



Office of Cannabis Management

**Supplemental Policy Guidance: Application Review for the Adult-Use Cannabis
October 2023 Application Window**

May 10, 2024

Purpose of the Document:

To clarify the number of applications to be reviewed and issued from the Adult-Use Cannabis October 2023 Application Window and reasons applicants will be issued a provisional license or be recommended to the Board for denial. This guidance provides an update to the original [Adult-Use Application FAQ](#).

Review of Applications in the November Queue:

The Office of Cannabis Management (the Office) will review all retail dispensary and microbusiness applications in the [November queue](#) in the order of the queue. Applications that meet all necessary requirements for full operational licensure will be recommended to the Cannabis Control Board (Board) to be approved for a license at Board meetings. Applications that meet certain requirements as explained in the paragraph below, will be eligible for a provisional license. Applications that do not meet the necessary requirements for licensure will be recommended to the Board for denial.

Reasons a November Queue Retail Dispensary Applicant Will Receive a Provisional License:

Retail dispensary applicants will be eligible to receive a provisional license¹ for the following scenarios:

- If an applicant's proposed retail dispensary location is determined by the Office to conflict with a location that has received proximity protection, the applicant will be eligible for a provisional license.
- If an applicant's proposed retail dispensary location is found by the Office to be in violation of the requirements regarding proximity to a school or house of worship as outlined in Section 74(6) of the Cannabis law, the applicant will be eligible for a provisional license.
- If an applicant's proposed retail dispensary location is determined by the Office to be located in a municipality that has opted out of allowing adult-use retail dispensaries from operating in its jurisdiction in accordance with Section 131 of the Cannabis Law, the applicant will be eligible for a provisional license.
- If a retail dispensary applicant applied with documentation proving the applicant had proof of control over the proposed retail dispensary location in the form of a lease, conditional lease or deed and has since lost proof of control over the location, the applicant will be eligible for a provisional license.

¹ A provisional licensee must secure a compliant location within 12-months from the date of issuance of the provisional license for the operation of their license unless otherwise determined by the Board



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- If an applicant applied and never provided documents to support proof of control over the proposed retail dispensary location the application will be recommended to the Board for denial.

No provisional license will be issued unless an applicant has met all other application and licensing requirements.

License Limitations

For this application window, the Board is only issuing one retail dispensary license per entity and majority owner (e.g. sole control) to promote diversity in ownership and give more individuals the opportunity of holding a retail dispensary license. A majority owner in one retail dispensary licensee can be a minority owner in another retail dispensary licensee. However, no individual is allowed to be a True Party of Interest (TPI) with direct or indirect financial or controlling interest in more than three retail dispensary licenses.

Priority Review of the November Queue

The Office will prioritize the review of applications from the November queue before reviewing and issuing licenses for retail dispensary and microbusiness applications from the December queue. Applications for cultivation, processing and distribution from the December queue will be reviewed in tandem with the November queue. The Office will continue to review Conditional Adult-Use Retail Dispensary post-selection applications as they are submitted. All AUCC and Adult-Use Conditional Processors (AUCP) who are transitioning to “non-conditional” licenses will continue to be reviewed.

Review of Applications from the December Queue and Licensing Targets from the December Queue

The Board’s intention is to balance the cannabis supply chain to avoid the oversupply or undersupply of cannabis. The Board will share additional information about the number of licenses it intends to issue from the December queue once review of the November queue is farther along. The decision will take into account analysis of the cannabis supply-chain and the number of dispensaries that can be supported by the cannabis market in New York State as well as the number of AUCC who transition and microbusinesses that receive a license.

The Board reserves the right to adjust license targets through further Board action at a later date based on updated information about the cannabis supply-chain.

If a December queue applicant wishes to withdraw their application, the Office will issue a refund of the application fee. If any applicant wishes to withdraw their application, they can contact the Office at AULicensing@ocm.ny.gov including your business name and application number in the e-mail.