



Office of Cannabis Management

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Executive Director

No.2022-16
June 1, 2022

RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE OFFICE OF CANNABIS MANAGEMENT TO IMPLEMENT A USER SERVICE AGREEMENT BETWEEN THE OFFICE OF CANNABIS MANAGEMENT AND THE DIVISION OF CRIMINAL JUSTICE SERVICES

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) is a state agency that, in part, serves as the repository for New York State's official criminal history records, and an extension of such function also includes assisting appropriate state agencies, e.g., the Cannabis Control Board (Board) and the Office of Cannabis Management (Office), by authorizing them to access electronically criminal history data managed or contained in DCJS systems for specified purposes;

WHEREAS, the Office needs to access/extract criminal record data managed or contained by DJCS to conduct a comprehensive evaluation of applicants to determine whether or not such applicants satisfy the application criteria for registration, license, permit, or authorization to engage in activities i.e., cultivate, process, distribute or sell medical cannabis, adult-use cannabis, or cannabinoid hemp or hemp extract, under the jurisdiction of the Board;

WHEREAS, pursuant to Section 138 of the Cannabis Law, the Board is authorized "... to request, receive and review criminal history information through [DCJS]", with respect to each applicant who appears before the Board or Office seeking a registration, license, permit or authorization to engage in regulated activities ;

WHEREAS, pursuant to Section 10(13) of the Cannabis Law, the Board is authorized to enter into contracts, memoranda of understanding, and agreements to effectuate the policy and purpose of the Cannabis Law;

WHEREAS, pursuant to Section 10(23) of the Cannabis Law, the Board is empowered "[W]ith the exception of promulgating rules and regulations, ... to delegate any function, powers and duties ... to the executive director of the office of cannabis management. Any such delegation shall be through a resolution voted on and approved by the board members";

WHEREAS, pursuant to Section 11(1) of the Cannabis Law, the Executive Director of the Office of Cannabis Management Office is empowered "[T]o 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..."; and now, therefore, it is,

RESOLVED, that, effective immediately, the Board hereby delegates to the Executive Director of the Office the authority to the extent necessary to enter into, administer and implement a user service agreement with DCJS for the purpose of conducting criminal history investigations in relation to evaluating any applicant appearing before the Board or Office.