



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 29, 2023 at 1:30 PM
Location:	New York State Office of Cannabis Management, 59 Maiden Lane, New York, NY 10038, 181 Ellicott St., Buffalo, NY 14203, and Virtual via Webcast

Attendance

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

Agenda

- I. Call to Order
- II. Welcome and Opening Remarks
- III. Approval of Meeting Minutes from November 17, 2023, November 27, 2023 and December 8, 2023 Board Meetings
- IV. Consideration of Registered Organization Dispensing and Registered Organization Non-Dispensing Applications
- V. Consideration of Cannabis Laboratory Testing Permits
- VI. Executive Director Report
- VII. Adjourn



Office of Cannabis Management

Action Items

<p>Resolution No. 2023-50:</p>	<p>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.</p>	<p>Failed Vote – Board Member Garcia recused herself prior to the vote. Chair Wright and Board Member Gilbert Jenkins both abstained from the vote.</p>
<p>Resolution No. 2023-51:</p>	<p>Resolution Issuing Certain Cannabis Laboratory Permit.</p>	<p>Passed, Unanimous Vote – Chair Wright and Board Member Gilbert Jenkins both abstained from the vote.</p>

Notes & Comments

<ul style="list-style-type: none"> • A Point of Order was raised by Board Member Jennifer Gilbert Jenkins regarding the procedures and policies of the Cannabis Control Board (“CCB” or “Board”). • Chair Wright stated that the three drafts of bylaws that currently exist will be circulated to Board Members. She mentioned to bring comments so that they can have a discussion as a Board and figure out how they are going to move forward so that they understand what their plans look like and if they are doing it in the way that makes the most sense. • A Point of Order was raised by Board Member Adam Perry to move forward with the agenda. • Upon a motion from Board Member Jessica Garcia, and a second from Board Member Hope Knight, the Minutes of the November 17, 2023, November 27, 2023 and December 8, 2023 Cannabis Control Board Meetings were approved unanimously.
<ul style="list-style-type: none"> • Board Member Jessica Garcia read the following statement: I would like to put on the record that I am recusing myself from Resolution 2023-50 out of an abundance of caution. I have no direct conflict of interest because my employer doesn’t sign LPA’s or bargain CBA’s with the cannabis industry in New York, however, I sought guidance from counsel at the Office of Cannabis Management (“OCM” or “the Office”) and the New York State Commission of Ethics in regard to what might constitute indirect conflict. The Governor appointed me because of my labor matter expertise, and I intend to bring that to bear as a Board member of this Board consistent with the Code of Ethics set forth in Section 74 of the Public Officers Law. • Executive Director Chris Alexander provided an overview of Resolution No. 2023-50, 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



Office of Cannabis Management

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, including a Community Impact Plan, Medical Patient Prioritization Plan and an Energy and Environmental Plan. If approved, they will be able to begin dispensing cannabis products, those that are applying for the dispensing component as soon as December 29, 2023. The Office is recommending the following ROs for approval:

- Fiorello Pharmaceuticals, Inc.
- Citiva Medical, LLC
- Board Member Jennifer Gilbert Jenkins commented that she wanted to know why after the last time they said that they wanted more information, more information wasn’t given, and she knows that the Chair had asked for information about whether or not there were direct contracts. She commented that this was stated to her that the fact that she was not ready to hold an Emergency Meeting meant that she was anti-farmer. She further commented that she is really angry about how many times in the past three weeks she has had to defend her stance about how she support New York farmers and she knows that the Chair had asked for were there contracts that said that the ROs had in place to buy from farmers because they are vertically integrated so they don’t have to do that and she wanted to know have those questions been answered.
- Executive Director Chris Alexander commented that contracts with a RO and an Adult-Use Conditional Processer (AUCP) or an Adult-Use Conditional Cultivator (AUCC) before today’s vote would have been illegal because a RO that has not been approved to transition to the adult-use market and is not authorized to purchase products from an AUCC and today’s action, should the Board vote in favor of the ROs transitioning, would allow such a contract to be developed and secured.
- Chair Wright commented that she thinks what was being identified in their conversations last week, as well as by what Dr. Gilbert Jenkins just said, is that transactions don’t begin overnight, and they don’t begin after the fact. She commented that they have a triggering event happening at this meeting. She further commented that those were the root of the questions that were being asked and that is what she thinks some of the crux and the concern were in the assertions that were being made that this was somehow going to benefit people that are not actually part of this transaction nor any transaction that we know of, and that she thinks the question that they were really trying to get to is has any new information been disseminated.
- Executive Director Chris Alexander commented that it would be illegal for a RO that does not have the authority to purchase product from the adult-use market to have created, prepared and executed an agreement with the conditional cultivator. He stated that the Board has the power to authorize or not authorize a RO to transition into the adult-use marketplace, and at this point in time, that has not yet happened, so such an agreement is premature until a vote has taken place.



Office of Cannabis Management

- Chair Wright commented that the understanding and the answer to the question that she asked and that is also being asked here today is that there is no transaction document in anticipation. She further commented that there is nothing in place and so they don't have anything to make that assertion based upon at this time.
- Board Member Jennifer Gilbert Jenkins commented that since ROs are vertically integrated that there is nothing that says that this is going to help New York State (NYS) farmers who are trying to move biomass.
- Executive Director Chris Alexander stated that if you recall from the regulations, ROs participating as dispensaries, are required to have fifty percent of their shelf space dedicated to AUCC product and such ROs, some of which do not have cultivation capacity, are very interested in connecting, if authorized to do so with AUCCs, to secure that product and provide a process through which that product can get to New York's consumers who are waiting for them to open more stores and to get the supply chain operating as it needs to.
- Chair Wright asked what distinguishes this from a store that might be getting ready to open in a community where they're going to have far reaching impacts to ten to twelve families in that community and they actually change the dynamic of economics there. She then asked what is so different about them having an Emergency Meeting for this versus that.
- Executive Director Chris Alexander commented that they do the work simultaneously advancing what is the nation's most equitable cannabis program in the country, as well as, ensuring that their supply chain is functioning properly. He stated that they have to date, issued hundreds of licenses to primarily small businesses run by people of color, by women, by people who have been impacted, and that their first retail program was designed to ensure that those who were victims of prohibition have an actual opportunity to have a meaningful role in this market. He further stated that they are doing the work of both ends and it is not the action of a Board taken today does not in any way quiet out the work that is being done by the people at the OCM or by the other Board members as they advance licenses to people who otherwise and in other places have been left out and left behind of cannabis markets as those markets have developed.
- Board Member Jennifer Gilbert Jenkins commented that this is the difference, they do that both end work during normal meetings. She commented that this is not a normal meeting, and this is a meeting outside of the time that they normally meet. She asked why they are only looking at these today as opposed to during their normal meeting times when they meet once a month.
- Executive Director Chris Alexander commented that they have Conditional Adult-Use Retail Dispensary ("CAURD") licensees for provisionally licensed that they have been advancing through the licensing process and that there's not another action that's required of the Board to get those licensees to open their locations. He commented that the Office is processing those inspections, confirming that locations work right now, and that work hasn't stopped and is not impacted by another Board meeting happening now. He further commented that the ROs, however, do require Board approval in order to transition into the adult-use market.
- Chair Wright asked what the point of contact is for CAURD licensees that are in the process at this moment in trying to get stores open and whom should they be contacting for updates to follow up on information that they are sending in.



Office of Cannabis Management

- Executive Director Chris Alexander stated that provisionally CAURD licensees are currently in regular communication with the licensing team, and they can reach the licensing team at licensing@ocm.ny.gov. He noted that those who are also getting compliance checks scheduled can also reach out to compliance@ocm.ny.gov and that they are getting those preoperational inspections completed now. He commented that they were able to issue twelve new licenses last week after completing inspections and ensuring that all paperwork has been submitted by their CAURD licensees. He further commented that they are currently in the process of reviewing locations that have been secured during the injunction, to ensure that they meet the proximity requirements provided for in the law and they started communicating now with those CAURD licensees locations that have been approved and that do not violate any other rules or regulations that the Board has. He stated that right now licensing@ocm.ny.gov, compliance@ocm.ny.gov is where they can get the most up-to-date information.
- Chair Wright asked are there any telephone numbers.
- Executive Director Chris Alexander commented that they do have a help line, but the email is much more effective.
- Chair Wright asked if someone is involved in an enforcement matter who should they contact.
- Executive Director Chris Alexander commented that there is not a single contact for enforcement matters and if somebody has been selling cannabis illegally, posted on their store and notice to cease doing that activity, on that notice is an email, as well as a contact number, for them to contact their administrative law judges that are hearing those cases. If somebody is reaching out to flag an enforcement issue, whether it be a shop operating illegally, they can reach out to complaints@ocm.ny.gov. He further commented that if there's a local government or local law enforcement agency that wants to reach out to the Office to raise a complaint, they can reach out separately at enforcement@ocm.ny.gov, and that they separated these contacts so that they can make sure the information flowing for law enforcement agencies, which likely come with sensitive information, and the information coming from individuals who have been found to be selling cannabis illegally, which has separate sensitive information, moves through a different track. He stated that the appropriate number to reach if you have general questions including licensing questions is 1-888-626-5151.
- Board Member Jennifer Gilbert Jenkins commented that she wanted to clarify that she still asks what is so special about these that they need to have a meeting outside of their normally scheduled meeting and she does not think that that has been answered.
- Executive Director Chris Alexander commented that the Office put forward in front of the Board the concept of a Cannabis Growers Showcase (CGS) acknowledging that the State had a lack of dispensaries, and it needs to increase the access for New Yorkers to legal regulated cannabis and that they also put forward that program acknowledging that supply chains are being held up by the injunction and that they had a hundred thousand plus pounds of biomass that was waiting to get processed and onto store shelves. He further commented that right now, if the Board votes, the Board could add another dispensary to the count today, as well as another organization that has the ability to process existing biomass to support



Office of Cannabis Management

New York's Small Farmers, as well as the dispensaries is going to have fifty percent of the shelf space represented by New York Small Farmers.

- Board Member Jennifer Gilbert Jenkins stated that she thinks it's such a lot of ifs and that it seems like the optics of this to her are that they are going outside of their way to help a small group of people and not others. She asked why they aren't also talking about the extension and or ways of working with NYS government to be able to extend the CGSs.
- Executive Director Chris Alexander commented that they have reported every month and regularly outside of this as well the progress that the CGSs have made. They allowed for them to bring in approximately five million dollars of revenue to New York's operators and that is how much a dispensary can make in a couple of weeks. He commented that adding a dispensary is not counter to the CGS, it is supportive of a supply chain that functions and they need more dispensaries and are trying to add more dispensaries.
- Upon a motion from Board Member Hope Knight, and a second from Board Member Jennifer Gilbert Jenkins, Resolution No. 2023-50, 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, failed to pass. CCB Members voted the following:
 - Board Member Adam Perry voted Aye.
 - Board Member Jennifer Gilbert Jenkins abstained from the vote.
 - Board Member Hope Knight voted Aye.
 - Chair Wright abstained from the vote.

- Chair Wright provided an overview of Resolution No. 2023-51, a Resolution Issuing Certain Cannabis Laboratory Permit. This resolution seeks to approve the inclusion of an additional cannabis laboratory testing permit for Falkor Laboratories LLC and Aardwolf Labs NY LLC dba New Bloom Labs both located in East Syracuse. Approval of this lab permit would bring the total number of cannabis testing laboratories in the State to 18. By continuing to approve additional cannabis testing laboratories across the State, will ensure sufficient lab testing capacity for the recurring and expanding needs across the State.
- Upon a motion from Board Member Jessica Garcia, and a second from Board Member Hope Knight, Resolution No. 2023-51, a Resolution Issuing Certain Cannabis Laboratory Permit, was approved unanimously. Chair Wright and Board Member Jennifer Gilbert Jenkins both abstained from the vote.

- Executive Director Chris Alexander provided his Executive Director's report.
 - Licensing Update
 - For the general licensing window that closed on December 18, 2023, the Office received nearly 7,000 applications. Of these, 60% were Social and Economic Equity applicants. The work of the Equity Team and their outreach across the state allowed them to facilitate the support of 800 applications.
 - External Affairs, Communications, and the Policy Team hosted over 20 events across the state educating New Yorkers about the licensing opportunity that is being created.



Office of Cannabis Management

- A webinar will be available to all applicants to give them instructions as to what is to come in terms of the next steps.
 - OCM Annual Report
 - The Office will soon release the 2023 Annual Report, which will provide an in-depth look at the work of the OCM in this past year.
 - Board Member Jessica Garcia commented that she understands that the agency has sought outside assistance to ensure that applicants are doing the modified Labor Peace of standards set by Marihuana Regulation and Taxation Act (“MRTA”) and if an update could be given on the status of getting that contract approved by the Office of General Services (OGS).
 - Executive Director Chris Alexander commented that as all licensees and those who are interested in coming into the space should be aware that the execution of the Labor Peace Agreement and maintaining compliance with said Labor Peace Agreement is a condition of licensure and that they have sought outside counsel for that and they are working with the State approval bodies, particularly OGS, to get that contract executed and approved.
 - Board Member Jessica Garcia asked how much longer it is going to take for it to get approved.
 - Executive Director Chris Alexander responded that he does not and asked Linda Baldwin, General Counsel for OCM, if she had anything on the time for approval.
 - Linda Baldwin, General Counsel for OCM, commented that if they are able to adjust it within the week, she does not think that it should take too long because there are a couple of more steps, it goes through to the Office of the State Comptroller.
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- The CCB adjourned the meeting.