



Office of Cannabis Management

KATHY HOCHUL

Governor

TREMAINE WRIGHT

Cannabis Control Board Chair

JESSICA GARCIA

Board Member

HOPE KNIGHT

Board Member

ADAM W. PERRY

Board Member

JENNIFER GILBERT JENKINS

Board Member

CHRIS ALEXANDER

Executive Director

No. 2023-30
July 19, 2023

RESOLUTION DIRECTING THE OFFICE OF CANNABIS MANAGEMENT TO FILE FOR EMERGENCY ADOPTION AND REVISED PROPOSED RULEMAKING OF CERTAIN VIOLATIONS, HEARINGS, AND ENFORCEMENT REGULATIONS

WHEREAS, pursuant to Section 17 of the Cannabis Law, the Cannabis Control Board (Board) is charged with adopting, amending, and repealing administrative rules and regulations governing the procedures to be followed with respect to violations, hearings, and enforcement, issuing subpoenas and administering oaths in connection with any hearing or investigation, making determinations founded upon a preponderance of evidence to sustain charged brought at a hearing, and making appropriate determinations and issuing a final order after a hearing;

WHEREAS, pursuant to Section 13(5) of the Cannabis Law, the Board wishes to take emergency action and undertake revised rulemaking to ensure the Office of Cannabis Management (Office) has the authority to act against licensees and unlicensed individuals violating the Cannabis Law, its rules, regulations or guidance to protect public health and safety;

WHEREAS, on November 21, 2022, the Board voted to approve Resolution No. 2022-49, a Resolution Directing the Office to file for emergency and proposed rulemaking violations, hearings and enforcement regulations;

WHEREAS, on April 3, 2023, the Board voted to approve Resolution No. 2023-13, a Resolution Directing the Office to refile certain emergency violations, hearings and enforcement regulations, which are set to expire on August 4, 2023;

WHEREAS, pursuant to Resolution No. 2023-21, the Board voted to file emergency regulations for violations, hearings, and enforcement actions related to unlicensed activities in accordance with Part UU of Chapter 56 of the Laws of 2023;

WHEREAS, the Office recommends combining these violations, hearings, and enforcement emergency regulations, which also reflect public comments that were received by the Office for the proposed rulemaking voted under Resolution No. 2022-49, by adding the regulations approved under Resolution No. 2023-21, which would create a substantially different regulation for violations, hearings and enforcement to warrant a new filing for emergency adoption and revised rulemaking for the violations, hearings and enforcement regulations; now therefore, be it



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RESOLVED, the Board directs the Office to file with the New York State Department of State for the publication the attached emergency adoption and revised rulemaking for the combined violations, hearings and enforcement regulations currently before the Board, as may be amended for changes in accordance with the State Administrative Procedure Act, which would extend the effective date of the violations, hearing and enforcement regulations by 120 days from the date of filing and avoid any expiration of any part of the regulations and allow for the revised rulemaking process to commence and for the public to comment for 45 days from the date of publication of the revised rulemaking for the violations, hearings and enforcement regulations.

[Attachment]