



# Office of Cannabis Management

**KATHY HOCHUL**

Governor

**TREMAINE WRIGHT**

Cannabis Control Board Chair

**JESSICA GARCIA**

Board Member

**REUBEN MCDANIEL, III**

Board Member

**ADAM W. PERRY**

Board Member

**JENNIFER GILBERT JENKINS**

Board Member

**CHRIS ALEXANDER**

Executive Director

## Meeting Minutes

<b>Title:</b>	New York State Cannabis Control Board Meeting
<b>Time &amp; Date:</b>	March 2, 2023 at 10:00am
<b>Location:</b>	515 Broadway, Albany, NY 12207, 181 Ellicott St. Buffalo, NY 14203, and Virtual via Webcast

## Attendance

<b>Board Chair:</b>	Tremaine Wright
<b>Board Members Present:</b>	Reuben R. McDaniel III
<b>Board Members Present (virtually):</b>	Adam W. Perry
<b>Board Members Present (virtually from a private location due to extraordinary circumstances):</b>	Jessica Garcia, Jennifer Gilbert Jenkins
<b>Board Members Absent:</b>	N/A
<b>Others Present:</b>	Chris Alexander, Damian Fagon
<b>Others Present (virtually):</b>	Nicole Quackenbush

## Agenda

- I. Call to Order
- II. Welcome and Opening Remarks
- III. Approval of Meeting Minutes from January 25, 2023 Cannabis Control Board Meeting
- IV. Consideration of Packaging, Labeling, Marketing & Advertising Regulations
- V. Consideration of Laboratory Testing Regulations
- VI. Consideration of Cannabis Research Regulations
- VII. Executive Director Report
- VIII. Public Comment
- IX. Adjourn



Action Items

Table with 3 columns: Resolution No., Description, and Status. Rows include resolutions 2023-08, 2023-09, and 2023-10.

Notes & Comments

- Chair Wright commented that since the last meeting, there has been some notable progression in growing the cannabis industry here in New York State. Two additional dispensaries opened in February, Union Square Travel Agency in Manhattan operated by the Doe Fund and Just Breathe, the first upstate dispensary, located in Binghamton and operated by the Broome County Urban League. There are now four dispensaries opened for business. Each new opening represents another step forward in achieving the goals of the Seeding Opportunity Initiative, building New York State's cannabis market the right way.
Upon a motion from Board Member Adam Perry, and a second from Board Member Jessica Garcia, the Minutes of the January 25, 2023 Cannabis Control Board (Board) Meeting minutes were approved unanimously.
Chair Wright provided an overview of Resolution No. 2023-08, Consideration of Packaging, Labeling, Marketing and Advertising Regulations. These regulations were first considered by the Board in June of 2022 and have subsequently undergone updates and revisions based on feedback obtained during the public comment period. Revised Packaging, Labeling, Marketing and Advertising regulations were approved by the Board in November of 2022, and before the Board is a motion to consider the final regulations. Once approved, these regulations will become effective upon publication of a Notice of Adoption in the New York State Register.
Chair Wright provided an overview of Resolution No. 2023-09, Consideration of Cannabis Laboratory Testing Regulations. These regulations were initially considered by the Board in June of 2022. Following that meeting, the regulations underwent a series of updates and edits based on feedback obtained during the public comment period. Revised Cannabis Laboratory regulations were approved by the Board in November of 2022, and before the Board is a motion to consider the final regulations. Once approved, these regulations will become effective upon publication of a Notice of Adoption in the New York State Register.



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- Nicole Quackenbush, the Director of Health and Safety for the Office of Cannabis Management (OCM), provided an overview of the proposed Cannabis Research Regulations. The goals of the proposed regulations are the following:
    - To create a cannabis research license that will allow researchers to obtain cannabis through New York State dispensaries, processors and cultivators for limited research purposes.
    - To encourage collaborations between New York State license holders, institutions of higher education and research licensees.
  - Existing licenses, permittees and registered organizations will not be required to obtain a cannabis research license to conduct their own research and development, provided that the research and development falls under the purview of their authorized licensed activity. Additionally, those researchers seeking to use federally sourced cannabis will not be required to obtain the New York State Cannabis Research license.
  - Research is critical to help guide consumers, health care providers, regulators, educators and other key stakeholders in making more informed decisions about cannabis regulation and use. Advancing the science of cannabis will help to dismantle the stigma surrounding cannabis. The public is encouraged to review these proposed regulations and provide comment to OCM. Public comments can be submitted by email to [regulations@ocm.ny.gov](mailto:regulations@ocm.ny.gov).
  - Board Member Jennifer Gilbert Jenkins commented that she worked closely with trying to get some of the agronomy side of research into the regulations. She commented that there is a lot of consideration and probably the bulk of the research to be done will be on the human health effects and looking at the medical side of cannabis, but there will be some interest in agronomy research. She explained that the piece on disposal might become problematic because when they are doing agronomic research or even genetic research on breeding, there is a tremendous amount more material generated. She noted that disposal might be something that they have to think about in a little bit more detail that simply composting all of the material might become problematic.
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- Executive Director Chris Alexander provided his Executive Director's report along with Damian Fagon, Chief Equity Officer for OCM, who provided the following update on the Conditional Adult-Use Retail Dispensary (CAURD) Retail Accelerator Program.
    - The program will engage retail licensees with an in-depth training, mentorship and support program that will exclusively focus on how to successfully operationalize a cannabis retail business.
    - This comprehensive learning experience will include a twenty-week online training program supported by one-on-one mentorship and consultation with cannabis industry experts from across the country. Topics covered include fundraising, investor relations, inventory, management, pricing, merchandising, strategies for brand storytelling and digital marketing.
    - Within the ninety-day program, participating CAURD licensees will receive individualized tech stacks, retail business models, SOPs, and financial models and performers at no cost to them and will also be assigned individual mentors with experience as owners or operators of cannabis retail establishments in other legal markets.



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- The inaugural first cohort of the Accelerator Program is March 17, 2023 at SOHO Works in Brooklyn, NY.
  - Executive Director Chris Alexander provided the following update on the CAURD Expansion.
    - In December of 2022, CAURD licensees were allowed to pursue their own locations without seeking Fund support, which freed up Fund resources for some of the newly authorized CAURD licenses.
    - Expanding the number of CAURD licenses to be issued at this time from 150 to 300 across the State.
    - Licenses will be increased proportionally in each region.
    - Additional licensees will be awarded from the existing pool of CAURD applicants.
    - Support from the Cannabis Investment Fund is not guaranteed for all new applicants. The initial 150 approved CAURD licensees will have first call on Fund resources should they choose a Fund supported location.
  - Board Member Adam Perry asked that if we are doubling the number of licenses to 300 that is an additional 150, how does that relate to these currently enjoined regions.
  - Executive Director Chris Alexander responded that as folks can see on the screen, they will be doing a proportional increase across every region, including the enjoined regions. The additional 150 would also be available in the enjoined regions.
  - Executive Director Chris Alexander provided the following update on the Proposed Adult-Use Regulation package that was out for public comment during the most recent Board meeting. The full package of the proposed regulations was approved by the Control Board in November 2022 and published in the State Register in December 2022 with a 60-day public comment period. Following an initial review of over 440 public comments, the following key themes have been identified:
    - Providing clarification on certain definitions of terms.
    - Clarifying certain qualifications for social and economic equity applicants.
    - Providing procedures to promote diversity in all adult-use and medical licenses.
    - Providing feedback on cultivator and nursery operations and tier levels.
    - Allowing sampling of nominal value and expanding merchandizing and customer-facing licensees.
    - Clarifying sustainability standards, including lighting, recycling, and composting.
  - Board Member Reuben McDaniel asked from a timing perspective, how soon will OCM get through those comments.
  - Executive Director Chris Alexander responded that they anticipate it will take at least 60 days.
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- Members of the public were provided the opportunity to address the Board during the Public Comment period. Each member of the public addressing the Board has pre-registered and will have no more than two minutes to speak on the agenda items. Public Comments are listed in Appendix A.
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- Board Member Adam Perry commented that he just received a letter from the Mayor of Jamestown relating to the regulations under consideration and asked that this letter be included in the record and the minutes. The letter from Edward A. Sundquist, Mayor of Jamestown, dated March 2, 2023 is attached.



- The Board adjourned the meeting.

**Appendix A**

**NYS Cannabis Control Board 3/2/2023 Meeting – Public Comments**

	<b>First Name</b>	<b>Last Name</b>	<b>Organization (If Applicable)</b>	<b>Public Comment</b>
1.	Mike	Flynn	FlynnStoned Cannabis Company	<p>I own FlynnStoned Cannabis Company. It's a 13,000 square foot cannabis dispensary in Syracuse, New York. It's been built out and ready to open since April 1st, 2022.</p> <p>I'm a CAURD applicant that's been affected by the court injunction.</p> <p>I'd like to know if the five regions affected by the injunction are still eligible for general licensing at the same time as the rest of the state? Should we be expecting delays in our area with general licensing as well because of this injunction? I, along with everyone in the five regions, would like to see a solid timeline for the general licensing as well as the CAURD licensing so we can further plan.</p> <p>Also, I've noticed on the OCM website that you reduced the license down to three categories.</p> <p>Is this a permanent change? Do you still plan to have delivery, consumption, micro-business, etc. as their own licenses? They're all going to be combined into three categories? Thank you.</p>
2.	Matthew	Robinson	Essential Flowers	<p>Good morning.</p> <p>Matthew Robinson.</p> <p>I'm a licensee.</p> <p>I just want to say congratulations and thank you for the development about the new program.</p> <p>That's a great program.</p> <p>It's going to be needed.</p> <p>There's a lot of stuff that we don't know as a licensee as far as tax rules and stuff like that that we can't do in this industry like in our other businesses.</p> <p>I think explaining that and teaching us exactly what we can and can't do in the tax portion of it is very important.</p> <p>Also, I was going to say the excise tax, is very imposing and should definitely be considered or reconsidered, and that's really</p>



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				<p>about it. Thank you for having me here.</p>
3.	Mayank	Kapoor		<p>The comment I wanted to make was as you guys are increasing number of licenses when somebody is starting to look for real estate in those regions there should be a way for them to look up where somebody else is already trying to get a site approved, so that they're not looking right next door or down the block. Secondly, was help with knowing when counties are opting in. If you're in a region where counties are opted out, they plan to opt in. I know the OCM has notice sometimes of whose planning to come back in. Is there a way for us to know who's coming back in, so we kind of plan and strategize? Thank you.</p> <p><b>Board Member Adam Perry commented:</b> Madam Chairman, not to interrupt the floor, but I just had a quick comment, not an answer to that question. May I make a very brief comment? Yes. The State Liquor Authority has something called the LAMP, which is a tool where you can go on the State Liquor Authority website and see the exact kind of information the gentleman just referenced. I know that at some point staff had started to look at that, but it just seems to me that in order to improve the ability of individual entrepreneurs and those who want to participate in this market, that I don't understand why we don't have an identical tool just building on those. When an application comes, it will be posted. Other entrepreneurs that want to look can then say there's already 200 people applying for this vicinity. I'm going to go somewhere else. But if we don't have, which appears to already be something that exists in the State of New York with another entity with exactly this kind of data, I wonder why we aren't proceeding and pressing towards that. Thank you, Madam Chair, for allowing me to comment.</p>
4.	Scheril	Murray Powell, Esquire	The JustUS Foundation	<p>Good morning. Scheril Murray Powell, Esquire. I'm a cannabis agricultural dietary supplement and trade attorney. Also, I run the JustUS Foundation and I'm the business development manager for CSI, a background screening company. With that said, first of all, I want to commend the board for adapting and making changes based on new information being provided.</p>



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				<p>That is a sign of great leadership. I think this is the change that was just announced by Executive Director Alexander.</p> <p>With doubling the number of licenses is a victory for all of our CAURD applicants who took the time to fill out their applications that many of them had to overcome post-traumatic stress disorder in order to return to the same courts where they were convicted to request their certificates of disposition.</p> <p>In our service center in Harlem, we had people coming in day after day after day to complete their applications.</p> <p>This is a huge victory for our legacy community, for our justice involved community.</p> <p>We appreciate that you are not steadfast in going in a direction that proves that it will not necessarily create a robust, high performing, inclusive industry.</p> <p>That's what we all want as a single, unified cannabis community. Thank you so much for your leadership and know that you are partnered with the Justice Foundation and the Unified Legacy Operators Council. Thank you.</p>
5.	Jessica	Naissant	CAURD Applicant	<p>Good morning. My name is Jessica. I am a CAURD applicant in the enjoined region of Brooklyn. I did want to say thank you guys for doubling the amount of CAURD applicants.</p> <p>It's clear that you guys are listening and you guys are pivoting and doing your best to help us out.</p> <p>I'm also a Justice fellow with the Justice Foundation, and I just want to say that I appreciate you guys creating the new program that will help CAURD applicants figure out how to enter into this industry once licensed.</p> <p>I think it would be great to collaborate with foundations like Justice and Harlem Business Alliance that are already doing the work as well as you guys create these new programs.</p> <p>Lastly, I wanted to speak about being a woman CAURD applicant and how that number is in the State of New York. I just wanted to say that please consider women applicants and women only on applications as well, because that number is extremely small.</p> <p>When we think about social equity in the war on drugs, we were impacted as well. Thank you so much.</p>
6.	Mark	Robinson	Robinson's Cannabis Flowers LLC	<p>Good morning. Thank you for having me. Christopher spoke about. That's great, because when my family won the CAURD application license, we have property.</p> <p>We have property in a commercial district that was in a neighborhood that was overpoliced, saying to the war on</p>



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				<p>cannabis, that the regulators who will be making the decisions, that will be the first applicants that said they would look at. Families that was impacted was one of them. Not only was the business model was there, we have the business model because we in real estate. The reason why we didn't put the commercial property that we have, because it was said that the regulations, that everything that we had to go to the municipalities to make sure that the zoning is everything, that CAURD, that it would make sure that it would be set up. That would be one problem that was less because we know navigating through certain policies in the city and the county to actually have a cannabis dispensary in certain areas will be hard work. By us applying for CAURD on the state saying, hey, we're going to take care of all this.</p> <p>We got to make sure that you set up in a location where you don't have to worry about everything.</p> <p>Then when it came to find out, they say, hey, listen, you are able to go to where you already have property.</p> <p>Where you already have an established business.</p> <p>I mean, it didn't.</p> <p>It was like, you know, not only one.</p> <p>They applied for two.</p> <p>It was just that it was the way that it was rolled out, it was like, we're going to set everything up.</p> <p>We're going to give you a turnkey.</p> <p>We're going to give you a long term lease. We're going to make sure we set up.</p> <p>You're doing that.</p> <p>You are actually doing that.</p> <p>Today's announcement was beautiful, but I'm only saying maybe, and a lot of lawyers was involved.</p> <p>Even though you said this process is so simple, you don't need a lawyer. I know I'm not gonna stand in front of a judge without lawyers representing me because that's what they know.</p> <p>Racking up enormous attorney's fees on top of everything else.</p> <p>I am grateful that New York State is just not rushing into this and making sure that is equity through what MRTA said to make goals that was impacted communities that was devastated. I thank you.</p>
7.	Charles	Robinson	Hold Up Roll Up	<p>First of all, great news.</p> <p>I was almost discouraged about coming down here today.</p> <p>I was kind of feeling some type of way because of the energy that I've put into this so far and didn't be discourage and actually receive a license so far.</p> <p>I seen something I didn't see before.</p>





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				<p>First of all, everybody this in this room right now, you know, you take the time off from your busy life to come down here because you want to be a part of something. Me as a carpenter by trade, I understand the importance of the foundation What I see right now in this room, everybody is the foundation is going to take place in order to make this happen tomorrow.</p> <p>Just seeing that, it just is upping my energy level, even a little more to actually understand where we're going from this day forward with this.</p> <p>As a person who lived through and as a young man and seeing how when they legalize numbers and how it affected my community and the actual economic impact that it took from my community.</p> <p>My community is dead right now literally because of New York State.</p> <p>Numbers was our lifeline.</p> <p>It was an early lifeline for my culture and my community to survive.</p> <p>A community that had to live through something called minimum wage.</p> <p>When they took the numbers and they did what they did with the numbers, making the promise that it was going to go to education.</p> <p>Come to find out years later education is still short of money. This is very important.</p> <p>Where we standing and doing right now is very important to the future of people of mankind.</p> <p>We have to concentrate on a lot of the things.</p> <p>I mean, to me, the landfill.</p> <p>The waste is going to be created from this from this single use product.</p> <p>You have to really think about this.</p> <p>Sometimes you have to excuse me because my passion about this, it literally take over because I lived through this.</p> <p>I'm 62 about to be 63.</p> <p>I know what I lived through, but I made it to here.</p> <p>The point I'm making, the point I just want to make before I leave.</p> <p>You really have to be concentrate on the waste, because it's not about money to me.</p> <p>I don't need a lot of money to survive. I never did.</p>
8.	Ruchir	Shah		<p>Good morning, everyone.</p> <p>I'll make this short and sweet.</p> <p>My comment is regarding on the retail side with the sales</p>



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				<p>and excise tax payment.</p> <p>Will it be filed quarterly? Is there a payment system? Are we doing electronic check or whatever? The other comment I had is maybe we can look into how sales tax works through a quarterly prepayment system. It will give the state and local municipalities much needed capital injection and then you can do adjustments later on the end of the year.</p> <p>It would also help the retail side and it would be with this business, clean their books monthly.</p> <p>Some states have monthly payment systems. You clean out your books monthly.</p> <p>It avoids the CAURD applicants or anybody else is due to this to penalties. Thank you.</p>
9.	Sachmarie	Crowley	Crowley Nurse Practitioner in Family Health, PLLC	<p>Hello. I am a minority disabled veteran business owner in Saratoga Springs, NY. I was wondering if you the board have a time frame for business owners like myself will have an opportunity to submit an application to potential obtain a dispensary license.</p>
10.	Tim	Scoma	Lifted	<p>Having the dispensary distance from one another will completely destroy what the city of Jamestown needs to do. our "Down-Town " is so small that our community will only have access to one store... please allow municipalities the power to allow dispensaries to have closer proximity to one another if "OK'd " by the city? or maybe change the law to two or three per 1000ft?</p> <p>i understand the need to keep an over saturation of stores to a minimum, but making it too stringent will cause Jamestown NY to continue to fall behind the rest of the state... we're the comedy center of the country! we shouldn't be falling behind... we should be leading the way.</p> <p>thank you</p>
11.	Walter	Iwachiw	weeee4justice	<p>Hello to the Board</p> <p>I applaud the increase in the CUARD licensee from 150 to 300 but hope you will consider increasing the numbers again once the review of the comments are made. Allowing time for a better grasp of the need to provide funding to all the CUARD applicants as within their ranks are the means to create a successful regulated marketplace.</p> <p>That marketplace goes nowhere unless potential investors set aside the perceived risks of lending cash to a NYS Marijuana business. Profitability is the metric used to forestall the hesitancy by investors who are willing to lend cash at 3 to 4 percent rather than 30 or 40 percent. Maybe creating a OCM backed fund to secure investors, much like the NYS insurance fund that covers claims against defaulted insurance carriers and</p>



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				<p>NYS tax free bonds would help.</p> <p>Clearly, the illegal operators perceive there are profits to be made under current enforcement and are acting to protect the illegal market at all costs, which the Board must take into account as a threat to the regulated market.</p> <p>The OCM needs to provide guidance for a safe way to deliver cash to the various State agencies expecting payments from the Marijuana industry given that Banks are not an option.</p> <p>Time is another critical factor as NYS industry has a Billion going on two Billion of cultivation to sell within the State of New York, and increasing the number of CUARD licensees 4with parity with nonprofits store capacity will surely expedite the availability of tested safe product to the public and float the entire industry before the cultivated stocks are wasted as compost.</p> <p>Please continue accepting comments on an ongoing basis as the illegal market is able to move faster than the legal market and OCM needs to be flexible and react to the changes in the street.</p> <p>Thanks</p>
12.	Thomas	Ballistrea		<p>To whom it may concern,</p> <p>I wanted to take this opportunity to extend my gratitude to all the individuals involved in creating a post Cannabis prohibition reality in New York state, your efforts are improving the quality of life for all of us. I'm writing in regards to S854A §87 5. (g) "Communities disproportionately impacted" shall mean, but not be limited to, a history of arrests, convictions, and other law enforcement practices in a certain geographic area, such as, but not limited to, precincts, zip codes, neighborhoods, and political subdivisions, reflecting a disparate enforcement of cannabis prohibition during a certain time period, when compared to the rest of the state. The board shall, with recommendations from the state cannabis advisory board, the chief equity officer and executive director, issue guidelines to determine how to assess which communities have been disproportionately impacted and how to assess if someone is a member of a community disproportionately impacted."</p> <p>I would urge the bord to consider defining which communities have been disproportionately impacted and release the "guidelines" to the general public prior to approving the final draft of the adult use regulations to allow individuals to prepare to participate in the social and economic equity programs that will come with the designation and conversely to allow individuals that may not fit within the board's interpretation of "Communities disproportionately impacted" to consider other avenues to enter the adult use market. As a justice involved individual the areas of the state that will be considered</p>



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				disproportionality impacted by Cannabis prohibition is of the utmost importance to my future goals of participating in the adult use industry. Thank you for your time and diligence in this matter, I look forward to the release of the information regarding which communities are determined to be disproportionately impacted.
13.	Jeffrey	Roizman		Would love if in a future meeting we got clarification on a time frame as to when the other three licenses (micro business, collective, and nursery) would be available to apply to if it passes through the CCB revisions.
14.	Dominic	Spaccio	MoxBeacon LLC	Still no voice for VETERANS within the OCM.

March 2, 2023

We are encouraged to hear that the Cannabis Control Board is looking into revising the proposed regulations to potentially allow for more than one dispensary within a 1000-foot radius, in line with how the State Liquor Authority has managed liquor stores. However, the City of Jamestown would like there to be some more explicit guidance and support in the regulations for interested applicants on how they can show that there is sufficient demand to support two or more locations.

Very truly yours,  
CITY OF JAMESTOWN



EDWARD A. SUNDQUIST

EAS:mmc



Edward A. Sundquist  
Mayor

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