



# 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

No. 2024-73  
May 10, 2024

## RESOLUTION TO EXTEND THE PROVISIONAL LICENSE PERIOD AND CHANGE CERTAIN REQUIRMENTS FOR CONDITIONAL ADULT-USE RETAIL DISPENSARY LICENSEES

**WHEREAS**, pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is charged with the responsibility of overseeing activities related to adult-use cannabis;

**WHEREAS**, pursuant to Sections 10(4), 10(16), 13, 85(12) and 89 of the Cannabis Law, the Board has the authority to establish standards and requirements, and to promulgate rules and regulations, governing the cultivation, processing, packaging, marketing and sale of adult-use cannabis;

**WHEREAS**, the Board has promulgated and adopted regulations creating the Conditional Adult-Use Retail Dispensary (CAURD) license under Part 116 of Title 9 of the New York Code, Rules and Regulations;

**WHEREAS**, the Board has issued provisional licenses to CAURD applicants who are eligible for the license in accordance with Part 116 of Title 9 of New York Codes, Rules and Regulations, which authorizes the licensee to open a retail dispensary in the specific region in which the applicant was granted the CAURD provisional license;

**WHEREAS**, 9 NYCRR §116.7(c)(8) states that “the licensee shall commence operations no later than 12 months from the date the license is granted, or as otherwise determined by the Office”;

**WHEREAS**, due to litigation related to the CAURD program in Fiore, et al., v. The New York State Office of Cannabis Management, et al, (Index No. 907282-23), the Board was unable to issue or process and CAURD licenses for the length of the injunction;

**WHEREAS**, the Office is recommending to the Board a 12 month extension of the provisional license period for CAURD provisional licensees to provide additional time to operationalize their license as a result of the litigation delays; now therefore, be it

**WHEREAS**, pursuant to Section 116.1(v) the Office established Regional geographic zones, which represent the geographic area where CAURD licensees would be located;

**WHEREAS**, on the CAURD application, applicants selected regional zone preferences where they intended to locate retail dispensary activities with the objective of ensuring regional distribution of dispensaries;

**WHEREAS**, the Board upon issuance of provisional licenses to CAURD applicants assigned CAURD a region in which they were required to open their retail dispensary;

**WHEREAS**, with the launch of additional adult-use applications the regional distribution of adult-use cannabis



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dispensaries is occurring throughout New York State and the requirement for CAURD to only be permitted to open in the region selected on the application is no longer applicable;

**WHEREAS**, since the Office began issuing provisional CAURD licenses, municipalities throughout the state have begun enacting local laws that provisional CAURD licensees report are imposing burdens on CAURD applicants securing locations in the regions they chose on their application;

**WHEREAS**, no regional requirement exists for locating a non-conditional adult-use dispensary;

**RESOLVED**, the Board agrees with the Office’s recommendation to extend the provisional license period for an additional 12 months from the date a CAURD applicant received their provisional license.

**BE IT FURTHER RESOLVED**, the Board authorizes provisional CAURD licensees to open a retail dispensary in any region in New York State provided the municipality has not opted-out of allowing adult-use retail dispensaries from operating in its jurisdiction in accordance with Article 6, Section 131 of the Cannabis Law.