



Office of Cannabis Management

KATHY HOCHUL

Governor

TREMAINE WRIGHT

Cannabis Control Board Chair

JESSICA GARCIA

Board Member

REUBEN R. MCDANIEL, III

Board Member

ADAM W. PERRY

Board Member

JEN METZGER

Board Member

CHRIS ALEXANDER

Executive Director

Meeting Minutes

Title:	New York State Cannabis Control Board Meeting
Time & Date:	December 16, 2021
Location:	Virtual via Webcast

Attendance

Board Chair:	Tremaine Wright
Board Members Present:	Jessica Garcia, Jen Metzger
Board Members Present (virtually):	Reuben R. McDaniel III, Adam W. Perry
Board Members Absent:	None
Others Present:	Chris Alexander, Axel Bernabe

Agenda

- I. Call to Order
- II. Welcome & Chair Remarks
- III. Approval of Meeting Minutes from November 3, 2021 Board Meeting
- IV. Consideration of Medical Cannabis Program Items
- V. Consideration of Cannabinoid Hemp Regulations
- VI. Consideration of Office Space
- VII. OCM Employment Items
- VIII. Executive Director Report
- IX. Adjourn



Action Items

Table with 3 columns: Resolution No., Description, and Vote. Rows include resolutions 2021-09, 2021-10, 2021-11, and 2021-12.

Notes & Comments

- Board Member Jen Metzger presented an overview of proposed changes to the cannabinoid hemp regulations... Proposed changes include: Changing the Per serving milligram (mg) cap for dietary supplement products from 75 mg to 100 mg. Increasing the acceptable THC concentration of intermediary hemp extract from 3% THC to 5% THC. Allowing out-of-state manufacturers to omit the label warning that the product may cause a consumer to fail a drug test if the product is manufactured using isolate or broad-spectrum hemp extract. Removing the labeling requirement that the font size of information in the supplement or nutritional fact panel be larger than other information on the product label. Removing the requirement that cannabinoid hemp products be shelf stable. Adding a definition for "craft" cannabinoid hemp products. Establishing a new license type for "Cannabinoid Hemp Farm-Processors" to allow manufacturing of flower products for hemp grown by the licensee.



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- Acting on the Board's authority to approve pending actions which were before the Department of Health (DOH), the Board voted on a request for a change in ownership from Registered Organization MedMen NY, Inc. The Board issued conditional approval as follows:
 - The change in ownership is approved pending the review of the proposed transaction by OCM staff for compliance with the Cannabis Law and its corresponding rules and regulations.
 - The change in ownership is approved with the condition that the Registered Organization continue current operations to maintain patient access and supply.
- Pursuant to the MRTA the Cannabis Control Board and Office of Cannabis Management must have its principal office in the city of Albany and maintain branch offices in the cities of New York City and Buffalo.
 - The Board directed the Office of Cannabis Management (Office) to enter into a memorandum of understanding or lease agreement for temporary office space located at 250 Broadway, New York City, NY and to begin negotiations for long-term office space solutions for Office of Cannabis Management branches in both New York City and Buffalo.
- Executive Director Chris Alexander provided the following updates regarding Municipal opt-out, upcoming Medical Cannabis Program changes, and solicitation of Seed to Sale RFP's.
 - Municipal Opt-Out
 - A reminder that the deadline for Municipalities to request to opt-out of retail dispensaries and/or on-site consumption licensees is 12/31/2021.
 - This opt-out deadline was set in legislation as a way to ensure a swift implementation for where retail dispensary and/or on-site consumption licensees can locate. The implementation of the deadline eliminates the chance that a licensee could establish a business location only to have the municipality opt-out at a later date.
 - Municipalities who opt out, may opt back in at any time.
 - Medical Cannabis Program Changes
 - The Office is implementing changes to expand the Medical Cannabis Program. Expansion of the program requires system changes to the patient registration and certification system and these changes are currently under way.
 - All current patient, caregiver and practitioner registrations issued via the Department of Health remain valid and in effect under the OCM.
 - The requirements of Part 1004 of the Medical Marijuana Regulations remain in effect and enforceable under the OCM.
 - Seed to Sale RFP
 - The Office has recently issued a Request for Proposal (RFP) for a new cannabis tracking and seed to sale system to track cannabis from every licensee providing oversight from batch to batch and from seedling to finished product. In addition, seed to sale systems help mitigate diversion or



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inversion of cannabis products and assist with product recalls and more targeted inspections.

- Information about the RFP proposals has been posted on New York State's procurement website under RFP 2474.



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No. 2022-01
January 25, 2022

RESOLUTION DELEGATING TO THE EXECUTIVE DIRECTOR OF THE OFFICE OF CANNABIS MANAGEMENT THE AUTHORITY TO EXERCISE EMPLOYMENT DECISIONS RELATING TO OFFICE OF CANNABIS MANAGEMENT EMPLOYEES EXCEPT CERTAIN DECISIONS CONCERNING EMPLOYEES IN CERTAIN TITLES

WHEREAS, pursuant to Section 10(7) of the Cannabis Law, the Cannabis Control Board (Board) is empowered “To appoint any necessary director, deputies, counsels, assistants, investigators, and other employees ...”;

WHEREAS, pursuant to Section 10(23) of the Cannabis Law, the Board is empowered “With the exception of promulgating rules and regulations, ... to delegate any function, powers and duties ... to the executive director of the office of cannabis management”;

WHEREAS, pursuant to Section 11(1) of the Cannabis Law, the Executive Director of the Office of Cannabis Management (Office) is empowered “To exercise the powers and perform the duties in relation to the administration of the office of cannabis management as are not specifically vested by this chapter [the Cannabis Law] in, or delegated by, the cannabis control board”;

WHEREAS, pursuant to Section 11(8) of the Cannabis Law, the Executive Director of the Office is empowered “To exercise the powers and perform the duties as delegated by the board in relation to the administration of the office as are necessary, including but not limited to budgetary and fiscal matters”; and now, therefore, it is

RESOLVED, that, effective immediately, the Board delegates to the Executive Director of the Office the authority to appoint all employees of the Office, except the Chief Equity Officer, the Director of Policy, and the First Deputy General Counsel also known as “Deputy Counsel”;

RESOLVED, that, effective immediately, the Board retains the sole authority to terminate the employment of the Chief Equity Officer, the General Counsel also known as “Counsel,” and the Chief of Staff; and

RESOLVED, that, effective immediately, the Executive Director of the Office retains the authority to supervise, discipline and otherwise manage from a personnel perspective all employees of the Office.