



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. 2023-39
October 17, 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 to ensure the Office of Cannabis Management (Office) has the authority to act against licensees 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 of Cannabis Management to File for Adoption Certain Emergency Violations, Hearings and Enforcement Regulations;

WHEREAS, on April 3, 2023, the Board voted to approve Resolution No. 2023-13, a Resolution Directing the Office of Cannabis Management to Refile for Adoption Certain Emergency Violations, Hearings and Enforcement Regulations;

WHEREAS, on May 30, 2023, the Board voted to approve Resolution No. 2023-21, a Resolution Directing the Office of Cannabis Management to file for adoption Certain Emergency Violations, Hearings and Enforcement Regulations to provide for actions related to unlicensed activities in accordance with Part UU of Chapter 56 of the Laws of 2023;

WHEREAS, on July 19, 2023, after receipt and assessment of public comment by the Office, the Board voted to approve Resolution No. 2023-30, a Resolution Directing the Office of Cannabis Management to File for Emergency Adoption and Revised Proposed Rulemaking Certain Amendments to the Emergency Violations, Hearings and Enforcement Regulations,

WHEREAS, the Office recommends that the Board consider for emergency adoption and revised proposed rulemaking for current emergency violations, hearings, and enforcement, of which no public comments were received by the Office for revised rulemaking, which includes, changes made by the Office to, amongst other things, address issues concerning the appeals process, adding a certificate of compliance process, authorizes the Administrative Law Judge to have the power to rule upon all requests and impose a stay during a proceeding, as



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well as some technical changes, thereby creating a substantially different regulation for or 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

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 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, allow for the revised rulemaking process to continue and for the public to comment for 45 days from the date of publication of the revised rulemaking for the violations, hearings and enforcement regulation, and extends the expiration of adoption date by 90 days.

[Attachment]