

Board of Health (BOH) Meeting Minutes

March 5, 2018

2018 MAR 29 AM 8:45

The meeting was called to order at 5:31 pm by Donna S. David, R.N., M.N., Chair

Those present were Donna S. David, R.N., M.N., Chair; Julie C. Lemay, M.P.H., Vice Chair; David B. Alper, D.P.M., Board of Health Member; Wesley Chin, M.P.H., Health Director; Daniella Wodnicki, M.P.H., Assistant Health Director; Brianne Gray, Environmental Health Intern; George A. Hall, Jr., J.D., Town Counsel/Partner at Anderson Krieger LLP.

Dr. Alper led a discussion concerning the creation of local marijuana regulations and introduced George A. Hall, Jr., J.D., Town Counsel/Partner at Anderson Krieger LLP as the expert speaker for the meeting.

Mr. Hall reviewed the draft regulations of the Massachusetts Cannabis Control Commission *935 CMR 500.000 Adult Use of Marijuana* and provided a condensed version of this regulation for review.

Mr. Hall provided the recommendations listed below regarding the formation of a local marijuana regulation:

- Become familiar with language in the state's draft regulation
- Local marijuana regulations can supplement the state's regulations to address local concerns about time, place, and manner of adult use marijuana sales
- The state may temporarily hold off on including language that would allow delivery and social consumption of adult use marijuana
- Before an adult use marijuana establishment open up in a municipality it must maintain a "Host Community Agreement" with that community
 - Host Community Agreements are valid for five years and may be re-negotiated afterwards
 - A local municipality implement an additional 3% sales tax on adult use marijuana products
 - The local municipality must provide a detailed list of expenditures for the use of these funds
- No way of knowing how strict the Cannabis Control Commission will be at enforcing its regulations
- Local health regulations will serve to establish restrictions and operational requirements that will not allow for the practice of "grandfathering"
- Use local tobacco regulations as framework for local marijuana regulations

Members of the Board of Health provided the following comments with regard to the state's draft regulations for adult use marijuana:

- Minimum legal sales age for purchase of adult use marijuana should be 25 based on brain development research
- Local regulations should reference *105 CMR 590.000 Minimum Sanitation Standards For Food Establishments*

- Personal patient medical information and identities must be protected if a business decides to serve as both a Registered Marijuana Dispensary (RMD) and Adult Use Dispensary
- Local regulations are necessary as it will give local authorities more oversight over a marijuana establishment
- Medical marijuana is covered by some medical insurance providers
 - The state will likely make it less expensive for a patient to obtain marijuana from an RMD
 - The state must monitor prescribers to ensure that medical marijuana prescriptions are not being over prescribed by authorized prescribers

Next steps

- The BOH will review the state's draft regulations and create a bullet point list of items it would like to see included in its local regulations and forward it to Mr. Hall for review
- BOH staff will review local adult use regulations from California, Colorado, and Washington

The meeting adjourned at 6:26 pm.

Respectfully submitted,

Donna S. David

Donna S. David, Chair