



Cannabis Control Commission Public Meeting

Remote Via Teams



Meeting Book - Cannabis Control Commission Public Meeting Packet

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May 18, 2023

In accordance with Sections 18-25 of Chapter 30A of the Massachusetts General Laws and Chapter 107 of the Acts of 2022, notice is hereby given of a meeting of the Cannabis Control Commission. The meeting will take place as noted below.

CANNABIS CONTROL COMMISSION

May 22, 2023
10:00 AM

Via Remote Participation via [Microsoft Teams Live*](#)

PUBLIC MEETING AGENDA

- I. Call to Order
- II. Commissioners' Comments & Updates
- III. Executive Director's Report
- IV. Staff Recommendations on Final Licenses
 1. Indica, LLC (#MR284431), Retail
 2. New Dia Fenway, LLC (#MR284222), Retail
- V. Commission Discussion and Votes
 1. Regulatory Review Discussion: Social Consumption Pilot Program
 2. Regulatory Review Discussion: Municipal Equity Memo
 3. Introductory Discussion on Commission-led Trainings
 4. Executive Director 2022 Performance Evaluation and Salary Recommendation
- VI. New Business Not Anticipated at the Time of Posting
- VII. Next Meeting Date
- VIII. Adjournment

*Closed captioning available



Indica, LLC
MR284431

ESTABLISHMENT OVERVIEW

1. Name and address of the Marijuana Establishment:

Indica, LLC
127 Columbia Street, Adams, MA 01220

2. Type of final license sought:

Retail

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

The applicant is not an applicant or licensee for any other license type.

LICENSING OVERVIEW

4. The licensee was approved for provisional licensure for the above-mentioned license(s) on July 14, 2022.
5. The licensee has paid all applicable license fees.
6. No new information has been reported to Commission staff regarding the organizational structure of the entity since the issuance of the provisional license(s).
7. No new information has been discovered by Commission staff regarding the suitability of the licensees previously disclosed since the issuance of the provisional license(s).

INSPECTION OVERVIEW

8. Commission staff inspected the licensee's facility on the following date(s): April 6, 2023



9. The licensee's facility was inspected by Commission staff and found to be in full compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable.
10. No evidence was discovered during the inspection(s) that indicated the Marijuana Establishment was not in compliance with all applicable state laws and local bylaws or ordinances.
11. Specific information from Commission staff's inspection is highlighted below:
 - a. Security

Enforcement staff verified that all security-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. The security of all entrances and exits;
- ii. Visitor procedures;
- iii. Limited access areas;
- iv. Verification of a primary and back-up security company;
- v. Presence of perimeter and duress alarms; and
- vi. All cameras complied with Commission requirements.

- b. Inventory and Storage

Enforcement staff verified that all inventory-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. Secure storage of marijuana and marijuana products;
- ii. Sanitation and pest control measures; and
- iii. Inventory controls and procedures.

- c. Retail Operation

Enforcement staff verified that all retail-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. Verification of identifications for access;
- ii. Layout of the sales floor; and
- iii. Availability and contents of adult-use consumer education materials.

- d. Transportation

The licensee will not be performing transportation activities at this time.

RECOMMENDATION



Commission staff recommend final licensure with the following conditions:

1. The licensee may possess and otherwise acquire marijuana, but shall not dispense, sell, or otherwise transport marijuana to other Marijuana Establishments, or to consumers, until upon inspection, receiving permission from the Commission to commence full operations.
2. The licensee is subject to inspection to ascertain compliance with Commission regulations.
3. The licensee remains suitable for licensure.
4. The licensee shall cooperate with and provide information to Commission staff.
5. Licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 500.105(1) prior to the issuance of a commencement of operations and that Commission staff be given adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.

The licensee has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the licensee is recommended for final licensure.

As part of the approval of final licensure, the Commission authorizes staff to take all necessary actions to review compliance with the above-referenced conditions and to approve the commencement of operations.



New Dia Fenway LLC

MR284222

ESTABLISHMENT OVERVIEW

1. Name and address of the Marijuana Establishment:

New Dia Fenway, LLC
48-62 Brookline Ave, Boston, MA 02215

2. Type of final license sought (if cultivation, its tier level and outside/inside operation):

Retail

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

The applicant is not an applicant or licensee for any other license type.

Please note that individuals and/or entities associated with the proposed application(s) are also associated with an adult-use retail license under the name of New Dia, LLC.

LICENSING OVERVIEW

4. The licensee was approved for provisional licensure for the above-mentioned license(s) on January 12, 2023.
5. The licensee has paid all applicable license fees.
6. No new information has been reported to Commission staff regarding the organizational structure of the entity since the issuance of the provisional license(s).
7. No new information has been discovered by Commission staff regarding the suitability of the licensees previously disclosed since the issuance of the provisional license(s).

INSPECTION OVERVIEW

8. Commission staff inspected the licensee's facility on the following date(s): April 11, 2023.

Final License Executive Summary 1



9. The licensee's facility was inspected by Commission staff and found to be in full compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable.
10. No evidence was discovered during the inspection(s) that indicated the Marijuana Establishment was not in compliance with all applicable state laws and local bylaws or ordinances.
11. Specific information from Commission staff's inspection is highlighted below:

- a. Security

Enforcement staff verified that all security-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. The security of all entrances and exits;
- ii. Visitor procedures;
- iii. Limited access areas;
- iv. Verification of a primary and back-up security company;
- v. Presence of perimeter and duress alarms; and
- vi. All cameras complied with Commission requirements.

- b. Inventory and Storage

Enforcement staff verified that all inventory-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. Secure storage of marijuana and marijuana products;
- ii. Sanitation and pest control measures; and
- iii. Inventory controls and procedures.

- c. Retail Operation

Enforcement staff verified that all retail-related requirements were in full compliance with Commission regulations. Some of the requirements verified include the following:

- i. Verification of identifications for access;
- ii. Layout of the sales floor; and
- iii. Availability and contents of adult-use consumer education materials.

- d. Transportation

The licensee will not be performing transportation activities at this time.

RECOMMENDATION



Commission staff recommend final licensure with the following conditions:

1. The licensee may possess and otherwise acquire marijuana, but shall not dispense, sell, or otherwise transport marijuana to other Marijuana Establishments, or to consumers, until upon inspection, receiving permission from the Commission to commence full operations.
2. The licensee is subject to inspection to ascertain compliance with Commission regulations.
3. The licensee remains suitable for licensure.
4. The licensee shall cooperate with and provide information to Commission staff.
5. Licensure is subject to notification to the Commission of any update to written operations plans required by 935 CMR 500.105(1) prior to the issuance of a commencement of operations and that Commission staff be given adequate opportunity to review said plans at the business location or the location where any such plans are maintained in the normal course of business.

The licensee has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the licensee is recommended for final licensure.

As part of the approval of final licensure, the Commission authorizes staff to take all necessary actions to review compliance with the above-referenced conditions and to approve the commencement of operations.



Memorandum

To: Commissioners
Cc: Shawn Collins, Executive Director
From: Andrew Carter, Associate General Counsel
Matt Giancola, Director of Government Affairs and Policy
Date: May 11, 2023
Subject: Social Consumption Pilot Program Regulations

PURPOSE: This memo provides an overview of the Commission’s social consumption regulations, specifically the Pilot Program.

BACKGROUND:

Legal Authority

The Cannabis Control Commission (Commission) enjoys broad legal authority with “all the powers necessary or convenient to carry out and effectuate its purposes.” G. L. 94G, § 4(a). The Commission’s authority includes, but is not limited to, the power to promulgate regulations that are “consistent with this chapter [94G] for the administration, clarification and enforcement of laws regulating and licensing marijuana establishments.” G. L. 94G, § 4(a1/2). The Commission has the express authority to implement, clarify, and enforce the laws regulating adult and medical use cannabis.

Pursuant to this authority, the Commission promulgated regulations establishing a Social Consumption Pilot Program (Pilot), which creates “a limited number of Social Consumption Establishments, specifically Social Consumption Establishments, in certified municipalities.” 935 CMR 500.002. The Pilot currently limits up to twelve (12) municipalities that may serve as a host community for Social Consumption Establishments. *See* 935 CMR 500.050(6).

It is worth noting that the Legislature, when it revised the cannabis laws in August 2022, set forth a process for municipalities to opt into social consumption license types, either through a ballot question or ordinance. *See* Chapter 180 of the Acts of 2022: An Act Relative to Equity in the Cannabis Industry (the “Act”). The Act does not require the Commission to set limits on the number of municipalities that may host social consumption licensees.



Current Licensing Process

The current regulations require the Commission to set criteria for selecting municipalities, considering geographic location, socioeconomic characteristics, and population size of municipal applicants. *See* 935 CMR 500.050(6). After the Commission sets criteria, municipalities would be required to apply for entry into the pilot program. *Id.* The Commission would then, assuming municipalities apply, select the municipalities which may participate in the Pilot and develop a pre-approval process for license applicants. *Id.* After that review, the Commission would then review of applicants who are located in the twelve municipalities selected and begin the normal course of licensing and inspections (i.e. provisional license, final license, commence operations).

Policy Considerations

The Commission, as part of its policymaking function, may wish to consider whether to maintain, amend, or rescind the Pilot regulations. Specifically, the Commission may consider the policy implications of the Pilot on:

- **Equity-** Participation by communities disproportionately harmed during cannabis prohibition.
- **Public Health, Safety, and Welfare-** Product, consumer, and workplace safety.
- **Applicants and Licensees-** Business planning, economic opportunity, and job creation.
- **Municipalities-** Bylaws, land use, and siting.
- **The Commonwealth-** Collection of tax and non-tax revenue, economic development, and investment.

RECOMMENDATION: Review and discussion of the Commission's Pilot regulations.

May 10, 2019

Dear Mr. Collins,

For your consideration, our working group has collaboratively established a framework for a pilot program regulating establishments allowing on-site consumption of cannabis.

It is important to note that no part of this program will be able to move forward unless a legislative change is made to allow municipalities to permit on-site consumption, as explained in the Legislative Authority section below.

Process and Timeline

In addition to our own wide-ranging expertise as local and state officials from throughout the Commonwealth, to create this framework we examined recent feedback from experts including the Cannabis Advisory Board, the Massachusetts Municipal Association Policy Committee on Municipal and Regional Administration, as well as the Commission's Director of Research, Director of Licensing, and Chief of Investigations and Enforcement.

We also examined concerns previously expressed by commissioners and consulted with other officials in our communities and other communities as appropriate. Additionally, we examined relevant regulations in other states and municipalities that license businesses allowing on-site consumption of cannabis, including Alaska's regulations 3 AAC 306.370 which went into effect April 11, 2019.

Recommendation

In summary, our recommendation is for the Commission to implement a pilot program licensing **primary use social consumption establishments** (cannabis cafes) and **event host licenses** (events open to the public). The program will be open to a maximum of twelve municipalities, each of which may implement its own cap on each type of license. The twelve municipalities will consist of the five communities in the working group, if they choose to participate, and other municipalities who choose to participate in the pilot program. If more than twelve municipalities wish to participate, the Commission will select communities based on socioeconomic, size, and geographic diversity.

The primary attributes of the pilot program are: a limited number of participating communities; licenses for groups that have thus far been locked out of the legal cannabis industry; stringent application and operational requirements; a strong focus on staff training; and robust data collection by both businesses and state and local regulators.

Key Issues

Preventing underage access. No one under 21 may access the premises of an on-site consumption establishment. If permitted by local regulation, municipalities may allow outdoor event hosts to designate an area for on-site consumption. All licensees must have an adequate plan to ensure that no one under 21 will be allowed into an on-site consumption area.

Impairment detection by server. The pilot program requires each employee of a social consumption establishment to complete the Responsible Server Training Program in addition to general required agent training. The mandatory training includes impairment-related topics such as potency, effects, absorption time, and procedures to ensure that customers are not overserved.

Serving sizes. Generally, retail purchase limits apply, but customers who are purchasing edibles may not purchase more than a reasonable portion intended for a single use (defined as 2.5 mg – 20 mg of THC) at each point of sale. Consistent with existing retail packaging, edible marijuana products in a solid form must be easily and permanently scored to identify 5-mg individual servings.

To ensure customers purchasing edibles are informed, they must receive and verbally acknowledge an understanding of a consumer information card educating customers about the potential length of impairment from edibles. Consumer education will also be made available through signage.

Consumption of marijuana products not purchased on site will not be permitted, and no “take-out” options will be available. Staff will monitor consumers for compliance.

Impaired driving. Every pilot program participant will need to submit procedural and operational plans demonstrating a diligent effort to assist customers who may be impaired in finding means of transportation. To ensure such requirements are tailored to the region in which the establishment is located, our recommendation is that the plans be reviewed by both the Commission and the municipality in which the on-site consumption will take place.

Our group supports additional legislative efforts to address detection of impaired drivers.

Smoking and vaping. Our group examined regulations from the other states that allow social consumption, specifically California and Alaska, and recommends that Massachusetts rules on smoking be as restrictive as possible by prohibiting the smoking of cannabis indoors. Smoking may be permitted outdoors, away from open doors, windows or ventilation systems, if an examination by local authorities demonstrates that smoking is compatible with uses in the surrounding community. This approach was recommended by Harvard H.T. Chan School of Public Health faculty members Dr. Vaughan Rees and Dr. Andy Tan of the Center for Global Tobacco Control and Dana-Farber Cancer Institute, respectively.

Furthermore, our group recommends adopting a modified form of the rules governing smoking from Alaska and applying them to non-smoking forms of consumption involving heat, such as vaping. This requires licensees to have a ventilation system that directs air from the consumption area to the outside of the building through a filtration system sufficient to remove visible vapor, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line. It also requires a separate smoke-free, vapor-free area for employees to monitor the consumption area. In sum, our group suggests that smoking, defined as combustion, is only permitted outdoors, and vaping or other non-smoking forms of consumption involving heat are permitted indoors with adequate ventilation.

Understanding that municipalities have taken a variety of approaches to regulate vaping, including that many current ordinances or regulations prohibit indoor vaping, some cities or towns may wish to participate in the pilot program by only allowing for outdoor events.

Legislative Authority

Marijuana establishments are licensed by the Commission. Under G. L. c. 94G, § 4(b)(1), the Commission has the authority to license “the consumption of marijuana or marijuana products on the premises where sold.” G. L. c. 94G, § 3(b) outlines a process for voters in a city or town to authorize “the sale of marijuana and marijuana products for consumption on the premises where sold.”

However, as interpreted by the Secretary of the Commonwealth, G. L. c. 94G, § 3(b) does not provide a mechanism for that process. Fortunately, multiple bills such as H3541 and S1125 have been filed to correct this issue and allow cities and towns to permit marijuana establishments to allow on-site consumption. **This pilot program will only be able to move forward if one of those bills passes.**

Licensing

A primary goal of the pilot program is to promote and encourage the groups that have thus far been unable to meaningfully participate in the legal cannabis industry, despite the requirement for the Commission to ensure such participation in § 77(a) of Chapter 55 of the Acts of 2017.

In accordance with the Commission vote passed February 2018, the Cannabis Advisory Board recommendation passed February 2019, and parallel to the Commission vote on delivery April 26, social consumption licenses will be initially limited to equity program participants and economic empowerment applicants. Our recommendation is to re-evaluate the pilot program, including this exclusivity, after 24 months.

As the Commission explores the ability to create a preliminary evaluation process for other licenses as part of its Equity Work Plan, the proposed pilot program would implement such a precertification process on a limited scale.

There are six steps to the process, each of which are part of the existing licensing process for other marijuana establishments:

- 1) The first step, Commission precertification, consists of the Application of Intent, Background Check, and the Management and Operations Profile, including new requirements specific to social consumption.
- 2) The second step consists of local approval as required under G. L. c. 94G, § 3, including noise mitigation plans, odor mitigation plans, and an examination of any outdoor smoking provisions,
- 3) The third step entails a Commission review of compliance with requirements for a location and a legal interest in the property, documentation of capital, and confirmation of a host community agreement and compliance with local laws. The rationale for

moving these items to a later step is to allow for precertification to be used in obtaining capital, location, and a host community agreement.

- 4) The fourth step consists of final inspections as determined by Commission staff.
- 5) The fifth step is a final license issued by the Commission.
- 6) After Commission staff has conducted an inspection to ensure that the inventory has been accurately entered into METRC tracking system and that other conditions of the final license, if any, have been met, Commission staff will issue an order allowing for the commencement of operations.

Data Collection

A pilot program provides an opportunity to closely monitor any unforeseen challenges and ensure that adequate resources are available and agencies are well-prepared for any issues that may come up in wider implementation. In that spirit, a cornerstone of this pilot program is the robust collection and analysis of data in multiple areas, to be designed and overseen by the Commission's Research department.

The Commission and each municipality and business that participates in the pilot program will agree to collect data to be anonymized, aggregated, and shared with the public. Specifically, pilot program participants will collect data on items including but not limited to: product sales, serving sizes, staff turnover rate, and municipal data including costs, crime, and any incidents or complaints.

Sincerely,

Social Consumption Working Group

Thomas Bernard, Mayor, North Adams

Alisa Brewer, Councilor, Amherst

Helen Caulton-Harris, Commissioner of the Division of Health and Human Services, Springfield

Michael Fenton, Councilor, Springfield

David Gardner, Assistant Town Manager, Provincetown

Steven Hoffman, Chairman, Cannabis Control Commission

Doug Kress, Director of Health & Human Services, Somerville

Alex Mello, Planner, Somerville

Shaleen Title, Commissioner, Cannabis Control Commission

Memorandum

To: Municipalities
From: Cannabis Control Commission
Date: May 11, 2023
Subject: Initial Policies and Procedures for Municipalities to Promote and Encourage Full Participation in the Regulated Marijuana Industry by Disproportionately Harmed Communities

[Chapter 180 of the Acts of 2022](#): *An Act Relative to Equity in the Cannabis Industry* (“Chapter 180”) was passed by the Massachusetts Legislature and signed by Governor Baker on August 11, 2022. Under Chapter 180, the Cannabis Control Commission (“Commission”) has been tasked with ensuring that communities disproportionately harmed by the prohibition and enforcement of marijuana are guaranteed fair, transparent, and equitable access to the regulated marijuana industry; with the hope of promoting their full and meaningful participation. Chapter 180 mandates that municipalities encourage full participation of these communities in the cannabis industry by establishing a transparent and objective selection process. Further, local communities should adopt options to support equity applicants within their Host Community Agreements (“HCAs”) selection scoring assessment. Municipalities are required to adopt initial policies and procedures related to municipal equity must be adopted by July 1, 2023.

The Commission provides this memorandum to inform municipalities of options and/or strategies to accomplish this requirement. This document is a description of best practices that communities should consider adopting. The Commission must promulgate or amend regulations as required by Chapter 180 no later than November 9, 2023, at which time, a more robust regulatory framework will be issued to further clarify what communities “must” do to meet the requirements of Chapter 180.

To meet this new mandate, communities should focus on finding ways to support applicants who qualify as Social Equity Businesses, as defined in Chapter 180. This includes applicants who would qualify as Social Equity Program Participants or Economic Empowerment Priority Applicants (“EEA”) under Commission regulations. Communities may be eligible to receive a distribution from the Department of Revenue if they host a marijuana retailer that is a Social Equity Business. If communities have questions, they should contact the Department of Revenue.

To date, over 800 people have participated in the Commission’s Social Equity Program (“SEP”). Further, 112 individuals have qualified for and participated in the Commission’s time limited Economic Empowerment Program. Past participants or qualifying applicants would be eligible to



fulfill the municipality's equity mandate. Below municipalities will find a brief description of the criteria that applicants must possess to qualify for these programs, therefore making them qualified under any municipal equity process.

Applicants are eligible for the Social Equity Program if they demonstrate they meet at least one of the criteria below:

- Income that does not exceed [400% of Area Median Income](#) and residency in a [Disproportionately Impacted Area](#), as defined by the Commission, for at least five of the past ten years;
- Residency in Massachusetts for at least the past 12 months and a conviction or continuance without a finding for an offense under M.G.L. c. 94C or an equivalent conviction in Other Jurisdictions;
- Residency in Massachusetts for at least the past 12 months and proof that the SEP applicant was either married to or the child of an individual convicted or continuance without a finding for a M.G.L. c. 94C offense or an equivalent conviction in Other Jurisdictions;
- Any individual listed as an owner on the original certification of a Certified Economic Empowerment Priority Applicant who satisfies one or more the following criteria:
 - Lived for five of the preceding ten years in a Disproportionately Impacted Area, as determined by the Commission;
 - Experience in one or more previous positions where the primary population served were disproportionately impacted, or where primary responsibilities included economic education, resource provision or empowerment to disproportionately impacted individuals or communities;
 - Black, African American, Hispanic or Latino descent; or
 - Other significant articulable demonstration of past experience in or business practices that promote economic empowerment in a Disproportionately Impacted Area.

If you need to verify whether someone participated in or would qualify for the Social Equity Program, you can request guidance from the Commission at Equity@CCCMass.com or (774) 415-0200.

In accordance with state law, the Commission provided priority licensing review to Certified Economic Empowerment Priority Applicants between April 1, 2018 and April 15, 2018. EEA status was granted to applicants who demonstrated at least three of the following six criteria:

- Majority of ownership belongs to people who have lived in Disproportionately Impacted Areas for five of the last 10 years.
- Majority of ownership has held one or more previous positions where the primary population served were disproportionately impacted, or where primary responsibilities included economic education, resource provision or empowerment to disproportionately impacted individuals or communities.
- At least 51% of current employees/subcontractors reside in Disproportionately Impacted Areas and will increase to 75% by first day of business.
- At least 51% of employees or subcontractors have drug-related CORI but are otherwise legally employable in a cannabis-related enterprise.
- A majority of the ownership is made up of individuals from Black, African American, Hispanic, or Latino descent.
- Owners can demonstrate significant past experience in or business practices that promote economic empowerment in Disproportionately Impacted Areas.

If you need to verify if someone participated in or would qualify as an Economic Empowerment Priority Applicant, you can request guidance from the Commission at Equity@CCCMass.com or (774) 415-0200.

With these definitions in mind, it is the Commission's hope that the options listed below will give municipalities the initial tools they need to establish a base program for equity and inclusion in their respective cannabis policies and lay the groundwork for the upcoming mandates from Chapter 180. All options listed are suggestions meant to allow municipalities to satisfy the requirements for the July 1, 2023 deadline; and should not be construed as legal advice.

Below are some policies a municipality might consider utilizing to satisfy the equity mandates of Chapter 180:

Lower fees for equity applications to reduce barriers to entry.

- Consider a waiver or reduction of fees associated with the municipal HCA approval process zoning review process.
- Rebate or reduction of Community Impact Fee.

Improved transparency and efficiency in the approval process reduces barriers to entry and lowers costs.

Make improvements to municipal web sites to clearly outline the steps needed to gain approval for an HCA (including zoning and other sign offs needed including, but not limited to fire chief, health department, police chief). This can also be achieved by creating a written roadmap that can be accessed on a public bulletin board or in a packet handed out to applicants. This document or web site should provide a clear picture of the steps needed for approval, and the relevant contacts within municipal government who are responsible for approval. Include links to all needed application documents or create a package of documents needed for HCA/Zoning approval, meeting dates, submission deadlines, associated fees, information and contacts for all parties involved in the cannabis business application process.

Be aware that state cannabis regulations require that a community outreach meeting must occur within 6 months prior to an application being submitted to the Commission. Once the application is deemed complete by the Commission, notice is sent to the municipality requesting confirmation that an applicant is compliant with local ordinances and bylaws. Therefore, communities should expedite their response to the Commission's request for confirmation.

Other items to consider either on a web site or in a roadmap document include:

- The most up to date local cannabis ordinance.
- Zoning map that outlines areas where cannabis activity is allowed.

Create a clearly defined HCA approval process that includes the criteria decision makers will consider when choosing successful applications. Determine how equity will be included in this evaluation process. Some communities have required prior participation in the regulated cannabis market, this can discourage equity applicants or smaller entrepreneurs. Consider reducing the weight of this factor when scoring applications.

Publicize all HCA applications as well as any written scoring or evaluation made by municipal participants responsible for reviewing applicants for approval.

Two municipalities that provide good examples for other communities to consider include Newton and Somerville. While all municipalities may not have the same resources as these larger communities, their web sites provide many examples of policies and procedures that promote transparency, objectivity and inclusion of equity that communities might consider adopting

Newton includes equity as one criterion when considering HCA applications. They provide clear details into the special permit process. The zoning map includes an overlay of allowed areas for applicants to assess; and incorporates special limitations the community has adopted (e.g. requiring half mile separation between siting of individual licensees). It includes relevant contact information, and the HCA application is accessible online. Newton

publicizes HCA decisions including how reviewers weighed the applicant against the stated criteria.

- <https://www.newtonma.gov/government/planning/development-review/high-interest-projects/marijuana-uses>

Somerville not only includes equity in its scoring process, but has created a numerical grade for each criterion, and lists all relevant application fees. These scores and a written description offer even greater transparency, making it easier for all applicants and the community to see how decisions are made and further promote confidence that equity applicants enjoy a fair opportunity to compete.

- <https://www.somervillema.gov/departments/programs/adult-use-marijuana-establishments>

Here are some links to helpful resources available through The Commission website:

- <https://masscannabiscontrol.com/wp-content/uploads/2022/01/Guidance-for-Municipalities-on-Equity-and-Host-Community-Agreements-1.pdf>
- <https://masscannabiscontrol.com/wp-content/uploads/2021/11/Guidance-for-Municipalities.pdf>
- https://masscannabiscontrol.com/wp-content/uploads/062020_Guidance_Equity.pdf

If you have any questions on this memorandum, please contact the Commission at Commission@cccmass.com.

Memorandum

EXECUTIVE SUMMARY **EXECUTIVE DIRECTOR'S PERFORMANCE EVALUATION - CALENDAR YEAR 2022**

Team Member: Shawn Collins, Executive Director
Consensus Reviewers: Commissioners Shannon O'Brien, Nurys Camargo, Ava Concepcion, Kimberly Roy, and Bruce Stebbins
Executive Summary By: Commissioner Bruce Stebbins and Justin Shrader, Acting Chief People Officer
Date: May 8, 2023

PURPOSE:

This consensus review aims to provide a uniform and comprehensive evaluation of the Executive Director's strengths and developmental needs and review his progress toward annually approved goals. This summary assimilates/compiles reviews from each Commissioner into one comprehensive review without focusing on or identifying the input from specific commissioners.

BACKGROUND:

This 2022 Calendar Year Performance Evaluation utilized a new tool to evaluate the Executive Director's performance. A new self-assessment form was developed with separate categories evaluating communication, personal effectiveness, management qualities, interaction with others, and progress toward set goals.

Executive Director Collins was sent the self-assessment form on Monday, December 19, 2022. He was asked to complete and return it by Monday, January 16, 2023.

A copy of that completed self-assessment form was provided to all Commissioners on Tuesday, January 17, 2023. Commissioners were asked to provide their written assessment for each evaluation category and return their assessments to Justin Shrader, Acting Chief People Officer (ACPO), by Tuesday, January 31, 2023.

All Commissioner assessments were then incorporated, without any attribution, into a summary for review by the Executive Director, as part of this evaluation process.



On February 21, 2023, Commissioner Stebbins and ACPO Justin Shrader met with Executive Director Collins and provided him with a copy of that summary. During that meeting, the parties reviewed that summary and provided Executive Director Collins with an opportunity to respond to and address any concerns that Commissioners may have raised. There was also a discussion regarding the Executive Director's salary during this meeting.

This Executive Summary provides a summary of Commissioner assessments and incorporates feedback and responses from Executive Director Collins during the February 21, 2023, meeting.

EXECUTIVE SUMMARY

SECTION 1: COMPETENCIES

Communication

Executive Director Collins' overall speaking, writing, and listening skills are excellent.

At regular standing meetings with Commissioners, he has a well-prepared and organized agenda of topics of concern to discuss. These topics of concern include topics raised by his direct reports and teams, important regulatory developments, and licensee issues and communications. He has done a strong job communicating these topics of concern to Commissioners effectively. He should be more attentive and consistent to providing Commissioners with timely information when urgent matters arise, and he has acknowledged his need to improve in this area. As the commission transitions from a start-up to a mature agency, the Executive Director should address the organization's and internal staff's communication needs.

At public meetings, Executive Director Collins is often required to provide Commissioners with answers to unexpected questions. He clearly and effectively answers those often-complex questions in a manner that, while not condescending, simplifies the answers so that Commissioners and members of the public can easily understand them. It was suggested that the Executive Director should effectively delegate more responsibility, freeing himself to engage with external stakeholders.

Executive Director Collins' writing is of the highest quality, requiring the same attention to detail in written work from staff.

Personal Effectiveness

Executive Director Collins demonstrates and requires the highest level of ethical behavior from himself and those he works with. He is a consummate team player in the workplace, always making himself available to answer Commissioner questions or put in extra time to



accomplish agency goals. He has a strong work ethic and demonstrates diligence and attention to detail. He needs to find available time to access resources to continue his growth as a leader.

With the rapid growth of the CCC and the separate challenges created by the COVID pandemic, Executive Director Collins could make better use of his team, particularly his direct reports. Although his attention to detail is important, his management style would benefit from delegating more decision-making responsibilities and tasks to key team members.

Management Qualities

Executive Director Collins leads by example, demonstrating a strong work ethic, providing opportunities for all commission staff to assume leadership responsibilities, and working to promote staff to new positions. He should continue to focus on quality work and life balance and demonstrate that to all staff. Despite the rapid growth of the CCC, he continues to work with CCC staff to achieve the goals and mission of this agency. He has taken steps to allocate resources to meet the commission's work strategically.

While he has also created a workplace environment that invites input from the entire team, his temperament as a manager, while always respectful and professional, has created some ambiguity regarding decision-making authority. His decision-making and delegation would benefit from holding his direct reports to clearer performance standards and clarifying when a decision on a particular matter is his responsibility and when his decision is final. Successful and timely execution of those decisions requires more effective management.

Interaction with Others

Executive Director Collins performed most strongly in this evaluation category. He has regularly scheduled check-in calls with Commissioners and is always well-prepared, polite, and open to hearing concerns. He displays strong empathy in his interactions with Commissioners and CCC Staff. He is focused on creating a positive work environment that motivates staff to work toward the important mission of the CCC.

Executive Director Collins is also sure to foster regular communication with the entire staff of the CCC. He has regular standing calls with his department heads and individual teams. His interactions with the rapidly growing staff of the CCC demonstrate the high value he places on diversity in the workplace and his recognition of the value diversity can add to group processes and decision-making.

Executive Director Collins has successfully forged relationships essential to the CCC's success. He has maintained strong partnerships with lawmakers and stakeholders in state government. He is sought after for insight and assistance with policy questions by other legalized jurisdictions nationwide and utilizes that network to assist the commission. He



has very ably represented the CCC externally as a speaker at many national and regional events and speaking engagements. Effectively delegating work would allow him more time to engage more external stakeholders.

SECTION 2: PERFORMANCE VS. GOALS FOR THE CALENDAR YEAR 2022

The Executive Director provided a self-assessment of his performance toward meeting his approved goals for Calendar Year 2022. This full-year self-assessment followed a presentation at the July 2022 Public Meeting, where the Executive Director provided a mid-year update. His final self-assessment and progress toward goals were reviewed and discussed at the Commission's December 2022 Public Meeting.

The Commission approved the following Calendar Year 2022 performance goals for Executive Director Collins:

1. Create a five-year strategic plan for Commission development within requirements of cost-neutral operations and other statutory requirements.
2. In collaboration with Commissioners, establish a foundational, durable, and manageable governance model for the agency that properly delineates policy matters and administrative functions consistent with statutory requirements.
3. Refine, define, and report on efforts to create a best-practice model, the world-class agency that empowers staff to maintain innovative and responsive government.
4. In collaboration with Commissioners, complete the 3-year strategic planning process, and begin implementation for equity programming that includes measurable goals and metrics, combined with robust data collection and tracking of equity participants' success and satisfaction, as well as licensee's equity goals and progress.
5. Develop and propose initiatives in order, over the next five years, to double levels of Economic Empowerment, Social Equity Programs, Disadvantaged Business enterprises, and farmer and veteran participation in the industry.
6. Ensure Commissioners and the public have access to data and evidence-based publications to support internal decision-making, public dialogue, preservation of patient access, public health and safety, and impact on disproportionately harmed communities from the regulated marijuana market.
7. Continue establishing Massachusetts as a standard-bearer for the nation as it relates to evidence-based policy development through broad stakeholder engagement.

The Executive Director's' performance at meeting annually approved goals was rated using the following rating scale:



OUTSTANDING: Performance on the goal exceeded expectations and job requirements. (4)

FULLY ACHIEVED: The goal was met. (3)

PARTIALLY ACHIEVED: The goal was not fully met, but this is acceptable since other factors must be considered. *For example, the goal was almost met; results are close to what was expected, or achievement was limited by circumstances outside the Executive Director's control.* (2)

NOT ACHIEVED: Objective was not met; there is a significant performance gap; does not meet minimum standards. (1)

The overall Commissioner rating for **PERFORMANCE VS. GOALS FOR THE CALENDAR YEAR 2022:**

3 – Fully Achieved

Commissioner Comments:

The evaluations provided by Commissioners rated Executive Director Collins' performance at meeting the set goals for 2022 as "Fully Achieved." The overall commissioner ratings reflected those ratings assigned by the Executive Director in his self-assessment.

SECTION 3: JOB PERFORMANCE AND CRITICAL SKILLS

The Executive Director overall job performance and critical skills have been rated* using the following rating scale:

EXCEPTIONAL: Employee always exhibits behaviors aligned with value and provides a model for the Commission. (4)

FULLY DEMONSTRATED: Employee consistently exhibits behaviors aligned with Commission values. (3)

PARTIALLY DEMONSTRATED: Employee does not sufficiently exhibit behaviors aligned with Commission value and requires improvement. (2)

NOT DEMONSTRATED: Employee does not sufficiently exhibit behaviors aligned with Commission value and requires improvement. (1)

*Where a rating was indicated as not applicable (N.A.), it was not included in the overall rating below.

Overall, the Commissioners feel that Executive Director Collins has Fully Demonstrated his performance goals. He performs well in Communication, Personal Effectiveness, Management Qualities, and Interaction with Others. Commissioners expressed their individual sentiments in portions of the rating of Management Qualities. They shared



suggestions on how the Executive Director can improve his performance in this category and encourage him to pursue professional development opportunities to enhance his work performance. Moving forward, the Commissioners indicated a desire for Executive Director Collins to continue to focus on improving his overall managerial skills, communication across the Commission, and delegation.

Commissioners also suggested that Executive Director Collins establish succession plans for all leadership roles, focus on the agency's return to work strategy and continue to be an active voice for the commission and its work with other jurisdictions. An additional suggestion was made to work toward creating a Northeast Association of Cannabis Regulators.

SECTION 4: KEY DEVELOPMENTAL FOCUS

Beginning with the portion of his evaluation dealing with "Key Development Focus" and alignment with "Job Performance and Critical Skills", Executive Director Collins acknowledged he reviewed all the comments and feedback shared with him through this evaluation section. He plans to address comments provided that may be viewed as agency action steps that could require the engagement or approval of commissioners. There was discussion about identifying professional development resources and strategies that can assist the Executive Director to allow him to achieve success leading an agency that continues to grow and mature.

The Executive Director also provided the following comments with respect to this section of the Performance Evaluation:

As for professional development for CY23, there are a number of areas that I would look to address, enhance, and hone with support and attention. Specifically, I intend to focus on time management and optimization. This includes not only how my time is devoted, but also how tasks and decisions may be delegated to result in more opportunities for strategic planning and vision. Relatedly, I intend to explore models for corporate governance that reflect the need to balance and accommodate the Commission's strategic and policy oversight with my need and responsibilities for day-to-day execution. Time management and communication are integral ingredients for our combined success in this area. Finally, I intend to devote time and energy to explore overall management strategies, with a specific emphasis on conflict and accountability.

All these areas present an opportunity for coursework, seminars, training, and other programmatic work. I look forward to engaging with Commissioners and our staff in this effort and am grateful for your anticipated support.

SECTION 5: EXECUTIVE DIRECTOR RESPONSE AND FEEDBACK



I appreciate the opportunity to respond to the CY22 performance management process and react to the feedback provided to me by Commissioners. First, I want to acknowledge that this represented the first year that many of the assigned goals were strategic in nature as well as multi-year efforts. That is an important adjustment that will allow our agency to continue its maturation out of a reactionary start-up culture and into modern bureaucracy. Therefore, that some of the goals remain outstanding should not be surprising, as we will continue to pursue them, and build upon our momentum and progress, into CY23 and beyond.

This year's performance review revealed areas that require my attention. These may be areas that need enhancement (communication), or, in the alternative, areas that need attention and growth (management). I accept that feedback and will endeavor throughout CY23 to demonstrate progress against both of those objectives. Similarly, I intend to ensure that in so doing, we continue to focus on our areas of strength as well.

As for specific reaction or action plans, I look forward to collaborating with Commissioners and our staff to ensure I can successfully address these concerns. This can be done through elements of professional development (courses, certificates, training), as well as additional collaboration (systems, check-ins, and meetings). Related to management specifically, I have already begun to explore structural change where appropriate, identified opportunities for additional delegation combined with a meaningful and engaged performance management system. I believe our collaboration on governance will yield predictable and concrete structure which will undoubtedly pay dividends for agency-wide management.

Relative to communication, I will look forward to continued collaboration with Commissioners and our staff to pursue and implement changes that are necessary. Successful two-way communication depends heavily upon the accuracy and timeliness of information. I accept much of the feedback provided in the evaluation and will work collaboratively with Commissioners and our staff to continue to hone and evaluate our communication methods and strategies. To be clear, improvement and enhancement in this area requires a mutual and sustained commitment, including availability, on behalf of Commissioners, myself, and our staff.

I further acknowledge and appreciate the Commission's feedback with respect to achieving a better work-life balance for myself and our employees. It is here, too, that I look forward to the efforts of Commissioners and others to achieve such an objective. Our collective success depends upon collaboration and support from one another, and for one another. Additional efforts are necessary to explore workloads, manage bandwidth, and set realistic expectations thus allowing for more predictable and balanced work-life experiences.



Lastly, I want to confirm that I am grateful for the Commission's continued feedback and the ability to participate in this exercise. While this process is not perfect, it provides me and our agency with important feedback on performance as well revealing areas that require attention. I accept this feedback through that lens and will continue to work to improve my own performance alongside the progress our agency requires. I am optimistic that Commissioners will join me in that effort.

Our collective work is not easy, but it is important. I look forward to our continued collaboration.

SECTION 6: SALARY CONSIDERATION

In 2021, the Commission awarded Executive Director Collins an increase of 3%, bringing his salary to \$201,880.00. In 2022, Executive Director Collins did not accept a pay increase while evaluating his CY 2021 performance. Based on the overall review and scoring of the Executive Director's performance and alignment with the overall CCC Performance Management System and approved staff pay increases, the Commission should consider a 3% increase, with a retroactive payment back to January 1, 2023, bringing the Executive Director's salary to \$207,936.00.





Cannabis Control Commission

Public Policy Meeting

May 22, 2023 at 10:00 a.m.

Via Microsoft Teams



Agenda

1. Call to Order
2. Commissioners' Comments and Updates
3. Executive Director Report
4. Commission Discussion and Votes
5. New Business that the Chair did not Anticipate at the Time of Posting
6. Next Meeting Date and Adjournment



Executive Director's Report



Staff Recommendations on Licensure

Staff Recommendations: Final Licenses

1. Indica, LLC (#MR284431), Retail
2. New Dia Fenway, LLC (#MR284222), Retail





Commission Discussion & Votes

Commission Discussion & Votes

1. Regulatory Review Discussion: Social Consumption Pilot Program
2. Regulatory Review Discussion: Municipal Equity Memo
3. Introductory Discussion on Commission-led Trainings
4. Executive Director 2022 Performance Review and Salary Recommendation



Social Consumption Regulatory Working Group

Our Approach

- Focus on Public Health, Public Safety, and Social Equity
- Approaching the Regulatory Process with Thoughtful Diligence – “Getting it Right the First Time”
- Lucrative and Successful License Type – Innovative
- Engaging Stakeholders and Working in Collaboration



Social Consumption Regulatory Working Group

Outreach

- Inviting Participation and Comments prior to the Formal Regulatory Process
- Ongoing Conversations with other Jurisdictions and other State Agencies
- Two Public Listening Sessions and One Virtual Session in June
- Direct Survey to Eligible Participants



Social Consumption Regulatory Working Group

When Our Regulatory Work is Done

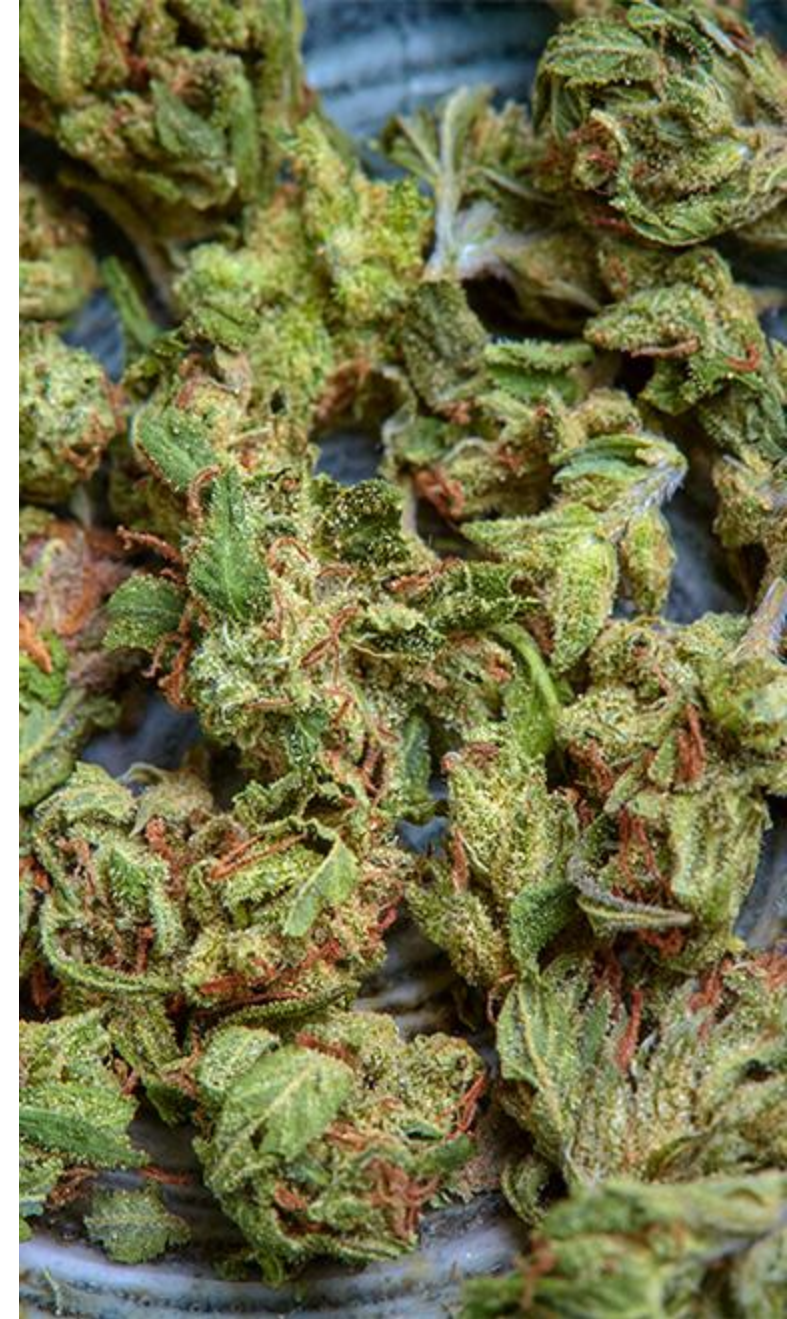
- Host Community and Local Process
- Community Education and Awareness
- Our Ongoing Licensing and Oversight Process
- Responsible Vendor Training Program
- Exclusivity Period



Social Consumption Regulatory Working Group

Removing the Pilot Program

- Eliminates additional step that lengthens timelines of the Regulation Process
- Aligns with the Voice of the Legislature and Communities – Chapter 180 and MMA legislative testimony
- Limiting to 12 communities / 30 DI communities
- The CCC has never licensed communities



Commission Discussion & Votes

2. Regulatory Review Discussion: Municipal Equity Memo
3. Introductory Discussion on Commission-led Trainings
4. Executive Director 2022 Performance Review and Salary Recommendation





Upcoming Meetings & Adjournment

Upcoming Meetings and Important Dates

Public Meeting dates are tentative and subject to change

Next Meeting Date

June 8, 2023

Monthly Public Meeting
Remote via Teams
10:00am

2023 Public Meetings*

July 13	October 12
August 10	November 9
September 14	December 14

