



**CITY OF WORCESTER, MASSACHUSETTS**  
**Department of Health & Human Services**  
**Division of Public Health**

Matilde Castiel, MD  
Health & Human Services  
Commissioner

Karyn E. Clark  
Public Health  
Director

**DATE: March 27, 2016**  
**RE: WORCESTER BOARD OF HEALTH MEETING MINUTES**  
**START TIME: 6:30 P.M.**  
**LOCATION: WORCESTER DIVISION OF PUBLIC HEALTH**  
**25 MEADE STREET, CONFERENCE ROOM 109**  
**WORCESTER, MA 01610**

<p>1. Welcome &amp; Introductions</p> <p>2. Approval of the March 6, 2017 Minutes</p> <p>3. Review and Act on draft regulation to ensure safe access to medical marijuana dispensaries</p>	<p>Meeting called to order 6:39 pm. Members present: David Fort, Chair, Edith Claros, PhD, Vice Chair, Abigail Averbach, Jerry Gurwitz, MD, Joanne Calista. WDPH Staff: Karyn Clark, Director of Public Health, Colleen Bolen, Chief of Emergency Preparedness, Ashley Stockwell, Public Health Prevention Specialist and Michele Williams, Principal Clerk</p> <p>Motion to approve the WBOH meeting minutes of March 6, 2017 made by Edith Claros, PhD. Second -Abigail Averbach. Approved.</p> <p>Karyn Clark, Director DPH: At the last BOH meeting, there was substantial conversation around the draft medical marijuana regulations. Joined tonight by colleagues Amanda Wilson, Director of Housing &amp; Health Inspections, Captain Michael McKiernan, Worcester Police Department Vice Squad and Jacob Sanders, Inter-Governmental Relations, City Manager's Office to answer any additional questions and concerns that you might have.</p> <p>Edith Claros, PhD, Vice Chair: Let's start with questions we had from the last meeting.</p>
--	--



Karyn Clark, Director DPH: Read questions that the Board had at the last meeting. The process for a medical marijuana facility to obtain a license would be through a hearing before the Board, where the individuals from the facilities would attend and answer any questions the Board might have. Proposing the Board issue licenses to the 4 medical marijuana facilities, all have signed host agreements with the City. The City would like to have oversight of these facilities through local licensing and inspections.

Jake Sanders: In 2012 this law was first enacted and one thing I want to do is separate the medical marijuana from the recreational. About a year or so ago, we were approached by a total of 9 facilities that asked to operate a medical marijuana dispensary in the City of Worcester. They came in and met with an internal working group including the City Manager, and a few other departments to get to know them. There were interdepartmental reviews after a formal presentation followed by a neighborhood meeting in the area where they would be proposing to open a dispensary. This is how we made a determination on whether or not the facility would fit into the “culture” of the City and who is responsible. The State has three phases. Our role in this is to sign a letter of non-opposition, which they need as their “phase three” of the application process. Along with that letter, the City signed community host agreements. No more than 4 medical marijuana dispensaries are allowed in the City of Worcester. There is an additional group that is doing cultivation only at a warehouse where they will only be growing marijuana, not selling.

Abigail Averbach: Where are we at with this process?

Jake Sanders: We have 4 dispensaries that all have received their provisional license. They are at different stages; the first one is set to open in August 2017 and the latest one in February 2018.

David Fort, Chair: Where are the 4 locations?

Jake Sanders: They are located at Pullman Street, Harrison Street, Route 20 and Lincoln Street.

Jerry Gurwitz, MD: Are their cities where the local BOH is doing the licensing?

Jake Sanders: Yes. There are other communities that are doing local oversights.

Karyn Clark, Director DPH: One of the conditions that we put in the draft was to make sure that a license is not issued within 300 feet of a school, daycare, library, etc.

Jerry Gurwitz, MD: Does Worcester's law supersede the State law?

Jake Sanders: No.

Capt. Michael McKiernan: The City can make an ordinance to regulate the use of marijuana in certain places. In general, you can be stricter than the State law but not less.

Joanne Calista: If the City were to go into dispensary, would we be able to revoke a license if they were in violation?

Capt. Michael McKiernan: You would be the licensing authority, so you can suspend, revoke or amend a license the way you see fit.

Karyn Clark, Director DPH: That is outlined for in the draft regulation. Also talks about fining structure, revocation of the license or suspension.

Abigail Averbach: Can we regulate the sale of any edible marijuana that is packaged in any way to gear towards children? I'm concerned about packages getting out into the community that looks like food. We have to figure out how to establish those rules.

Amanda Wilson: You are not able to enter inside the facility if you're under 18 years old.

Jake Sanders: Medical marijuana dispensaries require a card. I can understand that from there, the packaging entering a home, would be of concern, but that actually steps into the recreational side and those regulations have not been put out yet.

Karyn Clark, Director DPH: The way that the medical marijuana laws are written, they don't consider edibles to be food. It's not classified as a food product. There's no food permit for that.

Edith Claros, PhD, Vice Chair: These edibles will be sold at the marijuana dispensary?

Karyn Clark, Director DPH: Correct.

Abigail Averbach: Can we prohibit the sale of edibles if we see that they are packaged in ways that are geared to children?

Capt. Michael McKiernan: The State allows the sales at the dispensaries and for us to prohibit something that they are allowing would have to go through the State.

Jerry Gurwitz, MD: What happens in the pharmacies in Worcester? Are there any inspections?

Karyn Clark, Director DPH: The pharmacies are licensed by the State.

Edith Claros, PhD, Vice Chair: Are there any requirements on the State level where the dispensary have to meet certain criteria in terms of the building structure?

Jake Sanders: One of the phases of the permit process from the State is a full security plan that they present to the state that needs to be approved.

Edith Claros, PhD, Vice Chair: What is the security plan for the 4 facilities?

Jake Sanders: Each group had a security consultant, usually a former Police Officer. They

know that they need to abide by the regulations.

David Fort, Chair: If a 16 year old has cancer and needs medical marijuana, how would they get it? What about access to those who are in hospice or nursing facilities?

Jake Sanders: There is delivery service or a caregiver can pick it up.

Amanda Wilson: This has to be approved by 2 certified doctors, a board certified pediatrician and pediatric specialist. Patient has to have a life long illness.

Jerry Gurwitz, MD: Is there a licensing fee?

Karyn Clark, Director DPH: We recommend \$500.00 for an application fee. This is a fee that the BOH has to vote on.

Jerry Gurwitz, MD: How long would it take for our Board to consider giving a license?

Jake Sanders: In this situation, the site location has already been taken care of. This would be a public meeting, but there have already been multiple neighborhood meetings at the sites of these locations. Also like to add that this is all public information, you can go on MA DPH website and view the plans and see the steps that they have taken so far.

David Fort, Chair: We have to trust that all the vetting has taken place on the State and City level. We don't want to hold a burden with these organizations because this is a medical need. I'm comfortable with the Board to license the 4 dispensaries. We will see how it goes and if we need to step in we can be a part of the discussion on the decisions.

Jake Sanders: As far as the funding from the host agreements, the current idea is to help fund the Recreation Worcester program. Also some of the funds can go to opioid abuse programs as well. That is the thinking of the City Manager at this time.

4. Review and Act on Draft Regulation to Promote Safe Access to Locally Grown Produce and Crops

Karyn Clark, Director DPH: Will research answers to questions the Board has as to what is stricter on the local level that we're proposing vs. what the state is doing. The local draft regulation has considerations around parking, signage and operation of hours. I will report back as to what other towns are doing with regulations and licensing, concerns with edibles and packaging requirements. There were also questions around treating these facilities like pharmacies, what the licensing process time commitment on the Board would be and clarification on access concerns. I will put together a draft application for you to view at the next meeting. Thanks to my colleagues for attending the meeting and answering questions.

BOH members: Thank you Karyn for all your work.

Karyn Clark, Director, DPH: There has been a significant amount of public interest in this. There have been more community conversations since I presented this to the Board at the last meeting. Consensus that this is something that should be a part of the urban agriculture ordinance and it would make more sense for Inspectional Services to be involved in the permitting and ordinance. At this time I am not asking to move forward only that at some point we'll have to come before the Board and ask you to consider striking the word "bees" from the old 1991 regulations that we had discussed at the last meeting. There will be a little bit of work to be done to remove the word "bees" so that people can legally have bees in the City of Worcester. There will be perimeters on how many hives they are allowed.

Amanda Wilson: The urban ag ordinance was submitted in concert with a zoning amendment for urban agriculture within the City from the Executive Office of Economic Development throughout the planning. This will be submitted to the City Manager and will go on the Council Calendar for April 4, 2017. I submitted 2 draft ordinances: 1) regulations of the keeping of honey bees, 2) regulation of farm stands. Farm

<p>5. Next Meeting</p> <p>6. Topics for Next Meeting</p> <p>7. Adjourn</p>	<p>stand regulations will allow access to healthy vegetables and produce within the City for people who want to have their back yard gardens and legally sell from their front yard or driveway. It does involve a permit, at no cost. With the honey bees aid in the growing of crops. We do have a number of residences that are involved in keeping of honey bees. It's an ordinance and has an enforcement section and there are fines with it. It is to ensure that the citizens and residents are safe.</p> <p>David Fort, Chair: What about the signage?</p> <p>Amanda Wilson: It would state that you cannot exceed 150 square feet.</p> <p>David Fort, Chair: From here on out it will live under Inspectional Services and the City Council.</p> <p>April 18, 2017 – 6:30pm at WDPH, 25 Meade Street, Conference Room 109.</p> <p>April meeting will consist of a recap of the draft regulations to safe access to marijuana, update on the opioid crisis and PCB's in Worcester Public Schools</p> <p>Meeting adjourned at 7:41pm.</p>
--	---