



## Medical Dispensary Location Request Guidance

Registered organizations are now permitted to apply to the Office for additional medical dispensaries beyond the initial four locations as authorized by the Cannabis Law. Registered organizations may apply for additional medical dispensaries, provided that:

- (1) the registered organization is compliant with all applicable state and local laws, which includes the registered organization's submission of all reports or application requirements for renewal;
- (2) the registered organization's **first four medical dispensaries are open and operational, if applying for their 5<sup>th</sup> and 6<sup>th</sup> dispensary;**
- (3) the fifth and sixth medical dispensaries that a registered organization applies for are located in an underserved or unserved geographic location, as determined by the Board;
- (4) the first six medical dispensaries are open and operational before a registered organization applies for the seventh and eighth medical dispensaries;
- (5) the registered organization submits an application and a medical dispensary site fee of \$2,000 to the Office; and
- (6) the registered organization complies with any other requirement in accordance with Cannabis Law and Title 9 Part 113.

This document details the requirements for registered organizations to request new medical dispensary locations. Please note that the process for an Article 3 registered organization to become an Article 4 Registered Organization with Dispensing (ROD) or a Registered Organization without Dispensing (ROND) will require a distinct application.

Approved RODs who are applying for a new medical dispensary that will be co-located to offer adult use sales should also consult the "Proximity Protected Locations Map Overview and Frequently Asked Questions" document found: [here](#). This document provides additional information on distance and proximity requirements between retail locations offering adult-use products and other similarly licensed entities, houses of worship, school grounds, and public youth facilities, where applicable.

Additionally, the document provides instructions on how to utilize the Proximity Protected Locations Map (PPLM), which can be accessed on the State of New York Open Data website [here](#). The PPLM is intended to help prospective or provisionally licensed conditional adult-use retail dispensaries (CAURD), adult-use retail dispensaries, microbusinesses with retail and co-located medical dispensaries, identify potential locations for a cannabis dispensary in accordance with the distance and proximity requirements set forth in the Cannabis Law and its associated regulations.

The PPLM displays the locations of licensed cannabis dispensaries, and **the proposed cannabis dispensary locations on applications that are still under review**. The proposed locations have been afforded proximity protection because the locations have been reviewed by the Office and have been found compliant with all distancing and proximity requirements until a final determination is made on the corresponding application.



Evaluation of Proposed Locations

Proposed medical dispensary locations, or those co-located for RODs, will be evaluated to determine if the locations meet the distancing requirements set forth in regulations. Factors used to determine an acceptable location include:

- That the proposed facility is not on the same road and within five hundred feet of grounds occupied exclusively as school grounds as such term is defined in the Education Law or on the same road and within two hundred feet from a building occupied exclusively as a house of worship.
- For a registered organization’s **fifth and sixth medical dispensary**, that the proposed facility is located in an unserved or underserved area of New York State as approved by the Board.
- For RODS:
  - Co-located medical dispensaries in municipalities with populations greater than 20,000, proposed dispensary location is not within a 1,000-foot radius of any other licensed CAURDs, adult-use retail dispensaries, microbusinesses with retail or co-located medical dispensaries.
  - Co-located medical dispensaries in municipalities with populations less than 20,000, proposed dispensary locations must be not within a 2,000-foot radius of any other licensed CAURDs, adult-use retail dispensaries, microbusinesses with retail or co-located medical dispensaries. .

For the purpose of measurements between two premises, "entrance" means a door of a school, of a house of worship, or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the house of worship, and to patrons or guests of the premises proposed to be licensed, except that where a school or house of worship is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. "Entrance" does not mean a door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons. Emergency or fire exits, maintenance access, or doors to non-public areas of the premises will not be considered in these measurements. Additionally:

- If the entrance being used for the measurement is set back from the sidewalk by a walkway or doorway, the center of the line where the walkway or doorway meets the sidewalk is used for the measurement.
- If the premises is a multi-story building, the building entrance at street level is used.
- If the house of worship, school ground, public youth facility or premises is situated on a corner lot, the house of worship, school ground, public youth facility or premises are



considered to be on both streets of the intersection, whether or not there is an entrance to the building on both streets.

### Proximity to School Grounds

A dispensary cannot be on the same road and within 500 feet of a building and its grounds occupied exclusively as school grounds, as defined in Section 409(2) of the New York State Education Law or a building exclusively as a public youth facility, if applicable. This measurement will be taken in a straight line from the center of the nearest entrance of the nearest building occupied exclusively as a school on the school grounds to the center of the nearest entrance of the premises that the licensee wishes to locate the dispensary at. This measurement will be taken in a straight line from the center of the nearest entrance to the building used for the public youth facility to the center of the nearest entrance of the premises that the licensee wishes to locate the dispensary at. Additional permutations of public youth facilities and how to measure are outlined in Sections 119.4(f)(4) - 119.4(f)(7) of the Adult-use Regulations.

### Proximity to Houses of Worship

A dispensary cannot be on the same street or avenue and within 200 feet of a building occupied exclusively as a house of worship. This measurement will be taken in a straight line from the center of the nearest entrance to the building used for the house of worship to the center of the nearest entrance of the premises that the licensee wishes to locate the dispensary at.

A house of worship does not need to exclusively be used for religious services to be considered a house of worship. A house of worship will still be considered a house of worship if:

- it is used for games or performances that raise funds for a nonprofit organization;
- it is used by multiple religious groups;
- it is used for public or private social activities by, or for the benefit of, congregants;
- it is used for meetings held by organizations or groups that provide bereavement counseling or provide advice or support for conditions or diseases;
- it is used for blood drives, health screenings, health information meetings, yoga classes, exercise classes, or other activities that promote the health of its congregants;
- it is used by members of the community that are not congregants for private social functions.

### Proximity to Other Dispensaries

For RODs: Unless explicitly approved otherwise by the Office, a co-located dispensary cannot be located within a certain radius of another premises that is already licensed as a CAURD, adult-use retail dispensaries, microbusinesses with retail or co-located RODs. Distance requirements also apply to locations that have already been approved but may not be operational yet. The size of that radius depends on the population of the city, town, or village that the new dispensary will



be located in and is based upon the most recent American Community Survey (ACS) 5-year estimate of that municipality’s population.

City, Town, or Village Population	Radius
20,000 or more	1,000 feet
Less than 20,000	2,000 feet

To determine if a new dispensary would be located too closely to another dispensary, the measurement will be taken in a straight line from the center of the nearest entrance of the existing dispensary to the center of the nearest entrance of the premises that the licensee wishes to locate the new dispensary at. Only entrances that are regularly used to give ingress to patrons of the establishment will be used to determine distance.

**Unserved and Underserved Areas**

Registered organizations requesting to open their 5<sup>th</sup> and 6<sup>th</sup> dispensaries must locate them in unserved or underserved areas of the state. For the purposes of meeting this requirement, the Board has identified unserved and underserved areas in this document. The identified unserved and underserved areas are census tracts that are not adequately served by available health care resources and include an increased presence of medically vulnerable populations. The variables used to identify these areas, for the purposes of this application, include drivetime to healthcare, households with disability, low birth weight, lack of health insurance, age over 65, premature deaths, and the ratio of providers to population.<sup>1</sup> Census tracts with a health disadvantage score in the 85<sup>th</sup> percentile were designated as being unserved or underserved (see Exhibit A). A table of the specific census tracts can be found [here](#) and an interactive map is available [here](#).

**Limitations of the PPLM**

The [PPLM](#) will be updated on a biweekly basis as the Office continues to review applications and grant proximity protection to new proposed retail dispensary locations. Locations on the map that are “pending” have been reviewed and granted proximity protection, but the final application associated with the location is still under review. If the application is not awarded a license, the location will lose proximity protection and be removed from the map.

Additionally, provisional licensees and applicants should be aware that other provisional licensees and applicants may be pursuing the same or nearby retail dispensary locations and submitting them for Office approval and these locations may not be represented on the map. The timing of the application submissions will be used to resolve location conflicts among licensees. Receiving proximity protection for a proposed location that appears to meet the proximity requirements on the map is not guaranteed.

<sup>1</sup> For a better understanding of these variables, see [Draft Disadvantaged Communities \(DAC\): 2021 | State of New York \(ny.gov\)](#).



If you need assistance or have any questions about the PPLM, please contact the Adult-use Cannabis Program by phone at 1-888-OCM-5151 (1-888-626-5151) or by e-mail at [AUlicensing@ocm.ny.gov](mailto:AUlicensing@ocm.ny.gov) with your application number, applicant entity name, and specific questions, and we will respond as soon as we are able.

Submitting New Dispensary and Relocation Requests

As additional medical and adult-use dispensaries begin to open in New York State, the Office has identified some key points to consider when submitting dispensary location requests.

1. You must submit a separate application and fee for each proposed location.
2. Prior to submitting an application for a new medical dispensary, applicants should check the PPLM, which can be accessed on the State of New York Open Data website [here](#), to determine if your proposed location meets all distancing and proximity requirements.
3. Registered organizations, RONDs, and RODs may submit a request for a new medical dispensary location using the following application: [RO New Location Application](#)
4. All medical dispensary location requests are considered on a first come first serve basis and will be reviewed in the order the application or location request is received.
5. For RODs: Once your co-located medical dispensary is evaluated and deemed acceptable for proximity considerations, no other dispensaries will be approved to locate within the distancing requirements detailed above. Your proposed location will be held while you complete the remaining steps of the application process detailed below. Co-located medical dispensaries may only receive distance protections from other licensed CAURD, adult-use retail dispensaries, microbusinesses with retail or co-located RODs for **one** location per co-located medical dispensary.
6. In deciding whether to approve a new medical dispensary, the Board will evaluate the proposed location to ensure geographic distribution across the state. For the fifth and sixth medical dispensaries:
  - a. up to one may be located in New York City (New York County, Kings County, Queens County, Bronx County, Richmond County, or Westchester County); and
  - b. they may not be in a county in which another of your registered organization’s medical dispensaries are currently located.
7. Applicants must demonstrate proof of control over the proposed location. **A letter of intent will not be accepted as proof of control.** Acceptable forms of proof include one of the following:
  - a. a fully executed lease;
  - b. a conditional lease; or
  - c. a deed.



8. The applicant must submit a non-refundable medical dispensary application fee in the amount of \$2,000 for each location request with the application. The fee must be submitted in the form of a certified check payable to the "New York State Office of Cannabis Management" and mailed to:

NYS Office of Cannabis Management  
PO Box 2071  
Albany, NY 12220

9. Executed leases must show that the registered organization possesses or has the right to use sufficient land, buildings, other premises, and equipment, and must contain the language required in section 113.6(b)(13) for lease agreements which states:

*"The landlord acknowledges that its rights of reentry into the premises set forth in this lease do not confer on it the authority to manufacture or dispense on the premises medical cannabis in accordance with Article 3 of the Cannabis Law and agrees to provide the New York State Office of Cannabis Management with notification by certified mail, to its principal office, of its intent to reenter the premises or to initiate dispossess proceedings or that the lease is due to expire, at least thirty (30) days prior to the date on which the landlord intends to exercise a right of reentry or to initiate such proceedings or at least sixty (60) days before expiration of the lease."*

10. Registered organizations will receive a response from the Office, in writing electronically, indicating approval or denial of the application submitted.

Questions about this process may be submitted to:

[ROLicensing@ocm.ny.gov](mailto:ROLicensing@ocm.ny.gov)



Exhibit A  
An interactive map is available [here](#).





