



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

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| Title: | New York State Cannabis Control Board Meeting |
| Time & Date: | May 11, 2023 at 11:00am |
| Location: | SUNY Morrisville, 80 Eaton St., Charlton Hall, Room 125, Morrisville, NY 13408, 181 Ellicott St., Buffalo, NY 14203 and Virtual via Webcast |

Attendance

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| Board Chair: | Tremaine Wright |
| Board Members Present: | Jessica Garcia, Reuben R. McDaniel III, Jennifer Gilbert Jenkins |
| Board Members Present (virtually from a location open to the public): | Adam W. Perry |
| Board Members Absent: | N/A |
| Others Present: | Chris Alexander, Linda Baldwin, Axel Bernabe, Damian Fagon, John Kagia and Tabatha Robinson |

Agenda

- I. Call to Order
- II. Welcome and Opening Remarks
- III. Approval of Meeting Minutes from April 3, 2023 Board Meeting
- IV. Consideration of Conditional Adult-Use Retail Dispensary Licenses
- V. Consideration of Revised Adult-Use Regulations
- VI. Consideration of New York State Social and Economic Equity Plan
- VII. Consideration of Laboratory Testing Permits
- VIII. Consideration of MOU with DOH for Administrative Hearing Purposes
- IX. Executive Director Report
- X. Public Comment
- XI. Adjourn



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Action Items

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| Resolution No. 2023-15: | Resolution Issuing Certain Conditional Adult-Use Retail Dispensary Licenses. | Passed, Unanimous Vote - Board Member McDaniel recused himself prior to the vote. |
| Resolution No. 2023-16: | Resolution Directing the Office of Cannabis Management to File Certain Revised Adult-Use Regulations. | Passed, Unanimous Vote |
| Resolution No. 2023-17: | Resolution to Approve the Social and Economic Equity Plan. | Passed, Unanimous Vote |
| Resolution No. 2023-18: | Resolution Issuing Certain Cannabis Laboratory Permits. | Passed, Unanimous Vote |
| Resolution No. 2023-19: | Resolution to Approve a Memorandum of Understanding with the New York State Department of Health to Continue Certain Medical Cannabis Administrative Hearings. | Passed, Unanimous Vote |

Notes & Comments

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| <ul style="list-style-type: none"> Chair Wright commented that on December 29, 2022, the first Cannabis Adult-Use Retail Dispensary (CAURD) opened in Manhattan, and yesterday, the 10th CAURD dispensary opened. Over the coming weeks, it is anticipated that several other dispensary openings will occur throughout the State. Chair Wright commented that she wanted to briefly highlight some of the exciting news that came out of Albany over the past week with the passing of the state budget that included legislation regarding enforcement to expand the Office of Cannabis Management’s (OCM) and the state’s ability to enforce against all of the illicit cannabis shops that are blossoming and popping up all over the state. She commented that this is a welcome change because these enforcement provisions will enable OCM to protect the legal market, it empowers OCM to enforce against licensed and unlicensed people who might be selling cannabis or cannabis like products, and it is paired with a hefty fine for people who commit infractions against the law. Upon a motion from Board Member Reuben McDaniel, and a second from Board Member Jessica Garcia, the Minutes of the April 3, 2023 Cannabis Control Board (CCB) Meeting were approved unanimously. |
| <ul style="list-style-type: none"> Board Member Reuben McDaniel recused himself prior to a vote on Resolution No. 2023-15. |



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- Executive Director Chris Alexander provided an overview of Resolution No. 2023-15, a Resolution Issuing Certain Conditional Adult-Use Retail Dispensary Licenses. OCM completed the review of and recommended 50 additional applicants for licensure to the CCB, of which 45 are from the four regions previously enjoined. There will likely be an additional 85 applicants for licensure at the next CCB meeting.
- Axel Bernabe, OCM Chief of Staff and Senior Policy Director, provided an overview of Resolution No. 2023-16, a Resolution Directing the Office of Cannabis Management to File Certain Revised Adult-Use Regulations. These regulations were revised based on the 3,500 public comments received by OCM. The proposed regulations will be filed for a 45-day public comment period. Revisions to the proposed regulations include:
 - Updated provisions for True Parties of Interest and Passive Investors.
 - Environmental and sustainability targets for all operators.
 - The timing of entry of Registered Organizations (ROs) into the adult-use market.
 - Rules for third-party platforms.
 - Limited on-site consumption authorizations.
- Board Member Reuben McDaniel commented that this is great work from the staff, 300 pages and 3,500 comments and asked to dig a little deeper into the provisions relating to the ROs and their entry into the adult-use market.
- Executive Director Chris Alexander commented that in the original proposed document, there was a delay for RO participation, acknowledging both their vertical status and the need to get the market up and running and that delay has been shortened. He stated that it will allow for there to be more stores operational and there will be more places for the great product that was cultivated last year to be sold, but there is also a question that was raised and has been expressed from stakeholders and patients as well, the need to make sure that the medical market stays viable. He further stated that there is an open question related to fees, but the goal is to make sure, and what is required by statute, that there is enough money generated to support the equity plan and the equity programs that OCM intends to launch.
- Board Member Reuben McDaniel asked for an update as it relates to expanding the medical market.
- Executive Director Chris Alexander commented that they are moving quickly and are currently developing an application for the ROs, for additional ROs to come into the market to help serve the people in New York and in the near future an announcement will be made.
- Board Member Reuben McDaniel asked if they would get the final numbers as it relates to the fees for the ROs in the next 45-day window.
- Executive Director Chris Alexander commented that there is a concept in the document that is a diversion from the original proposal that currently requires a full payment of that \$20 million before full participation of the ROs. He stated that OCM would recommend that they reinstate the pay as you earn model that was in the previous drafts that would allow to ensure that these businesses continue to grow and generate revenue that then they pay back into the state and that would be their proposal that they would want to amend the current draft to incorporate.
- Board Member Reuben McDaniel commented that over the last 24 months, the cannabis market nationally has changed, wholesale prices have come down, and while state's have



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opened, there has been a lot of growing pains to figure things out and he thinks that the compromise is a good recommendation to allow folks to not make an on or off switch based on our own financial.

- Board Member Jessica Garcia commented that she is also in support of the recommendation and is very concerned about increasing access to the medical market for patients. This model is going to allow the ROs to generate the kind of revenues that they need to expand and the phased in process also still balances the ability to support equity applicants as well.
- Axel Bernabe commented that he wanted to clarify that the proposal is to actually have a \$5 million upfront fee, another \$5 million due 180 days after the opening of the second and third dispensaries and that the other half, the other \$10 million would be over tied to the revenue which could happen quickly.
- Board Member Reuben McDaniel asked for clarity on the different proposals on the roll out of the three stores.
- Executive Director Chris Alexander commented that the draft specifies a first store could open by December 29th, a second and third store not before June 29th, so June 29th would stay the same from the first draft of the regulations and it would just be the payment that is changing here.
- Board Member Gilbert Jenkins asked if the payment would be after the second store, not after the third store, because they have this language of second and third.
- Executive Director Chris Alexander commented that the second \$5 million is triggered after the second store, but they are allowed to bring that second and third store on thereafter.
- Board Member Gilbert Jenkins asked that if they do not succeed and if it takes ten years or five years for them to earn the rest of the money, are they going to carry that through or is there a point where they say that you owe us the other \$10 million.
- Axel Bernabe commented that they thought about that and are hopeful that the market is going to be sustaining everybody's ability to be profitable and grow quickly so that they can payoff, but they technically have until 2033 to payout.
- Board Member Jessica Garcia asked if this would be an option for any applicants that are applying as equity applicants as well.
- Axel Bernabe responded absolutely and commented that this a very important point.
- Board Member Reuben McDaniel asked what components of these regulations were impacted or influenced by the enforcement legislation that just passed.
- Executive Director Chris Alexander commented that they are going to be working up emergency regulations to reflect the enforcement authority and that these regulations do not necessarily speak to that, but they will have an emergency regulatory package in front of the CCB shortly to allow them to fully implement the new law.
- Board Member Gilbert Jenkins asked how they are determining how folks are being required to sample for testing their products.
- Axel Bernabe commented that he would get that answer before the end of the CCB meeting. (See Appendix B)
- Board Member Reuben McDaniel commented that he thought that the compromise on the 1,000 and 2,000 was a good compromise and thought that they found the SLA model as a



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good model. He asked if they envision some independent party making that assessment or is that going to be the CCB making that assessment or that consideration when it comes time.

- Executive Director Chris Alexander commented that the structure is for the applicant to make the case and for the CCB to review and approve.
- Chair Wright asked for an explanation of the residency report and how they came up with the numbers that are in the residency requirement for the social equity.
- Tabatha Robinson, Director for Economic Development, Policy and Research for OCM, commented that the distinction between the two sets of years is really to account for what they know to be the effects of early childhood and that they recognize that where you live in those first 18 years of your life often has a huge impact on the outcomes of your life so they wanted to create a lower threshold for childhood years and for adult years were slightly higher with the two-year difference at seven years. She stated that with regards to the numbers themselves, how they landed on five and seven as opposed to three and five when they started to comb through the arrest data and really have their conversations amongst their roundtable discussions, they heard a lot of feedback from the communities that were disproportionately impacted on what it meant to live there and how the effects sustained their lifestyle over time.
- Chair Wright asked for an aggregate of seven years of their life, are they counting up until today when they assess that number or are they looking at someone who has moved in as my neighbor seven years ago.
- Tabatha Robinson commented that they have not yet landed on that answer and that these proposed regs don't deliberate that question and that these regs merely state what the thresholds are, but they don't yet say how they will count them and what time span in history they will use.
- Board Member Reuben McDaniel asked that to the extent that they don't get significant changes, will they then be able to implement that point, and do they have a definition or can give some guidance on what would be significant or not significant.
- Axel Bernabe commented that it is technical changes and that their proposal is to put regulations in place as that base and keep taking those comments in over the 45 days and keep talking to stakeholder groups and, then, if they find that there are even substantive or small changes that are non-technical in nature, they can issue a new package pretty much at the same time as they adopt.
- Chair Wright asked to discuss and hear some thoughts behind the limits of 100 milligrams of THC per package that is found in section 123.6(f) because these requirements seem to limit the ability of a processor to produce things that might be considered family size or commercial and the regulations are only looking at a single serve or single use sales and seems to limit the ability to build or for someone to produce family size products or commercial size products.
- Board Member Gilbert Jenkins commented that as they look towards sustainability, that limit increases the amount of packaging that they are requiring is a concern of hers as well.
- Axel Bernabe commented that they did canvass the majority of other states that do have limits on serving size and that they are consistent with those limits and that includes markets that are now ten years old. He stated that there is a general consensus from the public health



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standpoint, that especially in packaged products like a chocolate bar or in products that have multiple doses that are easy to take together, it is very easy to consume more than the recommended five or ten milligrams and that it is too easy to overconsume that way. He further stated that is in particularly in early market adoptions and while they are educating consumers on how to how to consume responsibly, it is better to start with lower doses even for initial some people want to have 10 to 15 milligrams in individual servings because THC impacts individuals differently depending on their consumption and so their recommendation is to start with that. He further stated that there is the ability to have larger, distillate or larger size products go to a manufacturer to get subdivided and hopefully that reduces some of the ability of the small producers to have to reduce it to such small sizes, they can work with larger quantities before they make actual cannabis products.

- Chair Wright commented that they are confusing per serving with total THC per package and that she is not saying that they need to increase the amount per serving, that is fine at ten milligrams, if that is the way that they want to think about it, but what they have not provided for in this model is for people to produce olive oil, hot sauces, or butter packages. She commented that she thinks that they are creating a challenge for people to enter into their marketplace because producers, small producers, be the micro, or if it is their smaller producers who are creating products, they need the ability to not be thinking just single serve. She stated that this looks like regulations that focuses almost primarily on someone that is going to like convenience store purchase versus people that are able to have like what they are seeing in one of the new stores opening in New York City concepts where they have things that are bigger and broader and explore options to eat and drink and use in different ways. She further stated that they have to think about that if they are giving people a roadmap for how they can build their business and they want them to be thinking beyond a single serve package if it is not something that is the direct retail consumer and this is not going to adjust their per serving, it is going to adjust their ability to package larger containers.
- Axel Bernabe commented that they could work on that and come with something a little bit more targeted and do that independently of this package.
- Executive Director Chris Alexander commented that there are two conversations happening at the same time, one about a total cap per package and what the impacts are and two about shelf stable versus non shelf stable products. He stated that they do not have the ability to have folks assign expiration dates but that this is something that they can move towards and that they are building towards, and that they understand that this has to happen as they grow this market, but right now that is not where they are. He further stated that in terms of the separate conversation around the concentration or the allowance of a higher cap that they can absolutely have that conversation allowing a greater THC concentration in a particular package, but they are trying to stay consistent with the states on this particular issue.
- Chair Wright commented that food is already being infused in this and that they should be thinking how are these people going to get their products and what are they putting in place so that the folks who are going to be preparing those products kind of know how to do planning and at this moment, she does not think that they have the tools to make that plan and feels like they are not giving them enough information so that they can say that I am going to be able to make it in my 28-ounce tomato paste cans, but not in my 128-ounce cans.



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She commented that she feels like they have to be able to give them something and at this moment by saying that it is capped at 100 milligrams per total package, she feels like that is what is limiting them, and that she is concerned about the shelf stable because they know that there are products that are circulating that are not shelf stable and what is their solution or their forward looking answer for that. She stated that she hears that “Somebody’s got to do it,” but that they have the control over being able to say that you should not see products bigger than this or larger than that and if that they can explore what that looks like when they are talking about items, other items that they can imagine, then this is it and there are people who are going to be making things that are not consumed, but are THC infused.

- Axel Bernabe commented that just saying that they change the regulations so that OCM has the right to approve these things, so they can do it with the guidance and a piecemeal approach slowly, so that they can get it right because they feel like they owe it to consumers to have a little bit more direction on that and they do have that ability in the regulations and can develop further guidance.
- Chair Wright commented that they owe them some guidance versus the thought that, oh, they can go and hope that the CCB agrees with their rationale in this moment, because business people need a little bit more to hold on to when they are making those decisions in the preparation, and they have the ability to make exceptions, but they have to give them some rules so that they know what space to kind of land in, and, then it also gives them language to work with as they develop their ideas and they know what to look for when they are making those types of assessments.
- Chair Wright asked for an explanation about the small business qualifications that are in 121.1(j).
- Damian Fagon, Chief Equity Officer for OCM, commented that this is a standard that the State Government uses, that ESD uses for the recertification, but this is in the statute.
- Chair Wright asked if a legislative change was needed in this part.
- Damian Fagon commented that they need to discuss that.
- Chair Wright asked to discuss the distinction between a collective and a cooperative listed in the regs and what exactly is trying to be captured with the collective.
- Damian Fagon commented that what is trying to be captured with the collective and the way they have structured how people can qualify as cannabis collective is that they surveyed the legal landscape of other states with cannabis cooperatives and saw very few licensed cannabis cooperatives and that is because in their conversations with a lot of these other regulators and cooperatives themselves, the barriers to being certified as a cooperative, qualifying the formation documents was exceedingly difficult , so what they have tried to do in the regulations around cooperatives is create more flexible pathways to accessing the cooperative license, trying to incentivize more cooperative formation and make it easier for folks.
- Chair Wright asked if this collective is kind of laying out what you think the management of the company should look like and is not actually the organization but is the management of.
- Axel Bernabe responded correct.
- Chair Wright commented that the next question is about the fees for processors and small processors and that they are charging \$4,000 for infusing, blending, packaging and branding,



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and then it is an additional \$3,500 if someone wants to become a distributor which is a \$7,500 venture, however, a microbusiness is only \$4,500. She stated that this is a concern that this is a bias that is going to be borne by people who are in communities that traditionally farmers nor people who are essentially, not people who are farmers because the micro they should be able to do all of the same things under micro at a reduced costs, but because they put a requirement that micros have to cultivate although they are allowed to buy up to 500 pounds of product in a market without any questions, there is a mandate that they cultivate and would get to save \$3,000 in licensing fees every two years, so there is an imbalance and requested an adjustment be made to the fee schedule so that people who are not necessarily cultivators, but doing the exact same work and would avail themselves of the regulations, would allow them to do it.

- Executive Director Chris Alexander commented that just the processors because of the way that the micros are currently capped, the processors are a significantly bigger operation and for the processors operating right now, the 40 or so, the process that they have operating right now, these are bigger companies than that small footprint that the micros take up explains the price disparity. He commented that there is the ability for equity licensees and others to do a reduction of fees to allow for more folks to enter the market should the price point be an issue. He stated that they are not interested in making money off these fees, it is the cost of the processing of these applications. He further stated that there is a significant distinction because of the size that a processor can be that is limited by the activity, but that still could be a big operation, which is very different than the micro, which is a smaller operation.
- Chair Wright commented that this will play out as a burden on people that come from communities that are not traditionally farmers, but who are makers. There are entire maker communities in spaces that don't farm and that they are adding an additional cost of \$2,000 per year on their licensing and they are not big players while they might, there is space for everyone in this market. She commented that they will have processors who are making thousands of products as well as makers who are doing Etsy style businesses and they might have a shop where they sell their lotions and other goods. She stated that until they become bigger, they are not competing with the person who is producing enough to go into a Target or not even a person has got their first contract so that they can go into the local supermarkets. She further stated that these are the people who are making a thousand pieces and they have to find a space for makers and the maker community that allows them to compete as if they are a micro because that is really who they are operating as and it is a pricing issue and at this moment it appears as an equity issue because it seems like a burden for anybody who just happens not to be in a space to grow.
- Axel Bernabe commented that they reduced the cost of some of those licenses, but any social equity license gets a 50% decrease in their license fees, so they are down at \$1,000 now and that can still be a lot of money for folks but they have to defray some of the costs and if you're going to get into business, paying \$1,000 and knowing what you're doing was just sort of striking a middle ground.
- Board Member Adam Perry commented that he is glad to hear that if it is something that can be worked out after they pass the regulations or make an adjustment instead of tabling a



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significant package of regulations or any portion, thereof, he would ask, and is this something that can be adjusted later on, and also, shouldn't they take additional comments and then make an adjustment after passing this particular regulatory scheme that is recommended by OCM.

- Linda Baldwin, General Counsel for OCM, commented that this is where that concept of substantial revision comes in and that it could be argued that changing a fee after you have sent the regulation out for public comment would be a substantial revision. She stated that her recommendation would be to be clear during this meeting on the parameters of the change if you want it incorporated and filed as such, so that you can begin your period of public comment below.
- Board Member Reuben McDaniel asked what the fee proposal would be that the Chair would feel comfortable with.
- Chair Wright commented that she would like if the small permit or the \$2,000 fees included infusing and blending so that they could reduce the cost so that it would have cost parity with the micro.
- Board Member Reuben McDaniel commented that he wanted to make sure that their General Counsel is comfortable that they are giving enough direction when they approve this today.
- Linda Baldwin, General Counsel for OCM, commented that if they could give the number that they are looking for, not create a new category, as it is a little bit hard to come to an agreement on today, but if you have the price parity.
- Chair Wright commented that the prices for \$4,500 that they will work on to be able to license and distribute.
- Board Member Gilbert Jenkins commented that they are asking folks to include a tremendous amount of data around energy consumption and water consumption and her concern is that they are not clear on how they are using that data and wants to make sure that they are stating how all of that data is going to be used and how it helps them to be collecting that data and thinks that they need to do a better job of explaining what is going to be used with that data and how it is going to help people to be collecting such information.
- Axel Bernabe commented that they have a contract with NYSERDA through Resource Innovation Institute, and they have a tool called Power Score, and hopefully, the Power Score tool will serve as the standard for benchmarking, tracking and improvement. He commented that some of the requirements exceed that Power Score Tool and that they can do a better job of explaining how they will be using it so they know how to collect it properly and how to report out and want to keep that flexibility more in the guidance.
- Chair Wright commented that for delivery in 123.20, the requirement states how much cannabis has to be on a delivery person before they leave one of the sites and in one paragraph they say that at least one sale and then in the next paragraph they say at least 30% of the value of the cannabis must have already been ordered and paid for and asked is there a way to bring the same language into both of these paragraphs so that they are saying the same thing in each paragraph.
- Axel Bernabe commented that before you go out and deliver, they don't want the ice cream truck model where you go out with a bunch of products and start selling it on the street, so you have to have made some pre-sales. He commented that when they first talked about



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it, it said that you have to have at least one order and then that order had to represent 30% of your deliveries, so they added the word of the value to make clear that was an edit. He stated that they made subject, which says when you leave that dispensary location, you have to have at least one order and that one order can represent 30% of the value of what you're leaving with. He further stated that if someone ordered a lot of weed, you could do that, but it has to be at least one order and it has to be 30% of the total value of what you are leaving with. He further stated that you can both be a delivery and an ice cream truck, yes, actually, technically and they don't like to say that because, they are not encouraging that, but the policy reasoning behind it is if you leave with 30% of your orders already placed, especially some of these delivery companies aren't next door, you leave with a bit more cannabis product on your vehicle and while you're out delivering more orders and come in to the retail store, you can then use some of the extra product that you have on board to make those and fulfill those deliveries.

- Chair Wright commented that she wanted it to be clear that they are saying, yes, you need one sale, and that one sale must be 30% of the value in each case.
 - Board Member Jessica Garcia commented that she had hoped to see in this version a bit more specificity around the kind of health and safety training that is essential for the workforce to receive. She commented that they know of one death associated with inhalation of too much dust up in Massachusetts, workers being properly trained to understand the hazards of the workplace, to make sure that they are wearing the appropriate PPE, requesting the appropriate PPE is really essential and the specifics aren't in the regs and wanted to get more details about what kind of guidance they anticipate issuing to business owners, as well as to ensure that workers are aware what kind of training they should be receiving.
 - Axel Bernabe commented that the standards that they are borrowing, sometimes from other agencies, that do worker protection in different context, and that they have to adapt, and that flexibility is probably helpful to them. He commented that those general standards are there, though, the directional and the broad requirements are clearly there, and that they have a long list already of the guidance and they will be working on those as soon as they are done with the regulations.
 - Chair Wright asked for a motion to approve an amended Resolution No. 2023-16, a Resolution Directing the Office of Cannabis Management to File Certain Revised Adult-Use Regulations, including amendments that were discussed today of the RO expansion, a processor price parity, clarification on delivery and a number of other items. Upon a motion from Board Member Reuben McDaniel, and a second from Board Member Jessica Garcia, Resolution No. 2023-16, a Resolution Directing the Office of Cannabis Management to File Certain Revised Adult-Use Regulations, including the amendments that were discussed at today's CCB meeting were approved unanimously.
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- Damian Fagon, Chief Equity Officer for OCM, and Tabatha Robinson, Director for Economic Development, Policy and Research for OCM, provided an overview of Resolution No. 2023-17, a Resolution to Approve the Social and Economic Equity Plan. The New York Social & Economic Equity (NYSEE) Plan reflects both the broad principles of the revised Adult-Use Regulations, as well as the statutory intent of the Cannabis Law. The plan outlines an



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approach to developing New York's legal cannabis market based on the principles of small business access, workforce equity, community based economic development, consumer choice and uplifting those people in communities most harmed under prohibition. The NYSEE Plan is broken down into four main sections:

- Part I. Introduction.
 - Part II. Background analysis with particular emphasis on the national landscape of cannabis markets and social equity initiatives.
 - Part III. Current NYSEE initiatives and business support services, and feedback from Equity Community Roundtables.
 - Part IV. Summary recommendations made by the Chief Equity Officer to OCM and the CCB.
- Board Member Reuben McDaniel commented that the plan does a nice job but he is disappointed in the fact that he does not see this as an actionable plan and that he does not see any goals, budgets, metrics, timeframes, and given that this industry is moving quickly, and without those, it is hard for them to actually have something that is going to look back three years from now and say that they did, and it will work.
 - Executive Director Chris Alexander commented that this is a living document and that the law makes clear that they are supposed to contextualize what both occurred under prohibition and be intentional about how they move this project forward. He stated that this plan lays out some of those key early decision points and that they don't yet have the quotes per se on the land or the real estate or the development of those spaces, but what this plan makes clear is that they have to move forward, acknowledging that there is a need for community and for these cannabis businesses to have a place to grow in the same model as the community kitchens and the other incubator type spaces that exist around the state. He further stated that there is a significant amount of detail on the pathways that get them away from the broader goals of the law, and that is really what the document is supposed to be.
 - Damian Fagon, Chief Equity Officer for OCM, commented that a lot of their work is being kept internal as they develop those metrics as they plan these programs. He commented that he thinks that a significant mistake a lot of social equity programs have made across the country is that they have perfectly and very carefully laid out exactly what they are going to do over many years, committing themselves to it and ultimately not knowing what could happen with implementing that plan and being unable to pivot away from it when it is clear it is not working, which happened in both Illinois and in California. He stated that overpromising is also not good for social equity licensees and applicants and that overcommitting to a plan that has not yet been proven to work is also a threat to their viability as well. He further stated that what this plan does is going to inform a lot of the more precise interventions that they have going forward and that it is a framework, it is full of guiding principles, but they hope to actually work a lot more closely with the CCB on the development of those precise programs that they are planning to launch.
 - Board Member Reuben McDaniel commented that he is concerned that as they move the market forward, and if they do not have goals, plans and metrics around what they expect from their partners on incubation, then they will always be behind trying to catch up. He commented that he does recognize that they do not want to overpromise, but that he does



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not want to go into a store that offers mediocre service and wants someone to promise him great service and then over delivers on that. He stated that they have the opportunity to do that if they open their heads together because the legislation is clear, the direction is clear, and the CCB is clear. He further stated that the priorities are raising their economic investment in various programs sets the stage for them to discuss with the legislature, with the community members, with the Cannabis Advisory Board, what the priorities are of the Office of Equity in OCM and that is what a plan does and what he wants to see is them moving expeditiously on those types of plans and programs. He further stated that he is just disappointed that they do not have those in this plan and like to understand the time frame for getting those types of more specific plans and programs.

- Damian Fagon commented that the incubation is actually probably the most fleshed out part of the recommendations and that they have a community driven, informed incubator model that they kind of explain in the recommendation section where they build off of the lessons learned from the mentorship program and the CAURD accelerator and that they will be prepared when social equity licenses for micro-business retail cultivation are licensed later this year in the fall, and will be prepared to offer a virtual incubator. He commented that there is no rush, and that this industry is moving quickly for those who are prepared, but actually believe that a slowly, organically grown industry that is patient and deliberate, will produce infinitely more equitable outcomes.
- Board Member Reuben McDaniel commented that he and Damian agree 100% on the fact that rushing has hurt social equity in other States, no doubt about it, and what he wants to make sure that they do is have a clear path on how to get somewhere so that when people are talking to them about why things are not moving more quickly, they can point back to the plan around social equity with specific means of getting social equity applicants into the various parts of the marketplace on both a capital perspective, which is important, but also on a time and equities perspective. He wants to see a plan that gives him a guiding light to be able to work on and also, some armor against all of the criticism around timing, because the faster that they move, the worse it is for social equity applicants.
- Board Member Jessica Garcia commented that in terms of the recommendations, she was not looking for an action plan out of this report, but that she is not opposed to having an action plan and would love to have a discussion on the recommendations, how to prioritize them, what makes sense to prioritize and what can all be working together hand in hand, and it is not a matter of prioritizing, it is just a matter of making it happen, so having a clear picture of that would be really helpful.
- Board Member Reuben McDaniel commented that his disappointment is not that this work is not great work, but that he was hoping to see all those things in a plan so that they could say in a workforce, here are the jobs that are your high priority and that they should talk to the different camps about how you train for those jobs here, the retail positions. He commented that this is what he was expecting in this plan and to him this is a framework and that they understand before they vote on this. He then asked what the time frame is for adding to the Plan.
- Damian Fagon commented that they have to figure out their licensing strategy and that it is the social equity, much of what people do not see in here is language around what



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that prioritization looks like in the licensing and that is the team's current focus right now is because that is something that needs to be planned for very early on so that the platform can be developed down the line when they are opening up applications and so right now what they are planning to do is a lot of community outreach to start talking about the plan and start talking about what that prioritization looks like and one of their biggest focuses this summer will be applicant support. He stated that they can share more details on that in the coming months.

- Chair Wright asked if they would be getting a plan within a month.
- Damian Fagon commented that they could have a plan on applicant support in their licensing strategy within a month.
- Upon a motion from Board Member Adam Perry, and a second from Board Member Jessica Garcia, Resolution No. 2023-17, a Resolution to Approve the Social and Economic Equity Plan, was approved unanimously.

- Chair Wright provided an overview of Resolution No. 2023-18, a Resolution Issuing Certain Cannabis Laboratory Permits. This resolution seeks to approve the inclusion of an additional cannabis laboratory testing permit for SC Labs in Liverpool, NY. By continuing to approve additional cannabis testing laboratories across the State will ensure sufficient lab testing capacity to meet the current and expanding needs across the State.
- Upon a motion from Board Member Jessica Garcia, and a second from Board Member Jennifer Gilbert Jenkins, Resolution No. 2023-18, a Resolution Issuing Certain Cannabis Laboratory Permits, was approved unanimously.

- Executive Director Chris Alexander provided the following Executive Director's report.
 - Workforce Development Outreach
 - Interactive informational sessions conducted by OCM in collaboration with the NYS Department of Labor and the Cannabis Workforce Initiative.
 - Goal of engaging public housing residents and other community members interested in job or career development in the cannabis industry.
 - Enforcement Bill Update
 - The new statute empowers OCM to take enforcement actions against businesses selling cannabis without licenses, further bolsters OCM authority by conducting regulatory inspections, utilizing court orders if necessary, and would allow OCM to seize illicit cannabis.
 - It empowers OCM to assess civil penalties against unlicensed cannabis businesses and seek court-ordered injunctions, closing orders, and removal of commercial tenants to ensure unlicensed cannabis businesses cannot continue operating.
 - It empowers the Department of Taxation and Finance to conduct regulatory inspections of businesses selling cannabis to determine if the appropriate taxes have been paid and to issue fines and penalties when they have not.
 - Dispensary Opening Updates
 - There are 10 licenses dispensaries operating across the state. It is anticipated that there will be a few more openings in the coming weeks.



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| <ul style="list-style-type: none">○ Consumers should always be checking to ensure the dispensary that they are visiting includes the Licensed Verification Tool. The sticker is only available to legal licensed shops that are recognized by OCM.- Sales Data<ul style="list-style-type: none">○ Retail revenue sales were nearly \$17 million through the end of April. Sales in April nearly doubled over sales in March.○ There are over 70 brands in stores with 150 SKUs on average.○ Half of the sales have been flower products.• Board Member Reuben McDaniel commented that he knows that they are early in the market on edibles versus flower and asked is that was a supply issue somewhat or do they have plenty of both products due to be.• John Kagia, Director of Policy for OCM, commented that they have plenty of both products.• Board Member Jessica Garcia asked as they open up more, the market upstate, will they be able to give them how the sales differ regionally.• John Kagia responded yes and that they are waiting to get to a critical mass to provide regional breakdowns and segment level breakdowns and that at this stage, it is still a little early to provide that data, as they do not want some of what would be competitive to be viewable. |
| <ul style="list-style-type: none">• Members of the public were provided the opportunity to address the CCB during the Public Comment period. Participating individuals must limit their remarks to two minutes and remarks should be related to agenda items. Public Comments are listed in Appendix A. |
| <ul style="list-style-type: none">• Chair Wright asked for a motion to enter into Executive Session to discuss specific litigation matters, including Variscite New York One, the State of New York and to obtain legal advice from the General Counsel regarding the Memorandum of Understanding with the New York State Department of Health to Continue Certain Medical Cannabis Administrative Hearings. Board Member Reuben McDaniel moved the motion to enter into Executive Session and Board Member Jennifer Gilbert Jenkins seconded. Upon a motion from Board Member Reuben McDaniel, and a second from Board Member Jennifer Gilbert Jenkins, Resolution No. 2023-19, a Resolution to Approve a Memorandum of Understanding with the New York State Department of Health to Continue Certain Medical Cannabis Administrative Hearings was approved unanimously. No other action was taken during the Executive Session. |
| <ul style="list-style-type: none">• The CCB adjourned the meeting. |



Appendix A

NYS Cannabis Control Board 5/11/2023 Meeting – Public Comment

| | First Name | Last Name | Organization (If Applicable) | Public Comment |
|----|-------------|-----------|------------------------------|--|
| 1. | Empress Ima | Ethiopia | | <p>Greetings. Greetings to all. I've been in the cannabis industry for over 50 years. Now, of course. The world. Not just to make a profit. And while the Rastafari community is known all over the world as the weed sellers, the weed growers. So we don't want to be left out. This is our sacrament. So I was born in Brooklyn. As you know, Rastafari comes from everywhere. So I was born in Brooklyn in the forties. I was arrested more than 20 times. I had cultural institutions that sold cannabis. We did medical, we do medical. We eat it. We use it for medicine. So there's so many things that we use the cannabis for. We were arrested. We've been put into mental institutions. All kind of situations have come upon us and now we see those who have were opposed to cannabis for many, many years. They're getting licenses. Many of us, me, I'm on a fixed income. I'm 75 years old. I don't want to be left out. We make products, all kinds of products. We service our community, the Rastafari community, and that and the community of color. I see people in our neighborhoods that don't look like me, that are receiving while we are not receiving. Even now, I hear they're going to be closing down on people. Yes. Okay, close down, but don't leave us out. Those who are on fixed incomes, who couldn't afford a license, who over the years were there for the for the community and the people and well, credited with the knowledge of cannabis. The things that we said years ago are being said now. Just a little bit different wording. But we were there. We've been there. We don't want to be left out. This is our sacrament.</p> |



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| | | | | <p>You know, this is something we eat, we live it, so we don't want to be left out. We want to be considered. Our generation's considered. The Rastafari community is everywhere. There's not a country anywhere that Rastafari isn't. And not only that, we are always asked. Yes, we are always asked for that Holy cannabis. Thank you.</p> |
| 2. | Jason | Beizavi | | <p>Hello, my name is Jason Beizavi. I'm one of the New York State AUCC licensed farms. My license number is number five. Um, so far, this year has been very challenging coming from hemp, where most farmers really, really struggle. Most people, you know, barely rolled into this program. Um, and there's a number of things that would be helpful for the firearms, uh, the ability for you to maintain current distribution and minimal processing rights for the remainder of the conditional licensing period. Uh, also to align with Cornell University's Aspergillus testing recommendations for curfew count rather than the current pass fail, which you currently is, which is very challenging to pass. Um, allow he seeks to sell directly to adult consumers through farmer markets, which was mentioned in the People-Stokes sponsored Bill 806593 The Cannabis Rescue Act, which I support. If the Cannabis Rescue Act was passed, we need OCM support to issue immediate guidelines who cultivators can enact these solutions and keep the market growing. Uh, as you said, Ms. Wright, in an interview on News 12 in Long Island on April 20th, we are mandated to have a social equity program. The farmers with the first participants in licenses. I thank you for your opportunity to participate in this industry and for continued opportunities to support New York's growth and future abundance. I also represent a group called the Cannabis Farmers Alliance, and we would like to open up direct dialogue between AUCCs and the OCM so we can work together. We would hope there was a way to create that connection in that dialogue. Thank you.</p> |
| 3. | Joann | Kudrewicz | | <p>Hi, I'm Joanne Kudrewicz. I was married before I could say it, so no worries. First, I would like to thank you all for the hard work and dedication that you've put into developing this program and building a New York state industry. Cannabis industry. We all know for sure that this is going to be one of the best, if</p> |



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| | | | | <p>not the best in the world. My name is Joanne. I'm CEO of Ravenswood Genetics. We're a women's owned women's lead, a UCC facility in Delaware County. I'm also the chair of the Cannabis Can Cannabis Association of New York, otherwise known as Cannabis Cultivation Committee. And so I'm speaking to you from that role in the Spirit, similarly of opening better communication channels and collaborations with your office. Our committee has organized a town hall event, which is scheduled in two weeks on Thursday, the 25th at 3 p.m.. It will be a virtual Zoom event and I am now extending a personal invitation to each of you to attend. I do want to thank Damian Fagan for his promise to attend, as well as many of our communities official representatives. Our committee has spent much time canvassing our community to gather the questions and issues most important to the current and future cultivators. We will provide these questions in advance to your panel, and we hope to have an opportunity to gain greater clarity around the current and future landscape of our part in the supply chain. Again, I want to thank you for your time and also the transparency today. I will say it was truly encouraging to witness the behind the scenes conversations that happen and to feel in real time that you are real people with real concerns for us. Those of those of us in the supply chain and the communities that you serve. So I hope you may experience similarly at the town hall event. The real workings and challenging and heartfelt concerns of our cultivators and that this type of coming together, we can participate in more of a collaboration in the development of next steps and future opportunities. So thank you.</p> |
| 4. | Justice | Merkel | | <p>Hello, everybody. I'm not sure if I'm going to be able to get this all on 2 minutes, but I'm a AUCC 95 starlet 420. We're actually in the Finger Lakes region, so for us, it's been extremely difficult to hit the market with the lawsuits and everything that we've had tied into this. It's been almost impossible. And I also represent the CFA, which is, you know, the Cannabis Farmers Alliance. And basically we've come to the point where we are all considering that this is an emergency without immediate relief.</p> |



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| | | | | <p>The participants that AUCC program are going to fail. This is an unnecessary emergency. And has we earned a license and promised there would be stores that would sell the cannabis we grew? And now today I actually hear, which is kind of disturbing. You guys discuss bringing ROs into the mix prematurely. We haven't had a chance to even sell our products. You know, there's what, ten stores open now? That's there's almost 300 of us. And so the market is there. People are buying a lot of cannabis. We just don't have a way to actually get it to market. And the fact is that all of our crops are from last summer. And so me personally, I'm ready for market. I have all my T's crossed and I's dotted. But the fact is we're using older cannabis that we're going to try promoting as the freshest, best stuff we can provide. And so for me personally and other growers, our businesses are going to suffer right from the start. If there a way that we could actually bring at least our older cannabis from last year to market and you know, directly New York state as a whole is going to benefit because what's going to happen right now is you guys bring bringing the ROs the money from New York state is not going to stay in New York state if you follow the trail. The ROs most of their leaders are from this community. They're not from any of our local means. They're not Rastas. They're not anything. They basically are here just to extract money from New York State. And so give us a chance as cultivators. And I promise you, we will provide the best cannabis in New York and throughout all the rest of the country. So it's basically.</p> |
| 5. | Scheril | Murray Powell, Esquire | The JustUS Foundation | <p>All right, Good afternoon. My name is Scheril Murray Powell, Esquire. I'm a cannabis agricultural dietary supplement screen trade and psychedelics attorney. I'm also the CEO of the Justice Foundation. We facilitate legacy operators getting into the space, and I'm a proud advisory board member for Unlock the Unified Legacy Operators Counsel Today, I'm going to yield my time because again, we were successful in getting a number of Justice Fellows their licenses today. So really grateful for the opportunity and the work of the OCM. And I'm going to read one of our justice fellows. He couldn't be here today because he's taking care of his daughter, but he felt really strongly about making a statement today.</p> |



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| | | | | <p>So here is his statement. I am Von Jefferson, co-owner of Lourdes. Lourdes Lakewood stands for Legacy operated retail dispensary Service, and I am from Bed-Stuy, Brooklyn. First and foremost, I'd love to thank God my business partner, Dorian Harrington, Cheryl Murray Powell and the OCM. Congratulations to all of my fellow card license recipients. My message is to keep going and keep your faith that at an all-time high, no pun intended. I represent four legacy operators and I truly believe this moment in history with the legalization of cannabis is a part of our divine journey as a culture. A key part of my personal journey is rooted in Morrisville, New York. He's an alum, and this cannot be a coincidence that the Lord's application is being accepted and acknowledged here on this particular day. This is my destiny as my partner, Dorian Harrington said two weeks ago. We're getting our license on 511 because our application number is 512, meaning we got next he manifested this. And would you would you even believe that me, even knowing him, is rooted in Mooresville going back 20 years ago. So I say keep the faith, remain righteous and keep going. Thank you, Brooklyn. We did it .</p> |
| 6. | Joseph | Calderone | | <p>Hello. Thank you. So much of a fuss over this little plan, huh? Thank you so much for your work. I know. It's been difficult. And for this historical program, and there's a lot of moving parts. So I represent a farm, AUCC number 34. In Steuben County. My name is Joseph Calderone, and I also. Represent the Cannabis Farmers Alliance. I just want to say this is an emergency for a lot of us farmers up here without immediate relief. Participants in the AUCC program are going to fail. This is an unnecessary emergency. We earned a license and we promised there would be stores that would sell the cannabis. That we. Grew. We held up our end of the bargain. We have created a mountain of high quality cannabis that is ready for market and the market is there.</p> |



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| | | | | <p>People are buying a lot of cannabis. They should be buying. New York, growing cannabis, our cannabis. Thank you. We're taking on a lot of risk. We took on risk to grow the cannabis. We spent time, we spent money and we are taking on risk by coming here today. Our license. Renewals will go. Before the OCM. The main cannabis industry. Lobbying group is proposing solutions that do not help the farmers. And then when we need help. The cannabis industry media claims that helping us creates the division with the card licenses, but we know that card licenses understand our predicament as well. Thank you. All right. So, I just think, you know, that there's a positive economic multiplier effect. You know, based on the NCIA and Colorado was 2.5 for so for every. Job created in the cannabis industry. Another 2.54. Are created. That would be negative a negative economic multiplier effect if these rural farms failed. And I think that that would go against one of. Your key objectives, which was social equity. So thank you very much and thank you for all your work.</p> |
| 7. | Kareem | Haynesworth | Big Gas Dispensary | <p>Hope everybody's doing good this beautiful day. First off, I want to give a thank you to the OCM and the Cannabis Control Board. You guys did a tremendous job. I also want to apologize on behalf of me and my fiancé with also an application for. Annoying calls emailed. Yeah, definitely to address. Patients, but. I'm not a justice impacted individual on the application and this is really shows that things could change. And the world is definitely taking a stand on making things better for people such as myself. And I'm just grateful for this opportunity. I've been a part of this plant and standing by this plant and a part of the cannabis community. Since I was 14 years old, I received felonies, few arrests and still fought for it. So, I'm just</p> |



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| | | | | <p>we're just happy and want to be the model group that shows this social equity program works.</p> <p>And one of our models that a team is failure is not an option. And we are going to take this the same approach with everything we got going here. Thank you, guys. Again.</p> |
| 8. | Mae | Backer | | <p>First of all, for all the work, I know that there's a lot going into it. My name is Mae Barker.</p> <p>I work with Grateful Valley Farm as a cultivator, AUCC license 34.</p> <p>I'm also a member of the Cannabis Farmers Alliance and a member of the Farm Bureau.</p> <p>I just wanted to ask how many in the audience were cultivators? Just so we can kind of see how many are here and how many of these cultivators of under 300 employees? Well, we represent small farms and small businesses, and we want that place in the market, too. And we appreciate the opportunities that you've given us thus far to get there.</p> <p>As John , I'm sorry if I pronounced your last name wrong, you said the supply is not an issue. We have beautiful products ready to get to market.</p> <p>What we're asking for is more channels to get that into the hands of the New York customers.</p> <p>The adult use recreational customers who are eager to have that.</p> <p>We proposed amendments to the bill that Lou Pardo presented and the Farm Bureau sent out a memorandum of support in those amendments, basically providing us with the minimal processing that you've already given us, because that was to, you know, offset the roll out of the market, which is still rolling out.</p> <p>So we're asking for those provisions to be extended to the length of our license so that we can stay a player in this game. Like you said, there are some growing pains and we felt them. The many cannabis farmers are facing bankruptcy and they're very distressed.</p> <p>And if we fail, farms and homes are going to be lost to bankruptcy and repossession communities and cultivators are going to be further distressed.</p> <p>We have solutions that we're hoping you'll consider in maintaining the language that already allows us to minimally process. As John said, 50% of the sales are flower and pre-rolls, which we're already allowed to produce, allow us to continue producing that so we can get those into the hands of the customers as well as just allowing us to sell directly, opening those channels up so that more consumers can access the products that we've made and we can collect</p> |



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| | | | | the taxes and we can get this program on the road. So thank you so much for all your work. |
| 9. | Jeanette | Miller | | <p>Hey, everybody. Hello. Katherine and I are not related. We met today, but we have been speaking over the phone for a while. There is also a Gina miller, and everybody always seems to call her husband to try to find me. So my name is Jeanette Miller, and you guys have seen me a lot. Some of you and I have been around in the cannabis industry for a long time. I was at the original hemp bill signing. I have worked with our legislators, but more importantly, like my my people, my friends here, these other people couldn't say it better. We had things prepared. You know, I'm a cultivator. I'm going to use you, say cultivator. License 120. I am also a Farm Bureau member, and I'm proud to be a Farm Bureau member. I was my president, my county, because said on board. Currently I sit on three state committees, cannabis, pro ed and specialty organic crop. We got together because we didn't have a voice individually. There's a lot of lobby groups out there claiming they're talking for us, but that's not us talking for ourselves. The reason why I'm with farmers, this is grass roots. We have to like propose resolutions and get the whole membership of Farm Bureau, our delegates to vote on those. The policies we create, we stand for a Farm bureau are what we speak on. But that wasn't good enough for me. We need to have our own voice. So we decided to create the Cannabis Farmers Alliance. That was what we could come up with because we know there'll be other cannabis farmers who want to align later on. But right now we need to focus on us AUCC people. I think it's like a coincidence, but serendipitous that you, Tremaine, said that we are mandated to have an equity program and that the farmers are the first, well, you know, participants and licenses One year from the day that you said that until the Prado came out with what I'm calling the Farmers Rescue Act. Okay It is not rescue me, don't use cannabis. It is rescue with farmers that built this industry on our backs. Okay. And a little touch. I mean, okay. I've been on my own since I was 13. I was like, legally homeless at 14.</p> |



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| | | | | <p>I've been emancipated since I was 15. I have lived a life of being on my own and making it.</p> <p>I went back to college and I have a master's degree with a human of 4.0 while smoking cannabis.</p> <p>I use it as a medical thing.</p> <p>So I went to the hemp industry.</p> <p>Okay, I have never had more legal trouble. I never wanted to give up more on my life than now as a farmer.</p> <p>Okay. With all the regulations, I mean, overregulated as a farmer.</p> <p>That's how I got it in the Farm Bureau. I was told I could have small farm and 70 acres of land in an agricultural district.</p> <p>And now here again I went through the hemp and advocated for that, and that almost bankrupt us.</p> <p>And now, you know, you offered us an opportunity because you knew we could create these craft products that he set himself, our quality products that are on the market.</p> <p>And this is going to kill me.</p> <p>Okay? We need to open up communication because my story is going to be hurt, okay? And it's not going to be heard by you guys. I'm going to have to tell the other places.</p> <p>The legislators know that my town is working with us as a Danone, is working with the farmers.</p> <p>She knows the intent of her language is farmers.</p> <p>Okay? There's other lobby groups that have other intent.</p> <p>The intent from Dana and Michelle is farmers, and I appreciate you guys listening. I realize I went above time. I'm so sorry.</p> <p>This gentleman was so nice.</p> <p>You guys have a great day.</p> |
| 10. | Katherine | Miller | | <p>Hi, Hello, Hello, everyone.</p> <p>I met many of you here at my farm last year.</p> <p>I think I might have been the first farm that you visited.</p> <p>And at that time I was a stressed farmer, but am really excited about what was going to happen.</p> <p>And now, less than a year later, I have become a severely distressed farmer.</p> <p>I, like many of the people here, am really, really concerned about the future of my business that I have built over the last 13 years.</p> <p>I have I'm lucky enough to have an ancillary food production business that comes from things from my farm and that has been what has bankrolled my cannabis enterprise.</p> <p>But that well has run dry and I am maxed out on every possible source of financial income that I can get.</p> <p>I've taken extra loans and lines of credit against my farm to try and keep going, and it is now the time to plant seeds, which, by the way, are really expensive.</p> <p>I mean, I don't think people understand when you talk about</p> |



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| | | | | <p>seeds that are three and four and five and \$10 per seed. And so, you know, this is the time I actually have three employees that are waiting to come back to work. And I keep putting them off week to week because I'm not sure I can make payroll.</p> <p>We need to open up lines of sales and we need to do it now. This is an emergency and I just really need to be clear that this is for the people who put ourselves in our businesses and our lives on the line for this to make this happen.</p> <p>It's pretty it's pretty distressing to find ourselves in this situation, particularly when we're hearing about sales of \$20 million and things like that.</p> <p>When we're sitting on a mountain of cannabis that we can't move.</p> <p>So please, please help us.</p> <p>We beg you. Thank you so much.</p> |
| 11. | Michael | Flynn | FlynnStoned Cannabis Company | <p>Hey, everybody,</p> <p>I'm so bad at this part of this, but I just wanted to come say hi to everybody.</p> <p>I'm Mike Flynn, the owner of Flynn Stone Cannabis Company. I just want to express my gratitude to the Office of Cannabis Management for awarding me a card license today. Thank you so much.</p> <p>This marks a major milestone for us today. We have big plans for what could potentially be the New York state's largest cannabis dispensary right here in upstate New York.</p> <p>I'm reminded of my own journey with cannabis where as a young adult, I was arrested for unlawful possession of marijuana.</p> <p>It was a difficult time for me, but I made me realize that something needed to change, and I knew that I wanted to be part of this movement to legalize cannabis.</p> <p>And today, I'm proud to say that having a legal dispensary has come full circle for me.</p> <p>Thank you so much.</p> <p>I'm not done yet.</p> <p>I mean, honestly, waiting for the onsite consumption regulations to come out. We planned this beautiful space to accommodate that.</p> <p>And we hope that we hope to be one of the first nine sites open in the region as well.</p> <p>So I just want to thank you guys big time. Thank you so much. And I won't take this responsibility lightly. I will work hard to ensure that the dispensary is safe, responsible and provides the highest quality products and services to the customers. And I thank you very much.</p> |
| 12. | Michael | Golden | The Higher Calling | <p>Hi, I am Michael Gordon. I'm the co-founder of The Higher Calling and now the hire company application number 482.</p> |



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| | | | | <p>So our we were approved today as well as I'd like to thank the board for the opportunity as well. I'm extremely excited, extremely grateful.</p> <p>I've been working for the last two years as an advocate to a race to eradicate the stigma around cannabis. So we started a clothing line and been on the conference circuit and everything.</p> <p>So I've got to see firsthand like, you know, how committed you guys are in the process and coming along and everything like that.</p> <p>I know it's been a little bit of a rocky road, but I feel grateful and hopeful for what's ahead.</p> <p>I'm also on the social equity committee with Carney, the Cannabis Association in New York, and a proud member of the Card Association as well.</p> <p>So I know there are some other car applicants that are still waiting to have their number called, and I'm hoping that the process gets moved along quickly for them as well. And in terms of the other license licensing coming up, I know there's that intersection where social equity is going to meet with retail and manufacturing.</p> <p>And I'm hoping that the process for those folks can be a little bit easier.</p> <p>If you got I suggest maybe taking into consideration some sort of pre-qualification or pre pre-approval process so people can maybe verify that they are indeed at least a social equity applicant makes them other.</p> <p>It makes it a little bit easier to plan and maybe talk to investors and get their ducks in a row and things like that going forward.</p> <p>Again, thank you so much for the application. Shout out to my man with the Wrap it up song and we'll leave it there.</p> <p>Thank you.</p> |
| 13. | Justin | Meadows | Veteran Social Equity Group | <p>Oh, good afternoon.</p> <p>Today, as a member of the Veterans Social Equity group and the vice chair of the Veterans Committee of Camp Association of New York.</p> <p>I want to express my gratitude for the tremendous support we have received from the Cannabis Control Board and the Office of Cannabis Management.</p> <p>Special thank you to Chris Alexander for the including us on the Subcommittee for the Veterans Committee Subcommittee and to Damian Fagon for the contributions of the social equity plan and including to Matt and allowing us the position to be on the Cannabis Advisory Board.</p> <p>Yeah, I'm kind of sure. Thank you.</p> |
| 14. | Zymia | Lewis | Big Gas Dispensary | <p>My name is Zymia Lewis.</p> |



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| | | | | <p>Hi, everyone. Thank you. OCM, Damon. We're big guys. We were just the pool today. We were in the Mid-Hudson. Yes. We did not. Think that those were going to happen with the. Injunction and just actually being equity people. We come from the bottom. We are putting all of our work into this. We did our application on our own. We use our own funds. You know, we are really working hard. So, it's great to see that you are actually a proven people that are really deserving of their that really come from nothing and have a future to give their family generational wealth to help their community out. And last but not least, I met my fiancé. Well, I started dating him ten years ago. An act on what does he want to do with his life. And he said, I'm not giving up on weed. I'm going to be a dispensary owner. So thank you for making his dreams come.</p> |
| 15. | Anthony | King | | <p>I'm a patient with the office of cannabis management and I wish to join this meeting via zoom because I live in Bronx New York.</p> |
| 16. | Michael | Disorbo | | <p>When recreational home grow is allowed, why would a medical card holder, who cannot afford to pay dispensary prices but can grow his own medicine, continue to stay in the medical program? Will there be an incentive to keep us in the program by allowing higher plant count for medical growers? Thanks for all you have been doing to make this plant finally available to those who need it!</p> |
| 17. | Carrie | Gallagher | | <p>I live in Bay Ridge, Brooklyn. An unlicensed smoke shop opened on my block last summer and it has been nothing short of a nightmare ever since. They were "raided" in November 2022 and reopened the very next day, flaunting jars of marijuana in the windows with impunity. They are operating within feet of a high school and church, the stench from the place wafts into our living room windows, cars double park and speed down the block all day, and I've seen them knowingly sell drugs to on-duty school bus drivers at 9am. I have complained repeatedly to our elected officials but these thugs are still in business almost a year later. What is this city doing to address this issue? Why are the rest of us following the law or trying to set an example for our children while places like this are let loose to run drug dens and bring down our property value? I know some changes were made in</p> |



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| | | | | <p>the new budget, but will anything be enforced? Will they be shut down or will the landlords leasing space to these scofflaws actually be fined?</p> <p>If this was meant to bring tax dollars to New York, you are doing exactly the opposite: you're running law-abiding tax payers like me OUT of the city and state. And this has nothing to do with politics: I'm a life-long democrat, but if I'd known it was going to be like this there is no way I'd have voted to legalize marijuana.</p> |
| 18. | Leeann | Mata | Weed Growers from seed to stone | <p>When advertising the legalization of cannabis in New York, I think you should also focus on the expiration date that the dispensaries clearly display. A lot of people is purchasing marijuana from smoke shops that are old and moldy.</p> |
| 19. | Charisse | Mitchell | | <p>Hello, I am one of the citizens in Albany, NY who missed my CAURD application deadline. I do not think it is fair that you opened it up and I did not see anything on the news for it and it was very difficult for me to obtain info. I also am in the middle of trying to start a delivery business. I got my business ready because on the site and paper the office of cannabis handed out a paper that said delivery but when I called they said it was not regulated yet so my business has come to a stand still because I am missing a license. I also want to comment that I have got word that they are only giving out delivery licenses to certain people. I am getting different answers from everyone and I wish there was better communication of things because now I have a pending business with no license. I would like to see the delivery to go out to people with things on their record like CAURD too because I have been trying to start this business for over a year and a half.</p> |
| 20. | Tess | Eidem | CU Boulder/Rogue Micro | <p>Microbial risks associated with cannabis flower smoking warrants more attention by manufacturers and regulators. Microbes and their bioactive agents can survive combustion as bioaerosols, and travel into smoke. When inhaled, living pathogens can cause disease in smokers and the non-living biological agents (LPS, peptidoglycan, toxins, ergosterol) can induce inflammation associated with chronic bronchitis and emphysema. In a recent seminar, I've provided nearly 40 scientific citations outlining the increased risks of fungal infections to cannabis smokers and the increased risk of COPD diseases in smokers. These are risks that must be evaluated by manufacturers and regulators so preventive controls can be put in place, similar to food safety regulations by the FDA.</p> <p>I am concerned about the process of remediation, which uses methods like irradiation and ozone to recover contaminated, "adulterated" product. These methods are used to treat "failed" product, allow for re-tests, and are often sold to consumers</p> |



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| | | | | <p>without proper labeling. The FDA does not allow the recover of adulterated products in this way, and the United States Pharmacopoeia specifically prohibits it in their 2020 guidelines for cannabis inflorescence.</p> <p>Contaminated product with heavy bioburdens of fungal and bacterial species, both living and dead, pose a risk to consumers that is often ignored. The best approach is to address contamination at the root cause, implement good practices and preventive controls, and produce low bioburdened, pathogen-free product. Cultivators are responsible for the risks their products pose to consumers, and remediation is allowing potentially unsafe product to pass compliance testing.</p> <p>Please see my seminar on this topic here: https://youtu.be/YMqEXqhaxck</p> <p>Thank you for your time, Tess Eidem, Ph.D., PCQI</p> |
| 21. | Empress Ima | Ethiopia | The Ethiopian World Federation, Incorporated- Just Us Foundation Leadership Panel 2 | <p>I have been in the cannabis industry for over 50 years. Cannabis or weed is part of the Ras Tafari Culture. We have had culture shops which serviced our community while also making Cannabis available. All over the world the Ras Tafari Community is known for its expertise in Cannabis. Many ones who were anti-Cannabis are now receiving licenses and selling cannabis in our neighborhoods (while taking the money out) while we in our seventies cannot afford licenses and are left out.</p> |
| 22. | Walter | Iwachiw | wee4justice | <p>The class requests a full list of CAURD applicants for inclusion in the class membership. please email Iwachiw2001@yahoo.com with the list or request to be included in the class. Thank you.</p> |
| 23. | Kasim | Lanzot | Old Oak Craft Cultivators, LLC | <p>Dear members of the NYS Cannabis Control Board, I am writing to express my concern regarding the lack of funding and resources available to social equity candidates, such as myself, to help prepare for the licensing process and the development of businesses such as microbusiness cultivation. As a member of a marginalized community, I am struggling to navigate the process and would greatly appreciate more guidance and support.</p> <p>I am also concerned about the prohibitive cost of legal representation, which puts small business owners at a disadvantage compared to major corporations in the market. While these corporations can afford legal representation to influence the licensing process, small business owners like myself barely have a fighting chance.</p> <p>I believe that increasing access to funding and resources for social equity candidates and providing more guidance and support will help level the playing field and create more</p> |



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| | | | | opportunities for marginalized communities in the cannabis industry. Thank you for your consideration. Sincerely, Juan Kasim Lanzot |
| 24. | Gregory | McCarthy | Sacred Art Gardens | If New York State cares about equity they should find a way for the gray market and legacy operators to apply for a license. The new enforcement legislation against the illicit market is a big step backwards. You're going to need 2 million police officers and IRS agents standing on the corner of every street, monitoring every single citizen. Remove the bureaucracy. |
| 25. | Trevonne | Gilliard | | <p>The new list of approved licensees has been posted. I unfortunately did not see my number. The list seems to bring the total applicants approved to about 215+/- . Can you please post if there are any remaining spots for the Mid-Hudson region and if so how many. Some releases say the region, some say the entity name, and some just list the CAURD #.</p> <p>I am not sure why my application was not scored high enough to be approved yet. It is rather disappointing that there is no transparency with the scoring or the approval process. If applications are being reviewed in the order they were received our application was submitted less than 300 out of the 900. The 5 Mid-Hudson applicants approved at the April meeting all have application numbers that were submitted after mine. I had a minor deficiency that I resolved immediately months ago, so there was nothing to hold up the application. Why are some applications receiving priority?</p> <p>The Mid-Hudson region is made up of many counties. I hope that when you are awarding these licensees you are taking into consideration people who intend to open a dispensary where they live, work and raise their family. Is there an even disbursement amongst the counties? What if all the Mid-Hudson licensees are concentrated in certain areas? 3 of the 5 Mid-Hudson Licensees previously awarded were not even from the Mid-Hudson areas, they had corporate addresses located in the NYC area. Our dispensary would be 100% minority owned by my husband and I. We would not just own a 30% portion. Is that something that you take into consideration? If not it should be. We have already lost so much time due to the lawsuit and residents all over the state have been disappointed with the slow roll out. I hope that you take all of this information into consideration and I hope that someone is able to reach out with some transparency. It is discouraging to think that even though we meet all the requirements, that this process still may not prioritize businesses with 100% justice involved minority and women owned enterprises as it is intended to do.</p> |



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| 26. | Daniel | Berger | | <p>I hope this letter finds you well. I am writing as a New Yorker and justice-involved individual first and foremost, and as a representative of the cannabis business community in New York. My message is one that echoes the sentiments of many in our industry.</p> <p>Firstly, I kindly implore you to reconsider the requirement of 10% ownership of a pre-existing business as an eligibility criterion for obtaining a Cannabis Retail Dispensary (CAURD) license. This requirement significantly restricts the pool of potential applicants, hindering the entrance of new and diverse businesses into the industry. It can be challenging for many promising entrepreneurs, who do not meet this specific criterion, to establish their businesses, thereby limiting the growth and diversity within the cannabis market in our state. I believe that if the goal is to develop a robust, competitive, and inclusive market, then these stringent requirements should be reconsidered. Perhaps a more inclusive criterion could be considered, one that does not exclude new entrepreneurs who are passionate about contributing positively to this budding industry.</p> <p>Secondly, I seek clarification on the guidelines for the delivery license. As it stands, a CAURD license holder can employ an unlimited number of delivery workers, whereas a holder of a delivery license is limited to 24 employees. The disparity in these regulations appears to be creating an unlevel playing field. I would appreciate it if you could provide further clarification or review this policy for possible revision.</p> <p>Thirdly, I am also writing to inquire about the timeline for the next round of license applications. Knowing when new opportunities will be available to apply for a license would be beneficial for my planning and growth strategies.</p> <p>Lastly, I encourage the Office of Cannabis Management to take inspiration from our neighbors, such as Massachusetts, where their cannabis regulatory body consistently accepts new license applications. This open-door policy encourages healthy competition, stimulates economic growth, and allows for a more diverse and dynamic industry.</p> <p>I understand that the regulations were set with the best intentions for the industry and the public at large. However, constructive feedback and adjustments are vital to the development of any new sector.</p> <p>Thank you for taking the time to consider my concerns and for your continued commitment to developing a thriving cannabis industry in New York State. I look forward to your response and</p> |



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| | | | | to the continued growth and evolution of the cannabis market in our state. |
| 27. | Josh | Allyn | Tap Root Family LLC | <p>I am writing to express my concerns about the current regulatory landscape imposed on the cannabis industry in New York State, particularly the burdens it places on small-scale farmers. As a stakeholder in the industry with a vested interest in the well-being of small farmers, I feel compelled to share a heartfelt account of the unintended consequences that overregulation can have on these hardworking individuals. I am writing now since this event just took place on May 9th, 2023. Our farm is well-funded and has the resources to navigate the extensive regulations set forth by the OCM. We have a strong social media presence, a podcast, and a history of supporting small farmers through donations, collaboration, and knowledge sharing. Recently, we had arranged for a small-scale farmer, with whom we have a longstanding relationship, to visit our farm for a tour and a podcast feature. This farmer has been struggling with the increasing workload and stress caused by the OCM's regulations, as well as maintaining their greenhouses with limited resources.</p> <p>Unfortunately, the farmer could not make it to our farm due to an unexpected family emergency. Although not directly caused by regulatory issues, this incident highlights the fragility of small-scale farming operations, where a single disruption can have significant consequences. Additionally, we were ready to share our expertise in addressing greenhouse issues, as we recently experienced similar problems but had the resources to hire a professional team to resolve them.</p> <p>The story of this small-scale farmer is a powerful reminder that any extra burden on their shoulders can be catastrophic. The OCM's regulations, while well-intended, may inadvertently harm the very people they are designed to help by creating further stress and exacerbating existing disparities between small and large-scale operators in the industry.</p> <p>It is crucial for the OCM to re-evaluate the impact of its regulations on small-scale farmers and to consider more targeted, nuanced approaches to regulation. I respectfully request that the OCM revise the regulatory framework in a manner that alleviates the burden on small-scale farmers and ensures a level playing field within the industry. The livelihood of these dedicated individuals, who are the backbone of our local communities, depends on a fair and supportive regulatory environment.</p> <p>Thank you for taking the time to consider the real-life struggles of small-scale farmers, and I look forward to your response. By</p> |



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| | | | | working together, we can create a more compassionate, sustainable, and equitable cannabis industry in New York State. |
| 28. | Jessica | Mahar | | <p>I wrote the letter below to the Office of Cannabis Management some time ago and never received a response. Today I read the agenda for your meeting and looked at the revised regulations to discover that "community facility" as previously defined, is no longer included in the regulations. Now, under the draft revised guidelines there is a definition for "public youth facility." This requires the facility serving children to be publicly owned. My daughter currently attends a dance school located next door to the first upstate New York dispensary. The new definition is not adequately protective of kids.</p> <p>I am pleased NY has begun opening adult use marijuana dispensaries in Upstate NY and support this policy change and the economic opportunity it will create in our state. However, the much publicized first Upstate NY dispensary location is problematic and out of compliance with the state's guidelines for siting such locations. This issue must be addressed for health and safety reasons, including children's safety, and for the ultimate success of NY's legal cannabis program.</p> <p>The Upstate Canna Co is located on Union Street in Schenectady. Due to the location being adjacent to several existing facilities that serve children, I believe the dispensary is sited in violation of the NYS Office of Cannabis Management Guidelines for Adult-Use Retail Dispensaries (see link in references below). This dispensary, at 1613 Union Street, is located on the same block as 4 dance studios operated by Dance Me (1619 Union Street) and Pai's Taekwondo (1615 Union Street), both of which meet the definition of "community facility" in the above reference guidelines. Both are facilities that "provide recreational opportunities or services to children or adolescents."</p> <p>My daughter attends dance lessons at Dance Me four days a week and teaches dance there on another day. Each day this week when I brought her to class or picked her up there was a line down the street, sometimes around the corner. There was one staff member of the cannabis store outside at the door checking ID. There was no municipal public safety presence, despite the dispensary using the public sidewalk to queue its line. That block of Union Street smelled of marijuana, as did the inside of two of the dance studios. Our children are there for exercise and education, and this exposure to adult drug use is inappropriate and unsafe.</p> <p>Children and parents entering and exiting the dance studio now have to contend with this scene, including exposure to marijuana smoke. Some of the children, including my own, had</p> |



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| | | | | <p>to smell marijuana their entire class session as they danced and exercised. I am concerned about our children’s exposure to smoke, smell and crowds of adults purchasing and consuming drugs. I am also concerned about the children’s mental health as this situation is stressful and they are having to navigate a block full of adults buying, and some using, drugs in front of them as they move between studios for different classes. Several of the children expressed fear and concern over the situation this week as we came and went from classes. Again, I am a supporter of legalizing adult use recreational marijuana in NY. However, I believe it must be done responsibly and in a way that supports existing local businesses and does not create potential health and safety risks, especially for children. Accordingly, the location of this dispensary must be revisited as it is out of compliance with state guidance. The public health and safety issues must be addressed immediately, for the welfare of the children and families using community facilities on that block.</p> <p>Thank you in advance for your time and attention to this matter. Jessica Mahar jessicamahar@gmail.com 518-669-5067</p> <p>References: 1. NYS Office of Cannabis Management Guidelines for Adult-Use Retail Dispensaries https://cannabis.ny.gov/system/files/documents/2023/02/guidance-for-adult-use-retail-dispensaries-2.1.pdf</p> |
| 29. | Victor | Marte | | Will there not ever be a second round of Caurd Applications? |
| 30. | Jessica | Naissant | | <p>Good afternoon, my name is Jessica Naissant, I am a 29-year-old Brooklyn native, Bio-chemist, college graduate, serial entrepreneur, and CAURD applicant in Brooklyn, New York. When I applied for the CAURD program, I assumed as the justice involved individual on my application, with a CBD dispensary for over 5 years, that I would be the exact applicant that the OCM would be looking for. As a black woman from N.Y. That’s been arrested over 5x for cannabis while in college, proves a disproportionate amount of over policing for black people, black women, and even college students. My application # is 426; & Although the DASNY fund was a great initiative, I can enter the market totally self funded from my family and my community. I couldn’t attend the CCB meeting in person today, but I want to ask the OCM to truly put social equity first and allow New York natives, entrepreneurs, and women to enter the market and thrive. This is not a favor I am asking for, this is justice and the only form of “reparations” that has been introduced in New</p> |



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| | | | | York. Thank you for all you've done and continue to do. Be Blessed. -Jessica Naissant |
| 31. | Saladin | Amir | | Will there be money available for micro business |
| 32. | Jonni | Malave | ReUp Network | Glad to see progress on the Adult Use draft Regulations. Looking forward to an updated draft Part 128 & 129. When should we expect that? |
| 33. | Trevonne | Gilliard | | <p>I just heard that the board is now going to be allowing medical dispensaries to open a dispensary earlier than they initially said. This goes completely against the initial purpose. If you are allowing the big corporate medical dispensaries and MSO's to cut the line is there a way that a portion of their application costs can go towards the equity fund that seems to be struggling to obtain capital?</p> <p>If you are delaying the final list of approved applicants until June 2023 and you are allowing 12 months for the justice involved applicants to open their physical stores that would mean that by June 2024 they would be opening however if you allow these huge corporations to be approved Dec 2023 they have the funds/resources to open immediately and will completely monopolize the dispensary markets before the justice involved applicants even have a chance.</p> |
| 34. | David | Nicponski | Freshly Baked NYC | <p>Thank you to the CCB members for their work and approvals today. Thank you to Chris for his comments regarding the new legislatively granted enforcement powers to reign in the proliferation of illicit retail shops and "close down [their] businesses". These shops are one of the largest current threats to the viability of licensed retailers.</p> <p>Transparency has been an issue raised repeatedly throughout the market development process. It would be highly desirable to release some more information about the new enforcement processes. Examples:</p> <ul style="list-style-type: none"> * Will enforcement actions be prioritized in areas where CAURD licensees have approved locations? * Will there be a mechanism for requesting enforcement when new illicit shops are identified in an area already being served by a licensed retailer? * What information about enforcement actions (number in regions, organizations being targeted, "where in the enforcement cycle" a specific enforcement or investigation is happening, etc) will be publicly available? <p>I strongly encourage and request that the OCM and CCB establish processes and release this and similar information, and establish any missing processes to allow businesses and OCM to work together to "clean up" the retail situation in neighborhoods that licensed retailers are attempting to serve,</p> |



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| | | | | and promote the viability and success of the nascent licensed industry. Thank you. |
| 35. | Dillon | Blisko | Agricult Genetics LLC | <p>In the spring of 2022 I was hired by a group of individuals working for John and Nelly Langden. It began as them being interested in seed and quickly moved to them hiring me as the master grower on one acre with an agreement to pay me 1/6 of the profits. John Langden had to retain 51% ownership and the other 49% was to be split three ways between Erin Moylan (the face of Fat Nell's), Ryan Ebert (her boyfriend), and myself. This led to me abandoning my own farm in Maine and deciding to take part in the new industry forming in New York State, the place I grew up. I contributed 2,000 seeds that I had bred myself, and created an entire operating protocol from start to finish, with the majority of labor throughout the grow season being done by me.</p> <p>This was by far the most work I had ever done in a year. The team wanted to run bare bones, a skeleton crew of me and one other employee to run all of the daily necessities at the farm. Throughout the growing season I was there 6 days a week for 8-12 hours a day. I had never put in so many hours, but there was a carrot being hung in front of me that kept me going - the potential to make a life changing amount of money. As someone who has struggled for years financially, and been through many years living in poverty to try and achieve my dreams of growing cannabis commercially, it was enough to fire up my ambition and push myself even when I was running on empty.</p> <p>The field was impressive by the time harvest season rolled around, and by my estimations we harvested 2,000 pounds of trimmable flower, and 2000 lbs of biomass, working 18-20 hours a day, from dawn until well into the midnight hours. I was the lead of the harvest team working tirelessly to get us to the finish line, and was told my job was done when we reached early November. My job had been completed and now all I needed to do was await payment for my hard work.</p> <p>Now the story gets truly interesting. I had seen them treat the crop under the other license (Fat Nell's), with trifloxystrobin in the form of Luna from Bayer. I voiced an opinion that this would make them fail testing- they sprayed in the middle of the flowering cycle. Ryan Ebert started contacting me with failed pesticide tests with Fat Nell's name on the top, showing that everything had failed for trifloxystrobin. All of that product needed to be "destroyed", and was actually sold on the black market for tax free cash. The product from the entire license under Nelly Langdon was sold black market.</p> <p>So that begs the question - how are they still selling under the</p> |



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| | | | | <p>fat Nell brand? If that entire crop was sold black market, how do they have anything to package? Well, on my license, under John Langdon’s name, I produced around 2,000 pounds of high quality, clean cannabis. I was told by the team that only 450 pounds were able to be sold, that it was all I produced. That is completely impossible off of one full acre of cannabis, and this is what they did - they decided to sell what I grew under the Fat Nell’s brand. This allowed them to hide profits from me while building a brand name off of organic, soil driven growing practices “100% women owned and operated”, when it was me who ran the entire grow start to finish.</p> <p>This situation was so mentally destructive for me that I’ve spent the last 6 months in a state of non stop anxiety and depression. The farmer who achieved the results is being used by multi millionaires (the Langdon’s) to enrich them even further while I’ve been told I’ll be getting just enough money to survive another year. My compensation would be less then minimum wage if I were to be paid what they are telling me they’re going to pay me. If the cannabis industry is to move forward with the small farmer and individual in mind, then these injustices need to be identified and stopped.</p> <p>There was also another grower on Nelly’s license, Ivan Venture, submitted as the master grower in the states paperwork who was also never paid by them.</p> |
| 36. | SOHAN | BASHAR | OCMCAURD-2022-0000608 | <p>I am writing to express my deep appreciation for the efforts of the OCM and CCB and to share my excitement regarding the provisional approval of my CAURD license. I am eternally grateful for this opportunity.</p> <p>I would like to take a moment to reflect on my personal journey and the significance of this endeavor. In 1995, my family immigrated to Jamaica, Queens, NY, seeking a better life after experiencing the devastation caused by floods in our native community of Dhaka, Bangladesh. Unfortunately, upon arriving in Jamaica, we discovered a community burdened by the consequences of the war on drugs, discrimination, and racism. As a dark-skinned individual wearing baggy clothes, I frequently became a target of racial profiling and unwarranted stops and frisks. I vividly remember an incident when, at the age of 11, I was walking on Hillside Ave & 172nd St and was suddenly told to freeze. I was frisked and manhandled by the 103rd precinct, who suspected me of carrying a gun simply because of the way I held a folded newspaper. This was just one of many encounters that left an indelible mark on my perception of law enforcement and the systemic biases prevalent in our society.</p> <p>At age 16, I experienced my first arrest for possessing a mere</p> |



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| | | | | <p>two nickel bags of cannabis on Jamaica Ave & 172nd St. This encounter further highlighted the disproportionate targeting of individuals from communities like mine. Then, at age 23, I found myself a prisoner of the 107th precinct, facing charges for possessing two pounds of cannabis. The charges levied against me were excessive, and as a result, I was unjustly labeled a convicted felon.</p> <p>Throughout these challenges, I have remained steadfast in my commitment to my community. For the past 21 years, I have been deeply involved in the cannabis industry, specifically serving the residents of Jamaica, Queens. I have witnessed firsthand the transformative power of cannabis in providing relief and support to individuals in need. My experiences have fueled my determination to establish a dispensary that not only caters to the needs of our community but also contributes to its growth and prosperity.</p> <p>With this letter, I would like to propose the opening of a dispensary in our community, fully funded by myself. I am eager to demonstrate my dedication to this community and my extensive background in the cannabis industry. Located at 166-30 Jamaica Ave, which is approximately 1400 feet away from Good Grades, my proposed dispensary will be strategically positioned to serve my community effectively.</p> <p>I kindly request the OCM to consider the unique circumstances of our community, which has been disproportionately impacted by the war on drugs. By approving my recently submitted LOI (Letter of Intent) and granting me the opportunity to establish my dispensary, you will not only foster social equity but also pave the way for the organic growth of my business.</p> <p>I understand the importance of community engagement and the positive impact that a well-operated dispensary can have on the lives of individuals residing in Jamaica, Queens. I am committed to implementing initiatives that prioritize community outreach, education, and empowerment. I envision a dispensary that not only provides quality products but also serves as a catalyst for positive change within our community.</p> <p>In conclusion, I am immensely grateful to the OCM and CCB for the progress made thus far in the legalization of cannabis. I sincerely hope that you will consider my proposal and the unique circumstances surrounding my involvement in the cannabis industry. I would like to create a model dispensary that showcases the potential for positive change and economic growth.</p> |



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| 37. | N/A | | | When are you releasing all applicant scores? How are you awarding the 40/100 points for applicants based on where they lived at time of arrest? What determines this? |
| 38. | Joseph | Calderone | Cannabis Farmers Alliance | <p>CCB Online Public Comment 5/15/23</p> <p>On behalf of the Cannabis Farmers Alliance, we wish to thank you for hearing our concerns during the Cannabis Control Board (CCB) meeting on Thursday, May 11 at SUNY Morrisville. We appreciate the opportunity to share our perspectives with you, and look forward to an ongoing dialogue that can help us, and by extension, the entire NY cannabis industry. While we were encouraged by your receptivity, we do want to ensure that several key issues are not overlooked. AUCC farmers are finding themselves in an unnecessary emergency; without immediate relief, these first participants in the Office of Cannabis Management's (OCM) Social Equity program are going to fail. As farmers, we have collectively invested millions of dollars, and countless hours away from our families and prior businesses to do what was asked of us - grow high quality cannabis. AUCC cultivators have grown hundreds of thousands of pounds of product, but several barriers are still holding us, and the market, back.</p> <p>While many CAURD licenses continue to be issued, very few retailers have actually achieved readiness to open their doors and purchase our products. Adult recreational consumers are ready and eager to buy our cannabis, but the options to do so legally are still few and far between. Furthermore, the main cannabis industry lobbying group is proposing solutions that do not help the farmers, and the media claims that helping us creates a division with the CAURD licensees - our future customers. However, nothing could be further from the truth. Our success is intrinsically linked to the future success of retail dispensaries, including CAURDs.</p> <p>We need to sell last year's product in order to grow this year's crop, so we can be ready with fresh cannabis for the 2023 market. One solution is to allow the AUCC licensees to sell directly to New York's adult consumers, either on the farm, via delivery, or at another approved venue. Another solution is to allow cannabis farmer's markets, either with or without a CAURD licensee on site to facilitate transactions. A third solution is to have New York state buy our 2022 crops, thus providing farmers with the necessary funding to continue production into 2023 and beyond.</p> <p>Another constraint to our success is the overly stringent pass/fail aspergillus testing. We implore the OCM to reconsider their current recreational use testing limits, and move from pass/fail</p> |



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| | First Name | Last Name | Organization (If Applicable) | Public Comment |
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| | | | | <p>to a reasonable cfu threshold instead, which would align with research out of Cornell University. According to the “New York State Cannabis sativa L. Production Manual,” published by the Cornell Cooperative Extension, the NYS Department of Agriculture and Markets lists aspergillus testing limits at <103CFUs/gram. If the OCM would update their regulations to reflect these or similar limits, much more New York cannabis would be moving forward to market. This would also have an immediate and dramatic impact on laboratory and remediation overhead costs. The decision to change state policy to an allowable CFU threshold over a qPCR pass/fail is not without precedent - other states have modified these standards. In closing, we again thank the Cannabis Control Board and the Office of Cannabis Management for all of the opportunities they’ve provided thus far. The emerging cannabis industry remains full of potential for businesses of all sizes to grow and thrive. We ask for your immediate action in addressing the aforementioned hurdles and potential solutions, so that the farmers - and the entire system - can remain viable. Thank you for your attention.</p> |



Appendix B

NYS Cannabis Control Board 5/11/2023 Meeting – Information regarding sampling procedures.

Board Member Gilbert Jenkins inquired about how the regulations would require a licensee sample, for testing, its products.¹ The current version of the proposed adult-use regulations that was voted on by the Board at the May 11, 2023 meeting would require a processor to have a “representative sample” of each product batch tested by a laboratory pursuant to the revised regulations:

“(1) Prior to a cannabis product being distributed, a licensee authorized to process shall test a representative sample of cannabis products in accordance with required sampling protocols pursuant to Part 130 of this Title and determined by the Office and maintain a certificate of analysis for all lots of cannabis product tested for a period of five (5) years from the date of expiration.”²

Further, as stated by the required sampling protocols in Part 130: “A laboratory sampling firm shall obtain a representative sample of medical cannabis or adult-use cannabis as determined by the Office for testing by a cannabis laboratory.”³

The precise size of a representative sample is determined by OCM’s Cannabis Sampling Quality System Standard.⁴ The Cannabis Sampling Quality System Standard defines a representative sample as “a sample of cannabis product of the same size and composition that is required for cannabis product testing by a cannabis laboratory that represents a unique lot of cannabis product processed. The representative sample(s) must be stored on-site at the licensee facilities and can be used as a replacement laboratory testing sample in the event the first sample is compromised, or the results of the analysis require that the lot be re-tested.”

The Cannabis Sampling Quality System Standard directs a cannabis sampling technician to obtain a representative sample from each cannabis product batch by obtaining, at a minimum, a number of packaged units of the product that is based on the size of the product’s batch, as follows:

| Cannabis Product Batch Size (units) | Minimum Number of Sample Increments (per sample) |
|-------------------------------------|--|
| ≤50 – 500 | 5 |
| 501 – 1,200 | 8 |
| 1,201 – 3,200 | 13 |
| 3,201 – 10,000 | 20 |
| 10,001 – 35,000 | 32 |
| 35,001 – 150,000* | 50 |

**The Cannabis Sampling Quality System Standards prohibit batches larger than 150,000 units*

¹ Remark begins around 32:05 at <https://totalwebcasting.com/view/?func=VIEW&id=nysocm&date=2023-05-11&seq=1>

² Part 123.6(h)(1) of draft rule voted on by Board at May 11 meeting, https://cannabis.ny.gov/system/files/documents/2023/05/revised-adult-use-regulations-5-11-2023_0.pdf

³9 NYCRR 130.21(a)

⁴ <https://cannabis.ny.gov/system/files/documents/2022/08/sampling-quality-system-standards-08-19-22-final.pdf>