



**Cannabis**  
Advisory Board



# New York State Cannabis Advisory Board

*January 25, 2023*

February 6, 2023



# Agenda



Welcome



Elections



Executive Director Report



OCM Updates



Regulation Discussion



Adjourn

# Welcome

# Voting Members (13)

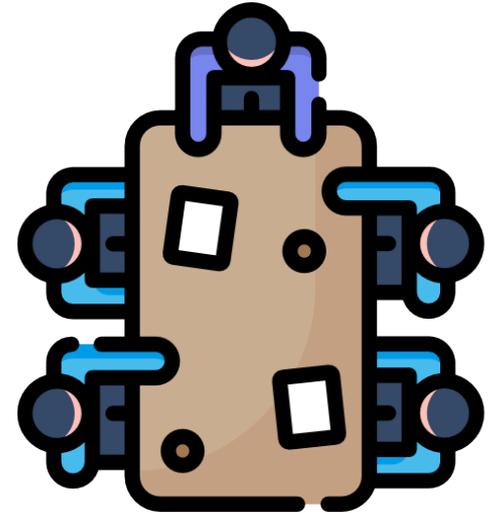
- Alejandro Alvarez
- Joe Belluck, Esq
- Junella Chin, MD
- Ebro Darden
- TheArthur A. Duncan, Esq.
- Allan Gandelman
- Garry Johnson
- Nikki Kateman
- Marc Ramirez
- Sarah Ravenhall
- Chandra Redfern
- Armando Rosado
- Peter Shafer

# Ex Officio Members

- Allan Clear
  - *Department of Health*
- Chinazo Cunningham, MD
  - *Office of Addiction Services & Supports*
- Kathleen R. DeCataldo, Esq
  - *Education Department*
- Dereth Glance
  - *Department of Environmental Conservation*
- Ruth Hassell-Thompson
  - *Division of Homes & Community Renewal*
- Suzanne Miles-Gustave, Esq.
  - *Office of Children & Family Services*
- Russell Oliver
  - *Department of Labor*
- Scott Wyner, Esq.
  - *Department of Agriculture & Markets*

# Cannabis Advisory Board

- Duties and responsibilities outlined in MRTA
- Collaboration with Cannabis Control Board & Office of Cannabis Management
- “... advise and issue recommendations on the use of medical cannabis, adult-use cannabis, and cannabinoid hemp and hemp extract...”
- Govern and administer the New York State Community Grant Reinvestment Fund



# Elections

# Voting Process

- Quorum required to conduct business
  - Applies to voting members (13 total)
- Chairperson (or Vice Chairperson) will call for a vote
  - A voting member must second the motion for a vote
- Majority of Voting Members
  - A motion will carry/pass when a majority of voting members present vote in the affirmative



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# Chairperson - Nominees



Alejandro Alvarez



Joe Belluck



Dr. Junella Chin



Marc Ramirez

# Vice Chairperson - Nominees



Joe Belluck



Dr. Junella Chin



Ebro Darden

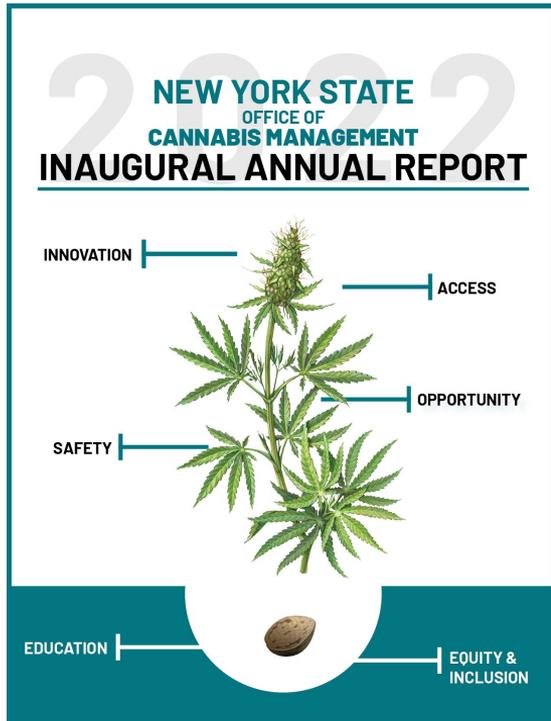


Marc Ramirez

# Executive Director Report

# Executive Director Report

## Annual Report



- Describes progress and accomplishments since September 2021 through the end of 2022 by the Cannabis Control Board and the Office of Cannabis Management regarding implementation of the Cannabis Law
- Submitted to the Governor, Legislature and available on the OCM website:  
<https://cannabis.ny.gov/reports>

# First Legal Cannabis Sale in NYS



Kenneth Woodin, the first customer from the general public, said he wanted to be a part of history. Hiroko Masuike/The New York Times



## *Now You Can Legally Buy Recreational Cannabis in New York*

The first legal sale of recreational weed took place in a dispensary in Manhattan, just meeting the state's deadline to open a store in 2022.



There was a festive atmosphere inside the Housing Works dispensary. Hiroko Masuike/The New York Times

# Conditional Licenses To Date



279

Licensed Cultivators  
(+2)



40

Licensed Processors  
(+7)

# CAURD Licenses To Date:



**58**  
Qualifying Business  
(+28)



**10**  
Not for Profit  
(+2)

# Executive Director Report

## New York Cannabis Story

- There is no progress without accountability.
- In the decades before prohibition, 1.2 million lives were upended for cannabis-related arrests.
- Together, with education and empathy, we are shifting the paradigm and using history as a framework.



# Campaign Updates

- **Governor's Traffic Safety Committee – Traffic Safety Campaign**
- Building on messaging from the Office's first public education campaign: *Cannabis Conversations*, the Governor's Traffic Safety Committee has launched additional messaging about cannabis and traffic safety
- Airing on many types of paid media, in English and Spanish
- Premiered on December 19, 2022, and will run through February 12, 2023
- Funded by OCM



# OCM Updates

# Social & Economic Equity Update



302 likes

nys\_cannabis Equity is the truth in action.

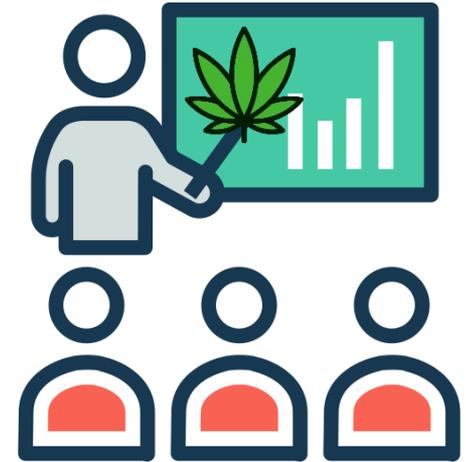
Thank you, @somos\_inc for having us to discuss how the work we do to heal past harms and eliminate hurdles can impact our communities in the future.

**SEE Plan:** Set to be released in Q1 of 2023, is being developed through extensive outreach and engagement with stakeholders. Comprehensive and adaptable programmatic and operational roadmap for navigating the constantly evolving legal landscape of cannabis.

- Review of Nationwide Cannabis Social Equity Initiatives
- Registered Organization (RO) Expansion: Defining “unserved and underserved areas of the state”
- Communities Disproportionately Impacted (CDI): Methodology and mapping
- Summary Recommendations: Market access, licensing, incubators, technical training, workforce development

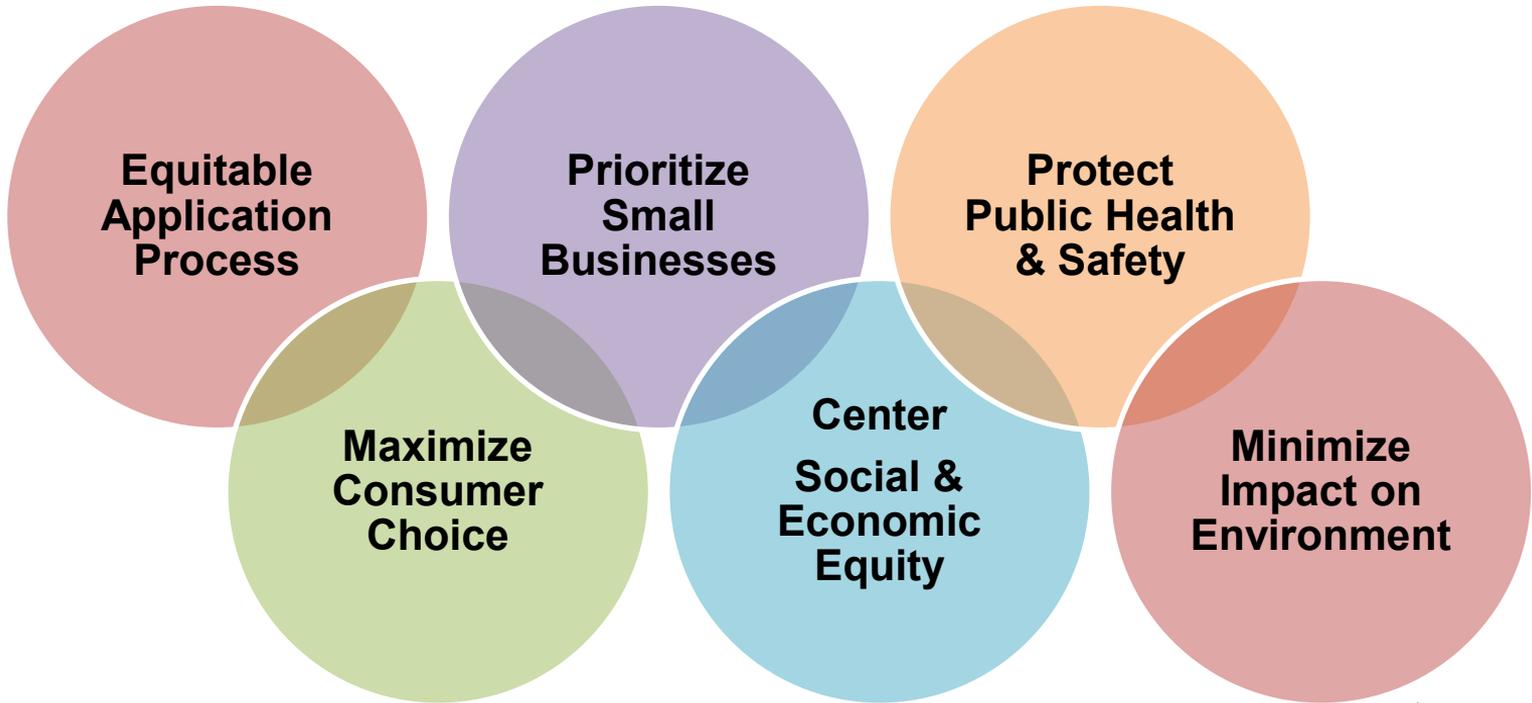
# Social & Economic Equity Update

- **Communities Disproportionately Impacted (CDI):** To date, the SEE Team has successfully matched approximately 90% of 1.2 million individual arrest records with a physical location, starting from an initial match rate of approximately 60%.
- **Cannabis Compliance Training & Mentorship (CCTM):**
  - 66% of CCTM participants would be considered either historically underrepresented in farm ownership and/or SEE applicants per Section 87 of the Cannabis Law.
- **CAURD (2nd Round):** 67% would be considered minority-owned businesses and 14% would be considered women-owned businesses. Additionally, 77% of those license recipients lived within census districts consisting of the lowest median household incomes in the country.



# Regulation Discussion

# Proposed Adult-Use Regulations



# Regulation Outreach

## Virtual Sessions

- January 20<sup>th</sup>
- January 26<sup>th</sup>

## In-Person

- Washington Heights – 1/19
- Binghamton – 1/31
- Albany – 2/1
- Lower East Side – 2/7



# Regulation Discussion



- Begin by stating which part (or section) of the proposed regulations you would like to discuss
- Share your feedback on the proposed regulation
- Other members will be given time to share feedback

# Retail Dispensary - §123.9(e) 2 (v)

## Cannabis Product Sales Requirements

(2) The retail dispensary shall:

(v) offer for sale or provide containers to consumers for the storage of cannabis that lock and are child resistant pursuant to Part 128 of this Title

[Part 128: Adult-Use Packaging & Labeling Regulations](#)



# Retail Dispensary - §123.10(g) 2

## Retail Dispensary Prohibitions

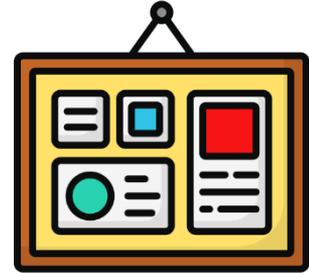
(g) A retail dispensary shall not:

- (2) conduct or transact business at a retail dispensary under a name which contains as part thereof the words “drugs”, “medicines”, “drug store”, “apothecary”, “pharmacy”, or similar terms or combination of terms, or in any manner by advertisement, circular, poster, sign or otherwise describe or refer to the licensed premises, or describe the type of service or class of products sold by the retail dispensary, by the terms “drugs”, “medicine”, “drug store”, “apothecary”, or “pharmacy”.

A retail dispensary name shall comply with the requirements in [Part 129 of this Title](#)

# Cannabis Consumer Education & Resources- §123.10(i)

(1) A retail dispensary shall provide consumer education materials to each consumer at the time of sale that includes messages about safe consumption of cannabis products, public health, and other educational messages as established in guidance by the Office. Consumer education materials may be made available in print or digital form and shall be prominently displayed. A retail dispensary shall have an adequate supply of current consumer education materials available for distribution to consumers



# Cannabis Consumer Education & Resources- §123.10(i) Cont.

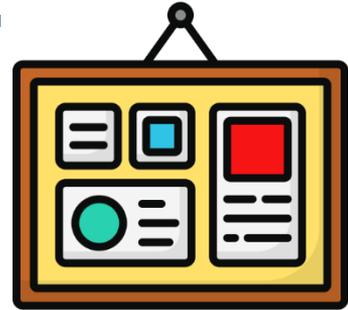
(2) Consumer education materials may never make health claims regarding cannabis or cannabis products.

(3) A retail dispensary may create their own or utilize current and relevant educational materials created from a third-party source, provided the primary purpose of the educational materials is to educate cannabis consumers about safer consumption of cannabis products. A retail dispensary that allows a third party to create educational materials on its behalf is responsible to ensure that such material complies with all applicable state and local laws, rules, and regulations. Content containing cannabis product claims or studies shall be referenced.

# Cannabis Consumer Education & Resources- §123.10(i) Cont.

(4) The retail dispensary shall be required to display or make available to cannabis consumers certain public health and other educational materials provided or required by the Office.

(5) Consumer education materials shall be made available for inspection by the Office upon request.



# Processing - §123.6 (f) (9)

*Requirements for all cannabis products that are vaporized or inhaled:*

- (iii) Except for botanically derived terpenes, excipients and ingredients used in vaporized or inhaled cannabis products shall be pharmaceutical grade unless otherwise approved by the Office, and shall not include:
  - (a) Synthetic terpenes; (b) polyethylene glycol (PEG); (c) vitamin E acetate; (d) medical chain triglycerides (MCT oil); (e) medicinal compounds; (f) illegal or controlled substances; (g) artificial food coloring; (h) benzoic acid; (i) diketones; (j) any other compound or ingredient as determined by the Office;
- (iv) Cannabis products cannot exceed more than ten (10) percent total terpenes

## § 123.17.D – Registered Organization Adult-Use Cultivator, Processor, Distributor, Retail Dispensary Ownership

- “In addition to any other restrictions or prohibitions in this Part, no ROD or its true party of interest is permitted to hold a direct or indirect interest in, or be a true party of interest, passive investor, landlord, financier, or management services provider, or by any other means, to a cultivator, processor, distributor, cooperative, microbusiness, retail dispensary, on-site consumption, delivery, ROND, registered organization, or cannabis laboratory licensee or permittee or any person licensed outside of New York State who are licensed to function as any of the aforementioned licensees.”
- The restrictions contemplated in this provision of the cannabis law with respect to Registered Organizations is limited to those ROs operating an adult-use dispensary (ROD) having an interest in an out of state operator that also has an interest in another, non-ROD, operator in NYS. This does not preclude an RO from being vertically integrated in another state.

# Submitting Comments

- The adult-use regulations are proposed and not final.
- The proposed regulations will be filed in the State Register for a 60-day **public comment period**.
- OCM is encouraging robust feedback from stakeholders.
- Tell us what we got wrong.

# Share Feedback on Regulations

- **Public comments must be submitted by 11:59 p.m. on February 13, 2023**
- **Email: [regulations@ocm.ny.gov](mailto:regulations@ocm.ny.gov)**
- **via mail to:**  
New York State Office of  
Cannabis Management  
PO Box 2071  
Albany, NY 12220

NEW YORK STATE  
**REGISTER**



# Temporary Delivery Guidance

- Released on 12/09/2022 to jumpstart adult-use sales in New York State
- The guidance allows:
  - Retail licensees to secure a location from which to fulfill delivery orders while building permanent dispensary locations
  - Temporary delivery authorization lasts one year after beginning operations
  - Customers place online/phone orders only; no in-person sales or pick-up
  - Customers make online pre-payments only; no cash payments
  - Delivery to be made by bikes, scooters or other methods of ground transportation
  - Delivery to consumers 21+ in New York, with ID verification upon sale and delivery
  - Up to (25) full time employees or equivalent per business, per Cannabis Law

# Delivery Regulations Written in the Law

*Delivery license. A delivery license shall authorize the delivery of cannabis and cannabis products by licensees independent of another adult-use cannabis license, provided that each delivery licensee may have a total of no more than twenty-five individuals, or the equivalent thereof, providing full-time paid delivery services to cannabis consumers per week under one license. **For the purposes of this section the state cannabis advisory board shall provide recommendations to the board for the application process, license criteria, and scope of licensed activities for this class of licenser.** No person may have a direct or indirect financial or controlling interest in more than one delivery license. The granting of such licensees shall promote social and economic equity applicants as provided for in this chapter. (Section 74, MRTA)*

# Adjourn