taking advantage of the License type. Commissioners discussed the requested edit and Commissioner Roy noted that it would prevent EEA and SEP participants with existing Licenses from applying for a Microbusiness License. Chief Khumalo stated that she would work with ADGC Baker and EC Goodin offline to rework Commissioner Stebbins’ edit to allow for EEA and SEP participants to apply for a Microbusiness license. EC Goodin provided amended language and Commissioner Roy stated that it still did not allow for Disadvantaged Business Enterprises to apply which Commissioners discussed. Commissioner Camargo cautioned that this amendment may have unintended consequences, but all Commissioners agreed to include it for the purpose of seeking public comment. The AC moved to 935 Code Mass Regs § 500.105(13)(a)9 and proposed that it end with “shall show each product being weighed, counted, the weight, the count and the manifest.” EC Goodin suggested a minor amendment and



- Commissioner Roy asked whether “inventory” should be included. Acting Director Binkoski described the regulatory requirements for inventories and EC Goodin proposed a revised amendment, which Commissioners discussed with input from staff. They reached consensus on “When videotaping the weighing, counting, inventorying and accounting of Marijuana Products before transportation or after receipt the video shall show the product being weighed or counted, the actual final weight or count, and the manifest.”
- Commissioner Roy moved to approve the draft regulations of 935 Code Mass Regs § 500 as amended and direct the Legal department to make ministerial changes and take all necessary steps to file the regulations with the Secretary of the Commonwealth.
  - 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.
  - Commissioners agreed to take a short recess. (Returned at 05:57:51)
  - ADGC Baker was experiencing technical issues and Acting General Counsel/Chief of Staff Andrew Carter (Chief Carter) began to present the amendments to the medical-use regulations. There were no requested edits which had not been requested of the adult-use regulations until 935 Code Mass Regs § 501.010(8) where Commissioner Roy asked whether “synchronous” was the right word and if it should be defined. Commissioners discussed with Chief Carter and EC Goodin and asked to seek feedback on this during the public comment period. Commissioners agreed to add “that happens in live real time settings where the patient interacts with the provider usually by phone or video” to the end of this section as well as to the definition of Clinical Visit and to mirror these edits in the adult-use regulations. They asked for staff to research this term to determine if was appropriately defined. ADGC Baker rejoined the meeting and continued reading the amendments and no additional amendments were requested which had not been made to the adult use regulations until 935 Code Mass Regs § 501.110(8)(b) where Commissioner Roy requested that “home” be replaced with “patient.” The AC found consensus on this, and ADGC Baker volunteered to make this amendment throughout the medical-use regulations and to replace “home” with “consumer” throughout the adult-use regulations. ADGC Baker continued through the amendments and EC Goodin noted an error to a citation in 935 Code Mass Regs § 501.181(3)(d), which ADGC Baker said he would amend to match the other citations in the section. Continuing, EC Goodin noted a formatting error in Table C under 935 Code Mass Regs § 501.803. No other amendments were requested which had not been requested for the adult-use regulations. Commissioner Roy reiterated the request for staff to research “synchronous.” EC Goodin proposed language for a further amendment to the definition of Clinical Visit and Commissioner Roy stated that the amendment did not allow for Clinical Visits to happen over the phone. Commissioners discussed how to task staff with finalizing



this definition and Chief Khumalo proposed an amendment which satisfied the Commissioners.

- Commissioner Roy moved to approve the draft regulations of 935 Code Mass Regs § 501 as amended and direct the Legal department to ministerial changes and take all necessary steps to file the regulations with the Secretary of the Commonwealth
- 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.

## 2. Regulatory Timeline

- ADGC Baker provided a timeline and described how there would be a public hearing in September before the regulations were filed with the Secretary of State's Regulation Division twenty-one days prior to adoption in November. Commissioner Camargo asked about the length of the process and ADGC Baker volunteered to reach out to the Secretary of State to see if it could be expedited.

## 4) New Business Not Anticipated at the Time of Posting 07:40:20

- The AC requested that Commissioners Stebbins and Camargo take the lead on the delivery to no towns topic. Commissioner Roy asked for staff to consider whether medical reciprocity could be addressed through regulations or statute. Commissioner Camargo suggested setting up additional policy meetings throughout the year starting in September, which the AC said she would consider, but noted that the Executive Director search may cause conflicts.

## 5) Next Meeting Date – 07:47:33

- The AC stated that the next meeting date was August 8, 2024.

## 6) Executive Session – 07:48:16

- 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.

