



Town of Arlington
Department of Health and Human Services
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To: Select Board Members

From: Christine Bongiorno, Director of Health and Human Services

Date: May 16, 2019

RE: Marijuana Establishment HCA Comments

The Department of Health and Human Services has reviewed the proposed Host Community Agreement Applications and has the following comments:

Metro Harvest Inc.

- The proposed location is within 300 feet of a toddler playground which would require a variance from the Arlington Redevelopment Board, therefore it currently does not meet the zoning requirements.
- The applicant's training program does not address the type of training that will be provided to employees to prevent underage purchases.
- In the Industry and Market Analysis, the applicant makes sales references to the population over the age of 18. The legal age to purchase marijuana products in Massachusetts is 21. Lastly, it appears that financial projections are based on sales to consumers 18 and older, therefore revenue projections outlined in the application may be inaccurate figures.
- There does not appear to be any handicap designated parking currently available at this site.

Calyx Peak of MA, Inc.

- There are no handicap parking spaces designated currently at this site.
- The applicant has presented a thorough plan for staff training around prevention of sales to underage individuals.

Apothca

- Apothca currently has a permit to operate a Medical Marijuana establishment from the Arlington Board of Health. To date, there have been 6 inspections conducted, two from the Mass Department of Public Health, three from the Cannabis Control Commission, and one from the Arlington Board of Health. Below are the details of said inspections:
 - o On or about December 10, 2018 the Mass Department of Public Health (MDPH) issued an order to Apothca to immediately Cease and Desist the sale and/or distribution of any

marijuana (including Cannabidiol (CBD) and/or Marijuana products that include CBD) that were purchased from an out of state entity not registered with MDPH as a Registered Marijuana Dispensary (RMD). Apothca failed to notify the Arlington Board of Health of this incident.

- On or about December 13, 2018 MDPH conducted a routine inspection of Apothca and cited the following violations: (1) lighters with the RMD logo were on display at the point of sales counter. In Accordance with MDPH regulations, an RMD shall not produce any items for sale or promotional gifts which indicate or bear a symbol of a logo. In response to this violation, Apothca removed this product from the sales floor immediately. (2) MDPH observed clear view packaging on multiple flower packaged items. In accordance with MDPH regulations, products shall be labeled in plain, opaque, tamper-proof, child proof containers. In response to this violation, Apothca believed they had been in compliance with specific packaging, however, submitted a timeline for compliance with this requirement. Apothca failed to notify the Arlington Board of Health of this inspection.
- On January 15th and 17th of 2019 the Cannabis Control Commission (CCC) conducted an inspection of Apothca and rescinded the order to Cease and Desist, as all such products have been removed from establishment. Again, Apothca failed to notify the Arlington Board of Health of these inspections.
- On February 20, 2019 the CCC conducted a routine inspection of Apothca and no violations were observed. However, Apothca failed to notify the Arlington Board of Health of this inspection.
- On May 9, 2019 the Arlington Health Department conducted a routine inspection of Apothca. During the inspection the following violation was cited: (1) Visitor Identification badges for outside vendors, contractors and visitors were unavailable. Throughout the inspection staff members were knowledgeable of Arlington specific policies and procedures and were accommodating to all requests to access all areas of the facility.
- Upon Review of the application the Health Department has the following concerns:
 - In Section 1B, the applicant has indicated that the proposed marijuana establishment intends to operate as an Adult Use Marijuana Retailer, however, in Section 2, the applicant indicates that they meet the Group B priority. It is important to understand the applicant's intention to co-locate an RMD and recreational marijuana establishment or if the intent is to phase out the RMD over time?
 - Under the Plan for Restricting Access to Age 21 and Older, the applicant states that if they discover a sale was made to an individual under the age of 21, the employee will be terminated and the Commission will be notified. The BOH would suggest language be added to include the notification to the Arlington Health Department within 24 hours of such a sale.
 - Under the Plan for Separate Recreational and Medical Operations the applicant states that for the first 6 months of operation, 35% of marijuana products will be marketed for medical use and then the establishment will reassess the demand and adjust

accordingly. While this is acceptable under state law, the Health Department would like to require that the establishment maintain this ratio of 35% for a minimum of 1 year before it reassesses and adjusts products for medical use.

Eskar LLC

- Our primary concern is that this facility does not intend to establish a large cultivation facility, rather the bulk of their products will come from a variety of growers and vendors in the market. The Health Department would like to know which manufacturer(s) will be providing Eskar LLC with marijuana products.
- The applicant has previous experience with training employees on the handling of alcohol.
- The applicant identifies a security measure called IDVisor Sentry and IDentiFake which uses facial recognition software along with a database to ensure fake ID's are not accepted. The Health Department would like to know more information about this product such as what type of establishments currently utilize this software and in what states if any.
- The building appears to have parking including one handicap parking space close to the door. Because this is a shared building, will this space be available to customers?