

OFFICE OF CANNABIS MANAGEMENT PREVIEWS PROPOSED ADULT-USE HOME CULTIVATION REGULATIONS

*Regulations To Be Considered by Cannabis Control Board During February 16
Board Meeting*

*Regulations Create Framework for How New Yorkers Can Grow Their Own
Cannabis at Home*

*If Approved by Cannabis Control Board, Regulations Enter 60-Day Comment
Period*

NEW YORK, NY -- The New York State Office of Cannabis Management (OCM) is sharing a preview of the proposed adult-use home cultivation regulations package to be considered by the Cannabis Control Board (CCB) during its February 16 Board Meeting. The preview focuses on activity authorized under the proposed regulations. These regulations are designed to allow for New Yorkers to grow their own cannabis in their homes for adult-use.

If these regulations are approved by the CCB, they will go to a 60-day public comment period. If there are no significant changes after the comment period, OCM will present the proposed regulations to the CCB for final approval. However, if there are any significant changes to the proposed regulations after the comment period, OCM will present the revised regulations to the CCB for review again, with a 45-day public comment period to follow. In New York State, it could often take anywhere from six to 12 months from initial proposal to final adoption for regulation packages like these.

If you plan to submit a comment on proposed regulations to OCM, there is no specific format or form that is required; any email or letter sent to the addresses below is sufficient. However, the tips [included here](#) are intended to help you submit a strong comment that will best explain your views and improve the proposed regulations on which you are commenting. Comments on the proposed regulations can be submitted by email to: regulations@ocm.ny.gov or mailed to: New York State Office of Cannabis Management, P.O. Box 2071, Albany, NY 12220.

Under these proposed regulations for adult-use, New Yorkers over the age of 21 will be authorized to:

- Cultivate a maximum of three (3) mature and three (3) immature cannabis plants per person; or
- Cultivate no more than six (6) mature plants and six (6) immature plants per private residence;
- Possess up to five (5) pounds of:
 - cannabis flower that has been trimmed from plants which have been cultivated in or on the grounds of said person's private residence;

- or the equivalent weight of such cultivated cannabis in cannabis concentrate;
- or a mixture of both cannabis flower and the equivalent weight of such cultivated cannabis in cannabis concentrate.

To ensure safety, New Yorkers over the age of 21 interested in cultivating cannabis at home for adult-use must:

- Store cannabis plants in a secure location, that is not plainly visible from public view, including the street outside the residence;
- Store cannabis in a manner that prevents theft, loss or access to residents under the age of 21;
- Only utilize a single site for personal adult-use cannabis cultivation (i.e. if a New Yorker has multiple residences in New York State, they cannot cultivate cannabis at multiple addresses);
- Remediate odor issues if they become a nuisance to neighbors. OCM will continue to work with municipalities across New York to offer support and guidance on this subject.

How will New Yorkers buy cannabis plants or seeds for home cultivation? These proposed regulations also authorize:

- Licensed adult-use retail dispensaries, microbusinesses and registered organizations with dispensing (RODs) may be approved to sell adult-use immature cannabis plants to consumers for the purposes of personal adult-use cannabis home cultivation;
 - *These cannabis businesses will be required to obtain and maintain an active [Nursery Dealer Registration Certificate](#) from the New York State Department of Agriculture and Markets (Division of Plant Industry) to sell immature cannabis plants to customers.*
 - *These cannabis businesses will also be required to affix a label to every plant for sale that includes, but is not limited to: strain name, date of harvest, a warning to keep out of reach of children, and any other information OCM determines necessary;*
 - *Thanks to the Federal Agriculture Improvement Act of 2018, cannabis seeds can be sold in the United States. That means New Yorkers over the age of 21 interested in home cultivation of adult-use cannabis can purchase seeds over the internet, or from adult-use cannabis retailers who choose to sell seeds. Note, that the Office of Cannabis Management does not regulate the sale of seeds and operators do not need any additional certifications to sell seeds.*

Additional Information:

- Pursuant to Section 222.15 of the Penal Law, municipalities may enact local laws that reasonably regulate the personal cultivation of adult-use cannabis by individuals, but they may not completely or essentially prohibit this activity through such law.
- New Yorkers over the age of 21 who take part in home cultivation of cannabis cannot sell any of what they grow.
- New Yorkers who live in federally subsidized housing, including in NYCHA, any other Section 8 housing, or U.S. Military Bases, cannot home cultivate cannabis, since cannabis is still federally illegal and could be at risk of losing their housing if

they participate in home cultivation. This is the case for both adult-use and medical home cultivation.

- Co-op buildings and condos would be able to determine whether or not they want to implement general odor mitigation policies that could impact adult-use home cultivation in compliance with state and local municipal laws, rules and ordinances. Additionally, landlords can institute similar odor mitigation policies outlined in leases in compliance with state and local municipal laws, rules and ordinances. Landlords, co-ops and condos still cannot forbid residents from possessing cannabis in their private residences unless this would risk federal benefits to said housing units.

Previously, starting on October 5, 2022, New York State began allowing certified patients or their designated caregivers to cultivate cannabis for medicine in their own homes. [Head here](#) to view OCM's guide for medical cannabis home cultivation to learn more about those regulations and for helpful tips on how to safely grow cannabis in or around your home.

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