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Tremaine Wright: Hello and welcome everyone, I am Tremaine Wright the Chair of the Cannabis Control Board. Recognizing that we have all Board members present, I am pleased to call to order the second meeting of the Cannabis Control Board and to welcome all of you who are watching virtually. It is our hope that in the near future, we will be able to safely have these meetings in person. For our members and guests, this meeting will be recorded and the recording and transcript will be available to the public on the Office of Cannabis Management's website; cannabis.ny.gov. Today's agenda will include a welcome and some brief remarks from me, review and approval of the meeting minutes from our first Board meeting held on October 5<sup>th</sup>, a review of the OCM Employment items, consideration of Medical Cannabis Program Regulations, a report from the Office of Cannabis Management's Executive Director, Chris Alexander, a brief update on outreach and education, an announcement about the next Cannabis Control Board meeting and then we will adjourn.

As previously stated, the first Cannabis Control Board meeting we held on Tuesday, October 5<sup>th</sup>, 2021. The Board, OCM team, and I wanted to ensure we maintain momentum thus we worked diligently to schedule this meeting today. I'd like to provide you with an update on what we've been working on since the first meeting of the Cannabis Control Board within our three key priorities; staffing, stakeholder engagement, and meeting our statutory requirements.

First as it relates to staffing – the Executive Director and I have continued to focus on bringing top talent to the Office of Cannabis Management. We have been busy canvassing, reviewing résumés and interviewing. We want to thank the public for the amount tremendous interest that they have expressed for working at the Office of Cannabis Management. It has allowed us to recruit a team of energetic, enthusiastic and highly trained candidates for the office. We also have continued to work with our partners in government to ensure a smooth transition of DOH staff to the new OCM office. The transition is currently underway. I have had the privilege of meeting and getting to know some of the medical and cannabinoid hemp program staff over the past couple of weeks and I want to thank them for their tireless work in managing these important programs. There is a tremendous amount of knowledge and subject matter expertise which they are bringing to OCM and that will carry the office forward and I'm looking forward to continuing our work together.

Next, I will work to engage stakeholders just getting started. And the my first official public appearance since being appointed Cannabis Control Board Chair at the New York State Association of Counties meeting last week. Additionally, I conducted site visits to cultivation and processing facilities in the Mid-Hudson and Capital regions with fellow Board Member Jen Metzger. As our office continues to grow and our operations expand, we are dedicated to being in more communities with conversations around this new industry. We look forward to having you join us for discussions regarding how this industry will impact health, safety, equity, and economic development. Your engagement and input will help shape our state's future.

Lastly, but certainly not least, is our responsibility to meet the statutory obligations under the Marijuana Regulation and Taxation Act. In an effort to meet these obligations, the office has

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prioritized drafting Medical Home Cultivation regulations. These regulations designed to help expand patient access will be posted for public comment short. Executive Director Chris Alexander and I will speak more on this later. I would like to make another point about the statutory requirements of the MRTA. One of the primary goals of legalization is harm reduction ensuring access to safe tested, regulated cannabis products. As a reminder to all, we do not yet have state regulated adult use cannabis products on the market. We have not authorized recreational sales. We are hearing many examples of sales of marijuana products by individual vendors and retail locations. However, they are not licensed, nor are they selling regulated products. There are current 38 medical dispensing facilities across the state. We do not have any adult use nor recreational dispensaries. Any individuals selling cannabis or marijuana products in these unlicensed dispensaries, pop up shops or markets is not licensed, nor are they selling safe, tested products. I also wanted to share that any unlicensed sale or distribution of cannabis remains illegal. While gifting or transferring cannabis under the possession limit between adults who are 21 years or older without any money paid or services provided is legal. Gifting does not include instances in which cannabis is given away at the same time as another transaction nor when it is offered or advertised in conjunction with an offer for the sale of goods or services. There are no legal producers of cannabis other than those whose production is intended for medicinal use. The cannabis being exchanged in the transactions just described those remain illicit. There is no gray market in New York State. This conduct is not legal and must stop. Individuals who do not cease run the risk of severe financial penalties. We look forward to providing updates to the public as we work towards accepting licenses in the future of the new legal industry we are building.

The next order of business is the review and approval of the meeting minutes from the October 5<sup>th</sup>, full Cannabis Control Board's meeting. Before we get too much further into today's proceedings, I would like to make a few brief remarks about the open meetings law.

As stated at our first Board Meeting, the Cannabis Control Board is subject to the Open Meetings Law which is intended to ensure the greatest level of transparency and public participation in the affairs of government. Due to the ongoing pandemic, we have requested that members of the public join us via video conference which we will continue to do to keep the public and members of this body safe.

Now, I'll read a brief statement on the Open Meetings Law into the record. Pursuant to Chapter 417 of the Laws of 2021 enacted on September 2, 2021, Board members may fully participate in meetings via video conference from locations that are not open to the public, provided that the public has the ability to view or listen such proceedings, and the meetings are recorded and later transcribed. The new law sunsets on January 15, 2022. The public was provided with information on how to access the meeting within the Public Notice. A recording of this meeting, together with the transcript will be available on the OCM website. Previous recordings and transcripts are achieved on the OCM website as well. Please note, there is a designed tab on the website entitled Board Meetings where this information is shared and stored.

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Taking a moment to appreciate that virtual accommodations have been serving us well thus far, that we have had over 2,600 individuals tune into our last meeting and we are remotely hosting Board Member Adam Perry from his office in Buffalo today. How are you?

I would now like to move to approve the meeting minutes from the October 5<sup>th</sup> Cannabis Control Meeting. We have a motion. Can it be seconded? All in favor?

All: Aye. Thank you no opposition no abstentions.

Board members, before you is a package of 6 potential hires representing senior positions of the Office of Cannabis Management. These candidates have been recommended by the Executive Director and their résumés and bios have been shared with you ahead of this meeting.

May I present Resolution 2021-05 affirming the staffing recommendations of the Executive Director. Is there any discussion? Checking in with our remote Board Member, Mr. Perry, any discussion?

Adam Perry: No, no discussion.

Tremaine Wright: May I have a motion to accept the resolution before us?

Female: I'll make that motion.

Tremaine Wright: Second?

Female: Second.

Tremaine Wright: Second by member Garcia. All in favor?

All: Aye.

Tremaine Wright: Any opposition? No abstentions. So Resolution 2021-05 passes.

The next item on the agenda pertains to home grown which further expands the medical cannabis program. The MRTA permits home cultivation of medical cannabis for patients in the Medical Cannabis Program and imposes a 6 month deadline for the Board to issue regulations outlining this process. Today we are proud to present those proposed regulations.

The Home Cultivation of Medical Cannabis will provide certified patients with a cost effective means of obtaining cannabis through personal cultivation while creating a set of standards governing the conduct and activities relating to the personal cultivation of cannabis in line with the MRTA.

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A few key provisions to share about the regulations are on the slide before you including; certified patients must be 21 years of age and older to home grow cannabis with a limit of 6 plants per patient comprised of 3 mature and 3 immature plants. And please note, no households may cultivate more than 12 plants total irrespective of the number of patients or individuals living therein. Designated caregivers caring for patients under 21 years of age whose physical or cognitive impairments prevent them from cultivating cannabis may cultivate on behalf of the certified patient. In line with the restrictions for individuals who grow their own cannabis, designated caregivers can cultivate no more than 6 cannabis plants for any patient. However, caregivers cultivating for multiple patients may cultivate 1 additional cannabis plant for each subsequent patient. The proposed regulations impose a duty on patients to take reasonable measures to ensure that cannabis plants and any cannabis cultivated from such plants is not readily accessible to anyone under the age of 21. That means safe and responsible storage of the cannabis grown as well as a responsibility to make sure the cultivation is performed out of reach and out of sight of youth.

The proposed regulations are also necessary to set parameters regarding the processing of cannabis cultivated by certified patients and designated caregivers by prohibiting the use of any liquid or gas other than alcohol that has a flash point below 100 degrees Fahrenheit. It is important to note that home cultivation for personal use for those not in the medical program is not permitted at this time.

At this time, I want to make sure that you are aware of the regulatory process in New York State. Assuming the Board passes the proposed resolution to release the regulations, these regulations will then be published on the Department of States Register and the link will be made available on the OCM website. Once published, the regulations will be available for a 60 day public comment period. During this time, the public may submit comments to the Office of Cannabis Management on the details of the regulations. The Office will be updating it's website to include information on how to submit a public comment. Following the public comment period, the Office will conduct an assessment of all comments received and adjust the regulations as needed. Thereafter, the regulations will be officially filed.

At this time, I'd like to offer the Board an opportunity to ask Executive Director Chris Alexander a few questions on the proposed home cultivation of medical cannabis regulations. Jen Metzger.

Jen Metzger: Thank you Madam Chair. The regulations state that the cultivation of cannabis for personal use may only occur in or on the grounds of a person's private residence. And I just want to clarify and be sure that the addition of on the grounds is intended to clarify that home cultivation of cannabis can occur outdoors.

Chris Alexander: Yes, that is correct. Thank you for your question. The home cultivation medical cannabis by certified patients or their designated caregivers can occur outdoors provided that the other requirements of proposed regulations such as not being plainly viewed by the public including reasonable security devices are adhered to.

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Jen Metzger: Great, thank you very much.

Tremaine Wright: Thank you. Any other questions? Member Garcia.

Jessica Garcia: Thank you Madam Chair. Chris the regulation package covers both medical and personal home cultivation for adults 21 and older does that mean that once these regulations are effective, everyone over 21 can grow at home?

Chris Alexander: No, only certified patients or their designated caregivers participating in the medical cannabis program will be able to purchase seeds or immature plants legally from a registered organization. And therefore, New Yorkers who are not in the medical program cannot yet grow at home.

Jessica Garcia: Thank Chris. I actually have a follow up. After the Board votes to file these regulations, will they take effect immediately?

Chris Alexander: No. After the filing, after the Board approves these regulations moving forward, there will be a 60-day public comment period complying with the requirements of the New York State Administrative Procedure Act. Comments are strongly encouraged as public feedback is an extremely important aspect for this topic. The office will then create a mechanism to submit public comments on the website. And please be on the lookout for that communication. After the public comment period, we will review the comments, potentially make changes based on those comments and then send the final version to the Board for approval. Updates on this process will be provided at subsequent meetings.

Tremaine Wright: Any additional questions. Jen Metzger and then Reuben McDaniels.

Jen Metzger: Chris could you just clarify whether a medical home grow participant can sell or trade any of the surplus?

Chris Alexander: No problem. I want to be very clear. The unlicensed sale or trading of cannabis is prohibited in New York and home grow is not a license to do either. New York State, as the Chair said, has not issued any licenses for adult use. This includes the sale or trade of cannabis cultivated under the home grow provisions as well as the idea of gifting that we have seen cropping up across the state where a seller claims to be providing cannabis as a gift after selling another commodity or service. That, nor any other unlicensed sale is not allowed under the law and we will be working with our local partners to enforce that. Anyone participating in this activity must stop.

Tremaine Wright: Member McDaniels.

Reuben McDaniels: My question is about the landlords. Most people in New York City lease and so this discussion here is about what landlords can and cannot do as far as preventing people

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from growing medical or home marijuana. Can you just talk about that a little bit expand on that?

Chris Alexander: Absolutely. The MRTA includes a discrimination clause that prohibits discrimination by landlords based on the appearance of use, actual use, participation in the industry or the market, and that restricts their ability to deny somebody for a lease for those reasons. That being said, they can include in their lease restriction on the ability to cultivate at home but they cannot prevent a patient from participating in the medical program at large. It still leave space as well for landlords to have smoke free policies on their places of residence but folks are protected from discrimination stemming from their participation in it.

Tremaine Wright: Do you have another?

Jessica Garcia: Could you just talk a little bit more about why the proposed regulations puts a limit on the number of plants a patient can grow?

Chris Alexander: The MRTA sets a maximum allowable number of plants at premature and mature so that was a statutory requirement following the law's direction there.

Tremaine Wright: Any additional questions? Metzger.

Jen Metzger: One more. Thank you Madam Chair. So the draft regulations have an important safety provision and I'd just like you to talk about it a little bit. It's basically patients and caregivers they're not permitted to process home cultivated cannabis by means of any liquid or gas other than alcohol that has a flash point below 100 degrees. If you could just talk about why that provision specifically is included.

Chris Alexander: Absolutely. The MRTA prohibits the use of some of these dangerous chemicals in processing of cannabis at home particularly butane and some of the other dangerous items that we've seen used by folks in home processing. But the use of these chemicals really should only be done in the controlled environment and not at home. You can hurt yourself and others and sophisticated processing techniques involving some of these flammable solvents should be left to licensees that have the proper safety mechanism in place. In other states we've seen over the years significant accidents, home explosions using some of these items so we've taken a step to restrict that activity.

Reuben McDaniel: This is a comment more than a question. I think this is an example of how your team has looked at other states and the experiences they have all had and learned from that. Because and you and I talked about the other day Colorado had a real problem with folks with the butane and all of that piece. And I think you've got all the regulations so I just commend you all on paying attention to what other states have done well and what other states haven't done so well and bring us better regulations.

Chris Alexander: Thank you.

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Tremaine Wright: Thank you for those comments and thank you for the excellent questions. Now I would actually like to present Resolution 2021-06A. It's a resolution to permit the Office of Cannabis Management to file the proposed regulatory language for home cultivation of medical cannabis. We have a motion. Second please. Okay Jen Metzger. All in favor?

All: Aye. Excellent none opposed no abstentions.

I will now turn the floor over to the Office of Cannabis Management's Executive Director Chris Alexander to provide the Executive report.

Chris Alexander: Thank you Madam Chair. I would like to focus this report on the expungement, vacature and resentencing provisions that were included in the MRTA that this office has prioritized. The MRTA reformed New York's Criminal Justice System and strives to end decades of disproportionate enforcement of New York's marijuana laws. A key component of these reforms is for individuals with previous convictions for activities that no longer are criminalized. No one should have records for the same activities that are now legalized and businesses are generating profits from. Under the MRTA, the expungement process is automatic and requires no additional action by the individual. However the relevant agencies have a 2 year timeframe to establish the necessary tools to execute that action. There is a similar time permitted provided to the expungement authorized by the 2019 legislation. There were approximately 198,000 record expungements accomplished as part of the first round of marijuana expungements for the 2019 legislation which I was very proud to be a part of. Building upon the 2019 measure, approximately 203,000 cannabis related charges are presently being suppressed from criminal background searches and are in the process of being expunged. When completed, the actions of these measures will have expunged the records of over 400,000 New Yorkers, a staggering reminder of the impact that cannabis prohibition had on so many. The Department of Corrections and Community Supervision or DOCS also provided a clear breakdown of the impact of the reforms to New York State's criminal procedure law section 440.46 on individuals that were in it's custody or under community supervision. All individuals who were in custody for solely a marijuana conviction have been released from custody and have had those convictions expunged. 34 individuals currently remain in custody or under supervision due to having additional crime of conviction. In those cases however the marijuana conviction was expunged but the additional crimes of conviction prevent their release. I would also note an additional 413 local probation or split sentences were vacated as a result of the MRTA. This office will continue working with state and local partners to ensure a smooth process for this work. More information will be available at the URL noted in the slide above and on the office of Court Administration's website. We will make sure to update the OCM website to include a link to this information as well. A reminder that the MRTA includes express provisions to ensure that these individuals, the people behind these statistics, are prioritized for inclusion in the new industry that we are working to create. Our work here is far from done and I look forward to providing additional updates in this regard and move forward.

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Next, I'd like to provide an update as relates to the municipal opt-out. Cities, towns and villages may pass a local law opting out of adult use of cannabis retail dispensaries and/or on-site consumption businesses from operating in their jurisdiction. Per the MRTA, local laws opting out must be passed by December 31, 2021. Municipalities that opt-out may however opt back in at any time. One point I want to make quite clear, municipalities are prohibited from opting out from other license types of adult use legalization itself. Meaning the consumption of cannabis by individuals 21 and over is legal regardless of whether or not a municipality opts-out. Municipalities have reason control over provisions governing the local zoning and time, place, and manner, restrictions of cannabis licenses operating in a jurisdiction. However, municipalities that opt-out will not receive any revenue from the local excised tax on the sale of adult use cannabis products as there will be no businesses operating in their jurisdiction.

The collection of this information is very important and it will help map where these license types can locate once the application process starts. The information requested from the municipality will include the name of the municipality, a copy or link to the local law opting-out and contact information for the municipal officer or clerk submitting the information. Please look out for further updates from this office of how to submit local opt-out decisions.

Tremaine Wright: Thank you Chris. We are incredibly proud of the work that New York State has done through the expungement of cannabis related crimes and we look forward to an update on both matters. So thank you.

As a reminder the OCM website [cannabis.ny.gov](https://cannabis.ny.gov) is live. The website is home to key overviews, fact sheets and lots of helpful information. As pictured here in this slide the home page provides you a form to sign for updates from the office. You can even tailor the updates to specific to your interests and how frequently you'd like to receive updates. So please, sign up and continue to check in with us for information.

Please note that the time, location and the live stream link will be shared on [cannabis.ny.gov](https://cannabis.ny.gov) in advance of the next Cannabis Control Board Meeting. A recording. A recording of today's meeting, meeting minutes, and the transcript will be posted as well.

Alright so that concludes today's business and I thank you all for your participation. We are now adjourned.