
Tremaine Wright: Good afternoon and welcome everyone. I'm Tremaine Wright, Chair of the Cannabis Control Board. Happy Holidays to everyone celebrating the season. I regret that we have to interrupt your last Friday of the year with this special meeting. Nevertheless, we appreciate your time and welcome all of you for participating in person or via real live stream. Recognizing that we have a majority of the Board Members present normally we say they are. So, Mr. Perry is in a public space in Buffalo and Dr. Gilbert-Jenkins is in a private location due to extraordinary circumstances.

So, now I'll go over the agenda for today's special meeting. Today's agenda includes a review and approval of the meeting minutes through the Cannabis Control Board Meetings held on November 17th, 27th and December 8th. Consideration of Registered organization dispensing and registered organization non-dispensing applications. Consideration of Cannabis Laboratory permits. The Executive Director report and then, excuse me _____. Our first order of business will be to review and approval of the meeting minutes from the November 17th, 27th and December 8th, 2023 Cannabis Control Board Meetings. May I please have a motion to consider and approve those meeting minutes.

Female: So moved.

Tremaine Wright: May I have a second?

Female: Second.

Tremaine Wright: Okay and before this discussion I am going to take a point of privilege here because we have a point of order from Jennifer, from Dr. Gilbert-Jenkins regarding our procedures and policy.

Dr. Gilbert-Jenkins: Good afternoon everyone. I am, I'm a little bit frustrated that after we had this pushed to have a meeting before Christmas and then there were questions that were asked and those questions weren't answered. And then there was this push to have another meeting now this week that I didn't find out about until last night. I'm on vacation with my family. As a Board, we are not an at will Board and meet whenever somebody wants us to meet. We meet every month. We've had our December Meeting. There's no statement of what is an emergency for this to happen right now and on top of that we're being asked to consider things that we could easily be considering in our January Board Meeting in two weeks. And there are emergency things that we could be talking about like the push that people are asking us to consider extending the Growers Showcase. So, there's nothing on our agenda about working with the legislature, working with the state government to be able to extend the Growers Showcases that is actually helping our farmers here. So, I'm really confused why I'm being asked to come off of vacation with my family to do this normal business that could easily be taken care of during our January meeting. And so, I would just like to inquire on what's so important that I need to be here right now?

Tremaine Wright: Well we have an agenda in front of us but I do think what you're the core of what you're talking about is the lack of process that we have in this in calling our meetings and the manner in which we agree and/or don't agree and when time is allocated for it. I think that at this moment it's really up to the Board to decide what they would like to do as they move forward. Currently you have agreed to one meeting per month and that notice goes out to all of us and that we agree and there is a communal understanding. We agreed to just circulate our first quarter proposed dates. How is it that this Board wants to move forward is really what the question is, because currently we're being pulled in many different directions by many different interests, and we need to be clear about how we operate and what we're going to do and when we're going to do it. So, what is the approach for this Board?

Dr. Gilbert-Jenkins: It feels to me like we're being asked to have this meeting that is very much helping one group of people and not helping others that could benefit from our time. And so why is it that it is so important for us to have this Emergency Meeting now instead of having a meeting in two weeks when we have our, or three weeks when we have our normal Board Meeting where we could help everybody?

Tremaine Wright: So, this really is a question for our body. What do we want to how do we want to approach this? How do we want to move forward? We've had bylaws that were circulated to this body over a year ago. The last time I circulated them was February. Nobody on the Board then has given any comments related to them. Those are the procedures and policies that would give light to the things that we're talking that are being brought up in this one quarter. So, should we look at circulating them again?

Male: Please, I have not seen them so let's be circulating them again.

Tremaine Wright: Okay.

Male: So, we will be circulating them again.

(Everyone speaking at the same time)

Adam: Pardon me. Is any of this on the agenda? I move that we get to the point of which I was called in here for.

Tremaine Wright: Adam, we can't hear you Adam. This simply was just touched.

Adam: Can you hear me now?

Female: Yes.

Adam: Can you hear me now? I would like to get on with the agenda that we were called in here for today that was published for the public for a meeting that started twenty minutes late. Anything else can go in other business and those of us who were called in here for that agenda let's get on with that agenda and then we can cover anything else another time or at the end of the meeting.

Tremaine Wright: I appreciate that Adam and we can move forward. However, we do have a point of order in front of us regarding this and so I have been trying to give us some structure on how we move forward as a body and we just discussed I think that when a point of order is called, the Chair has a discussion to make a decision. I think the decision should be a group decision about how we want to move forward. If it is that we're going to create bylaws and maybe circulate what was circulated a year ago now so that we can have a discussion on the next month, does that work for the members?

Female: No.

Adam: That was not on the agenda. That was not on the agenda, and I would start calling for this meeting started twenty minutes late. I would I like to get to the agenda for which this meeting was noticed.

Dr. Gilbert-Jenkins: Adam I appreciate that you want to get to the agenda, but I really want to know why I'm being asked to be here because this is not our monthly meeting and I want to know what are the rules? What is the organization with which we decide when we're having a meeting and not just we're being told by somebody else that we need to have a meeting? But as a Board what are the rules for how do we decide that yes, this is the time to have a meeting? I agree it is difficult to move forward when this is not on the agenda, but I think it's a really important thing that we discuss. We can't just be pushed from outside forces that say you need to meet now because you have to do this for us. I'm sorry I don't work that way.

Female: If I may, we are a government board. We are not an independent body and there are factors that influence how we operate and we have been asked to meet to address the current agenda I think that it is our responsibility to answer to that. If with regards to the bylaws there were, the bylaws that were circulated last year were incredibly problematic. They were, they countered even what the Murdock _____ powers of the Board and needed the eye of our General Council to review. I understand it's been a long time for that review process. I do not want that original draft recirculated because it was unacceptable. What I would ask is that we have the General Council circulate the draft that they've been working on in the Council's Office and allow us to offer input to that draft.

(Everyone speaking at the same time)

Adam: This was not on the agenda to the public in order.

(Everyone speaking at the same time)

Adam: This was not on the agenda to the public...

Tremaine Wright: _____ to see that we are dealing with so I'm gonna ask you to please hold one second and just let me deal with this...

Adam: Point of order, point of order. This is not on the agenda.

Tremaine Wright: _____ Adam. So let us complete the one thought that we have three drafts.

Adam: I object. I move this, table this in proper discussion.

(Everyone speaking at the same time)

Tremaine Wright: so that we can move forward with figuring out what our policies and our procedures look like so that we can and I guess I'm also a little concerned that we are getting ready to go into our third year with this, so I do think it is timely. All of this has made it rise to a head because...

Adam: Point of order is table the discussion. It's not on the agenda.

Tremaine Wright: So, we have before us I'm going to say let's circulate the three drafts that currently exist. Please bring comments so that we can have a discussion as a Board and figure out how we are going to move forward so that we understand what our plans look like and if we're actually doing it in the way that makes the most sense. That is what I'm going, that is what I'm saying regarding that point of order. And excuse me, Adam, you say you have a point of order as well please.

Adam: Get on with the agenda and stop talking about things that were not on the agenda and not notice to the public and that are not points of order. What we're making is a point of order. That was not a point of order. That was an improper addition to the agenda without seeking consent of the body to amend the agenda. It was not noticed to the public. Can we please get on with the meeting that started twenty minutes late?

Tremaine Wright: And, yes, we are going to move on to those bylaws I'm sorry the agenda that is currently before us and we are going to need to be _____. Is there any discussion? Hearing none we'll call for a vote. All in favor?

All: Aye.

Tremaine Wright: All opposed?

Male: Aye.

Tremaine Wright: All abstained?

Female: Aye.

Tremaine Wright: The motion to approve the November 17th, 27th and December 8th, 2023 for meeting minutes carries. And now we're going to have the first Resolution of our day today. May I please have a motion to consider Resolution No. 2023-50 consideration of purchase of organization dispensing and registered organization while dispensing applications.

Female: Madam Chair if I may?

Tremaine Wright: Yes.

Female: I'd like to go on the record that I am recusing myself from Resolution 2023-50 at _____ . I have no direct conflict of interest because my employer doesn't sign a PA's, LPA's with the Cannabis Management of New York. However, I sought guidance from counsel at OCM and the New York State Commission of Ethics in regards to what my _____ in direct conflict. The Governor appointed me because of my legal matter of expertise, and I intend to bring that to bear as a Board Member of this Board consistent with the Code of Ethics and _____ Public Officers Law.

(Everyone talking and laughing)

Tremaine Wright: So, may I have a second. So, we have a motion it _____ the feeling here to be done at the second.

Male: So, they heard you with the door.

Tremaine Wright: We have a motion. Do we have a second?

Dr. Gilbert-Jenkins: I will second it but not happily.

Tremaine Wright: I'm going to ask for a resolution sorry a overview to this resolution.

Chris: I think the matter is there. The two registered organizations in front of the Board today have completed all requirements for transition to an Article IV registered organization dispensing license and registered non-dispensing license that's meant our required plan including environmental Impact Plan as well as _____ Impact Plan they will be able to begin dispensing cannabis products those that are applying for the dispensing component as soon as December 29th. I'd be able to answer any questions.

Dr. Gilbert-Jenkins: I want to know why after the last time we said that we wanted more information, more information wasn't given so I know the Chair had asked for information about whether or not there were direct contracts. So, this was stated to me that the fact that I was not ready to hold an Emergency Meeting meant that I was anti-farmer. I'm really angry about how many times in the past

three weeks I've had to defend my stance about how I support New York Farmers. And so, I know the Chair had asked for were there contracts that said that the RO's wanted to or had in place to buy from farmers because they are vertically integrated so they don't have to do that. So, I want to know, have those questions been answered?

Chris: Board Member Gilbert-Jenkins I'm not sure who called you anti-farmer but a contract will be in place after or before the resolution...

Jennifer Gilbert-Jenkins: Chris you did. It was in your email.

Adam: Can we please not have this _____...

Chris: Contracts with a registered organization and an adult use conditional processor or don't use conditional cultivator before today's vote would have been illegal because a _____ has not been approved to transition to adult use market and not authorized to purchase products from adult use conditional cultivate. Today's action, should the Board vote in favor of the _____ transitioning would allow such a contract to be developed and secured.

Tremaine Wright: I think what was being identified in our conversations last week as well as by what Dr. Gilbert-Jenkins just said is that transactions don't begin overnight. They don't begin after the fact. We have a triggering event happening at this meeting and it is extremely commonplace even when anyone has purchased a home, you don't walk in after the triggering event and then suddenly see your mortgage for the first time.

Chris: And its not...

Tremaine Wright: Please, the Chair has not acknowledged you please refrain. So those were the questions that those were the root of the questions that were being asked. And that is what I think 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. So, I think the question that we're really trying to get to is has any new information been disseminated?

Chris: Madam Chair be it legal for a registration 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. The Board has the power to authorize or not authorize a registration to transition into the adult use marketplace. At this point in time, that has not yet happened. So such an agreement is premature until a vote has taken place.

Tremaine Wright: So, I guess the understanding and the answer to the question that I asked and that is also being asked here today is that there is no transaction gotten in anticipation and that's fine. If that is the answer that is the answer but that is the answer that I think that we've finally come to. There is nothing in place and so we don't have anything to actually make that assertion based upon at the time.

Dr. Gilbert-Jenkins: And since RO's are vertically integrated that there is nothing that says that this is going to help New York State Farmers who are trying to move biomass.

Chris: Board member Gilbert-Jenkins as you recall the regulations our registrations and are participating as dispensers are required to have fifty percent of their shelf space dedicated to adult use vigilant cultivated product. Such registrations some of which do not have cultivation capacity are very interested in connecting if authorized to do so with adult use conditional cultivators to secure that product and provide a process through which that product can get to New York's consumers. They're waiting for us to open more stores and to get the supply chain operating as it needs to.

Tremaine Wright: And what distinguishes this from say a store that might begin ready to open in a community where they're going to have far reaching impacts to say maybe ten to twelve families in that community and they actually change the dynamic of economics there? What is so different about us having an Emergency Meeting through this person?

Chris: Madam Chair we do the work simultaneously advance and what is the nation's most equitable Cannabis Program in the country as well as ensuring that our supply chain is functioning properly. We have to date issued hundreds of licenses to primarily small businesses run by people of color, by women, by people who have been impacted. Our first retail program was designed to ensure that those who were victims of prohibition have an extra opportunity to have a meaningful role in this market. We are doing the work of both ends. 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 here at the Office of Cannabis Management 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. I'm very pleased to announce.

Dr. Gilbert-Jenkins: But this is difference, Chris. We do that both end work during normal meetings. This is not a normal meeting. This is a meeting outside of the time that we normally meet. So, what is it, why are we not taking all of the dispensaries that are up to this same point and looking at them now? Why are we only looking at these? What is so special that we have to look at these emergency today an extra meeting this month as opposed to during our normal meeting times when we meet once a month?

Chris: Board Member Gilbert-Jenkins I don't understand the question in terms of why we're not advancing other dispensaries that are in this position. As you know we have card licensees for provisioning license and we've been advancing through the licensing process. There's not another action that's required of the Board to get those licensees to open their locations. The office is processing those inspections, confirming that locations work right now. And so that work hasn't stopped and is not impacted by another Board Meeting happening now. Your Registerizations however, do require Board approval in order to transition into the Adult Use Market.

Tremaine Wright: Since you just mentioned them, can you tell me or have somebody in this room provide for us what is an actionable point of contact for card licensees that are in the process at this moment in trying to get doors open? Who should they be contacting for updates to follow up on information that they're sending in?

Chris: The Board Member and Chair licenses, provision of license, card licensees are currently in regular communication with the licensing team. They can reach the licensing team at licensing@ocm.ny.gov. Those who are also going and getting compliance, compliance check schedules can also reach out to complies@ocm.ny.gov. They are all right now you know getting those three operational inspections completed. We were able last week to issue twelve I believe new licenses after completing inspections and ensuring that all paperwork has been submitted by our card licensees. We're currently in the process of we started the program post injunction of reviewing locations that have been secured during the injunction to ensure they meet the proximity requirements provided for in the law. And we are communicating, we've started communicating now with those card licensees locations that have been approved and that do not violate any other rules or regulations that the Board has. So, right now licensing@ocm.ny.gov, complies@ocm.ny.gov. was where they can get the most up to date information.

Tremaine Wright: Are there any telephone numbers?

Chris: We do have a help line but the email is much more effective.

Tremaine Wright: No then actually there is a telephone number. Can you please give it?

Chris: I will work on securing that now.

Tremaine Wright: Can somebody please go grab that so that we have that handy before we close out. And what about people who are involved in enforcement?

Chris: People who are involved in enforcement?

Tremaine Wright: Who should they be contacting?

Chris: I don't understand your question.

Tremaine Wright: Or should they contact if they are involved in an enforcement matter?

Chris: I do not understand the question.

Tremaine Wright: Someone is involved in their enforcement matter. To whom should they contact and follow up?

Chris: By checking you can buy this more cut, what do you mean by involved in...

Tremaine Wright: I received an email just this morning. Someone said that they are reaching out to have our office that they have tried endlessly and they are getting no response to email, that they've tried calling. They're calling the licensing team. They're not getting a response and they represent someone who is involved in enforcement. With whom and to whom should they contact in cases where they are not, there is a consistent concern about how people contact us. So, I'm asking you to give that information...

Chris: Another question that the push back _____...

Tremaine Wright: the people who are involved in _____ want answers.

Chris: The clarifying question was what do you mean by involved in enforcement? It sounds like you're talking about someone who is engaged in selling Cannabis illegally and how to make it clear to the office there now?

Tremaine Wright: I said anybody that's engaged in an enforcement matter. So that means...

Chris: Yeah, but I said I don't know where they sit.

Tremaine Wright: It doesn't really matter because we're not working on one issue. We're working on how to we give people information to contact our office.

Chris: In order for me to provide them with the appropriate contact I'd like to know...

Female: For all enforcement matters.

Chris: There's not a single contact for, hold on. There's not a single contact for enforcement matters. If somebody has been selling Cannabis illegally posted on their stores and notice to cease that activity. On that notice they have an email as well as contact number for them to contact our administrative law hearing those cases. If somebody is reaching out to find an enforced to enforce an issue whether it be a shop operating illegally, they can reach out to us at complaints@ocm.ny.gov. 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. We separated these contacts so we can make sure the information flowing for law enforcement agencies would likely call 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. That's why I was asking the follow up question. And the appropriate number to reach if you have general questions including licensing questions, you can call us at 1-888-626-5151, 1-888-626-5151 for our help line should you have licensing questions and other questions related to the program.

Tremaine Wright: That's what you were going to say.

Female: Chris answered those questions. I just didn't want you the document that anybody who was involved in an enforcement matter or received _____...

Tremaine Wright: I'm assuming that they received them and that they're not giving you a response that's the reason I was just asking...

Female: I can see you _____this.

Tremaine Wright: Thank you. So, it is an opportunity for us to share this information and not just asking if they can be able shared with the people so they know what they're looking at. Are there any additional questions regarding this motion that is before us?

Dr. Gilbert-Jenkins: Well, I want to clarify that I still ask what is so special about these that we need to have a meeting outside of our normally scheduled meeting. And I don't think that that has been answered.

Chris: Well Board Member Gilbert-Jenkins the office put forward in front of the Board the concept of a Cannabis Growers Showcase acknowledging that the state had a lack of dispensaries and it needs to increase the access for New Yorkers to legal regulated Cannabis. We also put forth that program acknowledge that supply chains are being held up by the injunction and that we had a hundred thousand plus pounds of biomass that was waiting to get processed and onto store shelves. 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 New York's Small Farmers as well as the dispensers is going to have fifty percent of the shelf space represented by New York Small Farmers.

Dr. Gilbert-Jenkins: I really think it's such a lot of ifs and that it seems like the optics of this to me are that we are going outside of our way to help a small group of people and not others and that I find very problematic. And if this Emergency Meeting is really about helping move more biomass, why aren't we also talking about the extension and order uh, ways of working with New York State government to be able to extend the Growers Showcases? I mean that to me would be an agenda that said we are trying to help farmers altogether. This agenda is just a look we want to get this passed as soon as possible and we're helping this small group. And I, I really have a problem with that.

Chris: I appreciate that Board Member Gilbert-Jenkins. As you know, we've reported every month and pretty regularly outside of this as well the progress that the _____have made. They allowed for us to move or to bring in approximately five million dollars of revenue to New York's operators. That is how much a dispensary can make in a couple of weeks. And so adding a dispensary is not counter to the _____it supportive of a supply chain that functions. We need more dispensaries. We're trying to add more dispensaries.

Tremaine Wright: Is there any more comments, questions? Hearing none I'll call for the vote. Mr. Perry?

Adam Perry: Aye.

Tremaine Wright: Dr. Gilbert-Jenkins?

Dr. Gilbert-Jenkins: I abstain.

Tremaine Wright: Miss Knight?

Miss Knight: I abstain as well.

The motion to approve consideration of registered organizations dispensing and registered organization on dispensing applications fails. For our next order of business may I please have a motion to consider Resolution No. 2023-51 Consideration of Cannabis laboratory testing permits unless these call number _____.

Male: It's a sliding door.

Tremaine Wright: So, the next order of business is Resolution No. 2023-51 Consideration of Cannabis laboratory testing permits. May I have a motion?

Female: Moved.

Tremaine Wright: May I have a second?

Female: Second.

Tremaine Wright: So, this resolution seeks to prove the inclusion of an additional Cannabis Laboratory Testing Permit for Falkor Laboratories, LLC. and Aardwolf Labs New York LLC. Both labs are located in East Syracuse. Approval of this lab permit would bring the total number of Cannabis testing laboratories in the State to eighteen. By continuing to approve additional Cannabis testing laboratories across the state, we ensure sufficient lab testing capacity for the recurring and expanding needs across the state. Is there any discussion, questions or comments by any members? Hearing none I'll call for a vote. Mr. Perry?

Mr. Perry: Aye.

Tremaine Wright: Dr. Gilbert-Jenkins?

Dr. Gilbert-Jenkins: I abstain.

Tremaine Wright: Miss Knight?

Miss Knight: Aye.

Tremaine Wright: Miss Garcia?

Miss Garcia: Aye.

And I abstain as well. The motion to approve Resolution No. 2023-51 Consideration of Cannabis Laboratory Testing Permits carries. I will now go to report the Director Chris Alexander

Chris Alexander: Thank you, Madam Chair. We were just flagged for all attendants and all joining us today. Those friends will draw up the Annual Report should have further details of the progress to make this year. We're excited for what is ahead in 2024. We are also excited about the applications that we were able to receive so far for the general licensing window that just closed on December 18th. Just under seven thousand applications is just about sixty percent of which are social economic equity. Our work of the Equity Team and their outreach across the state allowed them to facilitate the support of eight hundred applications. The completion of eight hundred applications and our External Affairs Communications Policy Teams hosted over twenty events across the state educating New Yorkers about the licensing opportunity that's being created. I want to just flag a couple of quick items of housekeeping. Within the next two weeks into the New Year our team will have a webinar for open to all applicants to give them some instructions as to what's to come in terms of next steps. We will walk you through the cure process, the type of outcome, outreaches that we claim from our team are both our licensing and compliance team as you work to complete or ensure that your application that was submitted is complete. I'm just reminding everybody to apply to ensure that the contact emails you look forward and that your turning performance should be for an attorney are ones that are being checked regularly as we'll start that outreach in the immediate future. Currently we, as I said earlier, to card licensees have been permitted a license for waiting on some next steps. We have begun sending out the approvals for certain locations to ensure that those locations meet proximity requirements. Those will continue to go out for about the next two weeks as well and so please stay tuned for that. This is really following out of the webinar that myself and our first Director Patrick McCage hosted a couple of weeks back where we instructed you all to submit your post election applications and the application to us on the location that you would like to move forward with. The AUCC and AUCP licensing their transition from their existing conditionalized sense to full license a more permanent license, that window will be reopening. We did have a lot of our AUCC submit their transition documents before the December 18th window but we will be reopening that in January or February depending on how much we get through in the immediate future. Also, a flag the Type 3 Processor License will also we communicated this out but echoing it here would also reopen and as previously discussed we will be looking at additional licensing opportunities for individuals interested in getting into the New York Cannabis Market. We are just starting and there is a lot of space left for more folks to come in and so we're working to notify everybody of that opportunity. And then the last thing is just you know as we were drawing up our Annual Report also in January at our January Board Meeting will supply a more comprehensive year-end review that allows folks to have a full picture of what and how the New York Cannabis Market will perform this year. That's it.

Tremaine Wright: Thank you, Chris. And did the notice include a public comment?

Chris: No.

Tremaine Wright: comment? Okay. Okay, I'm sorry, are there any questions for the Director?

Female: Yes. Chris I understand that the agency has sought outside assistance to ensure that applicants _____ of standards set by the _____. I was just wondering if you could give an update on the status of getting that contractors _____?

Chris: Absolutely and as all licensees and those who are interested in coming into the space should be aware the execution of the Labor Peace Agreement and maintain compliance with said Labor Peace Agreement is a condition of licensure. We have sought outside counsel, outside support for that and we're working with the state approval bodies, particularly OGS to get that contract executed and approved. But we've done all the leg work that presents the need for that contract's approval.

Female: Do you know how much longer it's going to take for it to get approved?

Chris: I do not. Linda, do you have anything on the time for approval?

Linda Baldwin: If we're able to adjust it within the week I don't think it should take too long because there are a couple of more steps. It goes through up to the Office of the State Comptroller. So _____.

Female: Okay. Thank you.

Tremaine Wright: Are there any additional questions, comments? Hearing none and since we're not having of the comment section is during this meeting as is noticed earlier. So, thank you very much for participating it's always great to have people join us. So, it is always appreciated. Thank you. Please note that the time location at the livestream will be shared on cannabis@ny.gov in advance of the next Cannabis Control Board Meeting and a recording of today's meeting minutes and a transcript will be posted as well. May I have a motion to adjourn today?

Male: So moved.

Tremaine Wright: Second?

Female: Second.

Tremaine Wright: All in favor?

All: Aye.

Tremaine Wright: Okay this meeting, the motion to adjourn this meeting carries. Meeting adjourned. Thank you.