



Registered Organization Adult-Use Licensing Communication

The purpose of this communication is to provide Registered Organizations interested in applying for a Registered Organization Non-Dispensing (ROND) or Registered Organization Dispensing (ROD) information about what will be required to be submitted to the Office of Cannabis Management (Office) as part of their transition.

The Office is finalizing a portal within the New York Business Express (NYBE) Portal that will allow Registered Organizations to submit all required information. However, to help facilitate the process, the Office will begin accepting the information required on the ROND and ROD applications on a rolling basis **starting today, Wednesday, October 4th, 2023**.

Please note, once the ROND and ROD applications are available on the NYBE Portal, Registered Organizations interested in transitioning to the ROND and ROD license will need to complete certain aspects of the application through the NYBE platform. Certain information, such as a Registered Organization's True Parties of Interest (TPIs) must be identified and captured in the system.

Pursuant to Section 120.7(2) of Title 9 of the New York State Codes, Rules and Regulations (NYCRR), Registered Organization who want to apply for a ROND or ROD license must be in good standing with the Office and have four (4) operational medical dispensing sites. The regulations also require the following information to be submitted to the Office, or available upon request, to satisfy the requirements for this application:

1. Community Impact Plan;
2. Other plans described in 9 NYCRR Part 125, as required on the application based on the license sought; and
3. Any other information required by the Office.

Below is additional information regarding the application requirements for each of the three items listed above, as well as supplemental information requested by the Office.

Community Impact Plan

Registered Organizations are required to provide the Office with a Community Impact Plan as outlined in Section 121.4 of the regulations. An excerpt of the regulations is provided below describing the elements that must be addressed in the Community Impact Plan. **Please be sure to include specific detail and examples for each provision outlined in the regulation.**

Registered Organizations must provide an explanation of any activities the Registered Organization has initiated or plans to initiate to have a positive community impact in New York State or the communities the Registered Organization operates in. Examples include but are not limited to: a social responsibility program that supports adult education, harm reduction or substance use treatment; the provision of training, job placement, job skills services; fostering apprentices, incubation or offering technical or financial assistance to populations that have been disproportionately impacted by cannabis prohibition; the contribution of funds or services to facilitate resentencing or other criminal justice-related services for individuals with a prior cannabis conviction(s); financial resources to develop procurement policies, practices, and outreach to provide minority-owned and women-owned businesses with the opportunity to participate and compete to supply goods and services; or, partnering with local universities,



local community colleges, or local community-based Organizations to provide programs in cannabis operations. **Community Impact Plans must be measurable in order to track and evaluate the Registered Organizations performance and implementation of the activities laid out in its Community Impact Plan.**

§ 121.4 Commitment to Social and Economic Equity.

...

(1) A community impact plan shall show an applicant's or licensee's plan for how the applicant or licensee will benefit communities, and individuals from communities that were disproportionately impacted by the enforcement of cannabis prohibition, which shall include, but not be limited to:

(i) identification of the community or communities and individuals disproportionately impacted that the applicant or licensee plans to benefit;

(ii) a description of:

(a) the benefits that the applicant or licensee will provide to the community or individuals disproportionately impacted, including, but not limited to, workforce opportunities, community resources, education, and other community building programs;

(b) the scale or size of the disproportionately impacted target beneficiaries; and

(c) the plan for implementation, including, but not limited to, actions, activities and engagements that will be performed by the applicant or licensee and frequency of engagement with the community or individuals disproportionately impacted;

(iii) a demonstrated need of the proposed benefit to the community and individuals disproportionately impacted, including, but not limited to, economic and social impact;

(iv) identifiable resources the applicant or licensee will use to execute the community impact plan, including, but not limited to:

(a) by written agreement, a demonstrable partnership or relationship with a community based organization or other association;

(b) estimated expenses, if any, the applicant or licensee will incur to execute the community impact plan and its activities;

(c) the applicant's or licensee's demonstrated ability, knowledge, expertise or experience; and

(d) any other information or documentation evidencing community engagement.

(v) a description of the applicant's or licensee's strategy to measure, track, and record the performance and execution of the community impact plan that identifies qualitative and quantitative metrics, and includes frequency of tracking such metrics;

(vi) a statement by the applicant or licensee supporting its ability to execute on the community impact plan as described in the application based on the suitability and appropriateness of the metrics the applicant or licensee will use to measure the success



of the community impact plan; and the nexus described between the community impact plan’s desired outcome, implementation strategy, and the applicant’s or licensee’s demonstrated ability to execute the community impact plan; and

(vii) any other requirements for a community impact plan as determined by the Board.

Plans Described in 9 NYCRR Part 125 as Required by the Board on Application

Section 125.2 of the regulations reference a site plan, operating plan and an environmental plan. The site plan and operating plan must be maintained by the licensee and made available to the Office upon request. While these plans are not required on application, it is the responsibility of the licensee to comply with all requirements set forth in Section 125.2 for these plans and any operations conducted.

The energy and environmental plan must be submitted to the Office as part of the application and must include the information set forth in Section 125.2(c)(1):

1. A confirmed receipt of a submitted utility service request application;

Part 125.2(c)(1)(i) of OCM’s adult-use regulations states that license applicants must provide *a confirmed receipt of a submitted utility service request application.*

It is common for utilities to ask commercial and industrial customers to submit a utility service request before they begin providing utility service to the site to help them understand future energy needs. A Registered Organization might have filled out a utility service request application with their utility service provider before commencing operations.

If a utility service request application is unavailable, applicants may instead upload the Organization’s most recent utility service bill to confirm their utility is aware of the scale of their energy consumption.

2. A description of all water sources that shall be used in the cultivation or processing of cannabis or cannabis products;

Part 125.2(c)(1)(ii) of OCM’s adult-use regulations requires applicants to submit a *description of all water sources that shall be used in the cultivation or processing of cannabis or cannabis products.*

Common water sources for cannabis cultivation or processing are ground, municipal, surface or well. A Registered Organization must submit a document describing each of their water sources as ground, municipal, surface or well as applicable, or a copy of their most recent water service bill from their water service provider.

3. A statement that the licensee’s operations will not be inconsistent with, and will not interfere with the attainment of, the statewide greenhouse gas emissions limits established in article 75 of the Environmental Conservation Law;

Part 125.2(c)(1)(iii) of OCM’s adult-use regulations requires licensees to attest that their operations *will not be inconsistent with, and will not interfere with the attainment of, the*



statewide greenhouse gas emissions limits established in Article 75 of the Environmental Conservation Law.

[Article 75 of the NYS Environmental Conservation Law](#), or Chapter 106 of the Laws of 2019, enacts the NYS [climate leadership and community protection act](#) (CLCPA, or “Climate Act”), which relates to climate change, renewable energy, labor and job standards and worker protection. The purpose of the CLCPA is to assist NYS in achieving greenhouse gas (GHG) emission reductions to a level that will mitigate the global impacts of climate change while improving the state’s resiliency to climate change. More information about the CLCPA can be found in the [New York State Climate Action Council Scoping Plan](#), which outlines specifics for how NYS is going to collaborate across industries and regions to achieve the goals set forth in the CLCPA.

To meet this requirement, Registered Organizations will be asked to complete an attestation that the Registered Organization will not interfere with the attainment of the statewide GHG emissions limits established in Article 75 of the Environmental Conservation Law.

4. An Environmental Sustainability Product Packaging Plan which describes a retail packaging sustainability program pursuant to Part 128 of Title 9; and

Part 125.2(c)(1)(iv) of OCM’s adult-use regulations require applicants *seeking a ROD or ROND license that authorizes the packaging and labeling of cannabis products, to submit an Environmental Sustainability Product Packaging Plan which describes a retail packaging sustainability program pursuant to 9 NYCRR Part 128.*

The Environmental Sustainability Product Packaging Plan must outline the Registered Organization’s plans to incorporate sustainable product packaging into its operations. This plan may include, but is not limited to, outlining strategies to shift to sustainable packaging for retail products such as non-plastic, compostable or recyclable materials; reuse strategies for collecting reusable cannabis packaging components to be sanitized and refilled or reused as cannabis packaging; collection or redemption of batteries, cartridges, or vape pens; or sustainable packaging strategies that use non-plastic, compostable or recyclable materials, or packaging materials exceeding 25% post-consumer recycled content.

The Environmental Sustainability Product Packaging Plan has a word limit of six hundred (600) words and the plan should not exceed 3 pages total, using 12-point font and 1.5 line spacing. Please clearly label each section of the plan and do not include anything other than text within the plan, meaning no diagrams or photos. As appropriate, use SMART (specific, measurable, attainable, realistic and time-bound) goals to describe the plan.

Medical Patient Prioritization Plan Requirements

A Registered Organization applying for licensure as a ROND or ROD must submit a medical patient prioritization plan and include the requirements set forth in 9 NYCRR Sections 123.16(a)(3) or 123.18(a)(8)(ii), respectively. The medical patient prioritization plan requires Registered Organization in transitioning to an adult-use license to take all measures to ensure an



adequate supply of a variety of cannabis products and an uninterrupted availability of medical cannabis for certified patients. This includes certified patients served by products provided by wholesale to another Registered Organization.

To demonstrate, to the satisfaction of the Office, that licensure as a ROD or ROND will not impact access for certified patients and will not impact the availability of medical cannabis or medical cannabis products, Registered Organizations must provide the plans and information requested below. If approved, RODs and RONDs will be required to assess and update plans on an ongoing basis to reflect changes in medical patient demand. Registered Organization will be required to update their operating procedures to incorporate all proposed activities. Licensees cannot make any operational changes that reduce access to medical cannabis products for certified patients without prior authorization of the Office.

The sections below detail the information that must be contained in the applicant's Medical Patient Prioritization Plan. Registered Organizations are required to maintain a sufficient amount of medical cannabis product as determined by the highest monthly sales volume generated in the last twelve (12) months. Failure to provide the required information, documentation, and assurances or failure to reveal any material fact or provide information that is untrue or misleading that is pertaining to the licensure and operation of a ROD or ROND to the Office or Board as requested may result in the denial or revocation of the adult-use license.

Please include the following information in your Medical Prioritization Plan:

1. Provide a plan for how the Registered Organization will adjust its operations to adequately maintain or expand access and services to medical cannabis patients if granted a ROD or ROND license.
2. Provide a plan for how the Registered Organization plans to cultivate and process medical cannabis to maintain a sufficient supply of medical cannabis based on the demand of medical cannabis patients. Plans must include an analysis of the current production plan, including cultivation and manufacturing volume data from the last twelve (12) months, to determine the amount of medical cannabis necessary to maintain adequate supply of medical cannabis products for patients.
 - a. For the cultivation analysis please include:
 - i. The average amount of canopy space used to cultivate flower over the last 12 months
 - ii. The number of harvests that have occurred over the last 12 months
 - iii. The amount of usable product, in pounds, harvested at each harvest cycle in the last 12 months
 - iv. The total amount of flower, in pounds, allocated to wholesale and the total amount of flower, in pounds, allocated to manufacturing in the last 12 months.
 - b. For the processing analysis please include:
 - i. The amount of medical cannabis products manufactured, by specific medical cannabis product forms, over the last 12 months.
 - ii. The amount of medical cannabis products manufactured with whole plant or full spectrum extract over the last 12 months.
 - iii. The amount of medical cannabis products manufactured in high THC concentrations



- iv. The amount of medical cannabis products manufactured in equal concentrations of THC and CBD
- v. The amount of medical cannabis products manufactured in high CBD concentrations
- 4. Based on the above cultivation analysis, please include a determination of the minimum amount of canopy space that will be dedicated to the cultivation of medical cannabis flower for wholesale and for processing. Please note that Registered Organizations are limited to 100,000 square feet of canopy (or the tier they select on the application), unless otherwise authorized by the Board in writing.
- 5. Based on the above processing analysis, please include a determination of the minimum production amount that will be dedicated to the categories listed below:
 - a. A plan to manufacture medical cannabis products including specific medical cannabis product forms, including product forms with whole plant or full spectrum extract.
 - b. A plan to manufacture medical cannabis products in diverse cannabinoid formulations including but not limited to high THC, an equal concentration of THC and CBD, and high CBD.
- 6. A plan to make seeds or immature plants available for patient's home cultivation.

If transitioning to ROD, please also provide the additional information below:

Please provide a plan for how the Registered Organization will provide and maintain continuous and ongoing access to a sufficient supply of medical cannabis products for medical cannabis patients in New York State. Plans must include the following for each proposed co-located dispensing site. *Since Registered Organization begin with the ability to co-locate at one dispensing site, please provide the information below for the first dispensing site to be co-located.*

- Address of the proposed co-located dispensing site:
- An analysis of the amount and product types needed to maintain sufficient supply of medical cannabis products for New York State patients. The analysis should be based on the highest monthly sales volume generated by the applicant in the last twelve (12) months.
- Based on the above analysis, a determination of the minimum amount of shelf space that will be dedicated to the categories listed below. At least one product in each of the following categories **must** be continuously available to patients with ongoing stock.
 - In each of the following cannabinoid concentrations: high THC, an equal concentration of THC and CBD, and high CBD, the following product forms:
 - i. Capsules
 - ii. Tinctures
 - iii. Oral Powders or Sprays
 - iv. Topicals
 - b. For product forms manufactured with a cannabis extract, products in each of the following categories must be made with a whole plant or full spectrum extract. This includes:
 - i. Cannabis concentrates
 - ii. Vape cartridges or single use pens



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- iii. Capsules
- iv. The Tinctures
- v. Topicals
- vi. Edibles
- c. Seeds or immature plants for medical home cultivation
- An analysis of the maximum amount of shelf space dedicated to adult-use products based on the analysis of what is required to maintain adequate medical cannabis product supply.
- How the Registered Organization plans to dedicate a minimum of 50% of adult-use shelf space for products cultivated and processed by licensees that are not RODs until January 1, 2025, and 40% thereafter, as measured by total units in inventory on a 30-day rolling average
- A plan for conducting an evaluation on an ongoing basis of patient demand

Other Information Required by the Office

In addition to the information above please also provide the following information:

- Does the Registered Organization plan on applying for a ROD or ROND license? If so, which one?
- What tier and cultivation type does the Registered Organization intend on applying for?
- If ROD, for the first dispensing facility the Registered Organization intends to co-locate, please provide the address and submit evidence, that the proposed location meets all proximity requirements in the Cannabis Law and Part 119 of the regulations.

Submission Instructions

For the information requested above, please clearly label each section of the requested plans and label any attachments with the Registered Organization name and the corresponding plan or document. All information must be submitted to ROlicensing@ocm.ny.gov.

If you have any questions, please reach out to ROlicensing@ocm.ny.gov.

The Office will provide an update shortly related to the NYBE Portal and the application fee required for the submission of the license. Please note, all applications will have to go before the Cannabis Control Board for final approval.

Thank you.