



# Office of Cannabis Management

**KATHY HOCHUL**

Governor

**TREMAINE WRIGHT**

Cannabis Control Board Chair

**JESSICA GARCIA**

Board Member

**REUBEN MCDANIEL, III**

Board Member

**ADAM W. PERRY**

Board Member

**JENNIFER GILBERT JENKINS**

Board Member

**CHRIS ALEXANDER**

Executive Director

## Meeting Minutes

<b>Title:</b>	New York State Cannabis Control Board Meeting
<b>Time &amp; Date:</b>	June 15, 2023 at 11:00AM
<b>Location:</b>	Roswell Park Comprehensive Cancer Center, Research Science Building, Gaylord Cary Board Room, 665 Elm St., Buffalo, NY 14263, 28 Liberty St., 55 <sup>th</sup> Fl., New York, NY 10005 and Virtual via Webcast

## Attendance

<b>Board Chair:</b>	Tremaine Wright
<b>Board Members Present:</b>	Adam W. Perry, Jennifer Gilbert Jenkins
<b>Board Members Present (virtually from a location open to the public):</b>	Reuben R. McDaniel III
<b>Board Members Present (virtually from a private location due to extraordinary circumstances):</b>	Jessica Garcia
<b>Board Members Absent:</b>	N/A
<b>Others Present:</b>	Axel Bernabe, Damian Fagon, Linda Baldwin
<b>Others Present Virtually:</b>	John Kagia

## Agenda

- I. Call to Order
- II. Welcome and Opening Remarks
- III. Approval of Meeting Minutes from May 30, 2023 Board Meeting
- IV. Consideration of Conditional Adult-Use Retail Dispensary Licenses
- V. Executive Director Report
- VI. Public Comment
- VII. Adjourn



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## Action Items

<b>Resolution No. 2023-23:</b>	Resolution Issuing Certain Conditional Adult-Use Retail Dispensary Licenses.	Passed, Unanimous Vote - Board Member McDaniel recused himself prior to the vote.
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## Notes & Comments

<ul style="list-style-type: none"> <li>Chair Wright commented that on December 29, 2022, the first Cannabis Adult-Use Retail Dispensary (CAURD) opened in Manhattan, and tomorrow in Syracuse and the Bronx, the 14<sup>th</sup> and 15<sup>th</sup> CAURD dispensaries will open. Both will be the first dispensaries opening in their respective regions. Over the coming weeks, it is anticipated that several other dispensaries will open throughout the State. Many licensees are making strides to secure and open locations, either with the assistance of the Social Equity Fund or independently.</li> <li>Upon a motion from Board Member Adam Perry, and a second from Board Member Jennifer Gilbert Jenkins, the Minutes of the May 30, 2023 Cannabis Control Board (CCB) Meeting were approved unanimously.</li> </ul>
<ul style="list-style-type: none"> <li>Board Member Reuben McDaniel recused himself prior to a vote on Resolution No. 2023-23.</li> <li>Damian Fagon, Chief Equity Officer for the Office of Cannabis Management (OCM), provided an overview of Resolution No. 2023-23, a Resolution Issuing Certain Conditional Adult-Use Retail Dispensary Licenses. OCM completed the review of and recommended 36 additional applicants for licensure to the CCB, including 28 from the five regions previously enjoined. Additionally, this is the first opportunity to issue CAURD licenses in the Finger Lakes region.</li> <li>Upon a motion from Board Member Jennifer Gilbert Jenkins, and a second from Board Member Adam Perry, Resolution No. 2023-23, a Resolution Issuing Certain Conditional Adult-Use Retail Dispensary Licenses, was approved unanimously.</li> </ul>
<ul style="list-style-type: none"> <li>Damian Fagon, Chief Equity Officer for OCM, and John Kagia, Director of Policy for OCM, provided the following Executive Director’s report.             <ul style="list-style-type: none"> <li>- Market Update: Growth of Retail Access                 <ul style="list-style-type: none"> <li>o There are 13 licensed dispensaries operating across the state.</li> <li>o Consumers should always be checking to ensure the dispensary that they are visiting includes the Dispensary Verification Tool. This decal is only available to legal licensed shops that are recognized by the OCM.</li> </ul> </li> <li>- Market Update: Retail Sales Growth                 <ul style="list-style-type: none"> <li>o In May alone, retailers generated \$7.3 million in sales, up by 10% from April, which brought the total sales to date to nearly \$23 million.</li> <li>o Currently, about 21% of New Yorkers live in a city that has a dispensary.</li> </ul> </li> <li>- Market Update: Product Innovation Trends                 <ul style="list-style-type: none"> <li>o As more stores have opened, the number of brands and products on the market has grown and diversified.</li> </ul> </li> </ul> </li> </ul>



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- Half of the sales have been flower products, with pre-rolls accounting for 15% of that.
- Enforcement Update
  - The legislation signed by Governor Hochul on May 3<sup>rd</sup> expanded OCM's ability to enforce against illicit cannabis businesses, including strengthened penalties for unlicensed cannabis sales, aligning the enforcement measures for untaxed cannabis sales with those for untaxed cigarettes, and introduced a Class (A) Misdemeanor charge for unlicensed cannabis business operators and landlords who knowingly lease retail space to them.
  - Through coordination with the Department of Taxation and Finance, OCM enforcement team conducted raids last week at 11 illicit cannabis dispensaries in Manhattan and are conducting additional actions in upstate areas this week. Each location inspected has been issued a notice of violation for selling cannabis without a license. There is a max penalty of up to \$10,000 per day, which amounts will ultimately be confirmed through an administrative legal process, with potential additional penalties and consequences if sales continue at these illicit business locations.
- Board Member Jessica Garcia commented that over the last few meetings, a number of CAURD applicants came to the Board to express their frustration with different elements of the program. She then asked what OCM has been doing and shifting around to help find applicants as they are trying to get their retail dispensaries up and running.
- Damian Fagon commented that they have streamlined their location approval process and have dedicated a lot more staff to assist with that.
- Board Member Jessica Garcia asked if the team could talk about what they are doing for cultivators and if there is anything that they are thinking about to support their efforts to unload all the product that they have been so carefully tending and producing for the market.
- Board Member Adam Perry commented that especially here in Western New York, it is an issue and that they have many farmers who have been hanging on for a long time and have made investments and asked for an update on what they are doing for cultivators.
- Board Member Gilbert Jenkins commented that they had a proposal on the table that they were going to be discussing today that now seems to be off of the agenda at the last minute.
- Damian Fagon commented that the Office internally is still flushing out some of the details of how they can facilitate a new program offloading some of that product.
- Linda Baldwin, General Counsel for OCM, commented that they are looking into a number of potential solutions from a legal point of view, and have not quite settled on which paths forward can work, so they don't have anything concrete at this time.
- Board Member Gilbert Jenkins commented that she wanted to make sure that they are looking into all possible options and are investigating the option for farmers to sell directly by mirroring something like the microbusiness license.
- Chair Wright commented that one of the gaps that came up for her was that the cultivators were still carrying the burden of holding product in some of the models that have been floated and it did not actually offload the product and put it into the retail side and that they should be



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exploring what it looks like to give them the opportunity to transition into a microbusiness license, if that is what they want, and also that they should be concerned of what pricing looks like.

- Board Member Gilbert Jenkins commented that the farmers from last year have a lot of biomass that they need to get rid of that are looking for that financial support and that they need to make sure that they are structuring this in a way that helps the farms first.
- Board Member Adam Perry asked how long this was going to take to get this resolved.
- Chair Wright commented that she had not been given that answer and learned that it was being pulled late last night as well.
- Damian Fagon commented that their proposals are in the final stages.
- Board Member Adam Perry asked if this is something that they might want to consider a special meeting for.
- Chair Wright commented that they can definitely.
- Board Member Gilbert Jenkins commented that it is really important for them to speak as a Board about it.
- Chair Wright commented that there are a number of things at work, and it is not just one proposal that is floating, but as it has been identified, there are a number of legal concerns.
- Linda Baldwin commented that at this time that would be difficult for the legal office at this point because they are still grappling with a number of issues.
- Chair Wright commented that she wanted to acknowledge that they have been joined by Majority Leader Crystal Peoples-Stokes and thanked her for being here.

- 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.

- Board Member Reuben McDaniel stated that as of the end of today's meeting, he is resigning from the CCB. He commented that it has been a tremendous honor to serve on this Board and thanked Governor Hochul for the opportunity to serve New York State in this manner and that he is proud to have played a role in building a new industry on the foundation of social equity and that he and DASNY remain committed to the work of the Board and the OCM to create opportunities for individuals impacted by the unfair enforcement of cannabis laws and that they continue to work in partnership to support the entrepreneurs as they open dispensaries. He further commented that he is grateful to the Governor, Majority Leader Peoples-Stokes, Senator Liz Krueger, and all of the legislative members who have been supportive of what they are doing and also thanked Chair Wright, CCB members, his colleagues, Chris Alexander, OCM staff and New York citizens.
- Chair Wright thanked Board Member Reuben McDaniel for his service and commented that they look forward to continuing to work with him so that they can roll out the Social Equity Fund and that they are glad that he is a part of it and has been leading the way with it.

- The CCB adjourned the meeting.



**Appendix A**

**NYS Cannabis Control Board 6/15/2023 Meeting – Public Comment**

	<b>First Name</b>	<b>Last Name</b>	<b>Organization (If Applicable)</b>	<b>Public Comment</b>
1.	Andrew	Krouse		<p>First of all, I like to thank you all for your time. Hello. My name is Drew Krouse. I'm here to talk about our journey. I'm one of the owners of Buffalo Kind. I stand here today along with my father, Andrew T. Krouse, our president. I'm here to fight for our survival. We're a family run business, which is including my brother and one of my sons who are out the farm today. We're three generations of cannabis farmers with no outside investors. My father started hopping hemp tea, which turned into Buffalo Kind 2018. He was granted the hemp processor license creating smuggle hemp, flower oils, creams, teas to include a few items in January 2020, he was authorized as a hemp industrial research partner, invited to create strains and develop products. He grew indoors in a local Smith Street location in Buffalo, under lights for two years, developing strains, being a community leader, giving lectures to people like Be Healthy Institute, Kenmore Mercy Hospital to war Veterans Guiding people how to use our products. Recently got his nursery license as part of our customers, wanted to grow their own hemp. Then it all changed. We received the cannabis license in 2022 to grow our own. At that point, Dad asked myself and Derrick, my brother, to join us and build the family dream cannabis farm. We reached out to OCM and asked, Where do we obtain seeds to grow cannabis? There was no outlet. That was our first delay. When the timing license hit, we acquired our genetics. We got plants ready. We got in the field. We got in July, four weeks late. Western New York. Very difficult to grow outdoor in New York so late with the limitations on using 20 lights. We went for it. We converted from our indoor to outdoor with a two year license, conditional license. We decided to rent a farm, not knowing where the future was opposed to buying our own farm. As we started to grow, the combination of early winter and the late start, we lost 30 40% of our harvest. We were faced with how to dry out our crops and how to save them for the snow and frost. On top of this, the OCM announced no dispensary to open in western New York. Our company, Buffalo Kind, we want to be regional. We want to support Western New York. Once the dispensaries weren't open, we quickly pivoted from our current drying process to going out and buying a resonator crop cryofreeze</p>



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				<p>system. We brought freeze trucks into our fields, cut our plants down, froze our product, which sits today in freezers waiting for licenses and dispensaries to be open to sell. Last week, we inspected by the OCM Pat. He was fantastic, field inspector. Truly an asset to the team showed us what we were doing properly, made it very clear that he was proud of how we handled it, how we went to this new process of freezing and told us that he would talk to the higher ups to help us acquire more processing license. From all of this, we sat back and we decided we're here today to request a micro-business license. We want to sell our own farm to table. We know what we're doing growing our lives. We want to produce good products. We want to educate the people. We all know the easiest part to get into the game is to have edibles. It's the most dangerous part of the game if you don't educate customers. We are here to educate people from the beginning to the end. Sorry, I'm a little emotional today. I just want to say, you know, this has been my dad, myself, my brother, our money, our future that we've gone for this and we're holding on with everything we have here to stay alive. And I don't know how much longer we can. So to hear you guys talk about a micro-business allowing us to sell, direct, to sell via dispensaries or even delivery service. We can move very fastly. We have the ability to do that and we think we can do it right. And we'd like to be a pilot for New York and show you guys how to do it right. Thank you. Buffalo Kind.</p>
2.	Assembly Member Crystal	Peoples-Stokes		<p>Thank you. First of all, I want to welcome you all to Buffalo, the great City of Buffalo. You are always welcome here. You should come as often as you can. And I want to applaud the people who are in the audience because, you know, there are a lot of people who love to think they know everything about what's going on. But then when it comes time to go into the place, when you get the facts at they're not here, and I hope that the people who are here will begin sharing the real truth and the community about what's happening. And this is the part of real truth that somebody has to be deep in the weeds, figuring out how to make the sausage taste good at the end of the day, that's what you all are doing. And I will remind people that if you look at any state that legalized adult use or even any country, in fact, that legalized adult use, none of them were up and going in two years. None of them. And certainly none of them have has an agenda like MRTA does. Social equity. We want to invest in New York farmers. We want to invest in the people who suffer the most harm. No one else is trying to do that. Now, I can tell you I've met every major startup operator in the country. They've been in my office. They've been the</p>



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				<p>buffalo. And they've been Albany. I know they had a capacity. They could have had this all up and going in 2 days. But New York didn't decide to take that method. We decided to take a method that was going to invest in the people who had the most impact from the war on drugs. That's a challenge. You got to know, been in these places where listen to people who don't look like me say there's no way black people can ever be in these businesses. We have to be the one to run it because we know how to do it. Well, guess what? We know how to do it, too. If you give us a chance, that's what this board is doing. Giving us a chance. Now, I'm just going to ask people to be patient. If you think it's going to happen in two years and it hasn't, then you're not ready for this as a sustainable business. I hate to say it like that, but you're not, because it's going to take more than that to be able to sustain yourself into this business, into perpetuity in a way that can create generational wealth for people you don't even know exists in your family yet. But you have to be patient. You've got to know that I think both the Office of Cannabis Management, who really is headed up by some incredible people, I know them personally. And the Board of Control. I know them personally as well. And sometimes even hard for me to stay on track when I know that I would like to see things happen. So I scream on them a lot. But I think that's a part of my job. I mean, you cannot write good legislation that is supposed to have an impact on black and brown people first. And New York farmer's first. You could not write that in the statute and expect that it's going to happen if you don't maintain how it gets implemented. That's what I do. So that's when I have to scream on them some time. But while I'm screaming on them, it's all for you. It's for you. I mean, I'm not interested in being in the business, but I know that there are a lot of people who are not only interested, but they're capable and want to have poured into your farm so far, there are people in California who will come and pay you for your license right now. And they will not whine about what they've been through to get to where they are. There was take it from right there and make it happen. And that's what we have to do as well. I also will remind our board member that we actually did pass some legislation last week that is going to begin to look at how farmers can have access to selling a product. There's still, quite frankly, government by federal transport issues. This all still has to be worked out, and we're working that out because we understand what you sacrificed and we never anticipated law cases, lawsuits. Well, I kind of I kind of did, because I don't think New York can do this on their own. So every time they get</p>



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				<p>a chance, they got a challenge what they think you're doing that doesn't include them. And by the way, that will happen again. Because this is not a short-term opportunity here. This is a long-term opportunity, and it's only for those who are willing to put in and wait for that long term opportunity. You can force these people to get it wrong, thinking you need this right now and you've got to you've got to hand this. This is the way you get it wrong. In five years, ten years from now, you won't even be in existence. Allow them to go ahead and stabilize the process. Now, I'm not just convinced in trying to convince you. I'm trying to convince myself as well, to stay and stay. Stay on this one. Watch the people who are getting it done, support them when it's necessary and challenge them when you have to. But you got to support the effort that they're taking. If we can get this far, creating a brand new agency in the state of New York that is never seen before in two years, imagine where we can be in four. Four years is not here yet. So imagine. Thank you.</p>
3.	Kerry	Trammel		<p>Hello. My name is Kerry Trammell. AUCC 000008 owner of the relief market in Jamestown, New York. I am also the secretary for the Cultivation Committee for Canni. First, I would like to say thank you for entering our space in western New York. We are grateful you were all here. And I would also like to thank Roswell, for allowing us to have this space. As a mother of a pediatric cancer survivor. They do great work. Thank you for all the to the other card applicants that received licenses today. We wish you all well in your in your future endeavors. I am here to advocate for the need of a grower showcase or another outlet to sell our 2022 harvest. I have been attending my own town council meetings almost every month since 2021, and even though they opted out of retail sales, I have still been advocating for the cannabis industry and how we can keep things moving along to educate them to maybe one day they will opt in. Last week I updated them on the grower showcase model or something similar that potentially could help people in our county have a place to sell our product. They have added us to the agenda for July because through my activism they have learned that we can educate them and they can learn from us, and so they are willing to give us an opportunity to bring them back some feedback and potentially give us a special use permit to hold this, you know, at our store. So, you know, we're all struggling. We're emotionally, physically, financially strapped. We're all trying. We all just need an outlet. Just give us some outlet, any outlet. You can call it anything. It doesn't matter. Just give us an outlet. Give us a chance. Thank you.</p>





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4.	Todd	Stimson		<p>Hello, I'm Todd Stimson and I was born in Jamestown, New York in 1970. Cannabis awareness, awareness, knowledge or perception of a situation or fact. We need to raise public awareness of the issue. Our family's business was formed not for recognition or because of the prospect for money, but to raise public awareness. In 2011, we took steps never taken before in North Carolina by forming a cannabis business and purchasing North Carolina marijuana tax stamps that must be attached to cannabis in your possession. Even though it's illegal to possess. That same year we went through the United States Patent and Trademark Office to register the only cannabis ribbon in the United States. Fast forward to 2013, we paid thousands of dollars in marijuana tax stamps and actually received the registration certificate from the United States Patent and Trademark Office for the Cannabis Ribbon. 25% of our marijuana tax went to the North Carolina General Assembly, 75% going to the local police department. That same police department raided my family's house with AR15s and sent me to prison for 25 months for growing marijuana with North Carolina marijuana tax stamps attached Prohibition and someone's moral compass as engrossed in my family's life for many years now has been the heart of most conflicts of our lives. We want a life that provides a person with a sense of satisfaction that what they are doing is worth living for. Thank you.</p>
5.	Alecce	Burgio		<p>Hi, everyone. My name is Alecce Burgio. I am here as an attorney. I'm also on the New York State Bar Association's cannabis section. Just a comment generally I think is important as we're rolling out these licenses and applications are about to go close to September is true party of interest is very complicated. I think that the lawyers in the room can all say that we're having a difficult time really designating the goods and services providers which are exempt non-exempt MSAs, all of these really. Big issues with TPI that we are, I think, having a hard time getting our handle around and the type of interest that people should be taking on all of these businesses, especially with all the financial issues that people are having raising capital. And you can see it on all ends, right? You have AUCCs who are losing money every single day. The transition into the general is going to vastly change their TPI structures. You've got the DASNY fund, which is struggling to get moving and people are having to find money now. And overall, we're just seeing a huge issue there. So all I can say is that I think TPI needs to be really vetted out and hopefully we can talk with lawyers on this issue because they're the ones guiding and hopefully not committing malpractice. So thank you.</p>



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6.	Evan	Reding		<p>About a year and a half ago, I started working for my boss with his HVAC company. About six months into that, the opportunity of a lifetime came about. So far it's been a struggle. Much of my boss's time is now dealing with cannabis, politics and us workers is guidance in the field. And for us to be able to grow out of our last year's crop and move forward with this year. Currently, I am one of the few workers at Starlight 420 and it's getting more difficult to handle the workload with only a handful of us because we have a ton of expansion plans. And someday I want to be a leader of a team. As of right now, that is something that can't happen until we can make enough to support everyone in the business. With all the medical companies coming in, it will be hard for all the smaller companies to succeed and expand. We really need you guys to helps. Please listen to us. Thank you.</p>
7.	Justin	Merkel		<p>Hello, everybody. Thank you for being here, Assemblywoman. I really appreciate it. Your last performance was quite well, and those farmers really took appreciation to that. So we definitely thank you for our board. We also thank you guys for being so receptive to all of us. We do realize that you guys are trying to create an equitable arrangement for everyone involved. We absolutely appreciate it. But we do need something now. A lot of us were in hopes that this was going to be the day when we seen the agenda. It was pretty disheartening. We're very glad that one of your board members was very loud this morning and kind of gave us a little bit more hope once again. But it's ending soon, like our hope is falling apart. As you can imagine, everyone's emotional and we just want this to change. We want the market to open up. We need these micro licenses, temporary emergency, something. Let's get these markets open. We can go to delivery within a month. We can come together as a CFA board member. We have the ability to arrange this. We can make it happen. Just please give us the authority. That's all I'm asking.</p>
8.	Mae	Backer		<p>I thank you. I'm Mae Backer of a cultivator, a Grateful Valley farm, AUCC license, number 34, also a member of the Farm Bureau and the Cannabis Farmers Alliance. This is Dr. Daniela Vergara. We wanted to talk about Aspergillus today. I have a statement from another one of our CFA members, Joseph Calderone that I would like to read. So for Aspergillus, he recommends amending New York State Adult Recreational cannabis testing methods for Aspergillus. From Q PCR method with a pass fail result to a total curfew of less than 103 cfus per gram to realistically accommodate the adult recreation industry versus the medical cannabis industry. This 103 cfu threshold</p>



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				recommendation comes from publications from Dr. Daniela Vergara, including Cornell's recently published New York State Field Manual for Sativa Cannabis. Do you want to speak on that at all?
9.	Daniela	Vergara		Thank you very much. Yeah. So I'm Dr. Daniela Vergara. I've been a cannabis researcher and educator for ten years plus. And Aspergillus is a fungus that it's found everywhere. It's probably on our hands right now. So if it's found everywhere and you have a pass fail test, you're probably going to fail. And especially if you're growing outdoors, I understand that medical patients may want very aseptic conditions, which may not be the case for other types of consumers. So we need to have realistic expectations on what people are testing and how are they testing for it. Aspergillus does pose a threat. It has been very researched in tobacco users in particular. There's also some papers on cannabis users. So it does pose a threat. But again, we deal with it on our everyday lives. And so pass fail test may be unrealistic and may be hindering especially outdoor cultivators. And to continue on. Thank you to continue on Joseph's Statement Amending the testing method for Aspergillus will place the State's program more in line with current United States food and drug quality and safety standards. Other states like Oregon have changed Aspergillus standards to accommodate their adult recreational operators and consumers. Due to the ubiquity of Aspergillus in the environment, a new Aspergillus standard will help unlock thousands of pounds of smokable flower that would otherwise be wasted as biomass are destroyed. OCM could enact guidance and related policy immediately. CFA recommends different definitions for medical grade cannabis and adult recreation cannabis and their respective testing methods. Additionally, recommended testing methods could be alternative such as traditional culture methods and or antibody assays like ELISA enzyme linked Immunoassays. And again, there's other states that do have a threshold and tend to. The five, for example, is what is used in Colorado, and that could greatly help farmers. Thank you.
10.	Juan	Aguirre		Thank you very much, Madam Chair and the OCM board. My name is Juan Enrique Aguirre. I'm a registered nurse and a social equity dispensary license holder in the state of Illinois. And I'm also a consultant for a nonprofit organization that applied for a license here in the state of New York. I'm here today because we were advised on November 16th of 2022 at 12:30 p.m. Pacific Time in a phone call with the enforcement department that we were cleared for licensure and be being sent to the licensing department for final approval.



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				And we were told by the enforcement department that our application would be approved at the next board meeting. Worst case scenario, by the end of 2022. With this knowledge, we did acquire a property. We have been leasing this property since then and on February 17th of 2023 we had a follow up phone call with the licensing department and we were told that our CAURD application was in the legal department for final approval. So I'm just here to advise the board that we're hopeful that we would be granted this license. But just wondering what's going on with the nonprofit licenses. And thank you very much for allowing me to speak today. Thank you.
11.	Michael	Yager		Our members of the board. I appreciate your time. It appears that we're working on a timeline for farmers markets, but we do have local existing farmers markets and cities that have opted in. So I would disagree with that. We need brick and mortar solutions. We have those solutions here. We just need the regulations to be passed so that we can kind of further go forward with those markets. I would also like to address the potential legislation for Native American sales. Our existing costs for lab costs are greater than what Native American reservations are currently paying. So that legislation that that legislation does not appear to really help us in any capacity, we'd actually be selling at a loss and furthering our losses. I'd just like to say that small farms cannot continue to accept losses. Some of us now are approaching 14 months with zero revenue generation. You know, as we go on, those small farms are going to really face economic distress. Currently, based on our losses of last year, we're only growing at about a 30% capacity. I've let go basically all my employees and basically working myself just to achieve that capacity. We might bring somebody on at the end. But again, that's not good for economic development in this area. Thank you.
12.	Michael	Casacci		Hi, everyone. I'm Mike Casacci Cultivator here in western New York, License number 110. I'm also a member of Canni. I'm also a member of the Cannabis Farmers Alliance. I have been fighting and trying to get into the cannabis business forever in New York. And, you know, I'm here now. I'm a licensee. I have been growing with my dad. We are in a beautiful green house that we literally spent everything we had trying to set up. We borrowed extra money to get it going. We have beautiful, beautiful flower coming out of our facility. And we were really hoping today we would hear some news about some new avenues for sales. That is a little bit disheartening, but we are excited to be a part of this industry that's emerging. However, as we talk about, you know, the



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				<p>MRTA, how it rolled out and what else is going on, things like, you know, the ROs coming in this year is something that is kind of shocking to us because we built our business and purchased these things based on the MRTA, based on the ROs not coming in for three years. And now we're being told that this fall when they get approval, they're going to be able to sell to the dispensaries that currently have only done 22 million in sales. So with us, with all this product here, we're going to be competing against the registered organizations now, too. And how is that equitable? How is that set up in the original MRTA? And how did we make investments based on that law that now isn't going to be there? Oh, and by the way, they get to grow under lights in my 40,000 square foot greenhouse. I get 20 lights and there are going to be light years ahead of me years from now, if they have the opportunity to enter that market and I don't have the opportunity to get the better quality up to the standards of what the market is demanding. So give us the opportunity to create great flower and give us the opportunity to sell it. And I promise you, we will be great people in this community. And, you know, thank you for your time, That's all.</p>
13.	Thomas	Ballistrea		<p>What's good? Thank you for allowing me to speak today at today's meeting. My name is Thomas Ballistrea. I'm a mentee and the Cannabis Compliance Training and mentorship program. I'm here today to extend my appreciation to all the individuals that labored to allow me the opportunity to participate in the CCTM program and to ask the board, as well as the office, to continue to support the mentees from the CCTM program as we seek licensure in the adult use cannabis industry. There's a lot of legacy individuals in the CCTM program continuing to support providing support for individuals to overcome knowledge and or experience gaps and provide resources that would be available to any other start up business by various agencies that cannot work with cannabis due to the continuation of cannabis prohibition on the federal level will ensure that the legacy community can transition into the well regulated adult use cannabis market successfully. I'm also a justice involved individual and I would humbly ask the board to consider releasing the data on which communities are going to be defined as disproportionately impacted as per section 87, paragraph 5 sub, paragraph G of the MRTA prior to the release of the final regulations to allow individuals to better prepare for applying for licensure and forming their business plans based on the resources that may be available to them. When I decided to apply for the CCTM program and seek licensure, I put a lot of</p>



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				time and thought into what that looked like and how I could become part of the solution, as I believe that anyone that enters the adult use cannabis industry in New York also takes on the responsibility to ensure that an equitable marketplace is formed, that attempts to provide reparations for the injustices caused by cannabis prohibition. I am hopeful that I will have the privilege of being awarded a license in the adult use cannabis industry, and I look forward to working with the board to ensure that equity is achieved by building off of the commonality that we all have in cannabis and together forging a path towards mutual understanding, mutual prosperity. Thank you for all you do for the community and for your time today.
14.	Joann	Kudrewicz		<p>Good afternoon. My name is Joann Kudrewicz. I'm the CEO of Ravenswood Genetics and a AUCC licensee in Delaware County. I'm also the chair of the County Cultivation Committee. First, I would like to thank you for participating in our county Cultivation town Hall event three weeks ago. I also want to thank you for using our forum to share the exciting news about this grower's showcase model. Since that time, our committee has been working diligently with the county leadership across the supply chain to develop what we believe to be a tight operational flowchart as a basis for developing protocols and guidance for this model. We've also been working diligently to curate large scale venue relationships across the state in order to best offer opportunities not just to our individual farms, but to licensees all across the state for financial relief. We heard you heard our challenges. You came up with solutions. You ignited a spark of hope among our communities. We see a light at the end of this short tunnel with the Growers Showcase model so that we can reap some of the revenues and benefits of our labor in 2022. While I understand now that you're planning to meet as a board, we ask you to work with us and to keep your foot on the pedal to move this program forward quickly. We want to start operations by July one. We're at the ready to communicate with you, to collaborate with you, to mobilize. We are we have deliverable deliverables for the legal team. Please don't feel that you need to do this in a silo. We can participate in creating the model. We are ready to meet, to share insights and program development. We have considered everything compliance see to sale, tracking, pos system security, you name it, we've thought about it. Please act quickly. Many of us are depending on it. Thank you.</p>
15.	Dan	Livingston		Hi, my name is Dan Livingston. I'm the executive director of the Cannabis Association of New York. I can't say much more than what Joann already said before me, but I did come out here



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				<p>today because I wanted to let you know about something unusual that's happening right now with these growers showcases with, you know, the talk of them at least that throughout the industry, growers, processors, retailers, everybody is excited about this policy and I haven't seen that since this cannabis legalization program started. It's pretty extraordinary to finally come up with an idea that that everybody agrees is serviceable, workable, can solve problems across the board. And I came out here today because I spend countless hours talking to people in the industry and I have for four and a half years now, and there are a lot of people who couldn't make it out here today, and I wanted to speak on behalf of them. I have the Cannabis Association New York has over 550 members stretched out across the strip, the state representing the entire supply chain. And yeah, I mean, there's a lot of a lot of strife, a lot of disagreement in the industry. It's not uncommon. And I can definitely appreciate the work that this board and the Office of Cannabis Management does. I'm a former elected official. I know how difficult it is to get roasted all the time and, you know, to be on the receiving end of a lot of criticism. But this is, you know, a pretty important moment here. We've come up with a policy solution that really the industry is gathering around and you just have to take it over the finish line. There are a lot of folks here who have put a lot of work into fleshing out details of how this could work, you know, for retailers, for processors, for cultivators, for everybody in the industry. And I would just encourage you not to not to delay and to, you know, knock down any barriers that you can to get this program rolled out as soon as possible. Thank you.</p>
16.	Ed	Cleary		<p>Thank you for giving me this opportunity to speak. My name is Edward Cleary. I'm a partner with my wife, Lisa Keller. We own Weaver Road Farms, and we are one of four cultivators in Chautauqua County. Our license number is 32. Forgive my nervousness. I'm not a public speaker. The majority of my comments will also be written down and submitted to the board. We'd have a hard story just like everybody else. I do not need to go into the details of our suffering. The wife has been keeping us afloat by driving for our local Walmart, and that time takes away time at the farm and puts more burden on myself. Like I said, I will yield my time and put more comments. I'm just honored that I get to meet this lady right here.</p>
17.	Damien	Cornwell		<p>Folks, thanks so much for giving me the opportunity to speak. Thank you for all you do. My name is Damien Cornwell. I operate Just breathe in Binghamton, New York. I'm the CEO for</p>



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				<p>the Broome County Urban League. I came up with Dan and the board president for the Urban League, and I'm also a board member for Canni. I just wanted to offer some words of encouragement and confidence for the Growers Showcase. So here's what I just want to frame up for you folks. I don't believe that you need new compliance to operate the Growers showcase should be able to be done through guidance. Every day I come to work, every week we inbound inventory from cultivators. You do all the track and trace duties, you report the reports to OCM compliance, pay the taxes, make sure people get paid on time, which is key for us. And we secure the building. We educate customers and we operate as good stewards and believers and advocates for this program. What breaks my heart is there are 30 cultivators on a waitlist to get in store. I can't take them all. We take as many as we can, but we're faced with the law of diminishing returns. There's only so much I can do and still be in 30-day timespan. Okay, that's an issue. But if I could do what we do every day across the street. A thousand transactions is going to move about \$1.2 million dollars. So if we did it during July, fast or speedy fast, we would move more money than you could ever grant them in literally a couple of weekends. And it wouldn't be a solution, but it would be a stopgap measure to help stabilize the market and buy us some time to fight another day. There's so many things. I love what you said was awesome. Well, there's a lot of things to consider. There's no question. It's extraordinary the fact that we're just a few minutes, a few months into this thing, and we are where we are. But it doesn't alleviate the needs that you folks have or even us. And the thing is, from my perspective, I'm more of a social entrepreneur. Every problem that you have ultimately is going to affect me anyways, right? I can only be as good as my worst cultivator. Right. So the store we cure rate all of the brands. There are partners like teammates, on a team. And that's the reason why I came try to do my part now help with some of the solutions. If we did this, we could offer the same track and trace. Cashless transactions was just key, right? We can eliminate a lot of those issues that you would think would require compliance, but they don't because we do it like this every day now. Just kind of just take. Take a second. Just breathe. Right and relax. We can walk and chew gum at the same time. Right, just need an hour to go through some of the stuff. I tell you, I think we could bring it home. That's my story.</p>
18.	Jeanette	Miller		<p>Hi, everybody. Good to see everybody. My name's Jeanette Miller. I'm AUCC number 120. I am a co-founder of the CFA of the Cannabis Farmers Alliance. My so proud member of</p>





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				<p>Farm Bureau. I sit on our county board and then three state committees, the Cannabis Committee, the Specialty Organic Crop Committee and the Pro ed Committee. I don't have to tell my story here because I'm in Western New York, my hometown, and when I look around the room, I see one of the strongest cannabis communities around, like from in the room right now. I can look over here and I see future CAURD people. I see second end processing. I see at least eight of the AUCC. People here today are CFA and also some of them are canni and I think we're all Farm Bureau. But there's, I think at least ten AUCC cultivators here today. I see testing the whole the whole cannabis industry is in this room with you right now in West New York. I see CBD. People who are waiting to get into the industry. People have been providing the holistic part. I want to say something. I heard great comments about how you want to work with us today. And I know that I heard the word begging. I know it was probably not the most intentional word, but we didn't beg to get in because we were qualified when the program rolled out, there weren't there wasn't anybody else more qualified than us to move forward with the program? Right. We had been in the CBD and cannabis industry. A lot of us are legacy growers, but we also built the infrastructure for growing hemp and then growing the CBD hemp. So we were qualified to be the first. And then throughout that hemp program we educated, right? We brought cannabis to western New York. We helped desensitize and help take away the stigma that surrounded cannabis and how. That it's stoners. But really we're all educated people. A lot of us here come from medical industries and pharmacies. And I'm an educator in my master's degree, so we help bring this here, the farmers, the AUCC cultivators, and then we had to qualify. Okay, not only do we have to do it, we had to apply to the program and actually qualify. There were like 62 people on a short list. I was not one of them. I had to make sure I qualified and filled out all that paperwork and showed I earned it. And I did. And I have investors. I have investors who are betting on me and they bet on me. And I had workers. I have a worker here today shoot these people, bet on me. They want to come back to my farm and they knew I could do it right. They saw me succeed by growing this cannabis, this wonderful cannabis, but I can't bet on the state right now. And so how do I move forward if they can bet on me and they want to give me more money and work for me and volunteer for free, when I say I'll pay them back when I finally am good, how can I do that if I can't bet on the state? And then this offer micro-business sounds great, but I</p>



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				<p>needed the two years so that I could afford that on my own. I didn't want to have to go in with another investor. I want to be able to afford that. We could do a direct point of sale, just like a community supported agriculture. It could be online. They hit the landing page, boom order, and then I go on my deliveries or I have my one location that they all meet me at like a CSA. It could be a one point. Direct sale through a landing page. I mean, we can figure this. Out in a hundred ways. And I know you guys know that micro would be good for some people and I want to do micro, but eventually, like that's eventually I can't afford it right now. And then how am I supposed to bet on that too, when the RO's are going to come out? So wait a minute. I put all my money into the CBD. Now I put all my money into cannabis, adult use cannabis. I grew 1,000lbs I have biomass. There needs to be something done with it now. The cannabis has to come first. If you don't have it, it doesn't go in stores. So now we have the stuff we have to move. We have to. Start again this year, bring that into. The stores. You're asking us to do that without us? Who's going to do it? Set the ROs, which I'll crush us. But anyway, then you bring the ROs out here and ask me to invest all this money into my her business. And then the ROs come out and crush me again. Or the car people that want to become micro-businesses also. And they should have that opportunity. But then now we're competing against each other. And now we're also going to compete against the ROs. We have the ability to crush us. We have the only legal cannabis in New York State. The only legal cannabis was grown by us and we need to find out how to, you know, work with it, to get it out to the consumers and then move forward so we can have the next batch. Going to the stores when they're ready because we have the legal cannabis, everything else is illicit or medical and it's like the cart before the horse. Thank you guys for listening. And I didn't know they worked in Antarctica. Okay. Like those people are hard core. Sorry, calling out, but I mean, that's amazing. And then for him to be choked up over here, I mean, when we're over here, we're strong people and we're like being vulnerable to you guys. And so I hope that you understand that. And then the support here, like we all are on different parts of the industry, but we're here in western New York and like cannabis, strong. This industry is family. Thank you, guys.</p>
19.	Jordan	Dirisio		<p>Hey, how's it going? Thank you very much for having me today. Thanks for inviting us all to be in here today. I'm somebody who was interested in getting into the cultivator industry. I'm very new, and I really just wanted to come here to observe the</p>



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				<p>process, hear what you all have to say. And really just to kind of put forward, I mean, kind of what everybody else is saying, everybody who is in the industry and is having these struggles. There are plenty of people who are very interested in getting in the industry and are I mean, beyond terrified by these stories that you hear today. I mean, a lot of people are like, what would be the greatest thing in the world to have this business that I run myself. What would be the scariest thing in the world to have this business? Have it all sustainable, have it set up correctly, and then have I mean, at the end of the day, paperwork and bureaucratic mess make you go bankrupt and lose it all. And I'm just here today to say, don't forget about those small people that maybe can't afford the leeway of time that a lot of the other bigger offerings have. Thank you very much.</p>
20.	William (Bill)	Nicholas		<p>My name's Bill Nichols. I'm the technical director at BioTrax, which is one of the local laboratories, one of the 14 laboratories. As I listen to everybody, I agree we're all together in this. Nothing hurts more than giving failed results to people who have put in such hard work. I understand the importance of it, but also it is very difficult. And that is my job. Our laboratory, as we go about this, I spend a lot of time over the last week and I will continue to spend more time talking about this Aspergillus issue. The only thing I want to really offer up is we are seeing that a lot in western New York. And in doing so, I also want to make sure that the office realizes that they can utilize us. We have over 20 years experience in industrial microbiology. It's not just cannabis. We have places where we can help. We have a facility that could help. And I do believe that we need to look into that issue more. I could get into it. Obviously, I'm not going to in a two-minute time slot. I'm happy to have that conversation. But there's a lot of people also in these little pockets trying to work on this issue. And it's a very big issue. And it's not just a New York issue, guys. It's a countrywide issue that my goal with this is to start bringing these players together so that we can start getting appropriate data points to make real decisions on it with it. And as you guys go ahead and spend more time on this issue and look at this, because it does affect everybody in the state, you know, keep us in mind as somebody that can help because not only are we generating results, but we also have the ability to do some work on our research side of things. Thank you.</p>
21.	Richard	McCullough		<p>What do you know? Madam Chair. Ms. Wright. Damian, the board is great to be here and see you in person. Thank you, Assemblywoman Stokes, for your wonderful and passionate remarks. My name is Richard J. McCullough. I'm a working</p>



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				farmer in western New York, Rochester, Monroe County. I'm a member of Black Farmers United. I was chosen to participate in the CCTM webinar to learn about compliance as a cultivator. It was an extraordinary experience, very illuminating. I, along with my colleagues, have a much better understanding of what is ahead of what is necessary to get into this market. My thanks to OCM for the opportunity. It was a stellar start, really. My concern is financial. How black farmers can have a chance to enter the cannabis market. What are your thoughts and ideas and efforts to help us even have a chance to get into the mark? In other words, we need grants, we low interest loans, something to get started. New York State has as a wonderful opportunity, an opportunity of a lifetime to get it right. If social equity is real. Less one day in the not-too-distant future, say New York turned the tide, had the guts, didn't give in to greed to make the mistakes of previous states. And we know what those states are. It's happening now. Let's tell our descendants, New York got it right.
22.	Jeffrey	Medford		Good morning, distinguished guests. My name is Jeffrey Medford. I am Canada's cultivator. I am the co-founder and chair of the New York Green Coalition, a member of Black Farmers and also a member of our Mayors League, Evans Cannabis Readiness Committee and a graduate of the CCTM Team program. In getting into the program, we had to write what we thought about the outlook of our industry and cannabis. So I did so, and I'd like to share that with everyone. I wrote that about six months ago. Says, I feel that the future of adult cannabis use of adult use cannabis cultivation is really looking better. If you would have asked me this six months ago. My answer would have been entirely different. It is the very steps that some of us are taking right now to fill out this application that has changed my outlook towards the OCM and other regulatory agencies that are governing the candidates space. As a African American male in cultivating social equity and social justice must always be. At the forefront of everything we do. If we want to level the playing field. Fair and fair and equal access to capital licensing and recognition of decades of experience in the cultivation, processing and distribution of cannabis is long overdue across New York State and many other states across this country in this emerging market. If New York State gets this right, it will set a precedent throughout the entire world and we will all become winners. New York has the potential to be the biggest marketplace in this entire world. We have a very bright future. If we. Bind together in solidarity and in social equity. I'm going



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				to end this off by saying that. Very much so. Just like. Crystal Peoples-Stokes, she delivered a very wonderful message, a very encouraging message. And though sometimes I can seem like a little bit of a rabble rouser, I would like to say that I'm so very happy about some of the things that him are doing and more and more happy about the class that we've just completed. I thought it was an excellent class. It brought some vital information, things that many of us would not have ever thought about. So hats off to you and Mr. Fagon and some of the other people that brought it together, Mr. Jim. Jim Rogers as well. Yes. Thank you so much for the class and we appreciate everything that you're doing. God bless.
23.	Jeff	Jones		Ladies and gentlemen of the Cannabis Control Board, thank you for listening to our comments here today. My name is Jeff Jones and a UCC farmer based in the heart of the Finger Lakes emerald necklace. And I believe in the awesome power of cannabis to unf... the world to make meaningful contributions to some of the most intractable issues of our time. Thus, I have been so heartened by the intention that New York initially set for cannabis with a powerful social justice message and the promise of an inclusive cannabis economy. But of course, good intentions are also the devil's road base, and unless sincere, sustained effort follows these good intentions, they rot. And real change never takes hold. It is word and deed that is important. And so I am profoundly disappointed in the current direction and deeds of the state of New York and the many entities represented in this room. Collectively, these agencies are not moving fast enough to create a viable marketplace for small businesses. Instead, we hear that you are about to greenlight 1 million square feet of indoor canopy controlled by the ROs and their corporate backers. One needs only Google Glass house farms to see how similar decisions have decimated small businesses in California. This is to the detriment of cards shopkeepers working to make sales to the detriment of distressed farmers, working to sell their flowers, and especially to the detriment of consumers who are unable to access tested products from trusted sources they already know. This slow pace only benefits the well-financed and well-connected cannabis corporations seeking to unfairly dominate the New York market. I hear a lot of talk of generational wealth. Generational wealth is not creating a deal flow pipeline of social equity companies who can sell out to corporations in the next five years. Generational wealth is creating enterprises that get our grandchildren and their grandchildren good livelihoods. Generational wealth is creating enterprises that restore our



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				lands and ecosystems. Generational wealth is creating enterprises that help communities heal the wounds from decades of misguided cannabis policy and its brutal enforcement. You are not on your way to creating generational wealth. You are on your way to creating generational debt and despair. We had a suicide prevention professional on our recent cultivator call. That is heartbreaking. You are 100% on notice. If you do not take action now to increase access to markets, starting with the OCM Growers Showcase proposal or I prefer the people's markets, then all of the rest. The words and intentions, the preferential licensing, the training and mentoring, the access to loans, all of which has been pretty damn good out of the gate doesn't mean squat. Please get more cash registers ringing up New York's diverse world class cannabis products now and truly make New York's cannabis economy accessible to small businesses.
24.	CAURD Applicant			When will the scores of all CAURD applicants be released? How did you decide to award the 40/100 points for "location at time of arrest"? This seems to be a major deciding factor as it is 40% of the application. Please provide a breakdown for how these points are awarded. Thank you.
25.	Lynn	Sheward		My understanding is that at this meeting, selling cannabis at Farmers' Markets will be discussed. I want to express my extremely strong opposition to this proposal. Before I outline my reasons why, I think it important to note that I supported the legalized of marijuana. Farmers' Markets are a totally inappropriate place for this type of business activity for multiple reasons: 1. If marijuana is sold there, it is to be expected that it would be smoked by buyers either at the market or in close proximity to it. Markets are attended frequented by families with toddlers and small children. At my Farmers" Market in Upper Manhattan, the benches that line the street on which the Market is held and the adjacent park is filled with kids. Markets should be safe, smoke-free zone for them, as well as others who do not wish to inhale/smell marijuana smoke. (It is not realistic to think that a sign prohibiting smoking would stop people from smoking it.) 2. It will increase the risk of theft, shop-lifting and crime at Farmers Markets, putting vendors and shoppers at risk. Robberies, to steal both cash and product, at illegal smoke shops have become routine. Why would an easy target like a stall at an open-air Farmers' Market not experience this? 3. Residents in my neighborhood in Upper Manhattan, as well as many other NYC neighborhoods, have to endure being exposed to and smelling marijuana smoke in our Parks and on our streets with great frequency--it has become a chronic, out-



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				<p>of-control problem. We need Farmers' Markets to continue to be a safe zone free of this. 4. Finally, my understanding is that growers are advocating for this proposal as a desperate measure to sell the product they have already grown and the backlog/long leadtime for legal dispensaries to open. The public should not have to suffer the negative consequences of a bureaucracy and the lack of efficiencies with this process. Again, for the good of our communities, and especially our children, I cannot urge you strongly enough not to move forward with this proposal. I also urge you to do whatever is necessary to speed-up the process for licensing legal dispensaries. Thank you.</p>
26.	Ellexcion	Ojo	El barrio legacy group	<p>§ 123.12 Microbusiness Operations.            4) be permitted to purchase up to 500 pounds of cannabis, or the extract equivalent, per calendar year from a duly licensed cultivator, microbusiness, cooperative or collective, ROD or ROND;            5) be permitted to, in the case of a significant crop failure as defined by the Office, and written approval from the Office, purchase additional cannabis or cannabis extract up to a quantity sufficient to replace that failed crop;            comment- the purchase and additional purchase of cannabis by a micro business should not be contingent to significant crop failure , the retail should not have a limit of 500 pounds of flower per year , especially when the micro business licenses has a social , economic and equity part to it ensuring the success of the business.            7) if authorized to distribute by the Board on the licensee’s application, distribute only their own cannabis products to retail dispensaries or on-site consumption premises;            (8) if authorized to conduct retail sales by the Board on the licensee’s application, sell only their own cannabis products to consumers;            Comment: my main point here is for there not to be a limit on the micro business to a certain number of flowers (pounds ) purchased within a time period , and not to limit the shelf space to the proposed 500 pounds for retail .            Suggestion: based on the social , economic and equity part of the law, the micro business should have the option to run just as a full retail dispensary or consumption and delivery , in the event cultivation as a significant Crop failure or not fully operational . The option to only operate as a processor or distribution should be the choice of the licensed micro business.            Suggestion : the micro business has several parts to ensure the success of the business , 1. Cultivation 2. Processing 3. Distribution . 4. Retail- dispensary , consumption 5. Delivery.</p>



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				The micro business licensee should have the right to operate one , or all of the components that make up the micro business. Thank you in honor.
27.	Trent	Paskins	Canna Life	Why are we concerned about opening stores for wealthy applicants in 6 months? We should keep focusing on CAURD licenses until spring 2024. Giving a licensee a chance to open doors and get started is key to success of NY CAURD program. You have the best cannabis social equity program in the state but you're rushing it through too quickly. Lets be more patient for the CAURD stores to open and show everyone how social equity really looks like. THANKS FOR EVERYTHING!!!
28.	Angie	Paskins	Dank Street LLC	Please help protect CAURD licensees from wealthy businesses pushing us out before we start. The wealthy have already bought up and control large sections of cannabis zoned real estate. We also need to protect our businesses by enforcing the 1000 and 2000 foot radius zoning rule. This needs to be extra sensitive in smaller towns under 2000. Loosing up this distance would crush some of our new CAURD dispensaries. If we're going to help victims from war on drugs then we need to protect them until there independently stable and beyond. Love all your help!
29.	S	A		Can a breakdown be provided of how many provisional licenses have been awarded by region and how many open licenses are there and in what regions?
30.	David	Condliffe	Center for Community Alternatives	<p>Unfortunately, at the last minute, David Condliffe is unable to attend in person and therefore offers this testimony as a comment.</p> <p>*****</p> <p>Testimony to the Cannabis Control Board – June 2023</p> <p>Good morning. My name is David Condliffe. I am the executive director of the Center for Community Alternatives (CCA). I want to thank the Cannabis Control Board for granting a dispensary license to CCA. CCA is a nonprofit criminal justice organization with offices in Rochester, Syracuse, and New York City. Our mission is to build power with people across New York State who have been affected by mass incarceration, criminalization and community disinvestment. Through a statewide network of direct services, advocacy and organizing, and by supporting the leadership of directly-impacted people, we advance civil and human rights for all New Yorkers. Many of our staff, participants, their family members, and board members have been affected by New York’s marijuana laws and have expressed interest in working in the cannabis industry. Accordingly, I want to thank the Board for its interest in and commitment to equity. CCA has been working feverishly for many months to secure real</p>





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				<p>estate and open our dispensary. Like many other licensees, we have encountered many obstacles. Nevertheless, we are making good progress toward our launch. At the same time, we would like to acknowledge the enormous challenge that OCM and its staff have faced in launching an industry while at the same time learning how to regulate it. Today, I want to testify in support of the latest OCM initiative to develop Growers Showcases, which would enable current licensees to purchase products from growers and to sell them at occasional markets in the community, such as farmers’ markets. This program would have three equally important benefits. First, it would increase opportunities for growers and processors to get their products to end markets. Second, it would allow licensees, who are still in the process of developing their retail dispensaries, to generate revenue to support the buildout of their retail operations. Third, it enhances consumer education. It would provide an opportunity for growers and processors to have direct conversions with the public about the varieties of products and uses, helping to de-stigmatize marijuana. Further, this plan will enable access for parts of the state that currently do not have access. Many consumers and growers live miles from planned retail dispensaries. Yet many of these consumers and growers live in areas which do have farmers’ markets. Thus, the Growers Showcases would allow a more efficient means of reaching a wider number of people in rural New York. This plan will enable upstate licensees to provide sales outlets in many rural areas which often lack high traffic shopping areas. In terms of our own model for Growers Showcases, we have had conversations with potential partners and are excited by the prospect of holding events in conjunction with farmers’ markets and state and county fairs. By generating immediate revenue this summer/fall, this initiative would enable licensees like CCA to launch our site-based dispensaries sooner and more effectively. The initiative would also help growers and processors to bring their products to market by providing new markets when they need them. On behalf of CCA, its staff, participants, and Board, I want to thank you for the opportunity to provide testimony before this Board.</p>
31.	Ervin	Raboy		<p>Please add cannabis to Tax and Finance law and protect it as an agricultural crop so that farm greenhouses can grow it. There needs to be a delineation between a using the sun to grow the plant and using lights for tax purposes. One harnesses free energy and the other expends costly energy.</p>
32.	Rick	Weissman	High Falls Canna NY (HV Ag Corp,	<p>We are a licensed cannabis farmer and already is suffering due to the pathetically slow licensing (and standing up these</p>



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			Lic # OCM AUCC 2022-000215)	licenses) of dispensaries. The farmers market plan the OCM floated on May 25th is the only hope there is to allow farmers to sell their 2022 crops. What can be done to make this a reality before the summer comes and goes?
33.	Joseph	Calderone	Cannabis Farmers Alliance	<p>Aspergillus:            Recommend amending New York State adult recreational cannabis testing methods for Aspergillus from qPCR method with a Pass/Fail result to a total CFU of &lt; 103 CFU/g to realistically accommodate the adult recreation industry vis-a-vis the medical cannabis industry. Amending this testing method for Aspergillus will place the state’s program more in line with current United States food and drug quality and safety standards. Other states, like Oregon, have changed Aspergillus standards to accommodate their adult recreational operators and consumers. Due to the ubiquity of Aspergillus in the environment, a new Aspergillus standard will help unlock thousands of pounds of smokable flower that would otherwise be wasted as biomass or destroyed. OCM could enact guidance and related policy immediately. CFA recommends different definitions for Medical Grade Cannabis and Adult Recreational Cannabis and their respective testing methods.</p> <p>Medical Grade Cannabis:            Cannabis flower cultivated for medical use must adhere to stringent quality standards to ensure the safety and efficacy of the product. One particular concern is the presence of Aspergillus, which can pose potential risks to immunocompromised patients with specific medical conditions.</p> <p>Recommended Testing Methods:            The current pass/fail laboratory results obtained through qPCR (quantitative Polymerase Chain Reaction) testing technology are highly recommended for evaluating medical-grade cannabis. This testing method is capable of detecting the presence of Aspergillus and other microorganisms, ensuring that the medical cannabis product meets the required quality and safety standards and poses little to no risk to patients.</p> <p>Adult Recreation Cannabis:            Cannabis Flower cultivated for adult recreational consumption must adhere to stringent quality standards to ensure safety and consistency of the product. Aspergillus under a &lt; 103 CFU/g threshold will be accepted as safe for consumption by New York cannabis testing labs. This criteria ensures that the cannabis product meets the required quality standards and poses minimal health risks to consumers. Adult recreational packaging will have a label stating “the product is not medical grade and may</p>



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				<p>be hazardous to immune-compromised individuals.” No reason that cannabis adult rec should have stricter standards than fresh vegetables, fruits and coffee.</p> <p>Recommended Testing Method: Alternative methodologies may also be employed to test for the presence of microorganisms in cannabis flower. Traditional culture methods, antibody assays like ELISA (Enzyme-linked Immunoassay).</p>
34.	Joseph	Calderone		<p>I am Joseph Calderone, co-Founder of Cannabis Farmer’s Alliance COO of Grateful Valley Farm AUCC/Farmer #34, Steuben County. Farm Bureau Member Cannabis Farmer’s Alliance represents over 90 farmers across the state. From Buffalo to Brooklyn, From Steuben County to Saratoga Springs. 8 weeks ago 12 of us met on the banks of Seneca Lake in Geneva, NY, not far from Seneca Falls, the birthplace of the Women’s Suffrage Movement and about an hour from the home of Harriett Tubman, the escaped slave, social activist and suffragette. I never wanted to be politically involved. Like many of my colleagues, I just wanted to plant crops, participate and innovate and help establish a New York based farm that produced high quality Sun Grown cannabis to New York Cannabis consumers. Like other stakeholders in this industry, we were impressed by the Marijuana Regulation and Tax Act and how it boldly made social and economic equity and environmental sustainability as two of its main objectives. Jeanette Miller, another farmer and member of the farm bureau who can’t be here today, made sure that hemp farmers had a place in the MRTA. It made sense to us to allow distressed hemp farmers, who were distressed even before they lost millions growing hemp, to be the first growers of adult recreational cannabis. It also made sense that minorities harmed by the Controlled Substances Act and draconian Laws have the first opportunities to participate and succeed in a new industry since they were unjustly targeted and jailed for trying to put food on their table by selling cannabis. Reginald and others here speak with one voice when we say that the alliance of the distressed farmers and minorities is a no brainer. I could never equate my experience with that of women, veterans, the disabled or my black and brown brothers and sisters. The institutional oppression and economic deprivation they felt is historical if anyone cares to listen. Their participation in this new industry is but one way of righting the wrongs of the past. This is something we should all agree on. But, the Governor’s promise of social and economic equity is collapsing</p>



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				<p>and it is unnecessarily collapsing. The state asked farmers to grow quality cannabis, so we did. Nearly 300,000 lbs, The state made promises to our CAURD licensees, to support them and have 50 dispensaries opened by now. Instead of allowing farmers and caurds to succeed, Senator Cooney's CAUTA bill is currently in committee and being pushed hard by hundreds of thousands of lobbying money to allow highly-capitalized Wall Street funded Medical Cannabis Companies to enter the industry 3 years early. Anyone who sees how the cannabis industry collapsed in other states can see how this is a bad idea. These multi state operators are from different states and are managed by forces that do not align with the MRTA's original intent on social equity. They want to buy their way in ahead of the small farmers and minorities. Does that sound socially equitable? I need to remind everyone that Farmers are the only operators with legal adult use cannabis in New York. Not the medical operators. Not the 1,500 illegal sticker stores. We are the only ones who will have products ready next year as dispensaries roll out. Filling your CAURD dispensaries twice. We are the only ones who will be rolling into an automatic license next year. If we collapse, which is a certainty for many farmers, large indoor operators will not have enough product to fill the shelves. And what quality will the irradiated and indoor cannabis be? Like their vegetables, wine and beer, New Yorkers want to know their cannabis comes from small, sustainable, independent craft cultivators. Not giant weed factories that leave a giant carbon footprint. Senator Cooney's bill currently in committee will be disastrous for the industry and for the social equity program. Not to mention the millions of dollars burned, jobs lost, homes foreclosed an</p>
35.	Joseph	Calderone		<p>Not to mention the millions of dollars burned, jobs lost, homes foreclosed and negative economic multipliers. Devastating rural economies in an already trying economic environment. Senator Cooney's tweet yesterday was very telling. He thanked Multi-State Operators, CAURDs and Processors for their support. AUCC Farmers were left out. Not even an afterthought. This dismissive disrespect of farmers is noted. Well, Senator Cooney, we lack the millions to lobby your office but we make up for it in numbers and our voices, that will not be drowned by special interests. We are not victimized. We are not here bitching and bellyaching. We have the support of the Teamsters and labor. We have solutions that are simple and allow Farmers and Minority owned businesses to shape the market and fulfill the Governor's objectives for social equity. We support the Office of Cannabis Management's decision to partner with CAURDs to</p>



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				<p>allow Farmer’s to sell cannabis products at Farmer’s market. Since CAURDs do not have brick and mortar stores yet it is a way they can participate in the industry while their retail locations open and build relationships with farmers. We ask the Governor and Legislature to find a “Retail Subsidy” to pay for the difference between the wholesale and retail price that will go directly to CAURDs. We also implore the Governor and Legislature to develop a “Biomass Subsidy” to purchase the thousands of pounds of cannabis biomass sitting on farms at a fair price or subsidize the processing of the biomass into distillate to either be returned to the farmer’s custody or negotiated for sale. This solution unleashes the New York cannabis market, creates an ecosystem of economic cooperation and goodwill, and distributes funds to the two groups that meet the definition of social and economic equity: CAURDs and AUCC distressed farmers. Senator Cooney’s Bill circulating through committee is not equitable and it will be oppressive to small businesses, small farms, distressed farmers. It is especially oppressive to any minority group with a dream to create a business in this new industry. We would like to thank Senator Michelle Hinchey and Assemblywoman Donna Lupardo for their support and especially Assemblywoman Crystal Peoples-Stokes for her impassioned support of the bill to extend for one year our ability to engage in light processing and distribute directly to dispensaries. This has relieved the anxiety we have felt from the potential economic squeeze from processors in the short term. On the other hand, the Cannabis Rescue Act that allows farmers to sell to Tribal Nations, although interesting on paper, may pose potential negative economic and legal issues for farmers. Tribal nations can already name their price for out of state cannabis and also the legal contracts may bring up federal jurisdiction issues. It’s hard to see how farmers can get fair value. In addition, does this leave a door open for farmers to have to compete with Tribal Lands for shelf space in the future. To the rest of the legislators and government officials, we implore you to listen to us. Let social equity create this industry. Let us save this industry. Let us fulfill the promise of social equity in this industry.</p> <ul style="list-style-type: none"> <li>• “Biomass Subsidy” includes distressed AUCCs. The Biomass Subsidy is the value of untested biomass at a set price or a negotiated/fair market price for tested biomass potential measured yield in liters of distillate. The subsidy will pay for AUCC's chosen processor for lab testing, extraction or other costs incurred by the processor. The extracted distillate will be released into the custody of the AUCC unless otherwise</li> </ul>



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				<p>negotiated no more than 5 days after the extraction of oils from the biomass. The CFA recommends 3 options:</p> <ul style="list-style-type: none"> <li>o A. One time cash payment for biomass at a set price: \$500.00/lb.</li> <li>o B. 20/80 split where the AUCC receives 20% of the value of oils after lab testing and a sample test run. The remaining</li> </ul>
36.	David	Simchik	State Bridge Farm	I would like to ask they farmers that did not grow for two consecutive years due to weather were denied a license?
37.	Jesus	Canales		I wanted to ask in the licensee will be giving out in the order as submitted for the application? And if not why is it not going first come?
38.	Nic	Fera	Goldfinch Flora LLC	<p>Nic Fera, Goldfinch Flora LLC, AUCC #000178</p> <p>With the passage of S8084A/A9283, NY's distressed hemp farmers were given the opportunity to participate in a familiar crop in a more profitable market. We were licensed in the spring of 2022 to begin diligently growing and supplying the market that was assured to us by the year's end. The state has not been able to follow through on that promise and the vast majority of conditional cultivators are in financial distress now, many unable to plant a crop for this year's season without having sold last year's. I ask that you consider the legislative intent of the proposed bill, A06593, also known as the Cannabis Crop Rescue Act, in proposing a means of immediate economic relief for NY's distressed farms. An over-regulated market model burdened with the same complexity of brick and mortar dispensing will not provide immediate enough relief to avoid a failed season for too many farms. Please take substantive action toward authorizing us to begin these markets now. Thank you.</p> <p>Nic Fera            Partner/Director of Cultivation            Goldfinch Flora LLC            Member, Cannabis Farmers Alliance            Member, NY Farm Bureau            AUCC #000178 AMSTERDAM, NY</p>
39.	David	Simchik	State Bridge Farm	As a gay owned 4 generation farm we are wondering, how is this "social equity" planning to help us and the LGBTQ+ Community?
40.	David	Nicponski	Freshly Baked NYC	I write today after watching the CCB meeting online and hearing from passionate people, both on the board and in the audience, who are desperately seeking a means of improving the state of the nascent NY cannabis industry and strengthening our unhealthy supply chain. As a retail CAURD licensee, I fully understand and empathize with our cultivators and understand the desperation they're feeling. Their livelihood is on the line, often accompanied by their life savings! They acted on a promise



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				<p>and a scenario painted for them which has but materialized. We retailers understand! Aside from the moral obligation we as a state have towards ensuring their solvency, considering the promises they were trustingly operating under, we also have a practical reason to do so: without a healthy top of the supply chain, every entity below will fail! So I certainly understand the desire and suggestion to let them sell their products directly to customers. I share the underlying motivation and feelings behind that idea! Doing this may well prop up some of them successfully, for now. But let's take a moment to think holistically, and without blame or finger pointing, to also understand the causative problems and how we can fix them. The problem is a lack of operating retailers preventing normal access to customers. There are many provisionally licensed people, like myself, but very few of us are in operation. The plan a year ago was to have hundreds of us operating now, not a dozen. For whatever underlying reason, the "turn-key dispensary locations with favorable build-out loans" that licensees were promised have not materialized, or at least not anywhere close to the rate necessary to fulfill the promise to cultivators about retail opportunity. Many of these provisional licensees would love to open, tomorrow if possible, if provided a location, or if they had access to sufficient capital to open by themselves. That last part is critical, so I'll repeat: the supply chain backups caused by lack of retail outlets could be solved in a month, despite dispensary build-out slowness to date, if licensees had access to sufficient capital. They'd use this to get themselves open, rather than waiting for a location to be provided. More retail outlets being open solves the underlying problem for cultivators, although by itself it may be too little too late. So let's attack these interconnected problems holistically:</p> <ul style="list-style-type: none"> <li>• Push forward with all haste in allowing the "growers' showcase" idea, with cultivators partnering with retailers.</li> </ul> <p>But also, and critically important:</p> <ul style="list-style-type: none"> <li>• Allow provisionally licensed retailers to take part, or failing that, provide them a fast-path option to receive a limited conditional license usable for the sole purpose of operating in collaboration with cultivators.</li> </ul> <p>It solves a slew of problems:</p> <ul style="list-style-type: none"> <li>• It provides desperately customer access and cash flow for cultivators, to keep them operations afloat, ensuring a healthy top of the supply chain</li> <li>• It provides capital-constrained provisional retail licensees an opportunity to generate some revenue, which will allow them to finance their own retail location build-outs more quickly, leading</li> </ul>



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				<p>to more retail locations in operation</p> <ul style="list-style-type: none"> <li>• It fosters relationships and COLLABORATION between supply and retail to solve the hard problems, rather than pitting them against each other unnecessary.</li> </ul> <p>Without exception, each of the dozens of struggling cultivators I've spoken with have been supportive of this idea. Similarly, provisionally licensed retailers, struggling to fund their own build-outs, have said the same. The answer's here. Let's not settle for a half solution. Let's fix both problems, simultaneously, and move on! New Yorkers deserve this. Our industry deserves this. We're ready to jump in ASAP. We are organized, we're planning, and we're prepared. We just need the State's authorization to execute. Let us do so.</p>
41.	Edward	Cleary	Weaver Road Farms LLC	<p>Dear Members of the NY Cannabis Control Board,</p> <p>My wife, Lisa Keller and I make up Weaver Road Farms LLC, we want to express our concerns regarding the challenges faced by AUCC in their interactions with AUCPs. These issues we've encountered include low offers of \$125 to \$150 per pound for our biomass, which significantly undervalues our hard work and investment. We've also experienced difficulties in communication with AUCPs when our cannabis quantity is less than 400 pounds, hindering effective collaboration. Minimum requirement of 1000 pounds imposed by some AUCPs for processing poses a significant barrier for small-scale cultivators like us, limiting our participation in the market. Additionally, the manual removal of every stem from our biomass before processing, as required by one AUCP, is time-consuming and an impossible for two people. We cannot understand their double standard for not using the standardized approach of using hammermills as used for CBD biomass. Transparency is essential, and inconsistent information about the amount of cannabis required to produce one liter of biomass creates confusion. We urge the establishment of standardized production metrics to aid decision-making for AUCCs. Unclear spilt tolling arrangements without defined payment timeframes introduce uncertainty and risk. We advocate for transparent and mutually agreed-upon terms to provide stability and fairness. We believe addressing these concerns will foster a more equitable and successful cannabis industry in New York. Thank you for reading our comments and your commitment in supporting the growth of AUCCs like Weaver Road Farms LLC.</p> <p>Warm regards, Edward Cleary and Lisa Keller Weaver Road Farms LLC OCM-AUCC-22-000132</p>





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42.	Anthony	Delacuesta	Cornucopia Growers LLC	We are a Lic AUCC #31. we Thank you for all your hard work, and for giving us a chance to be part of this industry. We have 5 SKU's that failed testing only for Aspergillus. We borrowed 40K to help us get our product, processed into pre-roll, testing, and packaging. too finally see light at the end of the tunnel, get us revenue, to continue with this years crop. Now we are just stuck, Aspergillus is everywhere especially growing organically and outdoor. This will cost us another 15K. to remediate plus 3K to retest. This may just may be our tipping point of going bankrupt. What is the point of getting us a outlet if, most of us are failing for Aspergillus. HELP small Farms!!!!Minority and Woman owned!!!! Thank you
43.	Thomas	Ballistrea	N/A	My name is Thomas Ballistrea Jr., I'm a mentee in the Cannabis compliance training and mentorship program, I'm here today to extend my appreciation to the all the individuals that labored to allow me the opportunity to participate in the CCTM program and to ask that the board as well as the office continue to support the mentees from the CCTM program as we seek licensure in the adult use Cannabis industry. There are a lot of legacy individuals in the CCTM program, continuing to provide support for individuals to overcome knowledge and/or experience gaps and provide resources that would be available to any other start up business by various agencies that cannot work with Cannabis due to the continuation of Cannabis prohibition on the federal level will ensure that the legacy community can transition into the well-regulated adult use Cannabis market successfully. I'm also a justice involved individual and would humbly ask the board to consider releasing the data on which communities are going to be defined as disproportionately impacted per section 87 paragraph 5 subparagraph g of the MRTA prior to the release of the final regulations to allow individuals to better prepare for applying for licensure and forming their business plans based on the resources that may be available to them. When I decided to apply for the CCTM program and seek licensure, I put a lot of time and thought into what that looked like and how I could become part of the solution, as I believe that anyone that enters the adult use Cannabis industry in New York also takes on the responsibility to ensure that an equitable marketplace is formed that attempts to provide reparations for the injustices caused by Cannabis prohibition. I'm hopeful that I will have the privilege of being awarded a license in the adult use Cannabis industry and look forward to working with the board to ensure that equity is achieved by building off of the commonality that we all have in Cannabis and together forging a path towards mutual



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				understanding and mutual prosperity. Thank you for all that you do for the community and for your time today.
44.	Dominic	Spaccio	MoxBeacon LLC	Rueben McDaniel's vacant position should be filled by a VETERAN, the SDVOB have been promised equity via the MRTA and have no representation within the OCM anywhere. This is the perfect opportunity to resolve this ever present issue!
45.	Kevin	B		<p>Subject: Discrimination Concerns Regarding Cannabis License Applications</p> <p>Dear Members of the Cannabis Control Board,</p> <p>I hope this letter finds you well. I am writing to express my deep concerns regarding what I perceive as a form of discrimination in the current regulations governing cannabis license applications in New York State. Specifically, it has come to my attention that individuals who identify as white males and have no prior convictions are being denied the opportunity to apply for a cannabis license. While I fully support the goal of promoting equity and rectifying past injustices through cannabis legalization, I believe it is essential to ensure fairness and equal opportunities for all individuals, regardless of their race or gender. First and foremost, I would like to acknowledge the importance of addressing the historical disparities and systemic injustices that have disproportionately affected marginalized communities in relation to cannabis enforcement and prosecution. The intention to promote social equity and provide restorative justice to these communities is commendable and necessary. However, it is crucial to ensure that the measures taken to rectify these injustices do not inadvertently result in new forms of discrimination. While I understand and support the need for affirmative action programs and initiatives aimed at promoting diversity and providing opportunities for those who have been historically disadvantaged, it is equally important to ensure that such programs do not create new forms of inequity. Denying an individual the opportunity to apply for a cannabis license solely based on their race and gender, even if they have no prior convictions, appears to be a violation of the principles of fairness and equal treatment. I would like to emphasize that diversity and inclusivity can and should be achieved without excluding individuals solely based on their race or gender. By implementing a more comprehensive approach that takes into account various factors, such as socioeconomic status, access to resources, and community impact, it is possible to create a fair and just system that allows for equal opportunities for all qualified individuals. I kindly request that the Cannabis Control Board reconsider the current regulations to ensure that they are in line with the principles of fairness, equality, and non-</p>



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				<p>discrimination. By adopting a more inclusive approach to the cannabis license application process, we can ensure that all individuals, regardless of their race or gender, are given a fair chance to contribute to the burgeoning cannabis industry in New York State. Thank you for your attention to this matter. I trust that the Cannabis Control Board will take these concerns seriously and work towards creating a more equitable and inclusive framework for cannabis license applications. If there are any opportunities for public input or further discussions on this issue, I would appreciate being informed. I am available to provide additional information or discuss this matter further if needed.</p> <p>Yours sincerely, Kevin</p>