**COMMUNITY MEETING with Garden Remedies, Inc.**

**RE Proposed Medical Marijuana Dispensary**

**APRIL 17, 2014**

**\*\*\*\*\*\*\*\* NOTES \*\*\*\*\*\*\*\*\***

In attendance:

Karen Munkacy, CEO of Garden Remedies ("GR")

Joseph Skenderian, COO of GR

Lee Silverstone, Project Architect

Matt Allen, Executive Director of Massachusetts Patient Advocacy Alliance

Mary Ann Walsh, Public Relations

Stephen Buchbinder, Attorney representing GR

Katherine Braucher Adams, Attorney representing GR

Franklin J. Schwarzer, Attorney representing GR

Tom Walsh, NetWatch, Security

Ward 2 Aldermen Susan Albright, Marcia Johnson, Emily Norton

Ward 1 Alderman Alison Leary

Newton Police Captain Marc Gromada

Newton Planning Staff Stephen Pantalone

~40 residents

The minutes of the public meeting on April 17th are based on notes from the office of Schlesinger and Buchbinder and Emily Norton.

**Background**

The evening started with remarks by Attorney Buchbinder who explained elements of the law. Medical marijuana (MMJ) dispensaries are governed by State regulations – 105 CMR 725.000. and up to 20 licenses have been granted statewide. No community can ban a medical marijuana dispensary. City ordinance further limits MMJ dispensaries to certain zoning (BU2, BU5, or MU1) and cannot be within 500 feet of school, daycare or playground

Karen Munkacy, MD, the CEO for Garden Remedies explained that she is an anesthesiologist who lives in Newton near BC. She explained that 10 years ago she had cancer and did not use marijuana to ease the pain because it was illegal. She further explained that as many sick people would benefit from medical marijuana she became involved with the creation of state legislation in 2011. Dr. Munkacy stated that her company would provide safe and tested marijuana as opposed to street drugs which may be unsafe or of poor quality due to mold or pesticides. Among the elements recommended for clients will “vaping” or tinctures rather than swallowing or smoking because these are more effective delivery mechanisms.

**Location**

Dr. Munkacy explained that she considered twenty sites including Rte 9 and Needham st.

The location on Washington St in Newtonville is ideal as it is near pubic transportation and there is already an acupuncture office, so it’s near wellness businesses. We aim for an environment of individualized attention rather than a superstore.

**GR Operations**

In order to enter Garden Remedies patients must obtain a “recommendation” from a doctor which will enable them to obtain an ID card from the State. Dept. of Health (DPH). The term “recommendation” rather than prescription is used because of a federal law still outlawing MMJ, and therefore it is not legal to write a prescription per se, but rather a doctor writes a “recommendation”, which serves the same purpose as a prescription. Operations include the following elements:

* Patients will need to make an appointment, there will be no walk-ins.
* Patients must come in person for the first visit, unless there are extenuating circumstances (quadriplegic, bed-ridden, etc).
* We will provide delivery if patient meets requirements.
* Patients may not medicate on-site.
* Suggested hours of Mon-Sat 10-8, Sun 10-6, but open to suggestions.
* All of GR products will be labeled. Different strains work for different conditions. Some have no psychotropic effects, unlike street marijuana.
* Cost: $350/oz, and patients can purchase up to 10 oz at a time every 2 months.
* Insurance will not cover the cost as MMJ is still illegal federally.
* It will be free for those who cannot afford it; DPH records name and address for hardship exemption.

**Secruity**

Tom Walsh – from Netwatch which works with over 100 European pharmacies spoke about the elements of his security plan which will include:

* + CCT - cameras - closed caption always
  + Remote monitoring
* RFA buttons (request for assistance) which are panic buttons that staff can wear and will be installed around the site
* When the facility is closed, if someone approaches there will be a live audio warning and authorities will be contacted
* There will also be internal cameras in case issues arise during operating hours
* NetWatch's product has never failed.

Below is a summary of the concerns raised via questions after the presentation:

**Questions from the Audience with Responses**

**Parking**

There are many projects in the neighborhood of this project and concern was raised that this might disrupt a quiet residential neighborhood. GR responded that their parking study would include Court St. and the enlarged Village Café in its calculations. They expect their parking needs to be similar to the prior occupant, an insurance company. Off-site parking for employees is being sought. Concern for the increase of use for the Chrysler dealership will be taken into consideration.

**How young will the patients be?**

In CO [where there is legal MMJ], out of 5.5 million residents, 40 MMJ users are minors. The same ratio is anticipated in MA. A minor has to go with both parents to 2 independent physicians. One of these has to be a Board Certified Pediatrician. An example of a condition helped by MMJ is seizure syndrome - Dr. Sanjay Gupta went from being opposed to MMJ to be a big fan because of how it helps kids with this specific syndrome. Produced TV specials about it. 100 families moved to CO so their children could use MMJ to help them.

**What would happen if a daycare wanted to move in within 500 ft?**

Garden Remedies will be allowed to remain onsite. City and State regulations will need to be consulted to answer this question.

**What other sites were looked at and why was this one selected?**

The area where Dr. Munkacy lives in Chestnut Hill is not zoned for a dispensary so she could not locate a dispensary closer to her home. (A zoning map of Business 2,5 and Mixed Use 1 zones is attached.) The dispensary could not be located at the Newton Wellesley Hospital even though this was desirable due to federal law which outlaws MMJ. No MMJ can be distributed in a facility that receives federal funding. It was also explained that it is illegal to dispense MMJ at pharmacies.

**Concern for safety as it will be known that people are coming to the site for MJ**

When patients leave GR will consider escorting them to their cars particularly when the site first opens. GR will look into whether or not they can escort patients to the bus. Concern was raised that GR remedies cameras will infringe on the privacy of neighbors or passersby. GR asserted that its cameras will only focus on their site. In response to questions from neighbors in the area with children Dr. Munkacy recommended the following websites.

* <http://www.newscientist.com/article/dn2063-alcohol-impairs-driving-more-than-marijuana.html#.U1lr-FVdV2E>
* <http://www.01autoinsurance.com/blog/reasons-why-marijuana-users-are-safe-drivers/>
* <http://dmarkanderson.com/Medical_Marijuana_Accidents_and_Alcohol_10_16_12_v1.pdf>

**How does the MA MMJ program differ from other states and will there be any tax benefits?**

Massachusetts law is much more stringent than other states. GR will have to pay federal tax and sales tax but no taxes to Newton. There are no specific tax laws in MA for MMJ. GR is looking for ways they can “give back” to the community. There will likely be mitigation funding, for example Village Cafe made a donation to a traffic mitigation fund [when they got their parking waiver]. Support for improvements to the Harvard Street intersection is being studied.

**Effect of dispensary on crime increase**

Some studies have shown crime goes down when MMJ is legalized. Dr. Munkacy provided some web links

* <http://www.msnbc.com/all/does-marijuana-lower-the-crime-rate?utm_campaign=DD%204.16.14&utm_medium=email&utm_source=newsletter&utm_content=Full%20Story>
* <http://www.denverpost.com/ci_14275637>
* <http://blogs.westword.com/latestword/2014/02/medical_marijuana_dispensaries_denver_neighborhoods_impact.php>

**Questions about the operation, plants and delivery methods**

Dr. Munkacy explained that product can be smoked or vaporized. Vaporizing is preferable because it is not carcinogenic. In response to question on the difference between THC and Cannabidiol (CBD) Dr. Munkacy explained that the plant has lots of components - (1) THC - psychotropic, against neuropathic pain. (2) All/mostly CBD. Dr. Munkacy noted this is useful in treating post traumatic stress. Patients will be seen by appointment only. Patient can obtain a list of MMJ dispensaries, and patients will choose which one to go to. GR is not allowed to advertise. They do not have any patients signed up currently. GR’s plan is to offer 30 minute appointments and see two to three patients at one time.

GR will not sell paraphernalia only vaporizers and medicine in child proof containers.

The proposed hours of operation are 10-8 Monday through Saturday, 10 to 6 Sundays. Deliveries to the dispensary will be a couple of times per week. The trucks will vary their delivery time so that these times cannot be tracked. A GPS methodology will be employed to let GR know where a truck is. There will be different routes and drivers will know duress passwords. GR was not sure if trucks would be marked or not.

**Lighting**

Question was asked if there would be night time lighting. It was explained that while lights are good the cameras they plan to use have infrared and are better in dark.

**Employees**

In response to questions about employee background checks it was explained that employees will be CORI’ed and registered with the Massachusetts Department of Public Health.There will be several shifts as operations will be greater than 40 hours per week. GR expects to have 8 employees total, 5 on-site at any given time.

**Where will the MMJ be grown**

At a facility outside Newton

**Cost and Payment**

GR must by law charge street cost which is now $350/oz, 10% revenues will go to reduced cost medication for low income patients. Insurance will not cover the cost. Patients may not use credit cards as MMJ is still federally illegal so credit card companies won't allow it.  GR is working with various banks and ATM service providers in the hopes of being able to accept debit cards and/or install an ATM machine within the dispensary.

**Security in patients homes**

Patients are not required to lock MMJ in their homes. However GR. strongly encourages them to store it in a secure location.

**Second hand smoke**

In response to questions about the effects of second hand smoke from smoking in public areas Dr Munkacy remarked that it would make sense for patients to restrict use to the private home.

**How long is the doctor’s recommendation to use MMJ good for?**

A doctor’s recommendation is good for up to one year. As of July 1, physicians will need continuing medical education credits before they can recommend this. CME programs in this regard are being developed.

**Comment from a business in the same building**

An Acupuncturist with office in same building remarked that she has worked for 12 years at site. She has no concerns about parking as she has seen no one parking on Washington Street heading up to the Whole Foods location. She is working out the details with Dr. Munkacy regarding hours of operation and security.