



Office of Cannabis Management

KATHY HOCHUL

Governor

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Cannabis Control Board Chair

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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:	June 1, 2022
Location:	Virtual via Webcast

Attendance

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

Agenda

- I. Call to Order
- II. Welcome and Opening Remarks
- III. Approval of Meeting Minutes from May 19, 2022 Board Meeting
- IV. Consideration of Proposed Packaging and Labeling, and Marketing and Advertising Regulations
- V. Consideration of Proposed Cannabis Laboratory Testing Regulations
- VI. Consideration of Additional Recommended Conditional Cultivator Applications for Licensure
- VII. Conflict of Interest Disclosure Items
- VIII. User Service Agreement with Division of Criminal Justice Services
- IX. Executive Director Report
- X. Adjourn



Action Items

Resolution No. 2022-11:	Resolution Directing the Office of Cannabis Management to File Certain Proposed Cannabis Packaging and Labeling and Marketing and Advertising Regulations.	Passed, Unanimous Vote
Resolution No. 2022-12	Resolution Directing the Office of Cannabis Management to File Certain Proposed Cannabis Laboratory Regulations.	Passed, Unanimous Vote
Resolution No. 2022-13	Resolution Issuing Certain Conditional Adult-Use Cultivator Licenses.	Passed, Unanimous Vote
Resolution No. 2022-14	Resolution Permitting Cannabis Control Board Member Jennifer Metzger to Hold Another Public Office.	Passed, Unanimous Vote
Resolution No. 2022-15	Resolution Permitting Office of Cannabis Management Employee Erica Stupp to Hold Public Office.	Passed, Unanimous Vote
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.	Passed, Unanimous Vote

Notes & Comments

<ul style="list-style-type: none"> Chair Wright commented that 146 Adult-Use Conditional Cultivator Licenses have been approved to date, and with the Dormitory Authority of the State of New York (DASNY) releasing request for proposals to advance the Social Equity Cannabis Investment Program to support the first retail dispensaries opening later this year, the Seeding Opportunity Initiative is well on its way. Chair Wright commented that two regulatory packages will be considered today. These are the first regulations for the broader Adult-Use market, and include: <ul style="list-style-type: none"> - Packaging and Labeling, and Marketing and Advertising Regulations - Cannabis Laboratory Testing Regulations
<ul style="list-style-type: none"> Lyla Hunt, Deputy Director of Public Health Campaign for the Office of Cannabis Management, provided an overview of Resolution No. 2022-11, Directing the Office of Cannabis Management to File Certain Proposed Cannabis Packaging and Labeling and Marketing and Advertising Regulations. The Packaging and Labeling Regulations have two primary goals. <ul style="list-style-type: none"> - The first goal is to maintain safety and quality.



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- All packages are required to be child resistant, tamper evident, nontoxic and must fully enclose each product.
 - Packaging and Labeling cannot be attractive to individuals under 21.
 - The second goal is to inform consumers about what it is they are consuming.
 - 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.
 - A universal symbol will be included on all packages so that consumers know that it is a regulated product.
 - Licensees who do not follow these rules may face fees, suspension, and revocation of their license.
 - Board Member Jen Metzger provided an overview of the new Packaging Environmental Sustainability Program.
 - All licensees are required to implement an Environmental Sustainability Program for cannabis product packaging which may include reuse or the use of non-plastic or compostable materials.
 - Licensees must report key metrics on the implementation of their program annually.
 - Lyla Hunt, Deputy Director for Public Health Campaign for OCM, provided an overview of the Marketing and Advertising Regulations. These regulations establish the rules for marketing and advertising of adult-use cannabis products and businesses who sell them ensuring that such marketing and advertising will not appeal to youth or promote overconsumption.
 - Marketing cannot appeal to or target youth under age 21.
 - This includes using images or audio of children or cartoons, including actors that are less than 25 years of age.
 - Licensees would have to ensure that audiences where such marketing and advertising is placed would be at least 90% the age of 21 and over.
 - Marketing and advertising cannot promote misuse.
 - Warnings such as age restrictions and notes about responsible consumption must be in bolded text in a bright yellow box, if written media, or stated audibly if not.
 - Avoid promoting overconsumption, any false or misleading similar theme from packaging and labeling, or suggesting products or state have curative therapeutic effects.
 - 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.
 - Licensees who do not follow these rules may face suspension, cancellation and revocation of their license.
- Nicole Quackenbush, the Director of Health and Safety for OCM, provided an overview of Resolution No. 2022-12, Directing the Office of Cannabis Management to File Certain Proposed Cannabis Laboratory Regulations. A summary of the proposed regulations Laboratory Testing is as follows:



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- Cannabis Laboratory Proposed Regulations establish an application process to permit independent cannabis testing laboratories and approval of laboratory sampling firms.
 - o Existing independent laboratories already certified to test medical cannabis under DOH will be authorized to test medical and adult-use cannabis under OCM.
 - o Labs must be ISO 17025 accredited and meet other quality assurance and staffing requirements.
 - o Lab ownership is prohibited from having a direct or indirect interest in any other registration or license type under the Cannabis Law.
 - o Laboratory sampling firms, independent of registered organizations or licensees, will be collecting samples from registered organizations and licensees for lab testing.
 - The proposed regulations include requirements for a state reference laboratory to test when needed for quality assurance matters and assist with method development.
 - Board Member Reuben McDaniel commented about the problem that other states had with people gaming the testing system and asked how that concern would be addressed on these regulations.
 - Nicole Quackenbush, the Director of Health and Safety for OCM, commented that the regulations include independent sampling firms to collect the sample so that the licensees are not selecting specific samples, ensuring that samples 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.
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- Executive Director Chris Alexander provided an overview of Resolution No. 2022-13, Issuing Certain Conditional Adult-Use Cultivator Licenses. The Office of Cannabis Management completed the review of and recommended 16 more applicants for an Adult-Use Conditional Cultivator License to the Board, in addition to the 146 already approved. OCM has received more than 200 applications to date and continues to review applications on an ongoing basis to get them to the Board for review and approval. The application period closes on June 30th.
 - Board Member Jen Metzger commented that in terms of the growing season, there is a timing issue of moving applications forward and want to consider meeting as frequently as possible between now and the end of June to move applications forward as expeditiously as possible.
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- Executive Director Chris Alexander provided background information regarding Resolution Nos. 2022-14 and 2022-15, permitting any member of the Cannabis Control Board or employee of the Office of the Cannabis Management to hold the public office. Pursuant to Article 2 Section 7 of the Cannabis Law, Board Members and office staff must disclose and seek approval to participate in other public offices or Boards.
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- Executive Director Chris Alexander provided an overview of Resolution No. 2022-16, authorizing the Executive Director of the Office of Cannabis Management to Implement a User Service Agreement Between the Office Cannabis of Management and The Division of Criminal Justice Services Pursuant to Section 138 of the Cannabis Law the Board is authorized to “request, receive and review criminal history information through the Division of Criminal Justice Service”, with respect to each applicant who appears before the Board or



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Office seeking a registration, license, permit or authorization to engage in regulated activities. This Resolution will put that access into practice and allow OCM staff to utilize that access.

- Executive Director Chris Alexander provided his Director's report.
 - "Get Ready, Get Set" - CAURD
 - "Get Ready, Get Set" is a virtual learning and listening series to prepare eligible New Yorkers for Conditional Adult Use Retail Dispensary (CAURD) licenses and hear from communities impacted by over policing.
 - "Get Ready, Get Set" focuses on engaging individuals with cannabis convictions, or their family members, and community-based organizations that provide support to eligible individuals.
 - Two learning sessions were held, the first on May 17, 2022 on "Am I Eligible for CAURD?" and another on May 18, 2022 on "How Can I Prepare My Community for CAURD?"
 - Two listening sessions were held last week providing individuals and communities the opportunity to share their thoughts with OCM.
 - Session 1 focused on How to Support Cannabis Cultivation in NYS.
 - Session 2 focused on Equity in the NYS Cannabis Economy.
 - Cannabinoid Hemp Retail Licensing Strategy
 - Plan to increase the number of licensed Cannabinoid Hemp Retail licenses.
 - Any business selling cannabinoid hemp products to consumers in New York is required to obtain a license from the Office.
 - The Office will be launching both a digital and, on the ground, outreach campaign to educate business owners of this requirement.
 - More licensed businesses will lead to more compliant businesses adhering to the requirements in the law and regulations designed to provide safer products with more information for consumers about what they are putting in their body.
 - Update on the Medical Cannabis Home Grow Revised Regulations
 - There was a clerical error in the regulations posted for Home Cultivation of Medical Cannabis.
 - The comment period is being extended by 45 days and the regulations will be reposted in the State Register on June 8. All comments received so far will still be considered. Nobody has to resubmit.
- The Board adjourned the meeting.