

Tremaine Wright: Welcome everyone. I am Tremaine Wright, the chair of the Cannabis Control Board. I'm recognizing we have all members present and/or participating remotely I'm pleased to call to order another meeting of the Cannabis Control Board and to welcome to all of you who are participating via real live stream. This meeting will be recorded, and the recording and transcript will be available to the public on the Office of Cannabis Management's website www.cannabis.ny.gov. The information on Cannabis Control Meetings is available on a designated section of the OCM website. Today's agenda, includes several items we're excited to tackle and these include welcoming brief remarks, review and approval of the meeting minutes from the Cannabis Control Board Meeting that was held on May 19th, consideration of proposed packaging and labeling, and marketing and advertising regulations, consideration of proposed cannabis laboratory testing regulations, consideration of recommended additional Conditional Cultivator Applications for licensure, conflict of interest disclosure items, and consideration of a user service agreement with the Division of Criminal Justice Services. We will follow with a report from the Office of Cannabis Management's Executive Director Chris Alexander. And then we will adjourn.

So, let's get started. Today I am happy to share with you all that the rollout of our Seeding Opportunity Initiative is well on its way. We've already approved 146 Adult Use Conditional Cultivator Licenses. These licenses are cultivating our first crops of regulated Adult Use Cannabis in New York State. As reported last meeting, our partner the Dormitory Authority of the State of New York has released request for proposals related to the social equity cannabis investment program. This social equity cannabis investment program will support our first retail dispensary planned to open later this year. The Seeding Opportunity Initiative guides our initial steps towards developing a strong Adult Use market here in New York State. It has provided for limited cultivation and adult use sales. However, we recognize that there is so much more to do in order to establish a robust Adult Use Cannabis market in New York State. So, today, we are going to consider two sections of regulations that will be a part of the order and much anticipated Adult Use regulations. They are; the packaging and labeling, and marketing and advertising regulations and regulations for cannabis laboratory testing. These regulations were selected as the first sections for consideration because they will help ensure products have been safely tested with appropriate consumer protection labeling. We also recognize the need to expand our cannabis laboratory testing capacity within the state to ensure we have enough third party labs online and ready to properly test regulated cannabis products. So without further ado, let's dive into the first order of business.

The first item before us is the review and approval of the meeting minutes from the May 19th, Cannabis Control Board Meeting. However before we move any further, I need to make some brief remarks about the Open Meetings Law. As stated at every Board Meeting, the Cannabis Control Board is subject to the Open Meetings Law to ensure the greatest levels 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 offer to keep the public as well as members of this body safe. Now, I will read a brief statement on Open Meetings Law into the record. Pursuant to chapter 1 of the laws of 2022, enacted on January 14, 2022, board members may continue to 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 to such proceedings, and the meetings are recorded and later transcribed. The public was provided with information on how to access this meeting within the public meeting notice distributed to members of the press and posted on the OCM website. A recording of this meeting, together with the transcript, will also be made available on the OCM website. Previous recordings, meeting minutes, and transcripts are archived there as well. And please note, that there is a designated tab on the website entitled Board Meetings which provides access to all of this information. Now may I please have a motion to approve the May 19th, 2022, board meeting minutes?

Male: So moved.

Tremaine Wright: Have a second?

Jen Metzger: I'll second.

Tremaine Wright: Ms. Metzger, thank you. Is there any discussion? Hearing none, I'll call for a vote. All in favor?

All: Aye.

Tremaine Wright: The motion to approve the May 19th, 2022 board meeting minutes carries. Next order of business before us will be one of our resolutions. May I please have a motion to consider resolution No. 2022-11 Resolution approving Proposed Regulations for Packaging and Labeling, and Marketing and Advertising?

Adam Perry: So moved.

Tremaine Wright: A second. And I think we have Garcia to second.

Jessica Garcia: Seconded.

Tremaine Wright? Thank you and now I'd like to ask Lila Hunt, our Deputy Director for Public Health Campaign to please provide an overview of these regulations.

Lila Hunt: Thank you Madam Chair and thank you to the members of the Board. First I'd like to begin with thanking our fellow Cannabis Regulators across the country and in so doing regulations before you today, were crafted based on numerous discussions with subject matter experts in those states building off the best practice and lessons learned over many years. The Packaging and Labeling regulations before you have two primary goals; the first goal is to maintain a safety and quality. To that end, all packages are required to be child resistant, tamper evident, nontoxic and must fully enclose each product. Further, packaging and labeling cannot be attractive to individuals under 21. We have a robust definition before you for attractiveness to individuals under 21 which applies to both packaging and labeling and marketing and advertising. So, for example, this would include packages that might resemble cartoons or toys,

or other similar products that would be marketed to individuals under 21 in particular candy or cookies similar products. All of these examples are expressly prohibited in the regulation.

The second goal is to inform consumers about what it is they're consuming. To that end labels include any key public health messages, serving sizes, potency, ingredients and usage and storage instructions. False or misleading statements or statements that make health claims will not be allowed. Further, and as seen on the screen here a universal symbol will be included on all packages so that consumers know that it is a regulated product. New York State is the first state in the nation to have completed consumer testing of our universal symbol and that feedback is appropriated in the image you see on this slide. Licensees who do not follow these rules may face fees, suspension and revocation of their license. And to round it out, last but certainly not least, we explained out provisions in this section of regulations which would create a new packaging environmental sustainability program. To speak to this new program, I'd like to hand it to Board Member Metzger to provide an overview.

Jen Metzger: Thank you Lila so first I just want to give a little context for this. The Marijuana Regulation and Taxation Act recognizes the critical importance of setting New York Cannabis industry on a sustainable path and puts environmental protection and climate resiliency right up front in the intent of the law. We face climate crisis and we have a real opportunity to get it right from the state rather than repeating the mistakes made elsewhere. And this includes how we approach the packaging of cannabis products. The rate of plastics production will rise doubling every 15 years and this has been largely driven by packaging. By mid century, it's estimated that there will be more plastics in the ocean ton for ton than there will be fish unless we change course. So, and it's not just a waste issue, it's also a climate issue. Plastics are made from fossil fuels and when life cycle emissions are taken into account, the emissions from the US plastics industry is expected to exceed the coal industry's emissions by the end of the decade. So, the good news is that there are a variety of solutions and strategies available to address packing needs sustainably. The proposed regulations are intended to encourage the use of materials other than single use plastics. But if plastics are used, they would need to have a minimum post consumer content of 25%. Licensed applicants depending on the license type will be required to submit an environmental sustainability program for packaging as part of their application. And this would be a program of the applicant's own design. And the reason why it's being included in the application is because the MRTA directs the Board to consider waste and single use plastics specifically along with other criteria and licensing decisions. I want to note that we've included language in the regulations that are intended to clarify and make it easier to pursue reuse and refilling strategies if that's something that licensees would like to pursue. It's one of the best ways, of course, of reducing waste. The proposed regulations also require some basic annual reporting so that we can establish a baseline of information and evaluate progress over time. So, as I said in the beginning, this is a real opportunity to set a sustainable course and we look forward to getting the public's feedback on these proposed regulations. So thanks so much and back to you Lila.

Lila Hunt: So next up overview of Part 129 which is Marketing and Advertising Regulations. These regulations establish the rules for marketing and advertising of cannabis products and businesses who, of course, sell them ensuring that such marketing and advertising first and

foremost does not appeal to youth or promote _____(keeps fading). In so doing, it prohibits including images or audio of children or cartoons including actors that are less than 25 years of age. And it is anticipated that licensees would have to ensure that audiences where such marketing and advertising is placed would be 90% the age of 21 or over. Further, to the point that media cannot promote misuse, we included warnings such as age restriction and notes about responsible consumption which we do bold in text in a bright yellow box in written media or stated audibly if not. Avoiding promoting over consumption, any false or misleading again a similar theme from packaging and labeling, or suggesting products or state have curative therapeutic effects would not be allowed. Further, advertisement and retail store signage must follow the rules within their location format and content such that they cannot be within 500 feet of a school or playground and they cannot be in the form of a billboard. Again, here licensees who do not follow these rules may face suspension, cancellation and revocation of their license. So thank you, I'm happy to answer any questions you may have.

Tremaine Wright: Thank you Lila and I'd like to open up the floor to the Board Members. Are there any discussions, questions or comments related to these regulations? Mr. McDaniel.

Rubin McDaniel: Yes three things; one is I really appreciate the good work our board member Ms. Metzger did on assisting with this. It was outside of your normal day-to-day job, so Jen thank you so much for the work you did on sustainability I know it's very important and very helpful to us. Second, I just want to thank the staff they went into pretty good detail and I think you have put the other people's mistakes as well as the good work they've done. And finally, I do think that our labeling is prominent but not overwhelming _____(faded out). It should be noted that most of our staff as a good percentage of you all could not appear in advertisement anybody under 25 so the youthful energy is wonderful and I appreciate it.

Tremaine Wright: Any other comments? Questions? Okay then I will call for a vote. Ms. Metzger?

Jen Metzger: Aye.

Tremaine Wright: Ms. Garcia?

Jessica Garcia: Aye.

Tremaine Wright: Mr. Perry?

Adam Perry: Aye.

Tremaine Wright: Mr. McDaniel?

Rubin McDaniel: Yes.

Tremaine Wright: And yes, so the motion to approve resolution No. 2022-11 resolution approving proposed regulations for Packaging and Labeling, and Marketing and Advertising

carries. Alright and now we're going to move to the resolution related to Regulations for Laboratory Testing. May I please have a motion to consider and approve Resolution No. 2022-12 a resolution approving proposed regulations for Laboratory Testing?

Jen Metzger: So moved.

Tremaine Wright: Ms. Metzger. A second?

Rubin McDaniel: Second.

Tremaine Wright: Mr. McDaniel, thank you. At this time I'd like to ask Ms. Quackenbush, is she still available? She's online okay Ms. Nicole Quackenbush, the Office Director of Health and Safety to provide an explanation of these proposed regulations.

Nicole Quackenbush: Thank you Madam Chair. Thank you members of the Board and good afternoon everyone. The Cannabis Laboratory proposed regulations establish an application process that will allow us to permit independent cannabis testing labs as well as approve laboratory testing firms. The existing independent laboratories that are already certified to test medical cannabis under the Department of Health would be authorized to test medical as well as Adult Use cannabis under the Office of Cannabis Management. Laboratories must be ISO 17025 accredited as well as meet other quality assurance and staffing requirements. Ownership is prohibited from having a direct or indirect interest in any other registration or license type under the Cannabis Law. Laboratory sampling firms which would be independent of the registered organizations or licensees for adult use would be collecting the samples from the registered organizations and licensees for lab testing to ensure that there are random sample collections to help protect public health and safety. The proposed regulations also include requirements for a State Reference Laboratory so that we may test when needed for quality assurance matters and to assist with laboratory methods development. Thank you and I'm happy to answer any questions that you may have.

Tremaine Wright: Thank you Nicole. I will ask of the Board are there any questions, comments and/or discussion? Mr. McDaniel I see.

Rubin McDaniel: I heard through the grapevine that other states have had a problem with people gaming the testing system and as I read these regulations it seems that we've taken that into account by having multiple ways and multiple testers if you will. But Nicole or Chris could you talk a little bit about how you considered attacking that concern on these regulations?

Nicole Quackenbush. Sure, so the regulations include the independent sampling firms to collect the sample so that the licensees are not selecting specific samples, they are randomly collected. Additionally, there is no ownership intermingling with the sampling firm as well as the licensees or the registered organizations to promote that third party scenario with the sampling firm collecting.

Chris Alexander: In addition to that though, a lot of the gaming that we've seen in other states has been where you have a proliferation of a lot of small labs, a lot of mom and pop labs and as they complete for business from potential operators, they tend to be more flexible in the way they report out THC content or other readings on analytes or contaminants. So part of what we've been exploring by importing by bringing in the folks that have been in the medical program and letting them start first, trying to assess the supply and strengths or the supply needs before letting it out too much. So, there is going to be a process of grandfathering the folks that have been in that want to participate in Adult Use and then allowing others to come in on a need basis to avoid that over supply and that potential for abuse as people lab shop. That's what we heard from a lot of other regulators in other states.

Rubin McDaniel: That's great to hear. Just another example of you all staff looking at other regulations, other states, seeing what the issues have been and incorporate them. Thank you.

Tremaine Wright: Are there any other questions or comments? If there are no other comments I'm going to call for a vote. Ms. Metzger?

Jen Metzger: Aye.

Tremaine Wright: Ms. Garcia?

Jessica Garcia: Aye.

Tremaine Wright: Mr. McDaniel?

Rubin McDaniel: Aye.

Tremaine Wright: Mr. Perry?

Adam Perry: Aye.

Tremaine Wright: I am voting in the affirmative as well so the motion to approve resolution No. 2022-12 resolution approving proposed regulations for Laboratory Testing carries. Now we'll move over to our Conditional Cultivator Applications for Licensure as the next order of business. May I please have a motion to consider Resolution No. 2022-13 resolution approving Conditional Cultivator Applications for Licensure?

Adam Perry: So moved.

Jen Metzger: Second.

Tremaine Wright: Thank you. Mr. Alexander can you please provide an overview of these applications?

Chris Alexander: Absolutely and thank you Madam Chair and Board Members for the work that you're doing today to continue to advance the Seeding Opportunity Initiative. We are so thrilled to again present to you some applications for consideration. Today we're presenting 16 applications before you this would add to the 146 that the Board has approved over the course of the three previous Board Meeting. We received more than 200 applications to date from New York's existing Hemp Farmers who have been interested in transitioning over to the Adult Use program. We continue to work with applicants to complete these applications. The application period does close on June 30th and we've advanced this to continue to make the best and the most of the growing season, knowing that this product will line the stores of equity, entrepreneur owned dispensaries before the end of this year. So, we're really excited to advance these additional applications and look forward to answering any questions that you all may have.

Tremaine Wright: Are there any questions on this?

Jen Metzger: Madam Chair just more of a comment. But we are now at the beginning of June and in terms of the growing season, there is a timing issue of moving these forward we're all very cognizant of and I do want us to consider meeting as frequently as possible between now and the end of the month to move applications forward as expeditiously as possible.

Tremaine Wright: Thank you for that comment. I believe that we are trying to meet the needs of all of our applicants and potential licensees. We have agreed to make sure that we are meeting as regularly as possible so that we can process them as they become completed applications. And at this point, I believe it was in your report that how many do we have outstanding still waiting for them to complete?

Chris Alexander: Yeah we're waiting for additional information to come in, background check and information of that type.

Tremaine Wright: And as soon as that is available, our next meeting will be scheduled. So thank you very much for bringing that um Board Member Metzger. Are there any additional comments or questions? Hearing none, I'll call for the vote. Ms. Metzger.

Jen Metzger: Aye.

Tremaine Wright: Garcia?

Jessica Garcia: Aye

Tremaine Wright: McDaniel?

Rubin McDaniel: Aye.

Tremaine Wright: Mr. Perry.

Adam Perry: Aye.

Tremaine Wright: I vote in the affirmative as well. So the motion to approve resolution No. 2022-13 resolution approving Conditional Cultivator Applications for Licensure carries. Next order of business is consideration of two conflict of interest disclosures. The first one we'll take up is resolution No. 2022-14 permitting member Jen Metzger to hold public office and serve as a member of the Cannabis Control Board. May I please have a motion to consider and approve resolution No. 2022-14 permitting Jen Metzger to hold public office and serve as a member of the Cannabis Control Board.

Rubin McDaniel: So moved.

Tremaine Wright: May I have a second?

Jessica Garcia: I'll second.

Tremaine Wright: Thank you.

Jen Metzger: I'm going to recuse myself from this.

Tremaine Wright: Mr. Alexander can you please provide us with some background regarding the need for these types of resolutions?

Chris Alexander: No problem. Pursuant to Article 2 section 7 of the Cannabis Law, Board Members and office staff must disclosure and seek approval to participate in other public offices or Boards. We've advanced previous resolutions like this in the past. This resolution provides express written permission for Board Member Metzger and a member of our staff to continue to serve on the Boards that they currently serve.

Tremaine Wright: Thank you. Is there any discussion, questions, or comments? Mr. Perry.

Adam Perry: Yes, I don't know how we can move or vote on this without knowing what those other Boards that they intend to serve on are?

Chris Alexander: Sure thing Board Member if I can explain. So for Board Member Metzger, it's the Ulster County Land Bank Development Corporation.

Tremaine Wright: At this time would you also like to identify the...

Chris Alexander: Sure, absolutely. And the office staff is Erica Strupp and she is a member of the New York State Department of Health Institutional Review Board.

Tremaine Wright: Has this gone, I guess if there are no other questions would be has our council reviewed this and explored any conflicts that might arise and have they spoken to each of the people that are seeking this disclosure?

Chris Alexander: Yes, yes, they have.

Jessica Garcia: May I suggest a filing amendment to both of these resolutions to specify which public office we are giving approval to participate?

Tremaine Wright: Yes we may. So I believe it recognizes, it should be the last paragraph of the resolution. It currently reads, Resolve, the Board provides the express written permission for Jen Metzger to continue to hold the following public office Ulster County Land Bank Development Corporation member. Does that suffice or would you like to change that language Member Garcia?

Jessica Garcia: That suffices provided that it's in the resolution.

Tremaine Wright: Okay so just to be clear, we are not going so there is no amendment that fails that is being withdrawn. The resolution the last paragraph of the resolution in the resolved paragraph identifies the service or the Board which our member and/or staff will be participating on in each case. Are there any other questions or concerns? Then I'll call for a vote. Ms. Garcia?

Jessica Garcia: Aye.

Tremaine Wright: Mr. McDaniel?

Rubin McDaniel: Aye.

Tremaine Wright: Mr. Perry?

Adam Perry: Aye.

Tremaine Wright: And I vote in the affirmative as well, the motion to approve resolution No. 2022-14 carries. And now for our second conflict of interest resolution can we please have a motion to consider resolution No. 2022-15 permitting Erica Strupp to hold public office and serve as a member of the Office of Cannabis Management?

Jen Metzger: So moved.

Tremaine Wright: Can I have a second.

Jessica Garcia: Second.

Tremaine Wright: Is there any discussion or comments regarding this resolution and just for sake of clarity I just want to read the resolved paragraph into the record, Resolve the Board approves its express written permission for Erica Strupp to continue to hold the following public office, New York State Department of Health Institutional Review Board Member. Are there any questions or comments of the Board? Ms. Garcia?

Jessica Garcia: Aye.

Tremaine Wright: Oh I'm sorry, I'll call for the vote I'm sorry. Ms. Garcia?

Jessica Garcia: Aye.

Tremaine Wright: Ms. Metzger?

Jen Metzger: Aye.

Tremaine Wright: McDaniel?

Rubin McDaniel: Aye.

Tremaine Wright: Mr. Perry?

Adam Perry: Aye.

Tremaine Wright: And I vote in the affirmative as well. The motion to approve resolution No. 2022-15 carries. Our next we have a bunch of resolutions today. The next thing on our agenda is to consider a resolution to enter into a data service agreement with the Division of Criminal Justice Services. May I please have a motion to consider resolution No. 2022-16 which is a 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.

Rubin McDaniel: So moved.

Tremaine Wright: McDaniel. May I have a second?

Jessica Garcia: Second.

Tremaine Wright: Garcia. At this time, I'm going to ask Mr. Alexander could you please provide us with some background regarding the need for this resolution.

Chris Alexander: Absolutely Madam Chair. This resolution is administrative in nature but it is very important. Section 138 of the Cannabis Law authorizes the Board to request, receive, and review criminal history information through the Division of Criminal Justice Services with respect to each applicant who appears before the Board seeking a registration, license, permit or

authorization to engage in regulated activities. This resolution will put that into practice and allow OCM staff to utilize that access to conduct background checks.

Tremaine Wright: Thank you Chris. Is there any discussion, comments or questions? Okay hearing none I will call for the vote. Ms. Garcia?

Jessica Garcia: Aye.

Tremaine Wright: Ms. Metzger

Jen Metzger: Aye.

Tremaine Wright: McDaniel?

Rubin McDaniel: Aye.

Tremaine Wright: Mr. Perry.

Adam Perry: Aye.

Tremaine Wright: And I vote in affirmative as well. The motion to approve resolution No. 2022-16 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 carries. Now I would like to ask Mr. Alexander would you please share with us the Executive Director's report.

Chris Alexander: Thank you again, Madam Chair. We are so excited of the outreach and support and public engagement that we've had around our CAURD opportunity, the Conditional Adult Use Retail Dispensary opportunity. We actually to help inform the public hosted two virtual meetings after our last meeting. We call them "Get Ready, Get Set" workshops to prepare eligible New Yorkers for the opportunity that's oncoming and to hear directly from communities about this opportunities and answer any questions they may have. We focused on engaging individuals with convictions by leaning on community based organizations who serve said population, also leaning on the small business community to identify as well, business owners who also meet the eligibility criteria.

We also held two learning sessions. What we heard directly from the public on input, etc. on the opportunity, on May 17th and another day following. First, "Am I eligible for CAURD?" And the second was, "How can I prepare my community for CAURD?" Sorry my apologies. The two learning sessions listening sessions were called "How to support cannabis cultivation in New York State?" Session two was, "How to ensure equity in NYS Cannabis economy?" so, we're really pleased with the input that we received from the public from those who engaged with us and our office. We encourage the rest of you out there listening to continue to do so. You can submit your comment on the regulations or you could have submitted up until yesterday when the regulation period closed. So we thank you to all who have engaged with us and have

submitted comments. I also wanted to let the Board and the public know the work that the Office is doing to expand licensing and regulatory compliance within the cannabinoid hemp program; specifically, the retail outlets selling cannabinoid hemp or CBD products. We are advancing a multi prong strategy to ensure that these businesses become compliant in the next few months and become in line step with the regulations that were advanced by this Board a few months ago. This outreach will include several different tactics including a digital and on the ground outreach campaign and we are growing our staff to ensure that we are able to meet those demands. We are also going to continue to use this platform, our Board Meetings, to encourage and to direct these businesses who are engaged in practice and hoping to one day transition to Adult Use practice as well to come into compliance with the cannabinoid hemp program. We are leaning on our industry associations, elected officials, and other community resource organizations to assist with this process, and we want to make sure that even though we've started with an educational approach, this is a requirement. So businesses that are unable to come into compliance are at risk of losing their existing registration or _____(faded out) may experience other fines or fees. Lastly, I will continue to provide the Board with updates on this important issue.

Lastly, I wanted to let the Board know and the public that due to a clerical error in the regulations posted for Home Cultivation of Medical Cannabis, the comment period actually being extended an additional 45 days to ensure that the public is able to meaningfully provide their input on the correct draft of regulations. The regulations will be posted in the state register on June 8th and all comments received so far will still be considered but we do want to let patients know that we are considering all the input they provided and making sure that they have a robust and responsive medical home cultivation program as tightly regulated and meets the needs of patients. Thank you Madam Chair and that concludes my report today unless any Board Members have a question.

Tremaine Wright: Any questions or comments? Thank you Chris for that report and all the work that the office is doing moving forward and it's really wonderful to have the outreach that we have going on with this committee right now so thank you for that. There has been a lot of feedback from organizations and just local people asking and we responded, so thank you very much and I hope that you continue _____(faded out) that way so it's very effective for them thank you.

Now, a note on our next Board Meeting. I do want to note that the Board's time, location and live stream link will be shared on Cannabis.ny.gov in advance of the next Cannabis Control Board Meeting. A recording of today's meeting; our meeting minutes and a transcription will be posted as well. and as today is June 1st, we just want to say happy 5 month and that we hope that people are able to come together to celebrate, that we will be able to enjoy some of the celebrations to make sure that we are present and not only support pride throughout New York State but also to make sure that that community is well aware of everything that's happening in Cannabis in New York State as well. So thank you. This concludes today's agenda. Look forward to seeing you again soon.