



The following are frequently asked questions about buying and selling cannabis product on credit and outstanding payments for such purchases and sales for suppliers (who are licensed distributors, microbusinesses, cooperatives, Registered Organizations with Dispensaries, and Registered Organizations with No Dispensaries) and for retailers (who are licensed retail dispensaries and on-site consumption).

**Questions from Licensed Suppliers**

**1. Am I required to extend credit to retailers?**

No. Suppliers MAY, but are not required to, accept payment on credit from retailers for the sale of cannabis products.

**2. How long does a retailer have to pay for the cannabis product they purchased on credit?**

Retailers purchasing cannabis product on credit must pay for such cannabis product in full within thirty (30) days of receiving the product.

For your convenience, a credit calendar can be found at:

[www.cannabis.ny.gov/2024-credit-calendar](http://www.cannabis.ny.gov/2024-credit-calendar)

**3. Am I required to report to the Office of Cannabis Management (Office) a retailer who has not paid, within 30 days of receiving delivery of such product?**

Yes. Per Sections 124.2(d)(1) and 124.2(e)(1) of Title 9 of the New York Codes, Rules and Regulations (9 NYCRR), suppliers are required to report to the Office retailers who have not paid in full for cannabis product within 30 days of delivery.

**4. Do I have to notify the retailer before I report that they are delinquent on a payment to the Office?**

Yes. You are required to send a written notice of default on or before the notification dates determined by the Office. A schedule of Notification dates can be found here: [www.cannabis.ny.gov/2024-credit-calendar](http://www.cannabis.ny.gov/2024-credit-calendar).

**5. How do I report delinquent payments?**

Instructions for submitting delinquent payment reports to the Office can be found here: [www.cannabis.ny.gov/supplier-instructions](http://www.cannabis.ny.gov/supplier-instructions).

**6. By when do I have to report a delinquent payment?**



You must report retailer(s) with a delinquent payment to the Office no later than seven (7) calendar days following the final payment date. A schedule of Notification dates can be found here:

[www.cannabis.ny.gov/2024-credit-calendar](http://www.cannabis.ny.gov/2024-credit-calendar).

**7. What happens when a delinquent payment is reported to the Office?**

When a retailer is reported to the Office as having an unpaid balance due older than 30 days, they will be placed on a C.O.D. (Cash on Delivery) list. Once placed on the C.O.D. list, suppliers are prohibited from selling cannabis products to that retailer on credit. **Any sales made to a retailer appearing on the C.O.D. list must be paid for in cash at the time of delivery.**

**8. How will I know if a licensee has been placed on the C.O.D. list so that I don't sell to them on credit?**

An updated C.O.D. list of all retailers will be made available to suppliers weekly on Wednesdays. All suppliers were sent an email containing information on how to access the C.O.D. list. If you need help accessing the list, please email [www.CODReporting@ocm.ny.gov](mailto:www.CODReporting@ocm.ny.gov).

**9. If I've reported a retailer as delinquent in payment, do I have to report when I've received payment?**

Yes. You are required to notify the Office within 1 business day of receiving payment in full from the retailer so that delinquent transaction can be removed from the C.O.D. list. Do not report partial payment, only report payment once the full amount for cannabis product that was owed on a credit sale is paid.

**10. What happens when I report a payment in full to the Office?**

The retailer who has made payment in full is removed from the C.O.D. list for the next publication date, allowing suppliers to resume making sales on credit to the retailer if they so choose.

**11. What is considered payment in full?**

Payment in full means a payment received by a supplier that satisfies the total invoice amount due (less late fees or interest) for a particular delivery date.



**12. Can I charge late fees or interest for credit sales that have not been paid on time?**

Yes, however, a retailer who has made a payment in full for the total invoice amount due for a specific delivery date must be removed from the C.O.D. list even if they have not paid late fees or interest.

**13. Where can I find the C.O.D List?**

Access to the C.O.D. list is restricted to licensed suppliers only. Please use the instructions that have been provided to you from the Office to access the list. If you need the instructions resent to you, please contact the Office via email at [CODReporting@ocm.ny.gov](mailto:CODReporting@ocm.ny.gov).

**14. Can I sell cannabis Products to a retailer who has paid their outstanding balance in full but will not be removed from the C.O.D. list until the next publication date?**

If a retailer has made payment in full on and outstanding invoice the Office may permit, via written approval, sales to any retailer who has received notice of default, or who is named on a delinquent list, on terms other than for cash prior to the publication of the next appropriate delinquent list if the following conditions are met:

- The supplier to whom the delinquent payment was owed has reported the payment in full to the Office.
- The supplier who wishes to supply the retailer with cannabis products on credit makes a written request to the Office; and
- The retailer does not have other outstanding credits with other suppliers.

**15. How do I collect an unpaid invoice after reporting it to the Office?**

Suppliers should follow their business plan for collecting unpaid invoices.

**16. Does the Office collect an unpaid invoice for me after I report it to the Office?**

No. Licensees are responsible for pursuing payment of their outstanding invoices.

**17. What happens if a retailer fails to pay an outstanding invoice?**



Retailers who fail to make timely payment are in violation of provisions set forth in 9 NYCRR § 124.2 and may be subject to their license being revoked, canceled or suspended by the Cannabis Control Board pursuant to 9 NYCRR § 124.2(k).

**18. What if I don't report a retailer who is delinquent on payment owed to me?**

Timely payment by retailers, and compliance with reporting requirements for suppliers are critical. The Board may revoke, cancel, or suspend a license issued pursuant to Title 9 NYCRR § 124.2(k) for actions in violation of any of the provisions of Section 9 NYCRR § 124.2, making a false statement in any disclosures filed pursuant to 9 NYCRR § 124.2 of this section, or failing or refusing in any manner to comply with any of the provisions of 9 NYCRR § 124.2 of this section.

**19. Can I still sell to a licensee for cash if they owe me money?**

Yes. Suppliers can sell cannabis products to retailers who appear on the C.O.D. list on a cash only basis.

**Questions from Licensed Retailers**

**1. Suppliers will no longer allow me to make purchases of cannabis products on credit because I'm listed on the C.O.D. list. How come the Office didn't notify me that I was being added to the list?**

No retailer should be surprised that that they have been added to the C.O.D. list. Prior to being placed on the C.O.D. list, suppliers are required to give written notice of default within 7 calendar days after the due date to any retailer who has failed to pay their invoice on time.

**2. How can I check to see if I'm on the C.O.D. list?**

Full access to the C.O.D. list is restricted to suppliers only. Retailers who want to check whether they are on the C.O.D. list can contact the Office at [CODReporting@ocm.ny.gov](mailto:CODReporting@ocm.ny.gov). You will be provided with information on which supplier(s) reported you as delinquent and how much they claim you owe them.



**3. Why is my name still on the list when I paid my invoice in full already?**

The C.O.D. List published by the Office is updated every Wednesday. If you have paid in full after the last update, it will reflect on the next Wednesday's list. If you have outstanding invoices for more than 1 delivery date, you will remain on the C.O.D. List until all credit purchases have been paid in full.

**4. How often is the list updated?**

The Office updates the C.O.D. List every Wednesday.

**5. I paid my outstanding balance in full but I will not be removed from the C.O.D. list until the next publication date. Can a supplier sell cannabis products to me on credit before the next publication date?**

If a retailer has made payment in full on an outstanding invoice the Office may permit, via written approval, sales to any retailer who has received notice of default, or who is named on a delinquent list, on terms other than for cash prior to the publication of the next appropriate delinquent list if the following conditions are met:

- The supplier to whom the delinquent payment was owed has reported the payment in full to the Office.
- The supplier who wishes to supply the retailer with cannabis products on credit makes a written request to the Office; and
- The retailer does not have other outstanding credits with other suppliers.

**6. What happens if I don't agree that I should be on the C.O.D. list?**

If you think you have been added to the C.O.D. list in error, please reach out to the supplier who reported you as having an outstanding invoice due after 30 days of delivery to resolve the issue.

Per 9 NYCRR § 124.2(f), if you cannot resolve a dispute regarding fact of payment, amount due or the quantity of product delivered, you may request that the Office complete a review of the facts and circumstances to determine whether or not you should be included on the C.O.D. list.

Requests should be made in writing to [CODReporting@ocm.ny.gov](mailto:CODReporting@ocm.ny.gov).



**7. Can I appeal the determination made by the Office that I remain on the C.O.D. list?**

Yes. A licensee may appeal the determination and request a hearing.

**8. What happens if I don't pay my outstanding invoice on a credit purchase?**

Retailers who fail to make timely payments are in violation of provisions set forth in 9 NYCRR § 124.2 and may be subject to their license being revoked, canceled or suspended by the Cannabis Control Board pursuant to 9 NYCRR § 124.2(k).