

Testimony Regarding Host Community Agreements  
Tuesday, May 11, 2021 11:00am  
Joint Committee on Cannabis Policy

Submitted by:

Shaleen Title, *Distinguished Cannabis Policy Practitioner in Residence*,  
[The Ohio State University College of Law Drug Enforcement and Policy Center](#)  
*Vice Chair*, [Cannabis Regulators of Color Coalition](#)  
*Former Commissioner*, [Cannabis Control Commission](#) (2017-2020)

Dear Chairperson Chang-Diaz, Chairperson Donahue, and Members of the Committee:

Thank you for the opportunity to share my input about host community agreements and my strong support for S. 72. Thus far this Committee has, in my opinion, truly represented the people of Massachusetts with respect to cannabis.

Every cannabis business is required to have a host community agreement to operate. As of today, there are no practical limits whatsoever on what a host community may demand from a business in order to grant a host community agreement. With rare exceptions, host communities use these agreements not as part of a fair negotiation, but as a tool to hold hostage in exchange for significant financial benefits that go beyond the law.

This system unfairly favors those companies which can afford it and is one of the top reasons why only 8 out of 223 cannabis businesses operating in this state are economic empowerment and social equity businesses.

I am grateful to have been consulted on several of the bills being considered today. Many of them are excellent and contain different elements that would address this problem. After reviewing all of the bills, it is clear to me that S. 72 is the one comprehensive bill that would address all of the different systemic problems with the host community agreement process.

I specifically would like to call your attention to section 1 subsection 7 of S. 72 which I consider the most crucial. Currently, the Cannabis Control Commission is charged with creating policies that take into account the needs of disproportionately impacted people, but host communities are not. Subsection 7 fixes this inconsistency in a completely unspecified, nonprescriptive way, simply by allowing every municipality to decide for itself how it would like to contribute to the state's established goal of including impacted communities in this industry. The current chairman and executive director of the Commission have asked for such a change (see #2 in the February 27, 2020 letter to your committee attached).

Having lived it, I know that just having a simple stated principle of equity to point to will remove some of the barriers that people who attempt to develop solutions on racial justice issues within government often face. You may know this too from your own work, but when people are working on true solutions to racial justice issues, they tend to be dismissed, condescended to, alienated, retaliated against, and most of all ignored, but I can tell you from experience that being able to point to a principle of equity in the law makes a seemingly impossible job seem more possible. When you consider making this small change, please remember all of the people who marched in the streets last year and why.

Thank you again for your consideration and please don't hesitate to contact me for feedback anytime at [shaleen@gmail.com](mailto:shaleen@gmail.com).

February 27, 2020

Chair Sonia Chang-Diaz and Chair David Rogers  
24 Beacon St.  
Room 111 and Room 544  
Boston, MA 02133

Dear Chair Chang-Diaz, Chair Rogers, and members of the Joint Committee on Cannabis Policy,

Thank you for your thoughtful engagement with a variety of stakeholders and for sharing our ongoing commitment to honor the will of the voters by safely, equitably, and effectively creating a legal cannabis industry for Massachusetts.

In this spirit, in our individual capacities as Chairman and Executive Director of the Commission, we are writing to make three suggestions for your consideration. These suggestions are based on the requirements of Chapter 55 of the Acts of 2017, research studies our agency has conducted and published, and practical observations we have made over the past two and a half years.

- 1) The Legislature may wish to consider codifying the Commission's Social Equity Program in statute and establish a dedicated source of funding in order to ensure consistent and sustained access to training, technical assistance, mentorship, and other benefits for people from communities disproportionately harmed by prohibition as referenced by Chapter 55 of the Acts of 2017.
- 2) Currently, the Commission is required to ensure that people from communities that have been disproportionately harmed by marijuana prohibition are included in the legal marijuana industry, and to prioritize the review of businesses that economically empower those communities. Municipalities, however, have no such requirement in their separate consideration of hosting these businesses. Because no applicant is considered to have submitted a complete application without a form of local approval, this has created an inconsistency and a disparity in the types of applicants who are able to navigate and ultimately succeed in our application process. The inconsistency has impeded our ability to fulfill our requirements, and thus the Commonwealth's ability to meet its commitments. The Legislature may wish to address this inconsistency by enacting a similar requirement for municipalities to ensure the inclusion of the same communities.
- 3) As a step toward leveling the playing field and supporting access for small businesses and marginalized groups, the Legislature may wish to create a Social Equity Loan Fund similar to the [Illinois Social Equity Cannabis Business Development Fund](#) or the [City of Oakland Equity Loan Program](#). This would begin to address the lack of capital that is most widely cited as a barrier to entry preventing businesses with fewer resources from entering the market. This would be an efficient and effective way to satisfy Chapter 94G 14(b)(v), which directs marijuana tax revenue to fund programming for restorative justice and services for economically-disadvantaged people in communities disproportionately impacted by high rates of arrest and incarceration for



marijuana offenses. The fund should also be structured to allow for private donations. Currently, several cannabis businesses in Massachusetts are keeping funds in escrow in order to donate them for this purpose, and others have expressed a willingness to contribute to a fund with these objectives.

We appreciate your consideration of these suggestions and remain available to discuss these suggestions in more detail or answer any questions you may have.

Sincerely,



Steven Hoffman, Chairman

Massachusetts Cannabis Control Commission



Shawn Collins, Executive Director

Massachusetts Cannabis Control Commission

