

# VICENTE SEDERBERG LLP

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July 24, 2020

Adam Turner  
Executive Director  
Martha's Vineyard Commission  
PO Box 1447  
Oak Bluffs, MA 02557

Dear Mr. Turner:

Please accept this correspondence on behalf of Patient Centric of Martha's Vineyard, Ltd. ("PCMV") relative to its proposal to operate a co-located medical and adult-use marijuana retail facility at 510 State Road in West Tisbury. PCMV has modified its application in response to feedback received by the Martha's Vineyard Commission ("MVC") on July 2, 2020 as follows:

## 1. Updated Memorandum of Understanding

An updated Memorandum of Understanding is attached hereto as Exhibit A. The revisions are intended to allow for oversight of changes to PCMV's appointment-only operations within the purview of the Town of West Tisbury's Zoning Board of Appeals and its designated representatives, while maintaining the MVC's overriding oversight with respect to the project.

## 2. Product Labeling

In response to an inquiry from a Commissioner relative to health warnings on labels, please be advised that, pursuant to the regulations set forth within 935 CMR 500.105(5), all marijuana and marijuana products sold by PCMV will be secured within packaging that contains a legible, firmly affixed label on which the wording is no less than 1/16 inch in size that contains the a variety of information, but specifically:

- a. A statement and a seal certifying that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with M.G.L. c. 94G, § 15;
- b. This statement, including capitalization.  
This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential

harms. It is against the law to drive or operate machinery when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN.**;

- c. The following symbols:



- d. In the instance that PCMV is selling marijuana products, labels must also include a warning if nuts or other known allergens are contained within the product as well as a statement that reads: "The impairment effects of edible products may be delayed by two hours or more."

Additionally, any and all marketing, advertising and branding created for viewing by the public shall include the statement "Please Consume Responsibly", in a conspicuous manner on the face of the advertisement and shall include a minimum of two of the following warnings in their entirety in a conspicuous manner on the face of the advertisement:

- a. "This product may cause impairment and may be habit forming.";
- b. "Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug.";
- c. "There may be health risks associated with consumption of this product.";
- d. "For use only by adults 21 years of age or older. Keep out of the reach of children."; or
- e. "Marijuana should not be used by women who are pregnant or breastfeeding."

All marketing, advertising and branding produced shall include the following warning, including capitalization, in accordance with M.G.L. c. 94G, § 4(a1/2)(xxvi):

“This product has not been analyzed or approved by the Food and Drug Administration (FDA). There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN.** There may be health risks associated with consumption of this product. Marijuana can impair concentration, coordination, and judgment. The impairment effects of Edible Marijuana Products may be delayed by two hours or more. In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1. This product may be illegal outside of MA.”

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### **3. Data Collection**

In response to an inquiry from a Commissioner relative to data collection relative to adult use marijuana consumers, please be advised that it is PCMV's practice not to retain customer information without customer approval.

### **4. Site Plans**

Please see updated Site Plans attached hereto as Exhibit B. The site now provides for 20 parking spaces, which include one handicap van accessible space, four spaces reserved for medical patients, 11 customer spaces, one express order space and three employee spaces. The plans also include a Vehicle Turning Path plan as requested by the MVC, as well as updated landscape plans in response to abutter preferences.

### **5. Customer Demand Management Plan**

Please see an updated Customer Demand Management Plan attached hereto as Exhibit C. This plan is updated to mirror the changes in the Site Plans denoted above and is incorporated into the Memorandum of Understanding described above.

Please do not hesitate to contact me if you have any further questions regarding this matter.

Sincerely,



Phil Silverman, Esq.

PCS/rr

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