



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

Meeting Minutes

Title:	New York State Cannabis Control Board Meeting
Time & Date:	December 8, 2023 at 10:30 AM
Location:	Empire State Plaza Convention Center, Meeting Room 6, Albany, NY 12242, SUNY Morrisville, Bicknell Hall, Room 212, 80 Eaton St., Morrisville, NY 13408, 181 Ellicott St., Buffalo, NY 14203, and Virtual via Webcast

Attendance

Board Chair:	Tremaine Wright
Board Members Present:	Hope Knight
Board Members Present (virtually):	Jennifer Gilbert Jenkins, Adam W. Perry
Board Members Present (virtually from a private location due to extraordinary circumstances):	Jessica Garcia
Board Members Absent:	N/A
Others Present:	Damian Fagon, John Kagia

Agenda

- I. Call to Order
- II. Welcome and Opening Remarks
- III. Consideration of Adult-Use Conditional Cultivator Relocations
- IV. Consideration of Registered Organization Dispensary Relocations
- V. Consideration of Registered Organization Dispensing and Registered Organization Non-Dispensing Applications
- VI. Executive Director Report
- VII. Public Comment
- VIII. Adjourn



Office of Cannabis Management

Action Items

Resolution No. 2023-46:	Resolution to Approve Relocation Requests of Certain Adult-Use Conditional Cultivator Licensees.	Passed, Unanimous Vote
Resolution No. 2023-47:	Resolution to Approve a Certain Relocation Request of Registered Organization Dispensing Facility of Firoello Pharmaceuticals, Inc.	Passed, Unanimous Vote - Board Member Garcia recused herself prior to the vote.
Resolution No. 2023-48:	Resolution to Approve a Certain Relocation Request of Registered Organization Dispensing Facility of Citiva Medical LLC.	Passed, Unanimous Vote - Board Member Garcia recused herself prior to the vote.
Resolution No. 2023-49:	Resolution to Grant a Registered Organization Adult-Use Cultivator, Processor and Distributor License or a Registered Organization Adult-Use Cultivator Processor Distributor Retail Dispensary License to Certain Registered Organizations.	Passed, Unanimous Vote - Board Member Garcia recused herself prior to the vote. Board Member Perry abstained from the vote.

Notes & Comments

- The agenda was amended to remove the approval of the meeting minutes from the November 17, 2023 and November 27, 2023 Cannabis Control Board (“CCB” or “Board”) meetings. These items will be considered for approval at the next CCB meeting.
- Chair Wright commented that she wanted to take a moment to talk about the long-awaited resolution of the lawsuits that halted their ability to process and issue licenses for the Conditional Adult-Use Retail Dispensary (“CAURD”) program. She noted that this settlement provides much needed relief to the hundreds of provisional licensees who, until now, have had to delay the launch of their operations. She commented that their businesses may have been sidelined, but their CAURD licensees remain wholeheartedly committed to the endeavor. She stated that just this week, they have seen two dispensaries here in the Capital Region announce their openings. She noted that each dispensary is supported by the New York Cannabis Social Equity Investment Fund and demonstrates New York's commitment to fostering a diverse and inclusive adult-use cannabis industry. She commented that they remain dedicated to upholding a fair and transparent process that supports all business types and license types as they continue to grow New York’s cannabis industry, and that they share the enthusiasm and joy of their cannabis licensees as the market expands and grows. She



Office of Cannabis Management

further commented that challenges remain, but they remain hopeful as they look to the coming weeks and months, and that they anticipate licensees' announcements of their grand openings and they ask that you stay tuned to messages from the Office for dispensary openings near you.

- Damian Fagon, Chief Equity Officer for the Office of Cannabis Management (“OCM” or “the Office”), provided an overview of Resolution No. 2023-46, a Resolution to Approve Relocation Requests of Certain Adult-Use Conditional Cultivator Licensees. In accordance with Section 120.18(d)(1)(iii) of the Adult-Use Regulations and Cannabis Law Section 68-c(5), the Board must consider whether to approve an amendment or change to the cannabis business address or a change in the location of a licensee’s licensed activities. The Office has completed the review of and recommends the approval of the following location changes:
 - American Weed, LLC (OCM-AUCC-22-000015)
 - American Weed, LLC, an Adult-Use Conditional Cultivator (AUCC) submitted a location request form to relocate their drying facility to an adjacent county from Cayuga to Oswego.
 - Agricultural Development Services, LLC (OCM-AUCC-22-000278)
 - Agricultural Development Services, LLC, an AUCC, submitted a location request form to relocate their drying facility to an adjacent county from Monroe to Genesee.
 - Hop-N-Hemp Tea, Inc. (OCM-AUCC-22-000063)
 - Hop-N-Hemp Tea, Inc., an AUCC, submitted a location request form to relocate their drying facility to an adjacent county from Wyoming to Erie.
- Chair Wright asked what exactly they are relocating. She commented that she knows this says cultivator, but what exactly is being moved in these instances.
- Damian Fagon commented that in some cases, it’s a drying facility that may need to move a location and in other cases, it’s actually the cultivation location itself that needed to move.
- Chair Wright asked who is moving a cultivation.
- Damian Fagon commented that the AUCCs before the Office. He further commented that all three are drying facilities.
- Upon a motion from Board Member Hope Knight, and a second from Board Member Jennifer Gilbert Jenkins, Resolution No. 2023-46, a Resolution to Approve Relocation Requests of Certain Adult-Use Conditional Cultivator Licensees, was approved unanimously.

- Board Member Jessica Garcia recused herself prior to a vote for Resolution No. 2023-47 and Resolution No. 2023-48.
- Chair Wright provided an overview of Resolution No. 2023-47, a Resolution to Approve a Certain Relocation Request of Registered Organization Dispensing Facility of Firoello Pharmaceuticals, Inc and Resolution No. 2023-48, a Resolution to Approve a Certain Relocation Request of Registered Organization Dispensing Facility of Citiva Medical LLC. If approved, these resolutions would allow both Fiorello Pharmaceuticals, Inc. and Citiva Medical LLC to open their fourth medical dispensing facilities. Fiorello currently has three facilities open in Monroe, New York and Saratoga counties. They are seeking to open a fourth location in Nassau County. Citiva currently has dispensaries open in Dutchess,



Office of Cannabis Management

Richmond, and King counties. They are seeking to open a fourth location in Tompkins County. In accordance with Section 113.7 (h) of Title 9 Part 113, Medical Cannabis Regulations, the Board must consider whether to grant or deny an amendment to their registrations. The Office has reviewed all information required to open a new Registered Organization Dispensing Facility and is recommending approval by the Board.

- Board Member Jennifer Gilbert Jenkins asked for clarification if these are the two that they were waiting for that didn't have their fourth locations, but on the next piece they are still only voting on the sixth.
- Chair Wright commented yes, this does not change the resolution before them and that these people are only looking for a fourth location, and if they approve this, they will be amending the registration to allow that fourth location.
- Upon a motion from Board Member Jennifer Gilbert Jenkins, and a second from Board Member Hope Knight, Resolution No. 2023-47, a Resolution to Approve a Certain Relocation Request of Registered Organization Dispensing Facility of Firoello Pharmaceuticals, Inc. and Resolution No. 2023-48, a Resolution to Approve a Certain Relocation Request of Registered Organization Dispensing Facility of Citiva Medical LLC, were approved unanimously.

- Board Member Jessica Garcia recused herself prior to a vote for Resolution No. 2023-49.
- Damian Fagon, Chief Equity Officer for OCM, provided an overview of Resolution No. 2023-49, a Resolution to Grant a Registered Organization Adult-Use Cultivator, Processor and Distributor License or a Registered Organization Adult-Use Cultivator Processor Distributor Retail Dispensary License to Certain Registered Organizations. Pursuant to Article 4 of the Cannabis Law, a Registered Organization (RO) registered by Article 3 of the Cannabis Law that applies for a Registered Organization Adult-Use Cultivator, Processor, Distributor ("ROND") license or a Registered Organization Adult-Use Cultivator, Processor, Distributor Retail Dispensary ("ROD") license must provide certain information to the Board prior to license approval. The ROs being considered today, have submitted the required materials to transition, including a Community Impact Plan, Medical Patient Prioritization Plan and an Energy and Environmental Plan. If approved, ROs who submit the required licensing fees will be able to begin co-locating adult-use sales at a medical dispensary beginning on December 29, 2023. The Office is recommending the following ROs for approval:
 - Columbia Care NY, LLC
 - Curaleaf NY, LLC
 - Etain, LLC
 - NYCANNA, LLC
 - PharmaCann of New York, LLC
 - Valley Agriceuticals, LLC
- Board Member Jennifer Gilbert Jenkins commented that they were given checklists that show that each of the organizations submitted information for each of the checkpoints, but they were not given any information about that. She then asked what types of things these different organizations are proposing for their community impact plans and what types of things these organizations are showing for their sustainability plans.
- Damian Fagon commented that his team reviewed the impact plans and that there were standards that they laid out in the adult-use regulations that these plans had to meet, they



Office of Cannabis Management

had to be measurable, demonstrate an actual financial commitment with a dollar amount, and they had to engage local community organizations. He further commented that in every case, these organizations had already previously, in many cases, engaged with their local community, but they had to actually articulate which target populations in neighboring counties or neighboring communities they were going to seek support and help, how much money and financial resources and human resources they were committing to that work, and then measurable goals over time that they could use to track progress, because adherence to these community impact plans is a part of their renewal of their license, and that these plans demonstrated all of those characteristics.

- John Kagia, Director of Policy for OCM, commented that the medical patient prioritization plan was really intended to ensure that medical patients would not see any kind of degradation in access or service, even as these organization began to support the adult-use market. He commented that on the environmental and sustainability side, these organizations had clearly spent time thinking about how to ensure that they are building sustainable organizations as they grow, and so, everything from the sustainability of their packaging, hyper-recyclability, capturing waste both in their organizations and capturing post-consumer waste, and in the production facilities, an incredible degree of focus on energy and resource efficiency, which blends perfectly well with the environmental program that they are trying to build here and that he thinks that they are going to end up seeing as part of their broader environmental and sustainability initiatives here, some of the most efficient organizations in the country.
- Chair Wright asked are the impact plans public.
- Damian Fagon responded not currently, no.
- Chair Wright commented that they are also considering at this moment that these people have a commitment to putting 50% of their shelf space to non-RO products and asked if they have seen any movement towards that or what is going to meet that requirement.
- John Kagia commented that the RO's have begun engaging with AUCCs and Adult-Use Conditional Processors (AUCP) to start establishing those business relationships, to start purchasing those contracts, and given that they have not received approval yet, he thinks that there has been hesitance to go out and secure all of this product yet, but this is absolutely one of the things that is mission critical for the advancement of this. He further commented that there is a clear understanding both on their producer side and amongst the RO's that the 50% threshold will be a requirement as they get through to them beginning the operations and it is certainly something that they will be able to request and monitor over time.
- Chair Wright asked if these folks are planning to open by December 29th to begin adult-use sales.
- John Kagia commented yes and that he thinks most will be able to open by or shortly thereafter. He commented that they will share with the Board the exact dates once they have confirmed those to them. He further commented that the goal here was to ensure that they could get this approval done now so that they could go out, secure the products, and make sure that the inventory loads were appropriately balanced before they opened.
- Upon a motion from Board Member Hope Knight, and a second from Board Member Jennifer Gilbert Jenkins, Resolution No. 2023-49, a Resolution to Grant a Registered Organization Adult-Use Cultivator, Processor and Distributor License or a Registered Organization Adult-



Office of Cannabis Management

Use Cultivator Processor Distributor Retail Dispensary License to Certain Registered Organizations, was approved unanimously. There was one abstention from Board Member Adam Perry.

- Damian Fagon, Chief Equity Officer for OCM and John Kagia, Director of Policy for OCM, provided the following updates during the Executive Director's report:
 - General Adult-Use Application Update
 - The first application window for non-provisional adult-use retail dispensary and microbusiness licenses closed on November 17th at 5:00pm.
 - Nearly 1,500 retail dispensary applications with a location were received by the Office, with 77% applying as Social and Economic Equity.
 - Over 350 applications with a location for a microbusiness license were received by the Office, with over 70% applying as Social and Economic Equity, and approximately 15% as graduates of the Cannabis Compliance Training and Mentorship Program.
 - OCM completed the randomized queueing process for the non-provisional retail and microbusiness applications in collaboration with the NYS Gaming Commission and an independent auditor.
 - CAURD Next Steps
 - On Monday, the Office began issuing final CAURD licenses to compliant businesses released from the injunction.
 - Over a dozen of CAURD dispensaries are expected to open by the end of 2023, including in Rochester, Mount Vernon, Brooklyn, Long Island, the Bronx, and the Upper East Side.
 - As the new year approaches, OCM will resume processing applications and inspecting CAURD licensees who are ready to open their doors.
 - Cannabis Growers Showcase
 - The Cannabis Growers Showcase (CGS) program will sunset on 1/1/2024.
 - OCM approved 60 CGSs, with 75 cultivators, 19 processors, and 12 CAURD licensees participating in these events.
 - As of 11/26/2023, CGS events have generated \$5.02 million dollars in sales.
- Board Member Jennifer Gilbert Jenkins commented that looking at all of the applications that they are getting, she remains concerned about the very small number of applications that they are considering granting, and that she feels strongly that they need to increase those numbers.

- 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.

- The CCB adjourned the meeting.



Appendix A

NYS Cannabis Control Board 12/8/2023 Meeting – Public Comment

	First Name	Last Name	Organization (If Applicable)	Public Comment
1.	Paul Matt	Suits Suits	Lakehouse Cannabis	<p>My name is Paul Suits. My brother Matt. We have developed an incredible dispensary in Cortland, New York, just a 90-second drive off of Interstate 81 called Lakehouse Cannabis. I'm not here to complain despite facing a prolonged license review process for almost two years and investing over a million dollars. We are maintaining a positive outlook, recognizing the crucial role of the Office of Cannabis Management in shaping the future of the cannabis industry in the state. I'm here to underline that we just need a license. Our team has worked tirelessly to build strong relationships with legal cannabis brands in the state and are eager to contribute positively to the community. All we need is a license. There's a steady stream of inquiries from community members, local elected officials, along with those seeking job opportunities, all eagerly awaiting our dispensaries opening. They all ask, "When will you be open?" We are confident our store will contribute to the local economy by generating tax revenue for Cortland, supporting vital public services and infrastructure. We just need a license to provide legal and regulated cannabis access, especially considering the absence of legal dispensaries in the region from Syracuse to Binghamton, creating what can be described as a "cannabis desert." We remain optimistic about the collaboration with OCM and envisioning a future where our dispensaries serves as a model for responsible cannabis business practices in New York State. We applied as a CAURD applicant, however our justice involved family member had his conviction dismissed. And even though we were a minor at the time, they were a minor at the time and their arrest, did have consequences in their life, we were unable to move forward with that program. We know 50% of all license types will go to SEE applicants. Please don't leave folks like my brother and I out of New York Adult Use Cannabis Program. You continue to voice the need for additional retail operations in order to sustain the market. Even though we are not SEE applicants, we have a strong social equity plan. We just need a license. Thankfully to the strict measures taken by the Mayor, City Council, and Cortland Police have effectively prevented illicit stories from flourishing in Cortland, setting it apart from the other areas in New York</p>



Office of Cannabis Management

	First Name	Last Name	Organization (If Applicable)	Public Comment
				State. Lakehouse cannabis can provide our region with a quality and safe experience to purchase quality and safe cannabis. We just need a license. I'd like to end with a quote from Chris Alexander. "The number one remedy for the problem of these illicit shops is getting more legal businesses open. New Yorkers want to know where their products are coming from and they want to know they can rely on safe, trusted, and locally grown cannabis when they walk into one of our legal dispensaries." We can help, but we need a license. Thank you for your time.
2.	Paula	Collins		I'm Paula Collins, a cannabis tax attorney. This is definitely an exciting time in New York cannabis and I'm very happy that I have some CAURD licensees who are moving towards opening and I'm here in Albany for the opening of Capital District Cannabis and Wellness today, a soft opening and a grand opening later this month. It's been a long haul. I fully support the license market, but as we move into this new phase of our regulated market, I want to caution us to not forget about constitutional rights when it comes to compliance and enforcement of the unlicensed industry. Long-standing constitutional privileges like fourth amendment protections against search and seizure, fifth amendment due process, and eighth amendment protections against excessive fines still apply within the context of administrative law proceedings, even when applied against shop owners who are unlicensed or otherwise out of compliance. It would be tragic if New York enforcement agents acted unconstitutionally against a largely immigrant and first-generation population of shop owner, many of whom by the way are justice involved, and even more tragic if these unconstitutional acts were justified by needing to uphold CAURD licensees, many of whom experienced deprivations of the same constitutional rights and due process in order to qualify for the license. We need to break this cycle of injustice surrounding the plant and I believe OCM is sincere in that commitment. But our New York industry is fragile. We remain vulnerable. There is a persistent message from OCM and from the media that the unlicensed market has held back the license market. There can be no doubt about it. The slow rollout was not caused by the unlicensed market, but by policy and misstep. Not a single CAURD licensee has been denied the privilege of opening because of an unlicensed shop, not a single one. We could capture the tax revenues and thus fund community programs while simultaneously opening much needed markets to our state's cannabis farmers simply by creating a pathway by



Office of Cannabis Management

	First Name	Last Name	Organization (If Applicable)	Public Comment
				which the currently licensed unlicensed shop owners have a time limited opportunity to...
3.	Zymia	Lewis	Big Gas Dispensary	Can you hear me? Okay. Hi. Good morning. I just want to thank you guys. It feels good to be in here with a different type of atmosphere where, you know, we see smiles on everyone's faces and we're moving forward and CAURD is able to continue. I'm not open yet, but I am hopeful that I will be open soon. So I just want to say thank you for your hard work and thank you for making it possible for me or us and CAURD and everyone to continue on with helping build this industry. So thank you.
4.	Sam	Spohn	S-JAM Handicraft Cannabis Company	All right. That was quick. Hi. I'm Sam Spohn with S-JAM Handicraft Cannabis Company. I applied for a micro business license and I'm very excited to have this opportunity. Cannabis has been a big part of my life. You know, I grew up with the guilt, shame, and stigma of cannabis use in my community. I come from a small community and to have the opportunity to come back and show how positive cannabis can be. You know, I'm a vice president on the board of the Thruway Recovery Stop Incorporated in Herkimer, New York, which is I started the first cannabis recovery meeting for substance abuse disorders. And I'm very excited about that. And you know, coming from that market and or coming from the legacy growers and you know, in the early 2000s for me, that came with a lot of other issues being involved in the criminal activity. You know, and today to have this opportunity in New York to be a part of the community, be a pillar in the community, you know, grow with the community is very exciting. So thank you.